

1 AN ACT concerning the Illinois State Police.

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

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

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

11 (5 ILCS 230/5)

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

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

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

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

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

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

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

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

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

1 (5 ILCS 283/10)

2 Sec. 10. Penalties.

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

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

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

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

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

13 shall forfeit to the State of Illinois:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 subsection (a) of this Section.

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

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

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



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

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

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

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

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

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

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

5 (5 ILCS 283/25)

6 Sec. 25. Distribution of proceeds of fines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

1 government.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

1 public employer and employer representative.

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

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

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

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

24 (r) "Supervisor" is:

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

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

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

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

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



1 Labor Relations Board.

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

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

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

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

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

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

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

14 (5 ILCS 315/6.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 9. Elections; recognition.

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

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

13 (2) by a public employer alleging that one or more  
14 labor organizations have presented to it a claim that they  
15 be recognized as the representative of a majority of the  
16 public employees in an appropriate unit,  
17 the Board shall investigate such petition, and if it has  
18 reasonable cause to believe that a question of representation  
19 exists, shall provide for an appropriate hearing upon due  
20 notice. Such hearing shall be held at the offices of the Board  
21 or such other location as the Board deems appropriate. If it  
22 finds upon the record of the hearing that a question of  
23 representation exists, it shall direct an election in  
24 accordance with subsection (d) of this Section, which election  
25 shall be held not later than 120 days after the date the  
26 petition was filed regardless of whether that petition was



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (5 ILCS 382/3-15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (5 ILCS 430/5-50)

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

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

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

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

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

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

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

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

23 Executive Ethics Commission

24 Illinois Commerce Commission

25 Educational Labor Relations Board

26 State Board of Elections



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

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

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

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

13 (5 ILCS 430/50-5)

14 Sec. 50-5. Penalties.

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

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

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

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

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

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

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

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

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

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

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

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

23 (5 ILCS 465/10)

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

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

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

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

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

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

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

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

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

3 (5 ILCS 810/10)

4 Sec. 10. Reporting by law enforcement agency.

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

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

11 (2) the date of the seizure;

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

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

22 (5) the location where the seizure occurred.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (5 ILCS 810/15)

21 Sec. 15. Fund audits.

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

1 following determinations:

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

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

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

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

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

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

21 (5 ILCS 815/10)

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

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

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

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

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

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

25 Section 60. The Community-Law Enforcement Partnership for

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

3 (5 ILCS 820/10)

4 Sec. 10. Definitions. In this Act:

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

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

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



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

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

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

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

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

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

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

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

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

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

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

26 "Treatment" means the broad range of emergency,

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

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

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

11 (5 ILCS 830/10-5)

12 Sec. 10-5. Gun trafficking information.

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

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

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

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

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

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

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

10 (5 ILCS 835/5)

11 Sec. 5. Public safety.

12 (a) In this Section:

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

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

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

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

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

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

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

16 (5 ILCS 840/30)

17 Sec. 30. First Responders Suicide Task Force.

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

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

1 or her designee;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21                 (15 ILCS 15/3.1)

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



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

10 (1) the State Board of Elections;

11 (2) the State Board of Education;

12 (3) the Illinois Commerce Commission;

13 (4) the Illinois Workers' Compensation Commission;

14 (5) the Civil Service Commission;

15 (6) the Fair Employment Practices Commission;

16 (7) the Pollution Control Board;

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

18 (9) the Illinois Racing Board;

19 (10) the Illinois Power Agency;

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

22 (12) the Illinois Liquor Control Commission.

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

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

1 changing Sections 13 and 13.5 as follows:

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

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

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

14 (15 ILCS 305/13.5)

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

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

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

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

4           Sec. 10b.1. Competitive examinations.

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

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

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

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

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

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

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

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

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

15 (20 ILCS 5/1-5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

12 The Department on Aging.

13 The Department of Agriculture.

14 The Department of Central Management Services.

15 The Department of Children and Family Services.

16 The Department of Commerce and Economic Opportunity.

17 The Department of Corrections.

18 The Department of Employment Security.

19 The Illinois Emergency Management Agency.

20 The Department of Financial and Professional Regulation.

21 The Department of Healthcare and Family Services.

22 The Department of Human Rights.

23 The Department of Human Services.

24 The Department of Innovation and Technology.

25 The Department of Insurance.

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

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

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

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

18           The following officers are hereby created:

19           Director of Aging, for the Department on Aging.

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

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

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

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

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

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

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

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

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

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

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

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

19 Director of Insurance, for the Department of Insurance.

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

22 Director of Labor, for the Department of Labor.

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

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

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

3 Director of Revenue, for the Department of Revenue.

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

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

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

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

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

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

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

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

20 (20 ILCS 5/5-715)

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

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

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

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

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

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

17 (1) the applicant is a service member;

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (20 ILCS 301/5-10)

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

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

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

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

20 (2.5) In partnership with the Department of Healthcare  
21 and Family Services, act as one of the principal State  
22 agencies for the sole purpose of calculating the  
23 maintenance of effort requirement under Section 1930 of  
24 Title XIX, Part B, Subpart II of the Public Health Service  
25 Act (42 U.S.C. 300x-30) and the Interim Final Rule (45 CFR  
26 96.134).

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

1 seek input from providers, parent groups, associations and  
2 interested citizens.

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

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

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

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

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

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

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

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

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

1 its mandates to:

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

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

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

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

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

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



1 (I) (Blank).

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

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

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

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

26 (9) Designate and license providers to conduct

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

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

11 (11) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (9) (Blank).

4 (10) (Blank).

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

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

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

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

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

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

5 (20 ILCS 301/10-15)

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

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

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

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

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

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

18 (f) An educator appointed by the Governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

22 (20 ILCS 301/45-55)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (1) All officers elected by the people.

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

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

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

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

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

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

1 Governor by and with the consent of the Senate.

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

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

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

4           (11) (Blank).

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

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

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

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

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

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

26          (18) Employees of the Illinois Young Adult

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 of this Subsection (7).

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

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

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

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

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

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

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

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

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

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

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

1 court.

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

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

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

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

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

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

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

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

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

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

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

26 (13) Whenever the Civil Service Commission is

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

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

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

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

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

19 (a) For purposes of this Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (G) (blank);

24 (H) (blank); and

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

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

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

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

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

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

18 (b) (Blank).

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

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



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

16 (e) (Blank).

17 (f) (Blank).

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

23 (1) adoption;

24 (2) foster care;

25 (3) family counseling;

26 (4) protective services;

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

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

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

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

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

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

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

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

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

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

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

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

1 guardian of the child.

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

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

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

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

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

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

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

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

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

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



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

1 Disorders of the American Psychiatric Association.

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

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

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

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

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

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

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

1 child if:

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

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

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

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

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

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

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

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

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

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

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

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

26 (o) The Department shall establish an administrative



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

24 (p) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 receiving special education services.

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

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

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

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

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

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

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

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



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

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

1 facilities.

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

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

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

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

17 For purposes of this subsection:

18 "Background information" means all of the following:

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

26 (ii) Information obtained by the Department of

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

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

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

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

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

1 (20 ILCS 505/35.5)

2 Sec. 35.5. Inspector General.

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

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

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

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

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

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

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

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

1 for child welfare.

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

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

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



1 (20 ILCS 505/35.6)

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

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

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

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

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

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

1 (20 ILCS 510/510-100) (was 20 ILCS 510/65.8)

2 Sec. 510-100. Criminal history record information.  
3 Whenever the Department is authorized or required by law to  
4 consider some aspect of criminal history record information  
5 for the purpose of carrying out its statutory powers and  
6 responsibilities, then, upon request and payment of fees in  
7 conformance with the requirements of Section 2605-400 of the  
8 Illinois Department of State Police Law (~~20 ILCS~~  
9 ~~2605/2605-400~~), the Illinois Department of State Police is  
10 authorized to furnish, pursuant to positive identification,  
11 the information contained in State files that is necessary to  
12 fulfill the request.

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

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

16 (20 ILCS 515/15)

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

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

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

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

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

11 (2) Representative of the Department.

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

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

15 (5) Psychologist or psychiatrist.

16 (6) Representative of a local health department.

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

19 (8) Coroner or forensic pathologist.

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

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

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

26 (12) Representative of the Department of Public

1 Health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (20 ILCS 1305/1-17)

6 Sec. 1-17. Inspector General.

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

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

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



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

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

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

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

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

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

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

1 admission.

2 "Department" means the Department of Human Services.

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

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

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

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

26 "Financial exploitation" means taking unjust advantage of

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

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

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

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

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

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

21 "Mentally ill" means having a mental illness.

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

1 accused.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

7 (i) Duty to cooperate.

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

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

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

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

25 (k) Reporting allegations and deaths.

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

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

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

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

21 (ii) Any death of an individual occurring within  
22 24 hours after deflection from a residential program  
23 or facility.

24 (iii) Any other death of an individual occurring  
25 at an agency or facility or at any Department-funded  
26 site.

1           (3) Retaliation. It is a violation of this Act for any  
2 employee or administrator of an agency or facility to take  
3 retaliatory action against an employee who acts in good  
4 faith in conformance with his or her duties as a required  
5 reporter.

6           (1) Reporting to law enforcement.

7           (1) Reporting criminal acts. Within 24 hours after  
8 determining that there is credible evidence indicating  
9 that a criminal act may have been committed or that  
10 special expertise may be required in an investigation, the  
11 Inspector General shall notify the Illinois ~~Department of~~  
12 State Police or other appropriate law enforcement  
13 authority, or ensure that such notification is made. The  
14 Illinois ~~Department of~~ State Police shall investigate any  
15 report from a State-operated facility indicating a  
16 possible murder, sexual assault, or other felony by an  
17 employee. All investigations conducted by the Inspector  
18 General shall be conducted in a manner designed to ensure  
19 the preservation of evidence for possible use in a  
20 criminal prosecution.

21           (2) Reporting allegations of adult students with  
22 disabilities. Upon receipt of a reportable allegation  
23 regarding an adult student with a disability, the  
24 Department's Office of the Inspector General shall  
25 determine whether the allegation meets the criteria for  
26 the Domestic Abuse Program under the Abuse of Adults with

1           Disabilities Intervention Act. If the allegation is  
2           reportable to that program, the Office of the Inspector  
3           General shall initiate an investigation. If the allegation  
4           is not reportable to the Domestic Abuse Program, the  
5           Office of the Inspector General shall make an expeditious  
6           referral to the respective law enforcement entity. If the  
7           alleged victim is already receiving services from the  
8           Department, the Office of the Inspector General shall also  
9           make a referral to the respective Department of Human  
10          Services' Division or Bureau.

11          (m) Investigative reports. Upon completion of an  
12          investigation, the Office of Inspector General shall issue an  
13          investigative report identifying whether the allegations are  
14          substantiated, unsubstantiated, or unfounded. Within 10  
15          business days after the transmittal of a completed  
16          investigative report substantiating an allegation, finding an  
17          allegation is unsubstantiated, or if a recommendation is made,  
18          the Inspector General shall provide the investigative report  
19          on the case to the Secretary and to the director of the  
20          facility or agency where any one or more of the following  
21          occurred: mental abuse, physical abuse, sexual abuse, neglect,  
22          egregious neglect, or financial exploitation. The director of  
23          the facility or agency shall be responsible for maintaining  
24          the confidentiality of the investigative report consistent  
25          with State and federal law. In a substantiated case, the  
26          investigative report shall include any mitigating or

1 aggravating circumstances that were identified during the  
2 investigation. If the case involves substantiated neglect, the  
3 investigative report shall also state whether egregious  
4 neglect was found. An investigative report may also set forth  
5 recommendations. All investigative reports prepared by the  
6 Office of the Inspector General shall be considered  
7 confidential and shall not be released except as provided by  
8 the law of this State or as required under applicable federal  
9 law. Unsubstantiated and unfounded reports shall not be  
10 disclosed except as allowed under Section 6 of the Abused and  
11 Neglected Long Term Care Facility Residents Reporting Act. Raw  
12 data used to compile the investigative report shall not be  
13 subject to release unless required by law or a court order.  
14 "Raw data used to compile the investigative report" includes,  
15 but is not limited to, any one or more of the following: the  
16 initial complaint, witness statements, photographs,  
17 investigator's notes, police reports, or incident reports. If  
18 the allegations are substantiated, the victim, the victim's  
19 guardian, and the accused shall be provided with a redacted  
20 copy of the investigative report. Death reports where there  
21 was no allegation of abuse or neglect shall only be released  
22 pursuant to applicable State or federal law or a valid court  
23 order. Unredacted investigative reports, as well as raw data,  
24 may be shared with a local law enforcement entity, a State's  
25 Attorney's office, or a county coroner's office upon written  
26 request.

1 (n) Written responses, clarification requests, and  
2 reconsideration requests.

3 (1) Written responses. Within 30 calendar days from  
4 receipt of a substantiated investigative report or an  
5 investigative report which contains recommendations,  
6 absent a reconsideration request, the facility or agency  
7 shall file a written response that addresses, in a concise  
8 and reasoned manner, the actions taken to: (i) protect the  
9 individual; (ii) prevent recurrences; and (iii) eliminate  
10 the problems identified. The response shall include the  
11 implementation and completion dates of such actions. If  
12 the written response is not filed within the allotted 30  
13 calendar day period, the Secretary shall determine the  
14 appropriate corrective action to be taken.

15 (2) Requests for clarification. The facility, agency,  
16 victim or guardian, or the subject employee may request  
17 that the Office of Inspector General clarify the finding  
18 or findings for which clarification is sought.

19 (3) Requests for reconsideration. The facility,  
20 agency, victim or guardian, or the subject employee may  
21 request that the Office of the Inspector General  
22 reconsider the finding or findings or the recommendations.  
23 A request for reconsideration shall be subject to a  
24 multi-layer review and shall include at least one reviewer  
25 who did not participate in the investigation or approval  
26 of the original investigative report. After the

1 multi-layer review process has been completed, the  
2 Inspector General shall make the final determination on  
3 the reconsideration request. The investigation shall be  
4 reopened if the reconsideration determination finds that  
5 additional information is needed to complete the  
6 investigative record.

7 (o) Disclosure of the finding by the Inspector General.  
8 The Inspector General shall disclose the finding of an  
9 investigation to the following persons: (i) the Governor, (ii)  
10 the Secretary, (iii) the director of the facility or agency,  
11 (iv) the alleged victims and their guardians, (v) the  
12 complainant, and (vi) the accused. This information shall  
13 include whether the allegations were deemed substantiated,  
14 unsubstantiated, or unfounded.

15 (p) Secretary review. Upon review of the Inspector  
16 General's investigative report and any agency's or facility's  
17 written response, the Secretary shall accept or reject the  
18 written response and notify the Inspector General of that  
19 determination. The Secretary may further direct that other  
20 administrative action be taken, including, but not limited to,  
21 any one or more of the following: (i) additional site visits,  
22 (ii) training, (iii) provision of technical assistance  
23 relative to administrative needs, licensure, or certification,  
24 or (iv) the imposition of appropriate sanctions.

25 (q) Action by facility or agency. Within 30 days of the  
26 date the Secretary approves the written response or directs



1 that further administrative action be taken, the facility or  
2 agency shall provide an implementation report to the Inspector  
3 General that provides the status of the action taken. The  
4 facility or agency shall be allowed an additional 30 days to  
5 send notice of completion of the action or to send an updated  
6 implementation report. If the action has not been completed  
7 within the additional 30-day period, the facility or agency  
8 shall send updated implementation reports every 60 days until  
9 completion. The Inspector General shall conduct a review of  
10 any implementation plan that takes more than 120 days after  
11 approval to complete, and shall monitor compliance through a  
12 random review of approved written responses, which may  
13 include, but are not limited to: (i) site visits, (ii)  
14 telephone contact, and (iii) requests for additional  
15 documentation evidencing compliance.

16 (r) Sanctions. Sanctions, if imposed by the Secretary  
17 under Subdivision (p)(iv) of this Section, shall be designed  
18 to prevent further acts of mental abuse, physical abuse,  
19 sexual abuse, neglect, egregious neglect, or financial  
20 exploitation or some combination of one or more of those acts  
21 at a facility or agency, and may include any one or more of the  
22 following:

23 (1) Appointment of on-site monitors.

24 (2) Transfer or relocation of an individual or  
25 individuals.

26 (3) Closure of units.

1           (4) Termination of any one or more of the following:  
2           (i) Department licensing, (ii) funding, or (iii)  
3           certification.

4           The Inspector General may seek the assistance of the  
5           Illinois Attorney General or the office of any State's  
6           Attorney in implementing sanctions.

7           (s) Health Care Worker Registry.

8           (1) Reporting to the Registry. The Inspector General  
9           shall report to the Department of Public Health's Health  
10          Care Worker Registry, a public registry, the identity and  
11          finding of each employee of a facility or agency against  
12          whom there is a final investigative report containing a  
13          substantiated allegation of physical or sexual abuse,  
14          financial exploitation, or egregious neglect of an  
15          individual.

16          (2) Notice to employee. Prior to reporting the name of  
17          an employee, the employee shall be notified of the  
18          Department's obligation to report and shall be granted an  
19          opportunity to request an administrative hearing, the sole  
20          purpose of which is to determine if the substantiated  
21          finding warrants reporting to the Registry. Notice to the  
22          employee shall contain a clear and concise statement of  
23          the grounds on which the report to the Registry is based,  
24          offer the employee an opportunity for a hearing, and  
25          identify the process for requesting such a hearing. Notice  
26          is sufficient if provided by certified mail to the

1 employee's last known address. If the employee fails to  
2 request a hearing within 30 days from the date of the  
3 notice, the Inspector General shall report the name of the  
4 employee to the Registry. Nothing in this subdivision  
5 (s)(2) shall diminish or impair the rights of a person who  
6 is a member of a collective bargaining unit under the  
7 Illinois Public Labor Relations Act or under any other  
8 federal labor statute.

9 (3) Registry hearings. If the employee requests an  
10 administrative hearing, the employee shall be granted an  
11 opportunity to appear before an administrative law judge  
12 to present reasons why the employee's name should not be  
13 reported to the Registry. The Department shall bear the  
14 burden of presenting evidence that establishes, by a  
15 preponderance of the evidence, that the substantiated  
16 finding warrants reporting to the Registry. After  
17 considering all the evidence presented, the administrative  
18 law judge shall make a recommendation to the Secretary as  
19 to whether the substantiated finding warrants reporting  
20 the name of the employee to the Registry. The Secretary  
21 shall render the final decision. The Department and the  
22 employee shall have the right to request that the  
23 administrative law judge consider a stipulated disposition  
24 of these proceedings.

25 (4) Testimony at Registry hearings. A person who makes  
26 a report or who investigates a report under this Act shall

1       testify fully in any judicial proceeding resulting from  
2       such a report, as to any evidence of abuse or neglect, or  
3       the cause thereof. No evidence shall be excluded by reason  
4       of any common law or statutory privilege relating to  
5       communications between the alleged perpetrator of abuse or  
6       neglect, or the individual alleged as the victim in the  
7       report, and the person making or investigating the report.  
8       Testimony at hearings is exempt from the confidentiality  
9       requirements of subsection (f) of Section 10 of the Mental  
10      Health and Developmental Disabilities Confidentiality Act.

11       (5) Employee's rights to collateral action. No  
12      reporting to the Registry shall occur and no hearing shall  
13      be set or proceed if an employee notifies the Inspector  
14      General in writing, including any supporting  
15      documentation, that he or she is formally contesting an  
16      adverse employment action resulting from a substantiated  
17      finding by complaint filed with the Illinois Civil Service  
18      Commission, or which otherwise seeks to enforce the  
19      employee's rights pursuant to any applicable collective  
20      bargaining agreement. If an action taken by an employer  
21      against an employee as a result of a finding of physical  
22      abuse, sexual abuse, or egregious neglect is overturned  
23      through an action filed with the Illinois Civil Service  
24      Commission or under any applicable collective bargaining  
25      agreement and if that employee's name has already been  
26      sent to the Registry, the employee's name shall be removed

1 from the Registry.

2 (6) Removal from Registry. At any time after the  
3 report to the Registry, but no more than once in any  
4 12-month period, an employee may petition the Department  
5 in writing to remove his or her name from the Registry.  
6 Upon receiving notice of such request, the Inspector  
7 General shall conduct an investigation into the petition.  
8 Upon receipt of such request, an administrative hearing  
9 will be set by the Department. At the hearing, the  
10 employee shall bear the burden of presenting evidence that  
11 establishes, by a preponderance of the evidence, that  
12 removal of the name from the Registry is in the public  
13 interest. The parties may jointly request that the  
14 administrative law judge consider a stipulated disposition  
15 of these proceedings.

16 (t) Review of Administrative Decisions. The Department  
17 shall preserve a record of all proceedings at any formal  
18 hearing conducted by the Department involving Health Care  
19 Worker Registry hearings. Final administrative decisions of  
20 the Department are subject to judicial review pursuant to  
21 provisions of the Administrative Review Law.

22 (u) Quality Care Board. There is created, within the  
23 Office of the Inspector General, a Quality Care Board to be  
24 composed of 7 members appointed by the Governor with the  
25 advice and consent of the Senate. One of the members shall be  
26 designated as chairman by the Governor. Of the initial

1 appointments made by the Governor, 4 Board members shall each  
2 be appointed for a term of 4 years and 3 members shall each be  
3 appointed for a term of 2 years. Upon the expiration of each  
4 member's term, a successor shall be appointed for a term of 4  
5 years. In the case of a vacancy in the office of any member,  
6 the Governor shall appoint a successor for the remainder of  
7 the unexpired term.

8 Members appointed by the Governor shall be qualified by  
9 professional knowledge or experience in the area of law,  
10 investigatory techniques, or in the area of care of the  
11 mentally ill or care of persons with developmental  
12 disabilities. Two members appointed by the Governor shall be  
13 persons with a disability or parents of persons with a  
14 disability. Members shall serve without compensation, but  
15 shall be reimbursed for expenses incurred in connection with  
16 the performance of their duties as members.

17 The Board shall meet quarterly, and may hold other  
18 meetings on the call of the chairman. Four members shall  
19 constitute a quorum allowing the Board to conduct its  
20 business. The Board may adopt rules and regulations it deems  
21 necessary to govern its own procedures.

22 The Board shall monitor and oversee the operations,  
23 policies, and procedures of the Inspector General to ensure  
24 the prompt and thorough investigation of allegations of  
25 neglect and abuse. In fulfilling these responsibilities, the  
26 Board may do the following:

1           (1) Provide independent, expert consultation to the  
2           Inspector General on policies and protocols for  
3           investigations of alleged abuse, neglect, or both abuse  
4           and neglect.

5           (2) Review existing regulations relating to the  
6           operation of facilities.

7           (3) Advise the Inspector General as to the content of  
8           training activities authorized under this Section.

9           (4) Recommend policies concerning methods for  
10          improving the intergovernmental relationships between the  
11          Office of the Inspector General and other State or federal  
12          offices.

13          (v) Annual report. The Inspector General shall provide to  
14          the General Assembly and the Governor, no later than January 1  
15          of each year, a summary of reports and investigations made  
16          under this Act for the prior fiscal year with respect to  
17          individuals receiving mental health or developmental  
18          disabilities services. The report shall detail the imposition  
19          of sanctions, if any, and the final disposition of any  
20          corrective or administrative action directed by the Secretary.  
21          The summaries shall not contain any confidential or  
22          identifying information of any individual, but shall include  
23          objective data identifying any trends in the number of  
24          reported allegations, the timeliness of the Office of the  
25          Inspector General's investigations, and their disposition, for  
26          each facility and Department-wide, for the most recent 3-year

1 time period. The report shall also identify, by facility, the  
2 staff-to-patient ratios taking account of direct care staff  
3 only. The report shall also include detailed recommended  
4 administrative actions and matters for consideration by the  
5 General Assembly.

6 (w) Program audit. The Auditor General shall conduct a  
7 program audit of the Office of the Inspector General on an  
8 as-needed basis, as determined by the Auditor General. The  
9 audit shall specifically include the Inspector General's  
10 compliance with the Act and effectiveness in investigating  
11 reports of allegations occurring in any facility or agency.  
12 The Auditor General shall conduct the program audit according  
13 to the provisions of the Illinois State Auditing Act and shall  
14 report its findings to the General Assembly no later than  
15 January 1 following the audit period.

16 (x) Nothing in this Section shall be construed to mean  
17 that an individual is a victim of abuse or neglect because of  
18 health care services appropriately provided or not provided by  
19 health care professionals.

20 (y) Nothing in this Section shall require a facility,  
21 including its employees, agents, medical staff members, and  
22 health care professionals, to provide a service to an  
23 individual in contravention of that individual's stated or  
24 implied objection to the provision of that service on the  
25 ground that that service conflicts with the individual's  
26 religious beliefs or practices, nor shall the failure to



1 provide a service to an individual be considered abuse under  
2 this Section if the individual has objected to the provision  
3 of that service based on his or her religious beliefs or  
4 practices.

5 (Source: P.A. 100-313, eff. 8-24-17; 100-432, eff. 8-25-17;  
6 100-863, eff. 8-14-18; 100-943, eff. 1-1-19; 100-991, eff.  
7 8-20-18; 100-1098, eff. 8-26-18; 101-81, eff. 7-12-19.)

8 Section 150. The Department of Innovation and Technology  
9 Act is amended by changing Section 1-5 as follows:

10 (20 ILCS 1370/1-5)

11 Sec. 1-5. Definitions. In this Act:

12 "Bureau of Communications and Computer Services" means the  
13 Bureau of Communications and Computer Services, also known as  
14 the Bureau of Information and Communication Services, created  
15 by rule (2 Illinois Administrative Code 750.40) within the  
16 Department of Central Management Services.

17 "Client agency" means each transferring agency, or its  
18 successor. When applicable, "client agency" may also include  
19 any other public agency to which the Department provides  
20 service to the extent specified in an interagency contract  
21 with the public agency.

22 "Dedicated unit" means the dedicated bureau, division,  
23 office, or other unit within a transferring agency that is  
24 responsible for the information technology functions of the

1 transferring agency. For the Office of the Governor,  
2 "dedicated unit" means the Information Technology Office, also  
3 known as the Office of the Chief Information Officer. For the  
4 Department of Central Management Services, "dedicated unit"  
5 means the Bureau of Communications and Computer Services, also  
6 known as the Bureau of Information and Communication Services.

7 "Department" means the Department of Innovation and  
8 Technology.

9 "Information technology" means technology,  
10 infrastructure, equipment, systems, software, networks, and  
11 processes used to create, send, receive, and store electronic  
12 or digital information, including, without limitation,  
13 computer systems and telecommunication services and systems.

14 "Information technology" shall be construed broadly to  
15 incorporate future technologies (such as sensors and balanced  
16 private hybrid or public cloud posture tailored to the mission  
17 of the agency) that change or supplant those in effect as of  
18 the effective date of this Act.

19 "Information technology functions" means the development,  
20 procurement, installation, retention, maintenance, operation,  
21 possession, storage, and related functions of all information  
22 technology.

23 "Information Technology Office" means the Information  
24 Technology Office, also known as the Office of the Chief  
25 Information Officer, within the Office of the Governor,  
26 created by Executive Order 1999-05, or its successor.

1 "Legacy information technology division" means any  
2 division, bureau, or other unit of a transferring agency which  
3 has responsibility for information technology functions for  
4 the agency prior to the transfer of those functions to the  
5 Department, including, without limitation, the Bureau of  
6 Communications and Computer Services.

7 "Secretary" means the Secretary of Innovation and  
8 Technology.

9 "State agency" means each State agency, department, board,  
10 and commission directly responsible to the Governor.

11 "Transferring agency" means the Department on Aging; the  
12 Departments of Agriculture, Central Management Services,  
13 Children and Family Services, Commerce and Economic  
14 Opportunity, Corrections, Employment Security, Financial and  
15 Professional Regulation, Healthcare and Family Services, Human  
16 Rights, Human Services, Insurance, Juvenile Justice, Labor,  
17 Lottery, Military Affairs, Natural Resources, Public Health,  
18 Revenue, ~~State Police~~, Transportation, and Veterans' Affairs;  
19 the Illinois State Police; the Capital Development Board; the  
20 Deaf and Hard of Hearing Commission; the Environmental  
21 Protection Agency; the Governor's Office of Management and  
22 Budget; the Guardianship and Advocacy Commission; the Historic  
23 Preservation Agency; the Illinois Arts Council; the Illinois  
24 Council on Developmental Disabilities; the Illinois Emergency  
25 Management Agency; the Illinois Gaming Board; the Illinois  
26 Health Information Exchange Authority; the Illinois Liquor

1 Control Commission; the Illinois Technology Office; the Office  
2 of the State Fire Marshal; and the Prisoner Review Board.  
3 "Transferring agency" does not include a State constitutional  
4 office, the Office of the Executive Inspector General, or any  
5 office of the legislative or judicial branches of State  
6 government.

7 (Source: P.A. 100-611, eff. 7-20-18; 100-1169, eff. 1-4-19.)

8 Section 155. The Department of Labor Law of the Civil  
9 Administrative Code of Illinois is amended by changing Section  
10 1505-200 as follows:

11 (20 ILCS 1505/1505-200) (was 20 ILCS 1505/43.21)

12 Sec. 1505-200. Criminal history record information.  
13 Whenever the Department is authorized or required by law to  
14 consider some aspect of criminal history record information  
15 for the purpose of carrying out its statutory powers and  
16 responsibilities, then, upon request and payment of fees in  
17 conformance with the requirements of Section 2605-400 of the  
18 Illinois Department of State Police Law ~~(20 ILCS~~  
19 ~~2605/2605-400)~~, the Illinois Department of State Police is  
20 authorized to furnish, pursuant to positive identification,  
21 any information contained in State files that is necessary to  
22 fulfill the request.

23 (Source: P.A. 91-239, eff. 1-1-00.)

1 Section 160. The Illinois Lottery Law is amended by  
2 changing Sections 10.4 and 21.10 as follows:

3 (20 ILCS 1605/10.4) (from Ch. 120, par. 1160.4)

4 Sec. 10.4. Every person who shall violate the provisions  
5 of Section 10.3, or who does not segregate and keep separate  
6 and apart from all other funds and assets, all proceeds from  
7 the sale of lottery tickets received by a person in the  
8 capacity of a sales agent, shall upon conviction thereof be  
9 guilty of a Class 4 felony. The provisions of this Section  
10 shall be enforced by the Illinois ~~Department of~~ State Police  
11 and prosecuted by the Attorney General.

12 (Source: P.A. 85-183; 86-1475.)

13 (20 ILCS 1605/21.10)

14 Sec. 21.10. Scratch-off for State police memorials.

15 (a) The Department shall offer a special instant  
16 scratch-off game for the benefit of State police memorials.  
17 The game shall commence on January 1, 2019 or as soon  
18 thereafter, at the discretion of the Director, as is  
19 reasonably practical. The operation of the game shall be  
20 governed by this Act and any rules adopted by the Department.  
21 If any provision of this Section is inconsistent with any  
22 other provision of this Act, then this Section governs.

23 (b) The net revenue from the State police memorials  
24 scratch-off game shall be deposited into the Criminal Justice

1 Information Projects Fund and distributed equally, as soon as  
2 practical but at least on a monthly basis, to the Chicago  
3 Police Memorial Foundation Fund, the Police Memorial Committee  
4 Fund, and the Illinois State Police Memorial Park Fund. Moneys  
5 transferred to the funds under this Section shall be used,  
6 subject to appropriation, to fund grants for building and  
7 maintaining memorials and parks; holding annual memorial  
8 commemorations; giving scholarships to children of officers  
9 killed or catastrophically injured in the line of duty, or  
10 those interested in pursuing a career in law enforcement;  
11 providing financial assistance to police officers and their  
12 families when a police officer is killed or injured in the line  
13 of duty; and providing financial assistance to officers for  
14 the purchase or replacement of bulletproof vests to be used in  
15 the line of duty.

16 For purposes of this subsection, "net revenue" means the  
17 total amount for which tickets have been sold less the sum of  
18 the amount paid out in the prizes and the actual  
19 administrative expenses of the Department solely related to  
20 the scratch-off game under this Section.

21 (c) During the time that tickets are sold for the State  
22 police memorials scratch-off game, the Department shall not  
23 unreasonably diminish the efforts devoted to marketing any  
24 other instant scratch-off lottery game.

25 (d) The Department may adopt any rules necessary to  
26 implement and administer the provisions of this Section.

1 (Source: P.A. 100-647, eff. 7-30-18; 101-81, eff. 7-12-19.)

2 Section 165. The Mental Health and Developmental  
3 Disabilities Administrative Act is amended by changing Section  
4 4.2 as follows:

5 (20 ILCS 1705/4.2) (from Ch. 91 1/2, par. 100-4.2)

6 Sec. 4.2. Facility staff.

7 (a) The Department shall describe and delineate guidelines  
8 for each of the facilities it operates regarding the number  
9 and qualifications of the staff required to carry out  
10 prescribed duties. The guidelines shall be based on  
11 consideration of recipient needs as well as professional and  
12 programmatic requirements, including those established for  
13 purposes of national accreditation and for certification under  
14 Titles XVIII and XIX of the federal Social Security Act.

15 (b) As used in this Section, "direct care position" means  
16 any position with the Department in which the job titles which  
17 will regularly or temporarily entail contact with recipients  
18 in the Department's facilities for persons with a mental  
19 illness or a developmental disability.

20 (c) The Department shall require that each candidate for  
21 employment in a direct care position, as a condition of  
22 employment, shall submit to a fingerprint-based criminal  
23 background investigation to determine whether the candidate  
24 for employment in a direct care position has ever been charged

1 with a crime and, if so, the disposition of those charges. This  
2 authorization shall indicate the scope of the inquiry and the  
3 agencies which may be contacted. Upon this authorization, the  
4 Director (or, on or after July 1, 1997, the Secretary) shall  
5 request and receive information and assistance from any  
6 federal, State or local governmental agency as part of the  
7 authorized investigation. The Illinois ~~Department of~~ State  
8 Police shall provide information concerning any criminal  
9 charges, and their disposition, now or hereafter filed against  
10 a candidate for employment in a direct care position upon  
11 request of the Department when the request is made in the form  
12 and manner required by the Illinois ~~Department of~~ State  
13 Police.

14 Information concerning convictions of a candidate for  
15 employment in a direct care position investigated under this  
16 Section, including the source of the information and any  
17 conclusions or recommendations derived from the information,  
18 shall be provided, upon request, to the candidate for  
19 employment in a direct care position before final action by  
20 the Department on the application. Information on convictions  
21 of a candidate for employment in a direct care position under  
22 this Act shall be provided to the director of the employing  
23 unit, and, upon request, to the candidate for employment in a  
24 direct care position. Any information concerning criminal  
25 charges and the disposition of those charges obtained by the  
26 Department shall be confidential and may not be transmitted



1 outside the Department, except as required in this Act, and  
2 may not be transmitted to anyone within the Department except  
3 as needed for the purpose of evaluating an application of a  
4 candidate for employment in a direct care position. Only  
5 information and standards which bear a reasonable and rational  
6 relation to the performance of a direct care position shall be  
7 used by the Department. Any employee of the Department or the  
8 Illinois Department of State Police receiving confidential  
9 information under this Section who gives or causes to be given  
10 any confidential information concerning any criminal  
11 convictions of a candidate for employment in a direct care  
12 position shall be guilty of a Class A misdemeanor unless  
13 release of the information is authorized by this Section.

14 A Department employing unit may hire, on a probationary  
15 basis, any candidate for employment in a direct care position,  
16 authorizing a criminal background investigation under this  
17 Section, pending the result of the investigation. A candidate  
18 for employment in a direct care position shall be notified  
19 before he or she is hired that his or her employment may be  
20 terminated on the basis of criminal background information  
21 obtained by the employing unit.

22 No person may be employed in a direct care position who  
23 refuses to authorize an investigation as required by this  
24 subsection (c).

25 (Source: P.A. 92-218, eff. 1-1-02.)

1 Section 170. The Department of Human Services (Mental  
2 Health and Developmental Disabilities) Law of the Civil  
3 Administrative Code of Illinois is amended by changing Section  
4 1710-75 as follows:

5 (20 ILCS 1710/1710-75) (was 20 ILCS 1710/53 in part)

6 Sec. 1710-75. Criminal history record information.  
7 Whenever the Department is authorized or required by law to  
8 consider some aspect of criminal history record information  
9 for the purpose of carrying out its statutory powers and  
10 responsibilities, then, upon request and payment of fees in  
11 conformance with the requirements of Section 2605-400 of the  
12 Illinois Department of State Police Law ~~(20 ILCS~~  
13 ~~2605/2605-400)~~, the Illinois Department of State Police is  
14 authorized to furnish, pursuant to positive identification,  
15 the information contained in State files that is necessary to  
16 fulfill the request.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 Section 175. The Department of Natural Resources (Mines  
19 and Minerals) Law of the Civil Administrative Code of Illinois  
20 is amended by changing Section 1905-150 as follows:

21 (20 ILCS 1905/1905-150) (was 20 ILCS 1905/45 in part)

22 Sec. 1905-150. Criminal history record information.  
23 Whenever the Department is authorized or required by law to

1 consider some aspect of criminal history record information  
2 for the purpose of carrying out its statutory powers and  
3 responsibilities, then upon request and payment of fees in  
4 conformance with the requirements of Section 2605-400 of the  
5 Illinois Department of State Police Law ~~(20 ILCS~~  
6 ~~2605/2605-400)~~, the Illinois Department of State Police is  
7 authorized to furnish, pursuant to positive identification,  
8 the information contained in State files that is necessary to  
9 fulfill the request.

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 Section 180. The Department of Professional Regulation Law  
12 of the Civil Administrative Code of Illinois is amended by  
13 changing Sections 2105-15 and 2105-20 as follows:

14 (20 ILCS 2105/2105-15)

15 Sec. 2105-15. General powers and duties.

16 (a) The Department has, subject to the provisions of the  
17 Civil Administrative Code of Illinois, the following powers  
18 and duties:

19 (1) To authorize examinations in English to ascertain  
20 the qualifications and fitness of applicants to exercise  
21 the profession, trade, or occupation for which the  
22 examination is held.

23 (2) To prescribe rules and regulations for a fair and  
24 wholly impartial method of examination of candidates to

1 exercise the respective professions, trades, or  
2 occupations.

3 (3) To pass upon the qualifications of applicants for  
4 licenses, certificates, and authorities, whether by  
5 examination, by reciprocity, or by endorsement.

6 (4) To prescribe rules and regulations defining, for  
7 the respective professions, trades, and occupations, what  
8 shall constitute a school, college, or university, or  
9 department of a university, or other institution,  
10 reputable and in good standing, and to determine the  
11 reputability and good standing of a school, college, or  
12 university, or department of a university, or other  
13 institution, reputable and in good standing, by reference  
14 to a compliance with those rules and regulations;  
15 provided, that no school, college, or university, or  
16 department of a university, or other institution that  
17 refuses admittance to applicants solely on account of  
18 race, color, creed, sex, sexual orientation, or national  
19 origin shall be considered reputable and in good standing.

20 (5) To conduct hearings on proceedings to revoke,  
21 suspend, refuse to renew, place on probationary status, or  
22 take other disciplinary action as authorized in any  
23 licensing Act administered by the Department with regard  
24 to licenses, certificates, or authorities of persons  
25 exercising the respective professions, trades, or  
26 occupations and to revoke, suspend, refuse to renew, place

1 on probationary status, or take other disciplinary action  
2 as authorized in any licensing Act administered by the  
3 Department with regard to those licenses, certificates, or  
4 authorities.

5 The Department shall issue a monthly disciplinary  
6 report.

7 The Department shall refuse to issue or renew a  
8 license to, or shall suspend or revoke a license of, any  
9 person who, after receiving notice, fails to comply with a  
10 subpoena or warrant relating to a paternity or child  
11 support proceeding. However, the Department may issue a  
12 license or renewal upon compliance with the subpoena or  
13 warrant.

14 The Department, without further process or hearings,  
15 shall revoke, suspend, or deny any license or renewal  
16 authorized by the Civil Administrative Code of Illinois to  
17 a person who is certified by the Department of Healthcare  
18 and Family Services (formerly Illinois Department of  
19 Public Aid) as being more than 30 days delinquent in  
20 complying with a child support order or who is certified  
21 by a court as being in violation of the Non-Support  
22 Punishment Act for more than 60 days. The Department may,  
23 however, issue a license or renewal if the person has  
24 established a satisfactory repayment record as determined  
25 by the Department of Healthcare and Family Services  
26 (formerly Illinois Department of Public Aid) or if the

1 person is determined by the court to be in compliance with  
2 the Non-Support Punishment Act. The Department may  
3 implement this paragraph as added by Public Act 89-6  
4 through the use of emergency rules in accordance with  
5 Section 5-45 of the Illinois Administrative Procedure Act.  
6 For purposes of the Illinois Administrative Procedure Act,  
7 the adoption of rules to implement this paragraph shall be  
8 considered an emergency and necessary for the public  
9 interest, safety, and welfare.

10 (6) To transfer jurisdiction of any realty under the  
11 control of the Department to any other department of the  
12 State Government or to acquire or accept federal lands  
13 when the transfer, acquisition, or acceptance is  
14 advantageous to the State and is approved in writing by  
15 the Governor.

16 (7) To formulate rules and regulations necessary for  
17 the enforcement of any Act administered by the Department.

18 (8) To exchange with the Department of Healthcare and  
19 Family Services information that may be necessary for the  
20 enforcement of child support orders entered pursuant to  
21 the Illinois Public Aid Code, the Illinois Marriage and  
22 Dissolution of Marriage Act, the Non-Support of Spouse and  
23 Children Act, the Non-Support Punishment Act, the Revised  
24 Uniform Reciprocal Enforcement of Support Act, the Uniform  
25 Interstate Family Support Act, the Illinois Parentage Act  
26 of 1984, or the Illinois Parentage Act of 2015.

1           Notwithstanding any provisions in this Code to the  
2           contrary, the Department of Professional Regulation shall  
3           not be liable under any federal or State law to any person  
4           for any disclosure of information to the Department of  
5           Healthcare and Family Services (formerly Illinois  
6           Department of Public Aid) under this paragraph (8) or for  
7           any other action taken in good faith to comply with the  
8           requirements of this paragraph (8).

9           (8.3) To exchange information with the Department of  
10          Human Rights regarding recommendations received under  
11          paragraph (B) of Section 8-109 of the Illinois Human  
12          Rights Act regarding a licensee or candidate for licensure  
13          who has committed a civil rights violation that may lead  
14          to the refusal, suspension, or revocation of a license  
15          from the Department.

16          (8.5) To accept continuing education credit for  
17          mandated reporter training on how to recognize and report  
18          child abuse offered by the Department of Children and  
19          Family Services and completed by any person who holds a  
20          professional license issued by the Department and who is a  
21          mandated reporter under the Abused and Neglected Child  
22          Reporting Act. The Department shall adopt any rules  
23          necessary to implement this paragraph.

24          (9) To perform other duties prescribed by law.

25          (a-5) Except in cases involving delinquency in complying  
26          with a child support order or violation of the Non-Support

1 Punishment Act and notwithstanding anything that may appear in  
2 any individual licensing Act or administrative rule, no person  
3 or entity whose license, certificate, or authority has been  
4 revoked as authorized in any licensing Act administered by the  
5 Department may apply for restoration of that license,  
6 certification, or authority until 3 years after the effective  
7 date of the revocation.

8 (b) (Blank).

9 (c) For the purpose of securing and preparing evidence,  
10 and for the purchase of controlled substances, professional  
11 services, and equipment necessary for enforcement activities,  
12 recoupment of investigative costs, and other activities  
13 directed at suppressing the misuse and abuse of controlled  
14 substances, including those activities set forth in Sections  
15 504 and 508 of the Illinois Controlled Substances Act, the  
16 Director and agents appointed and authorized by the Director  
17 may expend sums from the Professional Regulation Evidence Fund  
18 that the Director deems necessary from the amounts  
19 appropriated for that purpose. Those sums may be advanced to  
20 the agent when the Director deems that procedure to be in the  
21 public interest. Sums for the purchase of controlled  
22 substances, professional services, and equipment necessary for  
23 enforcement activities and other activities as set forth in  
24 this Section shall be advanced to the agent who is to make the  
25 purchase from the Professional Regulation Evidence Fund on  
26 vouchers signed by the Director. The Director and those agents



1 are authorized to maintain one or more commercial checking  
2 accounts with any State banking corporation or corporations  
3 organized under or subject to the Illinois Banking Act for the  
4 deposit and withdrawal of moneys to be used for the purposes  
5 set forth in this Section; provided, that no check may be  
6 written nor any withdrawal made from any such account except  
7 upon the written signatures of 2 persons designated by the  
8 Director to write those checks and make those withdrawals.  
9 Vouchers for those expenditures must be signed by the  
10 Director. All such expenditures shall be audited by the  
11 Director, and the audit shall be submitted to the Department  
12 of Central Management Services for approval.

13 (d) Whenever the Department is authorized or required by  
14 law to consider some aspect of criminal history record  
15 information for the purpose of carrying out its statutory  
16 powers and responsibilities, then, upon request and payment of  
17 fees in conformance with the requirements of Section 2605-400  
18 of the Illinois ~~Department of~~ State Police Law ~~(20 ILCS~~  
19 ~~2605/2605-400)~~, the Illinois ~~Department of~~ State Police is  
20 authorized to furnish, pursuant to positive identification,  
21 the information contained in State files that is necessary to  
22 fulfill the request.

23 (e) The provisions of this Section do not apply to private  
24 business and vocational schools as defined by Section 15 of  
25 the Private Business and Vocational Schools Act of 2012.

26 (f) (Blank).

1           (f-5) Notwithstanding anything that may appear in any  
2 individual licensing statute or administrative rule, the  
3 Department shall allow an applicant to provide his or her  
4 individual taxpayer identification number as an alternative to  
5 providing a social security number when applying for a  
6 license.

7           (g) Notwithstanding anything that may appear in any  
8 individual licensing statute or administrative rule, the  
9 Department shall deny any license application or renewal  
10 authorized under any licensing Act administered by the  
11 Department to any person who has failed to file a return, or to  
12 pay the tax, penalty, or interest shown in a filed return, or  
13 to pay any final assessment of tax, penalty, or interest, as  
14 required by any tax Act administered by the Illinois  
15 Department of Revenue, until such time as the requirement of  
16 any such tax Act are satisfied; however, the Department may  
17 issue a license or renewal if the person has established a  
18 satisfactory repayment record as determined by the Illinois  
19 Department of Revenue. For the purpose of this Section,  
20 "satisfactory repayment record" shall be defined by rule.

21           In addition, a complaint filed with the Department by the  
22 Illinois Department of Revenue that includes a certification,  
23 signed by its Director or designee, attesting to the amount of  
24 the unpaid tax liability or the years for which a return was  
25 not filed, or both, is prima facie evidence of the licensee's  
26 failure to comply with the tax laws administered by the

1 Illinois Department of Revenue. Upon receipt of that  
2 certification, the Department shall, without a hearing,  
3 immediately suspend all licenses held by the licensee.  
4 Enforcement of the Department's order shall be stayed for 60  
5 days. The Department shall provide notice of the suspension to  
6 the licensee by mailing a copy of the Department's order to the  
7 licensee's address of record or emailing a copy of the order to  
8 the licensee's email address of record. The notice shall  
9 advise the licensee that the suspension shall be effective 60  
10 days after the issuance of the Department's order unless the  
11 Department receives, from the licensee, a request for a  
12 hearing before the Department to dispute the matters contained  
13 in the order.

14 Any suspension imposed under this subsection (g) shall be  
15 terminated by the Department upon notification from the  
16 Illinois Department of Revenue that the licensee is in  
17 compliance with all tax laws administered by the Illinois  
18 Department of Revenue.

19 The Department may promulgate rules for the administration  
20 of this subsection (g).

21 (h) The Department may grant the title "Retired", to be  
22 used immediately adjacent to the title of a profession  
23 regulated by the Department, to eligible retirees. For  
24 individuals licensed under the Medical Practice Act of 1987,  
25 the title "Retired" may be used in the profile required by the  
26 Patients' Right to Know Act. The use of the title "Retired"

1 shall not constitute representation of current licensure,  
2 registration, or certification. Any person without an active  
3 license, registration, or certificate in a profession that  
4 requires licensure, registration, or certification shall not  
5 be permitted to practice that profession.

6 (i) The Department shall make available on its website  
7 general information explaining how the Department utilizes  
8 criminal history information in making licensure application  
9 decisions, including a list of enumerated offenses that serve  
10 as a statutory bar to licensure.

11 (Source: P.A. 100-262, eff. 8-22-17; 100-863, eff. 8-14-18;  
12 100-872, eff. 8-14-18; 100-883, eff. 8-14-18; 100-1078, eff.  
13 1-1-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20.)

14 (20 ILCS 2105/2105-20)

15 Sec. 2105-20. Criminal history records checks. Licensees  
16 or applicants applying for expedited licensure through an  
17 interstate compact enacted into law by the General Assembly,  
18 including, but not limited to, the Interstate Medical  
19 Licensure Compact Act, who have designated Illinois as the  
20 principal state of licensure for the purposes of the compact  
21 shall have his or her fingerprints submitted to the Illinois  
22 ~~Department of~~ State Police in an electronic format that  
23 complies with the form and manner for requesting and  
24 furnishing criminal history record information as prescribed  
25 by the Illinois ~~Department of~~ State Police. These fingerprints

1 shall be checked against the Illinois ~~Department of~~ State  
2 Police and Federal Bureau of Investigation criminal history  
3 record databases now and hereafter filed. The Illinois  
4 ~~Department of~~ State Police shall charge applicants or  
5 licensees a fee for conducting the criminal history records  
6 check, which shall be deposited into the State Police Services  
7 Fund and shall not exceed the actual cost of the records check.  
8 The Illinois ~~Department of~~ State Police shall furnish,  
9 pursuant to positive identification, records of Illinois  
10 convictions to the Department. The Department may require  
11 applicants or licensees to pay a separate fingerprinting fee,  
12 either to the Department or to a vendor designated or approved  
13 by the Department. The Department, in its discretion, may  
14 allow an applicant or licensee who does not have reasonable  
15 access to a designated vendor to provide his or her  
16 fingerprints in an alternative manner. The Department may  
17 adopt any rules necessary to implement this Section.  
18 Communication between the Department and an interstate compact  
19 governing body, including, but not limited to, the Interstate  
20 Commission as defined in Section 180 of the Interstate Medical  
21 Licensure Compact Act, may not include information received  
22 from the Federal Bureau of Investigation relating to a State  
23 and federal criminal history records check.

24 (Source: P.A. 100-230, eff. 8-18-17.)

25 Section 185. The Department of Public Health Powers and

1 Duties Law of the Civil Administrative Code of Illinois is  
2 amended by changing Sections 2310-185 and 2310-376 as follows:

3 (20 ILCS 2310/2310-185) (was 20 ILCS 2310/55.51)

4 Sec. 2310-185. Criminal history record information.

5 Whenever the Department is authorized or required by law to  
6 consider some aspect of criminal history record information  
7 for the purpose of carrying out its statutory powers and  
8 responsibilities, then, upon request and payment of fees in  
9 conformance with the requirements of Section 2605-400 of the  
10 Illinois Department of State Police Law ~~(20 ILCS~~  
11 ~~2605/2605-400)~~, the Illinois Department of State Police is  
12 authorized to furnish, pursuant to positive identification,  
13 the information contained in State files that is necessary to  
14 fulfill the request.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 (20 ILCS 2310/2310-376)

17 Sec. 2310-376. Hepatitis education and outreach.

18 (a) The Illinois General Assembly finds and declares the  
19 following:

20 (1) The World Health Organization characterizes  
21 hepatitis as a disease of primary concern to humanity.

22 (2) Hepatitis is considered a silent killer; no  
23 recognizable signs or symptoms occur until severe liver  
24 damage has occurred.

1           (3) Studies indicate that nearly 4 million Americans  
2           (1.8 percent of the population) carry the virus HCV that  
3           causes the disease.

4           (4) 30,000 acute new infections occur each year in the  
5           United States, and only 25 to 30 percent are diagnosed.

6           (5) 8,000 to 10,000 Americans die from the disease  
7           each year.

8           (6) 200,000 Illinois residents may be carriers and  
9           could develop the debilitating and potentially deadly  
10          liver disease.

11          (7) Inmates of correctional facilities have a higher  
12          incidence of hepatitis and, upon their release, present a  
13          significant health risk to the general population.

14          (8) Illinois members of the armed services are subject  
15          to an increased risk of contracting hepatitis due to their  
16          possible receipt of contaminated blood during a  
17          transfusion occurring for the treatment of wounds and due  
18          to their service in areas of the World where the disease is  
19          more prevalent and healthcare is less capable of detecting  
20          and treating the disease. Many of these service members  
21          are unaware of the danger of hepatitis and their increased  
22          risk of contracting the disease.

23          (b) Subject to appropriation, the Department shall conduct  
24          an education and outreach campaign, in addition to its overall  
25          effort to prevent infectious disease in Illinois, in order to  
26          raise awareness about and promote prevention of hepatitis.

1           (c) Subject to appropriation, in addition to the education  
2 and outreach campaign provided in subsection (b), the  
3 Department shall develop and make available to physicians,  
4 other health care providers, members of the armed services,  
5 and other persons subject to an increased risk of contracting  
6 hepatitis, educational materials, in written and electronic  
7 forms, on the diagnosis, treatment, and prevention of the  
8 disease. These materials shall include the recommendations of  
9 the federal Centers for Disease Control and Prevention and any  
10 other persons or entities determined by the Department to have  
11 particular expertise on hepatitis, including the American  
12 Liver Foundation. These materials shall be written in terms  
13 that are understandable by members of the general public.

14           (d) The Department shall establish an Advisory Council on  
15 Hepatitis to develop a hepatitis prevention plan. The  
16 Department shall specify the membership, members' terms,  
17 provisions for removal of members, chairmen, and purpose of  
18 the Advisory Council. The Advisory Council shall consist of  
19 one representative from each of the following State agencies  
20 or offices, appointed by the head of each agency or office:

21                 (1) The Department of Public Health.

22                 (2) The Department of Public Aid.

23                 (3) The Department of Corrections.

24                 (4) The Department of Veterans' Affairs.

25                 (5) The Department on Aging.

26                 (6) The Department of Human Services.



1 (7) The Illinois ~~Department of~~ State Police.

2 (8) The office of the State Fire Marshal.

3 The Director shall appoint representatives of  
4 organizations and advocates in the State of Illinois,  
5 including, but not limited to, the American Liver Foundation.  
6 The Director shall also appoint interested members of the  
7 public, including consumers and providers of health services  
8 and representatives of local public health agencies, to  
9 provide recommendations and information to the members of the  
10 Advisory Council. Members of the Advisory Council shall serve  
11 on a voluntary, unpaid basis and are not entitled to  
12 reimbursement for mileage or other costs they incur in  
13 connection with performing their duties.

14 (Source: P.A. 93-129, eff. 1-1-04; 94-406, eff. 8-2-05.)

15 Section 190. The Department of Revenue Law of the Civil  
16 Administrative Code of Illinois is amended by changing Section  
17 2505-675 as follows:

18 (20 ILCS 2505/2505-675) (was 20 ILCS 2505/39b50)

19 Sec. 2505-675. Whenever the Department is authorized or  
20 required by law to consider some aspect of criminal history  
21 record information for the purpose of carrying out its  
22 statutory powers and responsibilities, then, upon request and  
23 payment of fees in conformance with the requirements of  
24 Section 2605-400 of the Illinois ~~Department of~~ State Police

1 Law (~~20 ILCS 2605/2605-400~~), the Illinois ~~Department of~~ State  
2 Police is authorized to furnish, pursuant to positive  
3 identification, the information contained in State files that  
4 is necessary to fulfill the request.  
5 (Source: P.A. 91-239, eff. 1-1-00.)

6 Section 195. The Department of State Police Law of the  
7 Civil Administrative Code of Illinois is amended by changing  
8 the heading of Article 2605 and Sections 2605-1, 2605-5,  
9 2605-10, 2605-25, 2605-30, 2605-35, 2605-40, 2605-45, 2605-50,  
10 2605-52, 2605-54, 2605-55, 2605-75, 2605-190, 2605-200,  
11 2605-211, 2605-212, 2605-220, 2605-250, 2605-305, 2605-315,  
12 2605-320, 2605-325, 2605-327, 2605-330, 2605-335, 2605-340,  
13 2605-345, 2605-355, 2605-375, 2605-377, 2605-378, 2605-380,  
14 2605-400, 2605-405, 2605-407, 2605-410, 2605-420, 2605-475,  
15 2605-480, 2605-485, 2605-505, 2605-550, 2605-575, 2605-585,  
16 2605-590, 2605-595, 2605-600, 2605-605, and 2605-610 and by  
17 adding Section 2605-51 as follows:

18 (20 ILCS 2605/Art. 2605 heading)

19 ARTICLE 2605. ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE

20 (20 ILCS 2605/2605-1)

21 Sec. 2605-1. Article short title. This Article 2605 of the  
22 Civil Administrative Code of Illinois may be cited as the  
23 Illinois ~~Department of~~ State Police Law (formerly the

1 Department of State Police Law).

2 (Source: P.A. 91-239, eff. 1-1-00.)

3 (20 ILCS 2605/2605-5)

4 Sec. 2605-5. Definitions. In this Law:

5 ~~"Department" means the Department of State Police.~~

6 "Director" means the Director of the Illinois State  
7 Police.

8 "Missing endangered senior" means an individual 65 years  
9 of age or older or a person with Alzheimer's disease or related  
10 dementias who is reported missing to a law enforcement agency  
11 and is, or is believed to be:

12 (1) a temporary or permanent resident of Illinois;

13 (2) at a location that cannot be determined by an  
14 individual familiar with the missing individual; and

15 (3) incapable of returning to the individual's  
16 residence without assistance.

17 (Source: P.A. 96-442, eff. 1-1-10.)

18 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

19 Sec. 2605-10. Powers and duties, generally.

20 (a) The Illinois State Police shall exercise the rights,  
21 powers, and duties that have been vested in the Illinois State  
22 Police by the following:

23 The Illinois State Police Act.

24 The Illinois State Police Radio Act.

1       The Criminal Identification Act.  
2       The Illinois Vehicle Code.  
3       The Firearm Owners Identification Card Act.  
4       The Firearm Concealed Carry Act.  
5       The Gun Dealer Licensing Act.  
6       The Intergovernmental Missing Child Recovery Act of 1984.  
7       The Intergovernmental Drug Laws Enforcement Act.  
8       The Narcotic Control Division Abolition Act.

9       **(b)** The Illinois State Police ~~Department~~ shall have the  
10 powers and duties set forth in the following Sections.

11       (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
12 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
13 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

14       (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

15       Sec. 2605-25. Illinois State Police ~~Department~~ divisions.

16       (a) The Illinois State Police ~~Department~~ is divided into  
17 the Division of Statewide 9-1-1, the Division of Patrol  
18 Operations, the Division of Criminal Investigation, the  
19 Division of Forensic Services, the Division of Justice  
20 Services, the Division of the Academy and Training, and the  
21 Division of Internal Investigation ~~Illinois State Police~~  
22 ~~Academy~~, the ~~Office of the Statewide 9-1-1 Administrator~~, and  
23 ~~4 divisions: the Division of Operations, the Division of~~  
24 ~~Forensic Services, the Division of Justice Services, and the~~  
25 ~~Division of Internal Investigation.~~

1 (b) The Office of the Director shall:

2 (1) Exercise the rights, powers, and duties vested in  
3 the Illinois State Police ~~Department~~ by the Governor's  
4 Office of Management and Budget Act.

5 (2) Exercise the rights, powers, and duties vested in  
6 the Illinois State Police ~~Department~~ by the Personnel  
7 Code.

8 (3) Exercise the rights, powers, and duties vested in  
9 the Illinois State Police ~~Department~~ by "An Act relating  
10 to internal auditing in State government", approved August  
11 11, 1967 (repealed; now the Fiscal Control and Internal  
12 Auditing Act).

13 (Source: P.A. 101-378, eff. 1-1-20.)

14 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

15 Sec. 2605-30. Division of Patrol Operations (formerly  
16 State Troopers). The Division of Patrol Operations shall  
17 exercise the following functions and those in Section 2605-35:

18 (1) Cooperate with federal and State authorities  
19 requesting utilization of the Illinois State Police's  
20 ~~Department's~~ radio network system under the Illinois  
21 Aeronautics Act.

22 (2) Exercise the rights, powers, and duties of the  
23 Illinois State Police under the Illinois State Police Act.

24 (3) (Blank) ~~Exercise the rights, powers, and duties~~  
25 ~~vested by law in the Department by the State Police Radio~~

1 ~~Act.~~

2 (4) Exercise the rights, powers, and duties of the  
3 Illinois State Police Department vested by law in the  
4 ~~Department and the~~ Illinois State Police by the Illinois  
5 Vehicle Code.

6 (5) Exercise other duties that have been or may be  
7 vested by law in the Illinois State Police.

8 (6) Exercise other duties that may be assigned by the  
9 Director in order to fulfill the responsibilities and to  
10 achieve the purposes of the Illinois State Police  
11 ~~Department~~.

12 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

13 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

14 Sec. 2605-35. Division of ~~Operations~~ (formerly Criminal  
15 Investigation).

16 (a) The Division of Criminal Investigation ~~Operations~~  
17 shall exercise the following functions and those in Section  
18 2605-30:

19 (1) Exercise the rights, powers, and duties vested by  
20 law in the Illinois State Police Department by the  
21 Illinois Horse Racing Act of 1975, including those set  
22 forth in Section 2605-215.

23 (2) Investigate the origins, activities, personnel,  
24 and incidents of crime and enforce the criminal laws of  
25 this State related thereto.

1           (3) Enforce all laws regulating the production, sale,  
2           prescribing, manufacturing, administering, transporting,  
3           having in possession, dispensing, delivering,  
4           distributing, or use of controlled substances and  
5           cannabis.

6           (4) Cooperate with the police of cities, villages, and  
7           incorporated towns and with the police officers of any  
8           county in enforcing the laws of the State and in making  
9           arrests and recovering property.

10          (5) Apprehend and deliver up any person charged in  
11          this State or any other state with treason or a felony or  
12          other crime who has fled from justice and is found in this  
13          State.

14          (6) Investigate recipients and providers under the  
15          Illinois Public Aid Code and any personnel involved in the  
16          administration of the Code who are suspected of any  
17          violation of the Code pertaining to fraud in the  
18          administration, receipt, or provision of assistance and  
19          pertaining to any violation of criminal law; and exercise  
20          the functions required under Section 2605-220 in the  
21          conduct of those investigations.

22          (7) Conduct other investigations as provided by law.

23          (8) Investigate public corruption. ~~Exercise the powers~~  
24          ~~and perform the duties that have been vested in the~~  
25          ~~Department by the Sex Offender Registration Act and the~~  
26          ~~Sex Offender Community Notification Law; and promulgate~~

1 ~~reasonable rules and regulations necessitated thereby.~~

2 (9) Exercise other duties that may be assigned by the  
3 Director in order to fulfill the responsibilities and  
4 achieve the purposes of the Illinois State Police, which  
5 may include the coordination of gang, terrorist, and  
6 organized crime prevention, control activities, and  
7 assisting local law enforcement in their crime control  
8 activities Department.

9 (b) (Blank) ~~There is hereby established in the Division of~~  
10 ~~Operations the Office of Coordination of Gang Prevention,~~  
11 ~~hereafter referred to as the Office.~~

12 ~~The Office shall consult with units of local government~~  
13 ~~and school districts to assist them in gang control activities~~  
14 ~~and to administer a system of grants to units of local~~  
15 ~~government and school districts that, upon application, have~~  
16 ~~demonstrated a workable plan to reduce gang activity in their~~  
17 ~~area. The grants shall not include reimbursement for~~  
18 ~~personnel, nor shall they exceed 75% of the total request by~~  
19 ~~any applicant. The grants may be calculated on a proportional~~  
20 ~~basis, determined by funds available to the Department for~~  
21 ~~this purpose. The Department has the authority to promulgate~~  
22 ~~appropriate rules and regulations to administer this program.~~

23 ~~The Office shall establish mobile units of trained~~  
24 ~~personnel to respond to gang activities.~~

25 ~~The Office shall also consult with and use the services of~~  
26 ~~religious leaders and other celebrities to assist in gang~~



1 ~~control activities.~~

2 ~~The Office may sponsor seminars, conferences, or any other~~  
3 ~~educational activity to assist communities in their gang crime~~  
4 ~~control activities.~~

5 (Source: P.A. 94-945, eff. 6-27-06.)

6 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

7 Sec. 2605-40. Division of Forensic Services. The Division  
8 of Forensic Services shall exercise the following functions:

9 (1) Provide crime scene services and traffic crash  
10 reconstruction. ~~(Blank).~~

11 (2) Exercise the rights, powers, and duties vested by  
12 law in the Illinois State Police ~~Department~~ by Section  
13 2605-300 of this Law.

14 (3) Provide assistance to local law enforcement  
15 agencies through training, management, and consultant  
16 services.

17 (4) (Blank).

18 (5) Exercise other duties that may be assigned by the  
19 Director in order to fulfill the responsibilities and  
20 achieve the purposes of the Illinois State Police  
21 ~~Department.~~

22 (6) Establish and operate a forensic science  
23 laboratory system, including a forensic toxicological  
24 laboratory service, for the purpose of testing specimens  
25 submitted by coroners and other law enforcement officers

1 in their efforts to determine whether alcohol, drugs, or  
2 poisonous or other toxic substances have been involved in  
3 deaths, accidents, or illness. Forensic toxicological  
4 laboratories shall be established in Springfield, Chicago,  
5 and elsewhere in the State as needed.

6 (6.5) Establish administrative rules in order to set  
7 forth standardized requirements for the disclosure of  
8 toxicology results and other relevant documents related to  
9 a toxicological analysis. These administrative rules are  
10 to be adopted to produce uniform and sufficient  
11 information to allow a proper, well-informed determination  
12 of the admissibility of toxicology evidence and to ensure  
13 that this evidence is presented competently. These  
14 administrative rules are designed to provide a minimum  
15 standard for compliance of toxicology evidence and are ~~is~~  
16 not intended to limit the production and discovery of  
17 material information. ~~These administrative rules shall be~~  
18 ~~submitted by the Department of State Police into the~~  
19 ~~rulemaking process under the Illinois Administrative~~  
20 ~~Procedure Act on or before June 30, 2017.~~

21 (7) Subject to specific appropriations made for these  
22 purposes, establish and coordinate a system for providing  
23 accurate and expedited forensic science and other  
24 investigative and laboratory services to local law  
25 enforcement agencies and local State's Attorneys in aid of  
26 the investigation and trial of capital cases.

1 (Source: P.A. 101-378, eff. 1-1-20.)

2 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

3 Sec. 2605-45. Division of Justice Services. The Division  
4 of Justice Services shall exercise the following functions:

5 (1) Operate and maintain the Law Enforcement Agencies  
6 Data System (LEADS), a statewide, computerized  
7 telecommunications system designed to provide services,  
8 information, and capabilities to the law enforcement and  
9 criminal justice community in the State of Illinois. The  
10 Director is responsible for establishing policy,  
11 procedures, and regulations consistent with State and  
12 federal rules, policies, and law by which LEADS operates.  
13 The Director shall designate a statewide LEADS  
14 Administrator for management of the system. The Director  
15 may appoint a LEADS Advisory Policy Board to reflect the  
16 needs and desires of the law enforcement and criminal  
17 justice community and to make recommendations concerning  
18 policies and procedures. ~~(Blank).~~

19 (2) Pursue research and the publication of studies  
20 pertaining to local law enforcement activities.

21 (3) Serve as the State's point of contact for the  
22 Federal Bureau of Investigation's Uniform Crime Reporting  
23 Program and National Incident-Based Reporting System  
24 ~~(Blank).~~

25 (4) Operate an electronic data processing and computer

1 center for the storage and retrieval of data pertaining to  
2 criminal activity.

3 (5) Exercise the rights, powers, and duties vested in  
4 the Illinois State Police by the Cannabis Regulation and  
5 Tax Act and the Compassionate Use of Medical Cannabis  
6 Program Act ~~former Division of State Troopers by Section~~  
7 ~~17 of the State Police Act.~~

8 (6) (Blank).

9 (6.5) Exercise the rights, powers, and duties vested  
10 in the Illinois State Police ~~Department~~ by the Firearm  
11 Owners Identification Card Act, the Firearm Concealed  
12 Carry Act, and the Firearm Dealer License Certification  
13 Act.

14 (7) Exercise other duties that may be assigned by the  
15 Director to fulfill the responsibilities and achieve the  
16 purposes of the Illinois State Police ~~Department~~.

17 (8) Exercise the rights, powers, and duties vested by  
18 law in the Illinois State Police ~~Department~~ by the  
19 Criminal Identification Act.

20 (9) Exercise the powers and perform the duties that  
21 have been vested in the Illinois State Police by the Sex  
22 Offender Registration Act and the Sex Offender Community  
23 Notification Law and adopt reasonable rules necessitated  
24 thereby.

25 (Source: P.A. 101-378, eff. 1-1-20.)

1 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

2 Sec. 2605-50. Division of Internal Investigation. The  
3 Division of Internal Investigation shall have jurisdiction and  
4 initiate internal Illinois State Police ~~departmental~~  
5 investigations and, at the direction of the Governor,  
6 investigate complaints and initiate investigations of official  
7 misconduct by State officers and all State employees ~~under the~~  
8 ~~jurisdiction of the Governor.~~

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (20 ILCS 2605/2605-51 new)

11 Sec. 2605-51. Division of the Academy and Training.

12 (a) The Division of the Academy and Training shall  
13 exercise, but not be limited to, the following functions:

14 (1) Oversee and operate the Illinois State Police  
15 Training Academy.

16 (2) Train and prepare new officers for a career in law  
17 enforcement, with innovative, quality training and  
18 educational practices.

19 (3) Offer continuing training and educational programs  
20 for Illinois State Police employees.

21 (4) Oversee the Illinois State Police's recruitment  
22 initiatives.

23 (5) Oversee and operate the Illinois State Police's  
24 quartermaster.

25 (6) Duties assigned to the Illinois State Police in

1 Article 5, Chapter 11 of the Illinois Vehicle Code  
2 concerning testing and training officers on the detection  
3 of impaired driving.

4 (7) Duties assigned to the Illinois State Police in  
5 Article 108B of the Code of Criminal Procedure.

6 (b) The Division of the Academy and Training shall  
7 exercise the rights, powers, and duties vested in the former  
8 Division of State Troopers by Section 17 of the Illinois State  
9 Police Act.

10 (c) Specialized training.

11 (1) Training; cultural diversity. The Division of the  
12 Academy and Training shall provide training and continuing  
13 education to State police officers concerning cultural  
14 diversity, including sensitivity toward racial and ethnic  
15 differences. This training and continuing education shall  
16 include, but not be limited to, an emphasis on the fact  
17 that the primary purpose of enforcement of the Illinois  
18 Vehicle Code is safety and equal and uniform enforcement  
19 under the law.

20 (2) Training; death and homicide investigations. The  
21 Division of the Academy and Training shall provide  
22 training in death and homicide investigation for State  
23 police officers. Only State police officers who  
24 successfully complete the training may be assigned as lead  
25 investigators in death and homicide investigations.  
26 Satisfactory completion of the training shall be evidenced

1 by a certificate issued to the officer by the Division of  
2 the Academy and Training. The Director shall develop a  
3 process for waiver applications for officers whose prior  
4 training and experience as homicide investigators may  
5 qualify them for a waiver. The Director may issue a  
6 waiver, at his or her discretion, based solely on the  
7 prior training and experience of an officer as a homicide  
8 investigator.

9 (3) Training; police dog training standards. All  
10 police dogs used by the Illinois State Police for drug  
11 enforcement purposes pursuant to the Cannabis Control Act,  
12 the Illinois Controlled Substances Act, and the  
13 Methamphetamine Control and Community Protection Act shall  
14 be trained by programs that meet the certification  
15 requirements set by the Director or the Director's  
16 designee. Satisfactory completion of the training shall be  
17 evidenced by a certificate issued by the Division of the  
18 Academy and Training.

19 (4) Training; post-traumatic stress disorder. The  
20 Division of the Academy and Training shall conduct or  
21 approve a training program in post-traumatic stress  
22 disorder for State police officers. The purpose of that  
23 training shall be to equip State police officers to  
24 identify the symptoms of post-traumatic stress disorder  
25 and to respond appropriately to individuals exhibiting  
26 those symptoms.

1           (5) Training; opioid antagonists. The Division of the  
2           Academy and Training shall conduct or approve a training  
3           program for State police officers in the administration of  
4           opioid antagonists as defined in paragraph (1) of  
5           subsection (e) of Section 5-23 of the Substance Use  
6           Disorder Act that is in accordance with that Section. As  
7           used in this Section, "State police officers" includes  
8           full-time or part-time State police officers,  
9           investigators, and any other employee of the Illinois  
10           State Police exercising the powers of a peace officer.

11           (6) Training; sexual assault and sexual abuse.

12           (A) Every 3 years, the Division of the Academy and  
13           Training shall present in-service training on sexual  
14           assault and sexual abuse response and report writing  
15           training requirements, including, but not limited to,  
16           the following:

17                   (i) recognizing the symptoms of trauma;

18                   (ii) understanding the role trauma has played  
19                   in a victim's life;

20                   (iii) responding to the needs and concerns of  
21                   a victim;

22                   (iv) delivering services in a compassionate,  
23                   sensitive, and nonjudgmental manner;

24                   (v) interviewing techniques in accordance with  
25                   the curriculum standards in this paragraph (6);

26                   (vi) understanding cultural perceptions and



1 common myths of sexual assault and sexual abuse;

2 and

3 (vii) report writing techniques in accordance  
4 with the curriculum standards in this paragraph  
5 (6).

6 (B) This training must also be presented in all  
7 full and part-time basic law enforcement academies.

8 (C) Instructors providing this training shall have  
9 successfully completed training on evidence-based,  
10 trauma-informed, victim-centered responses to cases of  
11 sexual assault and sexual abuse and have experience  
12 responding to sexual assault and sexual abuse cases.

13 (D) The Illinois State Police shall adopt rules,  
14 in consultation with the Office of the Attorney  
15 General and the Illinois Law Enforcement Training  
16 Standards Board, to determine the specific training  
17 requirements for these courses, including, but not  
18 limited to, the following:

19 (i) evidence-based curriculum standards for  
20 report writing and immediate response to sexual  
21 assault and sexual abuse, including  
22 trauma-informed, victim-centered interview  
23 techniques, which have been demonstrated to  
24 minimize retraumatization, for all State police  
25 officers; and

26 (ii) evidence-based curriculum standards for

1           trauma-informed, victim-centered investigation  
2           and interviewing techniques, which have been  
3           demonstrated to minimize retraumatization, for  
4           cases of sexual assault and sexual abuse for all  
5           State police officers who conduct sexual assault  
6           and sexual abuse investigations.

7           (7) Training; human trafficking. The Division of the  
8           Academy and Training shall conduct or approve a training  
9           program in the detection and investigation of all forms of  
10           human trafficking, including, but not limited to,  
11           involuntary servitude under subsection (b) of Section 10-9  
12           of the Criminal Code of 2012, involuntary sexual servitude  
13           of a minor under subsection (c) of Section 10-9 of the  
14           Criminal Code of 2012, and trafficking in persons under  
15           subsection (d) of Section 10-9 of the Criminal Code of  
16           2012. This program shall be made available to all cadets  
17           and State police officers.

18           (8) Training; hate crimes. The Division of the Academy  
19           and Training shall provide training for State police  
20           officers in identifying, responding to, and reporting all  
21           hate crimes.

22           (20 ILCS 2605/2605-52)

23           Sec. 2605-52. Division of Statewide 9-1-1 ~~Office of the~~  
24           ~~Statewide 9-1-1 Administrator.~~

25           (a) There shall be established an Office of the Statewide

1 9-1-1 Administrator within the Division of Statewide 9-1-1  
2 ~~Department~~. Beginning January 1, 2016, the Office of the  
3 Statewide 9-1-1 Administrator shall be responsible for  
4 developing, implementing, and overseeing a uniform statewide  
5 9-1-1 system for all areas of the State outside of  
6 municipalities having a population over 500,000.

7 (b) The Governor shall appoint, with the advice and  
8 consent of the Senate, a Statewide 9-1-1 Administrator. The  
9 Administrator shall serve for a term of 2 years, and until a  
10 successor is appointed and qualified; except that the term of  
11 the first 9-1-1 Administrator appointed under this Act shall  
12 expire on the third Monday in January, 2017. The Administrator  
13 shall not hold any other remunerative public office. The  
14 Administrator shall receive an annual salary as set by the  
15 Governor.

16 (c) The Illinois State Police ~~Department~~, from  
17 appropriations made to it for that purpose, shall make grants  
18 to 9-1-1 Authorities for the purpose of defraying costs  
19 associated with 9-1-1 system consolidations awarded by the  
20 Administrator under Section 15.4b of the Emergency Telephone  
21 System Act.

22 (d) Division of Statewide 9-1-1 shall exercise the rights,  
23 powers, and duties vested by law in the Illinois State Police  
24 by the State Police Radio Act.

25 (e) The Division of Statewide 9-1-1 shall also conduct the  
26 following communication activities:

1           (1) Acquire and operate one or more radio broadcasting  
2           stations in the State to be used for police purposes.

3           (2) Operate a statewide communications network to  
4           gather and disseminate information for law enforcement  
5           agencies.

6           (3) Undertake other communication activities that may  
7           be required by law.

8           (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

9           (20 ILCS 2605/2605-54)

10           Sec. 2605-54. Training policy; persons arrested while  
11           under the influence of alcohol or drugs. The Illinois State  
12           Police Department shall adopt a policy and provide training to  
13           State Police officers concerning response and care for persons  
14           under the influence of alcohol or drugs. The policy shall be  
15           consistent with the Substance Use Disorder Act and shall  
16           provide guidance for the arrest of persons under the influence  
17           of alcohol or drugs, proper medical attention if warranted,  
18           and care and release of those persons from custody. The policy  
19           shall provide guidance concerning the release of persons  
20           arrested under the influence of alcohol or drugs who are under  
21           the age of 21 years of age which shall include, but not be  
22           limited to, language requiring the arresting officer to make a  
23           reasonable attempt to contact a responsible adult who is  
24           willing to take custody of the person who is under the  
25           influence of alcohol or drugs.

1 (Source: P.A. 100-537, eff. 6-1-18; 100-759, eff. 1-1-19.)

2 (20 ILCS 2605/2605-55)

3 Sec. 2605-55. Badges. The Director must authorize to each  
4 State trooper, police officer, and investigator and to any  
5 other employee of the Illinois State Police ~~Department~~  
6 exercising the powers of a peace officer a distinct badge  
7 that, on its face, (i) clearly states that the badge is  
8 authorized by the Illinois State Police ~~Department~~ and (ii)  
9 contains a unique identifying number. No other badge shall be  
10 authorized by the Illinois State Police ~~Department~~.

11 (Source: P.A. 91-883, eff. 1-1-01.)

12 (20 ILCS 2605/2605-75) (was 20 ILCS 2605/55a in part)

13 Sec. 2605-75. Bilingual police officers. The Illinois  
14 State Police ~~Department~~ may ascertain the number of bilingual  
15 police officers and other personnel needed to provide services  
16 in a language other than English and may establish, under  
17 applicable personnel rules and Illinois State Police  
18 ~~Department~~ guidelines or through a collective bargaining  
19 agreement, a bilingual pay supplement program.

20 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
21 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
22 90-793, eff. 8-14-98; 91-239; 1-1-00.)

23 (20 ILCS 2605/2605-190) (was 20 ILCS 2605/55a in part)

1           Sec. 2605-190. Other laws in relation to law enforcement.  
2 To enforce and administer other laws in relation to law  
3 enforcement to the extent that they vest any rights, powers,  
4 or duties in the Illinois State Police Department.

5 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
6 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
7 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

8           (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)

9           Sec. 2605-200. Investigations of crime; enforcement of  
10 laws; records; crime laboratories; personnel.

11           (a) To do the following:

12                 (1) Investigate the origins, activities, personnel,  
13 and incidents of crime and the ways and means to redress  
14 the victims of crimes; study the impact, if any, of  
15 legislation relative to the effusion of crime and growing  
16 crime rates; and enforce the criminal laws of this State  
17 related thereto.

18                 (2) Enforce all laws regulating the production, sale,  
19 prescribing, manufacturing, administering, transporting,  
20 having in possession, dispensing, delivering,  
21 distributing, or use of controlled substances and  
22 cannabis.

23                 (3) Employ skilled experts, scientists, technicians,  
24 investigators, or otherwise specially qualified persons to  
25 aid in preventing or detecting crime, apprehending

1 criminals, or preparing and presenting evidence of  
2 violations of the criminal laws of the State.

3 (4) Cooperate with the police of cities, villages, and  
4 incorporated towns and with the police officers of any  
5 county in enforcing the laws of the State and in making  
6 arrests and recovering property.

7 (5) Apprehend and deliver up any person charged in  
8 this State or any other state of the United States with  
9 treason or a felony or other crime who has fled from  
10 justice and is found in this State.

11 (6) Conduct other investigations as provided by law.

12 (7) Be a central repository and custodian of criminal  
13 statistics for the State.

14 (8) Be a central repository for criminal history  
15 record information.

16 (9) Procure and file for record information that is  
17 necessary and helpful to plan programs of crime  
18 prevention, law enforcement, and criminal justice.

19 (10) Procure and file for record copies of  
20 fingerprints that may be required by law.

21 (11) Establish general and field crime laboratories.

22 (12) Register and file for record information that may  
23 be required by law for the issuance of firearm owner's  
24 identification cards under the Firearm Owners  
25 Identification Card Act and concealed carry licenses under  
26 the Firearm Concealed Carry Act.

1           (13) Employ laboratory technicians and other specially  
2           qualified persons to aid in the identification of criminal  
3           activity and the identification, collection, and recovery  
4           of cyber forensics, including but not limited to digital  
5           evidence, and may employ polygraph operators.

6           (14) Undertake other identification, information,  
7           laboratory, statistical, or registration activities that  
8           may be required by law.

9           (b) Persons exercising the powers set forth in subsection  
10          (a) within the Illinois State Police ~~Department~~ are  
11          conservators of the peace and as such have all the powers  
12          possessed by policemen in cities and sheriffs, except that  
13          they may exercise those powers anywhere in the State in  
14          cooperation with and after contact with the local law  
15          enforcement officials. Those persons may use false or  
16          fictitious names in the performance of their duties under this  
17          Section, upon approval of the Director, and shall not be  
18          subject to prosecution under the criminal laws for that use.

19          (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
20          eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
21          90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

22               (20 ILCS 2605/2605-211)

23               Sec. 2605-211. Protocol; methamphetamine; illegal  
24          manufacture.

25               (a) The Illinois ~~Department of~~ State Police shall develop



1 a protocol to be followed in performing gross remediation of  
2 clandestine laboratory sites not to exceed the standards  
3 established by the United States Drug Enforcement  
4 Administration.

5 (b) "Gross remediation" means the removal of any and all  
6 identifiable clandestine laboratory ingredients and apparatus.

7 (c) The Illinois Department of State Police must post the  
8 protocol on its official Web site.

9 (Source: P.A. 94-555, eff. 8-12-05.)

10 (20 ILCS 2605/2605-212)

11 Sec. 2605-212. Children; methamphetamine; protocol. The  
12 Illinois State Police Department shall cooperate with the  
13 Department of Children and Family Services and the State Board  
14 of Education in developing the protocol required under Section  
15 6.5 of the Children and Family Services Act. The Illinois  
16 State Police Department must post the protocol on the official  
17 Web site maintained by the Illinois State Police Department.

18 (Source: P.A. 94-554, eff. 1-1-06.)

19 (20 ILCS 2605/2605-220) (was 20 ILCS 2605/55a-7)

20 Sec. 2605-220. Public aid fraud investigations. The  
21 Illinois State Police Department, through the Division of  
22 Criminal Investigation Operations, shall investigate  
23 recipients and providers under the Illinois Public Aid Code  
24 and any personnel involved in the administration of the Code

1 who are suspected of any violations of the Code pertaining to  
2 fraud in the administration, receipt, or provision of  
3 assistance and pertaining to any violation of criminal law.  
4 The Illinois State Police ~~Department~~ shall, in addition to  
5 functions otherwise authorized by State and federal law,  
6 exercise the following functions:

7 (1) Initiate investigations of suspected cases of  
8 public aid fraud.

9 (2) Investigate cases of public aid fraud.

10 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

11 (20 ILCS 2605/2605-250) (was 20 ILCS 2605/55a in part)

12 Sec. 2605-250. Obtaining evidence. To expend the sums the  
13 Director deems necessary from contractual services  
14 appropriations for the Illinois State Police ~~Division of~~  
15 ~~Operations~~ for the purchase of evidence and for the employment  
16 of persons to obtain evidence. The sums shall be advanced to  
17 agents authorized by the Director to expend funds, on vouchers  
18 signed by the Director.

19 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
20 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
21 90-793, eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff.  
22 1-1-01.)

23 (20 ILCS 2605/2605-305) (was 20 ILCS 2605/55a in part)

24 Sec. 2605-305. Statewide Organized Criminal Gang Database

1 (SWORD). The Illinois State Police ~~Department~~ may establish  
2 and maintain, within the Illinois State Police ~~Department~~, a  
3 Statewide Organized Criminal Gang Database (SWORD) for the  
4 purpose of tracking organized criminal gangs and their  
5 memberships. Information in the database may include, but not  
6 be limited to, the name, last known address, birth date,  
7 physical descriptions (such as scars, marks, or tattoos),  
8 officer safety information, organized gang affiliation, and  
9 entering agency identifier. The Illinois State Police  
10 ~~Department~~ may develop, in consultation with the Criminal  
11 Justice Information Authority, and in a form and manner  
12 prescribed by the Illinois State Police ~~Department~~, an  
13 automated data exchange system to compile, to maintain, and to  
14 make this information electronically available to prosecutors  
15 and to other law enforcement agencies. The information may be  
16 used by authorized agencies to combat the operations of  
17 organized criminal gangs statewide.

18 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
19 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
20 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

21 (20 ILCS 2605/2605-315) (was 20 ILCS 2605/55a in part)

22 Sec. 2605-315. Criminal history record information for  
23 Department of Children and Family Services. Upon the request  
24 of the Department of Children and Family Services, the  
25 Illinois ~~Department of~~ State Police shall provide properly

1 designated employees of the Department of Children and Family  
2 Services with criminal history record information as defined  
3 in the Illinois Uniform Conviction Information Act and  
4 information maintained in the statewide central juvenile  
5 records system as defined in Section 2605-355 if the  
6 Department of Children and Family Services determines the  
7 information is necessary to perform its duties under the  
8 Abused and Neglected Child Reporting Act, the Child Care Act  
9 of 1969, and the Children and Family Services Act. The request  
10 shall be in the form and manner specified by the Illinois  
11 ~~Department of~~ State Police.

12 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
13 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
14 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

15 (20 ILCS 2605/2605-320)

16 Sec. 2605-320. Criminal history information for Department  
17 of Human Services. Upon request of the Department of Human  
18 Services, to conduct an assessment and evaluation of sexually  
19 violent persons as mandated by the Sexually Violent Persons  
20 Commitment Act, the Illinois State Police ~~Department~~ shall  
21 furnish criminal history information maintained on the  
22 requested person. The request shall be in the form and manner  
23 specified by the Illinois State Police ~~Department~~.

24 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
25 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;

1 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

2 (20 ILCS 2605/2605-325) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-325. Conviction information for school board or  
4 regional superintendent. On request of a school board or  
5 regional superintendent of schools, to conduct a  
6 fingerprint-based criminal history records check pursuant to  
7 Section 10-21.9 or 34-18.5 of the School Code. The Illinois  
8 State Police Department shall furnish the conviction  
9 information to the president of the school board of the school  
10 district that has requested the information or, if the  
11 information was requested by the regional superintendent, to  
12 that regional superintendent.

13 (Source: P.A. 93-909, eff. 8-12-04.)

14 (20 ILCS 2605/2605-327)

15 Sec. 2605-327. Conviction and sex offender information for  
16 medical school. Upon the inquiry of a medical school under the  
17 Medical School Matriculant Criminal History Records Check Act,  
18 to ascertain whether a matriculant of the medical school has  
19 been convicted of any violent felony or has been adjudicated a  
20 sex offender.

21 The Illinois State Police Department shall make sex  
22 offender information available to the inquiring medical school  
23 through the Statewide Sex Offender Database. Medical schools  
24 in this State must conduct an inquiry into the Statewide Sex

1 Offender Database on all matriculants as part of the  
2 admissions process.

3 Pursuant to the Medical School Matriculant Criminal  
4 History Records Check Act, the Illinois State Police  
5 ~~Department~~ shall conduct a fingerprint-based criminal history  
6 records check of the Illinois criminal history records  
7 database and the Federal Bureau of Investigation criminal  
8 history records database upon the request of a public medical  
9 school. Pursuant to the Medical School Matriculant Criminal  
10 History Records Check Act, the Illinois State Police  
11 ~~Department~~ shall conduct a fingerprint-based, Illinois Uniform  
12 Conviction Information Act check of the Illinois criminal  
13 history records database upon the request of a private medical  
14 school. The Illinois State Police ~~Department~~ may charge the  
15 requesting public or private medical school a fee for  
16 conducting the fingerprint-based criminal history records  
17 check. The fee shall not exceed the cost of the inquiry and  
18 shall be deposited into the State Police Services Fund.

19 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

20 (20 ILCS 2605/2605-330) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-330. Firefighter applicant criminal history  
22 records checks. Upon the request of the chief of a fire  
23 department or the board of trustees of a fire protection  
24 district, the Illinois State Police ~~Department~~ shall conduct  
25 fingerprint-based criminal history records checks of both

1 State and Federal Bureau of Investigation criminal history  
2 record databases concerning prospective firefighters and  
3 report to the requesting chief or the board of trustees of a  
4 fire protection district any conviction information about  
5 those persons. The Illinois State Police ~~Department~~ may charge  
6 the requesting chief or board of trustees a fee for conducting  
7 the criminal history records check. The fee shall be deposited  
8 into the State Police Services Fund and shall not exceed the  
9 cost of the inquiry. The Illinois State Police ~~Department~~ may  
10 prescribe the form and manner for requesting and furnishing  
11 conviction information under this Section.

12 (Source: P.A. 92-16, eff. 6-28-01; 93-952, eff. 1-1-05.)

13 (20 ILCS 2605/2605-335) (was 20 ILCS 2605/55a in part)

14 Sec. 2605-335. Conviction information for private child  
15 services organization. Upon the request of any private  
16 organization that devotes a major portion of its time to the  
17 provision of recreational, social, educational, or child  
18 safety services to children, to conduct, pursuant to positive  
19 identification, criminal background investigations of all of  
20 that organization's current employees, current volunteers,  
21 prospective employees, or prospective volunteers charged with  
22 the care and custody of children during the provision of the  
23 organization's services, and to report to the requesting  
24 organization any record of convictions maintained in the  
25 Illinois State Police's ~~Department's~~ files about those

1 persons. The Illinois State Police ~~Department~~ shall charge an  
2 application fee, based on actual costs, for the dissemination  
3 of conviction information pursuant to this Section. The  
4 Illinois State Police ~~Department~~ is empowered to establish  
5 this fee and shall prescribe the form and manner for  
6 requesting and furnishing conviction information pursuant to  
7 this Section.

8 Information received by the organization from the Illinois  
9 State Police ~~Department~~ concerning an individual shall be  
10 provided to the individual. Any such information obtained by  
11 the organization shall be confidential and may not be  
12 transmitted outside the organization and may not be  
13 transmitted to anyone within the organization except as needed  
14 for the purpose of evaluating the individual. Only information  
15 and standards that bear a reasonable and rational relation to  
16 the performance of child care shall be used by the  
17 organization.

18 Any employee of the Illinois State Police ~~Department~~ or  
19 any member, employee, or volunteer of the organization  
20 receiving confidential information under this Section who  
21 gives or causes to be given any confidential information  
22 concerning any criminal convictions of an individual shall be  
23 guilty of a Class A misdemeanor unless release of the  
24 information is authorized by this Section.

25 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
26 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;



1 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

2 (20 ILCS 2605/2605-340) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-340. Conviction information for private carrier  
4 company under Metropolitan Transit Authority Act. Upon the  
5 request of a private carrier company that provides  
6 transportation under Section 28b of the Metropolitan Transit  
7 Authority Act, to ascertain whether an applicant for a driver  
8 position has been convicted of any criminal or drug offense  
9 enumerated in that Section. The Illinois State Police  
10 ~~Department~~ shall furnish the conviction information to the  
11 private carrier company that requested the information.

12 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
13 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
14 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

15 (20 ILCS 2605/2605-345)

16 Sec. 2605-345. Conviction information for financial  
17 institutions. Upon the request of (i) an insured depository  
18 institution, as defined by the Federal Deposit Insurance  
19 Corporation Act, (ii) a depository institution holding  
20 company, as defined by the Federal Deposit Insurance  
21 Corporation Act, (iii) a foreign banking corporation, as  
22 defined by the Foreign Banking Office Act, (iv) a corporate  
23 fiduciary, as defined by the Corporate Fiduciary Act, (v) a  
24 credit union, as defined in the Illinois Credit Union Act, or

1 (vi) a subsidiary of any entity listed in items (i) through (v)  
2 of this Section (each such entity or subsidiary hereinafter  
3 referred to as a "requesting institution"), to ascertain  
4 whether any employee of the requesting institution, applicant  
5 for employment by the requesting institution, or officer,  
6 director, agent, institution-affiliated party, or any other  
7 party who owns or controls, directly or indirectly, or  
8 participates, directly or indirectly, in the affairs of the  
9 requesting institution, has been convicted of a felony or of  
10 any criminal offense relating to dishonesty, breach of trust,  
11 or money laundering, the Illinois State Police ~~Department~~  
12 shall furnish the conviction information to the requesting  
13 institution.

14 (Source: P.A. 97-1120, eff. 1-1-13.)

15 (20 ILCS 2605/2605-355) (was 20 ILCS 2605/55a in part)

16 Sec. 2605-355. Delinquent minors; statewide central  
17 juvenile records system. To develop a separate statewide  
18 central juvenile records system for persons arrested prior to  
19 the age of 17 under Section 5-401 of the Juvenile Court Act of  
20 1987 or adjudicated delinquent minors and to make information  
21 available to local law enforcement officers so that law  
22 enforcement officers will be able to obtain rapid access to  
23 the background of the minor from other jurisdictions to the  
24 end that the juvenile police officers can make appropriate  
25 decisions that will best serve the interest of the child and

1 the community. The Illinois State Police ~~Department~~ shall  
2 submit a quarterly report to the General Assembly and  
3 Governor. The report shall contain the number of juvenile  
4 records that the Illinois State Police ~~Department~~ has received  
5 in that quarter and a list, by category, of offenses that  
6 minors were arrested for or convicted of by age, race, and  
7 gender.

8 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
9 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
10 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

11 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

12 Sec. 2605-375. Missing persons; Law Enforcement Agencies  
13 Data System (LEADS).

14 (a) To utilize the ~~establish and maintain a~~ statewide Law  
15 Enforcement Agencies Data System (LEADS) for the purpose of  
16 providing electronic access by authorized entities to criminal  
17 justice data repositories and effecting an immediate law  
18 enforcement response to reports of missing persons, including  
19 lost, missing or runaway minors, lost or missing individuals  
20 with developmental or intellectual disabilities, and missing  
21 endangered seniors. The Illinois State Police ~~Department~~ shall  
22 implement an automatic data exchange system to compile, to  
23 maintain, and to make available to other law enforcement  
24 agencies for immediate dissemination data that can assist  
25 appropriate agencies in recovering missing persons and provide

1 access by authorized entities to various data repositories  
2 available through LEADS for criminal justice and related  
3 purposes. To assist the Illinois State Police ~~Department~~ in  
4 this effort, funds may be appropriated from the LEADS  
5 Maintenance Fund. Funds may be appropriated from the LEADS  
6 Maintenance Fund to the Illinois State Police ~~Department~~ to  
7 finance any of its lawful purposes or functions in relation to  
8 defraying the expenses associated with establishing,  
9 maintaining, and supporting the issuance of electronic  
10 citations.

11 (b) In exercising its duties under this Section, the  
12 Illinois State Police ~~Department~~ shall provide a uniform  
13 reporting format (LEADS) for the entry of pertinent  
14 information regarding the report of a missing person into  
15 LEADS. The report must include all of the following:

16 (1) Relevant information obtained from the  
17 notification concerning the missing person, including all  
18 of the following:

19 (A) a physical description of the missing person;

20 (B) the date, time, and place that the missing  
21 person was last seen; and

22 (C) the missing person's address.

23 (2) Information gathered by a preliminary  
24 investigation, if one was made.

25 (3) A statement by the law enforcement officer in  
26 charge stating the officer's assessment of the case based

1 on the evidence and information received.

2 (b-5) The Illinois ~~Department of~~ State Police shall:

3 (1) Develop and implement a policy whereby a statewide  
4 or regional alert would be used in situations relating to  
5 the disappearances of individuals, based on criteria and  
6 in a format established by the Illinois State Police  
7 ~~Department~~. Such a format shall include, but not be  
8 limited to, the age of the missing person and the  
9 suspected circumstance of the disappearance.

10 (2) Notify all law enforcement agencies that reports  
11 of missing persons shall be entered as soon as the minimum  
12 level of data specified by the Illinois State Police  
13 ~~Department~~ is available to the reporting agency and that  
14 no waiting period for the entry of the data exists.

15 (3) Compile and retain information regarding lost,  
16 abducted, missing, or runaway minors in a separate data  
17 file, in a manner that allows that information to be used  
18 by law enforcement and other agencies deemed appropriate  
19 by the Director, for investigative purposes. The  
20 information shall include the disposition of all reported  
21 lost, abducted, missing, or runaway minor cases.

22 (4) Compile and maintain an historic data repository  
23 relating to lost, abducted, missing, or runaway minors and  
24 other missing persons, including, but not limited to, lost  
25 or missing individuals with developmental or intellectual  
26 disabilities and missing endangered seniors, in order to

1 develop and improve techniques utilized by law enforcement  
2 agencies when responding to reports of missing persons.

3 (5) Create a quality control program regarding  
4 confirmation of missing person data, timeliness of entries  
5 of missing person reports into LEADS, and performance  
6 audits of all entering agencies.

7 (c) The Illinois Law Enforcement Training Standards Board  
8 shall conduct a training program for law enforcement personnel  
9 of local governmental agencies in the Missing Persons  
10 Identification Act.

11 (d) The Illinois ~~Department of~~ State Police shall perform  
12 the duties prescribed in the Missing Persons Identification  
13 Act, subject to appropriation.

14 (Source: P.A. 100-662, eff. 1-1-19.)

15 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

16 Sec. 2605-377. Department of Healthcare and Family  
17 Services; LEADS access.

18 (a) The Department of Healthcare and Family Services is an  
19 authorized entity under this Law for the purpose of exchanging  
20 information, in the form and manner required by the Illinois  
21 ~~Department of~~ State Police, to facilitate the location of  
22 individuals for establishing paternity, and establishing,  
23 modifying, and enforcing child support obligations, pursuant  
24 to the Illinois Public Aid Code and Title IV, Part D of the  
25 Social Security Act.

1 (b) The Department of Healthcare and Family Services is an  
2 authorized entity under this Section for the purpose of  
3 obtaining access to various data repositories available  
4 through LEADS, to facilitate the location of individuals for  
5 establishing paternity, and establishing, modifying, and  
6 enforcing child support obligations, pursuant to the Illinois  
7 Public Aid Code and Title IV, Part D of the Social Security  
8 Act. The Illinois State Police ~~Department~~ shall enter into an  
9 agreement with the Department of Healthcare and Family  
10 Services consistent with these purposes.

11 (Source: P.A. 95-331, eff. 8-21-07.)

12 (20 ILCS 2605/2605-378)

13 Sec. 2605-378. I-CLEAR. The Illinois ~~Department of~~ State  
14 Police shall provide for the entry into the Illinois Citizens  
15 and Law Enforcement Analysis and Reporting System (I-CLEAR) of  
16 the names and addresses of arsonists as defined in the  
17 Arsonist Registration Act who are required to register under  
18 that Act. The information shall be immediately accessible to  
19 law enforcement agencies and peace officers of this State or  
20 any other state or of the federal government. Similar  
21 information may be requested from any other state or of the  
22 federal government for the purposes of that Act.

23 (Source: P.A. 93-949, eff. 1-1-05.)

24 (20 ILCS 2605/2605-380) (was 20 ILCS 2605/55a-8)

1           Sec. 2605-380. Dental records. The Illinois State Police  
2 ~~Department~~ shall do the following:

3           (1) Coordinate State participation in a national  
4 central repository for dental records of missing persons  
5 and unidentified dead bodies.

6           (2) Receive and file dental records submitted by  
7 county medical examiners and coroners from unidentified  
8 dead bodies and submitted by law enforcement agencies from  
9 persons reported missing for more than 30 days.

10          (3) Provide information from the file on possible  
11 identifications resulting from the comparison of dental  
12 records submitted with those records on file, to county  
13 medical examiners, coroners, and law enforcement agencies.

14          (4) Expunge the dental records of those missing  
15 persons who are found, and expunge from the file the  
16 dental records of missing persons who are positively  
17 identified as a result of comparisons made with this file  
18 or the files maintained by other states, territories,  
19 insular possessions of the United States, or the United  
20 States.

21 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

22           (20 ILCS 2605/2605-400) (was 20 ILCS 2605/55a in part)

23           Sec. 2605-400. Fees; State Police Services Fund; audit.

24           (a) To charge, collect, and receive fees or moneys  
25 equivalent to the cost of providing Illinois State Police



1 ~~Department~~ personnel, equipment, and services to local  
2 governmental agencies when explicitly requested by a local  
3 governmental agency and pursuant to an intergovernmental  
4 agreement as provided by this Law, other State agencies, and  
5 federal agencies, including but not limited to fees or moneys  
6 equivalent to the cost of providing dispatching services,  
7 radio and radar repair, and training to local governmental  
8 agencies on terms and conditions that in the judgment of the  
9 Director are in the best interest of the State; and to  
10 establish, charge, collect, and receive fees or moneys based  
11 on the cost of providing responses to requests for criminal  
12 history record information pursuant to positive identification  
13 and any Illinois or federal law authorizing access to some  
14 aspect of that information and to prescribe the form and  
15 manner for requesting and furnishing the information to the  
16 requestor on terms and conditions that in the judgment of the  
17 Director are in the best interest of the State, provided fees  
18 for requesting and furnishing criminal history record  
19 information may be waived for requests in the due  
20 administration of the criminal laws. The Illinois State Police  
21 ~~Department~~ may also charge, collect, and receive fees or  
22 moneys equivalent to the cost of providing electronic data  
23 processing lines or related telecommunication services to  
24 local governments, but only when those services can be  
25 provided by the Illinois State Police ~~Department~~ at a cost  
26 less than that experienced by those local governments through

1 other means. All services provided by the Illinois State  
2 Police Department shall be conducted pursuant to contracts in  
3 accordance with the Intergovernmental Cooperation Act, and all  
4 telecommunication services shall be provided pursuant to the  
5 provisions of Section 405-270 of the Department of Central  
6 Management Services Law ~~(20 ILCS 405/405-270)~~.

7 (b) All fees received by the Illinois State Police  
8 Department under the Civil Administrative Code of Illinois or  
9 the Illinois Uniform Conviction Information Act shall be  
10 deposited in a special fund in the State treasury to be known  
11 as the State Police Services Fund. The money deposited in the  
12 State Police Services Fund shall be appropriated to the  
13 Illinois State Police Department for expenses of the Illinois  
14 State Police Department.

15 (c) Upon the completion of any audit of the Illinois State  
16 Police Department as prescribed by the Illinois State Auditing  
17 Act, which audit includes an audit of the State Police  
18 Services Fund, the Illinois State Police Department shall make  
19 the audit open to inspection by any interested person.

20 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
21 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
22 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

23 (20 ILCS 2605/2605-405) (was 20 ILCS 2605/55a in part)

24 Sec. 2605-405. Applying for grants or contracts; moneys  
25 from other entities. To apply for grants or contracts and

1 receive, expend, allocate, or disburse funds and moneys made  
2 available by public or private entities, including, but not  
3 limited to, contracts, bequests, grants, or receiving  
4 equipment from corporations, foundations, or public or private  
5 institutions of higher learning. All funds received by the  
6 Illinois State Police Department from these sources shall be  
7 deposited into the appropriate fund in the State treasury to  
8 be appropriated to the Illinois State Police Department for  
9 purposes as indicated by the grantor or contractor or, in the  
10 case of funds or moneys bequeathed or granted for no specific  
11 purpose, for any purpose deemed appropriate by the Director in  
12 administering the responsibilities of the Illinois State  
13 Police Department.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
15 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
16 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

17 (20 ILCS 2605/2605-407)

18 Sec. 2605-407. Illinois State Police Federal Projects  
19 Fund. The Illinois State Police Federal Projects Fund is  
20 established as a federal trust fund in the State treasury.  
21 This federal Trust Fund is established to receive funds  
22 awarded to the Illinois Department of State Police from the  
23 following: (i) all federal departments and agencies for the  
24 specific purposes established by the terms and conditions of  
25 the federal awards and (ii) federal pass-through grants from

1 State departments and agencies for the specific purposes  
2 established by the terms and conditions of the grant  
3 agreements. Any interest earnings that are attributable to  
4 moneys in the federal trust fund must be deposited into the  
5 Fund.

6 (Source: P.A. 97-116, eff. 1-1-12; 97-826, eff. 7-18-12.)

7 (20 ILCS 2605/2605-410)

8 Sec. 2605-410. Over Dimensional Load Police Escort Fund.

9 To charge, collect, and receive fees or moneys as described in  
10 Section 15-312 of the Illinois Vehicle Code. All fees received  
11 by the Illinois State Police under Section 15-312 of the  
12 Illinois Vehicle Code shall be deposited into the Over  
13 Dimensional Load Police Escort Fund, a special fund that is  
14 created in the State treasury. Subject to appropriation, the  
15 money in the Over Dimensional Load Police Escort Fund shall be  
16 used by the Illinois State Police ~~Department~~ for its expenses  
17 in providing police escorts and commercial vehicle enforcement  
18 activities.

19 (Source: P.A. 95-787, eff. 1-1-09.)

20 (20 ILCS 2605/2605-420) (was 20 ILCS 2605/55a in part)

21 Sec. 2605-420. Assisting victims and witnesses of gang  
22 crime. To assist victims and witnesses in gang crime  
23 prosecutions through the administration of funds appropriated  
24 from the Gang Violence Victims and Witnesses Fund to the

1 Illinois State Police ~~Department~~. Those funds shall be  
2 appropriated to the Illinois State Police ~~Department~~ and shall  
3 only be used to assist victims and witnesses in gang crime  
4 prosecutions. The assistance may include any of the following:

5 (1) Temporary living costs.

6 (2) Moving expenses.

7 (3) Closing costs on the sale of a private residence.

8 (4) First month's rent.

9 (5) Security deposits.

10 (6) Apartment location assistance.

11 (7) Other expenses that the Illinois State Police  
12 ~~Department~~ considers appropriate.

13 (8) Compensation for any loss of or injury to real or  
14 personal property resulting from a gang crime to a maximum  
15 of \$5,000, subject to the following provisions:

16 (A) In the case of loss of property, the amount of  
17 compensation shall be measured by the replacement cost  
18 of similar or like property that has been incurred by  
19 and that is substantiated by the property owner.

20 (B) In the case of injury to property, the amount  
21 of compensation shall be measured by the cost of  
22 repair incurred and that can be substantiated by the  
23 property owner.

24 (C) Compensation under this provision is a  
25 secondary source of compensation and shall be reduced  
26 by any amount the property owner receives from any

1 other source as compensation for the loss or injury,  
2 including, but not limited to, personal insurance  
3 coverage.

4 (D) No compensation may be awarded if the property  
5 owner was an offender or an accomplice of the offender  
6 or if the award would unjustly benefit the offender or  
7 offenders or an accomplice of the offender or  
8 offenders.

9 No victim or witness may receive assistance under this  
10 Section if he or she is not a part of or fails to fully  
11 cooperate in the prosecution of gang crime members by law  
12 enforcement authorities.

13 The Illinois State Police Department shall promulgate any  
14 rules necessary for the implementation of this amendatory Act  
15 of 1985.

16 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
17 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
18 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

19 (20 ILCS 2605/2605-475) (was 20 ILCS 2605/55a in part)

20 Sec. 2605-475. Emergency Telephone System Act. The Illinois  
21 State Police Department and Statewide 9-1-1 Administrator  
22 shall exercise the powers and perform the duties specifically  
23 assigned to each under the Emergency Telephone System Act.  
24 Nothing in the Emergency Telephone System Act shall require  
25 the Illinois Department of State Police to provide wireless

1 enhanced 9-1-1 services.

2 (Source: P.A. 100-20, eff. 7-1-17.)

3 (20 ILCS 2605/2605-480)

4 Sec. 2605-480. Statewide kidnapping alert and prevention  
5 program; Child Safety Coordinator.

6 (a) The Illinois ~~Department of~~ State Police shall develop  
7 a coordinated program for a statewide emergency alert system  
8 when a child is missing or kidnapped. The system shall  
9 include, but is not limited to, the use in coordination with  
10 the Illinois Department of Transportation, of electronic  
11 message signs on roads and highways in the vicinity of a child  
12 abduction to immediately provide critical information to the  
13 public.

14 (b) The Illinois ~~Department of~~ State Police shall  
15 establish an AMBER Plan Task Force to monitor and review the  
16 implementation and operation of the system developed under  
17 subsection (a), including procedures, budgetary requirements,  
18 and response protocols. The Task Force shall also develop  
19 additional network resources for use in the system.

20 (c) The Illinois ~~Department of~~ State Police, in  
21 coordination with the Illinois Emergency Management Agency,  
22 shall develop and implement a community outreach program to  
23 promote awareness among the State's parents and children of  
24 child abduction prevention and response.

25 (d) The Illinois ~~Department of~~ State Police, in

1 coordination with the State Board of Education, shall develop  
2 child abduction prevention instruction for inclusion in  
3 elementary and secondary school curricula throughout the  
4 State. The Illinois State Police ~~Department~~ and State Board of  
5 Education shall encourage the inclusion of the child abduction  
6 prevention instruction in private elementary and secondary  
7 school curricula throughout the State.

8 (e) The Illinois State Police ~~Department~~ shall appoint a  
9 Child Safety Coordinator to assist in the establishment of  
10 State standards for child safety from kidnap and abduction and  
11 to advocate for the achievement of those standards. The Child  
12 Safety Coordinator shall have the qualifications and  
13 experience that the Illinois State Police ~~Department~~ shall  
14 require by rule. The Child Safety Coordinator shall receive no  
15 compensation but shall be reimbursed for his or her expenses  
16 from the Illinois State Police's ~~Department's~~ operations  
17 budget. No funds shall be appropriated solely for the expenses  
18 of the Child Safety Coordinator. The Illinois State Police  
19 ~~Department~~ shall provide technical assistance for the Child  
20 Safety Coordinator from its existing resources.

21 (Source: P.A. 92-259, eff. 1-1-02; 92-468, eff. 8-22-01;  
22 93-310, eff. 7-23-03.)

23 (20 ILCS 2605/2605-485)

24 Sec. 2605-485. Endangered Missing Person Advisory.

25 (a) A coordinated program known as the Endangered Missing



1 Person Advisory is established within the Illinois Department  
2 ~~of~~ State Police. The purpose of the Endangered Missing Person  
3 Advisory is to provide a regional system for the rapid  
4 dissemination of information regarding a missing person who is  
5 believed to be a high-risk missing person as defined in  
6 Section 10 of the Missing Persons Identification Act.

7 (b) The AMBER Plan Task Force, established under Section  
8 2605-480 of this ~~the Department of State Police~~ Law, shall  
9 serve as the task force for the Endangered Missing Person  
10 Advisory. The AMBER Plan Task Force shall monitor and review  
11 the implementation and operation of the regional system  
12 developed under subsection (a), including procedures,  
13 budgetary requirements, and response protocols. The AMBER Plan  
14 Task Force shall also develop additional network resources for  
15 use in the system.

16 (c) The Illinois Department ~~of~~ State Police, in  
17 coordination with the Illinois Department on Aging, shall  
18 develop and implement a community outreach program to promote  
19 awareness among the State's healthcare facilities, nursing  
20 homes, assisted living facilities, and other senior centers.  
21 The guidelines and procedures shall ensure that specific  
22 health information about the missing person is not made public  
23 through the alert or otherwise.

24 (c-5) Subject to appropriation, the Illinois Department ~~of~~  
25 State Police, in coordination with the Illinois Department of  
26 Human Services, shall develop and implement a community

1 outreach program to promote awareness of the Endangered  
2 Missing Person Advisory among applicable entities, including,  
3 but not limited to, developmental disability facilities as  
4 defined in Section 1-107 of the Mental Health and  
5 Developmental Disabilities Code. The guidelines and procedures  
6 shall ensure that specific health information about the  
7 missing person is not made public through the alert or  
8 otherwise.

9 (d) The Child Safety Coordinator, created under Section  
10 2605-480 of this ~~the Department of State Police~~ Law, shall act  
11 in the dual capacity of Child Safety Coordinator and  
12 Endangered Missing Person Coordinator. The Coordinator shall  
13 assist in the establishment of State standards and monitor the  
14 availability of federal funding that may become available to  
15 further the objectives of the Endangered Missing Person  
16 Advisory. The Illinois State Police ~~Department~~ shall provide  
17 technical assistance for the Coordinator from its existing  
18 resources.

19 (e)(1) The Illinois ~~Department~~ of State Police, in  
20 cooperation with the Silver Search Task Force, shall develop  
21 as part of the Endangered Missing Person Advisory a  
22 coordinated statewide awareness program and toolkit to be used  
23 when a person 21 years of age or older who is believed to have  
24 Alzheimer's disease, other related dementia, or other  
25 dementia-like cognitive impairment is reported missing, which  
26 shall be referred to as Silver Search.

1           (2) The Illinois State Police ~~Department~~ shall complete  
2 development and deployment of the Silver Search Awareness  
3 Program and toolkit on or before July 1, 2017.

4           (3) The Illinois ~~Department~~ of State Police shall  
5 establish a Silver Search Task Force within 90 days after the  
6 effective date of this amendatory Act of the 99th General  
7 Assembly to assist the Illinois State Police ~~Department~~ in  
8 development and deployment of the Silver Search Awareness  
9 Program and toolkit. The Task Force shall establish the  
10 criteria and create a toolkit, which may include usage of  
11 Department of Transportation signs, under Section 2705-505.6  
12 of the Department of Transportation Law of the Civil  
13 Administrative Code of Illinois. The Task Force shall monitor  
14 and review the implementation and operation of that program,  
15 including procedures, budgetary requirements, standards, and  
16 minimum requirements for the training of law enforcement  
17 personnel on how to interact appropriately and effectively  
18 with individuals that suffer from Alzheimer's disease, other  
19 dementia, or other dementia-like cognitive impairment. The  
20 Task Force shall also develop additional network and financial  
21 resources for use in the system. The Task Force shall include,  
22 but is not limited to, one representative from each of the  
23 following:

- 24           (A) the Illinois ~~Department~~ of State Police;
- 25           (B) the Department on Aging;
- 26           (C) the Department of Public Health;

1 (D) the Illinois Law Enforcement Training Standards  
2 Board;

3 (E) the Illinois Emergency Management Agency;

4 (F) the Secretary of State;

5 (G) the Department of Transportation;

6 (H) the Department of the Lottery;

7 (I) the Illinois Toll Highway Authority;

8 (J) a State association dedicated to Alzheimer's care,  
9 support, and research;

10 (K) a State association dedicated to improving quality  
11 of life for persons age 50 and over;

12 (L) a State group of area agencies involved in  
13 planning and coordinating services and programs for older  
14 persons in their respective areas;

15 (M) a State organization dedicated to enhancing  
16 communication and cooperation between sheriffs;

17 (N) a State association of police chiefs and other  
18 leaders of police and public safety organizations;

19 (O) a State association representing Illinois  
20 publishers;

21 (P) a State association that advocates for the  
22 broadcast industry;

23 (Q) a member of a large wireless telephone carrier;  
24 and

25 (R) a member of a small wireless telephone carrier.

26 The members of the Task Force designated in subparagraphs

1 (A) through (I) of this paragraph (3) shall be appointed by the  
2 head of the respective agency. The members of the Task Force  
3 designated in subparagraphs (J) through (R) of this paragraph  
4 (3) shall be appointed by the Director of the Illinois State  
5 Police. The Director of the Illinois State Police or his or her  
6 designee shall serve as Chair of the Task Force.

7 The Task Force shall meet at least twice a year and shall  
8 provide a report on the operations of the Silver Search  
9 Program to the General Assembly and the Governor each year by  
10 June 30.

11 (4) Subject to appropriation, the Illinois ~~Department of~~  
12 ~~State Police,~~ in coordination with the Department on Aging and  
13 the Silver Search Task Force, shall develop and implement a  
14 community outreach program to promote awareness of the Silver  
15 Search Program as part of the Endangered Missing Person  
16 Advisory among law enforcement agencies, the State's  
17 healthcare facilities, nursing homes, assisted living  
18 facilities, other senior centers, and the general population  
19 on or before January 1, 2017.

20 (5) The Child Safety Coordinator, created under Section  
21 2605-480 of this ~~the Department of State Police Law of the~~  
22 ~~Civil Administrative Code of Illinois,~~ shall act in the  
23 capacity of Child Safety Coordinator, Endangered Missing  
24 Person Coordinator, and Silver Search Program Coordinator. The  
25 Coordinator, in conjunction with the members of the Task  
26 Force, shall assist the Illinois State Police ~~Department~~ and

1 the Silver Search Task Force in the establishment of State  
2 standards and monitor the availability of federal and private  
3 funding that may become available to further the objectives of  
4 the Endangered Missing Person Advisory and Silver Search  
5 Awareness Program. The Illinois State Police ~~Department~~ shall  
6 provide technical assistance for the Coordinator from its  
7 existing resources.

8 (6) The Illinois ~~Department of~~ State Police shall provide  
9 administrative and other support to the Task Force.

10 (Source: P.A. 99-322, eff. 1-1-16; 100-662, eff. 1-1-19.)

11 (20 ILCS 2605/2605-505) (was 20 ILCS 2605/55b)

12 Sec. 2605-505. Local citizens radio groups. The Illinois  
13 State Police ~~Department~~ is authorized to use local citizens  
14 radio groups in connection with its communication duties under  
15 the Civil Administrative Code of Illinois and to coordinate  
16 those local citizens radio groups with the functions of local  
17 law enforcement agencies as the Illinois State Police  
18 ~~Department~~ deems advisable. With the approval of the Illinois  
19 State Police ~~Department~~, those local citizens radio groups  
20 shall be eligible for law enforcement grants.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 (20 ILCS 2605/2605-550) (was 20 ILCS 2605/55a in part)

23 Sec. 2605-550. Transfer of realty to State agency;  
24 acquisition of federal land. To transfer jurisdiction of any

1 realty title to which is held by the State of Illinois under  
2 the control of the Illinois State Police ~~Department~~ to any  
3 other department of the State government or to the State  
4 Employees Housing Commission or to acquire or accept federal  
5 land when the transfer, acquisition, or acceptance is  
6 advantageous to the State and is approved in writing by the  
7 Governor.

8 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
9 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98;  
10 90-793, eff. 8-14-98; 91-239, eff. 1-1-00.)

11 (20 ILCS 2605/2605-575)

12 Sec. 2605-575. Children's fingerprints. With the written  
13 permission of the child's parent or guardian, the Illinois  
14 State Police ~~Department~~ may retain the fingerprint record of a  
15 child fingerprinted by the Illinois State Police ~~Department~~ at  
16 any location of collection, such as a State fair, county fair,  
17 or other place the Illinois State Police ~~Department~~ collects  
18 such data. The record may be retained and used only if the  
19 child is later missing or abducted, if an Amber Alert is issued  
20 for that child, or if a missing person report is filed for that  
21 child with one or more local law enforcement agencies, and for  
22 no other purpose. After the child reaches the age of 18, the  
23 record must be destroyed unless the Illinois State Police  
24 ~~Department~~, within a reasonable period after the fingerprinted  
25 person's 18th birthday, obtains the permission of the

1 fingerprinted person to retain the fingerprint record.

2 (Source: P.A. 94-481, eff. 1-1-06.)

3 (20 ILCS 2605/2605-585)

4 Sec. 2605-585. Money Laundering Asset Recovery Fund.

5 Moneys and the sale proceeds distributed to the Illinois

6 ~~Department of~~ State Police under paragraph (3) of Section

7 29B-26 of the Criminal Code of 2012 shall be deposited in a

8 special fund in the State treasury to be known as the Money

9 Laundering Asset Recovery Fund. The moneys deposited in the

10 Money Laundering Asset Recovery Fund shall be appropriated to

11 and administered by the Illinois ~~Department of~~ State Police

12 for State law enforcement purposes.

13 (Source: P.A. 100-699, eff. 8-3-18.)

14 (20 ILCS 2605/2605-590)

15 Sec. 2605-590. Drug Traffic Prevention Fund. Moneys

16 deposited into the Drug Traffic Prevention Fund pursuant to

17 subsection (e) of Section 5-9-1.1 and subsection (c) of

18 Section 5-9-1.1-5 of the Unified Code of Corrections shall be

19 appropriated to and administered by the Illinois ~~Department of~~

20 State Police for funding of drug task forces and Metropolitan

21 Enforcement Groups in accordance with the Intergovernmental

22 Drug Laws Enforcement Act.

23 (Source: P.A. 98-463, eff. 8-16-13.)



1 (20 ILCS 2605/2605-595)

2 Sec. 2605-595. State Police Firearm Services Fund.

3 (a) There is created in the State treasury a special fund  
4 known as the State Police Firearm Services Fund. The Fund  
5 shall receive revenue under the Firearm Concealed Carry Act  
6 and Section 5 of the Firearm Owners Identification Card Act.  
7 The Fund may also receive revenue from grants, pass-through  
8 grants, donations, appropriations, and any other legal source.

9 (b) The Illinois ~~Department of~~ State Police may use moneys  
10 in the Fund to finance any of its lawful purposes, mandates,  
11 functions, and duties under the Firearm Owners Identification  
12 Card Act and the Firearm Concealed Carry Act, including the  
13 cost of sending notices of expiration of Firearm Owner's  
14 Identification Cards, concealed carry licenses, the prompt and  
15 efficient processing of applications under the Firearm Owners  
16 Identification Card Act and the Firearm Concealed Carry Act,  
17 the improved efficiency and reporting of the LEADS and federal  
18 NICS law enforcement data systems, and support for  
19 investigations required under these Acts and law. Any surplus  
20 funds beyond what is needed to comply with the aforementioned  
21 purposes shall be used by the Illinois State Police ~~Department~~  
22 to improve the Law Enforcement Agencies Data System (LEADS)  
23 and criminal history background check system.

24 (c) Investment income that is attributable to the  
25 investment of moneys in the Fund shall be retained in the Fund  
26 for the uses specified in this Section.

1 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

2 (20 ILCS 2605/2605-600)

3 Sec. 2605-600. Crimes Against Police Officers Advisory.

4 (a) For purposes of this Section:

5 "Attempt" has the meaning ascribed to that term in  
6 Section 8-4 of the Criminal Code of 2012.

7 "Concealment of homicidal death" has the meaning  
8 ascribed to that term in Section 9-3.4 of the Criminal  
9 Code of 2012.

10 "First degree murder" has the meaning ascribed to that  
11 term in Section 9-1 of the Criminal Code of 2012.

12 "Involuntary manslaughter" and "reckless homicide"  
13 have the meanings ascribed to those terms in Section 9-3  
14 of the Criminal Code of 2012.

15 "Second degree murder" has the meaning ascribed to  
16 that term in Section 9-2 of the Criminal Code of 2012.

17 (b) A coordinated program known as the Crimes Against  
18 Police Officers Advisory is established within the Illinois  
19 ~~Department of~~ State Police. The purpose of the Crimes Against  
20 Police Officers Advisory is to provide a regional system for  
21 the rapid dissemination of information regarding a person who  
22 is suspected of committing or attempting to commit any of the  
23 offenses described in subsection (c).

24 (c) The Illinois ~~Department of~~ State Police shall develop  
25 an advisory to assist law enforcement agencies when the

1 commission or attempted commission of the following offenses  
2 against a peace officer occur:

- 3 (1) first degree murder;
- 4 (2) second degree murder;
- 5 (3) involuntary manslaughter;
- 6 (4) reckless homicide; and
- 7 (5) concealment of homicidal death.

8 (d) Law enforcement agencies participating in the advisory  
9 may request assistance when:

- 10 (1) the agency believes that a suspect has not been  
11 apprehended;
- 12 (2) the agency believes that the suspect may be a  
13 serious threat to the public; and
- 14 (3) sufficient information is available to disseminate  
15 to the public that could assist in locating the suspect.

16 (e) The Illinois ~~Department of~~ State Police shall reserve  
17 the authority to determine if dissemination of the information  
18 will pose a significant risk to the public or jeopardize the  
19 investigation.

20 (f) The Illinois ~~Department of~~ State Police may partner  
21 with media and may request a media broadcast concerning  
22 details of the suspect in order to obtain the public's  
23 assistance in locating the suspect or vehicle used in the  
24 offense, or both.

25 (Source: P.A. 98-263, eff. 1-1-14; 98-756, eff. 7-16-14.)

1 (20 ILCS 2605/2605-605)

2 Sec. 2605-605. Violent Crime Intelligence Task Force. The  
3 Director of the Illinois State Police may establish a  
4 statewide multi-jurisdictional Violent Crime Intelligence Task  
5 Force led by the Illinois ~~Department of~~ State Police dedicated  
6 to combating gun violence, gun-trafficking, and other violent  
7 crime with the primary mission of preservation of life and  
8 reducing the occurrence and the fear of crime. The objectives  
9 of the Task Force shall include, but not be limited to,  
10 reducing and preventing illegal possession and use of  
11 firearms, firearm-related homicides, and other violent crimes.

12 (1) The Task Force may develop and acquire information,  
13 training, tools, and resources necessary to implement a  
14 data-driven approach to policing, with an emphasis on  
15 intelligence development.

16 (2) The Task Force may utilize information sharing,  
17 partnerships, crime analysis, and evidence-based practices to  
18 assist in the reduction of firearm-related shootings,  
19 homicides, and gun-trafficking.

20 (3) The Task Force may recognize and utilize best  
21 practices of community policing and may develop potential  
22 partnerships with faith-based and community organizations to  
23 achieve its goals.

24 (4) The Task Force may identify and utilize best practices  
25 in drug-diversion programs and other community-based services  
26 to redirect low-level offenders.

1 (5) The Task Force may assist in violence suppression  
2 strategies including, but not limited to, details in  
3 identified locations that have shown to be the most prone to  
4 gun violence and violent crime, focused deterrence against  
5 violent gangs and groups considered responsible for the  
6 violence in communities, and other intelligence driven methods  
7 deemed necessary to interrupt cycles of violence or prevent  
8 retaliation.

9 (6) In consultation with the Chief Procurement Officer,  
10 the Illinois ~~Department of~~ State Police may obtain contracts  
11 for software, commodities, resources, and equipment to assist  
12 the Task Force with achieving this Act. Any contracts  
13 necessary to support the delivery of necessary software,  
14 commodities, resources, and equipment are not subject to the  
15 Illinois Procurement Code, except for Sections 20-60, 20-65,  
16 20-70, and 20-160 and Article 50 of that Code, provided that  
17 the Chief Procurement Officer may, in writing with  
18 justification, waive any certification required under Article  
19 50 of the Illinois Procurement Code.

20 (Source: P.A. 100-3, eff. 1-1-18.)

21 (20 ILCS 2605/2605-610)

22 Sec. 2605-610. Possession of a Firearm Owner's  
23 Identification Card. The Illinois State Police ~~Department~~  
24 shall not make possession of a Firearm Owner's Identification  
25 Card a condition of continued employment if the State Police

1 officer's Firearm Owner's Identification Card is revoked or  
2 seized because the State Police officer has been a patient of a  
3 mental health facility and the State Police officer has not  
4 been determined to pose a clear and present danger to himself,  
5 herself, or others as determined by a physician, clinical  
6 psychologist, or qualified examiner. Nothing in ~~is~~ this  
7 Section shall otherwise impair an employer's ability to  
8 determine a State Police officer's fitness for duty. A  
9 collective bargaining agreement already in effect on this  
10 issue on the effective date of this amendatory Act of the 101st  
11 General Assembly cannot be modified, but on or after the  
12 effective date of this amendatory Act of the 101st General  
13 Assembly, the employer cannot require a Firearm Owner's  
14 Identification Card as a condition of continued employment in  
15 a collective bargaining agreement. The employer shall document  
16 if and why a State Police officer has been determined to pose a  
17 clear and present danger.

18 (Source: P.A. 101-375, eff. 8-16-19.)

19 (20 ILCS 2605/2605-85 rep.)

20 (20 ILCS 2605/2605-90 rep.)

21 (20 ILCS 2605/2605-95 rep.)

22 (20 ILCS 2605/2605-96 rep.)

23 (20 ILCS 2605/2605-97 rep.)

24 (20 ILCS 2605/2605-98 rep.)

25 (20 ILCS 2605/2605-99 rep.)

1 (20 ILCS 2605/2605-100 rep.)

2 (20 ILCS 2605/2605-105 rep.)

3 (20 ILCS 2605/2605-110 rep.)

4 (20 ILCS 2605/2605-115 rep.)

5 (20 ILCS 2605/2605-120 rep.)

6 (20 ILCS 2605/2605-130 rep.)

7 (20 ILCS 2605/2605-135 rep.)

8 (20 ILCS 2605/2605-140 rep.)

9 (20 ILCS 2605/2605-300 rep.)

10 (20 ILCS 2605/2605-390 rep.)

11 (20 ILCS 2605/2605-500 rep.)

12 Section 197. The Department of State Police Law of the  
13 Civil Administrative Code of Illinois is amended by repealing  
14 Sections 2605-85, 2605-90, 2605-95, 2605-96, 2605-97, 2605-98,  
15 2605-99, 2605-100, 2605-105, 2605-110, 2605-115, 2605-120,  
16 2605-130, 2605-135, 2605-140, 2605-300, 2605-390, and  
17 2605-500.

18 Section 200. The State Police Act is amended by changing  
19 the title of the Act and Sections 0.01, 1, 2, 3, 8, 9, 10,  
20 12.2, 12.5, 13, 14, 16, 17b, 18, 20, 21, 22, 24, 30, 35, 38,  
21 40, and 45 as follows:

22 (20 ILCS 2610/Act title)

23 An Act in relation to the Illinois ~~Department of~~ State  
24 Police.

1 (20 ILCS 2610/0.01) (from Ch. 121, par. 307.01)

2 Sec. 0.01. Short title. This Act may be cited as the  
3 Illinois State Police Act.

4 (Source: P.A. 86-1324.)

5 (20 ILCS 2610/1) (from Ch. 121, par. 307.1)

6 Sec. 1. The Illinois ~~Department~~ of State Police,  
7 ~~hereinafter called the Department,~~ shall maintain divisions in  
8 accordance with Section 2605-25 of the Illinois ~~Department of~~  
9 State Police Law ~~(20 ILCS 2605/2605-25)~~. The Illinois State  
10 Police ~~Department,~~ by the Director, shall appoint State  
11 policemen, also known as State Police Officers, as provided in  
12 this Act.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (20 ILCS 2610/2) (from Ch. 121, par. 307.2)

15 Sec. 2. The Director shall be responsible for the  
16 management and control of the Illinois State Police  
17 ~~Department~~. The Director shall make and adopt rules and  
18 regulations for the direction, control, discipline and conduct  
19 of the members of the Illinois State Police ~~Department~~ and  
20 such other rules for the government and operation of the  
21 Illinois State Police ~~Department~~ as he may deem necessary. He  
22 shall also designate the authority and responsibility within  
23 the limits of this Act for each rank of State policemen in the



1 Illinois State Police Department.

2 (Source: P.A. 85-1042.)

3 (20 ILCS 2610/3) (from Ch. 121, par. 307.3)

4 Sec. 3. The Governor shall appoint, by and with the advice  
5 and consent of the Senate, an Illinois ~~a Department of State~~  
6 Police Merit Board, hereinafter called the Board, consisting  
7 of 5 members to hold office, one until the third Monday in  
8 March, 1951, one until the third Monday in March, 1953, and one  
9 until the third Monday in March, 1955, and until their  
10 respective successors are appointed and qualified. One of the  
11 members added by this amendatory Act of 1977 shall serve a term  
12 expiring on the third Monday in March, 1980, and until his  
13 successor is appointed and qualified, and one shall serve a  
14 term expiring on the third Monday in March, 1982, and until his  
15 successor is appointed and qualified. Upon the expiration of  
16 the terms of office of those first appointed, their respective  
17 successors shall be appointed to hold office from the third  
18 Monday in March of the year of their respective appointments  
19 for a term of six years and until their successors are  
20 appointed and qualified for a like term. No more than 3 members  
21 of the Board shall be affiliated with the same political  
22 party. If the Senate is not in session at the time initial  
23 appointments are made pursuant to this section, the Governor  
24 shall make temporary appointments as in the case of a vacancy.

25 (Source: P.A. 87-284.)

1 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

2 Sec. 8. The Board shall exercise jurisdiction over the  
3 certification for appointment and promotion, and over the  
4 discipline, removal, demotion and suspension of Illinois  
5 ~~Department of~~ State Police officers. Pursuant to recognized  
6 merit principles of public employment, the Board shall  
7 formulate, adopt, and put into effect rules, regulations and  
8 procedures for its operation and the transaction of its  
9 business. The Board shall establish a classification of ranks  
10 of persons subject to its jurisdiction and shall set standards  
11 and qualifications for each rank. Each Illinois ~~Department of~~  
12 State Police officer appointed by the Director shall be  
13 classified as a State Police officer as follows: trooper,  
14 sergeant, master sergeant, lieutenant, captain, major, or  
15 Special Agent.

16 (Source: P.A. 100-49, eff. 1-1-18.)

17 (20 ILCS 2610/9) (from Ch. 121, par. 307.9)

18 Sec. 9. Appointment; qualifications.

19 (a) Except as otherwise provided in this Section, the  
20 appointment of Illinois ~~Department of~~ State Police officers  
21 shall be made from those applicants who have been certified by  
22 the Board as being qualified for appointment. All persons so  
23 appointed shall, at the time of their appointment, be not less  
24 than 21 years of age, or 20 years of age and have successfully

1 completed an associate's degree or 60 credit hours at an  
2 accredited college or university. Any person appointed  
3 subsequent to successful completion of an associate's degree  
4 or 60 credit hours at an accredited college or university  
5 shall not have power of arrest, nor shall he or she be  
6 permitted to carry firearms, until he or she reaches 21 years  
7 of age. In addition, all persons so certified for appointment  
8 shall be of sound mind and body, be of good moral character, be  
9 citizens of the United States, have no criminal records,  
10 possess such prerequisites of training, education, and  
11 experience as the Board may from time to time prescribe so long  
12 as persons who have an associate's degree or 60 credit hours at  
13 an accredited college or university are not disqualified, and  
14 shall be required to pass successfully such mental and  
15 physical tests and examinations as may be prescribed by the  
16 Board. All persons who meet one of the following requirements  
17 are deemed to have met the collegiate educational  
18 requirements:

19 (i) have been honorably discharged and who have been  
20 awarded a Southwest Asia Service Medal, Kosovo Campaign  
21 Medal, Korean Defense Service Medal, Afghanistan Campaign  
22 Medal, Iraq Campaign Medal, or Global War on Terrorism  
23 Expeditionary Medal by the United States Armed Forces;

24 (ii) are active members of the Illinois National Guard  
25 or a reserve component of the United States Armed Forces  
26 and who have been awarded a Southwest Asia Service Medal,

1 Kosovo Campaign Medal, Korean Defense Service Medal,  
2 Afghanistan Campaign Medal, Iraq Campaign Medal, or Global  
3 War on Terrorism Expeditionary Medal as a result of  
4 honorable service during deployment on active duty;

5 (iii) have been honorably discharged who served in a  
6 combat mission by proof of hostile fire pay or imminent  
7 danger pay during deployment on active duty; or

8 (iv) have at least 3 years of full active and  
9 continuous military duty and received an honorable  
10 discharge before hiring.

11 Preference shall be given in such appointments to persons  
12 who have honorably served in the military or naval services of  
13 the United States. All appointees shall serve a probationary  
14 period of 12 months from the date of appointment and during  
15 that period may be discharged at the will of the Director.  
16 However, the Director may in his or her sole discretion extend  
17 the probationary period of an officer up to an additional 6  
18 months when to do so is deemed in the best interest of the  
19 Illinois State Police Department. Nothing in this subsection  
20 (a) limits the Board's ability to prescribe education  
21 prerequisites or requirements to certify Illinois Department  
22 ~~of~~ State Police officers for promotion as provided in Section  
23 10 of this Act.

24 (b) Notwithstanding the other provisions of this Act,  
25 after July 1, 1977 and before July 1, 1980, the Director of  
26 State Police may appoint and promote not more than 20 persons

1 having special qualifications as special agents as he or she  
2 deems necessary to carry out the Department's objectives. Any  
3 such appointment or promotion shall be ratified by the Board.

4 (c) During the 90 days following the effective date of  
5 this amendatory Act of 1995, the Director of State Police may  
6 appoint up to 25 persons as State Police officers. These  
7 appointments shall be made in accordance with the requirements  
8 of this subsection (c) and any additional criteria that may be  
9 established by the Director, but are not subject to any other  
10 requirements of this Act. The Director may specify the initial  
11 rank for each person appointed under this subsection.

12 All appointments under this subsection (c) shall be made  
13 from personnel certified by the Board. A person certified by  
14 the Board and appointed by the Director under this subsection  
15 must have been employed by the Illinois Commerce Commission on  
16 November 30, 1994 in a job title subject to the Personnel Code  
17 and in a position for which the person was eligible to earn  
18 "eligible creditable service" as a "noncovered employee", as  
19 those terms are defined in Article 14 of the Illinois Pension  
20 Code.

21 Persons appointed under this subsection (c) shall  
22 thereafter be subject to the same requirements and procedures  
23 as other State police officers. A person appointed under this  
24 subsection must serve a probationary period of 12 months from  
25 the date of appointment, during which he or she may be  
26 discharged at the will of the Director.

1           This subsection (c) does not affect or limit the  
2 Director's authority to appoint other State Police officers  
3 under subsection (a) of this Section.

4           (Source: P.A. 100-11, eff. 7-1-17; 101-374, eff. 1-1-20.)

5           (20 ILCS 2610/10) (from Ch. 121, par. 307.10)

6           Sec. 10. Except as provided in Section 9 of this Act,  
7 promotion of Illinois ~~Department of~~ State Police officers  
8 shall be made by the Director from those candidates who have  
9 been certified to him as being qualified for promotion. The  
10 Board shall make certifications for promotions on the basis of  
11 job performance measurement, seniority, education, or written  
12 or oral examinations. All vacancies in all ranks above the  
13 lowest shall be filled by promotion.

14           (Source: P.A. 84-25.)

15           (20 ILCS 2610/12.2)

16           Sec. 12.2. Burial benefit for State police officers killed  
17 in the line of duty.

18           (a) The Illinois ~~Department of~~ State Police shall pay  
19 directly or reimburse, up to a maximum of \$20,000, the burial  
20 expenses of each State police officer who is killed in the line  
21 of duty after June 30, 2018.

22           (b) The payments provided for in this Section shall be  
23 paid out of moneys appropriated to the Illinois State Police  
24 ~~Department~~ for the personal services of State police officers.

1 (c) The Illinois ~~Department of~~ State Police shall adopt  
2 rules governing the administration of this Section.

3 (Source: P.A. 101-28, eff. 1-1-20.)

4 (20 ILCS 2610/12.5)

5 Sec. 12.5. Zero tolerance drug policy. Any person employed  
6 by the Illinois ~~Department of~~ State Police who tests positive  
7 in accordance with established Illinois State Police  
8 ~~Departmental~~ drug testing procedures for any substance  
9 prohibited by the Illinois Controlled Substances Act or the  
10 Methamphetamine Control and Community Protection Act shall be  
11 discharged from employment. Any person employed by the  
12 Illinois ~~Department of~~ State Police who tests positive in  
13 accordance with established Illinois State Police ~~Departmental~~  
14 drug testing procedures for any substance prohibited by the  
15 Cannabis Control Act may be discharged from employment.  
16 Refusal to submit to a drug test, ordered in accordance with  
17 Illinois State Police ~~Departmental~~ procedures, by any person  
18 employed by the Illinois State Police ~~Department~~ shall be  
19 construed as a positive test, and the person shall be  
20 discharged from employment. The changes made in this Section  
21 by this amendatory Act of the 100th General Assembly shall  
22 apply to all pending and future incidents under this Section.

23 (Source: P.A. 100-1130, eff. 11-27-18.)

24 (20 ILCS 2610/13) (from Ch. 121, par. 307.13)

1           Sec. 13. Disciplinary measures prescribed by the Board for  
2 Illinois ~~Department of~~ State Police officers may be taken by  
3 the Director for the punishment of infractions of the rules  
4 and regulations of the respective divisions as promulgated by  
5 the Illinois State Police ~~Department~~. Such disciplinary  
6 measures may include suspension of any such officer for a  
7 reasonable period, not exceeding 30 days.

8           Any officer so suspended, within 10 days after suspension,  
9 may petition the Board in writing to review the suspension,  
10 and upon the filing of such petition with the Board, the Board  
11 shall within a reasonable amount of time, but no later than 30  
12 days after the date of request for review set the written  
13 petition for hearing before the Board upon not less than 10  
14 days' notice at a place to be designated by the chairman  
15 thereof. The Board may sustain the action of the Director,  
16 reverse it with instructions that the officer receive his pay  
17 for the period involved, or reduce the length of suspension  
18 with instructions that the officer's pay be adjusted  
19 accordingly. No later than July 1, 1987, the Board shall  
20 promulgate rules which include the standards to be used in  
21 determining when compensation will be awarded to an officer  
22 who is found not guilty or has served a greater period of  
23 suspension than prescribed by the Board. The Board may not  
24 increase the length of suspension imposed by the Director. The  
25 Board may, by unanimous decision, dismiss the petition if it  
26 has determined that there is no substantial basis for its



1 review of the suspension. In all other respects, the hearing  
2 shall be conducted in the manner provided for in Section 14  
3 hereof. The provisions of the "Administrative Review Law" and  
4 the rules adopted pursuant thereto shall apply to and govern  
5 all proceedings for the judicial review of any order of the  
6 board rendered pursuant to the provisions of this Section.

7 (Source: P.A. 85-1042.)

8 (20 ILCS 2610/14) (from Ch. 121, par. 307.14)

9 Sec. 14. Except as is otherwise provided in this Act, no  
10 Illinois Department of State Police officer shall be removed,  
11 demoted or suspended except for cause, upon written charges  
12 filed with the Board by the Director and a hearing before the  
13 Board thereon upon not less than 10 days' notice at a place to  
14 be designated by the chairman thereof. At such hearing, the  
15 accused shall be afforded full opportunity to be heard in his  
16 or her own defense and to produce proof in his or her defense.  
17 Anyone filing a complaint against a State Police Officer must  
18 have the complaint supported by a sworn affidavit. Any such  
19 complaint, having been supported by a sworn affidavit, and  
20 having been found, in total or in part, to contain false  
21 information, shall be presented to the appropriate State's  
22 Attorney for a determination of prosecution.

23 Before any such officer may be interrogated or examined by  
24 or before the Board, or by an Illinois State Police ~~a~~  
25 ~~departmental~~ agent or investigator specifically assigned to

1     conduct an internal investigation, the results of which  
2     hearing, interrogation or examination may be the basis for  
3     filing charges seeking his or her suspension for more than 15  
4     days or his or her removal or discharge, he or she shall be  
5     advised in writing as to what specific improper or illegal act  
6     he or she is alleged to have committed; he or she shall be  
7     advised in writing that his or her admissions made in the  
8     course of the hearing, interrogation or examination may be  
9     used as the basis for charges seeking his or her suspension,  
10    removal or discharge; and he or she shall be advised in writing  
11    that he or she has a right to counsel of his or her choosing,  
12    who may be present to advise him or her at any hearing,  
13    interrogation or examination. A complete record of any  
14    hearing, interrogation or examination shall be made, and a  
15    complete transcript or electronic recording thereof shall be  
16    made available to such officer without charge and without  
17    delay.

18         The Board shall have the power to secure by its subpoena  
19    both the attendance and testimony of witnesses and the  
20    production of books and papers in support of the charges and  
21    for the defense. Each member of the Board or a designated  
22    hearing officer shall have the power to administer oaths or  
23    affirmations. If the charges against an accused are  
24    established by a preponderance of evidence, the Board shall  
25    make a finding of guilty and order either removal, demotion,  
26    suspension for a period of not more than 180 days, or such

1 other disciplinary punishment as may be prescribed by the  
2 rules and regulations of the Board which, in the opinion of the  
3 members thereof, the offense merits. Thereupon the Director  
4 shall direct such removal or other punishment as ordered by  
5 the Board and if the accused refuses to abide by any such  
6 disciplinary order, the Director shall remove him or her  
7 forthwith.

8 If the accused is found not guilty or has served a period  
9 of suspension greater than prescribed by the Board, the Board  
10 shall order that the officer receive compensation for the  
11 period involved. The award of compensation shall include  
12 interest at the rate of 7% per annum.

13 The Board may include in its order appropriate sanctions  
14 based upon the Board's rules and regulations. If the Board  
15 finds that a party has made allegations or denials without  
16 reasonable cause or has engaged in frivolous litigation for  
17 the purpose of delay or needless increase in the cost of  
18 litigation, it may order that party to pay the other party's  
19 reasonable expenses, including costs and reasonable attorney's  
20 fees. The State of Illinois and the Illinois State Police  
21 ~~Department~~ shall be subject to these sanctions in the same  
22 manner as other parties.

23 In case of the neglect or refusal of any person to obey a  
24 subpoena issued by the Board, any circuit court, upon  
25 application of any member of the Board, may order such person  
26 to appear before the Board and give testimony or produce

1 evidence, and any failure to obey such order is punishable by  
2 the court as a contempt thereof.

3 The provisions of the Administrative Review Law, and all  
4 amendments and modifications thereof, and the rules adopted  
5 pursuant thereto, shall apply to and govern all proceedings  
6 for the judicial review of any order of the Board rendered  
7 pursuant to the provisions of this Section.

8 Notwithstanding the provisions of this Section, a policy  
9 making officer, as defined in the Employee Rights Violation  
10 Act, of the Illinois ~~Department of~~ State Police shall be  
11 discharged from the Illinois ~~Department of~~ State Police as  
12 provided in the Employee Rights Violation Act, enacted by the  
13 85th General Assembly.

14 (Source: P.A. 96-891, eff. 5-10-10.)

15 (20 ILCS 2610/16) (from Ch. 121, par. 307.16)

16 Sec. 16. State policemen shall enforce the provisions of  
17 The Illinois Vehicle Code, approved September 29, 1969, as  
18 amended, and Article 9 of the "Illinois Highway Code" as  
19 amended; and shall patrol the public highways and rural  
20 districts to make arrests for violations of the provisions of  
21 such Acts. They are conservators of the peace and as such have  
22 all powers possessed by policemen in cities, and sheriffs,  
23 except that they may exercise such powers anywhere in this  
24 State. The State policemen shall cooperate with the police of  
25 cities, villages and incorporated towns, and with the police

1 officers of any county, in enforcing the laws of the State and  
2 in making arrests and recovering property. They may be  
3 equipped with standardized and tested devices for weighing  
4 motor vehicles and may stop and weigh, acting reasonably, or  
5 cause to be weighed, any motor vehicle which appears to weigh  
6 in excess of the weight permitted by law. It shall also be the  
7 duty of the Illinois State Police ~~State police~~ to determine,  
8 whenever possible, the person or persons or the causes  
9 responsible for the breaking or destruction of any improved  
10 hard-surfaced roadway; to arrest all persons criminally  
11 responsible for such breaking or destruction and bring them  
12 before the proper officer for trial. The Illinois ~~Department~~  
13 ~~of~~ State Police shall divide the State into Districts and  
14 assign each district to one or more policemen. No person  
15 employed under this Act, however, shall serve or execute civil  
16 process, except for process issued under the authority of the  
17 General Assembly, or a committee or commission thereof vested  
18 with subpoena powers when the county sheriff refuses or fails  
19 to serve such process, and except for process issued under the  
20 authority of the Illinois Department of Revenue.

21 (Source: P.A. 84-25.)

22 (20 ILCS 2610/17b)

23 Sec. 17b. Retiring officer; purchase of service firearm  
24 and police badge. The Director of the Illinois State Police  
25 shall establish a policy to allow a State Police officer who is

1 honorably retiring or separating in good standing to purchase  
2 either one or both of the following: (i) any State Police badge  
3 previously issued to that officer; or (ii) if the officer has a  
4 currently valid Firearm Owner's Identification Card, the  
5 service firearm issued or previously issued to the officer by  
6 the Illinois ~~Department of~~ State Police. The cost of the  
7 firearm purchased shall be the replacement value of the  
8 firearm and not the firearm's fair market value.

9 (Source: P.A. 100-931, eff. 8-17-18.)

10 (20 ILCS 2610/18) (from Ch. 121, par. 307.18)

11 Sec. 18. The Director may also authorize any civilian  
12 employee of the Illinois State Police ~~Department~~ who is not a  
13 State policeman to be a truck weighing inspector with the  
14 power of enforcing the provisions of Sections 15-102, 15-103,  
15 15-107, 15-111, and 15-301 and subsection (d) of Section 3-401  
16 of the Illinois Vehicle Code.

17 (Source: P.A. 100-830, eff. 1-1-19.)

18 (20 ILCS 2610/20) (from Ch. 121, par. 307.18a)

19 Sec. 20. The Illinois State Police ~~Department~~ from time to  
20 time may enter into contracts with The Illinois State Toll  
21 Highway Authority, hereinafter called the Authority, with  
22 respect to the policing of toll highways by the Illinois State  
23 Police. Such contracts shall provide among other matters for  
24 the compensation or reimbursement of the Illinois State Police

1 ~~Department~~ by the Authority for the costs incurred by this  
2 State with respect to such policing service, including, but  
3 not limited to, the costs of: (1) compensation and training of  
4 the State policemen and the clerical employees assigned to  
5 such policing service; and (2) uniforms, equipment, supplies  
6 and housing used by such personnel; and (3) reimbursement of  
7 such sums as the State expends in connection with payments of  
8 claims for injuries or illnesses suffered by such personnel in  
9 the line of duty. Each such contract may provide for the  
10 methods of ascertaining such costs, and shall be of such  
11 duration and may contain such other appropriate terms as the  
12 Illinois State Police Department and the Authority may agree  
13 upon. The Illinois State Police Department is not obliged to  
14 furnish policing service on any highway under the jurisdiction  
15 of the Authority except as required by contract.

16 (Source: P.A. 81-840.)

17 (20 ILCS 2610/21) (from Ch. 121, par. 307.18b)

18 Sec. 21. (a) The Illinois State Police Department shall  
19 appoint as State policemen the number of persons required for  
20 assignment to the policing of toll highways by contracts made  
21 pursuant to Section 20 of this Act; and such policemen shall  
22 have the same qualifications and shall be appointed and paid  
23 and shall receive the same benefits, as all other State  
24 policemen.

25 (b) The Director shall assign such policemen in accordance

1 with the contract provisions, which may authorize temporary  
2 increases or decreases in the number of policemen so assigned  
3 when emergency conditions so require.

4 (c) State policemen so assigned have, in policing the toll  
5 highways, all powers and duties of enforcement and arrest  
6 which Section 16 of this Act confers upon State policemen  
7 generally in policing other public highways and other areas,  
8 and in addition have the duty to enforce all regulations  
9 established by the Illinois State Toll Highway Authority  
10 pursuant to the authority of the ~~"An Act in relation to the~~  
11 ~~construction, operation, regulation and maintenance of a~~  
12 ~~system of toll highways and to create The Illinois State Toll~~  
13 ~~Highway Act Authority, and to define its powers and duties, to~~  
14 ~~make an appropriation in conjunction therewith", approved~~  
15 ~~August 7, 1967, as amended.~~

16 (Source: P.A. 85-1042.)

17 (20 ILCS 2610/22) (from Ch. 121, par. 307.18c)

18 Sec. 22. The Director and the State policemen appointed by  
19 him, when authorized by the Director, may expend such sums as  
20 the Director deems necessary in the purchase of evidence and  
21 in the employment of persons to obtain evidence.

22 Such sums to be expended shall be advanced to the State  
23 policeman who is to make such purchase or employment from  
24 funds appropriated or made available by law for the support or  
25 use of the Illinois State Police ~~Department~~ on vouchers



1 therefor signed by the Director.

2 (Source: P.A. 85-1042.)

3 (20 ILCS 2610/24)

4 Sec. 24. Illinois State Police quotas prohibited. The  
5 Illinois State Police Department may not require an Illinois a  
6 ~~Department of~~ State Police officer to issue a specific number  
7 of citations within a designated period of time. This  
8 prohibition shall not affect the conditions of any federal or  
9 State grants or funds awarded to the Illinois State Police  
10 ~~Department~~ and used to fund traffic enforcement programs.

11 The Illinois State Police Department may not, for purposes  
12 of evaluating an Illinois a Department of State Police  
13 officer's job performance, compare the number of citations  
14 issued by the Illinois Department of State Police officer to  
15 the number of citations issued by any other Illinois  
16 ~~Department of~~ State Police officer who has similar job duties.  
17 Nothing in this Section shall prohibit the Illinois State  
18 Police Department from evaluating an Illinois a Department of  
19 State Police officer based on the Illinois Department of State  
20 Police officer's points of contact. For the purposes of this  
21 Section, "points of contact" means any quantifiable contact  
22 made in the furtherance of the Illinois Department of State  
23 Police officer's duties, including, but not limited to, the  
24 number of traffic stops completed, arrests, written warnings,  
25 and crime prevention measures. Points of contact shall not

1 include either the issuance of citations or the number of  
2 citations issued by an Illinois ~~a Department of~~ State Police  
3 officer.

4 (Source: P.A. 98-650, eff. 1-1-15.)

5 (20 ILCS 2610/30)

6 Sec. 30. Patrol vehicles with in-car video recording  
7 cameras.

8 (a) Definitions. As used in this Section:

9 "Audio recording" means the recorded conversation  
10 between an officer and a second party.

11 "Emergency lights" means oscillating, rotating, or  
12 flashing lights on patrol vehicles.

13 "In-car video camera" means a video camera located in  
14 an Illinois State Police ~~a Department~~ patrol vehicle.

15 "In-car video camera recording equipment" means a  
16 video camera recording system located in an Illinois State  
17 Police ~~a Department~~ patrol vehicle consisting of a camera  
18 assembly, recording mechanism, and an in-car video  
19 recording medium.

20 "Enforcement stop" means an action by an officer of  
21 the Illinois State Police ~~Department~~ in relation to  
22 enforcement and investigation duties, including but not  
23 limited to, traffic stops, pedestrian stops, abandoned  
24 vehicle contacts, motorist assists, commercial motor  
25 vehicle stops, roadside safety checks, requests for

1 identification, or responses to requests for emergency  
2 assistance.

3 "Recording" means the process of capturing data or  
4 information stored on a recording medium as required under  
5 this Section.

6 "Recording medium" means any recording medium  
7 authorized by the Illinois State Police ~~Department~~ for the  
8 retention and playback of recorded audio and video  
9 including, but not limited to, VHS, DVD, hard drive, solid  
10 state, digital, or flash memory technology.

11 "Wireless microphone" means a device ~~devise~~ worn by  
12 the officer or any other equipment used to record  
13 conversations between the officer and a second party and  
14 transmitted to the recording equipment.

15 (b) By June 1, 2009, the Illinois State Police ~~Department~~  
16 shall install in-car video camera recording equipment in all  
17 patrol vehicles. Subject to appropriation, all patrol vehicles  
18 shall be equipped with in-car video camera recording equipment  
19 with a recording medium capable of recording for a period of 10  
20 hours or more by June 1, 2011. In-car video camera recording  
21 equipment shall be capable of making audio recordings with the  
22 assistance of a wireless microphone.

23 (c) As of the effective date of this amendatory Act of the  
24 95th General Assembly, in-car video camera recording equipment  
25 with a recording medium incapable of recording for a period of  
26 10 hours or more shall record activities outside a patrol

1 vehicle whenever (i) an officer assigned a patrol vehicle is  
2 conducting an enforcement stop; (ii) patrol vehicle emergency  
3 lights are activated or would otherwise be activated if not  
4 for the need to conceal the presence of law enforcement; or  
5 (iii) an officer reasonably believes recording may assist with  
6 prosecution, enhance safety, or for any other lawful purpose.  
7 As of the effective date of this amendatory Act of the 95th  
8 General Assembly, in-car video camera recording equipment with  
9 a recording medium incapable of recording for a period of 10  
10 hours or more shall record activities inside the vehicle when  
11 transporting an arrestee or when an officer reasonably  
12 believes recording may assist with prosecution, enhance  
13 safety, or for any other lawful purpose.

14 (1) Recording for an enforcement stop shall begin when  
15 the officer determines an enforcement stop is necessary  
16 and shall continue until the enforcement action has been  
17 completed and the subject of the enforcement stop or the  
18 officer has left the scene.

19 (2) Recording shall begin when patrol vehicle  
20 emergency lights are activated or when they would  
21 otherwise be activated if not for the need to conceal the  
22 presence of law enforcement, and shall continue until the  
23 reason for the activation ceases to exist, regardless of  
24 whether the emergency lights are no longer activated.

25 (3) An officer may begin recording if the officer  
26 reasonably believes recording may assist with prosecution,

1 enhance safety, or for any other lawful purpose; and shall  
2 continue until the reason for recording ceases to exist.

3 (d) In-car video camera recording equipment with a  
4 recording medium capable of recording for a period of 10 hours  
5 or more shall record activities whenever a patrol vehicle is  
6 assigned to patrol duty.

7 (e) Any enforcement stop resulting from a suspected  
8 violation of the Illinois Vehicle Code shall be video and  
9 audio recorded. Audio recording shall terminate upon release  
10 of the violator and prior to initiating a separate criminal  
11 investigation.

12 (f) Recordings made on in-car video camera recording  
13 medium shall be retained by the Illinois State Police  
14 ~~Department~~ for a storage period of at least 90 days. Under no  
15 circumstances shall any recording made on in-car video camera  
16 recording medium be altered or erased prior to the expiration  
17 of the designated storage period. Upon completion of the  
18 storage period, the recording medium may be erased and  
19 reissued for operational use unless otherwise ordered by the  
20 District Commander or his or her designee or by a court, or if  
21 designated for evidentiary or training purposes.

22 (g) Audio or video recordings made pursuant to this  
23 Section shall be available under the applicable provisions of  
24 the Freedom of Information Act. Only recorded portions of the  
25 audio recording or video recording medium applicable to the  
26 request will be available for inspection or copying.

1           (h) The Illinois State Police ~~Department~~ shall ensure  
2 proper care and maintenance of in-car video camera recording  
3 equipment and recording medium. An officer operating a patrol  
4 vehicle must immediately document and notify the District  
5 Commander or his or her designee of any technical  
6 difficulties, failures, or problems with the in-car video  
7 camera recording equipment or recording medium. Upon receiving  
8 notice, the District Commander or his or her designee shall  
9 make every reasonable effort to correct and repair any of the  
10 in-car video camera recording equipment or recording medium  
11 and determine if it is in the public interest to permit the use  
12 of the patrol vehicle.

13           (i) The Illinois State Police ~~Department~~ may promulgate  
14 rules to implement this amendatory Act of the 95th General  
15 Assembly only to the extent necessary to apply the existing  
16 rules or applicable internal directives.

17           (Source: P.A. 95-1009, eff. 12-15-08.)

18           (20 ILCS 2610/35)

19           Sec. 35. Officer-worn body cameras; policy; training.

20           (a) For the purposes of this Section, "officer-worn body  
21 camera" shall have the same meaning as defined in Section 10 of  
22 the Law Enforcement Officer-Worn Body Camera Act.

23           (b) If the Illinois State Police ~~Department~~ employs the  
24 use of officer-worn body cameras, the Illinois State Police  
25 ~~Department~~ shall develop a written policy which must include,

1 at a minimum, the guidelines established by the Law  
2 Enforcement Officer-Worn Body Camera Act.

3 (c) The Illinois State Police ~~Department~~ shall provide  
4 training to those officers who utilize officer-worn body  
5 cameras.

6 (Source: P.A. 99-352, eff. 1-1-16.)

7 (20 ILCS 2610/38)

8 Sec. 38. Disposal of medications. The Illinois State  
9 Police ~~Department~~ may by rule authorize State Police officers  
10 to dispose of any unused medications under Section 18 of the  
11 Safe Pharmaceutical Disposal Act.

12 (Source: P.A. 99-648, eff. 1-1-17; 100-201, eff. 8-18-17.)

13 (20 ILCS 2610/40)

14 Sec. 40. Training; administration of epinephrine.

15 (a) This Section, along with Section 10.19 of the Illinois  
16 Police Training Act, may be referred to as the Annie LeGere  
17 Law.

18 (b) For the purposes of this Section, "epinephrine  
19 auto-injector" means a single-use device used for the  
20 automatic injection of a pre-measured dose of epinephrine into  
21 the human body prescribed in the name of the Illinois State  
22 Police ~~Department~~.

23 (c) The Illinois State Police ~~Department~~ may conduct or  
24 approve a training program for State Police officers to

1 recognize and respond to anaphylaxis, including, but not  
2 limited to:

3 (1) how to recognize symptoms of an allergic reaction;

4 (2) how to respond to an emergency involving an  
5 allergic reaction;

6 (3) how to administer an epinephrine auto-injector;

7 (4) how to respond to an individual with a known  
8 allergy as well as an individual with a previously unknown  
9 allergy;

10 (5) a test demonstrating competency of the knowledge  
11 required to recognize anaphylaxis and administer an  
12 epinephrine auto-injector; and

13 (6) other criteria as determined in rules adopted by  
14 the Illinois State Police Department.

15 (d) The Illinois State Police Department may authorize a  
16 State Police officer who has completed the training program  
17 under subsection (c) to carry, administer, or assist with the  
18 administration of epinephrine auto-injectors whenever he or  
19 she is performing official duties.

20 (e) The Illinois State Police Department must establish a  
21 written policy to control the acquisition, storage,  
22 transportation, administration, and disposal of epinephrine  
23 auto-injectors before it allows any State Police officer to  
24 carry and administer epinephrine auto-injectors.

25 (f) A physician, physician ~~physician's~~ assistant with  
26 prescriptive authority, or advanced practice registered nurse



1 with prescriptive authority may provide a standing protocol or  
2 prescription for epinephrine auto-injectors in the name of the  
3 Illinois State Police Department to be maintained for use when  
4 necessary.

5 (g) When a State Police officer administers an epinephrine  
6 auto-injector in good faith, the officer and the Illinois  
7 State Police Department, and its employees and agents,  
8 including a physician, physician ~~physician's~~ assistant with  
9 prescriptive authority, or advanced practice registered nurse  
10 with prescriptive authority who provides a standing order or  
11 prescription for an epinephrine auto-injector, incur no civil  
12 or professional liability, except for willful and wanton  
13 conduct, as a result of any injury or death arising from the  
14 use of an epinephrine auto-injector.

15 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;  
16 100-648, eff. 7-31-18; revised 1-14-20.)

17 (20 ILCS 2610/45)

18 Sec. 45. Compliance with the Health Care Violence  
19 Prevention Act; training. The Illinois State Police Department  
20 shall comply with the Health Care Violence Prevention Act and  
21 shall provide an appropriate level of training for its  
22 officers concerning the Health Care Violence Prevention Act.

23 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

24 Section 205. The State Police Radio Act is amended by

1 changing Sections 0.01, 1, 2, 6, and 10 as follows:

2 (20 ILCS 2615/0.01) (from Ch. 121, par. 307.20)

3 Sec. 0.01. Short title. This Act may be cited as the  
4 Illinois State Police Radio Act.

5 (Source: P.A. 86-1324.)

6 (20 ILCS 2615/1) (from Ch. 121, par. 307.21)

7 Sec. 1. The Illinois ~~Department of~~ State Police is  
8 authorized to purchase, lease or otherwise acquire and operate  
9 one or more radio broadcasting stations in the State to be used  
10 for police purposes only. Such radio stations shall broadcast  
11 all police dispatches and reports submitted to them which  
12 pertain to the apprehension of criminals, the prevention of  
13 crime and the maintenance of law and order in order to assist  
14 peace officers more effectively to discharge their duties.

15 (Source: P.A. 84-25.)

16 (20 ILCS 2615/2) (from Ch. 121, par. 307.22)

17 Sec. 2. The Illinois ~~Department of~~ State Police, the  
18 county board of any county, the city council of any city and  
19 the board of trustees of any village or incorporated town are  
20 authorized to purchase or acquire and furnish radio receiving  
21 sets to all peace officers under their jurisdiction. These  
22 radio receiving sets shall only be used by such officers in the  
23 performance of their duties as police officers in this State

1 and shall always be set and in readiness to receive any report  
2 or message that may be broadcasted from any radio broadcasting  
3 station operated by the Illinois ~~Department of~~ State Police  
4 under this Act. Every police officer receiving a radio set  
5 shall make a report to the Illinois ~~Department of~~ State Police  
6 at such times and containing such information as the Illinois  
7 State Police ~~Department~~ may require.

8 (Source: P.A. 84-25.)

9 (20 ILCS 2615/6) (from Ch. 121, par. 307.26)

10 Sec. 6. The Illinois ~~Department of~~ State Police is  
11 authorized to use any money appropriated to it for the purpose  
12 of patrolling and policing the public highways in carrying out  
13 the provisions of this Act.

14 (Source: P.A. 84-25.)

15 (20 ILCS 2615/10)

16 Sec. 10. Public safety radio interoperability. Upon their  
17 establishment and thereafter, the Director of the Illinois  
18 State Police, or his or her designee, shall serve as the  
19 chairman of the Illinois Statewide Interoperability Executive  
20 Committee (SIEC) and as the chairman of the STARCOM21  
21 Oversight Committee. The Director, as chairman, may increase  
22 the size and makeup of the voting membership of each committee  
23 when deemed necessary for improved public safety radio  
24 interoperability, but the voting membership of each committee

1 must represent public safety users (police, fire, or EMS) and  
2 must, at a minimum, include the representatives specified in  
3 this Section. The STARCOM21 Oversight Committee must comprise  
4 public safety users accessing the system. The SIEC shall have  
5 at a minimum one representative from each of the following:  
6 the Illinois Fire Chiefs Association, the Rural Fire  
7 Protection Association, the Office of the State Fire Marshal,  
8 the Illinois Association of Chiefs of Police, the Illinois  
9 Sheriffs' Association, the Illinois State Police, the Illinois  
10 Emergency Management Agency, the Department of Public Health,  
11 and the Secretary of State Police (which representative shall  
12 be the Director of the Secretary of State Police or his or her  
13 designee).

14 (Source: P.A. 94-1005, eff. 7-3-06.)

15 Section 210. The Narcotic Control Division Abolition Act  
16 is amended by changing Sections 1, 2, 3, 4, 5, 6, 7, and 8 as  
17 follows:

18 (20 ILCS 2620/1) (from Ch. 127, par. 55d)

19 Sec. 1. The Division of Narcotic Control is abolished and  
20 its functions are transferred to and shall be administered by  
21 the Illinois Department of State Police.

22 When used in this Act, unless the context otherwise  
23 indicates:

24 ~~"Department" means the Department of State Police;~~

1 "Director" means the Director of the Illinois Department  
2 ~~of~~ State Police.

3 (Source: P.A. 84-25.)

4 (20 ILCS 2620/2) (from Ch. 127, par. 55e)

5 Sec. 2. The Illinois State Police Department shall enforce  
6 all laws regulating the production, sale, prescribing,  
7 manufacturing, administering, transporting, having in  
8 possession, dispensing, delivering, distributing or use of  
9 controlled substances as defined in the "Illinois Controlled  
10 Substances Act", and cannabis as defined in the "Cannabis  
11 Control Act" enacted by the 77th General Assembly, as now or  
12 hereafter amended, and any other duties conferred upon the  
13 Illinois State Police Department by law.

14 (Source: P.A. 77-770.)

15 (20 ILCS 2620/3) (from Ch. 127, par. 55f)

16 Sec. 3. The Director may, in conformity with the Personnel  
17 Code, employ such inspectors, physicians, pharmacists,  
18 chemists, clerical and other employees as are necessary to  
19 carry out the duties of the Illinois State Police Department.

20 (Source: P.A. 76-442.)

21 (20 ILCS 2620/4) (from Ch. 127, par. 55g)

22 Sec. 4. The Director and the inspectors appointed by him  
23 are conservators of the peace and as such have all the powers

1 possessed by policemen in cities and by sheriffs, except that  
2 they may exercise such powers anywhere in the State, in  
3 enforcing the duties conferred upon the Illinois State Police  
4 ~~Department~~ by Section 2 of this Act.

5 (Source: P.A. 76-442.)

6 (20 ILCS 2620/5) (from Ch. 127, par. 55h)

7 Sec. 5. The Illinois State Police ~~Department~~ shall advise  
8 and inform local and other State law-enforcement officers of  
9 various controlled substances and cannabis law-enforcement  
10 practices and shall establish a central office where local and  
11 other State law-enforcement officers may report controlled  
12 substances and cannabis violations and obtain information  
13 about controlled substances and cannabis violators. Every  
14 local and other State law-enforcement officer shall report any  
15 violation of the controlled substances and cannabis laws of  
16 this State to the Illinois State Police ~~Department~~.

17 (Source: P.A. 77-770.)

18 (20 ILCS 2620/6) (from Ch. 127, par. 55i)

19 Sec. 6. The Illinois ~~Department of~~ State Police is  
20 authorized to establish laboratories for the purpose of  
21 testing of controlled substances and cannabis which are  
22 seized.

23 The Illinois ~~Department of~~ State Police shall formulate,  
24 adopt and put into effect such reasonable rules and

1 regulations as are necessary to carry out the provisions of  
2 this Act.

3 (Source: P.A. 85-1042.)

4 (20 ILCS 2620/7) (from Ch. 127, par. 55j)

5 Sec. 7. Expenditures; evidence; forfeited property.

6 (a) The Director and the inspectors appointed by him, when  
7 authorized by the Director, may expend such sums as the  
8 Director deems necessary in the purchase of controlled  
9 substances and cannabis for evidence and in the employment of  
10 persons to obtain evidence.

11 Such sums to be expended shall be advanced to the officer  
12 who is to make such purchase or employment from funds  
13 appropriated or made available by law for the support or use of  
14 the Illinois State Police ~~Department~~ on vouchers therefor  
15 signed by the Director. The Director and such officers are  
16 authorized to maintain one or more commercial checking  
17 accounts with any State banking corporation or corporations  
18 organized under or subject to the Illinois Banking Act for the  
19 deposit and withdrawal of moneys to be used for the purchase of  
20 evidence and for the employment of persons to obtain evidence;  
21 provided that no check may be written on nor any withdrawal  
22 made from any such account except on the written signatures of  
23 2 persons designated by the Director to write such checks and  
24 make such withdrawals.

25 (b) The Director is authorized to maintain one or more

1 commercial bank accounts with any State banking corporation or  
2 corporations organized under or subject to the Illinois  
3 Banking Act, as now or hereafter amended, for the deposit or  
4 withdrawal of (i) moneys forfeited to the Illinois State  
5 Police Department, including the proceeds of the sale of  
6 forfeited property, as provided in Section 2 of the State  
7 Officers and Employees Money Disposition Act, as now or  
8 hereafter amended, pending disbursement to participating  
9 agencies and deposit of the Illinois State Police's  
10 ~~Department's~~ share as provided in subsection (c), and (ii) all  
11 moneys being held as evidence by the Illinois State Police  
12 ~~Department~~, pending final court disposition; provided that no  
13 check may be written on or any withdrawal made from any such  
14 account except on the written signatures of 2 persons  
15 designated by the Director to write such checks and make such  
16 withdrawals.

17 (c) All moneys received by the Illinois State Police as  
18 their share of forfeited funds (including the proceeds of the  
19 sale of forfeited property) received pursuant to the Drug  
20 Asset Forfeiture Procedure Act, the Cannabis Control Act, the  
21 Illinois Controlled Substances Act, the Methamphetamine  
22 Control and Community Protection Act, the Environmental  
23 Protection Act, or any other Illinois law shall be deposited  
24 into the State Asset Forfeiture Fund, which is hereby created  
25 as an interest-bearing special fund in the State treasury.

26 All moneys received by the Illinois State Police as their



1 share of forfeited funds (including the proceeds of the sale  
2 of forfeited property) received pursuant to federal equitable  
3 sharing transfers shall be deposited into the Federal Asset  
4 Forfeiture Fund, which is hereby created as an  
5 interest-bearing special fund in the State treasury.

6 The moneys deposited into the State Asset Forfeiture Fund  
7 and the Federal Asset Forfeiture Fund shall be appropriated to  
8 the Illinois ~~Department of~~ State Police and may be used by the  
9 Illinois State Police in accordance with law.

10 (Source: P.A. 94-556, eff. 9-11-05.)

11 (20 ILCS 2620/8) (from Ch. 127, par. 55k)

12 Sec. 8. The Attorney General, upon the request of the  
13 Illinois State Police ~~Department~~, shall prosecute any  
14 violation of this Act, and of the Illinois Controlled  
15 Substances Act, the Cannabis Control Act, and the  
16 Methamphetamine Control and Community Protection Act.

17 (Source: P.A. 94-556, eff. 9-11-05.)

18 Section 215. The Volunteer Firefighting Rescue Unit Use  
19 Act is amended by changing the title of the Act and Sections 1,  
20 2, 3, and 4 as follows:

21 (20 ILCS 2625/Act title)

22 An Act relating to the use of rescue units of volunteer  
23 fire fighting organizations by the Illinois ~~Department of~~

1 State Police and making an appropriation therefor.

2 (20 ILCS 2625/1) (from Ch. 127, par. 289)

3 Sec. 1. As used in this Act, unless the context otherwise  
4 requires, the following terms have the following meanings:

5 ~~Department means the Department of State Police;~~

6 Rescue unit means a unit of an unpaid volunteer fire  
7 fighting organization which is specially trained for emergency  
8 rescue work such as resuscitation of heart attack, drowning,  
9 suffocation or epilepsy victims, recovery of bodies of  
10 drowning victims and similar activities;

11 District means a geographical area designated by the  
12 Illinois State Police ~~Department~~ for administration of laws by  
13 the Division of Fire Prevention of the Illinois State Police  
14 ~~Department~~.

15 (Source: P.A. 84-25.)

16 (20 ILCS 2625/2) (from Ch. 127, par. 290)

17 Sec. 2. The Illinois State Police ~~Department~~ may request  
18 the cooperation and use of facilities of any rescue unit to aid  
19 it when engaged in any activity designed to save human life or  
20 to recover the body of a victim. Such a request shall be  
21 directed to a rescue unit or units located within the district  
22 where the rescue work is to be performed. If there is no rescue  
23 unit located within the district or if there are not  
24 sufficient rescue units therein to perform the required work,

1 requests may be directed to rescue units located in other  
2 districts.

3 (Source: Laws 1953, p. 178.)

4 (20 ILCS 2625/3) (from Ch. 127, par. 291)

5 Sec. 3. When the Illinois State Police ~~Department~~ requests  
6 the services of a rescue unit it shall pay the personnel of  
7 such unit for time actually spent in rescue work at the rate of  
8 \$2.50 per hour.

9 (Source: Laws 1953, p. 178.)

10 (20 ILCS 2625/4) (from Ch. 127, par. 292)

11 Sec. 4. If any equipment of a volunteer fire fighting  
12 organization is lost or damaged while its rescue unit is  
13 engaged in rescue work at the request of the Illinois State  
14 Police ~~Department~~, it shall be reimbursed by the State of  
15 Illinois. A claim for such reimbursement may be filed with the  
16 Court of Claims.

17 (Source: Laws 1953, p. 178.)

18 Section 220. The Criminal Identification Act is amended by  
19 changing Sections 1, 2, 2.1, 2.2, 3, 3.1, 3.3, 4, 5, 7, 7.5, 8,  
20 9, 9.5, 10, 13, and 14 as follows:

21 (20 ILCS 2630/1) (from Ch. 38, par. 206-1)

22 Sec. 1. The Illinois ~~Department~~ of State Police

1 ~~hereinafter referred to as the "Department",~~ is hereby  
2 empowered to cope with the task of criminal identification and  
3 investigation.

4 The Director of the Illinois ~~Department of~~ State Police  
5 shall, from time to time, appoint such employees or assistants  
6 as may be necessary to carry out this work. Employees or  
7 assistants so appointed shall receive salaries subject to the  
8 standard pay plan provided for in the ~~"Personnel Code",~~  
9 ~~approved July 18, 1955, as amended.~~

10 (Source: P.A. 84-25.)

11 (20 ILCS 2630/2) (from Ch. 38, par. 206-2)

12 Sec. 2. The Illinois State Police ~~Department~~ shall procure  
13 and file for record, as far as can be procured from any source,  
14 photographs, all plates, outline pictures, measurements,  
15 descriptions and information of all persons who have been  
16 arrested on a charge of violation of a penal statute of this  
17 State and such other information as is necessary and helpful  
18 to plan programs of crime prevention, law enforcement and  
19 criminal justice, and aid in the furtherance of those  
20 programs.

21 (Source: P.A. 76-444.)

22 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

23 Sec. 2.1. For the purpose of maintaining complete and  
24 accurate criminal records of the Illinois ~~Department of~~ State

1 Police, it is necessary for all policing bodies of this State,  
2 the clerk of the circuit court, the Illinois Department of  
3 Corrections, the sheriff of each county, and State's Attorney  
4 of each county to submit certain criminal arrest, charge, and  
5 disposition information to the Illinois State Police  
6 ~~Department~~ for filing at the earliest time possible. Unless  
7 otherwise noted herein, it shall be the duty of all policing  
8 bodies of this State, the clerk of the circuit court, the  
9 Illinois Department of Corrections, the sheriff of each  
10 county, and the State's Attorney of each county to report such  
11 information as provided in this Section, both in the form and  
12 manner required by the Illinois State Police ~~Department~~ and  
13 within 30 days of the criminal history event. Specifically:

14 (a) Arrest Information. All agencies making arrests  
15 for offenses which are required by statute to be  
16 collected, maintained or disseminated by the Illinois  
17 ~~Department~~ of State Police shall be responsible for  
18 furnishing daily to the Illinois State Police ~~Department~~  
19 fingerprints, charges and descriptions of all persons who  
20 are arrested for such offenses. All such agencies shall  
21 also notify the Illinois State Police ~~Department~~ of all  
22 decisions by the arresting agency not to refer such  
23 arrests for prosecution. With approval of the Illinois  
24 State Police ~~Department~~, an agency making such arrests may  
25 enter into arrangements with other agencies for the  
26 purpose of furnishing daily such fingerprints, charges and

1 descriptions to the Illinois State Police ~~Department~~ upon  
2 its behalf.

3 (b) Charge Information. The State's Attorney of each  
4 county shall notify the Illinois State Police ~~Department~~  
5 of all charges filed and all petitions filed alleging that  
6 a minor is delinquent, including all those added  
7 subsequent to the filing of a case, and whether charges  
8 were not filed in cases for which the Illinois State  
9 Police ~~Department~~ has received information required to be  
10 reported pursuant to paragraph (a) of this Section. With  
11 approval of the Illinois State Police ~~Department~~, the  
12 State's Attorney may enter into arrangements with other  
13 agencies for the purpose of furnishing the information  
14 required by this subsection (b) to the Illinois State  
15 Police ~~Department~~ upon the State's Attorney's behalf.

16 (c) Disposition Information. The clerk of the circuit  
17 court of each county shall furnish the Illinois State  
18 Police ~~Department~~, in the form and manner required by the  
19 Supreme Court, with all final dispositions of cases for  
20 which the Illinois State Police ~~Department~~ has received  
21 information required to be reported pursuant to paragraph  
22 (a) or (d) of this Section. Such information shall  
23 include, for each charge, all (1) judgments of not guilty,  
24 judgments of guilty including the sentence pronounced by  
25 the court with statutory citations to the relevant  
26 sentencing provision, findings that a minor is delinquent

1 and any sentence made based on those findings, discharges  
2 and dismissals in the court; (2) reviewing court orders  
3 filed with the clerk of the circuit court which reverse or  
4 remand a reported conviction or findings that a minor is  
5 delinquent or that vacate or modify a sentence or sentence  
6 made following a trial that a minor is delinquent; (3)  
7 continuances to a date certain in furtherance of an order  
8 of supervision granted under Section 5-6-1 of the Unified  
9 Code of Corrections or an order of probation granted under  
10 Section 10 of the Cannabis Control Act, Section 410 of the  
11 Illinois Controlled Substances Act, Section 70 of the  
12 Methamphetamine Control and Community Protection Act,  
13 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
14 the Criminal Code of 1961 or the Criminal Code of 2012,  
15 Section 10-102 of the Illinois Alcoholism and Other Drug  
16 Dependency Act, Section 40-10 of the Substance Use  
17 Disorder Act, Section 10 of the Steroid Control Act, or  
18 Section 5-615 of the Juvenile Court Act of 1987; and (4)  
19 judgments or court orders terminating or revoking a  
20 sentence to or juvenile disposition of probation,  
21 supervision or conditional discharge and any resentencing  
22 or new court orders entered by a juvenile court relating  
23 to the disposition of a minor's case involving delinquency  
24 after such revocation.

25 (d) Fingerprints After Sentencing.

26 (1) After the court pronounces sentence, sentences

1 a minor following a trial in which a minor was found to  
2 be delinquent or issues an order of supervision or an  
3 order of probation granted under Section 10 of the  
4 Cannabis Control Act, Section 410 of the Illinois  
5 Controlled Substances Act, Section 70 of the  
6 Methamphetamine Control and Community Protection Act,  
7 Section 12-4.3 or subdivision (b)(1) of Section  
8 12-3.05 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012, Section 10-102 of the Illinois  
10 Alcoholism and Other Drug Dependency Act, Section  
11 40-10 of the Substance Use Disorder Act, Section 10 of  
12 the Steroid Control Act, or Section 5-615 of the  
13 Juvenile Court Act of 1987 for any offense which is  
14 required by statute to be collected, maintained, or  
15 disseminated by the Illinois Department of State  
16 Police, the State's Attorney of each county shall ask  
17 the court to order a law enforcement agency to  
18 fingerprint immediately all persons appearing before  
19 the court who have not previously been fingerprinted  
20 for the same case. The court shall so order the  
21 requested fingerprinting, if it determines that any  
22 such person has not previously been fingerprinted for  
23 the same case. The law enforcement agency shall submit  
24 such fingerprints to the Illinois State Police  
25 ~~Department~~ daily.

26 (2) After the court pronounces sentence or makes a



1 disposition of a case following a finding of  
2 delinquency for any offense which is not required by  
3 statute to be collected, maintained, or disseminated  
4 by the Illinois ~~Department of~~ State Police, the  
5 prosecuting attorney may ask the court to order a law  
6 enforcement agency to fingerprint immediately all  
7 persons appearing before the court who have not  
8 previously been fingerprinted for the same case. The  
9 court may so order the requested fingerprinting, if it  
10 determines that any so sentenced person has not  
11 previously been fingerprinted for the same case. The  
12 law enforcement agency may retain such fingerprints in  
13 its files.

14 (e) Corrections Information. The Illinois Department  
15 of Corrections and the sheriff of each county shall  
16 furnish the Illinois State Police ~~Department~~ with all  
17 information concerning the receipt, escape, execution,  
18 death, release, pardon, parole, commutation of sentence,  
19 granting of executive clemency or discharge of an  
20 individual who has been sentenced or committed to the  
21 agency's custody for any offenses which are mandated by  
22 statute to be collected, maintained or disseminated by the  
23 Illinois ~~Department of~~ State Police. For an individual who  
24 has been charged with any such offense and who escapes  
25 from custody or dies while in custody, all information  
26 concerning the receipt and escape or death, whichever is

1 appropriate, shall also be so furnished to the Illinois  
2 State Police Department.

3 (Source: P.A. 100-3, eff. 1-1-18; 100-759, eff. 1-1-19.)

4 (20 ILCS 2630/2.2)

5 Sec. 2.2. Notification to the Illinois State Police  
6 ~~Department~~. Upon judgment of conviction of a violation of  
7 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 when the  
9 defendant has been determined, pursuant to Section 112A-11.1  
10 of the Code of Criminal Procedure of 1963, to be subject to the  
11 prohibitions of 18 U.S.C. 922(g)(9), the circuit court clerk  
12 shall include notification and a copy of the written  
13 determination in a report of the conviction to the Illinois  
14 ~~Department of State Police~~ Firearm Owner's Identification Card  
15 Office to enable the office to perform its duties under  
16 Sections 4 and 8 of the Firearm Owners Identification Card Act  
17 and to report that determination to the Federal Bureau of  
18 Investigation to assist the Bureau in identifying persons  
19 prohibited from purchasing and possessing a firearm pursuant  
20 to the provisions of 18 U.S.C. 922. The written determination  
21 described in this Section shall be included in the defendant's  
22 record of arrest and conviction in the manner and form  
23 prescribed by the Illinois Department of State Police.

24 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 (20 ILCS 2630/3) (from Ch. 38, par. 206-3)

2 Sec. 3. Information to be furnished peace officers and  
3 commanding officers of certain military installations in  
4 Illinois.

5 (A) The Illinois State Police ~~Department~~ shall file or  
6 cause to be filed all plates, photographs, outline pictures,  
7 measurements, descriptions and information which shall be  
8 received by it by virtue of its office and shall make a  
9 complete and systematic record and index of the same,  
10 providing thereby a method of convenient reference and  
11 comparison. The Illinois State Police ~~Department~~ shall  
12 furnish, upon application, all information pertaining to the  
13 identification of any person or persons, a plate, photograph,  
14 outline picture, description, measurements, or any data of  
15 which there is a record in its office. Such information shall  
16 be furnished to peace officers of the United States, of other  
17 states or territories, of the Insular possessions of the  
18 United States, of foreign countries duly authorized to receive  
19 the same, to all peace officers of the State of Illinois, to  
20 investigators of the Illinois Law Enforcement Training  
21 Standards Board and, conviction information only, to units of  
22 local government, school districts, private organizations, and  
23 requesting institutions as defined in Section 2605-345 of the  
24 Illinois ~~Department of~~ State Police Law under the provisions  
25 of Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75,  
26 ~~2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130,~~

1 ~~2605-140,~~ 2605-190, 2605-200, 2605-205, 2605-210, 2605-215,  
2 2605-250, 2605-275, ~~2605-300,~~ 2605-305, 2605-315, 2605-325,  
3 2605-335, 2605-340, 2605-345, 2605-350, 2605-355, 2605-360,  
4 2605-365, 2605-375, ~~2605-390,~~ 2605-400, 2605-405, 2605-420,  
5 2605-430, 2605-435, ~~2605-500,~~ 2605-525, or 2605-550 of the  
6 Illinois ~~Department of State Police Law (20 ILCS 2605/2605 10,~~  
7 ~~2605/2605 15, 2605/2605 75, 2605/2605 100, 2605/2605 105,~~  
8 ~~2605/2605 110, 2605/2605 115, 2605/2605 120, 2605/2605 130,~~  
9 ~~2605/2605 140, 2605/2605 190, 2605/2605 200, 2605/2605 205,~~  
10 ~~2605/2605 210, 2605/2605 215, 2605/2605 250, 2605/2605 275,~~  
11 ~~2605/2605 300, 2605/2605 305, 2605/2605 315, 2605/2605 325,~~  
12 ~~2605/2605 335, 2605/2605 340, 2605/2605 350, 2605/2605 355,~~  
13 ~~2605/2605 360, 2605/2605 365, 2605/2605 375, 2605/2605 390,~~  
14 ~~2605/2605 400, 2605/2605 405, 2605/2605 420, 2605/2605 430,~~  
15 ~~2605/2605 435, 2605/2605 500, 2605/2605 525, or~~  
16 ~~2605/2605 550).~~ Applications shall be in writing and  
17 accompanied by a certificate, signed by the peace officer or  
18 chief administrative officer or his designee making such  
19 application, to the effect that the information applied for is  
20 necessary in the interest of and will be used solely in the due  
21 administration of the criminal laws or for the purpose of  
22 evaluating the qualifications and character of employees,  
23 prospective employees, volunteers, or prospective volunteers  
24 of units of local government, school districts, and private  
25 organizations, or for the purpose of evaluating the character  
26 of persons who may be granted or denied access to municipal

1 utility facilities under Section 11-117.1-1 of the Illinois  
2 Municipal Code.

3 For the purposes of this subsection, "chief administrative  
4 officer" is defined as follows:

5 a) The city manager of a city or, if a city does not  
6 employ a city manager, the mayor of the city.

7 b) The manager of a village or, if a village does not  
8 employ a manager, the president of the village.

9 c) The chairman or president of a county board or, if a  
10 county has adopted the county executive form of  
11 government, the chief executive officer of the county.

12 d) The president of the school board of a school  
13 district.

14 e) The supervisor of a township.

15 f) The official granted general administrative control  
16 of a special district, an authority, or organization of  
17 government establishment by law which may issue  
18 obligations and which either may levy a property tax or  
19 may expend funds of the district, authority, or  
20 organization independently of any parent unit of  
21 government.

22 g) The executive officer granted general  
23 administrative control of a private organization defined  
24 in Section 2605-335 of the Illinois ~~Department of State~~  
25 Police Law ~~(20 ILCS 2605/2605-335)~~.

26 (B) Upon written application and payment of fees

1 authorized by this subsection, State agencies and units of  
2 local government, not including school districts, are  
3 authorized to submit fingerprints of employees, prospective  
4 employees and license applicants to the Illinois State Police  
5 ~~Department~~ for the purpose of obtaining conviction information  
6 maintained by the Illinois State Police ~~Department~~ and the  
7 Federal Bureau of Investigation about such persons. The  
8 Illinois State Police ~~Department~~ shall submit such  
9 fingerprints to the Federal Bureau of Investigation on behalf  
10 of such agencies and units of local government. The Illinois  
11 State Police ~~Department~~ shall charge an application fee, based  
12 on actual costs, for the dissemination of conviction  
13 information pursuant to this subsection. The Illinois State  
14 Police ~~Department~~ is empowered to establish this fee and shall  
15 prescribe the form and manner for requesting and furnishing  
16 conviction information pursuant to this subsection.

17 (C) Upon payment of fees authorized by this subsection,  
18 the Illinois State Police ~~Department~~ shall furnish to the  
19 commanding officer of a military installation in Illinois  
20 having an arms storage facility, upon written request of such  
21 commanding officer or his designee, and in the form and manner  
22 prescribed by the Illinois State Police ~~Department~~, all  
23 criminal history record information pertaining to any  
24 individual seeking access to such a storage facility, where  
25 such information is sought pursuant to a federally-mandated  
26 security or criminal history check.

1           The Illinois State Police ~~Department~~ shall establish and  
2 charge a fee, not to exceed actual costs, for providing  
3 information pursuant to this subsection.

4           (Source: P.A. 97-1120, eff. 1-1-13.)

5           (20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

6           Sec. 3.1. (a) The Illinois State Police ~~Department~~ may  
7 furnish, pursuant to positive identification, records of  
8 convictions to the Department of Professional Regulation for  
9 the purpose of meeting registration or licensure requirements  
10 under the Private Detective, Private Alarm, Private Security,  
11 Fingerprint Vendor, and Locksmith Act of 2004.

12           (b) The Illinois State Police ~~Department~~ may furnish,  
13 pursuant to positive identification, records of convictions to  
14 policing bodies of this State for the purpose of assisting  
15 local liquor control commissioners in carrying out their duty  
16 to refuse to issue licenses to persons specified in paragraphs  
17 (4), (5) and (6) of Section 6-2 of the Liquor Control Act of  
18 1934.

19           (c) The Illinois State Police ~~Department~~ shall charge an  
20 application fee, based on actual costs, for the dissemination  
21 of records pursuant to this Section. Fees received for the  
22 dissemination of records pursuant to this Section shall be  
23 deposited in the State Police Services Fund. The Illinois  
24 State Police ~~Department~~ is empowered to establish this fee and  
25 to prescribe the form and manner for requesting and furnishing

1 conviction information pursuant to this Section.

2 (d) Any dissemination of any information obtained pursuant  
3 to this Section to any person not specifically authorized  
4 hereby to receive or use it for the purpose for which it was  
5 disseminated shall constitute a violation of Section 7.

6 (Source: P.A. 95-613, eff. 9-11-07.)

7 (20 ILCS 2630/3.3)

8 Sec. 3.3. Federal Rap Back Service.

9 (a) In this Section:

10 "National criminal history record check" means a check of  
11 criminal history records entailing the fingerprinting of the  
12 person and submission of the fingerprints to the United States  
13 Federal Bureau of Investigation for the purpose of obtaining  
14 the national criminal history record of the person from the  
15 Federal Bureau of Investigation.

16 "Rap Back Service" means the system that enables an  
17 authorized agency or entity to receive ongoing status  
18 notifications of any criminal history from the Illinois  
19 ~~Department of~~ State Police or the Federal Bureau of  
20 Investigation reported on a person whose fingerprints are  
21 registered in the system, after approval and implementation of  
22 the system.

23 (b) Agencies and entities in this State authorized by law  
24 to conduct or obtain national criminal history background  
25 checks for persons shall be eligible to participate in the



1 Federal Rap Back Service administered by the Illinois  
2 ~~Department of~~ State Police. The Illinois ~~Department of~~ State  
3 Police may submit fingerprints to the Federal Bureau of  
4 Investigation Rap Back Service to be retained in the Federal  
5 Bureau of Investigation Rap Back Service for the purpose of  
6 being searched by future submissions to the Federal Bureau of  
7 Investigation Rap Back Service, including latent fingerprint  
8 searches and to collect all Federal Rap Back Service fees from  
9 eligible agencies and entities wishing to participate in the  
10 Rap Back Service and remit those fees to the Federal Bureau of  
11 Investigation.

12 (c) The Illinois ~~Department of~~ State Police may adopt any  
13 rules necessary for implementation of this Section.

14 (Source: P.A. 100-718, eff. 1-1-19.)

15 (20 ILCS 2630/4) (from Ch. 38, par. 206-4)

16 Sec. 4. The Illinois State Police ~~Department~~ may use the  
17 following systems of identification: the Bertillon system, the  
18 fingerprint ~~finger print~~ system, and any system of measurement  
19 or identification that may be adopted by law or rule in the  
20 various penal institutions or bureaus of identification  
21 wherever located.

22 The Illinois State Police ~~Department~~ shall make a record  
23 consisting of duplicates of all measurements, processes,  
24 operations, signaletic ~~signalletic~~ cards, plates, photographs,  
25 outline pictures, measurements, descriptions of and data

1 relating to all persons confined in penal institutions  
2 wherever located, so far as the same are obtainable, in  
3 accordance with whatever system or systems may be found most  
4 efficient and practical.

5 (Source: P.A. 98-756, eff. 7-16-14.)

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 Sec. 5. Arrest reports. All policing bodies of this State  
8 shall furnish to the Illinois State Police Department, daily,  
9 in the form and detail the Illinois State Police Department  
10 requires, fingerprints, descriptions, and ethnic and racial  
11 background data as provided in Section 4.5 of this Act of all  
12 persons who are arrested on charges of violating any penal  
13 statute of this State for offenses that are classified as  
14 felonies and Class A or B misdemeanors and of all minors of the  
15 age of 10 and over who have been arrested for an offense which  
16 would be a felony if committed by an adult, and may forward  
17 such fingerprints and descriptions for minors arrested for  
18 Class A or B misdemeanors. Moving or nonmoving traffic  
19 violations under the Illinois Vehicle Code shall not be  
20 reported except for violations of Chapter 4, Section 11-204.1,  
21 or Section 11-501 of that Code. In addition, conservation  
22 offenses, as defined in the Supreme Court Rule 501(c), that  
23 are classified as Class B misdemeanors shall not be reported.  
24 Those law enforcement records maintained by the Illinois State  
25 Police Department for minors arrested for an offense prior to

1 their 17th birthday, or minors arrested for a non-felony  
2 offense, if committed by an adult, prior to their 18th  
3 birthday, shall not be forwarded to the Federal Bureau of  
4 Investigation unless those records relate to an arrest in  
5 which a minor was charged as an adult under any of the transfer  
6 provisions of the Juvenile Court Act of 1987.

7 (Source: P.A. 98-528, eff. 1-1-15.)

8 (20 ILCS 2630/7) (from Ch. 38, par. 206-7)

9 Sec. 7. No file or record of the Illinois State Police  
10 ~~Department~~ hereby created shall be made public, except as  
11 provided in the "Illinois Uniform Conviction Information Act"  
12 or other Illinois law or as may be necessary in the  
13 identification of persons suspected or accused of crime and in  
14 their trial for offenses committed after having been  
15 imprisoned for a prior offense; and no information of any  
16 character relating to its records shall be given or furnished  
17 by the Illinois State Police ~~said Department~~ to any person,  
18 bureau or institution other than as provided in this Act or  
19 other State law, or when a governmental unit is required by  
20 state or federal law to consider such information in the  
21 performance of its duties. Violation of this Section shall  
22 constitute a Class A misdemeanor.

23 However, if an individual requests the Illinois State  
24 Police ~~Department~~ to release information as to the existence  
25 or nonexistence of any criminal record he might have, the

1 Illinois State Police ~~Department~~ shall do so upon determining  
2 that the person for whom the record is to be released is  
3 actually the person making the request. The Illinois State  
4 Police ~~Department~~ shall establish reasonable fees and rules to  
5 allow an individual to review and correct any criminal history  
6 record information the Illinois State Police ~~Department~~ may  
7 hold concerning that individual upon verification of the  
8 identity of the individual. Such rulemaking is subject to the  
9 provisions of the Illinois Administrative Procedure Act.

10 (Source: P.A. 85-922.)

11 (20 ILCS 2630/7.5)

12 Sec. 7.5. Notification of outstanding warrant. If the  
13 existence of an outstanding arrest warrant is identified by  
14 the Illinois ~~Department of~~ State Police in connection with the  
15 criminal history background checks conducted pursuant to  
16 subsection (b) of Section 2-201.5 of the Nursing Home Care  
17 Act, Section 2-201.5 of the ID/DD Community Care Act, Section  
18 2-201.5 of the MC/DD Act, or subsection (d) of Section 6.09 of  
19 the Hospital Licensing Act, the Illinois State Police  
20 ~~Department~~ shall notify the jurisdiction issuing the warrant  
21 of the following:

22 (1) Existence of the warrant.

23 (2) The name, address, and telephone number of the  
24 licensed long term care facility in which the wanted  
25 person resides.

1 Local issuing jurisdictions shall be aware that nursing  
2 facilities have residents who may be fragile or vulnerable or  
3 who may have a mental illness. When serving a warrant, law  
4 enforcement shall make every attempt to mitigate the adverse  
5 impact on other facility residents.

6 (Source: P.A. 99-180, eff. 7-29-15.)

7 (20 ILCS 2630/8) (from Ch. 38, par. 206-8)

8 Sec. 8. Crime statistics; sex offenders.

9 (a) The Illinois State Police ~~Department~~ shall be a  
10 central repository and custodian of crime statistics for the  
11 State and it shall have all power incident thereto to carry out  
12 the purposes of this Act, including the power to demand and  
13 receive cooperation in the submission of crime statistics from  
14 all units of government. On an annual basis, the Illinois  
15 Criminal Justice Information Authority shall make available  
16 compilations published by the Authority of crime statistics  
17 required to be reported by each policing body of the State, the  
18 clerks of the circuit court of each county, the Illinois  
19 Department of Corrections, the Sheriff of each county, and the  
20 State's Attorney of each county, including, but not limited  
21 to, criminal arrest, charge and disposition information.

22 (b) The Illinois State Police ~~Department~~ shall develop  
23 information relating to the number of sex offenders and sexual  
24 predators as defined in Section 2 of the Sex Offender  
25 Registration Act who are placed on parole, mandatory

1 supervised release, or extended mandatory supervised release  
2 and who are subject to electronic monitoring.

3 (Source: P.A. 94-988, eff. 1-1-07.)

4 (20 ILCS 2630/9) (from Ch. 38, par. 206-9)

5 Sec. 9. (a) Every county medical examiner and coroner  
6 shall, in every death investigation where the identity of a  
7 dead body cannot be determined by visual means, fingerprints,  
8 or other identifying data, have a qualified dentist, as  
9 determined by the county medical examiner or coroner, conduct  
10 a dental examination of the dead body. If the county medical  
11 examiner or coroner, with the aid of the dental examination  
12 and other identifiers, is still unable to establish the  
13 identity of the dead body, the medical examiner or coroner  
14 shall forthwith submit the dental records to the Illinois  
15 State Police Department.

16 (b) If a person reported missing has not been found within  
17 30 days, the law enforcement agency to whom the person was  
18 reported missing shall, within the next 5 days, make all  
19 necessary efforts to locate and request from the family or  
20 next of kin of the missing person written consent to contact  
21 and receive from the dentist of the missing person that  
22 person's dental records and shall forthwith make every  
23 reasonable effort to acquire such records. Within 5 days of  
24 the receipt of the missing person's dental records, the law  
25 enforcement agency shall submit such records to the Illinois

1 State Police Department.

2 (c) The Illinois State Police Department shall be the  
3 State central repository for all dental records submitted  
4 pursuant to this Section. The Illinois State Police Department  
5 may promulgate rules for the form and manner of submission of  
6 dental records, reporting of the location or identification of  
7 persons for whom dental records have been submitted and other  
8 procedures for program operations.

9 (d) When a person who has been reported missing is located  
10 and that person's dental records have been submitted to the  
11 Illinois State Police Department, the law enforcement agency  
12 which submitted that person's dental records to the Illinois  
13 State Police Department shall report that fact to the Illinois  
14 State Police Department and the Illinois State Police  
15 Department shall expunge the dental records of that person  
16 from the Illinois State Police's Department's file. The  
17 Illinois State Police Department shall also expunge from its  
18 files the dental records of those dead and missing persons who  
19 are positively identified as a result of comparisons made with  
20 its files, the files maintained by other states, territories,  
21 insular possessions of the United States, or the United  
22 States.

23 (Source: P.A. 84-255.)

24 (20 ILCS 2630/9.5)

25 Sec. 9.5. Material for DNA fingerprint analysis. Every

1 county medical examiner and coroner shall provide to the  
2 Illinois State Police ~~Department~~ a sample of dried blood and  
3 buccal specimens (tissue may be submitted if no uncontaminated  
4 blood or buccal specimens can be obtained) from a dead body for  
5 DNA fingerprint analysis if the Illinois State Police  
6 ~~Department~~ notifies the medical examiner or coroner that the  
7 Illinois State Police ~~Department~~ has determined that providing  
8 that sample may be useful for law enforcement purposes in a  
9 criminal investigation. In addition, if a local law  
10 enforcement agency notifies a county medical examiner or  
11 coroner that such a sample would be useful in a criminal  
12 examination, the county medical examiner or coroner shall  
13 provide a sample to the local law enforcement agency for  
14 submission to the Illinois State Police ~~Department~~.

15 (Source: P.A. 95-500, eff. 1-1-08.)

16 (20 ILCS 2630/10) (from Ch. 38, par. 206-10)

17 Sec. 10. Judicial Remedies. The Attorney General or a  
18 State's Attorney may bring suit in the circuit courts to  
19 prevent and restrain violations of the Illinois Uniform  
20 Conviction Information Act, enacted by the 85th General  
21 Assembly and to enforce the reporting provisions of Section  
22 2.1 of this Act. The Illinois ~~Department of~~ State Police may  
23 request the Attorney General to bring any such action  
24 authorized by this subsection.

25 (Source: P.A. 85-922.)



1 (20 ILCS 2630/13)

2 Sec. 13. Retention and release of sealed records.

3 (a) The Illinois ~~Department of~~ State Police shall retain  
4 records sealed under subsection (c) or (e-5) of Section 5.2 or  
5 impounded under subparagraph (B) or (B-5) of paragraph (9) of  
6 subsection (d) of Section 5.2 and shall release them only as  
7 authorized by this Act. Felony records sealed under subsection  
8 (c) or (e-5) of Section 5.2 or impounded under subparagraph  
9 (B) or (B-5) of paragraph (9) of subsection (d) of Section 5.2  
10 shall be used and disseminated by the Illinois State Police  
11 ~~Department~~ only as otherwise specifically required or  
12 authorized by a federal or State law, rule, or regulation that  
13 requires inquiry into and release of criminal records,  
14 including, but not limited to, subsection (A) of Section 3 of  
15 this Act. However, all requests for records that have been  
16 expunged, sealed, and impounded and the use of those records  
17 are subject to the provisions of Section 2-103 of the Illinois  
18 Human Rights Act. Upon conviction for any offense, the  
19 Department of Corrections shall have access to all sealed  
20 records of the Illinois State Police ~~Department~~ pertaining to  
21 that individual.

22 (b) Notwithstanding the foregoing, all sealed or impounded  
23 records are subject to inspection and use by the court and  
24 inspection and use by law enforcement agencies and State's  
25 Attorneys or other prosecutors in carrying out the duties of

1 their offices.

2 (c) The sealed or impounded records maintained under  
3 subsection (a) are exempt from disclosure under the Freedom of  
4 Information Act.

5 (d) The Illinois ~~Department of~~ State Police shall commence  
6 the sealing of records of felony arrests and felony  
7 convictions pursuant to the provisions of subsection (c) of  
8 Section 5.2 of this Act no later than one year from the date  
9 that funds have been made available for purposes of  
10 establishing the technologies necessary to implement the  
11 changes made by this amendatory Act of the 93rd General  
12 Assembly.

13 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;  
14 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

15 (20 ILCS 2630/14)

16 Sec. 14. Expungement Backlog Accountability Law.

17 (a) On or before August 1 of each year, the Illinois  
18 ~~Department of~~ State Police shall report to the Governor, the  
19 Attorney General, the Office of the State Appellate Defender,  
20 and both houses of the General Assembly the following  
21 information for the previous fiscal year:

22 (1) the number of petitions to expunge received by the  
23 Illinois State Police ~~Department~~;

24 (2) the number of petitions to expunge to which the  
25 Illinois State Police ~~Department~~ objected pursuant to

- 1 subdivision (d) (5) (B) of Section 5.2 of this Act;
- 2 (3) the number of petitions to seal records received
- 3 by the Illinois State Police ~~Department~~;
- 4 (4) the number of petitions to seal records to which
- 5 the Illinois State Police ~~Department~~ objected pursuant to
- 6 subdivision (d) (5) (B) of Section 5.2 of this Act;
- 7 (5) the number of orders to expunge received by the
- 8 Illinois State Police ~~Department~~;
- 9 (6) the number of orders to expunge to which the
- 10 Illinois State Police ~~Department~~ successfully filed a
- 11 motion to vacate, modify or reconsider under paragraph
- 12 (12) of subsection (d) of Section 5.2 of this Act;
- 13 (7) the number of orders to expunge records entered by
- 14 the Illinois State Police ~~Department~~;
- 15 (8) the number of orders to seal records received by
- 16 the Illinois State Police ~~Department~~;
- 17 (9) the number of orders to seal records to which the
- 18 Illinois State Police ~~Department~~ successfully filed a
- 19 motion to vacate, modify or reconsider under paragraph
- 20 (12) of subsection (d) of Section 5.2 of this Act;
- 21 (10) the number of orders to seal records entered by
- 22 the Illinois State Police ~~Department~~;
- 23 (11) the amount of fees received by the Illinois State
- 24 Police ~~Department~~ pursuant to subdivision (d) (10) of
- 25 Section 5.2 of this Act and deposited into the State
- 26 Police Services Fund;

1           (12) the number of orders to expunge or to seal  
2 records received by the Illinois State Police ~~Department~~  
3 that have not been entered as of June 30 of the previous  
4 fiscal year.

5           (b) The information reported under this Section shall be  
6 made available to the public, at the time it is reported, on  
7 the official web site of the Illinois ~~Department of~~ State  
8 Police.

9           (c) Upon request of a State's Attorney or the Attorney  
10 General, the Illinois State Police ~~Department~~ shall provide  
11 within 90 days a list of all orders to expunge or seal with  
12 which the Illinois State Police ~~Department~~ has not yet  
13 complied. This list shall include the date of the order, the  
14 name of the petitioner, the case number, and a detailed  
15 statement of the basis for non-compliance.

16           (Source: P.A. 98-163, eff. 8-5-13.)

17           Section 225. The Illinois Uniform Conviction Information  
18 Act is amended by changing the title of the Act and Sections 2,  
19 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, and 21  
20 as follows:

21           (20 ILCS 2635/Act title)

22           An Act providing for uniform, public access to conviction  
23 records maintained by the Illinois ~~Department of~~ State Police,  
24 amending certain Acts in relation thereto.

1 (20 ILCS 2635/2) (from Ch. 38, par. 1602)

2 Sec. 2. Legislative Findings and Purposes. (A) The  
3 legislature finds and hereby declares that conviction  
4 information maintained by the Illinois ~~Department of~~ State  
5 Police shall be publicly available in the State of Illinois.

6 (B) The purpose of this Act is: (1) to establish uniform  
7 policy for gaining access to and disseminating conviction  
8 information maintained by the State of Illinois; (2) to  
9 establish guidelines and priorities which fully support  
10 effective law enforcement and ongoing criminal investigations  
11 and which ensure that conviction information is made  
12 accessible within appropriate time frames; (3) to ensure the  
13 accuracy and completeness of conviction information in the  
14 State of Illinois; and (4) to establish procedures for  
15 effectively correcting errors and providing individuals with  
16 redress of grievances in the event that inaccurate or  
17 incomplete information may be disseminated about them.

18 (Source: P.A. 85-922.)

19 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

20 Sec. 3. Definitions. Whenever used in this Act, and for  
21 the purposes of this Act, unless the context clearly indicates  
22 otherwise:

23 (A) "Accurate" means factually correct, containing no  
24 mistake or error of a material nature.

1 (B) The phrase "administer the criminal laws" includes any  
2 of the following activities: intelligence gathering,  
3 surveillance, criminal investigation, crime detection and  
4 prevention (including research), apprehension, detention,  
5 pretrial or post-trial release, prosecution, the correctional  
6 supervision or rehabilitation of accused persons or criminal  
7 offenders, criminal identification activities, data analysis  
8 and research done by the sentencing commission, or the  
9 collection, maintenance or dissemination of criminal history  
10 record information.

11 (C) "The Authority" means the Illinois Criminal Justice  
12 Information Authority.

13 (D) "Automated" means the utilization of computers,  
14 telecommunication lines, or other automatic data processing  
15 equipment for data collection or storage, analysis,  
16 processing, preservation, maintenance, dissemination, or  
17 display and is distinguished from a system in which such  
18 activities are performed manually.

19 (E) "Complete" means accurately reflecting all the  
20 criminal history record information about an individual that  
21 is required to be reported to the Illinois State Police  
22 ~~Department~~ pursuant to Section 2.1 of the Criminal  
23 Identification Act.

24 (F) "Conviction information" means data reflecting a  
25 judgment of guilt or nolo contendere. The term includes all  
26 prior and subsequent criminal history events directly relating

1 to such judgments, such as, but not limited to: (1) the  
2 notation of arrest; (2) the notation of charges filed; (3) the  
3 sentence imposed; (4) the fine imposed; and (5) all related  
4 probation, parole, and release information. Information ceases  
5 to be "conviction information" when a judgment of guilt is  
6 reversed or vacated.

7 For purposes of this Act, continuances to a date certain  
8 in furtherance of an order of supervision granted under  
9 Section 5-6-1 of the Unified Code of Corrections or an order of  
10 probation granted under either Section 10 of the Cannabis  
11 Control Act, Section 410 of the Illinois Controlled Substances  
12 Act, Section 70 of the Methamphetamine Control and Community  
13 Protection Act, Section 12-4.3 or subdivision (b)(1) of  
14 Section 12-3.05 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012, Section 10-102 of the Illinois Alcoholism and  
16 Other Drug Dependency Act, Section 40-10 of the Substance Use  
17 Disorder Act, or Section 10 of the Steroid Control Act shall  
18 not be deemed "conviction information".

19 (G) "Criminal history record information" means data  
20 identifiable to an individual, including information collected  
21 under Section 4.5 of the Criminal Identification Act, and  
22 consisting of descriptions or notations of arrests,  
23 detentions, indictments, informations, pretrial proceedings,  
24 trials, or other formal events in the criminal justice system  
25 or descriptions or notations of criminal charges (including  
26 criminal violations of local municipal ordinances) and the

1 nature of any disposition arising therefrom, including  
2 sentencing, court or correctional supervision, rehabilitation  
3 and release. The term does not apply to statistical records  
4 and reports in which individuals are not identified and from  
5 which their identities are not ascertainable, or to  
6 information that is for criminal investigative or intelligence  
7 purposes.

8 (H) "Criminal justice agency" means (1) a government  
9 agency or any subunit thereof which is authorized to  
10 administer the criminal laws and which allocates a substantial  
11 part of its annual budget for that purpose, or (2) an agency  
12 supported by public funds which is authorized as its principal  
13 function to administer the criminal laws and which is  
14 officially designated by the Illinois State Police Department  
15 as a criminal justice agency for purposes of this Act.

16 (I) (Blank). ~~"The Department" means the Illinois~~  
17 ~~Department of State Police.~~

18 (J) "Director" means the Director of the Illinois  
19 ~~Department of State Police.~~

20 (K) "Disseminate" means to disclose or transmit conviction  
21 information in any form, oral, written, or otherwise.

22 (L) "Exigency" means pending danger or the threat of  
23 pending danger to an individual or property.

24 (M) "Non-criminal justice agency" means a State agency,  
25 Federal agency, or unit of local government that is not a  
26 criminal justice agency. The term does not refer to private



1 individuals, corporations, or non-governmental agencies or  
2 organizations.

3 (M-5) "Request" means the submission to the Illinois State  
4 Police Department, in the form and manner required, the  
5 necessary data elements or fingerprints, or both, to allow the  
6 Illinois State Police Department to initiate a search of its  
7 criminal history record information files.

8 (N) "Requester" means any private individual, corporation,  
9 organization, employer, employment agency, labor organization,  
10 or non-criminal justice agency that has made a request  
11 pursuant to this Act to obtain conviction information  
12 maintained in the files of the Illinois Department of State  
13 Police regarding a particular individual.

14 (O) "Statistical information" means data from which the  
15 identity of an individual cannot be ascertained,  
16 reconstructed, or verified and to which the identity of an  
17 individual cannot be linked by the recipient of the  
18 information.

19 (P) "Sentencing commission" means the Sentencing Policy  
20 Advisory Council.

21 (Source: P.A. 99-880, eff. 8-22-16; 100-201, eff. 8-18-17;  
22 100-759, eff. 1-1-19.)

23 (20 ILCS 2635/4) (from Ch. 38, par. 1604)  
24 Sec. 4. Applicability.

25 (A) The provisions of this Act shall apply only to

1 conviction information mandated by statute to be reported to  
2 or to be collected, maintained, or disseminated by the  
3 Illinois ~~Department of~~ State Police.

4 (B) The provisions of this Act shall not apply to  
5 statistical information.

6 (C) In the event of conflict between the application of  
7 this Act and the statutes listed in paragraphs (1), (2), (3),  
8 (4), or (5) below, the statutes listed below, as hereafter  
9 amended, shall control unless specified otherwise:

10 (1) The Juvenile Court Act of 1987; or

11 (2) Section 5-3-4 of the Unified Code of Corrections;

12 or

13 (3) Paragraph (4) of Section 12 of the Probation and  
14 Probation Officers Act; or

15 (4) Section 2.1 of the Criminal Identification Act; or

16 (5) The Pretrial Services Act.

17 (Source: P.A. 89-198, eff. 7-21-95; 89-626, eff. 8-9-96.)

18 (20 ILCS 2635/5) (from Ch. 38, par. 1605)

19 Sec. 5. Public Availability of Conviction Information. All  
20 conviction information mandated by statute to be collected and  
21 maintained by the Illinois ~~Department of~~ State Police shall be  
22 open to public inspection in the State of Illinois. All  
23 persons, state agencies and units of local government shall  
24 have access to inspect, examine and reproduce such  
25 information, in accordance with this Act, and shall have the

1 right to take memoranda and abstracts concerning such  
2 information, except to the extent that the provisions of this  
3 Act or other Illinois statutes might create specific  
4 restrictions on the use or disclosure of such information.

5 (Source: P.A. 85-922.)

6 (20 ILCS 2635/6) (from Ch. 38, par. 1606)

7 Sec. 6. Dissemination Time Frames and Priorities. (A) The  
8 Illinois State Police's ~~Department's~~ duty and obligation to  
9 furnish criminal history record information to peace officers  
10 and criminal justice agencies shall take precedence over any  
11 requirement of this Act to furnish conviction information to  
12 non-criminal justice agencies or to the public. When, in the  
13 judgment of the Director, such duties and obligations are  
14 being fulfilled in a timely manner, the Illinois State Police  
15 ~~Department~~ shall furnish conviction information to requesters  
16 in accordance with the provisions of this Act. The Illinois  
17 State Police ~~Department~~ may give priority to requests for  
18 conviction information from non-criminal justice agencies over  
19 other requests submitted pursuant to this Act.

20 (B) The Illinois State Police ~~Department~~ shall attempt to  
21 honor requests for conviction information made pursuant to  
22 this Act in the shortest time possible. Subject to the  
23 dissemination priorities of subsection (A) of this Section,  
24 the Illinois State Police ~~Department~~ shall respond to a  
25 request for conviction information within 2 weeks from receipt

1 of a request.

2 (Source: P.A. 85-922.)

3 (20 ILCS 2635/7) (from Ch. 38, par. 1607)

4 Sec. 7. Restrictions on the Use of Conviction Information.

5 (A) The following provisions shall apply to requests  
6 submitted pursuant to this Act for employment or licensing  
7 purposes or submitted to comply with the provisions of  
8 subsection (B) of this Section:

9 (1) A requester shall, in the form and manner  
10 prescribed by the Illinois State Police ~~Department~~, submit  
11 a request to the Illinois State Police ~~Department~~, and  
12 maintain on file for at least 2 years a release signed by  
13 the individual to whom the information request pertains.  
14 The Illinois State Police ~~Department~~ shall furnish the  
15 requester with a copy of its response.

16 (2) Each requester of conviction information furnished  
17 by the Illinois State Police ~~Department~~ shall provide the  
18 individual named in the request with a copy of the  
19 response furnished by the Illinois State Police  
20 ~~Department~~. Within 7 working days of receipt of such copy,  
21 the individual shall have the obligation and  
22 responsibility to notify the requester if the information  
23 is inaccurate or incomplete.

24 (3) Unless notified by the individual named in the  
25 request or by the Illinois State Police ~~Department~~ that

1 the information furnished is inaccurate or incomplete, no  
2 requester of conviction information shall be liable for  
3 damages to any person to whom the information pertains for  
4 actions the requester may reasonably take in reliance on  
5 the accuracy and completeness of conviction information  
6 received from the Illinois State Police Department  
7 pursuant to this act, if: (a) the requester in good faith  
8 believes the conviction information furnished by the  
9 Illinois State Police Department to be accurate and  
10 complete; (b) the requester has complied with the  
11 requirements of paragraphs (1) and (2) of this subsection  
12 (A); and (c) the identifying information submitted by the  
13 requester to the Illinois State Police Department is  
14 accurate with respect to the individual about whom the  
15 information was requested.

16 (4) Consistent with rules adopted by the Illinois  
17 State Police Department pursuant to Section 7 of the  
18 Criminal Identification Act "~~An Act in relation to~~  
19 ~~criminal identification and investigation~~", approved July  
20 ~~2, 1931, as amended~~, the individual to whom the conviction  
21 information pertains may initiate proceedings directly  
22 with the Illinois State Police Department to challenge or  
23 correct a record furnished by the Illinois State Police  
24 ~~Department~~ pursuant to this subsection (A). Such  
25 correction proceedings shall be given priority over other  
26 individual record review and challenges filed with the

1 Illinois State Police Department.

2 (B) Regardless of the purpose of the request, no requester  
3 of conviction information shall be liable for damages to any  
4 person to whom the information pertains for actions the  
5 requester may reasonably take in reliance on the accuracy and  
6 completeness of conviction information received from the  
7 Illinois State Police Department pursuant to this Act, if: (1)  
8 the requester in good faith believes the conviction  
9 information furnished by the Illinois State Police Department  
10 to be accurate and complete; (2) the requester has complied  
11 with the requirements of paragraphs (1) and (2) of subsection  
12 (A) of this Section; and (3) the identifying information  
13 submitted by the requester to the Illinois State Police  
14 ~~Department~~ is accurate with respect to the individual about  
15 whom the information was requested.

16 (Source: P.A. 88-368.)

17 (20 ILCS 2635/8) (from Ch. 38, par. 1608)

18 Sec. 8. Form, Manner and Fees for Requesting and Obtaining  
19 Conviction Information.

20 (A) The Illinois State Police Department shall prescribe  
21 the form and manner for requesting and furnishing conviction  
22 information pursuant to this Act. The Illinois State Police  
23 ~~Department~~ shall prescribe the types of identifying  
24 information that must be submitted to the Illinois State  
25 Police Department in order to process any request for

1 conviction information and the form and manner for making such  
2 application, consistent with this Act.

3 (B) The Illinois State Police ~~Department~~ shall establish  
4 the maximum fee it shall charge and assess for processing  
5 requests for conviction information, and the Authority shall  
6 establish the maximum fee that other criminal justice agencies  
7 shall charge and assess for processing requests for conviction  
8 information pursuant to this Act. Such fees shall include the  
9 general costs associated with performing a search for all  
10 information about each person for which a request is received  
11 including classification, search, retrieval, reproduction,  
12 manual and automated data processing, telecommunications  
13 services, supplies, mailing and those general costs associated  
14 with the inquiries required by subsection (B) of Section 9 and  
15 Section 13 of this Act, and, when applicable, such fees shall  
16 provide for the direct payment to or reimbursement of a  
17 criminal justice agency for assisting the requester or the  
18 Illinois State Police ~~Department~~ pursuant to this Act. In  
19 establishing the fees required by this Section, the Illinois  
20 State Police ~~Department~~ and the Authority may also take into  
21 account the costs relating to multiple or automated requests  
22 and disseminations and the costs relating to any other special  
23 factors or circumstances required by statute or rule. The  
24 maximum fees established by the Authority pursuant to this  
25 Section may be waived or reduced at the discretion of a  
26 criminal justice agency.

1 (Source: P.A. 94-365, eff. 7-29-05.)

2 (20 ILCS 2635/9) (from Ch. 38, par. 1609)

3 Sec. 9. Procedural Requirements for Disseminating  
4 Conviction Information.

5 (A) In accordance with the time parameters of Section 6  
6 and the requirements of subsection (B) of this Section 9, the  
7 Illinois State Police ~~Department~~ shall either: (1) transmit  
8 conviction information to the requester, including an  
9 explanation of any code or abbreviation; (2) explain to the  
10 requester why the information requested cannot be transmitted;  
11 or (3) inform the requester of any deficiency in the request.

12 (B) Prior to a non-automated dissemination or within 30  
13 days subsequent to an automated dissemination made pursuant to  
14 this Act, the Illinois State Police ~~Department~~ shall first  
15 conduct a formal update inquiry and review to make certain  
16 that the information disseminated is complete, except (1) in  
17 cases of exigency, (2) upon request of another criminal  
18 justice agency, (3) for conviction information that is less  
19 than 30 days old, or (4) for information intentionally  
20 fabricated upon the express written authorization of the  
21 Director of the Illinois State Police to support undercover  
22 law enforcement efforts.

23 It shall be the responsibility of the Illinois State  
24 Police ~~Department~~ to retain a record of every extra-agency  
25 dissemination of conviction information for a period of not



1 less than 3 years. Such records shall be subject to audit by  
2 the Illinois State Police Department, and shall, upon request,  
3 be supplied to the individual to whom the information pertains  
4 for requests from members of the general public, corporations,  
5 organizations, employers, employment agencies, labor  
6 organizations and non-criminal justice agencies. At a minimum,  
7 the following information shall be recorded and retained by  
8 the Illinois State Police Department:

9 (1) The name of the individual to whom the  
10 disseminated information pertains;

11 (2) The name of the individual requesting the  
12 information;

13 (3) The date of the request;

14 (4) The name and address of the private individual,  
15 corporation, organization, employer, employment agency,  
16 labor organization or non-criminal justice agency  
17 receiving the information; and

18 (5) The date of the dissemination.

19 (Source: P.A. 91-357, eff. 7-29-99.)

20 (20 ILCS 2635/10) (from Ch. 38, par. 1610)

21 Sec. 10. Dissemination requests Based Upon Fingerprint  
22 Identification. When fingerprint identification accompanies a  
23 request for conviction information maintained by the Illinois  
24 State Police Department, an appropriate statement shall be  
25 issued by the Illinois State Police Department indicating that

1 the information furnished by the Illinois State Police  
2 ~~Department~~ positively pertains to the individual whose  
3 fingerprints were submitted and that the response contains all  
4 the conviction information that has been reported to the  
5 Illinois State Police Department pursuant to Section 2.1 of  
6 the Criminal Identification Act "~~An Act in relation to~~  
7 ~~criminal identification and investigation~~", approved July 2,  
8 1931, as amended.

9 (Source: P.A. 85-922.)

10 (20 ILCS 2635/11) (from Ch. 38, par. 1611)

11 Sec. 11. Dissemination requests Not Based Upon Fingerprint  
12 Identification. (A) When a requester is not legally mandated  
13 to submit positive fingerprint identification to the Illinois  
14 State Police Department or when a requester is precluded from  
15 submitting positive fingerprint identification to the Illinois  
16 State Police Department due to exigency, an appropriate  
17 warning shall be issued by the Illinois State Police  
18 ~~Department~~ indicating that the information furnished cannot be  
19 identified with certainty as pertaining to the individual  
20 named in the request and may only be relied upon as being  
21 accurate and complete if the requester has first complied with  
22 the requirements of subsection (B) of Section 7.

23 (B) If the identifying information submitted by the  
24 requester to the Illinois State Police Department corresponds  
25 to more than one individual found in the files maintained by

1 the Illinois State Police ~~Department~~, the Illinois State  
2 Police ~~Department~~ shall not disclose the information to the  
3 requester, unless it is determined by the Illinois State  
4 Police ~~Department~~ that dissemination is still warranted due to  
5 exigency or to administer the criminal laws. In such  
6 instances, the Illinois State Police ~~Department~~ may require  
7 the requester to submit additional identifying information or  
8 fingerprints in the form and manner prescribed by the Illinois  
9 State Police ~~Department~~.

10 (Source: P.A. 85-922.)

11 (20 ILCS 2635/12) (from Ch. 38, par. 1612)

12 Sec. 12. Error Notification and Correction Procedure. It  
13 is the duty and responsibility of the Illinois State Police  
14 ~~Department~~ to maintain accurate and complete criminal history  
15 record information and to correct or update such information  
16 after determination by audit, individual review and challenge  
17 procedures, or by other verifiable means, that it is  
18 incomplete or inaccurate. Except as may be required for a  
19 longer period of time by Illinois law, the Illinois State  
20 Police ~~Department~~ shall notify a requester if a subsequent  
21 disposition of conviction or a subsequent modification of  
22 conviction information has been reported to the Illinois State  
23 Police ~~Department~~ within 30 days of responding to the  
24 requester.

25 (Source: P.A. 85-922.)

1 (20 ILCS 2635/13) (from Ch. 38, par. 1613)

2 Sec. 13. Limitation on Further Dissemination. Unless  
3 otherwise permitted by law or in the case of exigency, the  
4 subsequent dissemination of conviction information furnished  
5 by the Illinois State Police ~~Department~~ pursuant to this Act  
6 shall only be permitted by a requester for the 30 day period  
7 immediately following receipt of the information. Except as  
8 permitted in this Section, any requester still wishing to  
9 further disseminate or to rely on the accuracy and  
10 completeness of conviction information more than 30 days from  
11 receipt of the information from the Illinois State Police  
12 ~~Department~~ shall initiate a new request to the Illinois State  
13 Police ~~Department~~ for current information.

14 (Source: P.A. 88-368.)

15 (20 ILCS 2635/14) (from Ch. 38, par. 1614)

16 Sec. 14. Judicial Remedies. (A) The Attorney General or a  
17 State's Attorney may bring suit in the circuit courts to  
18 prevent and restrain violations of this Act and to enforce the  
19 reporting provisions of Section 2.1 of the Criminal  
20 Identification Act ~~"An Act in relation to criminal~~  
21 ~~identification and investigation", approved July 2, 1931, as~~  
22 ~~amended.~~ The Illinois State Police ~~Department~~ may request the  
23 Attorney General to bring any such action authorized by this  
24 subsection.

1 (B) An individual aggrieved by a violation of this Act by a  
2 State agency or unit of local government shall have the right  
3 to pursue a civil action for damages or other appropriate  
4 legal or equitable remedy, including an action to compel the  
5 Illinois State Police ~~Department~~ to disclose or correct  
6 conviction information in its files, once administrative  
7 remedies have been exhausted.

8 (C) Any civil action for damages alleging the negligent  
9 dissemination of inaccurate or incomplete conviction  
10 information by a State agency or by a unit of local government  
11 in violation of this Act may only be brought against the State  
12 agency or unit of local government and shall not be brought  
13 against any employee or official thereof.

14 (D) Civil remedies authorized by this Section may be  
15 brought in any circuit court of the State of Illinois in the  
16 county in which the violation occurs or in the county where the  
17 State agency or unit of local government is situated; except  
18 all damage claims against the State of Illinois for violations  
19 of this Act shall be determined by the Court of Claims.

20 (Source: P.A. 85-922.)

21 (20 ILCS 2635/15) (from Ch. 38, par. 1615)

22 Sec. 15. Civil Damages. (A) In any action brought pursuant  
23 to this Act, an individual aggrieved by any violation of this  
24 Act shall be entitled to recover actual and general  
25 compensatory damages for each violation, together with costs

1 and attorney's fees reasonably incurred, consistent with  
2 Section 16 of this Act. In addition, an individual aggrieved  
3 by a willful violation of this Act shall be entitled to recover  
4 \$1,000. In addition, an individual aggrieved by a non-willful  
5 violation of this Act for which there has been dissemination  
6 of inaccurate or incomplete conviction information shall be  
7 entitled to recover \$200; provided, however, if conviction  
8 information is determined to be incomplete or inaccurate, by  
9 audit, by individual review and challenge procedures, or by  
10 other verifiable means, then the individual aggrieved shall  
11 only be entitled to recover such amount if the Illinois State  
12 Police Department fails to correct the information within 30  
13 days.

14 (B) For the purposes of this Act, the State of Illinois  
15 shall be liable for damages as provided in this Section and for  
16 attorney's fees and litigation costs as provided in Section 16  
17 of this Act. All damage claims against the State of Illinois or  
18 any of its agencies for violations of this Act shall be  
19 determined by the Court of Claims.

20 (C) For purposes of limiting the amount of civil damages  
21 that may be assessed against the State of Illinois or a unit of  
22 local government pursuant to this Section, a State agency, a  
23 unit of local government, and the officials or employees of a  
24 State agency or a unit of local government may in good faith  
25 rely upon the assurance of another State agency or unit of  
26 local government that conviction information is maintained or

1 disseminated in compliance with the provisions of this Act.  
2 However, such reliance shall not constitute a defense with  
3 respect to equitable or declaratory relief.

4 (D) For purposes of limiting the amount of damages that  
5 may be assessed against the State of Illinois pursuant to this  
6 Section, the Illinois State Police Department may in good  
7 faith presume that the conviction information reported to it  
8 by a clerk of the circuit court or a criminal justice agency is  
9 accurate. However, such presumption shall not constitute a  
10 defense with respect to equitable or declaratory relief.

11 (Source: P.A. 85-922.)

12 (20 ILCS 2635/17) (from Ch. 38, par. 1617)

13 Sec. 17. Administrative Sanctions. The Illinois State  
14 Police Department shall refuse to comply with any request to  
15 furnish conviction information maintained in its files, if the  
16 requester has not acted in accordance with the requirements of  
17 this Act or rules and regulations issued pursuant thereto. The  
18 requester may appeal such a refusal by the Illinois State  
19 Police Department to the Director. Upon written application by  
20 the requester, the Director shall hold a hearing to determine  
21 whether dissemination of the requested information would be in  
22 violation of this Act or rules and regulations issued pursuant  
23 to it or other federal or State law pertaining to the  
24 collection, maintenance or dissemination of criminal history  
25 record information. When the Director finds such a violation,

1 the Illinois State Police ~~Department~~ shall be prohibited from  
2 disseminating conviction information to the requester, under  
3 such terms and conditions and for such periods of time as the  
4 Director deems appropriate.

5 (Source: P.A. 85-922.)

6 (20 ILCS 2635/19) (from Ch. 38, par. 1619)

7 Sec. 19. Coordinating and Implementing Policy. The  
8 Illinois State Police ~~Department~~ shall adopt rules to  
9 prescribe the appropriate form, manner and fees for complying  
10 with the requirements of this Act. The Authority shall adopt  
11 rules to prescribe form, manner and maximum fees which the  
12 Authority is authorized to establish pursuant to subsection  
13 (B) of Section 8 of this Act. Such rulemaking is subject to the  
14 provisions of the Illinois Administrative Procedure Act.

15 (Source: P.A. 85-922.)

16 (20 ILCS 2635/20) (from Ch. 38, par. 1620)

17 Sec. 20. State Liability and Indemnification of Units of  
18 Local Government. (A) The State of Illinois shall guarantee  
19 the accuracy and completeness of conviction information  
20 disseminated by the Illinois State Police ~~Department~~ that is  
21 based upon fingerprint identification. The State of Illinois  
22 shall not be liable for the accuracy and completeness of any  
23 information disseminated upon identifying information other  
24 than fingerprints.



1 (B) The State of Illinois shall indemnify a clerk of the  
2 circuit court, a criminal justice agency, and their employees  
3 and officials from, and against, all damage claims brought by  
4 others due to dissemination by the Illinois State Police  
5 ~~Department~~ of inaccurate or incomplete conviction information  
6 based upon positive fingerprint identification, provided that  
7 the conviction information in question was initially reported  
8 to the Illinois State Police ~~Department~~ accurately and in the  
9 timely manner mandated by Section 2.1 of the Criminal  
10 Identification Act ~~"An Act in relation to criminal~~  
11 ~~identification and investigation"~~, approved July 2, 1931, as  
12 amended.

13 (Source: P.A. 85-922.)

14 (20 ILCS 2635/21) (from Ch. 38, par. 1621)

15 Sec. 21. Audits. The Illinois State Police ~~Department~~  
16 shall regularly conduct representative audits of the criminal  
17 history record keeping and criminal history record reporting  
18 policies, practices, and procedures of the repositories for  
19 such information in Illinois to ensure compliance with the  
20 provisions of this Act and Section 2.1 of the Criminal  
21 Identification Act ~~"An Act in relation to criminal~~  
22 ~~identification and investigation"~~, approved July 2, 1931, as  
23 amended. The findings of such audits shall be reported to the  
24 Governor, General Assembly, and, upon request, to members of  
25 the general public.

1 (Source: P.A. 85-922.)

2 Section 230. The Criminal Diversion Racial Impact Data  
3 Collection Act is amended by changing Sections 5 and 15 as  
4 follows:

5 (20 ILCS 2637/5)

6 (Section scheduled to be repealed on December 31, 2021)

7 Sec. 5. Legislative intent. Racial and ethnic disparity in  
8 the criminal justice system, or the over-representation of  
9 certain minority groups compared to their representation in  
10 the general population, has been well documented, along with  
11 the harmful effects of such disproportionality. There is no  
12 single cause of the racial and ethnic disparity evident at  
13 every stage of the criminal justice system; suggested causes  
14 have included differing patterns of criminal activity, law  
15 enforcement activity, and discretionary decisions of criminal  
16 justice practitioners, along with effects of legislative  
17 policies. In order to make progress in reducing this harmful  
18 phenomenon, information on the racial composition of offenders  
19 at each stage of the criminal justice system must be  
20 systematically gathered and analyzed to lay the foundation for  
21 determining the impact of proposed remedies. Gaps of  
22 information at any stage will hamper valid analysis at  
23 subsequent stages. At the earliest stages of the criminal  
24 justice system, systematic statewide information on arrested

1 persons, including race and ethnicity, is collected in the  
2 Illinois State Police Criminal History Record Information  
3 System. However, under the Criminal Identification Act,  
4 systematic statewide information on the racial and ethnic  
5 composition of adults diverted from arrest by law enforcement  
6 and diverted from prosecution by each county's State's  
7 Attorney's office is not available. Therefore, it is the  
8 intent of this legislation to provide a mechanism by which  
9 statewide data on the race and ethnicity of offenders diverted  
10 from the criminal justice system before the filing of a court  
11 case can be provided by the criminal justice entity involved  
12 for future racial disparity impact analyses of the criminal  
13 justice system.

14 (Source: P.A. 99-666, eff. 1-1-17.)

15 (20 ILCS 2637/15)

16 (Section scheduled to be repealed on December 31, 2021)

17 Sec. 15. Reporting; publication.

18 (a) Under the reporting guidelines for law enforcement  
19 agencies in Sections 2.1, 4.5, and 5 of the Criminal  
20 Identification Act, the Authority shall determine and report  
21 the number of persons arrested and released without being  
22 charged, and report the racial and ethnic composition of those  
23 persons.

24 (b) Under the reporting guidelines for State's Attorneys  
25 in Sections 2.1, 4.5, and 5 of the Criminal Identification

1 Act, the Authority shall determine and report the number of  
2 persons for which formal charges were dismissed, and the race  
3 and ethnicity of those persons.

4 (c) Under the reporting guidelines for circuit court  
5 clerks in Sections 2.1, 4.5, and 5 of the Criminal  
6 Identification Act, the Authority shall determine and report  
7 the number of persons admitted to a diversion from prosecution  
8 program, and the racial and ethnic composition of those  
9 persons, separated by each type of diversion program.

10 (d) The Authority shall publish the information received  
11 and an assessment of the quality of the information received,  
12 aggregated to the county level in the case of law enforcement  
13 reports, on its publicly available website for the previous  
14 calendar year, as affirmed by each reporting agency at the  
15 time of its report submission.

16 (e) The Authority, Illinois ~~Department of~~ State Police,  
17 Administrative Office of the Illinois Courts, and Illinois  
18 State's Attorneys Association may collaborate on any necessary  
19 training concerning the provisions of this Act.

20 (Source: P.A. 99-666, eff. 1-1-17.)

21 Section 235. The Statewide Organized Gang Database Act is  
22 amended by changing Sections 5 and 10 as follows:

23 (20 ILCS 2640/5)

24 Sec. 5. Definitions. As used in this Act:

1 ~~"Department" means the Department of State Police.~~

2 "Director" means the Director of the Illinois State  
3 Police.

4 "Organized gang" has the meaning ascribed to it in Section  
5 10 of the Illinois Streetgang Terrorism Omnibus Prevention  
6 Act.

7 A "SWORD terminal" is an interactive computerized  
8 communication and processing unit that permits a direct  
9 on-line communication with the Illinois ~~Department of~~ State  
10 Police's central data repository, the Statewide Organized Gang  
11 Database (SWORD).

12 (Source: P.A. 87-932; 88-467.)

13 (20 ILCS 2640/10)

14 Sec. 10. Duties of the Illinois State Police ~~Department~~.

15 The Illinois State Police ~~Department~~ may:

16 (a) provide a uniform reporting format for the entry of  
17 pertinent information regarding the report of an arrested  
18 organized gang member or organized gang affiliate into SWORD;

19 (b) notify all law enforcement agencies that reports of  
20 arrested organized gang members or organized gang affiliates  
21 shall be entered into the database as soon as the minimum level  
22 of data specified by the Illinois State Police ~~Department~~ is  
23 available to the reporting agency, and that no waiting period  
24 for the entry of that data exists;

25 (c) develop and implement a policy for notifying law

1 enforcement agencies of the emergence of new organized gangs,  
2 or the change of a name or other identifying sign by an  
3 existing organized gang;

4 (d) compile and retain information regarding organized  
5 gangs and their members and affiliates, in a manner that  
6 allows the information to be used by law enforcement and other  
7 agencies, deemed appropriate by the Director, for  
8 investigative purposes;

9 (e) compile and maintain a historic data repository  
10 relating to organized gangs and their members and affiliates  
11 in order to develop and improve techniques utilized by law  
12 enforcement agencies and prosecutors in the investigation,  
13 apprehension, and prosecution of members and affiliates of  
14 organized gangs;

15 (f) create a quality control program regarding  
16 confirmation of organized gang membership and organized gang  
17 affiliation data, timeliness and accuracy of information  
18 entered into SWORD, and performance audits of all entering  
19 agencies;

20 (g) locate all law enforcement agencies that could, in the  
21 opinion of the Director, benefit from access to SWORD, and  
22 notify them of its existence; and

23 (h) cooperate with all law enforcement agencies wishing to  
24 gain access to the SWORD system, and facilitate their entry  
25 into the system and their continued maintenance of access to  
26 it.

1 (Source: P.A. 87-932.)

2 Section 240. The Statewide Senior Citizen Victimizer  
3 Database Act is amended by changing Sections 5 and 10 as  
4 follows:

5 (20 ILCS 2645/5)

6 Sec. 5. Definitions. In this Act:

7 ~~"Department" means Department of State Police.~~

8 "Director" means the Director of the Illinois State  
9 Police.

10 "Senior citizen" means a person of the age of 60 years or  
11 older.

12 "Senior citizen victimizer" means a person who has been  
13 arrested for committing an offense against a senior citizen.

14 "Statewide Senior Citizen Victimizer Database Terminal"  
15 means an interactive computerized communication and processing  
16 unit that permits direct on-line communication with the  
17 Illinois ~~Department of~~ State Police's Statewide Senior Citizen  
18 Victimizer Database.

19 (Source: P.A. 92-246, eff. 1-1-02.)

20 (20 ILCS 2645/10)

21 Sec. 10. Duties of the Illinois State Police ~~Department~~.

22 The Illinois State Police ~~Department~~ may:

23 (a) Provide a uniform reporting format for the entry of

1 pertinent information regarding the report of an arrested  
2 senior citizen victimizer into the Senior Citizen Victimizer  
3 Database Terminal;

4 (b) Notify all law enforcement agencies that reports of  
5 arrested senior citizen victimizers shall be entered into the  
6 database as soon as the minimum level of data of information  
7 specified by the Illinois State Police ~~Department~~ is available  
8 to the reporting agency, and that no waiting period for the  
9 entry of that data exists;

10 (c) Compile and maintain a data repository relating to  
11 senior citizen victimizers in order to gather information  
12 regarding the various modus operandi used to victimize senior  
13 citizens, groups that tend to routinely target senior  
14 citizens, areas of the State that senior citizen victimizers  
15 tend to frequent, and the type of persons senior citizen  
16 victimizers routinely target;

17 (d) Develop and improve techniques used by law enforcement  
18 agencies and prosecutors in the investigation, apprehension,  
19 and prosecution of senior citizen victimizers;

20 (e) Locate all law enforcement agencies that could, in the  
21 opinion of the Director, benefit from access to the Statewide  
22 Senior Citizen Victimizer Database, and notify them of its  
23 existence; and

24 (f) Cooperate with all law enforcement agencies wishing to  
25 gain access to the Statewide Senior Citizen Victimizer  
26 Database system, and to facilitate their entry into the system



1 and to their continued maintenance of access to it.

2 (Source: P.A. 92-246, eff. 1-1-02.)

3 Section 245. The Department of Transportation Law of the  
4 Civil Administrative Code of Illinois is amended by changing  
5 Sections 2705-90, 2705-125, 2705-317, 2705-505.5, and  
6 2705-505.6 as follows:

7 (20 ILCS 2705/2705-90) (was 20 ILCS 2705/49.31)

8 Sec. 2705-90. Criminal history record information from  
9 Illinois ~~Department of~~ State Police. Whenever the Department  
10 is authorized or required by law to consider some aspect of  
11 criminal history record information for the purpose of  
12 carrying out its statutory powers and responsibilities, then,  
13 upon request and payment of fees in conformance with the  
14 requirements of Section 2605-400 of the Illinois ~~Department of~~  
15 State Police Law ~~(20 ILCS 2605/2605-400)~~, the Illinois  
16 ~~Department of~~ State Police is authorized to furnish, pursuant  
17 to positive identification, the information contained in State  
18 files that is necessary to fulfill the request.

19 (Source: P.A. 91-239, eff. 1-1-00.)

20 (20 ILCS 2705/2705-125) (was 20 ILCS 2705/49.22)

21 Sec. 2705-125. Safety inspection of motor vehicles;  
22 transfer from various State agencies. The Department has the  
23 power to administer, exercise, and enforce the rights, powers,

1 and duties presently vested in the Illinois ~~Department of~~  
2 State Police and the Division of State Troopers under the  
3 Illinois Vehicle Inspection Law, in the Illinois Commerce  
4 Commission, in the State Board of Education, and in the  
5 Secretary of State under laws relating to the safety  
6 inspection of motor vehicles operated by common carriers, of  
7 school buses, and of motor vehicles used in the transportation  
8 of school children and motor vehicles used in driver exam  
9 training schools for hire licensed under Article IV of the  
10 Illinois Driver Licensing Law or under any other law relating  
11 to the safety inspection of motor vehicles of the second  
12 division as defined in the Illinois Vehicle Code.

13 (Source: P.A. 96-740, eff. 1-1-10.)

14 (20 ILCS 2705/2705-317)

15 Sec. 2705-317. Safe Routes to School Construction Program.

16 (a) Upon enactment of a federal transportation bill with a  
17 dedicated fund available to states for safe routes to schools,  
18 the Department, in cooperation with the State Board of  
19 Education and the Illinois ~~Department of~~ State Police, shall  
20 establish and administer a Safe Routes to School Construction  
21 Program for the construction of bicycle and pedestrian safety  
22 and traffic-calming projects using the federal Safe Routes to  
23 Schools Program funds.

24 (b) The Department shall make construction grants  
25 available to local governmental agencies under the Safe Routes

1 to School Construction Program based on the results of a  
2 statewide competition that requires submission of Safe Routes  
3 to School proposals for funding and that rates those proposals  
4 on all of the following factors:

5 (1) Demonstrated needs of the grant applicant.

6 (2) Potential of the proposal for reducing child  
7 injuries and fatalities.

8 (3) Potential of the proposal for encouraging  
9 increased walking and bicycling among students.

10 (4) Identification of safety hazards.

11 (5) Identification of current and potential walking  
12 and bicycling routes to school.

13 (6) Consultation and support for projects by  
14 school-based associations, local traffic engineers, local  
15 elected officials, law enforcement agencies, and school  
16 officials.

17 (7) Proximity to parks and other recreational  
18 facilities.

19 With respect to the use of federal Safe Routes to Schools  
20 Program funds, prior to the award of a construction grant or  
21 the use of those funds for a Safe Routes to School project  
22 encompassing a highway, the Department shall consult with and  
23 obtain approval from the Illinois ~~Department of~~ State Police  
24 and the highway authority with jurisdiction to ensure that the  
25 Safe Routes to School proposal is consistent with a statewide  
26 pedestrian safety statistical analysis.

1 (c) On March 30, 2006 and each March 30th thereafter, the  
2 Department shall submit a report to the General Assembly  
3 listing and describing the projects funded under the Safe  
4 Routes to School Construction Program.

5 (d) The Department shall study the effectiveness of the  
6 Safe Routes to School Construction Program, with particular  
7 emphasis on the Program's effectiveness in reducing traffic  
8 accidents and its contribution to improving safety and  
9 reducing the number of child injuries and fatalities in the  
10 vicinity of a Safe Routes to School project. The Department  
11 shall submit a report to the General Assembly on or before  
12 December 31, 2006 regarding the results of the study.

13 (e) The Department, the State Board of Education, and the  
14 Illinois ~~Department of~~ State Police may adopt any rules  
15 necessary to implement this Section.

16 (Source: P.A. 94-493, eff. 8-8-05.)

17 (20 ILCS 2705/2705-505.5)

18 Sec. 2705-505.5. Child abduction message signs. The  
19 Department of Transportation shall coordinate with the  
20 Illinois ~~Department of~~ State Police in the use of electronic  
21 message signs on roads and highways in the vicinity of a child  
22 abduction to immediately provide critical information to the  
23 public.

24 (Source: P.A. 93-310, eff. 7-23-03.)

1 (20 ILCS 2705/2705-505.6)

2 Sec. 2705-505.6. Endangered Missing Persons Advisory  
3 message signs. The Department of Transportation shall  
4 coordinate with the Illinois ~~Department of~~ State Police in the  
5 use of electronic message signs on roads and highways to  
6 immediately provide critical information to the public  
7 concerning missing persons who are believed to be high risk,  
8 missing persons with Alzheimer's disease, other related  
9 dementia, or other dementia-like cognitive impairment, as  
10 allowed by federal guidelines.

11 (Source: P.A. 99-322, eff. 1-1-16.)

12 Section 255. The State Fire Marshal Act is amended by  
13 changing Section 2 as follows:

14 (20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

15 Sec. 2. The Office shall have the following powers and  
16 duties:

17 1. To exercise the rights, powers and duties which  
18 have been vested by law in the Illinois ~~Department of~~  
19 State Police as the successor of the Department of Public  
20 Safety, State Fire Marshal, inspectors, officers and  
21 employees of the State Fire Marshal, including arson  
22 investigation. Arson investigations conducted by the State  
23 Fire Marshal's Office shall be conducted by State Fire  
24 Marshal Arson Investigator Special Agents, who shall be

1 peace officers as provided in the Peace Officer Fire  
2 Investigation Act.

3 2. To keep a record, as may be required by law, of all  
4 fires occurring in the State, together with all facts,  
5 statistics and circumstances, including the origin of  
6 fires.

7 3. To exercise the rights, powers and duties which  
8 have been vested in the Illinois ~~Department of State~~  
9 Police by the "Boiler and Pressure Vessel Safety Act",  
10 ~~approved August 7, 1951, as amended.~~

11 4. To administer the Illinois Fire Protection Training  
12 Act.

13 5. To aid in the establishment and maintenance of the  
14 training facilities and programs of the Illinois Fire  
15 Service Institute.

16 6. To disburse Federal grants for fire protection  
17 purposes to units of local government.

18 7. To pay to or in behalf of the City of Chicago for  
19 the maintenance, expenses, facilities and structures  
20 directly incident to the Chicago Fire Department training  
21 program. Such payments may be made either as  
22 reimbursements for expenditures previously made by the  
23 City, or as payments at the time the City has incurred an  
24 obligation which is then due and payable for such  
25 expenditures. Payments for the Chicago Fire Department  
26 training program shall be made only for those expenditures

1           which are not claimable by the City under "An Act relating  
2           to fire protection training", certified November 9, 1971,  
3           as amended.

4           8. To administer grants to areas not located in a fire  
5           protection district or in a municipality which provides  
6           fire protection services, to defray the organizational  
7           expenses of forming a fire protection district.

8           9. In cooperation with the Illinois Environmental  
9           Protection Agency, to administer the Illinois Leaking  
10          Underground Storage Tank program in accordance with  
11          Section 4 of this Act and Section 22.12 of the  
12          Environmental Protection Act.

13          10. To expend state and federal funds as appropriated  
14          by the General Assembly.

15          11. To provide technical assistance, to areas not  
16          located in a fire protection district or in a municipality  
17          which provides fire protection service, to form a fire  
18          protection district, to join an existing district, or to  
19          establish a municipal fire department, whichever is  
20          applicable.

21          12. To exercise such other powers and duties as may be  
22          vested in the Office by law.

23          (Source: P.A. 100-67, eff. 8-11-17.)

24          Section 260. The Division of Banking Act is amended by  
25          changing Section 5 as follows:

1 (20 ILCS 3205/5) (from Ch. 17, par. 455)

2 Sec. 5. Powers. In addition to all the other powers and  
3 duties provided by law, the Commissioner shall have the  
4 following powers:

5 (a) To exercise the rights, powers and duties formerly  
6 vested by law in the Director of Financial Institutions under  
7 the Illinois Banking Act.

8 (b) To exercise the rights, powers and duties formerly  
9 vested by law in the Department of Financial Institutions  
10 under "An act to provide for and regulate the administration  
11 of trusts by trust companies", approved June 15, 1887, as  
12 amended.

13 (c) To exercise the rights, powers and duties formerly  
14 vested by law in the Director of Financial Institutions under  
15 "An act authorizing foreign corporations, including banks and  
16 national banking associations domiciled in other states, to  
17 act in a fiduciary capacity in this state upon certain  
18 conditions herein set forth", approved July 13, 1953, as  
19 amended.

20 (c-5) To exercise all of the rights, powers, and duties  
21 granted to the Director or Secretary under the Illinois  
22 Banking Act, the Corporate Fiduciary Act, the Electronic Fund  
23 Transfer Act, the Illinois Bank Holding Company Act of 1957,  
24 the Savings Bank Act, the Illinois Savings and Loan Act of  
25 1985, the Savings and Loan Share and Account Act, the



1 Residential Mortgage License Act of 1987, and the Pawnbroker  
2 Regulation Act.

3 (c-15) To enter into cooperative agreements with  
4 appropriate federal and out-of-state state regulatory agencies  
5 to conduct and otherwise perform any examination of a  
6 regulated entity as authorized under the Illinois Banking Act,  
7 the Corporate Fiduciary Act, the Electronic Fund Transfer Act,  
8 the Illinois Bank Holding Company Act of 1957, the Savings  
9 Bank Act, the Illinois Savings and Loan Act of 1985, the  
10 Residential Mortgage License Act of 1987, and the Pawnbroker  
11 Regulation Act.

12 (d) Whenever the Commissioner is authorized or required by  
13 law to consider or to make findings regarding the character of  
14 incorporators, directors, management personnel, or other  
15 relevant individuals under the Illinois Banking Act, the  
16 Corporate Fiduciary Act, the Pawnbroker Regulation Act, or at  
17 other times as the Commissioner deems necessary for the  
18 purpose of carrying out the Commissioner's statutory powers  
19 and responsibilities, the Commissioner shall consider criminal  
20 history record information, including nonconviction  
21 information, pursuant to the Criminal Identification Act. The  
22 Commissioner shall, in the form and manner required by the  
23 Illinois ~~Department of~~ State Police and the Federal Bureau of  
24 Investigation, cause to be conducted a criminal history record  
25 investigation to obtain information currently contained in the  
26 files of the Illinois ~~Department of~~ State Police or the

1 Federal Bureau of Investigation, provided that the  
2 Commissioner need not cause additional criminal history record  
3 investigations to be conducted on individuals for whom the  
4 Commissioner, a federal bank regulatory agency, or any other  
5 government agency has caused such investigations to have been  
6 conducted previously unless such additional investigations are  
7 otherwise required by law or unless the Commissioner deems  
8 such additional investigations to be necessary for the  
9 purposes of carrying out the Commissioner's statutory powers  
10 and responsibilities. The Illinois ~~Department of State Police~~  
11 shall provide, on the Commissioner's request, information  
12 concerning criminal charges and their disposition currently on  
13 file with respect to a relevant individual. Information  
14 obtained as a result of an investigation under this Section  
15 shall be used in determining eligibility to be an  
16 incorporator, director, management personnel, or other  
17 relevant individual in relation to a financial institution or  
18 other entity supervised by the Commissioner. Upon request and  
19 payment of fees in conformance with the requirements of  
20 Section 2605-400 of the Illinois ~~Department of State Police~~  
21 Law ~~(20 ILCS 2605/2605-400)~~, the Illinois ~~Department of State~~  
22 Police is authorized to furnish, pursuant to positive  
23 identification, such information contained in State files as  
24 is necessary to fulfill the request.

25 (e) When issuing charters, permits, licenses, or other  
26 authorizations, the Commissioner may impose such terms and

1 conditions on the issuance as he deems necessary or  
2 appropriate. Failure to abide by those terms and conditions  
3 may result in the revocation of the issuance, the imposition  
4 of corrective orders, or the imposition of civil money  
5 penalties.

6 (f) If the Commissioner has reasonable cause to believe  
7 that any entity that has not submitted an application for  
8 authorization or licensure is conducting any activity that  
9 would otherwise require authorization or licensure by the  
10 Commissioner, the Commissioner shall have the power to  
11 subpoena witnesses, to compel their attendance, to require the  
12 production of any relevant books, papers, accounts, and  
13 documents, and to conduct an examination of the entity in  
14 order to determine whether the entity is subject to  
15 authorization or licensure by the Commissioner or the  
16 Division. If the Secretary determines that the entity is  
17 subject to authorization or licensure by the Secretary, then  
18 the Secretary shall have the power to issue orders against or  
19 take any other action, including initiating a receivership  
20 against the unauthorized or unlicensed entity.

21 (g) The Commissioner may, through the Attorney General,  
22 request the circuit court of any county to issue an injunction  
23 to restrain any person from violating the provisions of any  
24 Act administered by the Commissioner.

25 (h) Whenever the Commissioner is authorized to take any  
26 action or required by law to consider or make findings, the

1 Commissioner may delegate or appoint, in writing, an officer  
2 or employee of the Division to take that action or make that  
3 finding.

4 (i) Whenever the Secretary determines that it is in the  
5 public's interest, he or she may publish any cease and desist  
6 order or other enforcement action issued by the Division.

7 (Source: P.A. 96-1365, eff. 7-28-10; 97-492, eff. 1-1-12.)

8 Section 265. The Illinois Emergency Management Agency Act  
9 is amended by changing Section 5 as follows:

10 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

11 Sec. 5. Illinois Emergency Management Agency.

12 (a) There is created within the executive branch of the  
13 State Government an Illinois Emergency Management Agency and a  
14 Director of the Illinois Emergency Management Agency, herein  
15 called the "Director" who shall be the head thereof. The  
16 Director shall be appointed by the Governor, with the advice  
17 and consent of the Senate, and shall serve for a term of 2  
18 years beginning on the third Monday in January of the  
19 odd-numbered year, and until a successor is appointed and has  
20 qualified; except that the term of the first Director  
21 appointed under this Act shall expire on the third Monday in  
22 January, 1989. The Director shall not hold any other  
23 remunerative public office. For terms ending before December  
24 31, 2019, the Director shall receive an annual salary as set by

1 the Compensation Review Board. For terms beginning after the  
2 effective date of this amendatory Act of the 100th General  
3 Assembly, the annual salary of the Director shall be as  
4 provided in Section 5-300 of the Civil Administrative Code of  
5 Illinois.

6 (b) The Illinois Emergency Management Agency shall obtain,  
7 under the provisions of the Personnel Code, technical,  
8 clerical, stenographic and other administrative personnel, and  
9 may make expenditures within the appropriation therefor as may  
10 be necessary to carry out the purpose of this Act. The agency  
11 created by this Act is intended to be a successor to the agency  
12 created under the Illinois Emergency Services and Disaster  
13 Agency Act of 1975 and the personnel, equipment, records, and  
14 appropriations of that agency are transferred to the successor  
15 agency as of June 30, 1988 (the effective date of this Act).

16 (c) The Director, subject to the direction and control of  
17 the Governor, shall be the executive head of the Illinois  
18 Emergency Management Agency and the State Emergency Response  
19 Commission and shall be responsible under the direction of the  
20 Governor, for carrying out the program for emergency  
21 management of this State. The Director shall also maintain  
22 liaison and cooperate with the emergency management  
23 organizations of this State and other states and of the  
24 federal government.

25 (d) The Illinois Emergency Management Agency shall take an  
26 integral part in the development and revision of political

1 subdivision emergency operations plans prepared under  
2 paragraph (f) of Section 10. To this end it shall employ or  
3 otherwise secure the services of professional and technical  
4 personnel capable of providing expert assistance to the  
5 emergency services and disaster agencies. These personnel  
6 shall consult with emergency services and disaster agencies on  
7 a regular basis and shall make field examinations of the  
8 areas, circumstances, and conditions that particular political  
9 subdivision emergency operations plans are intended to apply.

10 (e) The Illinois Emergency Management Agency and political  
11 subdivisions shall be encouraged to form an emergency  
12 management advisory committee composed of private and public  
13 personnel representing the emergency management phases of  
14 mitigation, preparedness, response, and recovery. The Local  
15 Emergency Planning Committee, as created under the Illinois  
16 Emergency Planning and Community Right to Know Act, shall  
17 serve as an advisory committee to the emergency services and  
18 disaster agency or agencies serving within the boundaries of  
19 that Local Emergency Planning Committee planning district for:

20 (1) the development of emergency operations plan  
21 provisions for hazardous chemical emergencies; and

22 (2) the assessment of emergency response capabilities  
23 related to hazardous chemical emergencies.

24 (f) The Illinois Emergency Management Agency shall:

25 (1) Coordinate the overall emergency management  
26 program of the State.

1           (2) Cooperate with local governments, the federal  
2 government and any public or private agency or entity in  
3 achieving any purpose of this Act and in implementing  
4 emergency management programs for mitigation,  
5 preparedness, response, and recovery.

6           (2.5) Develop a comprehensive emergency preparedness  
7 and response plan for any nuclear accident in accordance  
8 with Section 65 of the Nuclear Safety Law of 2004 and in  
9 development of the Illinois Nuclear Safety Preparedness  
10 program in accordance with Section 8 of the Illinois  
11 Nuclear Safety Preparedness Act.

12           (2.6) Coordinate with the Department of Public Health  
13 with respect to planning for and responding to public  
14 health emergencies.

15           (3) Prepare, for issuance by the Governor, executive  
16 orders, proclamations, and regulations as necessary or  
17 appropriate in coping with disasters.

18           (4) Promulgate rules and requirements for political  
19 subdivision emergency operations plans that are not  
20 inconsistent with and are at least as stringent as  
21 applicable federal laws and regulations.

22           (5) Review and approve, in accordance with Illinois  
23 Emergency Management Agency rules, emergency operations  
24 plans for those political subdivisions required to have an  
25 emergency services and disaster agency pursuant to this  
26 Act.

1           (5.5) Promulgate rules and requirements for the  
2 political subdivision emergency management exercises,  
3 including, but not limited to, exercises of the emergency  
4 operations plans.

5           (5.10) Review, evaluate, and approve, in accordance  
6 with Illinois Emergency Management Agency rules, political  
7 subdivision emergency management exercises for those  
8 political subdivisions required to have an emergency  
9 services and disaster agency pursuant to this Act.

10          (6) Determine requirements of the State and its  
11 political subdivisions for food, clothing, and other  
12 necessities in event of a disaster.

13          (7) Establish a register of persons with types of  
14 emergency management training and skills in mitigation,  
15 preparedness, response, and recovery.

16          (8) Establish a register of government and private  
17 response resources available for use in a disaster.

18          (9) Expand the Earthquake Awareness Program and its  
19 efforts to distribute earthquake preparedness materials to  
20 schools, political subdivisions, community groups, civic  
21 organizations, and the media. Emphasis will be placed on  
22 those areas of the State most at risk from an earthquake.  
23 Maintain the list of all school districts, hospitals,  
24 airports, power plants, including nuclear power plants,  
25 lakes, dams, emergency response facilities of all types,  
26 and all other major public or private structures which are



1 at the greatest risk of damage from earthquakes under  
2 circumstances where the damage would cause subsequent harm  
3 to the surrounding communities and residents.

4 (10) Disseminate all information, completely and  
5 without delay, on water levels for rivers and streams and  
6 any other data pertaining to potential flooding supplied  
7 by the Division of Water Resources within the Department  
8 of Natural Resources to all political subdivisions to the  
9 maximum extent possible.

10 (11) Develop agreements, if feasible, with medical  
11 supply and equipment firms to supply resources as are  
12 necessary to respond to an earthquake or any other  
13 disaster as defined in this Act. These resources will be  
14 made available upon notifying the vendor of the disaster.  
15 Payment for the resources will be in accordance with  
16 Section 7 of this Act. The Illinois Department of Public  
17 Health shall determine which resources will be required  
18 and requested.

19 (11.5) In coordination with the Illinois ~~Department of~~  
20 State Police, develop and implement a community outreach  
21 program to promote awareness among the State's parents and  
22 children of child abduction prevention and response.

23 (12) Out of funds appropriated for these purposes,  
24 award capital and non-capital grants to Illinois hospitals  
25 or health care facilities located outside of a city with a  
26 population in excess of 1,000,000 to be used for purposes

1 that include, but are not limited to, preparing to respond  
2 to mass casualties and disasters, maintaining and  
3 improving patient safety and quality of care, and  
4 protecting the confidentiality of patient information. No  
5 single grant for a capital expenditure shall exceed  
6 \$300,000. No single grant for a non-capital expenditure  
7 shall exceed \$100,000. In awarding such grants, preference  
8 shall be given to hospitals that serve a significant  
9 number of Medicaid recipients, but do not qualify for  
10 disproportionate share hospital adjustment payments under  
11 the Illinois Public Aid Code. To receive such a grant, a  
12 hospital or health care facility must provide funding of  
13 at least 50% of the cost of the project for which the grant  
14 is being requested. In awarding such grants the Illinois  
15 Emergency Management Agency shall consider the  
16 recommendations of the Illinois Hospital Association.

17 (13) Do all other things necessary, incidental or  
18 appropriate for the implementation of this Act.

19 (g) The Illinois Emergency Management Agency is authorized  
20 to make grants to various higher education institutions,  
21 public K-12 school districts, area vocational centers as  
22 designated by the State Board of Education, inter-district  
23 special education cooperatives, regional safe schools, and  
24 nonpublic K-12 schools for safety and security improvements.  
25 For the purpose of this subsection (g), "higher education  
26 institution" means a public university, a public community

1 college, or an independent, not-for-profit or for-profit  
2 higher education institution located in this State. Grants  
3 made under this subsection (g) shall be paid out of moneys  
4 appropriated for that purpose from the Build Illinois Bond  
5 Fund. The Illinois Emergency Management Agency shall adopt  
6 rules to implement this subsection (g). These rules may  
7 specify: (i) the manner of applying for grants; (ii) project  
8 eligibility requirements; (iii) restrictions on the use of  
9 grant moneys; (iv) the manner in which the various higher  
10 education institutions must account for the use of grant  
11 moneys; and (v) any other provision that the Illinois  
12 Emergency Management Agency determines to be necessary or  
13 useful for the administration of this subsection (g).

14 (g-5) The Illinois Emergency Management Agency is  
15 authorized to make grants to not-for-profit organizations  
16 which are exempt from federal income taxation under section  
17 501(c)(3) of the Federal Internal Revenue Code for eligible  
18 security improvements that assist the organization in  
19 preventing, preparing for, or responding to acts of terrorism.  
20 The Director shall establish procedures and forms by which  
21 applicants may apply for a grant and procedures for  
22 distributing grants to recipients. The procedures shall  
23 require each applicant to do the following:

- 24 (1) identify and substantiate prior threats or attacks  
25 by a terrorist organization, network, or cell against the  
26 not-for-profit organization;

1           (2) indicate the symbolic or strategic value of one or  
2 more sites that renders the site a possible target of  
3 terrorism;

4           (3) discuss potential consequences to the organization  
5 if the site is damaged, destroyed, or disrupted by a  
6 terrorist act;

7           (4) describe how the grant will be used to integrate  
8 organizational preparedness with broader State and local  
9 preparedness efforts;

10          (5) submit a vulnerability assessment conducted by  
11 experienced security, law enforcement, or military  
12 personnel, and a description of how the grant award will  
13 be used to address the vulnerabilities identified in the  
14 assessment; and

15          (6) submit any other relevant information as may be  
16 required by the Director.

17          The Agency is authorized to use funds appropriated for the  
18 grant program described in this subsection (g-5) to administer  
19 the program.

20          (h) Except as provided in Section 17.5 of this Act, any  
21 moneys received by the Agency from donations or sponsorships  
22 shall be deposited in the Emergency Planning and Training Fund  
23 and used by the Agency, subject to appropriation, to  
24 effectuate planning and training activities.

25          (i) The Illinois Emergency Management Agency may by rule  
26 assess and collect reasonable fees for attendance at

1 Agency-sponsored conferences to enable the Agency to carry out  
2 the requirements of this Act. Any moneys received under this  
3 subsection shall be deposited in the Emergency Planning and  
4 Training Fund and used by the Agency, subject to  
5 appropriation, for planning and training activities.

6 (j) The Illinois Emergency Management Agency is authorized  
7 to make grants to other State agencies, public universities,  
8 units of local government, and statewide mutual aid  
9 organizations to enhance statewide emergency preparedness and  
10 response.

11 (Source: P.A. 100-444, eff. 1-1-18; 100-508, eff. 9-15-17;  
12 100-587, eff. 6-4-18; 100-863, eff. 8-14-18; 100-1179, eff.  
13 1-18-19.)

14 Section 270. The Nuclear Safety Law of 2004 is amended by  
15 changing Sections 40 and 70 as follows:

16 (20 ILCS 3310/40)

17 Sec. 40. Regulation of nuclear safety. The Illinois  
18 Emergency Management Agency shall have primary responsibility  
19 for the coordination and oversight of all State governmental  
20 functions concerning the regulation of nuclear power,  
21 including low level waste management, environmental  
22 monitoring, and transportation of nuclear waste. Functions  
23 performed by the Illinois ~~Department of~~ State Police and the  
24 Department of Transportation in the area of nuclear safety, on

1 the effective date of this Act, may continue to be performed by  
2 these agencies but under the direction of the Illinois  
3 Emergency Management Agency. All other governmental functions  
4 regulating nuclear safety shall be coordinated by the Illinois  
5 Emergency Management Agency.

6 (Source: P.A. 93-1029, eff. 8-25-04.)

7 (20 ILCS 3310/70)

8 Sec. 70. Nuclear and radioactive materials transportation  
9 plan. The Illinois Emergency Management Agency shall formulate  
10 a comprehensive plan regarding the transportation of nuclear  
11 and radioactive materials in Illinois. The Illinois Emergency  
12 Management Agency shall have primary responsibility for all  
13 State governmental regulation of the transportation of nuclear  
14 and radioactive materials, insofar as the regulation pertains  
15 to the public health and safety. This responsibility shall  
16 include but not be limited to the authority to oversee and  
17 coordinate regulatory functions performed by the Department of  
18 Transportation, the Illinois ~~Department of~~ State Police, and  
19 the Illinois Commerce Commission.

20 (Source: P.A. 93-1029, eff. 8-25-04.)

21 Section 275. The Illinois Power Agency Act is amended by  
22 changing Section 1-110 as follows:

23 (20 ILCS 3855/1-110)

1           Sec. 1-110. State Police reimbursement. The Agency shall  
2 reimburse the Illinois ~~Department of~~ State Police for any  
3 expenses associated with security at facilities from the  
4 Illinois Power Agency Facilities Fund.  
5 (Source: P.A. 95-481, eff. 8-28-07.)

6           Section 280. The Illinois Criminal Justice Information Act  
7 is amended by changing Sections 4 and 9.1 as follows:

8           (20 ILCS 3930/4) (from Ch. 38, par. 210-4)

9           Sec. 4. Illinois Criminal Justice Information Authority;  
10 creation, membership, and meetings. There is created an  
11 Illinois Criminal Justice Information Authority consisting of  
12 25 members. The membership of the Authority shall consist of  
13 the Illinois Attorney General, or his or her designee, the  
14 Director of Corrections, the Director of the Illinois State  
15 Police, the Director of Public Health, the Director of  
16 Children and Family Services, the Sheriff of Cook County, the  
17 State's Attorney of Cook County, the clerk of the circuit  
18 court of Cook County, the President of the Cook County Board of  
19 Commissioners, the Superintendent of the Chicago Police  
20 Department, the Director of the Office of the State's  
21 Attorneys Appellate Prosecutor, the Executive Director of the  
22 Illinois Law Enforcement Training Standards Board, the State  
23 Appellate Defender, the Public Defender of Cook County, and  
24 the following additional members, each of whom shall be

1 appointed by the Governor: a circuit court clerk, a sheriff, a  
2 State's Attorney of a county other than Cook, a Public  
3 Defender of a county other than Cook, a chief of police, and 6  
4 members of the general public.

5 Members appointed on and after the effective date of this  
6 amendatory Act of the 98th General Assembly shall be confirmed  
7 by the Senate.

8 The Governor from time to time shall designate a Chairman  
9 of the Authority from the membership. All members of the  
10 Authority appointed by the Governor shall serve at the  
11 pleasure of the Governor for a term not to exceed 4 years. The  
12 initial appointed members of the Authority shall serve from  
13 January, 1983 until the third Monday in January, 1987 or until  
14 their successors are appointed.

15 The Authority shall meet at least quarterly, and all  
16 meetings of the Authority shall be called by the Chairman.

17 (Source: P.A. 97-1151, eff. 1-25-13; 98-955, eff. 8-15-14.)

18 (20 ILCS 3930/9.1)

19 Sec. 9.1. Criminal Justice Information Projects Fund. The  
20 Criminal Justice Information Projects Fund is hereby created  
21 as a special fund in the State Treasury. Grants and other  
22 moneys obtained by the Authority from governmental entities  
23 (other than the federal government), private sources, and  
24 not-for-profit organizations for use in investigating criminal  
25 justice issues or undertaking other criminal justice



1 information projects, or pursuant to the uses identified in  
2 Section 21.10 of the Illinois Lottery Law, shall be deposited  
3 into the Fund. Moneys in the Fund may be used by the Authority,  
4 subject to appropriation, for undertaking such projects and  
5 for the operating and other expenses of the Authority  
6 incidental to those projects, and for the costs associated  
7 with making grants from the Prescription Pill and Drug  
8 Disposal Fund. The moneys deposited into the Criminal Justice  
9 Information Projects Fund under Sections 15-15 and 15-35 of  
10 the Criminal and Traffic Assessment Act shall be appropriated  
11 to and administered by the Illinois Criminal Justice  
12 Information Authority for distribution to fund Illinois  
13 ~~Department of~~ State Police drug task forces and Metropolitan  
14 Enforcement Groups by dividing the funds equally by the total  
15 number of Illinois ~~Department of~~ State Police drug task forces  
16 and Illinois Metropolitan Enforcement Groups. Any interest  
17 earned on moneys in the Fund must be deposited into the Fund.  
18 (Source: P.A. 100-647, eff. 7-30-18; 100-987, eff. 7-1-19;  
19 101-81, eff. 7-12-19.)

20 Section 285. The Laboratory Review Board Act is amended by  
21 changing Section 2 as follows:

22 (20 ILCS 3980/2) (from Ch. 111 1/2, par. 8002)

23 Sec. 2. There is hereby created the Laboratory Review  
24 Board (hereinafter referred to as the Board), which shall

1 consist of 7 persons, one each appointed by the Director of  
2 Agriculture, the Director of Natural Resources, the Secretary  
3 of Human Services, the Director of Public Health, the Director  
4 of the Illinois State Police, the Director of the  
5 Environmental Protection Agency, and the Illinois Secretary of  
6 Transportation. Members of the Board shall serve at the  
7 pleasure of their appointing authorities.

8 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97.)

9 Section 290. The Law Enforcement and Fire Fighting Medal  
10 of Honor Act is amended by changing Section 2001 as follows:

11 (20 ILCS 3985/2001) (from Ch. 127, par. 3852-1)

12 Sec. 2001. There is created the Law Enforcement Medal of  
13 Honor Committee, referred to in this Article as the Committee.  
14 The Committee shall consist of the Director of the Illinois  
15 ~~Department of~~ State Police, the Superintendent of the Chicago  
16 Police Department, the Executive Director of the Illinois Law  
17 Enforcement Training Standards Board, and the following  
18 persons appointed by the Governor: a sheriff, a chief of  
19 police from other than Chicago, a representative of a  
20 statewide law enforcement officer organization and a retired  
21 Illinois law enforcement officer. Of the appointed members,  
22 the sheriff and police chief shall each serve a 2-year term and  
23 the organization representative and retired officer shall each  
24 serve a one-year term. The Governor shall appoint initial

1 members within 3 months of the effective date of this Act.

2 Members of the Committee shall serve without compensation  
3 but shall be reimbursed for actual expenses incurred in the  
4 performance of their duties from funds appropriated to the  
5 Office of the Governor for such purpose.

6 (Source: P.A. 91-357, eff. 7-29-99.)

7 Section 295. The Illinois Motor Vehicle Theft Prevention  
8 and Insurance Verification Act is amended by changing Sections  
9 4 and 8.5 as follows:

10 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

11 (Section scheduled to be repealed on January 1, 2025)

12 Sec. 4. There is hereby created an Illinois Motor Vehicle  
13 Theft Prevention and Insurance Verification Council, which  
14 shall exercise its powers, duties and responsibilities. There  
15 shall be 11 members of the Council consisting of the Secretary  
16 of State or his designee, the Director of the Illinois  
17 ~~Department of~~ State Police, the State's Attorney of Cook  
18 County, the Superintendent of the Chicago Police Department,  
19 and the following 7 additional members, each of whom shall be  
20 appointed by the Secretary of State: a state's attorney of a  
21 county other than Cook, a chief executive law enforcement  
22 official from a jurisdiction other than the City of Chicago, 5  
23 representatives of insurers authorized to write motor vehicle  
24 insurance in this State, all of whom shall be domiciled in this

1 State.

2 The Director shall be the Chairman of the Council. All  
3 members of the Council appointed by the Secretary shall serve  
4 at the discretion of the Secretary for a term not to exceed 4  
5 years. The Council shall meet at least quarterly.

6 (Source: P.A. 100-373, eff. 1-1-18.)

7 (20 ILCS 4005/8.5)

8 (Section scheduled to be repealed on January 1, 2025)

9 Sec. 8.5. State Police Motor Vehicle Theft Prevention  
10 Trust Fund. The State Police Motor Vehicle Theft Prevention  
11 Trust Fund is created as a trust fund in the State treasury.  
12 The State Treasurer shall be the custodian of the Trust Fund.  
13 The Trust Fund is established to receive funds from the  
14 Illinois Motor Vehicle Theft Prevention and Insurance  
15 Verification Council. All interest earned from the investment  
16 or deposit of moneys accumulated in the Trust Fund shall be  
17 deposited into the Trust Fund. Moneys in the Trust Fund shall  
18 be used by the Illinois ~~Department of~~ State Police for motor  
19 vehicle theft prevention purposes.

20 (Source: P.A. 100-373, eff. 1-1-18.)

21 Section 305. The Social Security Number Protection Task  
22 Force Act is amended by changing Section 10 as follows:

23 (20 ILCS 4040/10)

1           Sec. 10. Social Security Number Protection Task Force.

2           (a) The Social Security Number Protection Task Force is  
3 created within the Office of the Attorney General. The  
4 Attorney General is responsible for administering the  
5 activities of the Task Force. The Task Force shall consist of  
6 the following members:

7           (1) Two members representing the House of  
8 Representatives, appointed by the Speaker of the House of  
9 Representatives;

10          (2) Two members representing the House of  
11 Representatives, appointed by the Minority Leader of the  
12 House of Representatives;

13          (3) Two members representing the Senate, appointed by  
14 the President of the Senate;

15          (4) Two members representing the Senate, appointed by  
16 the Minority Leader of the Senate;

17          (5) One member, who shall serve as the chairperson of  
18 the Task Force, representing the Office of the Attorney  
19 General, appointed by the Attorney General;

20          (6) One member representing the Office of the  
21 Secretary of State, appointed by the Secretary of State;

22          (7) One member representing the Office of the  
23 Governor, appointed by the Governor;

24          (8) One member representing the Department of Natural  
25 Resources, appointed by the Director of Natural Resources;

26          (9) One member representing the Department of

1 Healthcare and Family Services, appointed by the Director  
2 of Healthcare and Family Services;

3 (10) One member representing the Department of  
4 Revenue, appointed by the Director of Revenue;

5 (11) One member representing the Illinois Department  
6 ~~of~~ State Police, appointed by the Director of the Illinois  
7 State Police;

8 (12) One member representing the Department of  
9 Employment Security, appointed by the Director of  
10 Employment Security;

11 (13) One member representing the Illinois Courts,  
12 appointed by the Director of the Administrative Office of  
13 the Illinois Courts;

14 (14) One member representing the Department on Aging,  
15 appointed by the Director of the Department on Aging;

16 (15) One member appointed by the Director of Central  
17 Management Services;

18 (16) One member appointed by the Executive Director of  
19 the Board of Higher Education;

20 (17) One member appointed by the Secretary of Human  
21 Services;

22 (18) Three members appointed by the chairperson of the  
23 Task Force, representing local-governmental  
24 organizations, who may include representatives of clerks  
25 of the circuit court, recorders of deeds, counties, and  
26 municipalities;

1           (19) One member representing the Office of the State  
2           Comptroller, appointed by the Comptroller; and

3           (20) One member representing school administrators,  
4           appointed by the State Superintendent of Education.

5           (b) The Task Force shall examine the procedures used by  
6           the State to protect an individual against the unauthorized  
7           disclosure of his or her social security number when the State  
8           requires the individual to provide his or her social security  
9           number to an officer or agency of the State.

10          (c) The Task Force shall report its findings and  
11          recommendations, including its recommendations concerning a  
12          unique identification number system under Section 15, to the  
13          Governor, the Attorney General, the Secretary of State, and  
14          the General Assembly no later than December 31 of each year.

15          (Source: P.A. 94-611, eff. 8-18-05; 95-331, eff. 8-21-07;  
16          95-482, eff. 8-28-07.)

17          Section 310. The Commission to Study Disproportionate  
18          Justice Impact Act is amended by changing Section 10 as  
19          follows:

20                 (20 ILCS 4085/10)

21                 Sec. 10. Composition. The Commission shall be composed of  
22                 the following members:

23                         (a) Two members of the Senate appointed by the Senate  
24                         President, one of whom the President shall designate to

1           serve as co-chair, and two members of the Senate appointed  
2           by the Minority Leader of the Senate.

3           (b) Two members of the House of Representatives  
4           appointed by the Speaker of the House of Representatives,  
5           one of whom the Speaker shall designate to serve as  
6           co-chair, and two members of the House of Representatives  
7           appointed by the Minority Leader of the House of  
8           Representatives.

9           (c) The following persons or their designees:

10                   (1) the Attorney General,

11                   (2) the Chief Judge of the Circuit Court of Cook  
12           County,

13                   (3) the Director of the Illinois State Police,

14                   (4) the Superintendent of the Chicago Police  
15           Department,

16                   (5) the sheriff of Cook County,

17                   (6) the State Appellate Defender,

18                   (7) the Cook County Public Defender,

19                   (8) the Director of the Office of the State's  
20           Attorneys Appellate Prosecutor,

21                   (9) the Cook County State's Attorney,

22                   (10) the Executive Director of the Criminal  
23           Justice Information Authority,

24                   (11) the Director of Corrections,

25                   (12) the Director of Juvenile Justice, and

26                   (13) the Executive Director of the Illinois



1 African-American Family Commission.

2 (d) The co-chairs may name up to 8 persons,  
3 representing minority communities within Illinois, groups  
4 involved in the improvement of the administration of  
5 justice, behavioral health, criminal justice, law  
6 enforcement, and the rehabilitation of former inmates,  
7 community groups, and other interested parties.

8 (Source: P.A. 95-995, eff. 6-1-09.)

9 Section 315. The Racial and Ethnic Impact Research Task  
10 Force Act is amended by changing Section 10 as follows:

11 (20 ILCS 5025/10)

12 Sec. 10. Racial and Ethnic Impact Research Task Force.  
13 There is created the Racial and Ethnic Impact Research Task  
14 Force, composed of the following members:

15 (1) Two members of the Senate appointed by the Senate  
16 President, one of whom the President shall designate to  
17 serve as co-chair, and 2 members of the Senate appointed  
18 by the Minority Leader of the Senate.

19 (2) Two members of the House of Representatives  
20 appointed by the Speaker of the House of Representatives,  
21 one of whom the Speaker shall designate to serve as  
22 co-chair, and 2 members of the House of Representatives  
23 appointed by the Minority Leader of the House of  
24 Representatives.

- 1           (3) The following persons or their designees:
- 2                 (A) the Attorney General,
- 3                 (B) the Chief Judge of the Circuit Court of Cook
- 4           County,
- 5                 (C) the Director of the Illinois State Police,
- 6                 (D) the Superintendent of the Chicago Police
- 7           Department,
- 8                 (E) the Sheriff of Cook County,
- 9                 (F) the State Appellate Defender,
- 10                (G) the Cook County Public Defender,
- 11                (H) the Director of the Office of the State's
- 12           Attorneys Appellate Prosecutor,
- 13                (I) the Cook County State's Attorney,
- 14                (J) the Executive Director of the Illinois
- 15           Criminal Justice Information Authority,
- 16                (K) the Director of Corrections,
- 17                (L) the Director of Juvenile Justice, and
- 18                (M) the Executive Director of the Illinois
- 19           African-American Family Commission.

20           (4) The co-chairs may name up to 8 persons,

21           representing minority communities within Illinois, groups

22           involved in the improvement of the administration of

23           justice, behavioral health, criminal justice, law

24           enforcement, and the rehabilitation of former inmates,

25           community groups, and other interested parties.

26           (Source: P.A. 97-433, eff. 8-16-11.)

1 Section 330. The State Finance Act is amended by changing  
2 Sections 6z-82, 6z-99, 6z-106, 8.3, 8.37, 8p, and 14 as  
3 follows:

4 (30 ILCS 105/6z-82)

5 Sec. 6z-82. State Police Operations Assistance Fund.

6 (a) There is created in the State treasury a special fund  
7 known as the State Police Operations Assistance Fund. The Fund  
8 shall receive revenue under the Criminal and Traffic  
9 Assessment Act. The Fund may also receive revenue from grants,  
10 donations, appropriations, and any other legal source.

11 (b) The Illinois ~~Department of~~ State Police may use moneys  
12 in the Fund to finance any of its lawful purposes or functions.

13 (c) Expenditures may be made from the Fund only as  
14 appropriated by the General Assembly by law.

15 (d) Investment income that is attributable to the  
16 investment of moneys in the Fund shall be retained in the Fund  
17 for the uses specified in this Section.

18 (e) The State Police Operations Assistance Fund shall not  
19 be subject to administrative chargebacks.

20 (f) Notwithstanding any other provision of State law to  
21 the contrary, on or after July 1, 2012, and until June 30,  
22 2013, in addition to any other transfers that may be provided  
23 for by law, at the direction of and upon notification from the  
24 Director of the Illinois State Police, the State Comptroller

1 shall direct and the State Treasurer shall transfer amounts  
2 into the State Police Operations Assistance Fund from the  
3 designated funds not exceeding the following totals:

4 State Police Vehicle Fund ..... \$2,250,000  
5 State Police Wireless Service  
6 Emergency Fund ..... \$2,500,000  
7 State Police Services Fund ..... \$3,500,000

8 (Source: P.A. 100-987, eff. 7-1-19.)

9 (30 ILCS 105/6z-99)

10 Sec. 6z-99. The Mental Health Reporting Fund.

11 (a) There is created in the State treasury a special fund  
12 known as the Mental Health Reporting Fund. The Fund shall  
13 receive revenue under the Firearm Concealed Carry Act. The  
14 Fund may also receive revenue from grants, pass-through  
15 grants, donations, appropriations, and any other legal source.

16 (b) The Illinois ~~Department of~~ State Police and Department  
17 of Human Services shall coordinate to use moneys in the Fund to  
18 finance their respective duties of collecting and reporting  
19 data on mental health records and ensuring that mental health  
20 firearm possession prohibitors are enforced as set forth under  
21 the Firearm Concealed Carry Act and the Firearm Owners  
22 Identification Card Act. Any surplus in the Fund beyond what  
23 is necessary to ensure compliance with mental health reporting  
24 under these Acts shall be used by the Department of Human  
25 Services for mental health treatment programs.

1 (c) Investment income that is attributable to the  
2 investment of moneys in the Fund shall be retained in the Fund  
3 for the uses specified in this Section.

4 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

5 (30 ILCS 105/6z-106)

6 Sec. 6z-106. State Police Law Enforcement Administration  
7 Fund.

8 (a) There is created in the State treasury a special fund  
9 known as the State Police Law Enforcement Administration Fund.  
10 The Fund shall receive revenue under subsection (c) of Section  
11 10-5 of the Criminal and Traffic Assessment Act. The Fund may  
12 also receive revenue from grants, donations, appropriations,  
13 and any other legal source.

14 (b) The Illinois ~~Department of~~ State Police may use moneys  
15 in the Fund to finance any of its lawful purposes or functions;  
16 however, the primary purpose shall be to finance State Police  
17 cadet classes in May and October of each year.

18 (c) Expenditures may be made from the Fund only as  
19 appropriated by the General Assembly by law.

20 (d) Investment income that is attributable to the  
21 investment of moneys in the Fund shall be retained in the Fund  
22 for the uses specified in this Section.

23 (e) The State Police Law Enforcement Administration Fund  
24 shall not be subject to administrative chargebacks.

25 (Source: P.A. 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

1 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

2 Sec. 8.3. Money in the Road Fund shall, if and when the  
3 State of Illinois incurs any bonded indebtedness for the  
4 construction of permanent highways, be set aside and used for  
5 the purpose of paying and discharging annually the principal  
6 and interest on that bonded indebtedness then due and payable,  
7 and for no other purpose. The surplus, if any, in the Road Fund  
8 after the payment of principal and interest on that bonded  
9 indebtedness then annually due shall be used as follows:

10 first -- to pay the cost of administration of Chapters  
11 2 through 10 of the Illinois Vehicle Code, except the cost  
12 of administration of Articles I and II of Chapter 3 of that  
13 Code, and to pay the costs of the Executive Ethics  
14 Commission for oversight and administration of the Chief  
15 Procurement Officer for transportation; and

16 secondly -- for expenses of the Department of  
17 Transportation for construction, reconstruction,  
18 improvement, repair, maintenance, operation, and  
19 administration of highways in accordance with the  
20 provisions of laws relating thereto, or for any purpose  
21 related or incident to and connected therewith, including  
22 the separation of grades of those highways with railroads  
23 and with highways and including the payment of awards made  
24 by the Illinois Workers' Compensation Commission under the  
25 terms of the Workers' Compensation Act or Workers'

1 Occupational Diseases Act for injury or death of an  
2 employee of the Division of Highways in the Department of  
3 Transportation; or for the acquisition of land and the  
4 erection of buildings for highway purposes, including the  
5 acquisition of highway right-of-way or for investigations  
6 to determine the reasonably anticipated future highway  
7 needs; or for making of surveys, plans, specifications and  
8 estimates for and in the construction and maintenance of  
9 flight strips and of highways necessary to provide access  
10 to military and naval reservations, to defense industries  
11 and defense-industry sites, and to the sources of raw  
12 materials and for replacing existing highways and highway  
13 connections shut off from general public use at military  
14 and naval reservations and defense-industry sites, or for  
15 the purchase of right-of-way, except that the State shall  
16 be reimbursed in full for any expense incurred in building  
17 the flight strips; or for the operating and maintaining of  
18 highway garages; or for patrolling and policing the public  
19 highways and conserving the peace; or for the operating  
20 expenses of the Department relating to the administration  
21 of public transportation programs; or, during fiscal year  
22 2020 only, for the purposes of a grant not to exceed  
23 \$8,394,800 to the Regional Transportation Authority on  
24 behalf of PACE for the purpose of ADA/Para-transit  
25 expenses; or, during fiscal year 2021 only, for the  
26 purposes of a grant not to exceed \$8,394,800 to the

1 Regional Transportation Authority on behalf of PACE for  
2 the purpose of ADA/Para-transit expenses; or for any of  
3 those purposes or any other purpose that may be provided  
4 by law.

5 Appropriations for any of those purposes are payable from  
6 the Road Fund. Appropriations may also be made from the Road  
7 Fund for the administrative expenses of any State agency that  
8 are related to motor vehicles or arise from the use of motor  
9 vehicles.

10 Beginning with fiscal year 1980 and thereafter, no Road  
11 Fund monies shall be appropriated to the following Departments  
12 or agencies of State government for administration, grants, or  
13 operations; but this limitation is not a restriction upon  
14 appropriating for those purposes any Road Fund monies that are  
15 eligible for federal reimbursement:

- 16 1. Department of Public Health;
- 17 2. Department of Transportation, only with respect to  
18 subsidies for one-half fare Student Transportation and  
19 Reduced Fare for Elderly, except fiscal year 2020 only  
20 when no more than \$17,570,000 may be expended and except  
21 fiscal year 2021 only when no more than \$17,570,000 may be  
22 expended;
- 23 3. Department of Central Management Services, except  
24 for expenditures incurred for group insurance premiums of  
25 appropriate personnel;
- 26 4. Judicial Systems and Agencies.



1 Beginning with fiscal year 1981 and thereafter, no Road  
2 Fund monies shall be appropriated to the following Departments  
3 or agencies of State government for administration, grants, or  
4 operations; but this limitation is not a restriction upon  
5 appropriating for those purposes any Road Fund monies that are  
6 eligible for federal reimbursement:

7 1. Illinois Department of State Police, except for  
8 expenditures with respect to the Division of Patrol  
9 Operations and Division of Criminal Investigation  
10 Operations;

11 2. Department of Transportation, only with respect to  
12 Intercity Rail Subsidies, except fiscal year 2020 only  
13 when no more than \$50,000,000 may be expended and except  
14 fiscal year 2021 only when no more than \$50,000,000 may be  
15 expended, and Rail Freight Services.

16 Beginning with fiscal year 1982 and thereafter, no Road  
17 Fund monies shall be appropriated to the following Departments  
18 or agencies of State government for administration, grants, or  
19 operations; but this limitation is not a restriction upon  
20 appropriating for those purposes any Road Fund monies that are  
21 eligible for federal reimbursement: Department of Central  
22 Management Services, except for awards made by the Illinois  
23 Workers' Compensation Commission under the terms of the  
24 Workers' Compensation Act or Workers' Occupational Diseases  
25 Act for injury or death of an employee of the Division of  
26 Highways in the Department of Transportation.

1           Beginning with fiscal year 1984 and thereafter, no Road  
2 Fund monies shall be appropriated to the following Departments  
3 or agencies of State government for administration, grants, or  
4 operations; but this limitation is not a restriction upon  
5 appropriating for those purposes any Road Fund monies that are  
6 eligible for federal reimbursement:

7           1. Illinois Department of State Police, except not  
8 more than 40% of the funds appropriated for the Division  
9 of Patrol Operations and Division of Criminal  
10 Investigation Operations;

11           2. State Officers.

12           Beginning with fiscal year 1984 and thereafter, no Road  
13 Fund monies shall be appropriated to any Department or agency  
14 of State government for administration, grants, or operations  
15 except as provided hereafter; but this limitation is not a  
16 restriction upon appropriating for those purposes any Road  
17 Fund monies that are eligible for federal reimbursement. It  
18 shall not be lawful to circumvent the above appropriation  
19 limitations by governmental reorganization or other methods.  
20 Appropriations shall be made from the Road Fund only in  
21 accordance with the provisions of this Section.

22           Money in the Road Fund shall, if and when the State of  
23 Illinois incurs any bonded indebtedness for the construction  
24 of permanent highways, be set aside and used for the purpose of  
25 paying and discharging during each fiscal year the principal  
26 and interest on that bonded indebtedness as it becomes due and

1 payable as provided in the Transportation Bond Act, and for no  
2 other purpose. The surplus, if any, in the Road Fund after the  
3 payment of principal and interest on that bonded indebtedness  
4 then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters  
6 2 through 10 of the Illinois Vehicle Code; and

7 secondly -- no Road Fund monies derived from fees,  
8 excises, or license taxes relating to registration,  
9 operation and use of vehicles on public highways or to  
10 fuels used for the propulsion of those vehicles, shall be  
11 appropriated or expended other than for costs of  
12 administering the laws imposing those fees, excises, and  
13 license taxes, statutory refunds and adjustments allowed  
14 thereunder, administrative costs of the Department of  
15 Transportation, including, but not limited to, the  
16 operating expenses of the Department relating to the  
17 administration of public transportation programs, payment  
18 of debts and liabilities incurred in construction and  
19 reconstruction of public highways and bridges, acquisition  
20 of rights-of-way for and the cost of construction,  
21 reconstruction, maintenance, repair, and operation of  
22 public highways and bridges under the direction and  
23 supervision of the State, political subdivision, or  
24 municipality collecting those monies, or during fiscal  
25 year 2020 only for the purposes of a grant not to exceed  
26 \$8,394,800 to the Regional Transportation Authority on

1           behalf of PACE for the purpose of ADA/Para-transit  
2           expenses, or during fiscal year 2021 only for the purposes  
3           of a grant not to exceed \$8,394,800 to the Regional  
4           Transportation Authority on behalf of PACE for the purpose  
5           of ADA/Para-transit expenses, and the costs for patrolling  
6           and policing the public highways (by State, political  
7           subdivision, or municipality collecting that money) for  
8           enforcement of traffic laws. The separation of grades of  
9           such highways with railroads and costs associated with  
10          protection of at-grade highway and railroad crossing shall  
11          also be permissible.

12          Appropriations for any of such purposes are payable from  
13          the Road Fund or the Grade Crossing Protection Fund as  
14          provided in Section 8 of the Motor Fuel Tax Law.

15          Except as provided in this paragraph, beginning with  
16          fiscal year 1991 and thereafter, no Road Fund monies shall be  
17          appropriated to the Illinois ~~Department of~~ State Police for  
18          the purposes of this Section in excess of its total fiscal year  
19          1990 Road Fund appropriations for those purposes unless  
20          otherwise provided in Section 5g of this Act. For fiscal years  
21          2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies  
22          shall be appropriated to the Department of State Police for  
23          the purposes of this Section in excess of \$97,310,000. For  
24          fiscal year 2008 only, no Road Fund monies shall be  
25          appropriated to the Department of State Police for the  
26          purposes of this Section in excess of \$106,100,000. For fiscal

1 year 2009 only, no Road Fund monies shall be appropriated to  
2 the Department of State Police for the purposes of this  
3 Section in excess of \$114,700,000. Beginning in fiscal year  
4 2010, no road fund moneys shall be appropriated to the  
5 Illinois ~~Department of~~ State Police. It shall not be lawful to  
6 circumvent this limitation on appropriations by governmental  
7 reorganization or other methods unless otherwise provided in  
8 Section 5g of this Act.

9 In fiscal year 1994, no Road Fund monies shall be  
10 appropriated to the Secretary of State for the purposes of  
11 this Section in excess of the total fiscal year 1991 Road Fund  
12 appropriations to the Secretary of State for those purposes,  
13 plus \$9,800,000. It shall not be lawful to circumvent this  
14 limitation on appropriations by governmental reorganization or  
15 other method.

16 Beginning with fiscal year 1995 and thereafter, no Road  
17 Fund monies shall be appropriated to the Secretary of State  
18 for the purposes of this Section in excess of the total fiscal  
19 year 1994 Road Fund appropriations to the Secretary of State  
20 for those purposes. It shall not be lawful to circumvent this  
21 limitation on appropriations by governmental reorganization or  
22 other methods.

23 Beginning with fiscal year 2000, total Road Fund  
24 appropriations to the Secretary of State for the purposes of  
25 this Section shall not exceed the amounts specified for the  
26 following fiscal years:

1	Fiscal Year 2000	\$80,500,000;
2	Fiscal Year 2001	\$80,500,000;
3	Fiscal Year 2002	\$80,500,000;
4	Fiscal Year 2003	\$130,500,000;
5	Fiscal Year 2004	\$130,500,000;
6	Fiscal Year 2005	\$130,500,000;
7	Fiscal Year 2006	\$130,500,000;
8	Fiscal Year 2007	\$130,500,000;
9	Fiscal Year 2008	\$130,500,000;
10	Fiscal Year 2009	\$130,500,000.

11 For fiscal year 2010, no road fund moneys shall be  
12 appropriated to the Secretary of State.

13 Beginning in fiscal year 2011, moneys in the Road Fund  
14 shall be appropriated to the Secretary of State for the  
15 exclusive purpose of paying refunds due to overpayment of fees  
16 related to Chapter 3 of the Illinois Vehicle Code unless  
17 otherwise provided for by law.

18 It shall not be lawful to circumvent this limitation on  
19 appropriations by governmental reorganization or other  
20 methods.

21 No new program may be initiated in fiscal year 1991 and  
22 thereafter that is not consistent with the limitations imposed  
23 by this Section for fiscal year 1984 and thereafter, insofar  
24 as appropriation of Road Fund monies is concerned.

25 Nothing in this Section prohibits transfers from the Road  
26 Fund to the State Construction Account Fund under Section 5e

1 of this Act; nor to the General Revenue Fund, as authorized by  
2 Public Act 93-25.

3 The additional amounts authorized for expenditure in this  
4 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91  
5 shall be repaid to the Road Fund from the General Revenue Fund  
6 in the next succeeding fiscal year that the General Revenue  
7 Fund has a positive budgetary balance, as determined by  
8 generally accepted accounting principles applicable to  
9 government.

10 The additional amounts authorized for expenditure by the  
11 Secretary of State and the Department of State Police in this  
12 Section by Public Act 94-91 shall be repaid to the Road Fund  
13 from the General Revenue Fund in the next succeeding fiscal  
14 year that the General Revenue Fund has a positive budgetary  
15 balance, as determined by generally accepted accounting  
16 principles applicable to government.

17 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
18 100-863, eff.8-14-18; 101-10, eff. 6-5-19; 101-636, eff.  
19 6-10-20.)

20 (30 ILCS 105/8.37)

21 Sec. 8.37. State Police Wireless Service Emergency Fund.

22 (a) The State Police Wireless Service Emergency Fund is  
23 created as a special fund in the State Treasury.

24 (b) Grants or surcharge funds allocated to the Illinois  
25 ~~Department of~~ State Police from the Statewide 9-1-1 Fund shall

1 be deposited into the State Police Wireless Service Emergency  
2 Fund and shall be used in accordance with Section 30 of the  
3 Emergency Telephone System Act.

4 (c) On July 1, 1999, the State Comptroller and State  
5 Treasurer shall transfer \$1,300,000 from the General Revenue  
6 Fund to the State Police Wireless Service Emergency Fund. On  
7 June 30, 2003 the State Comptroller and State Treasurer shall  
8 transfer \$1,300,000 from the State Police Wireless Service  
9 Emergency Fund to the General Revenue Fund.

10 (Source: P.A. 100-20, eff. 7-1-17.)

11 (30 ILCS 105/8p)

12 Sec. 8p. State Police Streetgang-Related Crime Fund.

13 (a) The State Police Streetgang-Related Crime Fund is  
14 created as a special fund in the State treasury.

15 (b) All moneys collected and payable to the Illinois  
16 ~~Department~~ of State Police from the State Police  
17 Streetgang-Related Crime Fund shall be appropriated to and  
18 administered by the Illinois ~~Department~~ of State Police for  
19 operations and initiatives to combat and prevent  
20 streetgang-related crime.

21 (c) The State Police Streetgang-Related Crime Fund shall  
22 not be subject to administrative chargebacks.

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 (30 ILCS 105/14) (from Ch. 127, par. 150)



1           Sec. 14. The item "personal services", when used in an  
2 appropriation Act, means the reward or recompense made for  
3 personal services rendered for the State by an officer or  
4 employee of the State or of an instrumentality thereof, or for  
5 the purpose of Section 14a of this Act, or any amount required  
6 or authorized to be deducted from the salary of any such person  
7 under the provisions of Section 30c of this Act, or any  
8 retirement or tax law, or both, or deductions from the salary  
9 of any such person under the Social Security Enabling Act or  
10 deductions from the salary of such person pursuant to the  
11 Voluntary Payroll Deductions Act of 1983.

12           If no home is furnished to a person who is a full-time  
13 chaplain employed by the State or a former full-time chaplain  
14 retired from State employment, 20% of the salary or pension  
15 paid to that person for his personal services to the State as  
16 chaplain are considered to be a rental allowance paid to him to  
17 rent or otherwise provide a home. This amendatory Act of 1973  
18 applies to State salary amounts received after December 31,  
19 1973.

20           When any appropriation payable from trust funds or federal  
21 funds includes an item for personal services but does not  
22 include a separate item for State contribution for employee  
23 group insurance, the State contribution for employee group  
24 insurance in relation to employees paid under that personal  
25 services line item shall also be payable under that personal  
26 services line item.

1           When any appropriation payable from trust funds or federal  
2 funds includes an item for personal services but does not  
3 include a separate item for employee retirement contributions  
4 paid by the employer, the State contribution for employee  
5 retirement contributions paid by the employer in relation to  
6 employees paid under that personal services line item shall  
7 also be payable under that personal services line item.

8           The item "personal services", when used in an  
9 appropriation Act, shall also mean and include a payment to a  
10 State retirement system by a State agency to discharge a debt  
11 arising from the over-refund to an employee of retirement  
12 contributions. The payment to a State retirement system  
13 authorized by this paragraph shall not be construed to release  
14 the employee from his or her obligation to return to the State  
15 the amount of the over-refund.

16           The item "personal services", when used in an  
17 appropriation Act, also includes a payment to reimburse the  
18 Department of Central Management Services for temporary total  
19 disability benefit payments in accordance with subdivision (9)  
20 of Section 405-105 of the Department of Central Management  
21 Services Law ~~(20 ILCS 405/405-105)~~.

22           Beginning July 1, 1993, the item "personal services" and  
23 related line items, when used in an appropriation Act or this  
24 Act, shall also mean and include back wage claims of State  
25 officers and employees to the extent those claims have not  
26 been satisfied from the back wage appropriation to the

1 Department of Central Management Services in the preceding  
2 fiscal year, as provided in Section 14b of this Act and  
3 subdivision (13) of Section 405-105 of the Department of  
4 Central Management Services Law ~~(20 ILCS 405/405-105)~~.

5 The item "personal services", when used with respect to  
6 State police officers in an appropriation Act, also includes a  
7 payment for the burial expenses of a State police officer  
8 killed in the line of duty, made in accordance with Section  
9 12.2 of the Illinois State Police Act and any rules adopted  
10 under that Section.

11 For State fiscal year 2005, the item "personal services",  
12 when used in an appropriation Act, also includes payments for  
13 employee retirement contributions paid by the employer.

14 (Source: P.A. 93-839, eff. 7-30-04.)

15 Section 335. The State Officers and Employees Money  
16 Disposition Act is amended by changing Section 2 as follows:

17 (30 ILCS 230/2) (from Ch. 127, par. 171)

18 Sec. 2. Accounts of money received; payment into State  
19 treasury.

20 (a) Every officer, board, commission, commissioner,  
21 department, institution, arm or agency brought within the  
22 provisions of this Act by Section 1 shall keep in proper books  
23 a detailed itemized account of all moneys received for or on  
24 behalf of the State of Illinois, showing the date of receipt,

1 the payor, and purpose and amount, and the date and manner of  
2 disbursement as hereinafter provided, and, unless a different  
3 time of payment is expressly provided by law or by rules or  
4 regulations promulgated under subsection (b) of this Section,  
5 shall pay into the State treasury the gross amount of money so  
6 received on the day of actual physical receipt with respect to  
7 any single item of receipt exceeding \$10,000, within 24 hours  
8 of actual physical receipt with respect to an accumulation of  
9 receipts of \$10,000 or more, or within 48 hours of actual  
10 physical receipt with respect to an accumulation of receipts  
11 exceeding \$500 but less than \$10,000, disregarding holidays,  
12 Saturdays and Sundays, after the receipt of same, without any  
13 deduction on account of salaries, fees, costs, charges,  
14 expenses or claims of any description whatever; provided that:

15 (1) the provisions of (i) Section 2505-475 of the  
16 Department of Revenue Law ~~(20 ILCS 2505/2505-475)~~, (ii)  
17 any specific taxing statute authorizing a claim for credit  
18 procedure instead of the actual making of refunds, (iii)  
19 Section 505 of the Illinois Controlled Substances Act,  
20 (iv) Section 85 of the Methamphetamine Control and  
21 Community Protection Act, authorizing the Director of the  
22 Illinois State Police to dispose of forfeited property,  
23 which includes the sale and disposition of the proceeds of  
24 the sale of forfeited property, and the Department of  
25 Central Management Services to be reimbursed for costs  
26 incurred with the sales of forfeited vehicles, boats or

1 aircraft and to pay to bona fide or innocent purchasers,  
2 conditional sales vendors or mortgagees of such vehicles,  
3 boats or aircraft their interest in such vehicles, boats  
4 or aircraft, and (v) Section 6b-2 of the State Finance  
5 Act, establishing procedures for handling cash receipts  
6 from the sale of pari-mutuel wagering tickets, shall not  
7 be deemed to be in conflict with the requirements of this  
8 Section;

9 (2) any fees received by the State Registrar of Vital  
10 Records pursuant to the Vital Records Act which are  
11 insufficient in amount may be returned by the Registrar as  
12 provided in that Act;

13 (3) any fees received by the Department of Public  
14 Health under the Food Handling Regulation Enforcement Act  
15 that are submitted for renewal of an expired food service  
16 sanitation manager certificate may be returned by the  
17 Director as provided in that Act;

18 (3.5) the State Treasurer may permit the deduction of  
19 fees by third-party unclaimed property examiners from the  
20 property recovered by the examiners for the State of  
21 Illinois during examinations of holders located outside  
22 the State under which the Office of the Treasurer has  
23 agreed to pay for the examinations based upon a  
24 percentage, in accordance with the Revised Uniform  
25 Unclaimed Property Act, of the property recovered during  
26 the examination; and

1           (4) if the amount of money received does not exceed  
2           \$500, such money may be retained and need not be paid into  
3           the State treasury until the total amount of money so  
4           received exceeds \$500, or until the next succeeding 1st or  
5           15th day of each month (or until the next business day if  
6           these days fall on Sunday or a holiday), whichever is  
7           earlier, at which earlier time such money shall be paid  
8           into the State treasury, except that if a local bank or  
9           savings and loan association account has been authorized  
10          by law, any balances shall be paid into the State treasury  
11          on Monday of each week if more than \$500 is to be deposited  
12          in any fund.

13          Single items of receipt exceeding \$10,000 received after 2  
14          p.m. on a working day may be deemed to have been received on  
15          the next working day for purposes of fulfilling the  
16          requirement that the item be deposited on the day of actual  
17          physical receipt.

18          No money belonging to or left for the use of the State  
19          shall be expended or applied except in consequence of an  
20          appropriation made by law and upon the warrant of the State  
21          Comptroller. However, payments made by the Comptroller to  
22          persons by direct deposit need not be made upon the warrant of  
23          the Comptroller, but if not made upon a warrant, shall be made  
24          in accordance with Section 9.02 of the State Comptroller Act.  
25          All moneys so paid into the State treasury shall, unless  
26          required by some statute to be held in the State treasury in a

1 separate or special fund, be covered into the General Revenue  
2 Fund in the State treasury. Moneys received in the form of  
3 checks, drafts or similar instruments shall be properly  
4 endorsed, if necessary, and delivered to the State Treasurer  
5 for collection. The State Treasurer shall remit such collected  
6 funds to the depositing officer, board, commission,  
7 commissioner, department, institution, arm or agency by  
8 Treasurers Draft or through electronic funds transfer. The  
9 draft or notification of the electronic funds transfer shall  
10 be provided to the State Comptroller to allow deposit into the  
11 appropriate fund.

12 (b) Different time periods for the payment of public funds  
13 into the State treasury or to the State Treasurer, in excess of  
14 the periods established in subsection (a) of this Section, but  
15 not in excess of 30 days after receipt of such funds, may be  
16 established and revised from time to time by rules or  
17 regulations promulgated jointly by the State Treasurer and the  
18 State Comptroller in accordance with the Illinois  
19 Administrative Procedure Act. The different time periods  
20 established by rule or regulation under this subsection may  
21 vary according to the nature and amounts of the funds  
22 received, the locations at which the funds are received,  
23 whether compliance with the deposit requirements specified in  
24 subsection (a) of this Section would be cost effective, and  
25 such other circumstances and conditions as the promulgating  
26 authorities consider to be appropriate. The Treasurer and the

1 Comptroller shall review all such different time periods  
2 established pursuant to this subsection every 2 years from the  
3 establishment thereof and upon such review, unless it is  
4 determined that it is economically unfeasible for the agency  
5 to comply with the provisions of subsection (a), shall repeal  
6 such different time period.

7 (Source: P.A. 100-22, eff. 1-1-18.)

8 Section 340. The Illinois Procurement Code is amended by  
9 changing Section 25-75 as follows:

10 (30 ILCS 500/25-75)

11 Sec. 25-75. Purchase of motor vehicles.

12 (a) Beginning on the effective date of this amendatory Act  
13 of the 94th General Assembly, all gasoline-powered vehicles  
14 purchased from State funds must be flexible fuel vehicles.  
15 Beginning July 1, 2007, all gasoline-powered vehicles  
16 purchased from State funds must be flexible fuel or fuel  
17 efficient hybrid vehicles. For purposes of this Section,  
18 "flexible fuel vehicles" are automobiles or light trucks that  
19 operate on either gasoline or E-85 (85% ethanol, 15% gasoline)  
20 fuel and "Fuel efficient hybrid vehicles" are automobiles or  
21 light trucks that use a gasoline or diesel engine and an  
22 electric motor to provide power and gain at least a 20%  
23 increase in combined US-EPA city-highway fuel economy over the  
24 equivalent or most-similar conventionally-powered model.



1 (b) On and after the effective date of this amendatory Act  
2 of the 94th General Assembly, any vehicle purchased from State  
3 funds that is fueled by diesel fuel shall be certified by the  
4 manufacturer to run on 5% biodiesel (B5) fuel.

5 (b-5) On and after January 1, 2016, 15% of passenger  
6 vehicles, other than Department of Corrections vehicles,  
7 Secretary of State vehicles (except for mid-sized sedans), and  
8 Illinois ~~Department of~~ State Police patrol vehicles, purchased  
9 with State funds shall be vehicles fueled by electricity,  
10 electricity and gasohol (hybrids or plug-in hybrids),  
11 compressed natural gas, liquid petroleum gas, or liquid  
12 natural gas, including dedicated or non-dedicated fuel type  
13 vehicles.

14 (c) The Chief Procurement Officer may determine that  
15 certain vehicle procurements are exempt from this Section  
16 based on intended use or other reasonable considerations such  
17 as health and safety of Illinois citizens.

18 (Source: P.A. 98-442, eff. 1-1-14; 98-759, eff. 7-16-14;  
19 99-406, eff. 1-1-16.)

20 Section 345. The State Property Control Act is amended by  
21 changing Sections 7, 7b and 7c as follows:

22 (30 ILCS 605/7) (from Ch. 127, par. 133b10)

23 Sec. 7. Disposition of transferable property.

24 (a) Except as provided in subsection (c), whenever a

1 responsible officer considers it advantageous to the State to  
2 dispose of transferable property by trading it in for credit  
3 on a replacement of like nature, the responsible officer shall  
4 report the trade-in and replacement to the administrator on  
5 forms furnished by the latter. The exchange, trade or transfer  
6 of "textbooks" as defined in Section 18-17 of the School Code  
7 between schools or school districts pursuant to regulations  
8 adopted by the State Board of Education under that Section  
9 shall not constitute a disposition of transferable property  
10 within the meaning of this Section, even though such exchange,  
11 trade or transfer occurs within 5 years after the textbooks  
12 are first provided for loan pursuant to Section 18-17 of the  
13 School Code.

14 (b) Except as provided in subsection (c), whenever it is  
15 deemed necessary to dispose of any item of transferable  
16 property, the administrator shall proceed to dispose of the  
17 property by sale or scrapping as the case may be, in whatever  
18 manner he considers most advantageous and most profitable to  
19 the State. Items of transferable property which would  
20 ordinarily be scrapped and disposed of by burning or by burial  
21 in a landfill may be examined and a determination made whether  
22 the property should be recycled. This determination and any  
23 sale of recyclable property shall be in accordance with rules  
24 promulgated by the Administrator.

25 When the administrator determines that property is to be  
26 disposed of by sale, he shall offer it first to the

1 municipalities, counties, and school districts of the State  
2 and to charitable, not-for-profit educational and public  
3 health organizations, including but not limited to medical  
4 institutions, clinics, hospitals, health centers, schools,  
5 colleges, universities, child care centers, museums, nursing  
6 homes, programs for the elderly, food banks, State Use  
7 Sheltered Workshops and the Boy and Girl Scouts of America,  
8 for purchase at an appraised value. Notice of inspection or  
9 viewing dates and property lists shall be distributed in the  
10 manner provided in rules and regulations promulgated by the  
11 Administrator for that purpose.

12       Electronic data processing equipment purchased and charged  
13 to appropriations may, at the discretion of the administrator,  
14 be sold, pursuant to contracts entered into by the Director of  
15 Central Management Services or the heads of agencies exempt  
16 from "The Illinois Purchasing Act". However such equipment  
17 shall not be sold at prices less than the purchase cost thereof  
18 or depreciated value as determined by the administrator. No  
19 sale of the electronic data processing equipment and lease to  
20 the State by the purchaser of such equipment shall be made  
21 under this Act unless the Director of Central Management  
22 Services finds that such contracts are financially  
23 advantageous to the State.

24       Disposition of other transferable property by sale, except  
25 sales directly to local governmental units, school districts,  
26 and not-for-profit educational, charitable and public health

1 organizations, shall be subject to the following minimum  
2 conditions:

3 (1) The administrator shall cause the property to be  
4 advertised for sale to the highest responsible bidder,  
5 stating time, place, and terms of such sale at least 7 days  
6 prior to the time of sale and at least once in a newspaper  
7 having a general circulation in the county where the  
8 property is to be sold.

9 (2) If no acceptable bids are received, the  
10 administrator may then sell the property in whatever  
11 manner he considers most advantageous and most profitable  
12 to the State.

13 (c) Notwithstanding any other provision of this Act, an  
14 agency covered by this Act may transfer books, serial  
15 publications, or other library materials that are transferable  
16 property, or that have been withdrawn from the agency's  
17 library collection through a regular collection evaluation  
18 process, to any of the following entities:

19 (1) Another agency covered by this Act located in  
20 Illinois.

21 (2) A State supported university library located in  
22 Illinois.

23 (3) A tax-supported public library located in  
24 Illinois, including a library established by a public  
25 library district.

26 (4) A library system organized under the Illinois

1 Library System Act or any library located in Illinois that  
2 is a member of such a system.

3 (5) A non-profit agency, located in or outside  
4 Illinois.

5 A transfer of property under this subsection is not  
6 subject to the requirements of subsection (a) or (b).

7 In addition, an agency covered by this Act may sell or  
8 exchange books, serial publications, and other library  
9 materials that have been withdrawn from its library collection  
10 through a regular collection evaluation process. Those items  
11 may be sold to the public at library book sales or to book  
12 dealers or may be offered through exchange to book dealers or  
13 other organizations. Revenues generated from the sale of  
14 withdrawn items shall be retained by the agency in a separate  
15 account to be used solely for the purchase of library  
16 materials; except that in the case of the State Library,  
17 revenues from the sale of withdrawn items shall be deposited  
18 into the State Library Fund to be used for the purposes stated  
19 in Section 25 of the State Library Act.

20 For purposes of this subsection (c), "library materials"  
21 means physical entities of any substance that serve as  
22 carriers of information, including, without limitation, books,  
23 serial publications, periodicals, microforms, graphics, audio  
24 or video recordings, and machine readable data files.

25 (d) Notwithstanding any other provision of this Act, the  
26 Director of the Illinois State Police may dispose of a service

1 firearm or police badge issued or previously issued to a  
2 retiring or separating State Police officer as provided in  
3 Section 17b of the Illinois State Police Act. The Director of  
4 Natural Resources may dispose of a service firearm or police  
5 badge issued previously to a retiring Conservation Police  
6 Officer as provided in Section 805-538 of the Department of  
7 Natural Resources (Conservation) Law of the Civil  
8 Administrative Code of Illinois. The Director of the Secretary  
9 of State Department of Police may dispose of a service firearm  
10 or police badge issued or previously issued to a retiring  
11 Secretary of State Police officer, inspector, or investigator  
12 as provided in Section 2-116 of the Illinois Vehicle Code. The  
13 Office of the State Fire Marshal may dispose of a service  
14 firearm or badge previously issued to a State Fire Marshal  
15 Arson Investigator Special Agent who is honorably retiring or  
16 separating in good standing as provided in subsection (c) of  
17 Section 1 of the Peace Officer Fire Investigation Act.

18 (Source: P.A. 100-931, eff. 8-17-18.)

19 (30 ILCS 605/7b)

20 Sec. 7b. Maintenance and operation of Illinois State  
21 Police vehicles. All proceeds received by the Department of  
22 Central Management Services under this Act from the sale of  
23 vehicles operated by the Illinois ~~Department of~~ State Police  
24 shall be deposited into the State Police Vehicle Maintenance  
25 Fund.

1           The State Police Vehicle Maintenance Fund is created as a  
2 special fund in the State treasury. All moneys in the State  
3 Police Vehicle Maintenance Fund, subject to appropriation,  
4 shall be used by the Illinois ~~Department of~~ State Police for  
5 the maintenance and operation of vehicles for that Department.  
6 (Source: P.A. 101-636, eff. 6-10-20.)

7           (30 ILCS 605/7c)

8           Sec. 7c. Acquisition of Illinois State Police vehicles.  
9 The State Police Vehicle Fund is created as a special fund in  
10 the State treasury. All moneys in the Fund, subject to  
11 appropriation, shall be used by the Illinois ~~Department of~~  
12 State Police:

13           (1) for the acquisition of vehicles for that  
14 Department; or

15           (2) for debt service on bonds issued to finance the  
16 acquisition of vehicles for that Department.

17 (Source: P.A. 100-987, eff. 7-1-19.)

18           Section 350. The State Vehicle Identification Act is  
19 amended by changing Section 4 as follows:

20           (30 ILCS 610/4) (from Ch. 127, par. 133e4)

21           Sec. 4. This Act shall not apply to vehicles used by  
22 elective State officers, by executive heads of State agencies  
23 and departments, by presidents of colleges or universities

1 placed under control of officers of this State, or by any  
2 employee of a State agency or department in the performance of  
3 investigative services exclusively when the executive head  
4 thereof has requested an exception in writing, and such  
5 exception has been approved in writing by the Department, on  
6 the basis that the identification would hamper the individual  
7 employee in the routine performance of his investigative  
8 duties. A record, open to public inspection, shall be kept by  
9 the Department of all such exceptions approved by it.

10 This Act shall not apply to vehicles assigned to the use of  
11 the Illinois ~~Department of~~ State Police and the Division of  
12 Law Enforcement of the Department of Natural Resources, and  
13 the executive heads thereof shall have within their discretion  
14 determination of the type of markings or identification, if  
15 any, to be affixed to vehicles assigned to said Department or  
16 Division nor shall this Act apply to vehicles assigned to the  
17 use of Secretary of State police officers.

18 (Source: P.A. 89-445, eff. 2-7-96.)

19 Section 355. The Intergovernmental Drug Laws Enforcement  
20 Act is amended by changing Sections 2.01, 3, 4, 5, and 5.1 as  
21 follows:

22 (30 ILCS 715/2.01) (from Ch. 56 1/2, par. 1702.01)

23 Sec. 2.01. ~~"Department" means the Department of State~~  
24 ~~Police and~~ "Director" means the Director of the Illinois State



1 Police.

2 (Source: P.A. 84-25.)

3 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

4 Sec. 3. A Metropolitan Enforcement Group which meets the  
5 minimum criteria established in this Section is eligible to  
6 receive State grants to help defray the costs of operation. To  
7 be eligible a MEG must:

8 (1) Be established and operating pursuant to  
9 intergovernmental contracts written and executed in  
10 conformity with the Intergovernmental Cooperation Act, and  
11 involve 2 or more units of local government.

12 (2) Establish a MEG Policy Board composed of an  
13 elected official, or his designee, and the chief law  
14 enforcement officer, or his designee, from each  
15 participating unit of local government to oversee the  
16 operations of the MEG and make such reports to the  
17 Illinois Department of State Police as the Illinois State  
18 Police Department may require.

19 (3) Designate a single appropriate elected official of  
20 a participating unit of local government to act as the  
21 financial officer of the MEG for all participating units  
22 of local government and to receive funds for the operation  
23 of the MEG.

24 (4) Limit its operations to enforcement of drug laws;  
25 enforcement of Sections 24-2.1, 24-2.2, 24-3, 24-3.1,

1 24-3.3, 24-3.4, 24-4, and 24-5 and subsections 24-1(a)(4),  
2 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), and  
3 24-1(c) of the Criminal Code of 2012; and the  
4 investigation of streetgang related offenses.

5 (5) Cooperate with the Illinois ~~Department of~~ State  
6 Police in order to assure compliance with this Act and to  
7 enable the Illinois State Police ~~Department~~ to fulfill its  
8 duties under this Act, and supply the Illinois State  
9 Police ~~Department~~ with all information the Illinois State  
10 Police ~~Department~~ deems necessary therefor.

11 (6) Receive funding of at least 50% of the total  
12 operating budget of the MEG from the participating units  
13 of local government.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 (30 ILCS 715/4) (from Ch. 56 1/2, par. 1704)

16 Sec. 4. The Illinois ~~Department of~~ State Police shall  
17 monitor the operations of all MEG units and determine their  
18 eligibility to receive State grants under this Act. From the  
19 moneys appropriated annually by the General Assembly for this  
20 purpose, the Director shall determine and certify to the  
21 Comptroller the amount of the grant to be made to each  
22 designated MEG financial officer. The amount of the State  
23 grant which a MEG may receive hereunder may not exceed 50% of  
24 the total operating budget of that MEG.

25 (Source: P.A. 84-25.)

1 (30 ILCS 715/5) (from Ch. 56 1/2, par. 1705)

2 Sec. 5. The Illinois ~~Department of~~ State Police shall  
3 coordinate the operations of all MEG units and may establish  
4 such reasonable rules and regulations and conduct those  
5 investigations the Director deems necessary to carry out its  
6 duties under this Act, including the establishment of forms  
7 for reporting by each MEG to the Illinois State Police  
8 ~~Department~~.

9 (Source: P.A. 84-25.)

10 (30 ILCS 715/5.1) (from Ch. 56 1/2, par. 1705.1)

11 Sec. 5.1. The Director may assign the functions and duties  
12 created under this Act to be administered by the Illinois  
13 ~~Department of~~ State Police, Division of Investigation.

14 (Source: P.A. 84-25.)

15 Section 360. The State Mandates Act is amended by changing  
16 Section 8.40 as follows:

17 (30 ILCS 805/8.40)

18 Sec. 8.40. Exempt mandate.

19 (a) Notwithstanding Sections 6 and 8 of this Act, no  
20 reimbursement by the State is required for the implementation  
21 of any mandate created by Public Act 99-683, 99-745, or  
22 99-905.

1           (b) Notwithstanding Sections 6 and 8 of this Act, no  
2 reimbursement by the State is required for the implementation  
3 of any mandate created by Section 40 of the Illinois State  
4 Police Act and Section 10.19 of the Illinois Police Training  
5 Act.

6           (Source: P.A. 99-683, eff. 7-29-16; 99-711, eff. 1-1-17;  
7 99-745, eff. 8-5-16; 99-905, eff. 11-29-16; 100-201, eff.  
8 8-18-17.)

9           Section 365. The Illinois Income Tax Act is amended by  
10 changing Section 1109 as follows:

11           (35 ILCS 5/1109) (from Ch. 120, par. 11-1109)

12           Sec. 1109. Demand and Seizure. In addition to any other  
13 remedy provided for by the laws of this State, if the tax  
14 imposed by this Act is not paid within the time required by  
15 this Act, the Department, or some person designated by it, may  
16 cause a demand to be made on the taxpayer for the payment  
17 thereof. If such tax remains unpaid for 10 days after such  
18 demand has been made and no proceedings have been taken to  
19 review the same, the Department may issue a warrant directed  
20 to any sheriff or other person authorized to serve process,  
21 commanding the sheriff or other person to levy upon the  
22 property and rights to property (whether real or personal,  
23 tangible or intangible) of the taxpayer, without exemption,  
24 found within his jurisdiction, for the payment of the amount

1       thereof with the added penalties, interest and the cost of  
2       executing the warrant. The term "levy" includes the power of  
3       distrain and seizure by any means. In any case in which the  
4       warrant to levy has been issued, the sheriff or other person to  
5       whom the warrant was directed may seize and sell such property  
6       or rights to property. Such warrant shall be returned to the  
7       Department together with the money collected by virtue thereof  
8       within the time therein specified, which shall not be less  
9       than 20 nor more than 90 days from the date of the warrant. The  
10      sheriff or other person to whom such warrant is directed shall  
11      proceed in the same manner as prescribed by law in respect to  
12      the enforcement against property upon judgments by a court,  
13      and shall be entitled to the same fees for his services in  
14      executing the warrant, to be collected in the same manner. The  
15      Department, or some officer, employee or agent designated by  
16      it, is hereby authorized to bid for and purchase any property  
17      sold under the provisions hereof. No proceedings for a levy  
18      under this Section shall be commenced more than 20 years after  
19      the latest date for filing of the notice of lien under the  
20      provisions of Section 1103, without regard to whether such  
21      notice was actually filed.

22           Any officer or employee of the Department designated in  
23      writing by the Director is authorized to serve process under  
24      this Section to levy upon accounts or other intangible assets  
25      of a taxpayer held by a financial organization, as defined in  
26      Section 1501 of this Act. In addition to any other provisions

1 of this Section, any officer or employee of the Department  
2 designated in writing by the Director may levy upon the  
3 following property and rights to property belonging to a  
4 taxpayer: contractual payments, accounts and notes receivable  
5 and other evidences of debt, and interest on bonds, by serving  
6 a notice of levy on the person making such payment. Levy shall  
7 not be made until the Department has caused a demand to be made  
8 on the taxpayer in the manner provided above. In addition to  
9 any other provisions of this Section, any officer or employee  
10 of the Department designated in writing by the Director, may  
11 levy upon the salary, wages, commissions and bonuses of any  
12 employee, including officers, employees, or elected officials  
13 of the United States as authorized by Section 5520a of the  
14 Government Organization and Employees Act (5 U.S.C. 5520a),  
15 but not upon the salary or wages of officers, employees, or  
16 elected officials of any state other than this State, by  
17 serving a notice of levy on the employer, as defined in Section  
18 701(d). Levy shall not be made until the Department has caused  
19 a demand to be made on the employee in the manner provided  
20 above. The provisions of Section 12-803 of the Code of Civil  
21 Procedure relating to maximum compensation subject to  
22 collection under wage deduction orders shall apply to all  
23 levies made upon compensation under this Section. To the  
24 extent of the amount due on the levy, the employer or other  
25 person making payments to the taxpayer shall hold any  
26 non-exempt wages or other payments due or which subsequently

1 come due. The levy or balance due thereon is a lien on wages or  
2 other payments due at the time of the service of the notice of  
3 levy, and such lien shall continue as to subsequent earnings  
4 and other payments until the total amount due upon the levy is  
5 paid, except that such lien on subsequent earnings or other  
6 payments shall terminate sooner if the employment relationship  
7 is terminated or if the notice of levy is rescinded or  
8 modified. The employer or other person making payments to the  
9 taxpayer shall file, on or before the return dates stated in  
10 the notice of levy (which shall not be more often than  
11 bimonthly) a written answer under oath to interrogatories,  
12 setting forth the amount due as wages or other payments to the  
13 taxpayer for the payment periods ending immediately prior to  
14 the appropriate return date. A lien obtained hereunder shall  
15 have priority over any subsequent lien obtained pursuant to  
16 Section 12-808 of the Code of Civil Procedure, except that  
17 liens for the support of a spouse or dependent children shall  
18 have priority over all liens obtained hereunder.

19 In any case where property or rights to property have been  
20 seized by an officer of the Illinois ~~Department of~~ State  
21 Police, or successor agency thereto, under the authority of a  
22 warrant to levy issued by the Department of Revenue, the  
23 Department of Revenue may take possession of and may sell such  
24 property or rights to property and the Department of Revenue  
25 may contract with third persons to conduct sales of such  
26 property or rights to the property. In the conduct of such

1 sales, the Department of Revenue shall proceed in the same  
2 manner as is prescribed by law for proceeding against property  
3 to enforce judgments which are entered by a circuit court of  
4 this State. If, in the Department of Revenue's opinion, no  
5 offer to purchase at such sale is acceptable and the State's  
6 interest would be better served by retaining the property for  
7 sale at a later date, then the Department may decline to accept  
8 any bid and may retain the property for sale at a later date.

9 (Source: P.A. 89-399, eff. 8-20-95.)

10 Section 370. The Cigarette Use Tax Act is amended by  
11 changing Section 3-10 as follows:

12 (35 ILCS 135/3-10)

13 Sec. 3-10. Cigarette enforcement.

14 (a) Prohibitions. It is unlawful for any person:

15 (1) to sell or distribute in this State; to acquire,  
16 hold, own, possess, or transport, for sale or distribution  
17 in this State; or to import, or cause to be imported into  
18 this State for sale or distribution in this State:

19 (A) any cigarettes the package of which:

20 (i) bears any statement, label, stamp,  
21 sticker, or notice indicating that the  
22 manufacturer did not intend the cigarettes to be  
23 sold, distributed, or used in the United States,  
24 including but not limited to labels stating "For



1           Export Only", "U.S. Tax Exempt", "For Use Outside  
2           U.S.", or similar wording; or

3           (ii) does not comply with:

4           (aa) all requirements imposed by or  
5           pursuant to federal law regarding warnings and  
6           other information on packages of cigarettes  
7           manufactured, packaged, or imported for sale,  
8           distribution, or use in the United States,  
9           including but not limited to the precise  
10          warning labels specified in the federal  
11          Cigarette Labeling and Advertising Act, 15  
12          U.S.C. 1333; and

13          (bb) all federal trademark and copyright  
14          laws;

15          (B) any cigarettes imported into the United States  
16          in violation of 26 U.S.C. 5754 or any other federal  
17          law, or implementing federal regulations;

18          (C) any cigarettes that such person otherwise  
19          knows or has reason to know the manufacturer did not  
20          intend to be sold, distributed, or used in the United  
21          States; or

22          (D) any cigarettes for which there has not been  
23          submitted to the Secretary of the U.S. Department of  
24          Health and Human Services the list or lists of the  
25          ingredients added to tobacco in the manufacture of the  
26          cigarettes required by the federal Cigarette Labeling

1 and Advertising Act, 15 U.S.C. 1335a;

2 (2) to alter the package of any cigarettes, prior to  
3 sale or distribution to the ultimate consumer, so as to  
4 remove, conceal, or obscure:

5 (A) any statement, label, stamp, sticker, or  
6 notice described in subdivision (a)(1)(A)(i) of this  
7 Section;

8 (B) any health warning that is not specified in,  
9 or does not conform with the requirements of, the  
10 federal Cigarette Labeling and Advertising Act, 15  
11 U.S.C. 1333; or

12 (3) to affix any stamp required pursuant to this Act  
13 to the package of any cigarettes described in subdivision  
14 (a)(1) of this Section or altered in violation of  
15 subdivision (a)(2).

16 (b) Documentation. On the first business day of each  
17 month, each person licensed to affix the State tax stamp to  
18 cigarettes shall file with the Department, for all cigarettes  
19 imported into the United States to which the person has  
20 affixed the tax stamp in the preceding month:

21 (1) a copy of:

22 (A) the permit issued pursuant to the Internal  
23 Revenue Code, 26 U.S.C. 5713, to the person importing  
24 the cigarettes into the United States allowing the  
25 person to import the cigarettes; and

26 (B) the customs form containing, with respect to

1           the cigarettes, the internal revenue tax information  
2           required by the U.S. Bureau of Alcohol, Tobacco and  
3           Firearms;

4           (2) a statement, signed by the person under penalty of  
5           perjury, which shall be treated as confidential by the  
6           Department and exempt from disclosure under the Freedom of  
7           Information Act, identifying the brand and brand styles of  
8           all such cigarettes, the quantity of each brand style of  
9           such cigarettes, the supplier of such cigarettes, and the  
10          person or persons, if any, to whom such cigarettes have  
11          been conveyed for resale; and a separate statement, signed  
12          by the individual under penalty of perjury, which shall  
13          not be treated as confidential or exempt from disclosure,  
14          separately identifying the brands and brand styles of such  
15          cigarettes; and

16          (3) a statement, signed by an officer of the  
17          manufacturer or importer under penalty of perjury,  
18          certifying that the manufacturer or importer has complied  
19          with:

20                 (A) the package health warning and ingredient  
21                 reporting requirements of the federal Cigarette  
22                 Labeling and Advertising Act, 15 U.S.C. 1333 and  
23                 1335a, with respect to such cigarettes; and

24                 (B) the provisions of Exhibit T of the Master  
25                 Settlement Agreement entered in the case of People of  
26                 the State of Illinois v. Philip Morris, et al.

1           (Circuit Court of Cook County, No. 96-L13146),  
2           including a statement indicating whether the  
3           manufacturer is, or is not, a participating tobacco  
4           manufacturer within the meaning of Exhibit T.

5           (c) Administrative sanctions.

6           (1) Upon finding that a distributor, secondary  
7           distributor, retailer, or a person has committed any of  
8           the acts prohibited by subsection (a), knowing or having  
9           reason to know that he or she has done so, or upon finding  
10          that a distributor or person has failed to comply with any  
11          requirement of subsection (b), the Department may revoke  
12          or suspend the license or licenses of any distributor,  
13          retailer, or secondary distributor pursuant to the  
14          procedures set forth in Section 6 and impose on the  
15          distributor, secondary distributor, retailer, or person, a  
16          civil penalty in an amount not to exceed the greater of  
17          500% of the retail value of the cigarettes involved or  
18          \$5,000.

19          (2) Cigarettes that are acquired, held, owned,  
20          possessed, transported in, imported into, or sold or  
21          distributed in this State in violation of this Section  
22          shall be deemed contraband under this Act and are subject  
23          to seizure and forfeiture as provided in this Act, and all  
24          such cigarettes seized and forfeited shall be destroyed or  
25          maintained and used in an undercover capacity. Such  
26          cigarettes shall be deemed contraband whether the

1 violation of this Section is knowing or otherwise.

2 (d) Unfair trade practices. In addition to any other  
3 penalties provided for in this Act, a violation of subsection  
4 (a) or subsection (b) of this Section shall constitute an  
5 unlawful practice as provided in the Consumer Fraud and  
6 Deceptive Business Practices Act.

7 (d-1) Retailers who are licensed under Section 4g of the  
8 Cigarette Tax Act and secondary distributors shall not be  
9 liable under subsections (c)(1) and (d) of this Section for  
10 unknowingly possessing, selling, or distributing to consumers  
11 or users cigarettes identified in subsection (a)(1) of this  
12 Section if the cigarettes possessed, sold, or distributed by  
13 the licensed retailer were obtained from a distributor or  
14 secondary distributor licensed under this Act or the Cigarette  
15 Tax Act.

16 (d-2) Criminal Penalties. A distributor, secondary  
17 distributor, retailer, or person who violates subsection (a),  
18 or a distributor, secondary distributor, or person who  
19 violates subsection (b) of this Section shall be guilty of a  
20 Class 4 felony.

21 (e) Unfair cigarette sales. For purposes of the Trademark  
22 Registration and Protection Act and the Counterfeit Trademark  
23 Act, cigarettes imported or reimported into the United States  
24 for sale or distribution under any trade name, trade dress, or  
25 trademark that is the same as, or is confusingly similar to,  
26 any trade name, trade dress, or trademark used for cigarettes

1 manufactured in the United States for sale or distribution in  
2 the United States shall be presumed to have been purchased  
3 outside of the ordinary channels of trade.

4 (f) General provisions.

5 (1) This Section shall be enforced by the Department;  
6 provided that, at the request of the Director of Revenue  
7 or the Director's duly authorized agent, the Illinois  
8 State Police ~~police~~ and all local police authorities shall  
9 enforce the provisions of this Section. The Attorney  
10 General has concurrent power with the State's Attorney of  
11 any county to enforce this Section.

12 (2) For the purpose of enforcing this Section, the  
13 Director of Revenue and any agency to which the Director  
14 has delegated enforcement responsibility pursuant to  
15 subdivision (f)(1) may request information from any State  
16 or local agency and may share information with and request  
17 information from any federal agency and any agency of any  
18 other state or any local agency of any other state.

19 (3) In addition to any other remedy provided by law,  
20 including enforcement as provided in subdivision (f)(1),  
21 any person may bring an action for appropriate injunctive  
22 or other equitable relief for a violation of this Section;  
23 actual damages, if any, sustained by reason of the  
24 violation; and, as determined by the court, interest on  
25 the damages from the date of the complaint, taxable costs,  
26 and reasonable attorney's fees. If the trier of fact finds

1           that the violation is flagrant, it may increase recovery  
2           to an amount not in excess of 3 times the actual damages  
3           sustained by reason of the violation.

4           (g) Definitions. As used in this Section:

5           "Importer" means that term as defined in 26 U.S.C.  
6           5702(1).

7           "Package" means that term as defined in 15 U.S.C. 1332(4).

8           (h) Applicability.

9           (1) This Section does not apply to:

10           (A) cigarettes allowed to be imported or brought  
11           into the United States for personal use; and

12           (B) cigarettes sold or intended to be sold as  
13           duty-free merchandise by a duty-free sales enterprise  
14           in accordance with the provisions of 19 U.S.C. 1555(b)  
15           and any implementing regulations; except that this  
16           Section shall apply to any such cigarettes that are  
17           brought back into the customs territory for resale  
18           within the customs territory.

19           (2) The penalties provided in this Section are in  
20           addition to any other penalties imposed under other  
21           provision of law.

22           (Source: P.A. 98-1055, eff. 1-1-16.)

23           Section 380. The Illinois Pension Code is amended by  
24           changing Sections 14-103.05, 14-110, 14-123.1, and 14-124 as  
25           follows:

1 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)  
2 Sec. 14-103.05. Employee.

3 (a) Any person employed by a Department who receives  
4 salary for personal services rendered to the Department on a  
5 warrant issued pursuant to a payroll voucher certified by a  
6 Department and drawn by the State Comptroller upon the State  
7 Treasurer, including an elected official described in  
8 subparagraph (d) of Section 14-104, shall become an employee  
9 for purpose of membership in the Retirement System on the  
10 first day of such employment.

11 A person entering service on or after January 1, 1972 and  
12 prior to January 1, 1984 shall become a member as a condition  
13 of employment and shall begin making contributions as of the  
14 first day of employment.

15 A person entering service on or after January 1, 1984  
16 shall, upon completion of 6 months of continuous service which  
17 is not interrupted by a break of more than 2 months, become a  
18 member as a condition of employment. Contributions shall begin  
19 the first of the month after completion of the qualifying  
20 period.

21 A person employed by the Chicago Metropolitan Agency for  
22 Planning on the effective date of this amendatory Act of the  
23 95th General Assembly who was a member of this System as an  
24 employee of the Chicago Area Transportation Study and makes an  
25 election under Section 14-104.13 to participate in this System



1 for his or her employment with the Chicago Metropolitan Agency  
2 for Planning.

3 The qualifying period of 6 months of service is not  
4 applicable to: (1) a person who has been granted credit for  
5 service in a position covered by the State Universities  
6 Retirement System, the Teachers' Retirement System of the  
7 State of Illinois, the General Assembly Retirement System, or  
8 the Judges Retirement System of Illinois unless that service  
9 has been forfeited under the laws of those systems; (2) a  
10 person entering service on or after July 1, 1991 in a  
11 noncovered position; (3) a person to whom Section 14-108.2a or  
12 14-108.2b applies; or (4) a person to whom subsection (a-5) of  
13 this Section applies.

14 (a-5) A person entering service on or after December 1,  
15 2010 shall become a member as a condition of employment and  
16 shall begin making contributions as of the first day of  
17 employment. A person serving in the qualifying period on  
18 December 1, 2010 will become a member on December 1, 2010 and  
19 shall begin making contributions as of December 1, 2010.

20 (b) The term "employee" does not include the following:

21 (1) members of the State Legislature, and persons  
22 electing to become members of the General Assembly  
23 Retirement System pursuant to Section 2-105;

24 (2) incumbents of offices normally filled by vote of  
25 the people;

26 (3) except as otherwise provided in this Section, any

1 person appointed by the Governor with the advice and  
2 consent of the Senate unless that person elects to  
3 participate in this system;

4 (3.1) any person serving as a commissioner of an  
5 ethics commission created under the State Officials and  
6 Employees Ethics Act unless that person elects to  
7 participate in this system with respect to that service as  
8 a commissioner;

9 (3.2) any person serving as a part-time employee in  
10 any of the following positions: Legislative Inspector  
11 General, Special Legislative Inspector General, employee  
12 of the Office of the Legislative Inspector General,  
13 Executive Director of the Legislative Ethics Commission,  
14 or staff of the Legislative Ethics Commission, regardless  
15 of whether he or she is in active service on or after July  
16 8, 2004 (the effective date of Public Act 93-685), unless  
17 that person elects to participate in this System with  
18 respect to that service; in this item (3.2), a "part-time  
19 employee" is a person who is not required to work at least  
20 35 hours per week;

21 (3.3) any person who has made an election under  
22 Section 1-123 and who is serving either as legal counsel  
23 in the Office of the Governor or as Chief Deputy Attorney  
24 General;

25 (4) except as provided in Section 14-108.2 or  
26 14-108.2c, any person who is covered or eligible to be

1 covered by the Teachers' Retirement System of the State of  
2 Illinois, the State Universities Retirement System, or the  
3 Judges Retirement System of Illinois;

4 (5) an employee of a municipality or any other  
5 political subdivision of the State;

6 (6) any person who becomes an employee after June 30,  
7 1979 as a public service employment program participant  
8 under the Federal Comprehensive Employment and Training  
9 Act and whose wages or fringe benefits are paid in whole or  
10 in part by funds provided under such Act;

11 (7) enrollees of the Illinois Young Adult Conservation  
12 Corps program, administered by the Department of Natural  
13 Resources, authorized grantee pursuant to Title VIII of  
14 the "Comprehensive Employment and Training Act of 1973",  
15 29 USC 993, as now or hereafter amended;

16 (8) enrollees and temporary staff of programs  
17 administered by the Department of Natural Resources under  
18 the Youth Conservation Corps Act of 1970;

19 (9) any person who is a member of any professional  
20 licensing or disciplinary board created under an Act  
21 administered by the Department of Professional Regulation  
22 or a successor agency or created or re-created after the  
23 effective date of this amendatory Act of 1997, and who  
24 receives per diem compensation rather than a salary,  
25 notwithstanding that such per diem compensation is paid by  
26 warrant issued pursuant to a payroll voucher; such persons

1 have never been included in the membership of this System,  
2 and this amendatory Act of 1987 (P.A. 84-1472) is not  
3 intended to effect any change in the status of such  
4 persons;

5 (10) any person who is a member of the Illinois Health  
6 Care Cost Containment Council, and receives per diem  
7 compensation rather than a salary, notwithstanding that  
8 such per diem compensation is paid by warrant issued  
9 pursuant to a payroll voucher; such persons have never  
10 been included in the membership of this System, and this  
11 amendatory Act of 1987 is not intended to effect any  
12 change in the status of such persons;

13 (11) any person who is a member of the Oil and Gas  
14 Board created by Section 1.2 of the Illinois Oil and Gas  
15 Act, and receives per diem compensation rather than a  
16 salary, notwithstanding that such per diem compensation is  
17 paid by warrant issued pursuant to a payroll voucher;

18 (12) a person employed by the State Board of Higher  
19 Education in a position with the Illinois Century Network  
20 as of June 30, 2004, who remains continuously employed  
21 after that date by the Department of Central Management  
22 Services in a position with the Illinois Century Network  
23 and participates in the Article 15 system with respect to  
24 that employment;

25 (13) any person who first becomes a member of the  
26 Civil Service Commission on or after January 1, 2012;

1           (14) any person, other than the Director of Employment  
2 Security, who first becomes a member of the Board of  
3 Review of the Department of Employment Security on or  
4 after January 1, 2012;

5           (15) any person who first becomes a member of the  
6 Civil Service Commission on or after January 1, 2012;

7           (16) any person who first becomes a member of the  
8 Illinois Liquor Control Commission on or after January 1,  
9 2012;

10          (17) any person who first becomes a member of the  
11 Secretary of State Merit Commission on or after January 1,  
12 2012;

13          (18) any person who first becomes a member of the  
14 Human Rights Commission on or after January 1, 2012 unless  
15 he or she is eligible to participate in accordance with  
16 subsection (d) of this Section;

17          (19) any person who first becomes a member of the  
18 State Mining Board on or after January 1, 2012;

19          (20) any person who first becomes a member of the  
20 Property Tax Appeal Board on or after January 1, 2012;

21          (21) any person who first becomes a member of the  
22 Illinois Racing Board on or after January 1, 2012;

23          (22) any person who first becomes a member of the  
24 Illinois ~~Department of~~ State Police Merit Board on or  
25 after January 1, 2012;

26          (23) any person who first becomes a member of the

1 Illinois State Toll Highway Authority on or after January  
2 1, 2012; or

3 (24) any person who first becomes a member of the  
4 Illinois State Board of Elections on or after January 1,  
5 2012.

6 (c) An individual who represents or is employed as an  
7 officer or employee of a statewide labor organization that  
8 represents members of this System may participate in the  
9 System and shall be deemed an employee, provided that (1) the  
10 individual has previously earned creditable service under this  
11 Article, (2) the individual files with the System an  
12 irrevocable election to become a participant within 6 months  
13 after the effective date of this amendatory Act of the 94th  
14 General Assembly, and (3) the individual does not receive  
15 credit for that employment under any other provisions of this  
16 Code. An employee under this subsection (c) is responsible for  
17 paying to the System both (i) employee contributions based on  
18 the actual compensation received for service with the labor  
19 organization and (ii) employer contributions based on the  
20 percentage of payroll certified by the board; all or any part  
21 of these contributions may be paid on the employee's behalf or  
22 picked up for tax purposes (if authorized under federal law)  
23 by the labor organization.

24 A person who is an employee as defined in this subsection  
25 (c) may establish service credit for similar employment prior  
26 to becoming an employee under this subsection by paying to the

1 System for that employment the contributions specified in this  
2 subsection, plus interest at the effective rate from the date  
3 of service to the date of payment. However, credit shall not be  
4 granted under this subsection (c) for any such prior  
5 employment for which the applicant received credit under any  
6 other provision of this Code or during which the applicant was  
7 on a leave of absence.

8 (d) A person appointed as a member of the Human Rights  
9 Commission on or after June 1, 2019 may elect to participate in  
10 the System and shall be deemed an employee. Service and  
11 contributions shall begin on the first payroll period  
12 immediately following the employee's election to participate  
13 in the System.

14 A person who is an employee as described in this  
15 subsection (d) may establish service credit for employment as  
16 a Human Rights Commissioner that occurred on or after June 1,  
17 2019 and before establishing service under this subsection by  
18 paying to the System for that employment the contributions  
19 specified in paragraph (1) of subsection (a) of Section  
20 14-133, plus regular interest from the date of service to the  
21 date of payment.

22 (Source: P.A. 101-10, eff. 6-5-19.)

23 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)  
24 Sec. 14-110. Alternative retirement annuity.

25 (a) Any member who has withdrawn from service with not

1 less than 20 years of eligible creditable service and has  
2 attained age 55, and any member who has withdrawn from service  
3 with not less than 25 years of eligible creditable service and  
4 has attained age 50, regardless of whether the attainment of  
5 either of the specified ages occurs while the member is still  
6 in service, shall be entitled to receive at the option of the  
7 member, in lieu of the regular or minimum retirement annuity,  
8 a retirement annuity computed as follows:

9 (i) for periods of service as a noncovered employee:  
10 if retirement occurs on or after January 1, 2001, 3% of  
11 final average compensation for each year of creditable  
12 service; if retirement occurs before January 1, 2001, 2  
13 1/4% of final average compensation for each of the first  
14 10 years of creditable service, 2 1/2% for each year above  
15 10 years to and including 20 years of creditable service,  
16 and 2 3/4% for each year of creditable service above 20  
17 years; and

18 (ii) for periods of eligible creditable service as a  
19 covered employee: if retirement occurs on or after January  
20 1, 2001, 2.5% of final average compensation for each year  
21 of creditable service; if retirement occurs before January  
22 1, 2001, 1.67% of final average compensation for each of  
23 the first 10 years of such service, 1.90% for each of the  
24 next 10 years of such service, 2.10% for each year of such  
25 service in excess of 20 but not exceeding 30, and 2.30% for  
26 each year in excess of 30.



1           Such annuity shall be subject to a maximum of 75% of final  
2 average compensation if retirement occurs before January 1,  
3 2001 or to a maximum of 80% of final average compensation if  
4 retirement occurs on or after January 1, 2001.

5           These rates shall not be applicable to any service  
6 performed by a member as a covered employee which is not  
7 eligible creditable service. Service as a covered employee  
8 which is not eligible creditable service shall be subject to  
9 the rates and provisions of Section 14-108.

10           (b) For the purpose of this Section, "eligible creditable  
11 service" means creditable service resulting from service in  
12 one or more of the following positions:

13                   (1) State policeman;

14                   (2) fire fighter in the fire protection service of a  
15 department;

16                   (3) air pilot;

17                   (4) special agent;

18                   (5) investigator for the Secretary of State;

19                   (6) conservation police officer;

20                   (7) investigator for the Department of Revenue or the  
21 Illinois Gaming Board;

22                   (8) security employee of the Department of Human  
23 Services;

24                   (9) Central Management Services security police  
25 officer;

26                   (10) security employee of the Department of

- 1 Corrections or the Department of Juvenile Justice;
- 2 (11) dangerous drugs investigator;
- 3 (12) investigator for the Illinois ~~Department of State~~  
4 Police;
- 5 (13) investigator for the Office of the Attorney  
6 General;
- 7 (14) controlled substance inspector;
- 8 (15) investigator for the Office of the State's  
9 Attorneys Appellate Prosecutor;
- 10 (16) Commerce Commission police officer;
- 11 (17) arson investigator;
- 12 (18) State highway maintenance worker;
- 13 (19) security employee of the Department of Innovation  
14 and Technology; or
- 15 (20) transferred employee.

16 A person employed in one of the positions specified in  
17 this subsection is entitled to eligible creditable service for  
18 service credit earned under this Article while undergoing the  
19 basic police training course approved by the Illinois Law  
20 Enforcement Training Standards Board, if completion of that  
21 training is required of persons serving in that position. For  
22 the purposes of this Code, service during the required basic  
23 police training course shall be deemed performance of the  
24 duties of the specified position, even though the person is  
25 not a sworn peace officer at the time of the training.

26 A person under paragraph (20) is entitled to eligible

1 creditable service for service credit earned under this  
2 Article on and after his or her transfer by Executive Order No.  
3 2003-10, Executive Order No. 2004-2, or Executive Order No.  
4 2016-1.

5 (c) For the purposes of this Section:

6 (1) The term "State policeman" includes any title or  
7 position in the Illinois ~~Department of~~ State Police that  
8 is held by an individual employed under the Illinois State  
9 Police Act.

10 (2) The term "fire fighter in the fire protection  
11 service of a department" includes all officers in such  
12 fire protection service including fire chiefs and  
13 assistant fire chiefs.

14 (3) The term "air pilot" includes any employee whose  
15 official job description on file in the Department of  
16 Central Management Services, or in the department by which  
17 he is employed if that department is not covered by the  
18 Personnel Code, states that his principal duty is the  
19 operation of aircraft, and who possesses a pilot's  
20 license; however, the change in this definition made by  
21 this amendatory Act of 1983 shall not operate to exclude  
22 any noncovered employee who was an "air pilot" for the  
23 purposes of this Section on January 1, 1984.

24 (4) The term "special agent" means any person who by  
25 reason of employment by the Division of Narcotic Control,  
26 the Bureau of Investigation or, after July 1, 1977, the

1 Division of Criminal Investigation, the Division of  
2 Internal Investigation, the Division of Operations, the  
3 Division of Patrol Operations, or any other Division or  
4 organizational entity in the Illinois ~~Department of~~ State  
5 Police is vested by law with duties to maintain public  
6 order, investigate violations of the criminal law of this  
7 State, enforce the laws of this State, make arrests and  
8 recover property. The term "special agent" includes any  
9 title or position in the Illinois ~~Department of~~ State  
10 Police that is held by an individual employed under the  
11 Illinois State Police Act.

12 (5) The term "investigator for the Secretary of State"  
13 means any person employed by the Office of the Secretary  
14 of State and vested with such investigative duties as  
15 render him ineligible for coverage under the Social  
16 Security Act by reason of Sections 218(d)(5)(A),  
17 218(d)(8)(D) and 218(1)(1) of that Act.

18 A person who became employed as an investigator for  
19 the Secretary of State between January 1, 1967 and  
20 December 31, 1975, and who has served as such until  
21 attainment of age 60, either continuously or with a single  
22 break in service of not more than 3 years duration, which  
23 break terminated before January 1, 1976, shall be entitled  
24 to have his retirement annuity calculated in accordance  
25 with subsection (a), notwithstanding that he has less than  
26 20 years of credit for such service.

1           (6) The term "Conservation Police Officer" means any  
2 person employed by the Division of Law Enforcement of the  
3 Department of Natural Resources and vested with such law  
4 enforcement duties as render him ineligible for coverage  
5 under the Social Security Act by reason of Sections  
6 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The  
7 term "Conservation Police Officer" includes the positions  
8 of Chief Conservation Police Administrator and Assistant  
9 Conservation Police Administrator.

10           (7) The term "investigator for the Department of  
11 Revenue" means any person employed by the Department of  
12 Revenue and vested with such investigative duties as  
13 render him ineligible for coverage under the Social  
14 Security Act by reason of Sections 218(d)(5)(A),  
15 218(d)(8)(D) and 218(1)(1) of that Act.

16           The term "investigator for the Illinois Gaming Board"  
17 means any person employed as such by the Illinois Gaming  
18 Board and vested with such peace officer duties as render  
19 the person ineligible for coverage under the Social  
20 Security Act by reason of Sections 218(d)(5)(A),  
21 218(d)(8)(D), and 218(1)(1) of that Act.

22           (8) The term "security employee of the Department of  
23 Human Services" means any person employed by the  
24 Department of Human Services who (i) is employed at the  
25 Chester Mental Health Center and has daily contact with  
26 the residents thereof, (ii) is employed within a security

1 unit at a facility operated by the Department and has  
2 daily contact with the residents of the security unit,  
3 (iii) is employed at a facility operated by the Department  
4 that includes a security unit and is regularly scheduled  
5 to work at least 50% of his or her working hours within  
6 that security unit, or (iv) is a mental health police  
7 officer. "Mental health police officer" means any person  
8 employed by the Department of Human Services in a position  
9 pertaining to the Department's mental health and  
10 developmental disabilities functions who is vested with  
11 such law enforcement duties as render the person  
12 ineligible for coverage under the Social Security Act by  
13 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and  
14 218(1)(1) of that Act. "Security unit" means that portion  
15 of a facility that is devoted to the care, containment,  
16 and treatment of persons committed to the Department of  
17 Human Services as sexually violent persons, persons unfit  
18 to stand trial, or persons not guilty by reason of  
19 insanity. With respect to past employment, references to  
20 the Department of Human Services include its predecessor,  
21 the Department of Mental Health and Developmental  
22 Disabilities.

23 The changes made to this subdivision (c)(8) by Public  
24 Act 92-14 apply to persons who retire on or after January  
25 1, 2001, notwithstanding Section 1-103.1.

26 (9) "Central Management Services security police

1 officer" means any person employed by the Department of  
2 Central Management Services who is vested with such law  
3 enforcement duties as render him ineligible for coverage  
4 under the Social Security Act by reason of Sections  
5 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that Act.

6 (10) For a member who first became an employee under  
7 this Article before July 1, 2005, the term "security  
8 employee of the Department of Corrections or the  
9 Department of Juvenile Justice" means any employee of the  
10 Department of Corrections or the Department of Juvenile  
11 Justice or the former Department of Personnel, and any  
12 member or employee of the Prisoner Review Board, who has  
13 daily contact with inmates or youth by working within a  
14 correctional facility or Juvenile facility operated by the  
15 Department of Juvenile Justice or who is a parole officer  
16 or an employee who has direct contact with committed  
17 persons in the performance of his or her job duties. For a  
18 member who first becomes an employee under this Article on  
19 or after July 1, 2005, the term means an employee of the  
20 Department of Corrections or the Department of Juvenile  
21 Justice who is any of the following: (i) officially  
22 headquartered at a correctional facility or Juvenile  
23 facility operated by the Department of Juvenile Justice,  
24 (ii) a parole officer, (iii) a member of the apprehension  
25 unit, (iv) a member of the intelligence unit, (v) a member  
26 of the sort team, or (vi) an investigator.

1           (11) The term "dangerous drugs investigator" means any  
2 person who is employed as such by the Department of Human  
3 Services.

4           (12) The term "investigator for the Illinois  
5 ~~Department of State Police~~" means a person employed by the  
6 Illinois Department of State Police who is vested under  
7 Section 4 of the Narcotic Control Division Abolition Act  
8 with such law enforcement powers as render him ineligible  
9 for coverage under the Social Security Act by reason of  
10 Sections 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that  
11 Act.

12           (13) "Investigator for the Office of the Attorney  
13 General" means any person who is employed as such by the  
14 Office of the Attorney General and is vested with such  
15 investigative duties as render him ineligible for coverage  
16 under the Social Security Act by reason of Sections  
17 218(d) (5) (A), 218(d) (8) (D) and 218(1) (1) of that Act. For  
18 the period before January 1, 1989, the term includes all  
19 persons who were employed as investigators by the Office  
20 of the Attorney General, without regard to social security  
21 status.

22           (14) "Controlled substance inspector" means any person  
23 who is employed as such by the Department of Professional  
24 Regulation and is vested with such law enforcement duties  
25 as render him ineligible for coverage under the Social  
26 Security Act by reason of Sections 218(d) (5) (A),



1           218(d)(8)(D) and 218(1)(1) of that Act. The term  
2           "controlled substance inspector" includes the Program  
3           Executive of Enforcement and the Assistant Program  
4           Executive of Enforcement.

5           (15) The term "investigator for the Office of the  
6           State's Attorneys Appellate Prosecutor" means a person  
7           employed in that capacity on a full time basis under the  
8           authority of Section 7.06 of the State's Attorneys  
9           Appellate Prosecutor's Act.

10           (16) "Commerce Commission police officer" means any  
11           person employed by the Illinois Commerce Commission who is  
12           vested with such law enforcement duties as render him  
13           ineligible for coverage under the Social Security Act by  
14           reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
15           218(1)(1) of that Act.

16           (17) "Arson investigator" means any person who is  
17           employed as such by the Office of the State Fire Marshal  
18           and is vested with such law enforcement duties as render  
19           the person ineligible for coverage under the Social  
20           Security Act by reason of Sections 218(d)(5)(A),  
21           218(d)(8)(D), and 218(1)(1) of that Act. A person who was  
22           employed as an arson investigator on January 1, 1995 and  
23           is no longer in service but not yet receiving a retirement  
24           annuity may convert his or her creditable service for  
25           employment as an arson investigator into eligible  
26           creditable service by paying to the System the difference

1 between the employee contributions actually paid for that  
2 service and the amounts that would have been contributed  
3 if the applicant were contributing at the rate applicable  
4 to persons with the same social security status earning  
5 eligible creditable service on the date of application.

6 (18) The term "State highway maintenance worker" means  
7 a person who is either of the following:

8 (i) A person employed on a full-time basis by the  
9 Illinois Department of Transportation in the position  
10 of highway maintainer, highway maintenance lead  
11 worker, highway maintenance lead/lead worker, heavy  
12 construction equipment operator, power shovel  
13 operator, or bridge mechanic; and whose principal  
14 responsibility is to perform, on the roadway, the  
15 actual maintenance necessary to keep the highways that  
16 form a part of the State highway system in serviceable  
17 condition for vehicular traffic.

18 (ii) A person employed on a full-time basis by the  
19 Illinois State Toll Highway Authority in the position  
20 of equipment operator/laborer H-4, equipment  
21 operator/laborer H-6, welder H-4, welder H-6,  
22 mechanical/electrical H-4, mechanical/electrical H-6,  
23 water/sewer H-4, water/sewer H-6, sign maker/hanger  
24 H-4, sign maker/hanger H-6, roadway lighting H-4,  
25 roadway lighting H-6, structural H-4, structural H-6,  
26 painter H-4, or painter H-6; and whose principal

1 responsibility is to perform, on the roadway, the  
2 actual maintenance necessary to keep the Authority's  
3 tollways in serviceable condition for vehicular  
4 traffic.

5 (19) The term "security employee of the Department of  
6 Innovation and Technology" means a person who was a  
7 security employee of the Department of Corrections or the  
8 Department of Juvenile Justice, was transferred to the  
9 Department of Innovation and Technology pursuant to  
10 Executive Order 2016-01, and continues to perform similar  
11 job functions under that Department.

12 (20) "Transferred employee" means an employee who was  
13 transferred to the Department of Central Management  
14 Services by Executive Order No. 2003-10 or Executive Order  
15 No. 2004-2 or transferred to the Department of Innovation  
16 and Technology by Executive Order No. 2016-1, or both, and  
17 was entitled to eligible creditable service for services  
18 immediately preceding the transfer.

19 (d) A security employee of the Department of Corrections  
20 or the Department of Juvenile Justice, a security employee of  
21 the Department of Human Services who is not a mental health  
22 police officer, and a security employee of the Department of  
23 Innovation and Technology shall not be eligible for the  
24 alternative retirement annuity provided by this Section unless  
25 he or she meets the following minimum age and service  
26 requirements at the time of retirement:

1           (i) 25 years of eligible creditable service and age  
2           55; or

3           (ii) beginning January 1, 1987, 25 years of eligible  
4           creditable service and age 54, or 24 years of eligible  
5           creditable service and age 55; or

6           (iii) beginning January 1, 1988, 25 years of eligible  
7           creditable service and age 53, or 23 years of eligible  
8           creditable service and age 55; or

9           (iv) beginning January 1, 1989, 25 years of eligible  
10          creditable service and age 52, or 22 years of eligible  
11          creditable service and age 55; or

12          (v) beginning January 1, 1990, 25 years of eligible  
13          creditable service and age 51, or 21 years of eligible  
14          creditable service and age 55; or

15          (vi) beginning January 1, 1991, 25 years of eligible  
16          creditable service and age 50, or 20 years of eligible  
17          creditable service and age 55.

18          Persons who have service credit under Article 16 of this  
19          Code for service as a security employee of the Department of  
20          Corrections or the Department of Juvenile Justice, or the  
21          Department of Human Services in a position requiring  
22          certification as a teacher may count such service toward  
23          establishing their eligibility under the service requirements  
24          of this Section; but such service may be used only for  
25          establishing such eligibility, and not for the purpose of  
26          increasing or calculating any benefit.

1           (e) If a member enters military service while working in a  
2 position in which eligible creditable service may be earned,  
3 and returns to State service in the same or another such  
4 position, and fulfills in all other respects the conditions  
5 prescribed in this Article for credit for military service,  
6 such military service shall be credited as eligible creditable  
7 service for the purposes of the retirement annuity prescribed  
8 in this Section.

9           (f) For purposes of calculating retirement annuities under  
10 this Section, periods of service rendered after December 31,  
11 1968 and before October 1, 1975 as a covered employee in the  
12 position of special agent, conservation police officer, mental  
13 health police officer, or investigator for the Secretary of  
14 State, shall be deemed to have been service as a noncovered  
15 employee, provided that the employee pays to the System prior  
16 to retirement an amount equal to (1) the difference between  
17 the employee contributions that would have been required for  
18 such service as a noncovered employee, and the amount of  
19 employee contributions actually paid, plus (2) if payment is  
20 made after July 31, 1987, regular interest on the amount  
21 specified in item (1) from the date of service to the date of  
22 payment.

23           For purposes of calculating retirement annuities under  
24 this Section, periods of service rendered after December 31,  
25 1968 and before January 1, 1982 as a covered employee in the  
26 position of investigator for the Department of Revenue shall

1 be deemed to have been service as a noncovered employee,  
2 provided that the employee pays to the System prior to  
3 retirement an amount equal to (1) the difference between the  
4 employee contributions that would have been required for such  
5 service as a noncovered employee, and the amount of employee  
6 contributions actually paid, plus (2) if payment is made after  
7 January 1, 1990, regular interest on the amount specified in  
8 item (1) from the date of service to the date of payment.

9 (g) A State policeman may elect, not later than January 1,  
10 1990, to establish eligible creditable service for up to 10  
11 years of his service as a policeman under Article 3, by filing  
12 a written election with the Board, accompanied by payment of  
13 an amount to be determined by the Board, equal to (i) the  
14 difference between the amount of employee and employer  
15 contributions transferred to the System under Section 3-110.5,  
16 and the amounts that would have been contributed had such  
17 contributions been made at the rates applicable to State  
18 policemen, plus (ii) interest thereon at the effective rate  
19 for each year, compounded annually, from the date of service  
20 to the date of payment.

21 Subject to the limitation in subsection (i), a State  
22 policeman may elect, not later than July 1, 1993, to establish  
23 eligible creditable service for up to 10 years of his service  
24 as a member of the County Police Department under Article 9, by  
25 filing a written election with the Board, accompanied by  
26 payment of an amount to be determined by the Board, equal to

1 (i) the difference between the amount of employee and employer  
2 contributions transferred to the System under Section 9-121.10  
3 and the amounts that would have been contributed had those  
4 contributions been made at the rates applicable to State  
5 policemen, plus (ii) interest thereon at the effective rate  
6 for each year, compounded annually, from the date of service  
7 to the date of payment.

8 (h) Subject to the limitation in subsection (i), a State  
9 policeman or investigator for the Secretary of State may elect  
10 to establish eligible creditable service for up to 12 years of  
11 his service as a policeman under Article 5, by filing a written  
12 election with the Board on or before January 31, 1992, and  
13 paying to the System by January 31, 1994 an amount to be  
14 determined by the Board, equal to (i) the difference between  
15 the amount of employee and employer contributions transferred  
16 to the System under Section 5-236, and the amounts that would  
17 have been contributed had such contributions been made at the  
18 rates applicable to State policemen, plus (ii) interest  
19 thereon at the effective rate for each year, compounded  
20 annually, from the date of service to the date of payment.

21 Subject to the limitation in subsection (i), a State  
22 policeman, conservation police officer, or investigator for  
23 the Secretary of State may elect to establish eligible  
24 creditable service for up to 10 years of service as a sheriff's  
25 law enforcement employee under Article 7, by filing a written  
26 election with the Board on or before January 31, 1993, and

1 paying to the System by January 31, 1994 an amount to be  
2 determined by the Board, equal to (i) the difference between  
3 the amount of employee and employer contributions transferred  
4 to the System under Section 7-139.7, and the amounts that  
5 would have been contributed had such contributions been made  
6 at the rates applicable to State policemen, plus (ii) interest  
7 thereon at the effective rate for each year, compounded  
8 annually, from the date of service to the date of payment.

9 Subject to the limitation in subsection (i), a State  
10 policeman, conservation police officer, or investigator for  
11 the Secretary of State may elect to establish eligible  
12 creditable service for up to 5 years of service as a police  
13 officer under Article 3, a policeman under Article 5, a  
14 sheriff's law enforcement employee under Article 7, a member  
15 of the county police department under Article 9, or a police  
16 officer under Article 15 by filing a written election with the  
17 Board and paying to the System an amount to be determined by  
18 the Board, equal to (i) the difference between the amount of  
19 employee and employer contributions transferred to the System  
20 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4  
21 and the amounts that would have been contributed had such  
22 contributions been made at the rates applicable to State  
23 policemen, plus (ii) interest thereon at the effective rate  
24 for each year, compounded annually, from the date of service  
25 to the date of payment.

26 Subject to the limitation in subsection (i), an



1 investigator for the Office of the Attorney General, or an  
2 investigator for the Department of Revenue, may elect to  
3 establish eligible creditable service for up to 5 years of  
4 service as a police officer under Article 3, a policeman under  
5 Article 5, a sheriff's law enforcement employee under Article  
6 7, or a member of the county police department under Article 9  
7 by filing a written election with the Board within 6 months  
8 after August 25, 2009 (the effective date of Public Act  
9 96-745) and paying to the System an amount to be determined by  
10 the Board, equal to (i) the difference between the amount of  
11 employee and employer contributions transferred to the System  
12 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the  
13 amounts that would have been contributed had such  
14 contributions been made at the rates applicable to State  
15 policemen, plus (ii) interest thereon at the actuarially  
16 assumed rate for each year, compounded annually, from the date  
17 of service to the date of payment.

18 Subject to the limitation in subsection (i), a State  
19 policeman, conservation police officer, investigator for the  
20 Office of the Attorney General, an investigator for the  
21 Department of Revenue, or investigator for the Secretary of  
22 State may elect to establish eligible creditable service for  
23 up to 5 years of service as a person employed by a  
24 participating municipality to perform police duties, or law  
25 enforcement officer employed on a full-time basis by a forest  
26 preserve district under Article 7, a county corrections

1 officer, or a court services officer under Article 9, by  
2 filing a written election with the Board within 6 months after  
3 August 25, 2009 (the effective date of Public Act 96-745) and  
4 paying to the System an amount to be determined by the Board,  
5 equal to (i) the difference between the amount of employee and  
6 employer contributions transferred to the System under  
7 Sections 7-139.8 and 9-121.10 and the amounts that would have  
8 been contributed had such contributions been made at the rates  
9 applicable to State policemen, plus (ii) interest thereon at  
10 the actuarially assumed rate for each year, compounded  
11 annually, from the date of service to the date of payment.

12 (i) The total amount of eligible creditable service  
13 established by any person under subsections (g), (h), (j),  
14 (k), (l), (l-5), and (o) of this Section shall not exceed 12  
15 years.

16 (j) Subject to the limitation in subsection (i), an  
17 investigator for the Office of the State's Attorneys Appellate  
18 Prosecutor or a controlled substance inspector may elect to  
19 establish eligible creditable service for up to 10 years of  
20 his service as a policeman under Article 3 or a sheriff's law  
21 enforcement employee under Article 7, by filing a written  
22 election with the Board, accompanied by payment of an amount  
23 to be determined by the Board, equal to (1) the difference  
24 between the amount of employee and employer contributions  
25 transferred to the System under Section 3-110.6 or 7-139.8,  
26 and the amounts that would have been contributed had such

1 contributions been made at the rates applicable to State  
2 policemen, plus (2) interest thereon at the effective rate for  
3 each year, compounded annually, from the date of service to  
4 the date of payment.

5 (k) Subject to the limitation in subsection (i) of this  
6 Section, an alternative formula employee may elect to  
7 establish eligible creditable service for periods spent as a  
8 full-time law enforcement officer or full-time corrections  
9 officer employed by the federal government or by a state or  
10 local government located outside of Illinois, for which credit  
11 is not held in any other public employee pension fund or  
12 retirement system. To obtain this credit, the applicant must  
13 file a written application with the Board by March 31, 1998,  
14 accompanied by evidence of eligibility acceptable to the Board  
15 and payment of an amount to be determined by the Board, equal  
16 to (1) employee contributions for the credit being  
17 established, based upon the applicant's salary on the first  
18 day as an alternative formula employee after the employment  
19 for which credit is being established and the rates then  
20 applicable to alternative formula employees, plus (2) an  
21 amount determined by the Board to be the employer's normal  
22 cost of the benefits accrued for the credit being established,  
23 plus (3) regular interest on the amounts in items (1) and (2)  
24 from the first day as an alternative formula employee after  
25 the employment for which credit is being established to the  
26 date of payment.

1           (1) Subject to the limitation in subsection (i), a  
2 security employee of the Department of Corrections may elect,  
3 not later than July 1, 1998, to establish eligible creditable  
4 service for up to 10 years of his or her service as a policeman  
5 under Article 3, by filing a written election with the Board,  
6 accompanied by payment of an amount to be determined by the  
7 Board, equal to (i) the difference between the amount of  
8 employee and employer contributions transferred to the System  
9 under Section 3-110.5, and the amounts that would have been  
10 contributed had such contributions been made at the rates  
11 applicable to security employees of the Department of  
12 Corrections, plus (ii) interest thereon at the effective rate  
13 for each year, compounded annually, from the date of service  
14 to the date of payment.

15           (1-5) Subject to the limitation in subsection (i) of this  
16 Section, a State policeman may elect to establish eligible  
17 creditable service for up to 5 years of service as a full-time  
18 law enforcement officer employed by the federal government or  
19 by a state or local government located outside of Illinois for  
20 which credit is not held in any other public employee pension  
21 fund or retirement system. To obtain this credit, the  
22 applicant must file a written application with the Board no  
23 later than 3 years after the effective date of this amendatory  
24 Act of the 101st General Assembly, accompanied by evidence of  
25 eligibility acceptable to the Board and payment of an amount  
26 to be determined by the Board, equal to (1) employee

1 contributions for the credit being established, based upon the  
2 applicant's salary on the first day as an alternative formula  
3 employee after the employment for which credit is being  
4 established and the rates then applicable to alternative  
5 formula employees, plus (2) an amount determined by the Board  
6 to be the employer's normal cost of the benefits accrued for  
7 the credit being established, plus (3) regular interest on the  
8 amounts in items (1) and (2) from the first day as an  
9 alternative formula employee after the employment for which  
10 credit is being established to the date of payment.

11 (m) The amendatory changes to this Section made by this  
12 amendatory Act of the 94th General Assembly apply only to: (1)  
13 security employees of the Department of Juvenile Justice  
14 employed by the Department of Corrections before the effective  
15 date of this amendatory Act of the 94th General Assembly and  
16 transferred to the Department of Juvenile Justice by this  
17 amendatory Act of the 94th General Assembly; and (2) persons  
18 employed by the Department of Juvenile Justice on or after the  
19 effective date of this amendatory Act of the 94th General  
20 Assembly who are required by subsection (b) of Section  
21 3-2.5-15 of the Unified Code of Corrections to have any  
22 bachelor's or advanced degree from an accredited college or  
23 university or, in the case of persons who provide vocational  
24 training, who are required to have adequate knowledge in the  
25 skill for which they are providing the vocational training.

26 (n) A person employed in a position under subsection (b)

1 of this Section who has purchased service credit under  
2 subsection (j) of Section 14-104 or subsection (b) of Section  
3 14-105 in any other capacity under this Article may convert up  
4 to 5 years of that service credit into service credit covered  
5 under this Section by paying to the Fund an amount equal to (1)  
6 the additional employee contribution required under Section  
7 14-133, plus (2) the additional employer contribution required  
8 under Section 14-131, plus (3) interest on items (1) and (2) at  
9 the actuarially assumed rate from the date of the service to  
10 the date of payment.

11 (o) Subject to the limitation in subsection (i), a  
12 conservation police officer, investigator for the Secretary of  
13 State, Commerce Commission police officer, investigator for  
14 the Department of Revenue or the Illinois Gaming Board, or  
15 arson investigator subject to subsection (g) of Section 1-160  
16 may elect to convert up to 8 years of service credit  
17 established before the effective date of this amendatory Act  
18 of the 101st General Assembly as a conservation police  
19 officer, investigator for the Secretary of State, Commerce  
20 Commission police officer, investigator for the Department of  
21 Revenue or the Illinois Gaming Board, or arson investigator  
22 under this Article into eligible creditable service by filing  
23 a written election with the Board no later than one year after  
24 the effective date of this amendatory Act of the 101st General  
25 Assembly, accompanied by payment of an amount to be determined  
26 by the Board equal to (i) the difference between the amount of

1 the employee contributions actually paid for that service and  
2 the amount of the employee contributions that would have been  
3 paid had the employee contributions been made as a noncovered  
4 employee serving in a position in which eligible creditable  
5 service, as defined in this Section, may be earned, plus (ii)  
6 interest thereon at the effective rate for each year,  
7 compounded annually, from the date of service to the date of  
8 payment.

9 (Source: P.A. 100-19, eff. 1-1-18; 100-611, eff. 7-20-18;  
10 101-610, eff. 1-1-20.)

11 (40 ILCS 5/14-123.1) (from Ch. 108 1/2, par. 14-123.1)

12 Sec. 14-123.1. Temporary disability benefit.

13 (a) A member who has at least 18 months of creditable  
14 service and who becomes physically or mentally incapacitated  
15 to perform the duties of his position shall receive a  
16 temporary disability benefit, provided that:

17 (1) the agency responsible for determining the  
18 liability of the State (i) has formally denied all  
19 employer-paid temporary total disability benefits under  
20 the Workers' Compensation Act or the Workers' Occupational  
21 Diseases Act and an appeal of that denial is pending  
22 before the Illinois Workers' Compensation Commission, or  
23 (ii) has granted and then terminated for any reason an  
24 employer-paid temporary total disability benefit and the  
25 member has filed a petition for a hearing under Section

1 19(b) or Section 19(b-1) of the Workers' Compensation Act  
2 or Section 19(b) or Section 19(b-1) of the Workers'  
3 Occupational Diseases Act;

4 (2) application is made after the date that the  
5 disability results in loss of pay, and after the date the  
6 agency responsible for determining the liability of the  
7 State under the Workers' Compensation Act or Workers'  
8 Occupational Diseases Act has formally denied or  
9 terminated the employer-paid temporary total disability  
10 benefit; and

11 (3) proper proof is received from one or more licensed  
12 health care professionals designated by the Board  
13 certifying that the member is mentally or physically  
14 incapacitated.

15 (b) In the case of a denial of benefits, the temporary  
16 disability benefit shall begin to accrue on the 31st day of  
17 absence from work on account of disability, but the benefit  
18 shall not become actually payable to the member until the  
19 expiration of 31 days from the day upon which the member last  
20 received or had a right to receive any compensation.

21 In the case of termination of an employer-paid temporary  
22 total disability benefit, the temporary disability benefit  
23 under this Section shall be calculated from the day following  
24 the date of termination of the employer-paid benefit or the  
25 31st day of absence from work on account of disability,  
26 whichever is later, but shall not become payable to the member



1 until (i) the member's right to an employer-paid temporary  
2 total disability benefit is denied as a result of the hearing  
3 held under Section 19(b) or Section 19(b-1) of the Workers'  
4 Compensation Act or Section 19(b) or Section 19(b-1) of the  
5 Workers' Occupational Diseases Act or (ii) the expiration of  
6 30 days from the date of termination of the employer-paid  
7 benefit, whichever occurs first. If a terminated employer-paid  
8 temporary total disability benefit is resumed or replaced with  
9 another employer-paid disability benefit and the resumed or  
10 replacement benefit is later terminated and the member again  
11 files a petition for a hearing under Section 19(b) or Section  
12 19(b-1) of the Workers' Compensation Act or Section 19(b) or  
13 Section 19(b-1) of the Workers' Occupational Diseases Act, the  
14 member may again become eligible to receive a temporary  
15 disability benefit under this Section. The waiting period  
16 before the temporary disability benefit under this Section  
17 becomes payable applies each time that the benefit is  
18 reinstated.

19 The benefit shall continue to accrue until the first of  
20 the following events occurs:

21 (1) the disability ceases;

22 (2) the member engages in gainful employment;

23 (3) the end of the month in which the member attains  
24 age 65, in the case of benefits commencing prior to  
25 attainment of age 60;

26 (4) the end of the month following the fifth

1 anniversary of the effective date of the benefit in the  
2 case of benefits commencing on or after attainment of age  
3 60;

4 (5) the end of the month in which the death of the  
5 member occurs;

6 (6) the end of the month in which the aggregate period  
7 for which temporary disability payments have been made  
8 becomes equal to 1/2 of the member's total period of  
9 creditable service, not including the time for which he  
10 has received a temporary disability benefit or  
11 nonoccupational disability benefit; for purposes of this  
12 item (6) only, in the case of a member to whom Section  
13 14-108.2a or 14-108.2b applies and who, at the time  
14 disability commences, is performing services for the  
15 Illinois Department of Public Health or the Illinois  
16 ~~Department of~~ State Police relating to the transferred  
17 functions referred to in that Section and has less than 10  
18 years of creditable service under this Article, the  
19 member's "total period of creditable service" shall be  
20 augmented by an amount equal to (i) one half of the  
21 member's period of creditable service in the Fund  
22 established under Article 8 (excluding any creditable  
23 service over 20 years), minus (ii) the amount of the  
24 member's creditable service under this Article;

25 (7) a payment is made on the member's claim pursuant  
26 to a determination made by the agency responsible for

1 determining the liability of the State under the Workers'  
2 Compensation Act or the Workers' Occupational Diseases  
3 Act;

4 (8) a final determination is made on the member's  
5 claim by the Illinois Workers' Compensation Commission.

6 (c) The temporary disability benefit shall be 50% of the  
7 member's final average compensation at the date of disability.

8 If a covered employee is eligible under the Social  
9 Security Act for a disability benefit before attaining the  
10 Social Security full retirement age, or a retirement benefit  
11 on or after attaining the Social Security full retirement age,  
12 then the amount of the member's temporary disability benefit  
13 shall be reduced by the amount of primary benefit the member is  
14 eligible to receive under the Social Security Act, whether or  
15 not such eligibility came about as the result of service as a  
16 covered employee under this Article. The Board may make such  
17 reduction pending a determination of eligibility if it appears  
18 that the employee may be so eligible, and shall make an  
19 appropriate adjustment if necessary after such determination  
20 has been made. The amount of temporary disability benefit  
21 payable under this Article shall not be reduced by reason of  
22 any increase in benefits payable under the Social Security Act  
23 which occurs after the reduction required by this paragraph  
24 has been applied. As used in this subsection, "Social Security  
25 full retirement age" means the age at which an individual is  
26 eligible to receive full Social Security retirement benefits.

1           (d) The temporary disability benefit provided under this  
2 Section is intended as a temporary payment of occupational or  
3 nonoccupational disability benefit, whichever is appropriate,  
4 in cases in which the occupational or nonoccupational  
5 character of the disability has not been finally determined.

6           When an employer-paid disability benefit is paid or  
7 resumed, the Board shall calculate the benefit that is payable  
8 under Section 14-123 and shall deduct from the benefit payable  
9 under Section 14-123 the amounts already paid under this  
10 Section; those amounts shall then be treated as if they had  
11 been paid under Section 14-123.

12           When a final determination of the character of the  
13 disability has been made by the Illinois Workers' Compensation  
14 Commission, or by settlement between the parties to the  
15 disputed claim, the Board shall calculate the benefit that is  
16 payable under Section 14-123 or 14-124, whichever is  
17 applicable, and shall deduct from such benefit the amounts  
18 already paid under this Section; such amounts shall then be  
19 treated as if they had been paid under such Section 14-123 or  
20 14-124.

21           (e) Any excess benefits paid under this Section shall be  
22 subject to recovery by the System from benefits payable under  
23 the Workers' Compensation Act or the Workers' Occupational  
24 Diseases Act or from third parties as provided in Section  
25 14-129, or from any other benefits payable either to the  
26 member or on his behalf under this Article. A member who

1 accepts benefits under this Section acknowledges and  
2 authorizes these recovery rights of the System.

3 (f) Service credits under the State Universities  
4 Retirement System and the Teachers' Retirement System of the  
5 State of Illinois shall be considered for the purposes of  
6 determining temporary disability benefit eligibility under  
7 this Section, and for determining the total period of time for  
8 which such benefits are payable.

9 (g) The Board shall prescribe rules and regulations  
10 governing the filing of claims for temporary disability  
11 benefits, and the investigation, control and supervision of  
12 such claims.

13 (h) References in this Section to employer-paid benefits  
14 include benefits paid for by the State, either directly or  
15 through a program of insurance or self-insurance, whether paid  
16 through the member's own department or through some other  
17 department or entity; but the term does not include benefits  
18 paid by the System under this Article.

19 (Source: P.A. 101-54, eff. 7-12-19.)

20 (40 ILCS 5/14-124) (from Ch. 108 1/2, par. 14-124)

21 Sec. 14-124. Nonoccupational disability benefit. A member  
22 with at least 1 1/2 years of creditable service may be granted  
23 a nonoccupational disability benefit, if:

24 (1) application for the benefit is made to the system  
25 by the member in writing after the commencement of

1           disability;

2           (2) the member is found upon medical examination to be  
3           mentally or physically incapacitated to perform the duties  
4           of the member's position;

5           (3) the disability resulted from a cause other than an  
6           injury or illness sustained in connection with the  
7           member's performance of duty as a State employee;

8           (4) the member has been granted a leave of absence for  
9           disability at the time of commencement of disability.  
10          Renewal of a disability leave of absence shall not be  
11          required for the continued payment of benefits; and

12          (5) the member has used all accumulated sick leave  
13          available at the beginning of the leave of absence for  
14          disability.

15          The benefit shall begin to accrue on the latest of (i) the  
16          31st day of absence from work on account of disability  
17          (including any periods of such absence for which sick pay was  
18          received); or (ii) the day following the day on which the  
19          member last receives or has a right to receive any  
20          compensation as an employee, including any sick pay. The  
21          benefit shall continue to accrue until the first of the  
22          following to occur:

23                 (a) the date on which disability ceases;

24                 (b) the end of the month in which the member attains  
25                 age 65 in the case of benefits commencing prior to  
26                 attainment of age 60;

1           (c) the end of the month following the fifth  
2 anniversary of the effective date of the benefit, or of  
3 the temporary disability benefit if one was received, in  
4 the case of benefits commencing on or after attainment of  
5 age 60;

6           (d) the end of the month in which the aggregate period  
7 for which non-occupational disability and temporary  
8 disability benefit payments have been made becomes equal  
9 to 1/2 of the member's total period of creditable service,  
10 not including the time during which he has received a  
11 temporary disability benefit or nonoccupational disability  
12 benefit; for purposes of this item (d) only, in the case of  
13 a member to whom Section 14-108.2a or 14-108.2b applies  
14 and who, at the time disability commences, is performing  
15 services for the Illinois Department of Public Health or  
16 the Illinois ~~Department of~~ State Police relating to the  
17 transferred functions referred to in that Section and has  
18 less than 10 years of creditable service under this  
19 Article, the member's "total period of creditable service"  
20 shall be augmented by an amount equal to (i) one half of  
21 the member's period of creditable service in the Fund  
22 established under Article 8 (excluding any creditable  
23 service over 20 years), minus (ii) the amount of the  
24 member's creditable service under this Article;

25           (e) the date on which the member engages in gainful  
26 employment;

1           (f) the end of the month in which the death of the  
2           member occurs.

3           If disability has ceased and the member again becomes  
4           disabled within 60 days from date of resumption of State  
5           employment, and if the disability is due to the same cause for  
6           which he received nonoccupational disability benefit  
7           immediately preceding such reentry into service, the 30 days  
8           waiting period prescribed for the receipt of benefits is  
9           waived as to such new period of disability.

10          A member shall be considered disabled only when the board  
11          has received:

12                 (a) a written certificate by one or more licensed  
13                 health care professionals designated by the board,  
14                 certifying that the member is disabled and unable properly  
15                 to perform the duties of his position at the time of  
16                 disability; and

17                 (b) the employee certifies that he is not and has not  
18                 been engaged in gainful employment.

19          The board shall prescribe rules and regulations governing  
20          the filing of claims for nonoccupational disability benefits,  
21          and the investigation, control and supervision of such claims.

22          Service credits under the State Universities Retirement  
23          System and the Teachers' Retirement System of the State of  
24          Illinois shall be considered for the purposes of  
25          nonoccupational disability benefit eligibility under this  
26          Article and for the total period of time for which such



1 benefits are payable.

2 (Source: P.A. 101-54, eff. 7-12-19.)

3 Section 385. The State Pension Funds Continuing  
4 Appropriation Act is amended by changing Section 1.2 as  
5 follows:

6 (40 ILCS 15/1.2)

7 Sec. 1.2. Appropriations for the State Employees'  
8 Retirement System.

9 (a) From each fund from which an amount is appropriated  
10 for personal services to a department or other employer under  
11 Article 14 of the Illinois Pension Code, there is hereby  
12 appropriated to that department or other employer, on a  
13 continuing annual basis for each State fiscal year, an  
14 additional amount equal to the amount, if any, by which (1) an  
15 amount equal to the percentage of the personal services line  
16 item for that department or employer from that fund for that  
17 fiscal year that the Board of Trustees of the State Employees'  
18 Retirement System of Illinois has certified under Section  
19 14-135.08 of the Illinois Pension Code to be necessary to meet  
20 the State's obligation under Section 14-131 of the Illinois  
21 Pension Code for that fiscal year, exceeds (2) the amounts  
22 otherwise appropriated to that department or employer from  
23 that fund for State contributions to the State Employees'  
24 Retirement System for that fiscal year.

1 (a-1) (Blank).

2 (a-2) (Blank).

3 (a-3) (Blank).

4 (a-4) If a Prior Fiscal Year Shortfall is certified under  
5 subsection (k) of Section 14-131 of the Illinois Pension Code,  
6 there is hereby appropriated to the State Employees'  
7 Retirement System of Illinois on a continuing basis from the  
8 General Revenue Fund an additional aggregate amount equal to  
9 the Prior Fiscal Year Shortfall.

10 (b) The continuing appropriations provided for by this  
11 Section shall first be available in State fiscal year 1996.

12 (c) Beginning in Fiscal Year 2005, any continuing  
13 appropriation under this Section arising out of an  
14 appropriation for personal services from the Road Fund to the  
15 Illinois Department of State Police or the Secretary of State  
16 shall be payable from the General Revenue Fund rather than the  
17 Road Fund.

18 (d) (Blank).

19 (e) (Blank).

20 (f) (Blank).

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;  
22 101-10, eff. 6-5-19.)

23 Section 390. The Illinois Police Training Act is amended  
24 by changing Sections 3, 6.1, 9, 10.10, 10.19, and 10.21 as  
25 follows:

1 (50 ILCS 705/3) (from Ch. 85, par. 503)

2 Sec. 3. Board - composition - appointments - tenure -  
3 vacancies. The Board shall be composed of 18 members selected  
4 as follows: The Attorney General of the State of Illinois, the  
5 Director of the Illinois State Police, the Director of  
6 Corrections, the Superintendent of the Chicago Police  
7 Department, the Sheriff of Cook County, the Clerk of the  
8 Circuit Court of Cook County, and the following to be  
9 appointed by the Governor: 2 mayors or village presidents of  
10 Illinois municipalities, 2 Illinois county sheriffs from  
11 counties other than Cook County, 2 managers of Illinois  
12 municipalities, 2 chiefs of municipal police departments in  
13 Illinois having no Superintendent of the Police Department on  
14 the Board, 2 citizens of Illinois who shall be members of an  
15 organized enforcement officers' association, one active member  
16 of a statewide association representing sheriffs, and one  
17 active member of a statewide association representing  
18 municipal police chiefs. The appointments of the Governor  
19 shall be made on the first Monday of August in 1965 with 3 of  
20 the appointments to be for a period of one year, 3 for 2 years,  
21 and 3 for 3 years. Their successors shall be appointed in like  
22 manner for terms to expire the first Monday of August each 3  
23 years thereafter. All members shall serve until their  
24 respective successors are appointed and qualify. Vacancies  
25 shall be filled by the Governor for the unexpired terms.

1 (Source: P.A. 99-651, eff. 7-28-16; 100-995, eff. 8-20-18.)

2 (50 ILCS 705/6.1)

3 Sec. 6.1. Decertification of full-time and part-time  
4 police officers.

5 (a) The Board must review police officer conduct and  
6 records to ensure that no police officer is certified or  
7 provided a valid waiver if that police officer has been  
8 convicted of, or entered a plea of guilty to, a felony offense  
9 under the laws of this State or any other state which if  
10 committed in this State would be punishable as a felony. The  
11 Board must also ensure that no police officer is certified or  
12 provided a valid waiver if that police officer has been  
13 convicted of, or entered a plea of guilty to, on or after the  
14 effective date of this amendatory Act of 1999 of any  
15 misdemeanor specified in this Section or if committed in any  
16 other state would be an offense similar to Section 11-1.50,  
17 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1,  
18 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012, to  
20 subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012, or  
22 subsection (a) of Section 17-32 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012, or to Section 5 or 5.2 of the  
24 Cannabis Control Act. The Board must appoint investigators to  
25 enforce the duties conferred upon the Board by this Act.

1           (b) It is the responsibility of the sheriff or the chief  
2 executive officer of every local law enforcement agency or  
3 department within this State to report to the Board any  
4 arrest, conviction, or plea of guilty of any officer for an  
5 offense identified in this Section.

6           (c) It is the duty and responsibility of every full-time  
7 and part-time police officer in this State to report to the  
8 Board within 30 days, and the officer's sheriff or chief  
9 executive officer, of his or her arrest, conviction, or plea  
10 of guilty for an offense identified in this Section. Any  
11 full-time or part-time police officer who knowingly makes,  
12 submits, causes to be submitted, or files a false or  
13 untruthful report to the Board must have his or her  
14 certificate or waiver immediately decertified or revoked.

15           (d) Any person, or a local or State agency, or the Board is  
16 immune from liability for submitting, disclosing, or releasing  
17 information of arrests, convictions, or pleas of guilty in  
18 this Section as long as the information is submitted,  
19 disclosed, or released in good faith and without malice. The  
20 Board has qualified immunity for the release of the  
21 information.

22           (e) Any full-time or part-time police officer with a  
23 certificate or waiver issued by the Board who is convicted of,  
24 or entered a plea of guilty to, any offense described in this  
25 Section immediately becomes decertified or no longer has a  
26 valid waiver. The decertification and invalidity of waivers

1 occurs as a matter of law. Failure of a convicted person to  
2 report to the Board his or her conviction as described in this  
3 Section or any continued law enforcement practice after  
4 receiving a conviction is a Class 4 felony.

5 (f) The Board's investigators are peace officers and have  
6 all the powers possessed by policemen in cities and by  
7 sheriff's, and these investigators may exercise those powers  
8 anywhere in the State. An investigator shall not have peace  
9 officer status or exercise police powers unless he or she  
10 successfully completes the basic police training course  
11 mandated and approved by the Board or the Board waives the  
12 training requirement by reason of the investigator's prior law  
13 enforcement experience, training, or both. The Board shall not  
14 waive the training requirement unless the investigator has had  
15 a minimum of 5 years experience as a sworn officer of a local,  
16 State, or federal law enforcement agency.

17 (g) The Board must request and receive information and  
18 assistance from any federal, state, or local governmental  
19 agency as part of the authorized criminal background  
20 investigation. The Illinois ~~Department of~~ State Police must  
21 process, retain, and additionally provide and disseminate  
22 information to the Board concerning criminal charges, arrests,  
23 convictions, and their disposition, that have been filed  
24 before, on, or after the effective date of this amendatory Act  
25 of the 91st General Assembly against a basic academy  
26 applicant, law enforcement applicant, or law enforcement

1 officer whose fingerprint identification cards are on file or  
2 maintained by the Illinois ~~Department of~~ State Police. The  
3 Federal Bureau of Investigation must provide the Board any  
4 criminal history record information contained in its files  
5 pertaining to law enforcement officers or any applicant to a  
6 Board certified basic law enforcement academy as described in  
7 this Act based on fingerprint identification. The Board must  
8 make payment of fees to the Illinois ~~Department of~~ State  
9 Police for each fingerprint card submission in conformance  
10 with the requirements of paragraph 22 of Section 55a of the  
11 Civil Administrative Code of Illinois.

12 (h) A police officer who has been certified or granted a  
13 valid waiver shall also be decertified or have his or her  
14 waiver revoked upon a determination by the Illinois Labor  
15 Relations Board State Panel that he or she, while under oath,  
16 has knowingly and willfully made false statements as to a  
17 material fact going to an element of the offense of murder. If  
18 an appeal is filed, the determination shall be stayed.

19 (1) In the case of an acquittal on a charge of murder,  
20 a verified complaint may be filed:

21 (A) by the defendant; or

22 (B) by a police officer with personal knowledge of  
23 perjured testimony.

24 The complaint must allege that a police officer, while  
25 under oath, knowingly and willfully made false statements  
26 as to a material fact going to an element of the offense of

1 murder. The verified complaint must be filed with the  
2 Executive Director of the Illinois Law Enforcement  
3 Training Standards Board within 2 years of the judgment of  
4 acquittal.

5 (2) Within 30 days, the Executive Director of the  
6 Illinois Law Enforcement Training Standards Board shall  
7 review the verified complaint and determine whether the  
8 verified complaint is frivolous and without merit, or  
9 whether further investigation is warranted. The Illinois  
10 Law Enforcement Training Standards Board shall notify the  
11 officer and the Executive Director of the Illinois Labor  
12 Relations Board State Panel of the filing of the complaint  
13 and any action taken thereon. If the Executive Director of  
14 the Illinois Law Enforcement Training Standards Board  
15 determines that the verified complaint is frivolous and  
16 without merit, it shall be dismissed. The Executive  
17 Director of the Illinois Law Enforcement Training  
18 Standards Board has sole discretion to make this  
19 determination and this decision is not subject to appeal.

20 (i) If the Executive Director of the Illinois Law  
21 Enforcement Training Standards Board determines that the  
22 verified complaint warrants further investigation, he or she  
23 shall refer the matter to a task force of investigators  
24 created for this purpose. This task force shall consist of 8  
25 sworn police officers: 2 from the Illinois State Police, 2  
26 from the City of Chicago Police Department, 2 from county



1 police departments, and 2 from municipal police departments.  
2 These investigators shall have a minimum of 5 years of  
3 experience in conducting criminal investigations. The  
4 investigators shall be appointed by the Executive Director of  
5 the Illinois Law Enforcement Training Standards Board. Any  
6 officer or officers acting in this capacity pursuant to this  
7 statutory provision will have statewide police authority while  
8 acting in this investigative capacity. Their salaries and  
9 expenses for the time spent conducting investigations under  
10 this paragraph shall be reimbursed by the Illinois Law  
11 Enforcement Training Standards Board.

12 (j) Once the Executive Director of the Illinois Law  
13 Enforcement Training Standards Board has determined that an  
14 investigation is warranted, the verified complaint shall be  
15 assigned to an investigator or investigators. The investigator  
16 or investigators shall conduct an investigation of the  
17 verified complaint and shall write a report of his or her  
18 findings. This report shall be submitted to the Executive  
19 Director of the Illinois Labor Relations Board State Panel.

20 Within 30 days, the Executive Director of the Illinois  
21 Labor Relations Board State Panel shall review the  
22 investigative report and determine whether sufficient evidence  
23 exists to conduct an evidentiary hearing on the verified  
24 complaint. If the Executive Director of the Illinois Labor  
25 Relations Board State Panel determines upon his or her review  
26 of the investigatory report that a hearing should not be

1 conducted, the complaint shall be dismissed. This decision is  
2 in the Executive Director's sole discretion, and this  
3 dismissal may not be appealed.

4 If the Executive Director of the Illinois Labor Relations  
5 Board State Panel determines that there is sufficient evidence  
6 to warrant a hearing, a hearing shall be ordered on the  
7 verified complaint, to be conducted by an administrative law  
8 judge employed by the Illinois Labor Relations Board State  
9 Panel. The Executive Director of the Illinois Labor Relations  
10 Board State Panel shall inform the Executive Director of the  
11 Illinois Law Enforcement Training Standards Board and the  
12 person who filed the complaint of either the dismissal of the  
13 complaint or the issuance of the complaint for hearing. The  
14 Executive Director shall assign the complaint to the  
15 administrative law judge within 30 days of the decision  
16 granting a hearing.

17 (k) In the case of a finding of guilt on the offense of  
18 murder, if a new trial is granted on direct appeal, or a state  
19 post-conviction evidentiary hearing is ordered, based on a  
20 claim that a police officer, under oath, knowingly and  
21 willfully made false statements as to a material fact going to  
22 an element of the offense of murder, the Illinois Labor  
23 Relations Board State Panel shall hold a hearing to determine  
24 whether the officer should be decertified if an interested  
25 party requests such a hearing within 2 years of the court's  
26 decision. The complaint shall be assigned to an administrative

1 law judge within 30 days so that a hearing can be scheduled.

2 At the hearing, the accused officer shall be afforded the  
3 opportunity to:

4 (1) Be represented by counsel of his or her own  
5 choosing;

6 (2) Be heard in his or her own defense;

7 (3) Produce evidence in his or her defense;

8 (4) Request that the Illinois Labor Relations Board  
9 State Panel compel the attendance of witnesses and  
10 production of related documents including but not limited  
11 to court documents and records.

12 Once a case has been set for hearing, the verified  
13 complaint shall be referred to the Department of Professional  
14 Regulation. That office shall prosecute the verified complaint  
15 at the hearing before the administrative law judge. The  
16 Department of Professional Regulation shall have the  
17 opportunity to produce evidence to support the verified  
18 complaint and to request the Illinois Labor Relations Board  
19 State Panel to compel the attendance of witnesses and the  
20 production of related documents, including, but not limited  
21 to, court documents and records. The Illinois Labor Relations  
22 Board State Panel shall have the power to issue subpoenas  
23 requiring the attendance of and testimony of witnesses and the  
24 production of related documents including, but not limited to,  
25 court documents and records and shall have the power to  
26 administer oaths.

1           The administrative law judge shall have the responsibility  
2 of receiving into evidence relevant testimony and documents,  
3 including court records, to support or disprove the  
4 allegations made by the person filing the verified complaint  
5 and, at the close of the case, hear arguments. If the  
6 administrative law judge finds that there is not clear and  
7 convincing evidence to support the verified complaint that the  
8 police officer has, while under oath, knowingly and willfully  
9 made false statements as to a material fact going to an element  
10 of the offense of murder, the administrative law judge shall  
11 make a written recommendation of dismissal to the Illinois  
12 Labor Relations Board State Panel. If the administrative law  
13 judge finds that there is clear and convincing evidence that  
14 the police officer has, while under oath, knowingly and  
15 willfully made false statements as to a material fact that  
16 goes to an element of the offense of murder, the  
17 administrative law judge shall make a written recommendation  
18 so concluding to the Illinois Labor Relations Board State  
19 Panel. The hearings shall be transcribed. The Executive  
20 Director of the Illinois Law Enforcement Training Standards  
21 Board shall be informed of the administrative law judge's  
22 recommended findings and decision and the Illinois Labor  
23 Relations Board State Panel's subsequent review of the  
24 recommendation.

25           (1) An officer named in any complaint filed pursuant to  
26 this Act shall be indemnified for his or her reasonable

1 attorney's fees and costs by his or her employer. These fees  
2 shall be paid in a regular and timely manner. The State, upon  
3 application by the public employer, shall reimburse the public  
4 employer for the accused officer's reasonable attorney's fees  
5 and costs. At no time and under no circumstances will the  
6 accused officer be required to pay his or her own reasonable  
7 attorney's fees or costs.

8 (m) The accused officer shall not be placed on unpaid  
9 status because of the filing or processing of the verified  
10 complaint until there is a final non-appealable order  
11 sustaining his or her guilt and his or her certification is  
12 revoked. Nothing in this Act, however, restricts the public  
13 employer from pursuing discipline against the officer in the  
14 normal course and under procedures then in place.

15 (n) The Illinois Labor Relations Board State Panel shall  
16 review the administrative law judge's recommended decision and  
17 order and determine by a majority vote whether or not there was  
18 clear and convincing evidence that the accused officer, while  
19 under oath, knowingly and willfully made false statements as  
20 to a material fact going to the offense of murder. Within 30  
21 days of service of the administrative law judge's recommended  
22 decision and order, the parties may file exceptions to the  
23 recommended decision and order and briefs in support of their  
24 exceptions with the Illinois Labor Relations Board State  
25 Panel. The parties may file responses to the exceptions and  
26 briefs in support of the responses no later than 15 days after

1 the service of the exceptions. If exceptions are filed by any  
2 of the parties, the Illinois Labor Relations Board State Panel  
3 shall review the matter and make a finding to uphold, vacate,  
4 or modify the recommended decision and order. If the Illinois  
5 Labor Relations Board State Panel concludes that there is  
6 clear and convincing evidence that the accused officer, while  
7 under oath, knowingly and willfully made false statements as  
8 to a material fact going to an element of the offense murder,  
9 the Illinois Labor Relations Board State Panel shall inform  
10 the Illinois Law Enforcement Training Standards Board and the  
11 Illinois Law Enforcement Training Standards Board shall revoke  
12 the accused officer's certification. If the accused officer  
13 appeals that determination to the Appellate Court, as provided  
14 by this Act, he or she may petition the Appellate Court to stay  
15 the revocation of his or her certification pending the court's  
16 review of the matter.

17 (o) None of the Illinois Labor Relations Board State  
18 Panel's findings or determinations shall set any precedent in  
19 any of its decisions decided pursuant to the Illinois Public  
20 Labor Relations Act by the Illinois Labor Relations Board  
21 State Panel or the courts.

22 (p) A party aggrieved by the final order of the Illinois  
23 Labor Relations Board State Panel may apply for and obtain  
24 judicial review of an order of the Illinois Labor Relations  
25 Board State Panel, in accordance with the provisions of the  
26 Administrative Review Law, except that such judicial review

1 shall be afforded directly in the Appellate Court for the  
2 district in which the accused officer resides. Any direct  
3 appeal to the Appellate Court shall be filed within 35 days  
4 from the date that a copy of the decision sought to be reviewed  
5 was served upon the party affected by the decision.

6 (q) Interested parties. Only interested parties to the  
7 criminal prosecution in which the police officer allegedly,  
8 while under oath, knowingly and willfully made false  
9 statements as to a material fact going to an element of the  
10 offense of murder may file a verified complaint pursuant to  
11 this Section. For purposes of this Section, "interested  
12 parties" shall be limited to the defendant and any police  
13 officer who has personal knowledge that the police officer who  
14 is the subject of the complaint has, while under oath,  
15 knowingly and willfully made false statements as to a material  
16 fact going to an element of the offense of murder.

17 (r) Semi-annual reports. The Executive Director of the  
18 Illinois Labor Relations Board shall submit semi-annual  
19 reports to the Governor, President, and Minority Leader of the  
20 Senate, and to the Speaker and Minority Leader of the House of  
21 Representatives beginning on June 30, 2004, indicating:

22 (1) the number of verified complaints received since  
23 the date of the last report;

24 (2) the number of investigations initiated since the  
25 date of the last report;

26 (3) the number of investigations concluded since the

1 date of the last report;

2 (4) the number of investigations pending as of the  
3 reporting date;

4 (5) the number of hearings held since the date of the  
5 last report; and

6 (6) the number of officers decertified since the date  
7 of the last report.

8 (Source: P.A. 101-187, eff. 1-1-20.)

9 (50 ILCS 705/9) (from Ch. 85, par. 509)

10 Sec. 9. A special fund is hereby established in the State  
11 Treasury to be known as the Traffic and Criminal Conviction  
12 Surcharge Fund. Moneys in this Fund shall be expended as  
13 follows:

14 (1) a portion of the total amount deposited in the  
15 Fund may be used, as appropriated by the General Assembly,  
16 for the ordinary and contingent expenses of the Illinois  
17 Law Enforcement Training Standards Board;

18 (2) a portion of the total amount deposited in the  
19 Fund shall be appropriated for the reimbursement of local  
20 governmental agencies participating in training programs  
21 certified by the Board, in an amount equaling 1/2 of the  
22 total sum paid by such agencies during the State's  
23 previous fiscal year for mandated training for  
24 probationary police officers or probationary county  
25 corrections officers and for optional advanced and



1 specialized law enforcement or county corrections  
2 training; these reimbursements may include the costs for  
3 tuition at training schools, the salaries of trainees  
4 while in schools, and the necessary travel and room and  
5 board expenses for each trainee; if the appropriations  
6 under this paragraph (2) are not sufficient to fully  
7 reimburse the participating local governmental agencies,  
8 the available funds shall be apportioned among such  
9 agencies, with priority first given to repayment of the  
10 costs of mandatory training given to law enforcement  
11 officer or county corrections officer recruits, then to  
12 repayment of costs of advanced or specialized training for  
13 permanent police officers or permanent county corrections  
14 officers;

15 (3) a portion of the total amount deposited in the  
16 Fund may be used to fund the Intergovernmental Law  
17 Enforcement Officer's In-Service Training Act, veto  
18 overridden October 29, 1981, as now or hereafter amended,  
19 at a rate and method to be determined by the board;

20 (4) a portion of the Fund also may be used by the  
21 Illinois ~~Department of~~ State Police for expenses incurred  
22 in the training of employees from any State, county or  
23 municipal agency whose function includes enforcement of  
24 criminal or traffic law;

25 (5) a portion of the Fund may be used by the Board to  
26 fund grant-in-aid programs and services for the training

1 of employees from any county or municipal agency whose  
2 functions include corrections or the enforcement of  
3 criminal or traffic law;

4 (6) for fiscal years 2013 through 2017 only, a portion  
5 of the Fund also may be used by the Department of State  
6 Police to finance any of its lawful purposes or functions;

7 (7) a portion of the Fund may be used by the Board,  
8 subject to appropriation, to administer grants to local  
9 law enforcement agencies for the purpose of purchasing  
10 bulletproof vests under the Law Enforcement Officer  
11 Bulletproof Vest Act; and

12 (8) a portion of the Fund may be used by the Board to  
13 create a law enforcement grant program available for units  
14 of local government to fund crime prevention programs,  
15 training, and interdiction efforts, including enforcement  
16 and prevention efforts, relating to the illegal cannabis  
17 market and driving under the influence of cannabis.

18 All payments from the Traffic and Criminal Conviction  
19 Surcharge Fund shall be made each year from moneys  
20 appropriated for the purposes specified in this Section. No  
21 more than 50% of any appropriation under this Act shall be  
22 spent in any city having a population of more than 500,000. The  
23 State Comptroller and the State Treasurer shall from time to  
24 time, at the direction of the Governor, transfer from the  
25 Traffic and Criminal Conviction Surcharge Fund to the General  
26 Revenue Fund in the State Treasury such amounts as the

1 Governor determines are in excess of the amounts required to  
2 meet the obligations of the Traffic and Criminal Conviction  
3 Surcharge Fund.

4 (Source: P.A. 100-987, eff. 7-1-19; 101-27, eff. 6-25-19.)

5 (50 ILCS 705/10.10)

6 Sec. 10.10. Training in child abduction and missing  
7 endangered senior alert system.

8 (a) The Board shall conduct training programs for law  
9 enforcement personnel of local governmental agencies in the  
10 statewide coordinated child abduction alert system developed  
11 under Section 2605-480 of the Illinois ~~Department of~~ State  
12 Police Law of the Civil Administrative Code of Illinois and  
13 the statewide coordinated missing endangered senior alert  
14 system developed under Section 2605-375 of the Illinois  
15 ~~Department of~~ State Police Law of the Civil Administrative  
16 Code of Illinois.

17 (b) The Board shall conduct a training program for law  
18 enforcement personnel of local governmental agencies in the  
19 statewide Alzheimer's disease, other related dementia, or  
20 other dementia-like cognitive impairment coordinated Silver  
21 Search Awareness Program and toolkit developed under Section  
22 2605-485 of the Illinois ~~Department of~~ State Police Law of the  
23 Civil Administrative Code of Illinois. The Board shall adopt  
24 written protocols and guidelines for the handling of missing  
25 persons cases involving Alzheimer's disease, other related

1 dementia, or other dementia-like cognitive impairment based  
2 upon protocols developed by the Silver Search Task Force in  
3 conjunction with the Illinois ~~Department of~~ State Police on or  
4 before July 1, 2016.

5 (Source: P.A. 99-322, eff. 1-1-16.)

6 (50 ILCS 705/10.19)

7 Sec. 10.19. Training; administration of epinephrine.

8 (a) This Section, along with Section 40 of the Illinois  
9 State Police Act, may be referred to as the Annie LeGere Law.

10 (b) For purposes of this Section, "epinephrine  
11 auto-injector" means a single-use device used for the  
12 automatic injection of a pre-measured dose of epinephrine into  
13 the human body prescribed in the name of a local governmental  
14 agency.

15 (c) The Board shall conduct or approve an optional  
16 advanced training program for police officers to recognize and  
17 respond to anaphylaxis, including the administration of an  
18 epinephrine auto-injector. The training must include, but is  
19 not limited to:

20 (1) how to recognize symptoms of an allergic reaction;

21 (2) how to respond to an emergency involving an  
22 allergic reaction;

23 (3) how to administer an epinephrine auto-injector;

24 (4) how to respond to an individual with a known  
25 allergy as well as an individual with a previously unknown

1 allergy;

2 (5) a test demonstrating competency of the knowledge  
3 required to recognize anaphylaxis and administer an  
4 epinephrine auto-injector; and

5 (6) other criteria as determined in rules adopted by  
6 the Board.

7 (d) A local governmental agency may authorize a police  
8 officer who has completed an optional advanced training  
9 program under subsection (c) to carry, administer, or assist  
10 with the administration of epinephrine auto-injectors provided  
11 by the local governmental agency whenever he or she is  
12 performing official duties.

13 (e) A local governmental agency that authorizes its  
14 officers to carry and administer epinephrine auto-injectors  
15 under subsection (d) must establish a policy to control the  
16 acquisition, storage, transportation, administration, and  
17 disposal of epinephrine auto-injectors and to provide  
18 continued training in the administration of epinephrine  
19 auto-injectors.

20 (f) A physician, physician's assistant with prescriptive  
21 authority, or advanced practice registered nurse with  
22 prescriptive authority may provide a standing protocol or  
23 prescription for epinephrine auto-injectors in the name of a  
24 local governmental agency to be maintained for use when  
25 necessary.

26 (g) When a police officer administers an epinephrine

1 auto-injector in good faith, the police officer and local  
2 governmental agency, and its employees and agents, including a  
3 physician, physician's assistant with prescriptive authority,  
4 or advanced practice registered nurse with prescriptive  
5 authority who provides a standing order or prescription for an  
6 epinephrine auto-injector, incur no civil or professional  
7 liability, except for willful and wanton conduct, as a result  
8 of any injury or death arising from the use of an epinephrine  
9 auto-injector.

10 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;  
11 100-648, eff. 7-31-18.)

12 (50 ILCS 705/10.21)

13 Sec. 10.21. Training; sexual assault and sexual abuse.

14 (a) The Illinois Law Enforcement Training Standards Board  
15 shall conduct or approve training programs in trauma-informed  
16 responses and investigations of sexual assault and sexual  
17 abuse, which include, but is not limited to, the following:

18 (1) recognizing the symptoms of trauma;

19 (2) understanding the role trauma has played in a  
20 victim's life;

21 (3) responding to the needs and concerns of a victim;

22 (4) delivering services in a compassionate, sensitive,  
23 and nonjudgmental manner;

24 (5) interviewing techniques in accordance with the  
25 curriculum standards in subsection (f) of this Section;

1           (6) understanding cultural perceptions and common  
2           myths of sexual assault and sexual abuse;

3           (7) report writing techniques in accordance with the  
4           curriculum standards in subsection (f) of this Section;  
5           and

6           (8) recognizing special sensitivities of victims due  
7           to: age, including those under the age of 13; gender; or  
8           other qualifications.

9           (b) This training must be presented in all full and  
10          part-time basic law enforcement academies on or before July 1,  
11          2018.

12          (c) Agencies employing law enforcement officers must  
13          present this training to all law enforcement officers within 3  
14          years after January 1, 2017 (the effective date of Public Act  
15          99-801) and must present in-service training on sexual assault  
16          and sexual abuse response and report writing training  
17          requirements every 3 years.

18          (d) Agencies employing law enforcement officers who  
19          conduct sexual assault and sexual abuse investigations must  
20          provide specialized training to these officers on sexual  
21          assault and sexual abuse investigations within 2 years after  
22          January 1, 2017 (the effective date of Public Act 99-801) and  
23          must present in-service training on sexual assault and sexual  
24          abuse investigations to these officers every 3 years.

25          (e) Instructors providing this training shall have  
26          successfully completed training on evidence-based,

1 trauma-informed, victim-centered response to cases of sexual  
2 assault and sexual abuse and have experience responding to  
3 sexual assault and sexual abuse cases.

4 (f) The Board shall adopt rules, in consultation with the  
5 Office of the Illinois Attorney General and the Illinois  
6 ~~Department of~~ State Police, to determine the specific training  
7 requirements for these courses, including, but not limited to,  
8 the following:

9 (1) evidence-based curriculum standards for report  
10 writing and immediate response to sexual assault and  
11 sexual abuse, including trauma-informed, victim-centered,  
12 age sensitive, interview techniques, which have been  
13 demonstrated to minimize retraumatization, for  
14 probationary police officers and all law enforcement  
15 officers; and

16 (2) evidence-based curriculum standards for  
17 trauma-informed, victim-centered, age sensitive  
18 investigation and interviewing techniques, which have been  
19 demonstrated to minimize retraumatization, for cases of  
20 sexual assault and sexual abuse for law enforcement  
21 officers who conduct sexual assault and sexual abuse  
22 investigations.

23 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17;  
24 100-910, eff. 1-1-19.)

25 Section 395. The Uniform Crime Reporting Act is amended by



1 changing Sections 5-5, 5-10, 5-12, 5-15, 5-20, and 5-30 as  
2 follows:

3 (50 ILCS 709/5-5)

4 Sec. 5-5. Definitions. As used in this Act:

5 "Arrest-related death" means any death of an individual  
6 while the individual's freedom to leave is restricted by a law  
7 enforcement officer while the officer is on duty, or otherwise  
8 acting within the scope of his or her employment, including  
9 any death resulting from a motor vehicle accident, if the law  
10 enforcement officer was engaged in direct action against the  
11 individual or the individual's vehicle during the process of  
12 apprehension. "Arrest-related death" does not include the  
13 death of law enforcement personnel.

14 ~~"Department" means the Department of State Police.~~

15 "Domestic crime" means any crime attempted or committed  
16 between a victim and offender who have a domestic  
17 relationship, both current and past.

18 "Hate crime" has the same meaning as defined under Section  
19 12-7.1 of the Criminal Code of 2012.

20 "Law enforcement agency" means an agency of this State or  
21 unit of local government which is vested by law or ordinance  
22 with the duty to maintain public order and to enforce criminal  
23 law or ordinances.

24 "Law enforcement officer" or "officer" means any officer,  
25 agent, or employee of this State or a unit of local government

1 authorized by law or by a government agency to engage in or  
2 supervise the prevention, detection, or investigation of any  
3 violation of criminal law, or authorized by law to supervise  
4 accused persons or sentenced criminal offenders.

5 (Source: P.A. 99-352, eff. 1-1-16.)

6 (50 ILCS 709/5-10)

7 Sec. 5-10. Central repository of crime statistics. The  
8 Illinois ~~Department of~~ State Police shall be a central  
9 repository and custodian of crime statistics for the State and  
10 shall have all the power necessary to carry out the purposes of  
11 this Act, including the power to demand and receive  
12 cooperation in the submission of crime statistics from all law  
13 enforcement agencies. All data and information provided to the  
14 Illinois State Police ~~Department~~ under this Act must be  
15 provided in a manner and form prescribed by the Illinois State  
16 Police ~~Department~~. On an annual basis, the Illinois State  
17 Police ~~Department~~ shall make available compilations of crime  
18 statistics required to be reported by each law enforcement  
19 agency.

20 (Source: P.A. 99-352, eff. 1-1-16.)

21 (50 ILCS 709/5-12)

22 Sec. 5-12. Monthly reporting. All law enforcement agencies  
23 shall submit to the Illinois ~~Department of~~ State Police on a  
24 monthly basis the following:

1           (1) beginning January 1, 2016, a report on any  
2 arrest-related death that shall include information  
3 regarding the deceased, the officer, any weapon used by  
4 the officer or the deceased, and the circumstances of the  
5 incident. The Illinois State Police ~~Department~~ shall  
6 submit on a quarterly basis all information collected  
7 under this paragraph (1) to the Illinois Criminal Justice  
8 Information Authority, contingent upon updated federal  
9 guidelines regarding the Uniform Crime Reporting Program;

10           (2) beginning January 1, 2017, a report on any  
11 instance when a law enforcement officer discharges his or  
12 her firearm causing a non-fatal injury to a person, during  
13 the performance of his or her official duties or in the  
14 line of duty;

15           (3) a report of incident-based information on hate  
16 crimes including information describing the offense,  
17 location of the offense, type of victim, offender, and  
18 bias motivation. If no hate crime incidents occurred  
19 during a reporting month, the law enforcement agency must  
20 submit a no incident record, as required by the Illinois  
21 State Police ~~Department~~;

22           (4) a report on any incident of an alleged commission  
23 of a domestic crime, that shall include information  
24 regarding the victim, offender, date and time of the  
25 incident, any injury inflicted, any weapons involved in  
26 the commission of the offense, and the relationship

1 between the victim and the offender;

2 (5) data on an index of offenses selected by the  
3 Illinois State Police ~~Department~~ based on the seriousness  
4 of the offense, frequency of occurrence of the offense,  
5 and likelihood of being reported to law enforcement. The  
6 data shall include the number of index crime offenses  
7 committed and number of associated arrests; and

8 (6) data on offenses and incidents reported by schools  
9 to local law enforcement. The data shall include offenses  
10 defined as an attack against school personnel,  
11 intimidation offenses, drug incidents, and incidents  
12 involving weapons.

13 (Source: P.A. 99-352, eff. 1-1-16.)

14 (50 ILCS 709/5-15)

15 Sec. 5-15. Supplemental homicide reporting. Beginning  
16 July 1, 2016, each law enforcement agency shall submit to the  
17 Illinois State Police ~~Department~~ incident-based information on  
18 any criminal homicide. The data shall be provided quarterly by  
19 law enforcement agencies containing information as specified  
20 by the Illinois State Police ~~Department~~.

21 (Source: P.A. 99-352, eff. 1-1-16.)

22 (50 ILCS 709/5-20)

23 Sec. 5-20. Reporting compliance. The Illinois ~~Department~~  
24 ~~of~~ State Police shall annually report to the Illinois Law

1 Enforcement Training Standards Board any law enforcement  
2 agency not in compliance with the reporting requirements under  
3 this Act. A law enforcement agency's compliance with the  
4 reporting requirements under this Act shall be a factor  
5 considered by the Illinois Law Enforcement Training Standards  
6 Board in awarding grant funding under the Law Enforcement  
7 Camera Grant Act.

8 (Source: P.A. 99-352, eff. 1-1-16.)

9 (50 ILCS 709/5-30)

10 Sec. 5-30. Rulemaking authority. The Illinois State  
11 Police Department is vested with the full power to adopt and  
12 prescribe reasonable rules for the purpose of administering  
13 the provisions of this Act and conditions under which all data  
14 is collected.

15 (Source: P.A. 99-352, eff. 1-1-16.)

16 Section 400. The Missing Persons Identification Act is  
17 amended by changing Sections 5, 10, 15, and 20 as follows:

18 (50 ILCS 722/5)

19 (Text of Section before amendment by P.A. 101-266)

20 Sec. 5. Missing person reports.

21 (a) Report acceptance. All law enforcement agencies shall  
22 accept without delay any report of a missing person.  
23 Acceptance of a missing person report filed in person may not

1 be refused on any ground. No law enforcement agency may refuse  
2 to accept a missing person report:

3 (1) on the basis that the missing person is an adult;

4 (2) on the basis that the circumstances do not  
5 indicate foul play;

6 (3) on the basis that the person has been missing for a  
7 short period of time;

8 (4) on the basis that the person has been missing a  
9 long period of time;

10 (5) on the basis that there is no indication that the  
11 missing person was in the jurisdiction served by the law  
12 enforcement agency at the time of the disappearance;

13 (6) on the basis that the circumstances suggest that  
14 the disappearance may be voluntary;

15 (7) on the basis that the reporting individual does  
16 not have personal knowledge of the facts;

17 (8) on the basis that the reporting individual cannot  
18 provide all of the information requested by the law  
19 enforcement agency;

20 (9) on the basis that the reporting individual lacks a  
21 familial or other relationship with the missing person;

22 (9-5) on the basis of the missing person's mental  
23 state or medical condition; or

24 (10) for any other reason.

25 (b) Manner of reporting. All law enforcement agencies  
26 shall accept missing person reports in person. Law enforcement

1 agencies are encouraged to accept reports by phone or by  
2 electronic or other media to the extent that such reporting is  
3 consistent with law enforcement policies or practices.

4 (c) Contents of report. In accepting a report of a missing  
5 person, the law enforcement agency shall attempt to gather  
6 relevant information relating to the disappearance. The law  
7 enforcement agency shall attempt to gather at the time of the  
8 report information that shall include, but shall not be  
9 limited to, the following:

10 (1) the name of the missing person, including  
11 alternative names used;

12 (2) the missing person's date of birth;

13 (3) the missing person's identifying marks, such as  
14 birthmarks, moles, tattoos, and scars;

15 (4) the missing person's height and weight;

16 (5) the missing person's gender;

17 (6) the missing person's race;

18 (7) the missing person's current hair color and true  
19 or natural hair color;

20 (8) the missing person's eye color;

21 (9) the missing person's prosthetics, surgical  
22 implants, or cosmetic implants;

23 (10) the missing person's physical anomalies;

24 (11) the missing person's blood type, if known;

25 (12) the missing person's driver's license number, if  
26 known;

1           (13) the missing person's social security number, if  
2 known;

3           (14) a photograph of the missing person; recent  
4 photographs are preferable and the agency is encouraged to  
5 attempt to ascertain the approximate date the photograph  
6 was taken;

7           (15) a description of the clothing the missing person  
8 was believed to be wearing;

9           (16) a description of items that might be with the  
10 missing person, such as jewelry, accessories, and shoes or  
11 boots;

12           (17) information on the missing person's electronic  
13 communications devices, such as cellular telephone numbers  
14 and e-mail addresses;

15           (18) the reasons why the reporting individual believes  
16 that the person is missing;

17           (19) the name and location of the missing person's  
18 school or employer, if known;

19           (20) the name and location of the missing person's  
20 dentist or primary care physician or provider, or both, if  
21 known;

22           (21) any circumstances that may indicate that the  
23 disappearance was not voluntary;

24           (22) any circumstances that may indicate that the  
25 missing person may be at risk of injury or death;

26           (23) a description of the possible means of



1 transportation of the missing person, including make,  
2 model, color, license number, and Vehicle Identification  
3 Number of a vehicle;

4 (24) any identifying information about a known or  
5 possible abductor or person last seen with the missing  
6 person, or both, including:

7 (A) name;

8 (B) a physical description;

9 (C) date of birth;

10 (D) identifying marks;

11 (E) the description of possible means of  
12 transportation, including make, model, color, license  
13 number, and Vehicle Identification Number of a  
14 vehicle;

15 (F) known associates;

16 (25) any other information that may aid in locating  
17 the missing person; and

18 (26) the date of last contact.

19 (d) Notification and follow up action.

20 (1) Notification. The law enforcement agency shall  
21 notify the person making the report, a family member, or  
22 other person in a position to assist the law enforcement  
23 agency in its efforts to locate the missing person of the  
24 following:

25 (A) general information about the handling of the  
26 missing person case or about intended efforts in the

1 case to the extent that the law enforcement agency  
2 determines that disclosure would not adversely affect  
3 its ability to locate or protect the missing person or  
4 to apprehend or prosecute any person criminally  
5 involved in the disappearance;

6 (B) that the person should promptly contact the  
7 law enforcement agency if the missing person remains  
8 missing in order to provide additional information and  
9 materials that will aid in locating the missing person  
10 such as the missing person's credit cards, debit  
11 cards, banking information, and cellular telephone  
12 records; and

13 (C) that any DNA samples provided for the missing  
14 person case are provided on a voluntary basis and will  
15 be used solely to help locate or identify the missing  
16 person and will not be used for any other purpose.

17 The law enforcement agency, upon acceptance of a  
18 missing person report, shall inform the reporting citizen  
19 of one of 2 resources, based upon the age of the missing  
20 person. If the missing person is under 18 years of age,  
21 contact information for the National Center for Missing  
22 and Exploited Children shall be given. If the missing  
23 person is age 18 or older, contact information for the  
24 National Center for Missing Adults shall be given.

25 Agencies handling the remains of a missing person who  
26 is deceased must notify the agency handling the missing

1 person's case. Documented efforts must be made to locate  
2 family members of the deceased person to inform them of  
3 the death and location of the remains of their family  
4 member.

5 The law enforcement agency is encouraged to make  
6 available informational materials, through publications or  
7 electronic or other media, that advise the public about  
8 how the information or materials identified in this  
9 subsection are used to help locate or identify missing  
10 persons.

11 (2) Follow up action. If the person identified in the  
12 missing person report remains missing after 30 days, and  
13 the additional information and materials specified below  
14 have not been received, the law enforcement agency shall  
15 attempt to obtain:

16 (A) DNA samples from family members or from the  
17 missing person along with any needed documentation, or  
18 both, including any consent forms, required for the  
19 use of State or federal DNA databases, including, but  
20 not limited to, the Local DNA Index System (LDIS),  
21 State DNA Index System (SDIS), and National DNA Index  
22 System (NDIS);

23 (B) an authorization to release dental or skeletal  
24 x-rays of the missing person;

25 (C) any additional photographs of the missing  
26 person that may aid the investigation or an

1 identification; the law enforcement agency is not  
2 required to obtain written authorization before it  
3 releases publicly any photograph that would aid in the  
4 investigation or identification of the missing person;

5 (D) dental information and x-rays; and

6 (E) fingerprints.

7 (3) All DNA samples obtained in missing person cases  
8 shall be immediately forwarded to the Illinois ~~Department~~  
9 ~~of~~ State Police for analysis. The Illinois ~~Department of~~  
10 State Police shall establish procedures for determining  
11 how to prioritize analysis of the samples relating to  
12 missing person cases.

13 (4) This subsection shall not be interpreted to  
14 preclude a law enforcement agency from attempting to  
15 obtain the materials identified in this subsection before  
16 the expiration of the 30-day period.

17 (Source: P.A. 99-244, eff. 1-1-16; 99-581, eff. 1-1-17.)

18 (Text of Section after amendment by P.A. 101-266)

19 Sec. 5. Missing person reports.

20 (a) Report acceptance. All law enforcement agencies shall  
21 accept without delay any report of a missing person and may  
22 attempt to obtain a DNA sample from the missing person or a DNA  
23 reference sample created from family members' DNA samples for  
24 submission under paragraph (1) of subsection (c) of Section  
25 10. Acceptance of a missing person report filed in person may

1 not be refused on any ground. No law enforcement agency may  
2 refuse to accept a missing person report:

3 (1) on the basis that the missing person is an adult;

4 (2) on the basis that the circumstances do not  
5 indicate foul play;

6 (3) on the basis that the person has been missing for a  
7 short period of time;

8 (4) on the basis that the person has been missing a  
9 long period of time;

10 (5) on the basis that there is no indication that the  
11 missing person was in the jurisdiction served by the law  
12 enforcement agency at the time of the disappearance;

13 (6) on the basis that the circumstances suggest that  
14 the disappearance may be voluntary;

15 (7) on the basis that the reporting individual does  
16 not have personal knowledge of the facts;

17 (8) on the basis that the reporting individual cannot  
18 provide all of the information requested by the law  
19 enforcement agency;

20 (9) on the basis that the reporting individual lacks a  
21 familial or other relationship with the missing person;

22 (9-5) on the basis of the missing person's mental  
23 state or medical condition; or

24 (10) for any other reason.

25 (b) Manner of reporting. All law enforcement agencies  
26 shall accept missing person reports in person. Law enforcement

1 agencies are encouraged to accept reports by phone or by  
2 electronic or other media to the extent that such reporting is  
3 consistent with law enforcement policies or practices.

4 (c) Contents of report. In accepting a report of a missing  
5 person, the law enforcement agency shall attempt to gather  
6 relevant information relating to the disappearance. The law  
7 enforcement agency shall attempt to gather at the time of the  
8 report information that shall include, but shall not be  
9 limited to, the following:

10 (1) the name of the missing person, including  
11 alternative names used;

12 (2) the missing person's date of birth;

13 (3) the missing person's identifying marks, such as  
14 birthmarks, moles, tattoos, and scars;

15 (4) the missing person's height and weight;

16 (5) the missing person's gender;

17 (6) the missing person's race;

18 (7) the missing person's current hair color and true  
19 or natural hair color;

20 (8) the missing person's eye color;

21 (9) the missing person's prosthetics, surgical  
22 implants, or cosmetic implants;

23 (10) the missing person's physical anomalies;

24 (11) the missing person's blood type, if known;

25 (12) the missing person's driver's license number, if  
26 known;

1           (13) the missing person's social security number, if  
2           known;

3           (14) a photograph of the missing person; recent  
4           photographs are preferable and the agency is encouraged to  
5           attempt to ascertain the approximate date the photograph  
6           was taken;

7           (15) a description of the clothing the missing person  
8           was believed to be wearing;

9           (16) a description of items that might be with the  
10          missing person, such as jewelry, accessories, and shoes or  
11          boots;

12          (17) information on the missing person's electronic  
13          communications devices, such as cellular telephone numbers  
14          and e-mail addresses;

15          (18) the reasons why the reporting individual believes  
16          that the person is missing;

17          (19) the name and location of the missing person's  
18          school or employer, if known;

19          (20) the name and location of the missing person's  
20          dentist or primary care physician or provider, or both, if  
21          known;

22          (21) any circumstances that may indicate that the  
23          disappearance was not voluntary;

24          (22) any circumstances that may indicate that the  
25          missing person may be at risk of injury or death;

26          (23) a description of the possible means of

1 transportation of the missing person, including make,  
2 model, color, license number, and Vehicle Identification  
3 Number of a vehicle;

4 (24) any identifying information about a known or  
5 possible abductor or person last seen with the missing  
6 person, or both, including:

7 (A) name;

8 (B) a physical description;

9 (C) date of birth;

10 (D) identifying marks;

11 (E) the description of possible means of  
12 transportation, including make, model, color, license  
13 number, and Vehicle Identification Number of a  
14 vehicle;

15 (F) known associates;

16 (25) any other information that may aid in locating  
17 the missing person; and

18 (26) the date of last contact.

19 (d) Notification and follow up action.

20 (1) Notification. The law enforcement agency shall  
21 notify the person making the report, a family member, or  
22 other person in a position to assist the law enforcement  
23 agency in its efforts to locate the missing person of the  
24 following:

25 (A) general information about the handling of the  
26 missing person case or about intended efforts in the



1 case to the extent that the law enforcement agency  
2 determines that disclosure would not adversely affect  
3 its ability to locate or protect the missing person or  
4 to apprehend or prosecute any person criminally  
5 involved in the disappearance;

6 (B) that the person should promptly contact the  
7 law enforcement agency if the missing person remains  
8 missing in order to provide additional information and  
9 materials that will aid in locating the missing person  
10 such as the missing person's credit cards, debit  
11 cards, banking information, and cellular telephone  
12 records; and

13 (C) that any DNA samples provided for the missing  
14 person case are provided on a voluntary basis and will  
15 be used solely to help locate or identify the missing  
16 person and will not be used for any other purpose.

17 The law enforcement agency, upon acceptance of a  
18 missing person report, shall inform the reporting citizen  
19 of one of 2 resources, based upon the age of the missing  
20 person. If the missing person is under 18 years of age,  
21 contact information for the National Center for Missing  
22 and Exploited Children shall be given. If the missing  
23 person is age 18 or older, contact information for the  
24 National Missing and Unidentified Persons System (NamUs)  
25 organization shall be given.

26 The law enforcement agency is encouraged to make

1 available informational materials, through publications or  
2 electronic or other media, that advise the public about  
3 how the information or materials identified in this  
4 subsection are used to help locate or identify missing  
5 persons.

6 (2) Follow up action. If the person identified in the  
7 missing person report remains missing after 30 days, but  
8 not more than 60 days, the law enforcement agency may  
9 generate a report of the missing person within the  
10 National Missing and Unidentified Persons System (NamUs),  
11 and the law enforcement agency may attempt to obtain the  
12 additional information and materials that have not been  
13 received, specified below:

14 (A) DNA samples from family members or from the  
15 missing person along with any needed documentation, or  
16 both, including any consent forms, required for the  
17 use of State or federal DNA databases, including, but  
18 not limited to, the Local DNA Index System (LDIS),  
19 State DNA Index System (SDIS), National DNA Index  
20 System (NDIS), and National Missing and Unidentified  
21 Persons System (NamUs) partner laboratories;

22 (B) an authorization to release dental or skeletal  
23 x-rays of the missing person;

24 (C) any additional photographs of the missing  
25 person that may aid the investigation or an  
26 identification; the law enforcement agency is not

1           required to obtain written authorization before it  
2           releases publicly any photograph that would aid in the  
3           investigation or identification of the missing person;  
4                     (D) dental information and x-rays; and  
5                     (E) fingerprints.

6           (3) Samples collected for DNA analysis may be  
7           submitted to a National Missing and Unidentified Persons  
8           System (NamUs) partner laboratory or other resource where  
9           DNA profiles are entered into local, State, and national  
10          DNA Index Systems within 60 days. The Illinois ~~Department~~  
11          ~~of~~ State Police shall establish procedures for determining  
12          how to prioritize analysis of the samples relating to  
13          missing person cases. All DNA samples obtained in missing  
14          person cases from family members of the missing person may  
15          not be retained after the location or identification of  
16          the remains of the missing person unless there is a search  
17          warrant signed by a court of competent jurisdiction.

18          (4) This subsection shall not be interpreted to  
19          preclude a law enforcement agency from attempting to  
20          obtain the materials identified in this subsection before  
21          the expiration of the 30-day period. The responsible law  
22          enforcement agency may make a National Missing and  
23          Unidentified Persons System (NamUs) report on the missing  
24          person within 60 days after the report of the  
25          disappearance of the missing person.

26          (5) Law enforcement agencies are encouraged to

1 establish written protocols for the handling of missing  
2 person cases to accomplish the purposes of this Act.

3 (Source: P.A. 101-266, eff. 1-1-21.)

4 (50 ILCS 722/10)

5 (Text of Section before amendment by P.A. 101-266)

6 Sec. 10. Law enforcement analysis and reporting of missing  
7 person information.

8 (a) Prompt determination of high-risk missing person.

9 (1) Definition. "High-risk missing person" means a  
10 person whose whereabouts are not currently known and whose  
11 circumstances indicate that the person may be at risk of  
12 injury or death. The circumstances that indicate that a  
13 person is a high-risk missing person include, but are not  
14 limited to, any of the following:

15 (A) the person is missing as a result of a stranger  
16 abduction;

17 (B) the person is missing under suspicious  
18 circumstances;

19 (C) the person is missing under unknown  
20 circumstances;

21 (D) the person is missing under known dangerous  
22 circumstances;

23 (E) the person is missing more than 30 days;

24 (F) the person has already been designated as a  
25 high-risk missing person by another law enforcement

1 agency;

2 (G) there is evidence that the person is at risk  
3 because:

4 (i) the person is in need of medical  
5 attention, including but not limited to persons  
6 with dementia-like symptoms, or prescription  
7 medication;

8 (ii) the person does not have a pattern of  
9 running away or disappearing;

10 (iii) the person may have been abducted by a  
11 non-custodial parent;

12 (iv) the person is mentally impaired,  
13 including, but not limited to, a person having a  
14 developmental disability, as defined in Section  
15 1-106 of the Mental Health and Developmental  
16 Disabilities Code, or a person having an  
17 intellectual disability, as defined in Section  
18 1-116 of the Mental Health and Developmental  
19 Disabilities Code;

20 (v) the person is under the age of 21;

21 (vi) the person has been the subject of past  
22 threats or acts of violence;

23 (vii) the person has eloped from a nursing  
24 home;

25 (G-5) the person is a veteran or active duty  
26 member of the United States Armed Forces, the National

1 Guard, or any reserve component of the United States  
2 Armed Forces who is believed to have a physical or  
3 mental health condition that is related to his or her  
4 service; or

5 (H) any other factor that may, in the judgment of  
6 the law enforcement official, indicate that the  
7 missing person may be at risk.

8 (2) Law enforcement risk assessment.

9 (A) Upon initial receipt of a missing person  
10 report, the law enforcement agency shall immediately  
11 determine whether there is a basis to determine that  
12 the missing person is a high-risk missing person.

13 (B) If a law enforcement agency has previously  
14 determined that a missing person is not a high-risk  
15 missing person, but obtains new information, it shall  
16 immediately determine whether the information  
17 indicates that the missing person is a high-risk  
18 missing person.

19 (C) Law enforcement agencies are encouraged to  
20 establish written protocols for the handling of  
21 missing person cases to accomplish the purposes of  
22 this Act.

23 (3) Law enforcement agency reports.

24 (A) The responding local law enforcement agency  
25 shall immediately enter all collected information  
26 relating to the missing person case in the Law

1 Enforcement Agencies Data System (LEADS) and the  
2 National Crime Information Center (NCIC) databases.  
3 The information shall be provided in accordance with  
4 applicable guidelines relating to the databases. The  
5 information shall be entered as follows:

6 (i) All appropriate DNA profiles, as  
7 determined by the Illinois ~~Department of~~ State  
8 Police, shall be uploaded into the missing person  
9 databases of the State DNA Index System (SDIS) and  
10 National DNA Index System (NDIS) after completion  
11 of the DNA analysis and other procedures required  
12 for database entry.

13 (ii) Information relevant to the Federal  
14 Bureau of Investigation's Violent Criminal  
15 Apprehension Program shall be entered as soon as  
16 possible.

17 (iii) The Illinois ~~Department of~~ State Police  
18 shall ensure that persons entering data relating  
19 to medical or dental records in State or federal  
20 databases are specifically trained to understand  
21 and correctly enter the information sought by  
22 these databases. The Illinois ~~Department of~~ State  
23 Police shall either use a person with specific  
24 expertise in medical or dental records for this  
25 purpose or consult with a chief medical examiner,  
26 forensic anthropologist, or odontologist to ensure

1           the accuracy and completeness of information  
2           entered into the State and federal databases.

3           (B) The Illinois ~~Department of~~ State Police shall  
4           immediately notify all law enforcement agencies within  
5           this State and the surrounding region of the  
6           information that will aid in the prompt location and  
7           safe return of the high-risk missing person.

8           (C) The local law enforcement agencies that  
9           receive the notification from the Illinois ~~Department~~  
10          ~~of~~ State Police shall notify officers to be on the  
11          lookout for the missing person or a suspected  
12          abductor.

13          (D) Pursuant to any applicable State criteria,  
14          local law enforcement agencies shall also provide for  
15          the prompt use of an Amber Alert in cases involving  
16          abducted children; or use of the Endangered Missing  
17          Person Advisory in appropriate high risk cases.

18          (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;  
19          100-835, eff. 1-1-19; 101-81, eff. 7-12-19.)

20                 (Text of Section after amendment by P.A. 101-266)

21          Sec. 10. Law enforcement analysis and reporting of missing  
22          person information.

23                 (a) Prompt determination and definition of a high-risk  
24          missing person.

25                 (1) Definition. "High-risk missing person" means a



1 person whose whereabouts are not currently known and whose  
2 circumstances indicate that the person may be at risk of  
3 injury or death. The circumstances that indicate that a  
4 person is a high-risk missing person include, but are not  
5 limited to, any of the following:

6 (A) the person is missing as a result of a stranger  
7 abduction;

8 (B) the person is missing under suspicious  
9 circumstances;

10 (C) the person is missing under unknown  
11 circumstances;

12 (D) the person is missing under known dangerous  
13 circumstances;

14 (E) the person is missing more than 30 days;

15 (F) the person has already been designated as a  
16 high-risk missing person by another law enforcement  
17 agency;

18 (G) there is evidence that the person is at risk  
19 because:

20 (i) the person is in need of medical  
21 attention, including but not limited to persons  
22 with dementia-like symptoms, or prescription  
23 medication;

24 (ii) the person does not have a pattern of  
25 running away or disappearing;

26 (iii) the person may have been abducted by a

1 non-custodial parent;

2 (iv) the person is mentally impaired,  
3 including, but not limited to, a person having a  
4 developmental disability, as defined in Section  
5 1-106 of the Mental Health and Developmental  
6 Disabilities Code, or a person having an  
7 intellectual disability, as defined in Section  
8 1-116 of the Mental Health and Developmental  
9 Disabilities Code;

10 (v) the person is under the age of 21;

11 (vi) the person has been the subject of past  
12 threats or acts of violence;

13 (vii) the person has eloped from a nursing  
14 home;

15 (G-5) the person is a veteran or active duty  
16 member of the United States Armed Forces, the National  
17 Guard, or any reserve component of the United States  
18 Armed Forces who is believed to have a physical or  
19 mental health condition that is related to his or her  
20 service; or

21 (H) any other factor that may, in the judgment of  
22 the law enforcement official, indicate that the  
23 missing person may be at risk.

24 (b) Law enforcement risk assessment.

25 (1) Upon initial receipt of a missing person report,  
26 the law enforcement agency shall immediately determine

1           whether there is a basis to determine that the missing  
2           person is a high-risk missing person.

3           (2) If a law enforcement agency has previously  
4           determined that a missing person is not a high-risk  
5           missing person, but obtains new information, it shall  
6           immediately determine whether the information indicates  
7           that the missing person is a high-risk missing person.

8           (3) Law enforcement agencies are encouraged to  
9           establish written protocols for the handling of missing  
10          person cases to accomplish the purposes of this Act.

11          (c) Law enforcement reporting.

12          (1) The responding local law enforcement agency shall  
13          immediately enter all collected information relating to  
14          the missing person case in the Law Enforcement Agencies  
15          Data System (LEADS) and the National Crime Information  
16          Center (NCIC) databases and the National Missing and  
17          Unidentified Persons System (NamUs) within 45 days after  
18          the receipt of the report, or in the case of a high risk  
19          missing person, within 30 days after the receipt of the  
20          report. If the DNA sample submission is to a National  
21          Missing and Unidentified Persons System (NamUs) partner  
22          laboratory, the DNA profile may be uploaded by the partner  
23          laboratory to the National DNA Index System (NDIS). A  
24          packet submission of all relevant reports and DNA samples  
25          may be sent to the National Missing and Unidentified  
26          Persons System (NamUs) within 30 days for any high-risk

1 missing person cases. The information shall be provided in  
2 accordance with applicable guidelines relating to the  
3 databases. The information shall be entered as follows:

4 (A) If Illinois ~~Department of~~ State Police  
5 laboratories are utilized in lieu of National Missing  
6 and Unidentified Persons System (NamUs) partner  
7 laboratories, all appropriate DNA profiles, as  
8 determined by the Illinois ~~Department of~~ State Police,  
9 shall be uploaded into the missing person databases of  
10 the State DNA Index System (SDIS) and National DNA  
11 Index System (NDIS) after completion of the DNA  
12 analysis and other procedures required for database  
13 entry. The responding local law enforcement agency may  
14 submit any DNA samples voluntarily obtained from  
15 family members to a National Missing and Unidentified  
16 Persons System (NamUs) partner laboratory for DNA  
17 analysis within 30 days. A notation of DNA submission  
18 may be made within the National Missing and  
19 Unidentified Persons System (NamUs) record.

20 (B) Information relevant to the Federal Bureau of  
21 Investigation's Violent Criminal Apprehension Program  
22 shall be entered as soon as possible.

23 (C) The Illinois ~~Department of~~ State Police shall  
24 ensure that persons entering data relating to medical  
25 or dental records in State or federal databases are  
26 specifically trained to understand and correctly enter

1 the information sought by these databases. The  
2 Illinois ~~Department of~~ State Police shall either use a  
3 person with specific expertise in medical or dental  
4 records for this purpose or consult with a chief  
5 medical examiner, forensic anthropologist, or  
6 odontologist to ensure the accuracy and completeness  
7 of information entered into the State and federal  
8 databases.

9 (2) The Illinois ~~Department of~~ State Police shall  
10 immediately notify all law enforcement agencies within  
11 this State and the surrounding region of the information  
12 that will aid in the prompt location and safe return of the  
13 high-risk missing person.

14 (3) The local law enforcement agencies that receive  
15 the notification from the Illinois ~~Department of~~ State  
16 Police shall notify officers to be on the lookout for the  
17 missing person or a suspected abductor.

18 (4) Pursuant to any applicable State criteria, local  
19 law enforcement agencies shall also provide for the prompt  
20 use of an Amber Alert in cases involving abducted  
21 children; or use of the Endangered Missing Person Advisory  
22 in appropriate high risk cases.

23 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;  
24 100-835, eff. 1-1-19; 101-81, eff. 7-12-19; 101-266, eff.  
25 1-1-21.)

1 (50 ILCS 722/15)

2 Sec. 15. Reporting of unidentified persons and human  
3 remains.

4 (a) Handling of death scene investigations.

5 (1) The Illinois ~~Department of~~ State Police shall  
6 provide information to local law enforcement agencies  
7 about best practices for handling death scene  
8 investigations.

9 (2) The Illinois ~~Department of~~ State Police shall  
10 identify any publications or training opportunities that  
11 may be available to local law enforcement agencies or law  
12 enforcement officers and coroners and medical examiners  
13 concerning the handling of death scene investigations.

14 (b) Law enforcement reports.

15 (1) Before performing any death scene investigation  
16 deemed appropriate under the circumstances, the official  
17 with custody of the human remains shall ensure that the  
18 coroner or medical examiner of the county in which the  
19 deceased was found has been notified.

20 (2) Any coroner or medical examiner with custody of  
21 human remains that are not identified within 24 hours of  
22 discovery shall promptly notify the Illinois ~~Department of~~  
23 State Police of the location of those remains.

24 (3) If the coroner or medical examiner with custody of  
25 remains cannot determine whether or not the remains found  
26 are human, the coroner or medical examiner shall notify

1 the Illinois ~~Department of~~ State Police of the existence  
2 of possible human remains.

3 (Source: P.A. 95-192, eff. 8-16-07.)

4 (50 ILCS 722/20)

5 Sec. 20. Unidentified persons or human remains  
6 identification responsibilities.

7 (a) In this Section, "assisting law enforcement agency"  
8 means a law enforcement agency with jurisdiction acting under  
9 the request and direction of the medical examiner or coroner  
10 to assist with human remains identification.

11 (a-5) If the official with custody of the human remains is  
12 not a coroner or medical examiner, the official shall  
13 immediately notify the coroner or medical examiner of the  
14 county in which the remains were found. The coroner or medical  
15 examiner shall go to the scene and take charge of the remains.

16 (b) Notwithstanding any other action deemed appropriate  
17 for the handling of the human remains, the assisting law  
18 enforcement agency, medical examiner, or coroner shall make  
19 reasonable attempts to promptly identify human remains. This  
20 does not include historic or prehistoric skeletal remains.  
21 These actions shall include, but are not limited to, obtaining  
22 the following when possible:

23 (1) photographs of the human remains (prior to an  
24 autopsy);

25 (2) dental and skeletal X-rays;

1           (3) photographs of items found on or with the human  
2 remains;

3           (4) fingerprints from the remains;

4           (5) tissue samples suitable for DNA analysis;

5           (6) (blank); and

6           (7) any other information that may support  
7 identification efforts.

8           (c) No medical examiner or coroner or any other person  
9 shall dispose of, or engage in actions that will materially  
10 affect the unidentified human remains before the assisting law  
11 enforcement agency, medical examiner, or coroner obtains items  
12 essential for human identification efforts listed in  
13 subsection (b) of this Section.

14           (d) Cremation of unidentified human remains is prohibited.

15           (e) (Blank).

16           (f) The assisting law enforcement agency, medical  
17 examiner, or coroner shall seek support from appropriate State  
18 and federal agencies, including National Missing and  
19 Unidentified Persons System resources to facilitate prompt  
20 identification of human remains. This support may include, but  
21 is not limited to, fingerprint comparison; forensic  
22 odontology; nuclear or mitochondrial DNA analysis, or both;  
23 and forensic anthropology.

24           (f-5) Fingerprints from the unidentified remains,  
25 including partial prints, shall be submitted to the Illinois  
26 ~~Department of State Police~~ or other resource for the purpose



1 of attempting to identify the deceased. The coroner or medical  
2 examiner shall cause a dental examination to be performed by a  
3 forensic odontologist for the purpose of dental charting,  
4 comparison to missing person records, or both. Tissue samples  
5 collected for DNA analysis shall be submitted within 30 days  
6 of the recovery of the remains to a National Missing and  
7 Unidentified Persons System partner laboratory or other  
8 resource where DNA profiles are entered into the National DNA  
9 Index System upon completion of testing. Forensic  
10 anthropological analysis of the remains shall also be  
11 considered.

12 (g) (Blank).

13 (g-2) The medical examiner or coroner shall report the  
14 unidentified human remains and the location where the remains  
15 were found to the Illinois Department of State Police within  
16 24 hours of discovery as mandated by Section 15 of this Act.  
17 The assisting law enforcement agency, medical examiner, or  
18 coroner shall contact the Illinois Department of State Police  
19 to request the creation of a National Crime Information Center  
20 Unidentified Person record within 5 days of the discovery of  
21 the remains. The assisting law enforcement agency, medical  
22 examiner, or coroner shall provide the Illinois Department of  
23 State Police all information required for National Crime  
24 Information Center entry. Upon notification, the Illinois  
25 ~~Department~~ of State Police shall create the Unidentified  
26 Person record without unnecessary delay.

1           (g-5) The assisting law enforcement agency, medical  
2 examiner, or coroner shall obtain a National Crime Information  
3 Center number from the Illinois ~~Department of~~ State Police to  
4 verify entry and maintain this number within the unidentified  
5 human remains case file. A National Crime Information Center  
6 Unidentified Person record shall remain on file indefinitely  
7 or until action is taken by the originating agency to clear or  
8 cancel the record. The assisting law enforcement agency,  
9 medical examiner, or coroner shall notify the Illinois  
10 ~~Department of~~ State Police of necessary record modifications  
11 or cancellation if identification is made.

12           (h) (Blank).

13           (h-5) The assisting law enforcement agency, medical  
14 examiner, or coroner shall create an unidentified person  
15 record in the National Missing and Unidentified Persons System  
16 prior to the submission of samples or within 30 days of the  
17 discovery of the remains, if no identification has been made.  
18 The entry shall include all available case information  
19 including fingerprint data and dental charts. Samples shall be  
20 submitted to a National Missing and Unidentified Persons  
21 System partner laboratory for DNA analysis within 30 Days. A  
22 notation of DNA submission shall be made within the National  
23 Missing and Unidentified Persons System Unidentified Person  
24 record.

25           (i) Nothing in this Act shall be interpreted to preclude  
26 any assisting law enforcement agency, medical examiner,

1 coroner, or the Illinois ~~Department of~~ State Police from  
2 pursuing other efforts to identify human remains including  
3 efforts to publicize information, descriptions, or photographs  
4 related to the investigation.

5 (j) For historic or prehistoric human skeletal remains  
6 determined by an anthropologist to be older than 100 years,  
7 jurisdiction shall be transferred to the Department of Natural  
8 Resources for further investigation under the Archaeological  
9 and Paleontological Resources Protection Act.

10 (Source: P.A. 100-901, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 Section 410. The Police and Community Relations  
12 Improvement Act is amended by changing Section 1-10 as  
13 follows:

14 (50 ILCS 727/1-10)

15 Sec. 1-10. Investigation of officer-involved deaths;  
16 requirements.

17 (a) Each law enforcement agency shall have a written  
18 policy regarding the investigation of officer-involved deaths  
19 that involve a law enforcement officer employed by that law  
20 enforcement agency.

21 (b) Each officer-involved death investigation shall be  
22 conducted by at least 2 investigators, or an entity or agency  
23 comprised of at least 2 investigators, one of whom is the lead  
24 investigator. The lead investigator shall be a person

1 certified by the Illinois Law Enforcement Training Standards  
2 Board as a Lead Homicide Investigator, or similar training  
3 approved by the Illinois Law Enforcement Training Standards  
4 Board or the Illinois ~~Department of~~ State Police, or similar  
5 training provided at an Illinois Law Enforcement Training  
6 Standards Board certified school. No investigator involved in  
7 the investigation may be employed by the law enforcement  
8 agency that employs the officer involved in the  
9 officer-involved death, unless the investigator is employed by  
10 the Illinois ~~Department of~~ State Police and is not assigned to  
11 the same division or unit as the officer involved in the death.

12 (c) In addition to the requirements of subsection (b) of  
13 this Section, if the officer-involved death being investigated  
14 involves a motor vehicle accident, at least one investigator  
15 shall be certified by the Illinois Law Enforcement Training  
16 Standards Board as a Crash Reconstruction Specialist, or  
17 similar training approved by the Illinois Law Enforcement  
18 Training Standards Board or the Illinois ~~Department of~~ State  
19 Police, or similar training provided at an Illinois Law  
20 Enforcement Training Standards Board certified school.  
21 Notwithstanding the requirements of subsection (b) of this  
22 Section, the policy for a law enforcement agency, when the  
23 officer-involved death being investigated involves a motor  
24 vehicle collision, may allow the use of an investigator who is  
25 employed by that law enforcement agency and who is certified  
26 by the Illinois Law Enforcement Training Standards Board as a

1 Crash Reconstruction Specialist, or similar training approved  
2 by the Illinois Law Enforcement Training and Standards Board,  
3 or similar certified training approved by the Illinois  
4 ~~Department of~~ State Police, or similar training provided at an  
5 Illinois Law Enforcement Training and Standards Board  
6 certified school.

7 (d) The investigators conducting the investigation shall,  
8 in an expeditious manner, provide a complete report to the  
9 State's Attorney of the county in which the officer-involved  
10 death occurred.

11 (e) If the State's Attorney, or a designated special  
12 prosecutor, determines there is no basis to prosecute the law  
13 enforcement officer involved in the officer-involved death, or  
14 if the law enforcement officer is not otherwise charged or  
15 indicted, the investigators shall publicly release a report.

16 (Source: P.A. 99-352, eff. 1-1-16.)

17 Section 415. The Emergency Telephone System Act is amended  
18 by changing Sections 2, 7, 8, 10, 12, 15.1, 15.4b, 15.5, 15.6,  
19 15.6a, 15.6b, 17.5, 19, 20, 30, 40, 50, 55, 75, and 80 as  
20 follows:

21 (50 ILCS 750/2) (from Ch. 134, par. 32)

22 (Section scheduled to be repealed on December 31, 2021)

23 Sec. 2. Definitions. As used in this Act, unless the  
24 context otherwise requires:

1 "9-1-1 network" means the network used for the delivery of  
2 9-1-1 calls and messages over dedicated and redundant  
3 facilities to a primary or backup 9-1-1 PSAP that meets P.01  
4 grade of service standards for basic 9-1-1 and enhanced 9-1-1  
5 services or meets national I3 industry call delivery standards  
6 for Next Generation 9-1-1 services.

7 "9-1-1 system" means the geographic area that has been  
8 granted an order of authority by the Commission or the  
9 Statewide 9-1-1 Administrator to use "9-1-1" as the primary  
10 emergency telephone number.

11 "9-1-1 Authority" includes an Emergency Telephone System  
12 Board, Joint Emergency Telephone System Board, and a qualified  
13 governmental entity. "9-1-1 Authority" includes the Illinois  
14 ~~Department of~~ State Police only to the extent it provides  
15 9-1-1 services under this Act.

16 "Administrator" means the Statewide 9-1-1 Administrator.

17 "Advanced service" means any telecommunications service  
18 with or without dynamic bandwidth allocation, including, but  
19 not limited to, ISDN Primary Rate Interface (PRI), that,  
20 through the use of a DS-1, T-1, or other un-channelized or  
21 multi-channel transmission facility, is capable of  
22 transporting either the subscriber's inter-premises voice  
23 telecommunications services to the public switched network or  
24 the subscriber's 9-1-1 calls to the public agency.

25 "ALI" or "automatic location identification" means, in an  
26 E9-1-1 system, the automatic display at the public safety

1 answering point of the caller's telephone number, the address  
2 or location of the telephone, and supplementary emergency  
3 services information.

4 "ANI" or "automatic number identification" means the  
5 automatic display of the 9-1-1 calling party's number on the  
6 PSAP monitor.

7 "Automatic alarm" and "automatic alerting device" mean any  
8 device that will access the 9-1-1 system for emergency  
9 services upon activation.

10 "Backup PSAP" means a public safety answering point that  
11 serves as an alternate to the PSAP for enhanced systems and is  
12 at a different location and operates independently from the  
13 PSAP. A backup PSAP may accept overflow calls from the PSAP or  
14 be activated if the primary PSAP is disabled.

15 "Board" means an Emergency Telephone System Board or a  
16 Joint Emergency Telephone System Board created pursuant to  
17 Section 15.4.

18 "Carrier" includes a telecommunications carrier and a  
19 wireless carrier.

20 "Commission" means the Illinois Commerce Commission.

21 "Computer aided dispatch" or "CAD" means a computer-based  
22 system that aids PSAP telecommunicators by automating selected  
23 dispatching and recordkeeping activities.

24 "Direct dispatch method" means a 9-1-1 service that  
25 provides for the direct dispatch by a PSAP telecommunicator of  
26 the appropriate unit upon receipt of an emergency call and the

1 decision as to the proper action to be taken.

2 ~~"Department" means the Department of State Police.~~

3 "DS-1, T-1, or similar un-channelized or multi-channel  
4 transmission facility" means a facility that can transmit and  
5 receive a bit rate of at least 1.544 megabits per second  
6 (Mbps).

7 "Dynamic bandwidth allocation" means the ability of the  
8 facility or customer to drop and add channels, or adjust  
9 bandwidth, when needed in real time for voice or data  
10 purposes.

11 "Enhanced 9-1-1" or "E9-1-1" means a telephone system that  
12 includes network switching, database and PSAP premise elements  
13 capable of providing automatic location identification data,  
14 selective routing, selective transfer, fixed transfer, and a  
15 call back number, including any enhanced 9-1-1 service so  
16 designated by the Federal Communications Commission in its  
17 report and order in WC Dockets Nos. 04-36 and 05-196, or any  
18 successor proceeding.

19 "ETSB" means an emergency telephone system board appointed  
20 by the corporate authorities of any county or municipality  
21 that provides for the management and operation of a 9-1-1  
22 system.

23 "Hearing-impaired individual" means a person with a  
24 permanent hearing loss who can regularly and routinely  
25 communicate by telephone only through the aid of devices which  
26 can send and receive written messages over the telephone



1 network.

2 "Hosted supplemental 9-1-1 service" means a database  
3 service that:

4 (1) electronically provides information to 9-1-1 call  
5 takers when a call is placed to 9-1-1;

6 (2) allows telephone subscribers to provide  
7 information to 9-1-1 to be used in emergency scenarios;

8 (3) collects a variety of formatted data relevant to  
9 9-1-1 and first responder needs, which may include, but is  
10 not limited to, photographs of the telephone subscribers,  
11 physical descriptions, medical information, household  
12 data, and emergency contacts;

13 (4) allows for information to be entered by telephone  
14 subscribers through a secure website where they can elect  
15 to provide as little or as much information as they  
16 choose;

17 (5) automatically displays data provided by telephone  
18 subscribers to 9-1-1 call takers for all types of  
19 telephones when a call is placed to 9-1-1 from a  
20 registered and confirmed phone number;

21 (6) supports the delivery of telephone subscriber  
22 information through a secure internet connection to all  
23 emergency telephone system boards;

24 (7) works across all 9-1-1 call taking equipment and  
25 allows for the easy transfer of information into a  
26 computer aided dispatch system; and

1           (8) may be used to collect information pursuant to an  
2           Illinois Premise Alert Program as defined in the Illinois  
3           Premise Alert Program (PAP) Act.

4           "Interconnected voice over Internet protocol provider" or  
5           "Interconnected VoIP provider" has the meaning given to that  
6           term under Section 13-235 of the Public Utilities Act.

7           "Joint ETSB" means a Joint Emergency Telephone System  
8           Board established by intergovernmental agreement of two or  
9           more municipalities or counties, or a combination thereof, to  
10          provide for the management and operation of a 9-1-1 system.

11          "Local public agency" means any unit of local government  
12          or special purpose district located in whole or in part within  
13          this State that provides or has authority to provide  
14          firefighting, police, ambulance, medical, or other emergency  
15          services.

16          "Mechanical dialer" means any device that either manually  
17          or remotely triggers a dialing device to access the 9-1-1  
18          system.

19          "Master Street Address Guide" or "MSAG" is a database of  
20          street names and house ranges within their associated  
21          communities defining emergency service zones (ESZs) and their  
22          associated emergency service numbers (ESNs) to enable proper  
23          routing of 9-1-1 calls.

24          "Mobile telephone number" or "MTN" means the telephone  
25          number assigned to a wireless telephone at the time of initial  
26          activation.

1 "Network connections" means the number of voice grade  
2 communications channels directly between a subscriber and a  
3 telecommunications carrier's public switched network, without  
4 the intervention of any other telecommunications carrier's  
5 switched network, which would be required to carry the  
6 subscriber's inter-premises traffic and which connection  
7 either (1) is capable of providing access through the public  
8 switched network to a 9-1-1 Emergency Telephone System, if one  
9 exists, or (2) if no system exists at the time a surcharge is  
10 imposed under Section 15.3, that would be capable of providing  
11 access through the public switched network to the local 9-1-1  
12 Emergency Telephone System if one existed. Where multiple  
13 voice grade communications channels are connected to a  
14 telecommunications carrier's public switched network through a  
15 private branch exchange (PBX) service, there shall be  
16 determined to be one network connection for each trunk line  
17 capable of transporting either the subscriber's inter-premises  
18 traffic to the public switched network or the subscriber's  
19 9-1-1 calls to the public agency. Where multiple voice grade  
20 communications channels are connected to a telecommunications  
21 carrier's public switched network through centrex type  
22 service, the number of network connections shall be equal to  
23 the number of PBX trunk equivalents for the subscriber's  
24 service or other multiple voice grade communication channels  
25 facility, as determined by reference to any generally  
26 applicable exchange access service tariff filed by the

1 subscriber's telecommunications carrier with the Commission.

2 "Network costs" means those recurring costs that directly  
3 relate to the operation of the 9-1-1 network as determined by  
4 the Statewide 9-1-1 Administrator with the advice of the  
5 Statewide 9-1-1 Advisory Board, which may include, but need  
6 not be limited to, some or all of the following: costs for  
7 interoffice trunks, selective routing charges, transfer lines  
8 and toll charges for 9-1-1 services, Automatic Location  
9 Information (ALI) database charges, independent local exchange  
10 carrier charges and non-system provider charges, carrier  
11 charges for third party database for on-site customer premises  
12 equipment, back-up PSAP trunks for non-system providers,  
13 periodic database updates as provided by carrier (also known  
14 as "ALI data dump"), regional ALI storage charges, circuits  
15 for call delivery (fiber or circuit connection), NG9-1-1  
16 costs, and all associated fees, taxes, and surcharges on each  
17 invoice. "Network costs" shall not include radio circuits or  
18 toll charges that are other than for 9-1-1 services.

19 "Next generation 9-1-1" or "NG9-1-1" means an Internet  
20 Protocol-based (IP-based) system comprised of managed ESInets,  
21 functional elements and applications, and databases that  
22 replicate traditional E9-1-1 features and functions and  
23 provide additional capabilities. "NG9-1-1" systems are  
24 designed to provide access to emergency services from all  
25 connected communications sources, and provide multimedia data  
26 capabilities for PSAPs and other emergency services

1 organizations.

2 "NG9-1-1 costs" means those recurring costs that directly  
3 relate to the Next Generation 9-1-1 service as determined by  
4 the Statewide 9-1-1 Advisory Board, including, but not limited  
5 to, costs for Emergency System Routing Proxy (ESRP), Emergency  
6 Call Routing Function/Location Validation Function (ECRF/LVF),  
7 Spatial Information Function (SIF), the Border Control  
8 Function (BCF), and the Emergency Services Internet Protocol  
9 networks (ESInets), legacy network gateways, and all  
10 associated fees, taxes, and surcharges on each invoice.

11 "Private branch exchange" or "PBX" means a private  
12 telephone system and associated equipment located on the  
13 user's property that provides communications between internal  
14 stations and external networks.

15 "Private business switch service" means network and  
16 premises based systems including a VoIP, Centrex type service,  
17 or PBX service, even though key telephone systems or  
18 equivalent telephone systems registered with the Federal  
19 Communications Commission under 47 C.F.R. Part 68 are directly  
20 connected to Centrex type and PBX systems. "Private business  
21 switch service" does not include key telephone systems or  
22 equivalent telephone systems registered with the Federal  
23 Communications Commission under 47 C.F.R. Part 68 when not  
24 used in conjunction with a VoIP, Centrex type, or PBX systems.  
25 "Private business switch service" typically includes, but is  
26 not limited to, private businesses, corporations, and

1 industries where the telecommunications service is primarily  
2 for conducting business.

3 "Private residential switch service" means network and  
4 premise based systems including a VoIP, Centrex type service,  
5 or PBX service or key telephone systems or equivalent  
6 telephone systems registered with the Federal Communications  
7 Commission under 47 C.F.R. Part 68 that are directly connected  
8 to a VoIP, Centrex type service, or PBX systems equipped for  
9 switched local network connections or 9-1-1 system access to  
10 residential end users through a private telephone switch.

11 "Private residential switch service" does not include key  
12 telephone systems or equivalent telephone systems registered  
13 with the Federal Communications Commission under 47 C.F.R.  
14 Part 68 when not used in conjunction with a VoIP, Centrex type,  
15 or PBX systems. "Private residential switch service" typically  
16 includes, but is not limited to, apartment complexes,  
17 condominiums, and campus or university environments where  
18 shared tenant service is provided and where the usage of the  
19 telecommunications service is primarily residential.

20 "Public agency" means the State, and any unit of local  
21 government or special purpose district located in whole or in  
22 part within this State, that provides or has authority to  
23 provide firefighting, police, ambulance, medical, or other  
24 emergency services.

25 "Public safety agency" means a functional division of a  
26 public agency that provides firefighting, police, medical, or

1 other emergency services to respond to and manage emergency  
2 incidents. For the purpose of providing wireless service to  
3 users of 9-1-1 emergency services, as expressly provided for  
4 in this Act, the Illinois ~~Department of~~ State Police may be  
5 considered a public safety agency.

6 "Public safety answering point" or "PSAP" is a set of  
7 call-takers authorized by a governing body and operating under  
8 common management that receive 9-1-1 calls and asynchronous  
9 event notifications for a defined geographic area and  
10 processes those calls and events according to a specified  
11 operational policy.

12 "Qualified governmental entity" means a unit of local  
13 government authorized to provide 9-1-1 services pursuant to  
14 this Act where no emergency telephone system board exists.

15 "Referral method" means a 9-1-1 service in which the PSAP  
16 telecommunicator provides the calling party with the telephone  
17 number of the appropriate public safety agency or other  
18 provider of emergency services.

19 "Regular service" means any telecommunications service,  
20 other than advanced service, that is capable of transporting  
21 either the subscriber's inter-premises voice  
22 telecommunications services to the public switched network or  
23 the subscriber's 9-1-1 calls to the public agency.

24 "Relay method" means a 9-1-1 service in which the PSAP  
25 telecommunicator takes the pertinent information from a caller  
26 and relays that information to the appropriate public safety

1 agency or other provider of emergency services.

2 "Remit period" means the billing period, one month in  
3 duration, for which a wireless carrier remits a surcharge and  
4 provides subscriber information by zip code to the Illinois  
5 State Police Department, in accordance with Section 20 of this  
6 Act.

7 "Secondary Answering Point" or "SAP" means a location,  
8 other than a PSAP, that is able to receive the voice, data, and  
9 call back number of E9-1-1 or NG9-1-1 emergency calls  
10 transferred from a PSAP and completes the call taking process  
11 by dispatching police, medical, fire, or other emergency  
12 responders.

13 "Statewide wireless emergency 9-1-1 system" means all  
14 areas of the State where an emergency telephone system board  
15 or, in the absence of an emergency telephone system board, a  
16 qualified governmental entity, has not declared its intention  
17 for one or more of its public safety answering points to serve  
18 as a primary wireless 9-1-1 public safety answering point for  
19 its jurisdiction. The operator of the statewide wireless  
20 emergency 9-1-1 system shall be the Illinois Department of  
21 State Police.

22 "System" means the communications equipment and related  
23 software applications required to produce a response by the  
24 appropriate emergency public safety agency or other provider  
25 of emergency services as a result of an emergency call being  
26 placed to 9-1-1.



1 "System provider" means the contracted entity providing  
2 9-1-1 network and database services.

3 "Telecommunications carrier" means those entities included  
4 within the definition specified in Section 13-202 of the  
5 Public Utilities Act, and includes those carriers acting as  
6 resellers of telecommunications services. "Telecommunications  
7 carrier" includes telephone systems operating as mutual  
8 concerns. "Telecommunications carrier" does not include a  
9 wireless carrier.

10 "Telecommunications technology" means equipment that can  
11 send and receive written messages over the telephone network.

12 "Transfer method" means a 9-1-1 service in which the PSAP  
13 telecommunicator receiving a call transfers that call to the  
14 appropriate public safety agency or other provider of  
15 emergency services.

16 "Transmitting messages" shall have the meaning given to  
17 that term under Section 8-11-2 of the Illinois Municipal Code.

18 "Trunk line" means a transmission path, or group of  
19 transmission paths, connecting a subscriber's PBX to a  
20 telecommunications carrier's public switched network. In the  
21 case of regular service, each voice grade communications  
22 channel or equivalent amount of bandwidth capable of  
23 transporting either the subscriber's inter-premises voice  
24 telecommunications services to the public switched network or  
25 the subscriber's 9-1-1 calls to the public agency shall be  
26 considered a trunk line, even if it is bundled with other

1 channels or additional bandwidth. In the case of advanced  
2 service, each DS-1, T-1, or other un-channelized or  
3 multi-channel transmission facility that is capable of  
4 transporting either the subscriber's inter-premises voice  
5 telecommunications services to the public switched network or  
6 the subscriber's 9-1-1 calls to the public agency shall be  
7 considered a single trunk line, even if it contains multiple  
8 voice grade communications channels or otherwise supports 2 or  
9 more voice grade calls at a time; provided, however, that each  
10 additional increment of up to 24 voice grade channels of  
11 transmission capacity that is capable of transporting either  
12 the subscriber's inter-premises voice telecommunications  
13 services to the public switched network or the subscriber's  
14 9-1-1 calls to the public agency shall be considered an  
15 additional trunk line.

16 "Unmanned backup PSAP" means a public safety answering  
17 point that serves as an alternate to the PSAP at an alternate  
18 location and is typically unmanned but can be activated if the  
19 primary PSAP is disabled.

20 "Virtual answering point" or "VAP" means a temporary or  
21 nonpermanent location that is capable of receiving an  
22 emergency call, contains a fully functional worksite that is  
23 not bound to a specific location, but rather is portable and  
24 scalable, connecting emergency call takers or dispatchers to  
25 the work process, and is capable of completing the call  
26 dispatching process.

1 "Voice-impaired individual" means a person with a  
2 permanent speech disability which precludes oral  
3 communication, who can regularly and routinely communicate by  
4 telephone only through the aid of devices which can send and  
5 receive written messages over the telephone network.

6 "Wireless carrier" means a provider of two-way cellular,  
7 broadband PCS, geographic area 800 MHZ and 900 MHZ Commercial  
8 Mobile Radio Service (CMRS), Wireless Communications Service  
9 (WCS), or other Commercial Mobile Radio Service (CMRS), as  
10 defined by the Federal Communications Commission, offering  
11 radio communications that may provide fixed, mobile, radio  
12 location, or satellite communication services to individuals  
13 or businesses within its assigned spectrum block and  
14 geographical area or that offers real-time, two-way voice  
15 service that is interconnected with the public switched  
16 network, including a reseller of such service.

17 "Wireless enhanced 9-1-1" means the ability to relay the  
18 telephone number of the originator of a 9-1-1 call and  
19 location information from any mobile handset or text telephone  
20 device accessing the wireless system to the designated  
21 wireless public safety answering point as set forth in the  
22 order of the Federal Communications Commission, FCC Docket No.  
23 94-102, adopted June 12, 1996, with an effective date of  
24 October 1, 1996, and any subsequent amendment thereto.

25 "Wireless public safety answering point" means the  
26 functional division of a 9-1-1 authority accepting wireless

1 9-1-1 calls.

2 "Wireless subscriber" means an individual or entity to  
3 whom a wireless service account or number has been assigned by  
4 a wireless carrier, other than an account or number associated  
5 with prepaid wireless telecommunication service.

6 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

7 (50 ILCS 750/7) (from Ch. 134, par. 37)

8 (Section scheduled to be repealed on December 31, 2021)

9 Sec. 7. The General Assembly finds that, because of  
10 overlapping jurisdiction of public agencies, public safety  
11 agencies and telephone service areas, the Administrator, with  
12 the advice and recommendation of the Statewide 9-1-1 Advisory  
13 Board, shall establish a general overview or plan to  
14 effectuate the purposes of this Act within the time frame  
15 provided in this Act. In order to insure that proper  
16 preparation and implementation of emergency telephone systems  
17 are accomplished by all public agencies as required under this  
18 Act, the Illinois State Police Department, with the advice and  
19 assistance of the Attorney General, shall secure compliance by  
20 public agencies as provided in this Act.

21 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

22 (50 ILCS 750/8) (from Ch. 134, par. 38)

23 (Section scheduled to be repealed on December 31, 2021)

24 Sec. 8. The Administrator, with the advice and

1 recommendation of the Statewide 9-1-1 Advisory Board, shall  
2 coordinate the implementation of systems established under  
3 this Act. To assist with this coordination, all systems  
4 authorized to operate under this Act shall register with the  
5 Administrator information regarding its composition and  
6 organization, including, but not limited to, identification of  
7 all PSAPs, SAPs, VAPs, Backup PSAPs, and Unmanned Backup  
8 PSAPs. The Illinois State Police Department ~~Department~~ may adopt rules  
9 for the administration of this Section.

10 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

11 (50 ILCS 750/10) (from Ch. 134, par. 40)

12 (Section scheduled to be repealed on December 31, 2021)

13 Sec. 10. (a) The Administrator, with the advice and  
14 recommendation of the Statewide 9-1-1 Advisory Board, shall  
15 establish uniform technical and operational standards for all  
16 9-1-1 systems in Illinois. All findings, orders, decisions,  
17 rules, and regulations issued or promulgated by the Commission  
18 under this Act or any other Act establishing or conferring  
19 power on the Commission with respect to emergency  
20 telecommunications services, shall continue in force.  
21 Notwithstanding the provisions of this Section, where  
22 applicable, the Administrator shall, with the advice and  
23 recommendation of the Statewide 9-1-1 Advisory Board, amend  
24 the Commission's findings, orders, decisions, rules, and  
25 regulations to conform to the specific provisions of this Act

1 as soon as practicable after the effective date of this  
2 amendatory Act of the 99th General Assembly.

3 (b) The Illinois State Police ~~Department~~ may adopt  
4 emergency rules necessary to implement the provisions of this  
5 amendatory Act of the 99th General Assembly under subsection  
6 (t) of Section 5-45 of the Illinois Administrative Procedure  
7 Act.

8 (c) Nothing in this Act shall deprive the Commission of  
9 any authority to regulate the provision by telecommunication  
10 carriers or 9-1-1 system service providers of  
11 telecommunication or other services under the Public Utilities  
12 Act.

13 (d) For rules that implicate both the regulation of 9-1-1  
14 authorities under this Act and the regulation of  
15 telecommunication carriers and 9-1-1 system service providers  
16 under the Public Utilities Act, the Illinois State Police  
17 ~~Department~~ and the Commission may adopt joint rules necessary  
18 for implementation.

19 (e) Any findings, orders, or decisions of the  
20 Administrator under this Section shall be deemed a final  
21 administrative decision and shall be subject to judicial  
22 review under the Administrative Review Law.

23 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

24 (50 ILCS 750/12) (from Ch. 134, par. 42)

25 (Section scheduled to be repealed on December 31, 2021)

1           Sec. 12. The Attorney General may, on behalf of the  
2 Illinois State Police ~~Department~~ or on his own initiative,  
3 commence judicial proceedings to enforce compliance by any  
4 public agency or public utility providing telephone service  
5 with this Act.

6           (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

7           (50 ILCS 750/15.1) (from Ch. 134, par. 45.1)

8           (Section scheduled to be repealed on December 31, 2021)

9           Sec. 15.1. Public body; exemption from civil liability for  
10 developing or operating emergency telephone system.

11           (a) In no event shall a public agency, the Commission, the  
12 Statewide 9-1-1 Advisory Board, the Administrator, the  
13 Illinois ~~Department of~~ State Police, public safety agency,  
14 public safety answering point, emergency telephone system  
15 board, or unit of local government assuming the duties of an  
16 emergency telephone system board, or carrier, or its officers,  
17 employees, assigns, or agents be liable for any civil damages  
18 or criminal liability that directly or indirectly results  
19 from, or is caused by, any act or omission in the development,  
20 design, installation, operation, maintenance, performance, or  
21 provision of 9-1-1 service required by this Act, unless the  
22 act or omission constitutes gross negligence, recklessness, or  
23 intentional misconduct.

24           A unit of local government, the Commission, the Statewide  
25 9-1-1 Advisory Board, the Administrator, the Illinois

1 ~~Department of~~ State Police, public safety agency, public  
2 safety answering point, emergency telephone system board, or  
3 carrier, or its officers, employees, assigns, or agents, shall  
4 not be liable for any form of civil damages or criminal  
5 liability that directly or indirectly results from, or is  
6 caused by, the release of subscriber information to any  
7 governmental entity as required under the provisions of this  
8 Act, unless the release constitutes gross negligence,  
9 recklessness, or intentional misconduct.

10 (b) Exemption from civil liability for emergency  
11 instructions is as provided in the Good Samaritan Act.

12 (c) This Section may not be offered as a defense in any  
13 judicial proceeding brought by the Attorney General under  
14 Section 12 to compel compliance with this Act.

15 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

16 (50 ILCS 750/15.4b)

17 (Section scheduled to be repealed on December 31, 2021)

18 Sec. 15.4b. Consolidation grants.

19 (a) The Administrator, with the advice and recommendation  
20 of the Statewide 9-1-1 Advisory Board, shall administer a  
21 9-1-1 System Consolidation Grant Program to defray costs  
22 associated with 9-1-1 system consolidation of systems outside  
23 of a municipality with a population in excess of 500,000. The  
24 awarded grants will be used to offset non-recurring costs  
25 associated with the consolidation of 9-1-1 systems and shall



1 not be used for ongoing operating costs associated with the  
2 consolidated system. The Illinois State Police ~~Department~~, in  
3 consultation with the Administrator and the Statewide 9-1-1  
4 Advisory Board, shall adopt rules defining the grant process  
5 and criteria for issuing the grants. The grants should be  
6 awarded based on criteria that include, but are not limited  
7 to:

8 (1) reducing the number of transfers of a 9-1-1 call;

9 (2) reducing the infrastructure required to adequately  
10 provide 9-1-1 network services;

11 (3) promoting cost savings from resource sharing among  
12 9-1-1 systems;

13 (4) facilitating interoperability and resiliency for  
14 the receipt of 9-1-1 calls;

15 (5) reducing the number of 9-1-1 systems or reducing  
16 the number of PSAPs within a 9-1-1 system;

17 (6) cost saving resulting from 9-1-1 system  
18 consolidation; and

19 (7) expanding E9-1-1 service coverage as a result of  
20 9-1-1 system consolidation including to areas without  
21 E9-1-1 service.

22 Priority shall be given first to counties not providing  
23 9-1-1 service as of January 1, 2016, and next to other entities  
24 consolidating as required under Section 15.4a of this Act.

25 (b) The 9-1-1 System Consolidation Grant application, as  
26 defined by Illinois State Police ~~Department~~ rules, shall be

1 submitted electronically to the Administrator starting January  
2 2, 2016, and every January 2 thereafter. The application shall  
3 include a modified 9-1-1 system plan as required by this Act in  
4 support of the consolidation plan. The Administrator shall  
5 have until June 30, 2016 and every June 30 thereafter to  
6 approve 9-1-1 System Consolidation grants and modified 9-1-1  
7 system plans. Payment under the approved 9-1-1 System  
8 Consolidation grants shall be contingent upon the final  
9 approval of a modified 9-1-1 system plan.

10 (c) Existing and previously completed consolidation  
11 projects shall be eligible to apply for reimbursement of costs  
12 related to the consolidation incurred between 2010 and the  
13 State fiscal year of the application.

14 (d) The 9-1-1 systems that receive grants under this  
15 Section shall provide a report detailing grant fund usage to  
16 the Administrator pursuant to Section 40 of this Act.

17 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

18 (50 ILCS 750/15.5)

19 (Section scheduled to be repealed on December 31, 2021)

20 Sec. 15.5. Private residential switch service 9-1-1  
21 service.

22 (a) After June 30, 1995, an entity that provides or  
23 operates private residential switch service and provides  
24 telecommunications facilities or services to residents shall  
25 provide to those residential end users the same level of 9-1-1

1 service as the public agency and the telecommunications  
2 carrier are providing to other residential end users of the  
3 local 9-1-1 system. This service shall include, but not be  
4 limited to, the capability to identify the telephone number,  
5 extension number, and the physical location that is the source  
6 of the call to the number designated as the emergency  
7 telephone number.

8 (b) The private residential switch operator is responsible  
9 for forwarding end user automatic location identification  
10 record information to the 9-1-1 system provider according to  
11 the format, frequency, and procedures established by that  
12 system provider.

13 (c) This Act does not apply to any PBX telephone extension  
14 that uses radio transmissions to convey electrical signals  
15 directly between the telephone extension and the serving PBX.

16 (d) An entity that violates this Section is guilty of a  
17 business offense and shall be fined not less than \$1,000 and  
18 not more than \$5,000.

19 (e) Nothing in this Section shall be construed to preclude  
20 the Attorney General on behalf of the Illinois State Police  
21 ~~Department~~ or on his or her own initiative, or any other  
22 interested person, from seeking judicial relief, by mandamus,  
23 injunction, or otherwise, to compel compliance with this  
24 Section.

25 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

1 (50 ILCS 750/15.6)

2 (Section scheduled to be repealed on December 31, 2021)

3 Sec. 15.6. Enhanced 9-1-1 service; business service.

4 (a) After June 30, 2000, or within 18 months after  
5 enhanced 9-1-1 service becomes available, any entity that  
6 installs or operates a private business switch service and  
7 provides telecommunications facilities or services to  
8 businesses shall assure that the system is connected to the  
9 public switched network in a manner that calls to 9-1-1 result  
10 in automatic number and location identification. For buildings  
11 having their own street address and containing workspace of  
12 40,000 square feet or less, location identification shall  
13 include the building's street address. For buildings having  
14 their own street address and containing workspace of more than  
15 40,000 square feet, location identification shall include the  
16 building's street address and one distinct location  
17 identification per 40,000 square feet of workspace. Separate  
18 buildings containing workspace of 40,000 square feet or less  
19 having a common public street address shall have a distinct  
20 location identification for each building in addition to the  
21 street address.

22 (b) Exemptions. Buildings containing workspace of more  
23 than 40,000 square feet are exempt from the multiple location  
24 identification requirements of subsection (a) if the building  
25 maintains, at all times, alternative and adequate means of  
26 signaling and responding to emergencies. Those means shall

1 include, but not be limited to, a telephone system that  
2 provides the physical location of 9-1-1 calls coming from  
3 within the building. Health care facilities are presumed to  
4 meet the requirements of this paragraph if the facilities are  
5 staffed with medical or nursing personnel 24 hours per day and  
6 if an alternative means of providing information about the  
7 source of an emergency call exists. Buildings under this  
8 exemption must provide 9-1-1 service that provides the  
9 building's street address.

10 Buildings containing workspace of more than 40,000 square  
11 feet are exempt from subsection (a) if the building maintains,  
12 at all times, alternative and adequate means of signaling and  
13 responding to emergencies, including a telephone system that  
14 provides the location of a 9-1-1 call coming from within the  
15 building, and the building is serviced by its own medical,  
16 fire and security personnel. Buildings under this exemption  
17 are subject to emergency phone system certification by the  
18 Administrator.

19 Buildings in communities not serviced by enhanced 9-1-1  
20 service are exempt from subsection (a).

21 Correctional institutions and facilities, as defined in  
22 subsection (d) of Section 3-1-2 of the Unified Code of  
23 Corrections, are exempt from subsection (a).

24 (c) This Act does not apply to any PBX telephone extension  
25 that uses radio transmissions to convey electrical signals  
26 directly between the telephone extension and the serving PBX.

1 (d) An entity that violates this Section is guilty of a  
2 business offense and shall be fined not less than \$1,000 and  
3 not more than \$5,000.

4 (e) Nothing in this Section shall be construed to preclude  
5 the Attorney General on behalf of the Illinois State Police  
6 ~~Department~~ or on his or her own initiative, or any other  
7 interested person, from seeking judicial relief, by mandamus,  
8 injunction, or otherwise, to compel compliance with this  
9 Section.

10 (f) The Illinois State Police ~~Department~~ may promulgate  
11 rules for the administration of this Section.

12 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

13 (50 ILCS 750/15.6a)

14 (Section scheduled to be repealed on December 31, 2021)

15 Sec. 15.6a. Wireless emergency 9-1-1 service.

16 (a) The digits "9-1-1" shall be the designated emergency  
17 telephone number within the wireless system.

18 (b) The Illinois State Police ~~Department~~ may set  
19 non-discriminatory and uniform technical and operational  
20 standards consistent with the rules of the Federal  
21 Communications Commission for directing calls to authorized  
22 public safety answering points. These standards shall not in  
23 any way prescribe the technology or manner a wireless carrier  
24 shall use to deliver wireless 9-1-1 or wireless E9-1-1 calls,  
25 and these standards shall not exceed the requirements set by

1 the Federal Communications Commission; however, standards for  
2 directing calls to the authorized public safety answering  
3 point shall be included. The authority given to the Illinois  
4 State Police Department in this Section is limited to setting  
5 standards as set forth herein and does not constitute  
6 authority to regulate wireless carriers.

7 (c) For the purpose of providing wireless 9-1-1 emergency  
8 services, an emergency telephone system board or, in the  
9 absence of an emergency telephone system board, a qualified  
10 governmental entity, may declare its intention for one or more  
11 of its public safety answering points to serve as a primary  
12 wireless 9-1-1 public safety answering point for its  
13 jurisdiction by notifying the Administrator in writing within  
14 6 months after receiving its authority to operate a 9-1-1  
15 system under this Act. In addition, 2 or more emergency  
16 telephone system boards or qualified governmental entities  
17 may, by virtue of an intergovernmental agreement, provide  
18 wireless 9-1-1 service. Until the jurisdiction comes into  
19 compliance with Section 15.4a of this Act, the Illinois  
20 ~~Department of~~ State Police shall be the primary wireless 9-1-1  
21 public safety answering point for any jurisdiction that did  
22 not provide notice to the Illinois Commerce Commission and the  
23 Illinois State Police Department prior to January 1, 2016.

24 (d) The Administrator, upon a request from a qualified  
25 governmental entity or an emergency telephone system board and  
26 with the advice and recommendation of the Statewide 9-1-1

1 Advisory Board, may grant authority to the emergency telephone  
2 system board or a qualified governmental entity to provide  
3 wireless 9-1-1 service in areas for which the Illinois State  
4 Police Department has accepted wireless 9-1-1 responsibility.  
5 The Administrator shall maintain a current list of all 9-1-1  
6 systems and qualified governmental entities providing wireless  
7 9-1-1 service under this Act.

8 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

9 (50 ILCS 750/15.6b)

10 (Section scheduled to be repealed on December 31, 2021)

11 Sec. 15.6b. Next Generation 9-1-1 service.

12 (a) The Administrator, with the advice and recommendation  
13 of the Statewide 9-1-1 Advisory Board, shall develop and  
14 implement a plan for a statewide Next Generation 9-1-1  
15 network. The Next Generation 9-1-1 network must be an Internet  
16 protocol-based platform that at a minimum provides:

17 (1) improved 9-1-1 call delivery;

18 (2) enhanced interoperability;

19 (3) increased ease of communication between 9-1-1  
20 service providers, allowing immediate transfer of 9-1-1  
21 calls, caller information, photos, and other data  
22 statewide;

23 (4) a hosted solution with redundancy built in; and

24 (5) compliance with NENA Standards i3 Solution 08-003.

25 (b) By July 1, 2016, the Administrator, with the advice



1 and recommendation of the Statewide 9-1-1 Advisory Board,  
2 shall design and issue a competitive request for a proposal to  
3 secure the services of a consultant to complete a feasibility  
4 study on the implementation of a statewide Next Generation  
5 9-1-1 network in Illinois. By July 1, 2017, the consultant  
6 shall complete the feasibility study and make recommendations  
7 as to the appropriate procurement approach for developing a  
8 statewide Next Generation 9-1-1 network.

9 (c) Within 12 months of the final report from the  
10 consultant under subsection (b) of this Section, the Illinois  
11 State Police Department shall procure and finalize a contract  
12 with a vendor certified under Section 13-900 of the Public  
13 Utilities Act to establish a statewide Next Generation 9-1-1  
14 network. By July 1, 2021, the vendor shall implement a Next  
15 Generation 9-1-1 network that allows 9-1-1 systems providing  
16 9-1-1 service to Illinois residents to access the system  
17 utilizing their current infrastructure if it meets the  
18 standards adopted by the Illinois State Police Department.

19 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

20 (50 ILCS 750/17.5)

21 (Section scheduled to be repealed on December 31, 2021)

22 Sec. 17.5. 9-1-1 call transfer, forward, or relay.

23 (a) The General Assembly finds the following:

24 (1) Some 9-1-1 systems throughout this State do not  
25 have a procedure in place to manually transfer, forward,

1 or relay 9-1-1 calls originating within one 9-1-1 system's  
2 jurisdiction, but which should properly be answered and  
3 dispatched by another 9-1-1 system, to the appropriate  
4 9-1-1 system for answering and dispatch of first  
5 responders.

6 (2) On January 1, 2016, the General Assembly gave  
7 oversight authority of 9-1-1 systems to the Illinois  
8 ~~Department of State Police~~.

9 (3) Since that date, the Illinois ~~Department of State~~  
10 Police has authorized individual 9-1-1 systems in counties  
11 and municipalities to implement and upgrade enhanced 9-1-1  
12 systems throughout the State.

13 (b) The Illinois State Police ~~Department~~ shall prepare a  
14 directory of all authorized 9-1-1 systems in the State. The  
15 directory shall include an emergency 24/7 10-digit telephone  
16 number for all primary public safety answering points located  
17 in each 9-1-1 system to which 9-1-1 calls from another  
18 jurisdiction can be transferred. This directory shall be made  
19 available to each 9-1-1 authority for its use in establishing  
20 standard operating procedures regarding calls outside its  
21 9-1-1 jurisdiction.

22 (c) Each 9-1-1 system shall provide the Illinois State  
23 Police ~~Department~~ with the following information:

24 (1) The name of the PSAP, a list of every  
25 participating agency, and the county the PSAP is in,  
26 including college and university public safety entities.

1           (2) The 24/7 10-digit emergency telephone number and  
2 email address for the dispatch agency to which 9-1-1 calls  
3 originating in another 9-1-1 jurisdiction can be  
4 transferred or by which the PSAP can be contacted via  
5 email to exchange information. Each 9-1-1 system shall  
6 provide the Illinois State Police ~~Department~~ with any  
7 changes to the participating agencies and this number and  
8 email address immediately upon the change occurring. Each  
9 9-1-1 system shall provide the PSAP information, the 24/7  
10 10-digit emergency telephone number and email address to  
11 the Manager of the Illinois State Police's ~~Department's~~  
12 9-1-1 Program within 30 days of the effective date of this  
13 amendatory Act of the 100th General Assembly.

14           (3) The standard operating procedure describing the  
15 manner in which the 9-1-1 system will transfer, forward,  
16 or relay 9-1-1 calls originating within its jurisdiction,  
17 but which should properly be answered and dispatched by  
18 another 9-1-1 system, to the appropriate 9-1-1 system.  
19 Each 9-1-1 system shall provide the standard operating  
20 procedures to the Manager of the Illinois State Police's  
21 ~~Department's~~ 9-1-1 Program within 180 days after the  
22 effective date of this amendatory Act of the 100th General  
23 Assembly.

24 (Source: P.A. 100-20, eff. 7-1-17.)

25 (50 ILCS 750/19)

1 (Section scheduled to be repealed on December 31, 2021)

2 Sec. 19. Statewide 9-1-1 Advisory Board.

3 (a) Beginning July 1, 2015, there is created the Statewide  
4 9-1-1 Advisory Board within the Illinois ~~Department of~~ State  
5 Police. The Board shall consist of the following 11 voting  
6 members:

7 (1) The Director of the Illinois State Police, or his  
8 or her designee, who shall serve as chairman.

9 (2) The Executive Director of the Commission, or his  
10 or her designee.

11 (3) Nine members appointed by the Governor as follows:

12 (A) one member representing the Illinois chapter  
13 of the National Emergency Number Association, or his  
14 or her designee;

15 (B) one member representing the Illinois chapter  
16 of the Association of Public-Safety Communications  
17 Officials, or his or her designee;

18 (C) one member representing a county 9-1-1 system  
19 from a county with a population of less than 50,000;

20 (D) one member representing a county 9-1-1 system  
21 from a county with a population between 50,000 and  
22 250,000;

23 (E) one member representing a county 9-1-1 system  
24 from a county with a population of more than 250,000;

25 (F) one member representing a municipality with a  
26 population of less than 500,000 in a county with a

1 population in excess of 2,000,000;

2 (G) one member representing the Illinois  
3 Association of Chiefs of Police;

4 (H) one member representing the Illinois Sheriffs'  
5 Association; and

6 (I) one member representing the Illinois Fire  
7 Chiefs Association.

8 The Governor shall appoint the following non-voting  
9 members: (i) one member representing an incumbent local  
10 exchange 9-1-1 system provider; (ii) one member representing a  
11 non-incumbent local exchange 9-1-1 system provider; (iii) one  
12 member representing a large wireless carrier; (iv) one member  
13 representing an incumbent local exchange carrier; (v) one  
14 member representing the Illinois Telecommunications  
15 Association; (vi) one member representing the Cable Television  
16 and Communication Association of Illinois; and (vii) one  
17 member representing the Illinois State Ambulance Association.  
18 The Speaker of the House of Representatives, the Minority  
19 Leader of the House of Representatives, the President of the  
20 Senate, and the Minority Leader of the Senate may each appoint  
21 a member of the General Assembly to temporarily serve as a  
22 non-voting member of the Board during the 12 months prior to  
23 the repeal date of this Act to discuss legislative initiatives  
24 of the Board.

25 (b) The Governor shall make initial appointments to the  
26 Statewide 9-1-1 Advisory Board by August 31, 2015. Six of the

1 voting members appointed by the Governor shall serve an  
2 initial term of 2 years, and the remaining voting members  
3 appointed by the Governor shall serve an initial term of 3  
4 years. Thereafter, each appointment by the Governor shall be  
5 for a term of 3 years. Non-voting members shall serve for a  
6 term of 3 years. Vacancies shall be filled in the same manner  
7 as the original appointment. Persons appointed to fill a  
8 vacancy shall serve for the balance of the unexpired term.

9 Members of the Statewide 9-1-1 Advisory Board shall serve  
10 without compensation.

11 (c) The 9-1-1 Services Advisory Board, as constituted on  
12 June 1, 2015 without the legislative members, shall serve in  
13 the role of the Statewide 9-1-1 Advisory Board until all  
14 appointments of voting members have been made by the Governor  
15 under subsection (a) of this Section.

16 (d) The Statewide 9-1-1 Advisory Board shall:

17 (1) advise the Illinois ~~Department of~~ State Police and  
18 the Statewide 9-1-1 Administrator on the oversight of  
19 9-1-1 systems and the development and implementation of a  
20 uniform statewide 9-1-1 system;

21 (2) make recommendations to the Governor and the  
22 General Assembly regarding improvements to 9-1-1 services  
23 throughout the State; and

24 (3) exercise all other powers and duties provided in  
25 this Act.

26 (e) The Statewide 9-1-1 Advisory Board shall submit to the

1 General Assembly a report by March 1 of each year providing an  
2 update on the transition to a statewide 9-1-1 system and  
3 recommending any legislative action.

4 (f) The Illinois ~~Department of~~ State Police shall provide  
5 administrative support to the Statewide 9-1-1 Advisory Board.

6 (Source: P.A. 99-6, eff. 6-29-15; 100-20, eff. 7-1-17.)

7 (50 ILCS 750/20)

8 (Section scheduled to be repealed on December 31, 2021)

9 Sec. 20. Statewide surcharge.

10 (a) On and after January 1, 2016, and except with respect  
11 to those customers who are subject to surcharges as provided  
12 in Sections 15.3 and 15.3a of this Act, a monthly surcharge  
13 shall be imposed on all customers of telecommunications  
14 carriers and wireless carriers as follows:

15 (1) Each telecommunications carrier shall impose a  
16 monthly surcharge per network connection; provided,  
17 however, the monthly surcharge shall not apply to a  
18 network connection provided for use with pay telephone  
19 services. Where multiple voice grade communications  
20 channels are connected between the subscriber's premises  
21 and a public switched network through private branch  
22 exchange (PBX), centrex type service, or other multiple  
23 voice grade communication channels facility, there shall  
24 be imposed 5 such surcharges per network connection for  
25 both regular service and advanced service provisioned

1 trunk lines. Until December 31, 2017, the surcharge shall  
2 be \$0.87 per network connection and on and after January  
3 1, 2018, the surcharge shall be \$1.50 per network  
4 connection.

5 (2) Each wireless carrier shall impose and collect a  
6 monthly surcharge per CMRS connection that either has a  
7 telephone number within an area code assigned to Illinois  
8 by the North American Numbering Plan Administrator or has  
9 a billing address in this State. Until December 31, 2017,  
10 the surcharge shall be \$0.87 per connection and on and  
11 after January 1, 2018, the surcharge shall be \$1.50 per  
12 connection.

13 (b) State and local taxes shall not apply to the  
14 surcharges imposed under this Section.

15 (c) The surcharges imposed by this Section shall be stated  
16 as a separately stated item on subscriber bills.

17 (d) The telecommunications carrier collecting the  
18 surcharge may deduct and retain an amount not to exceed 3% of  
19 the gross amount of surcharge collected to reimburse the  
20 telecommunications carrier for the expense of accounting and  
21 collecting the surcharge. On and after July 1, 2022, the  
22 wireless carrier collecting a surcharge under this Section may  
23 deduct and retain an amount not to exceed 3% of the gross  
24 amount of the surcharge collected to reimburse the wireless  
25 carrier for the expense of accounting and collecting the  
26 surcharge.



1 (e) Surcharges imposed under this Section shall be  
2 collected by the carriers and shall be remitted to the  
3 Illinois State Police Department, either by check or  
4 electronic funds transfer, by the end of the next calendar  
5 month after the calendar month in which it was collected for  
6 deposit into the Statewide 9-1-1 Fund. Carriers are not  
7 required to remit surcharge moneys that are billed to  
8 subscribers but not yet collected.

9 The first remittance by wireless carriers shall include  
10 the number of subscribers by zip code, and the 9-digit zip code  
11 if currently being used or later implemented by the carrier,  
12 that shall be the means by which the Illinois State Police  
13 ~~Department~~ shall determine distributions from the Statewide  
14 9-1-1 Fund. This information shall be updated at least once  
15 each year. Any carrier that fails to provide the zip code  
16 information required under this subsection (e) shall be  
17 subject to the penalty set forth in subsection (g) of this  
18 Section.

19 (f) If, within 8 calendar days after it is due under  
20 subsection (e) of this Section, a carrier does not remit the  
21 surcharge or any portion thereof required under this Section,  
22 then the surcharge or portion thereof shall be deemed  
23 delinquent until paid in full, and the Illinois State Police  
24 ~~Department~~ may impose a penalty against the carrier in an  
25 amount equal to the greater of:

26 (1) \$25 for each month or portion of a month from the

1 time an amount becomes delinquent until the amount is paid  
2 in full; or

3 (2) an amount equal to the product of 1% and the sum of  
4 all delinquent amounts for each month or portion of a  
5 month that the delinquent amounts remain unpaid.

6 A penalty imposed in accordance with this subsection (f)  
7 for a portion of a month during which the carrier pays the  
8 delinquent amount in full shall be prorated for each day of  
9 that month that the delinquent amount was paid in full. Any  
10 penalty imposed under this subsection (f) is in addition to  
11 the amount of the delinquency and is in addition to any other  
12 penalty imposed under this Section.

13 (g) If, within 8 calendar days after it is due, a wireless  
14 carrier does not provide the number of subscribers by zip code  
15 as required under subsection (e) of this Section, then the  
16 report is deemed delinquent and the Illinois State Police  
17 ~~Department~~ may impose a penalty against the carrier in an  
18 amount equal to the greater of:

19 (1) \$25 for each month or portion of a month that the  
20 report is delinquent; or

21 (2) an amount equal to the product of \$0.01 and the  
22 number of subscribers served by the carrier for each month  
23 or portion of a month that the delinquent report is not  
24 provided.

25 A penalty imposed in accordance with this subsection (g)  
26 for a portion of a month during which the carrier provides the

1 number of subscribers by zip code as required under subsection  
2 (e) of this Section shall be prorated for each day of that  
3 month during which the carrier had not provided the number of  
4 subscribers by zip code as required under subsection (e) of  
5 this Section. Any penalty imposed under this subsection (g) is  
6 in addition to any other penalty imposed under this Section.

7 (h) A penalty imposed and collected in accordance with  
8 subsection (f) or (g) of this Section shall be deposited into  
9 the Statewide 9-1-1 Fund for distribution according to Section  
10 30 of this Act.

11 (i) The Illinois State Police ~~Department~~ may enforce the  
12 collection of any delinquent amount and any penalty due and  
13 unpaid under this Section by legal action or in any other  
14 manner by which the collection of debts due the State of  
15 Illinois may be enforced under the laws of this State. The  
16 Illinois State Police ~~Department~~ may excuse the payment of any  
17 penalty imposed under this Section if the Administrator  
18 determines that the enforcement of this penalty is unjust.

19 (j) Notwithstanding any provision of law to the contrary,  
20 nothing shall impair the right of wireless carriers to recover  
21 compliance costs for all emergency communications services  
22 that are not reimbursed out of the Wireless Carrier  
23 Reimbursement Fund directly from their wireless subscribers by  
24 line-item charges on the wireless subscriber's bill. Those  
25 compliance costs include all costs incurred by wireless  
26 carriers in complying with local, State, and federal

1 regulatory or legislative mandates that require the  
2 transmission and receipt of emergency communications to and  
3 from the general public, including, but not limited to,  
4 E9-1-1.

5 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

6 (50 ILCS 750/30)

7 (Section scheduled to be repealed on December 31, 2021)

8 Sec. 30. Statewide 9-1-1 Fund; surcharge disbursement.

9 (a) A special fund in the State treasury known as the  
10 Wireless Service Emergency Fund shall be renamed the Statewide  
11 9-1-1 Fund. Any appropriations made from the Wireless Service  
12 Emergency Fund shall be payable from the Statewide 9-1-1 Fund.  
13 The Fund shall consist of the following:

14 (1) 9-1-1 wireless surcharges assessed under the  
15 Wireless Emergency Telephone Safety Act.

16 (2) 9-1-1 surcharges assessed under Section 20 of this  
17 Act.

18 (3) Prepaid wireless 9-1-1 surcharges assessed under  
19 Section 15 of the Prepaid Wireless 9-1-1 Surcharge Act.

20 (4) Any appropriations, grants, or gifts made to the  
21 Fund.

22 (5) Any income from interest, premiums, gains, or  
23 other earnings on moneys in the Fund.

24 (6) Money from any other source that is deposited in  
25 or transferred to the Fund.

1 (b) Subject to appropriation and availability of funds,  
2 the Illinois State Police ~~Department~~ shall distribute the  
3 9-1-1 surcharges monthly as follows:

4 (1) From each surcharge collected and remitted under  
5 Section 20 of this Act:

6 (A) \$0.013 shall be distributed monthly in equal  
7 amounts to each County Emergency Telephone System  
8 Board or qualified governmental entity in counties  
9 with a population under 100,000 according to the most  
10 recent census data which is authorized to serve as a  
11 primary wireless 9-1-1 public safety answering point  
12 for the county and to provide wireless 9-1-1 service  
13 as prescribed by subsection (b) of Section 15.6a of  
14 this Act, and which does provide such service.

15 (B) \$0.033 shall be transferred by the Comptroller  
16 at the direction of the Illinois State Police  
17 ~~Department~~ to the Wireless Carrier Reimbursement Fund  
18 until June 30, 2017; from July 1, 2017 through June 30,  
19 2018, \$0.026 shall be transferred; from July 1, 2018  
20 through June 30, 2019, \$0.020 shall be transferred;  
21 from July 1, 2019, through June 30, 2020, \$0.013 shall  
22 be transferred; from July 1, 2020 through June 30,  
23 2021, \$0.007 will be transferred; and after June 30,  
24 2021, no transfer shall be made to the Wireless  
25 Carrier Reimbursement Fund.

26 (C) Until December 31, 2017, \$0.007 and on and

1 after January 1, 2018, \$0.017 shall be used to cover  
2 the Illinois State Police's ~~Department's~~  
3 administrative costs.

4 (D) Beginning January 1, 2018, until June 30,  
5 2020, \$0.12, and on and after July 1, 2020, \$0.04 shall  
6 be used to make monthly proportional grants to the  
7 appropriate 9-1-1 Authority currently taking wireless  
8 9-1-1 based upon the United States Postal Zip Code of  
9 the billing addresses of subscribers wireless  
10 carriers.

11 (E) Until June 30, 2021, \$0.05 shall be used by the  
12 Illinois State Police ~~Department~~ for grants for  
13 NG9-1-1 expenses, with priority given to 9-1-1  
14 Authorities that provide 9-1-1 service within the  
15 territory of a Large Electing Provider as defined in  
16 Section 13-406.1 of the Public Utilities Act.

17 (F) On and after July 1, 2020, \$0.13 shall be used  
18 for the implementation of and continuing expenses for  
19 the Statewide NG9-1-1 system.

20 (2) After disbursements under paragraph (1) of this  
21 subsection (b), all remaining funds in the Statewide 9-1-1  
22 Fund shall be disbursed in the following priority order:

23 (A) The Fund shall pay monthly to:

24 (i) the 9-1-1 Authorities that imposed  
25 surcharges under Section 15.3 of this Act and were  
26 required to report to the Illinois Commerce

1 Commission under Section 27 of the Wireless  
2 Emergency Telephone Safety Act on October 1, 2014,  
3 except a 9-1-1 Authority in a municipality with a  
4 population in excess of 500,000, an amount equal  
5 to the average monthly wireline and VoIP surcharge  
6 revenue attributable to the most recent 12-month  
7 period reported to the Illinois State Police  
8 ~~Department~~ under that Section for the October 1,  
9 2014 filing, subject to the power of the Illinois  
10 State Police ~~Department~~ to investigate the amount  
11 reported and adjust the number by order under  
12 Article X of the Public Utilities Act, so that the  
13 monthly amount paid under this item accurately  
14 reflects one-twelfth of the aggregate wireline and  
15 VoIP surcharge revenue properly attributable to  
16 the most recent 12-month period reported to the  
17 Commission; or

18 (ii) county qualified governmental entities  
19 that did not impose a surcharge under Section 15.3  
20 as of December 31, 2015, and counties that did not  
21 impose a surcharge as of June 30, 2015, an amount  
22 equivalent to their population multiplied by .37  
23 multiplied by the rate of \$0.69; counties that are  
24 not county qualified governmental entities and  
25 that did not impose a surcharge as of December 31,  
26 2015, shall not begin to receive the payment

1 provided for in this subsection until E9-1-1 and  
2 wireless E9-1-1 services are provided within their  
3 counties; or

4 (iii) counties without 9-1-1 service that had  
5 a surcharge in place by December 31, 2015, an  
6 amount equivalent to their population multiplied  
7 by .37 multiplied by their surcharge rate as  
8 established by the referendum.

9 (B) All 9-1-1 network costs for systems outside of  
10 municipalities with a population of at least 500,000  
11 shall be paid by the Illinois State Police ~~Department~~  
12 directly to the vendors.

13 (C) All expenses incurred by the Administrator and  
14 the Statewide 9-1-1 Advisory Board and costs  
15 associated with procurement under Section 15.6b  
16 including requests for information and requests for  
17 proposals.

18 (D) Funds may be held in reserve by the Statewide  
19 9-1-1 Advisory Board and disbursed by the Illinois  
20 State Police ~~Department~~ for grants under Section 15.4b  
21 of this Act and for NG9-1-1 expenses up to \$12.5  
22 million per year in State fiscal years 2016 and 2017;  
23 up to \$20 million in State fiscal year 2018; up to  
24 \$20.9 million in State fiscal year 2019; up to \$15.3  
25 million in State fiscal year 2020; up to \$16.2 million  
26 in State fiscal year 2021; up to \$23.1 million in State



1 fiscal year 2022; and up to \$17.0 million per year for  
2 State fiscal year 2023 and each year thereafter. The  
3 amount held in reserve in State fiscal years 2018 and  
4 2019 shall not be less than \$6.5 million.  
5 Disbursements under this subparagraph (D) shall be  
6 prioritized as follows: (i) consolidation grants  
7 prioritized under subsection (a) of Section 15.4b of  
8 this Act; (ii) NG9-1-1 expenses; and (iii)  
9 consolidation grants under Section 15.4b of this Act  
10 for consolidation expenses incurred between January 1,  
11 2010, and January 1, 2016.

12 (E) All remaining funds per remit month shall be  
13 used to make monthly proportional grants to the  
14 appropriate 9-1-1 Authority currently taking wireless  
15 9-1-1 based upon the United States Postal Zip Code of  
16 the billing addresses of subscribers of wireless  
17 carriers.

18 (c) The moneys deposited into the Statewide 9-1-1 Fund  
19 under this Section shall not be subject to administrative  
20 charges or chargebacks unless otherwise authorized by this  
21 Act.

22 (d) Whenever two or more 9-1-1 Authorities consolidate,  
23 the resulting Joint Emergency Telephone System Board shall be  
24 entitled to the monthly payments that had theretofore been  
25 made to each consolidating 9-1-1 Authority. Any reserves held  
26 by any consolidating 9-1-1 Authority shall be transferred to

1 the resulting Joint Emergency Telephone System Board. Whenever  
2 a county that has no 9-1-1 service as of January 1, 2016 enters  
3 into an agreement to consolidate to create or join a Joint  
4 Emergency Telephone System Board, the Joint Emergency  
5 Telephone System Board shall be entitled to the monthly  
6 payments that would have otherwise been paid to the county if  
7 it had provided 9-1-1 service.

8 (Source: P.A. 100-20, eff. 7-1-17; 101-639, eff. 6-12-20.)

9 (50 ILCS 750/40)

10 (Section scheduled to be repealed on December 31, 2021)

11 Sec. 40. Financial reports.

12 (a) The Illinois State Police ~~Department~~ shall create  
13 uniform accounting procedures, with such modification as may  
14 be required to give effect to statutory provisions applicable  
15 only to municipalities with a population in excess of 500,000,  
16 that any emergency telephone system board, qualified  
17 governmental entity, or unit of local government receiving  
18 surcharge money pursuant to Section 15.3, 15.3a, or 30 of this  
19 Act must follow.

20 (b) By January 31, 2018, and every January 31 thereafter,  
21 each emergency telephone system board, qualified governmental  
22 entity, or unit of local government receiving surcharge money  
23 pursuant to Section 15.3, 15.3a, or 30 shall report to the  
24 Illinois State Police ~~Department~~ audited financial statements  
25 showing total revenue and expenditures for the period

1 beginning with the end of the period covered by the last  
2 submitted report through the end of the previous calendar year  
3 in a form and manner as prescribed by the Illinois State Police  
4 ~~Department~~. Such financial information shall include:

5 (1) a detailed summary of revenue from all sources  
6 including, but not limited to, local, State, federal, and  
7 private revenues, and any other funds received;

8 (2) all expenditures made during the reporting period  
9 from distributions under this Act;

10 (3) call data and statistics, when available, from the  
11 reporting period, as specified by the Illinois State  
12 Police Department and collected in accordance with any  
13 reporting method established or required by the Illinois  
14 State Police Department;

15 (4) all costs associated with dispatching appropriate  
16 public safety agencies to respond to 9-1-1 calls received  
17 by the PSAP; and

18 (5) all funding sources and amounts of funding used  
19 for costs described in paragraph (4) of this subsection  
20 (b).

21 The emergency telephone system board, qualified  
22 governmental entity, or unit of local government is  
23 responsible for any costs associated with auditing such  
24 financial statements. The Illinois State Police Department  
25 shall post the audited financial statements on the Illinois  
26 State Police's Department's website.

1 (c) Along with its audited financial statement, each  
2 emergency telephone system board, qualified governmental  
3 entity, or unit of local government receiving a grant under  
4 Section 15.4b of this Act shall include a report of the amount  
5 of grant moneys received and how the grant moneys were used. In  
6 case of a conflict between this requirement and the Grant  
7 Accountability and Transparency Act, or with the rules of the  
8 Governor's Office of Management and Budget adopted thereunder,  
9 that Act and those rules shall control.

10 (d) If an emergency telephone system board or qualified  
11 governmental entity that receives funds from the Statewide  
12 9-1-1 Fund fails to file the 9-1-1 system financial reports as  
13 required under this Section, the Illinois State Police  
14 ~~Department~~ shall suspend and withhold monthly disbursements  
15 otherwise due to the emergency telephone system board or  
16 qualified governmental entity under Section 30 of this Act  
17 until the report is filed.

18 Any monthly disbursements that have been withheld for 12  
19 months or more shall be forfeited by the emergency telephone  
20 system board or qualified governmental entity and shall be  
21 distributed proportionally by the Illinois State Police  
22 ~~Department~~ to compliant emergency telephone system boards and  
23 qualified governmental entities that receive funds from the  
24 Statewide 9-1-1 Fund.

25 Any emergency telephone system board or qualified  
26 governmental entity not in compliance with this Section shall

1 be ineligible to receive any consolidation grant or  
2 infrastructure grant issued under this Act.

3 (e) The Illinois State Police ~~Department~~ may adopt  
4 emergency rules necessary to implement the provisions of this  
5 Section.

6 (f) Any findings or decisions of the Illinois State Police  
7 ~~Department~~ under this Section shall be deemed a final  
8 administrative decision and shall be subject to judicial  
9 review under the Administrative Review Law.

10 (g) Beginning October 1, 2017, the Illinois State Police  
11 ~~Department~~ shall provide a quarterly report to the Board of  
12 its expenditures from the Statewide 9-1-1 Fund for the prior  
13 fiscal quarter.

14 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

15 (50 ILCS 750/50)

16 (Section scheduled to be repealed on December 31, 2021)

17 Sec. 50. Fund audits. The Auditor General shall conduct as  
18 a part of its bi-annual audit, an audit of the Statewide 9-1-1  
19 Fund and the Wireless Carrier Reimbursement Fund for  
20 compliance with the requirements of this Act. The audit shall  
21 include, but not be limited to, the following determinations:

22 (1) Whether detailed records of all receipts and  
23 disbursements from the Statewide 9-1-1 Fund and the  
24 Wireless Carrier Reimbursement Fund are being maintained.

25 (2) Whether administrative costs charged to the funds

1 are adequately documented and are reasonable.

2 (3) Whether the procedures for making disbursements  
3 and grants and providing reimbursements in accordance with  
4 the Act are adequate.

5 (4) The status of the implementation of statewide  
6 9-1-1 service and Next Generation 9-1-1 service in  
7 Illinois.

8 The Illinois Commerce Commission, the Illinois Department  
9 ~~of~~ State Police, and any other entity or person that may have  
10 information relevant to the audit shall cooperate fully and  
11 promptly with the Office of the Auditor General in conducting  
12 the audit. The Auditor General shall commence the audit as  
13 soon as possible and distribute the report upon completion in  
14 accordance with Section 3-14 of the Illinois State Auditing  
15 Act.

16 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

17 (50 ILCS 750/55)

18 (Section scheduled to be repealed on December 31, 2021)

19 Sec. 55. Public disclosure. Because of the highly  
20 competitive nature of the telephone industry, public  
21 disclosure of information about surcharge moneys paid by  
22 carriers could have the effect of stifling competition to the  
23 detriment of the public and the delivery of 9-1-1 services.  
24 Therefore, the Illinois Commerce Commission, the Illinois  
25 ~~Department~~ of State Police, governmental agencies, and

1 individuals with access to that information shall take  
2 appropriate steps to prevent public disclosure of this  
3 information. Information and data supporting the amount and  
4 distribution of surcharge moneys collected and remitted by an  
5 individual carrier shall be deemed exempt information for  
6 purposes of the Freedom of Information Act and shall not be  
7 publicly disclosed. The gross amount paid by all carriers  
8 shall not be deemed exempt and may be publicly disclosed.

9 (Source: P.A. 99-6, eff. 1-1-16; 100-20, eff. 7-1-17.)

10 (50 ILCS 750/75)

11 (Section scheduled to be repealed on December 31, 2021)

12 Sec. 75. Transfer of rights, functions, powers, duties,  
13 and property to Illinois Department of State Police; rules and  
14 standards; savings provisions.

15 (a) On January 1, 2016, the rights, functions, powers, and  
16 duties of the Illinois Commerce Commission as set forth in  
17 this Act and the Wireless Emergency Telephone Safety Act  
18 existing prior to January 1, 2016, are transferred to and  
19 shall be exercised by the Illinois Department of State Police.  
20 On or before January 1, 2016, the Commission shall transfer  
21 and deliver to the Illinois State Police Department all books,  
22 records, documents, property (real and personal), unexpended  
23 appropriations, and pending business pertaining to the rights,  
24 powers, duties, and functions transferred to the Illinois  
25 State Police Department under Public Act 99-6.

1 (b) The rules and standards of the Commission that are in  
2 effect on January 1, 2016 and that pertain to the rights,  
3 powers, duties, and functions transferred to the Illinois  
4 State Police Department under Public Act 99-6 shall become the  
5 rules and standards of the Illinois State Police Department on  
6 January 1, 2016, and shall continue in effect until amended or  
7 repealed by the Illinois State Police Department.

8 Any rules pertaining to the rights, powers, duties, and  
9 functions transferred to the Illinois State Police Department  
10 under Public Act 99-6 that have been proposed by the  
11 Commission but have not taken effect or been finally adopted  
12 by January 1, 2016, shall become proposed rules of the  
13 Illinois State Police Department on January 1, 2016, and any  
14 rulemaking procedures that have already been completed by the  
15 Commission for those proposed rules need not be repealed.

16 As soon as it is practical after January 1, 2016, the  
17 Illinois State Police Department shall revise and clarify the  
18 rules transferred to it under Public Act 99-6 to reflect the  
19 transfer of rights, powers, duties, and functions effected by  
20 Public Act 99-6 using the procedures for recodification of  
21 rules available under the Illinois Administrative Procedure  
22 Act, except that existing title, part, and section numbering  
23 for the affected rules may be retained. The Illinois State  
24 Police Department may propose and adopt under the Illinois  
25 Administrative Procedure Act any other rules necessary to  
26 consolidate and clarify those rules.



1           (c) The rights, powers, duties, and functions transferred  
2 to the Illinois State Police ~~Department~~ by Public Act 99-6  
3 shall be vested in and exercised by the Illinois State Police  
4 ~~Department~~ subject to the provisions of this Act and the  
5 Wireless Emergency Telephone Safety Act. An act done by the  
6 Illinois State Police ~~Department~~ or an officer, employee, or  
7 agent of the Illinois State Police ~~Department~~ in the exercise  
8 of the transferred rights, powers, duties, and functions shall  
9 have the same legal effect as if done by the Commission or an  
10 officer, employee, or agent of the Commission.

11           The transfer of rights, powers, duties, and functions to  
12 the Illinois State Police ~~Department~~ under Public Act 99-6  
13 does not invalidate any previous action taken by or in respect  
14 to the Commission, its officers, employees, or agents.  
15 References to the Commission or its officers, employees, or  
16 agents in any document, contract, agreement, or law shall, in  
17 appropriate contexts, be deemed to refer to the Illinois State  
18 Police ~~Department~~ or its officers, employees, or agents.

19           The transfer of rights, powers, duties, and functions to  
20 the Illinois State Police ~~Department~~ under Public Act 99-6  
21 does not affect any person's rights, obligations, or duties,  
22 including any civil or criminal penalties applicable thereto,  
23 arising out of those transferred rights, powers, duties, and  
24 functions.

25           Public Act 99-6 does not affect any act done, ratified, or  
26 cancelled, any right occurring or established, or any action

1 or proceeding commenced in an administrative, civil, or  
2 criminal case before January 1, 2016. Any such action or  
3 proceeding that pertains to a right, power, duty, or function  
4 transferred to the Illinois State Police ~~Department~~ under  
5 Public Act 99-6 that is pending on that date may be prosecuted,  
6 defended, or continued by the Commission.

7 For the purposes of Section 9b of the State Finance Act,  
8 the Illinois State Police ~~Department~~ is the successor to the  
9 Commission with respect to the rights, duties, powers, and  
10 functions transferred by Public Act 99-6.

11 (d) The Illinois State Police ~~Department~~ is authorized to  
12 enter into an intergovernmental agreement with the Commission  
13 for the purpose of having the Commission assist the Illinois  
14 State Police ~~Department~~ and the Statewide 9-1-1 Administrator  
15 in carrying out their duties and functions under this Act. The  
16 agreement may provide for funding for the Commission for its  
17 assistance to the Illinois State Police ~~Department~~ and the  
18 Statewide 9-1-1 Administrator.

19 (Source: P.A. 99-6, eff. 6-29-15; 99-642, eff. 7-28-16;  
20 100-20, eff. 7-1-17.)

21 (50 ILCS 750/80)

22 (Section scheduled to be repealed on December 31, 2021)

23 Sec. 80. Continuation of Act; validation.

24 (a) The General Assembly finds and declares that this  
25 amendatory Act of the 100th General Assembly manifests the

1 intention of the General Assembly to extend the repeal of this  
2 Act and have this Act continue in effect until December 31,  
3 2020.

4 (b) This Section shall be deemed to have been in  
5 continuous effect since July 1, 2017 and it shall continue to  
6 be in effect henceforward until it is otherwise lawfully  
7 repealed. All previously enacted amendments to this Act taking  
8 effect on or after July 1, 2017, are hereby validated. All  
9 actions taken in reliance on or under this Act by the Illinois  
10 ~~Department of~~ State Police or any other person or entity are  
11 hereby validated.

12 (c) In order to ensure the continuing effectiveness of  
13 this Act, it is set forth in full and reenacted by this  
14 amendatory Act of the 100th General Assembly. Striking and  
15 underscoring are used only to show changes being made to the  
16 base text. This reenactment is intended as a continuation of  
17 this Act. It is not intended to supersede any amendment to this  
18 Act that is enacted by the 100th General Assembly.

19 (Source: P.A. 100-20, eff. 7-1-17.)

20 Section 425. The Prepaid Wireless 9-1-1 Surcharge Act is  
21 amended by changing Section 20 as follows:

22 (50 ILCS 753/20)

23 Sec. 20. Administration of prepaid wireless 9-1-1  
24 surcharge.

1           (a) In the administration and enforcement of this Act, the  
2 provisions of Sections 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 5c, 5d, 5e,  
3 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, and 12 of the  
4 Retailers' Occupation Tax Act that are not inconsistent with  
5 this Act, and Section 3-7 of the Uniform Penalty and Interest  
6 Act shall apply, as far as practicable, to the subject matter  
7 of this Act to the same extent as if those provisions were  
8 included in this Act. References to "taxes" in these  
9 incorporated Sections shall be construed to apply to the  
10 administration, payment, and remittance of all surcharges  
11 under this Act. The Department shall establish registration  
12 and payment procedures that substantially coincide with the  
13 registration and payment procedures that apply to the  
14 Retailers' Occupation Tax Act.

15           (b) A seller shall be permitted to deduct and retain 3% of  
16 prepaid wireless 9-1-1 surcharges that are collected by the  
17 seller from consumers and that are remitted and timely filed  
18 with the Department. Beginning January 1, 2018, the seller is  
19 allowed to deduct and retain a portion of the prepaid wireless  
20 9-1-1 surcharges as authorized by this subsection only if the  
21 return is filed electronically as provided in Section 3 of the  
22 Retailers' Occupation Tax Act. Sellers who demonstrate that  
23 they do not have access to the Internet or demonstrate  
24 hardship in filing electronically may petition the Department  
25 to waive the electronic filing requirement.

26           (c) Other than the amounts for deposit into the Municipal

1 Wireless Service Emergency Fund, the Department shall pay to  
2 the State Treasurer all prepaid wireless E911 charges,  
3 penalties, and interest collected under this Act for deposit  
4 into the Statewide 9-1-1 Fund. On or before the 25th day of  
5 each calendar month, the Department shall prepare and certify  
6 to the Comptroller the amount available to the Illinois  
7 ~~Department~~ of State Police for distribution out of the  
8 Statewide 9-1-1 Fund. The amount certified shall be the amount  
9 (not including credit memoranda) collected during the second  
10 preceding calendar month by the Department plus an amount the  
11 Department determines is necessary to offset any amounts which  
12 were erroneously paid to a different taxing body. The amount  
13 paid to the Statewide 9-1-1 Fund shall not include any amount  
14 equal to the amount of refunds made during the second  
15 preceding calendar month by the Department of Revenue to  
16 retailers under this Act or any amount that the Department  
17 determines is necessary to offset any amounts which were  
18 payable to a different taxing body but were erroneously paid  
19 to the Statewide 9-1-1 Fund. The Illinois ~~Department~~ of State  
20 Police shall distribute the funds in accordance with Section  
21 30 of the Emergency Telephone Safety Act. The Department may  
22 deduct an amount, not to exceed 2% of remitted charges, to be  
23 transferred into the Tax Compliance and Administration Fund to  
24 reimburse the Department for its direct costs of administering  
25 the collection and remittance of prepaid wireless 9-1-1  
26 surcharges.

1           (d) The Department shall administer the collection of all  
2 9-1-1 surcharges and may adopt and enforce reasonable rules  
3 relating to the administration and enforcement of the  
4 provisions of this Act as may be deemed expedient. The  
5 Department shall require all surcharges collected under this  
6 Act to be reported on existing forms or combined forms,  
7 including, but not limited to, Form ST-1. Any overpayments  
8 received by the Department for liabilities reported on  
9 existing or combined returns shall be applied as an  
10 overpayment of retailers' occupation tax, use tax, service  
11 occupation tax, or service use tax liability.

12           (e) If a home rule municipality having a population in  
13 excess of 500,000 as of the effective date of this amendatory  
14 Act of the 97th General Assembly imposes an E911 surcharge  
15 under subsection (a-5) of Section 15 of this Act, then the  
16 Department shall pay to the State Treasurer all prepaid  
17 wireless E911 charges, penalties, and interest collected for  
18 deposit into the Municipal Wireless Service Emergency Fund.  
19 All deposits into the Municipal Wireless Service Emergency  
20 Fund shall be held by the State Treasurer as ex officio  
21 custodian apart from all public moneys or funds of this State.  
22 Any interest attributable to moneys in the Fund must be  
23 deposited into the Fund. Moneys in the Municipal Wireless  
24 Service Emergency Fund are not subject to appropriation. On or  
25 before the 25th day of each calendar month, the Department  
26 shall prepare and certify to the Comptroller the amount

1 available for disbursement to the home rule municipality out  
2 of the Municipal Wireless Service Emergency Fund. The amount  
3 to be paid to the Municipal Wireless Service Emergency Fund  
4 shall be the amount (not including credit memoranda) collected  
5 during the second preceding calendar month by the Department  
6 plus an amount the Department determines is necessary to  
7 offset any amounts which were erroneously paid to a different  
8 taxing body. The amount paid to the Municipal Wireless Service  
9 Emergency Fund shall not include any amount equal to the  
10 amount of refunds made during the second preceding calendar  
11 month by the Department to retailers under this Act or any  
12 amount that the Department determines is necessary to offset  
13 any amounts which were payable to a different taxing body but  
14 were erroneously paid to the Municipal Wireless Service  
15 Emergency Fund. Within 10 days after receipt by the  
16 Comptroller of the certification provided for in this  
17 subsection, the Comptroller shall cause the orders to be drawn  
18 for the respective amounts in accordance with the directions  
19 in the certification. The Department may deduct an amount, not  
20 to exceed 2% of remitted charges, to be transferred into the  
21 Tax Compliance and Administration Fund to reimburse the  
22 Department for its direct costs of administering the  
23 collection and remittance of prepaid wireless 9-1-1  
24 surcharges.

25 (Source: P.A. 99-6, eff. 1-1-16; 100-303, eff. 8-24-17.)

1 Section 430. The Counties Code is amended by changing  
2 Section 3-3013 as follows:

3 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

4 Sec. 3-3013. Preliminary investigations; blood and urine  
5 analysis; summoning jury; reports. Every coroner, whenever,  
6 as soon as he knows or is informed that the dead body of any  
7 person is found, or lying within his county, whose death is  
8 suspected of being:

9 (a) A sudden or violent death, whether apparently  
10 suicidal, homicidal or accidental, including but not  
11 limited to deaths apparently caused or contributed to by  
12 thermal, traumatic, chemical, electrical or radiational  
13 injury, or a complication of any of them, or by drowning or  
14 suffocation, or as a result of domestic violence as  
15 defined in the Illinois Domestic Violence Act of 1986;

16 (b) A death due to a sex crime;

17 (c) A death where the circumstances are suspicious,  
18 obscure, mysterious or otherwise unexplained or where, in  
19 the written opinion of the attending physician, the cause  
20 of death is not determined;

21 (d) A death where addiction to alcohol or to any drug  
22 may have been a contributory cause; or

23 (e) A death where the decedent was not attended by a  
24 licensed physician;

25 shall go to the place where the dead body is, and take charge



1 of the same and shall make a preliminary investigation into  
2 the circumstances of the death. In the case of death without  
3 attendance by a licensed physician the body may be moved with  
4 the coroner's consent from the place of death to a mortuary in  
5 the same county. Coroners in their discretion shall notify  
6 such physician as is designated in accordance with Section  
7 3-3014 to attempt to ascertain the cause of death, either by  
8 autopsy or otherwise.

9 In cases of accidental death involving a motor vehicle in  
10 which the decedent was (1) the operator or a suspected  
11 operator of a motor vehicle, or (2) a pedestrian 16 years of  
12 age or older, the coroner shall require that a blood specimen  
13 of at least 30 cc., and if medically possible a urine specimen  
14 of at least 30 cc. or as much as possible up to 30 cc., be  
15 withdrawn from the body of the decedent in a timely fashion  
16 after the accident causing his death, by such physician as has  
17 been designated in accordance with Section 3-3014, or by the  
18 coroner or deputy coroner or a qualified person designated by  
19 such physician, coroner, or deputy coroner. If the county does  
20 not maintain laboratory facilities for making such analysis,  
21 the blood and urine so drawn shall be sent to the Illinois  
22 ~~Department of~~ State Police or any other accredited or  
23 State-certified laboratory for analysis of the alcohol, carbon  
24 monoxide, and dangerous or narcotic drug content of such blood  
25 and urine specimens. Each specimen submitted shall be  
26 accompanied by pertinent information concerning the decedent

1 upon a form prescribed by such laboratory. Any person drawing  
2 blood and urine and any person making any examination of the  
3 blood and urine under the terms of this Division shall be  
4 immune from all liability, civil or criminal, that might  
5 otherwise be incurred or imposed.

6 In all other cases coming within the jurisdiction of the  
7 coroner and referred to in subparagraphs (a) through (e)  
8 above, blood, and whenever possible, urine samples shall be  
9 analyzed for the presence of alcohol and other drugs. When the  
10 coroner suspects that drugs may have been involved in the  
11 death, either directly or indirectly, a toxicological  
12 examination shall be performed which may include analyses of  
13 blood, urine, bile, gastric contents and other tissues. When  
14 the coroner suspects a death is due to toxic substances, other  
15 than drugs, the coroner shall consult with the toxicologist  
16 prior to collection of samples. Information submitted to the  
17 toxicologist shall include information as to height, weight,  
18 age, sex and race of the decedent as well as medical history,  
19 medications used by and the manner of death of decedent.

20 When the coroner or medical examiner finds that the cause  
21 of death is due to homicidal means, the coroner or medical  
22 examiner shall cause blood and buccal specimens (tissue may be  
23 submitted if no uncontaminated blood or buccal specimen can be  
24 obtained), whenever possible, to be withdrawn from the body of  
25 the decedent in a timely fashion. For proper preservation of  
26 the specimens, collected blood and buccal specimens shall be

1 dried and tissue specimens shall be frozen if available  
2 equipment exists. As soon as possible, but no later than 30  
3 days after the collection of the specimens, the coroner or  
4 medical examiner shall release those specimens to the police  
5 agency responsible for investigating the death. As soon as  
6 possible, but no later than 30 days after the receipt from the  
7 coroner or medical examiner, the police agency shall submit  
8 the specimens using the agency case number to a National DNA  
9 Index System (NDIS) participating laboratory within this  
10 State, such as the Illinois ~~Department of~~ State Police,  
11 Division of Forensic Services, for analysis and categorizing  
12 into genetic marker groupings. The results of the analysis and  
13 categorizing into genetic marker groupings shall be provided  
14 to the Illinois ~~Department of~~ State Police and shall be  
15 maintained by the Illinois ~~Department of~~ State Police in the  
16 State central repository in the same manner, and subject to  
17 the same conditions, as provided in Section 5-4-3 of the  
18 Unified Code of Corrections. The requirements of this  
19 paragraph are in addition to any other findings, specimens, or  
20 information that the coroner or medical examiner is required  
21 to provide during the conduct of a criminal investigation.

22 In all counties, in cases of apparent suicide, homicide,  
23 or accidental death or in other cases, within the discretion  
24 of the coroner, the coroner may summon 8 persons of lawful age  
25 from those persons drawn for petit jurors in the county. The  
26 summons shall command these persons to present themselves

1 personally at such a place and time as the coroner shall  
2 determine, and may be in any form which the coroner shall  
3 determine and may incorporate any reasonable form of request  
4 for acknowledgment ~~acknowledgement~~ which the coroner deems  
5 practical and provides a reliable proof of service. The  
6 summons may be served by first class mail. From the 8 persons  
7 so summoned, the coroner shall select 6 to serve as the jury  
8 for the inquest. Inquests may be continued from time to time,  
9 as the coroner may deem necessary. The 6 jurors selected in a  
10 given case may view the body of the deceased. If at any  
11 continuation of an inquest one or more of the original jurors  
12 shall be unable to continue to serve, the coroner shall fill  
13 the vacancy or vacancies. A juror serving pursuant to this  
14 paragraph shall receive compensation from the county at the  
15 same rate as the rate of compensation that is paid to petit or  
16 grand jurors in the county. The coroner shall furnish to each  
17 juror without fee at the time of his discharge a certificate of  
18 the number of days in attendance at an inquest, and, upon being  
19 presented with such certificate, the county treasurer shall  
20 pay to the juror the sum provided for his services.

21 In counties which have a jury commission, in cases of  
22 apparent suicide or homicide or of accidental death, the  
23 coroner may conduct an inquest. The jury commission shall  
24 provide at least 8 jurors to the coroner, from whom the coroner  
25 shall select any 6 to serve as the jury for the inquest.  
26 Inquests may be continued from time to time as the coroner may

1 deem necessary. The 6 jurors originally chosen in a given case  
2 may view the body of the deceased. If at any continuation of an  
3 inquest one or more of the 6 jurors originally chosen shall be  
4 unable to continue to serve, the coroner shall fill the  
5 vacancy or vacancies. At the coroner's discretion, additional  
6 jurors to fill such vacancies shall be supplied by the jury  
7 commission. A juror serving pursuant to this paragraph in such  
8 county shall receive compensation from the county at the same  
9 rate as the rate of compensation that is paid to petit or grand  
10 jurors in the county.

11 In every case in which a fire is determined to be a  
12 contributing factor in a death, the coroner shall report the  
13 death to the Office of the State Fire Marshal. The coroner  
14 shall provide a copy of the death certificate (i) within 30  
15 days after filing the permanent death certificate and (ii) in  
16 a manner that is agreed upon by the coroner and the State Fire  
17 Marshal.

18 In every case in which a drug overdose is determined to be  
19 the cause or a contributing factor in the death, the coroner or  
20 medical examiner shall report the death to the Department of  
21 Public Health. The Department of Public Health shall adopt  
22 rules regarding specific information that must be reported in  
23 the event of such a death. If possible, the coroner shall  
24 report the cause of the overdose. As used in this Section,  
25 "overdose" has the same meaning as it does in Section 414 of  
26 the Illinois Controlled Substances Act. The Department of

1 Public Health shall issue a semiannual report to the General  
2 Assembly summarizing the reports received. The Department  
3 shall also provide on its website a monthly report of overdose  
4 death figures organized by location, age, and any other  
5 factors, the Department deems appropriate.

6 In addition, in every case in which domestic violence is  
7 determined to be a contributing factor in a death, the coroner  
8 shall report the death to the Illinois ~~Department of~~ State  
9 Police.

10 All deaths in State institutions and all deaths of wards  
11 of the State or youth in care as defined in Section 4d of the  
12 Children and Family Services Act in private care facilities or  
13 in programs funded by the Department of Human Services under  
14 its powers relating to mental health and developmental  
15 disabilities or alcoholism and substance abuse or funded by  
16 the Department of Children and Family Services shall be  
17 reported to the coroner of the county in which the facility is  
18 located. If the coroner has reason to believe that an  
19 investigation is needed to determine whether the death was  
20 caused by maltreatment or negligent care of the ward of the  
21 State or youth in care as defined in Section 4d of the Children  
22 and Family Services Act, the coroner may conduct a preliminary  
23 investigation of the circumstances of such death as in cases  
24 of death under circumstances set forth in paragraphs (a)  
25 through (e) of this Section.

26 (Source: P.A. 100-159, eff. 8-18-17; 101-13, eff. 6-12-19.)

1 Section 435. The Illinois Municipal Code is amended by  
2 changing Sections 10-1-7.1, 10-2.1-6, 10-2.1-6.1, 10-2.1-6.2,  
3 10-2.1-6.3, and 11-32-1 as follows:

4 (65 ILCS 5/10-1-7.1)

5 Sec. 10-1-7.1. Original appointments; full-time fire  
6 department.

7 (a) Applicability. Unless a commission elects to follow  
8 the provisions of Section 10-1-7.2, this Section shall apply  
9 to all original appointments to an affected full-time fire  
10 department. Existing registers of eligibles shall continue to  
11 be valid until their expiration dates, or up to a maximum of 2  
12 years after August 4, 2011 (the effective date of Public Act  
13 97-251) ~~this amendatory Act of the 97th General Assembly.~~

14 Notwithstanding any statute, ordinance, rule, or other law  
15 to the contrary, all original appointments to an affected  
16 department to which this Section applies shall be administered  
17 in the manner provided for in this Section. Provisions of the  
18 Illinois Municipal Code, municipal ordinances, and rules  
19 adopted pursuant to such authority and other laws relating to  
20 initial hiring of firefighters in affected departments shall  
21 continue to apply to the extent they are compatible with this  
22 Section, but in the event of a conflict between this Section  
23 and any other law, this Section shall control.

24 A home rule or non-home rule municipality may not

1 administer its fire department process for original  
2 appointments in a manner that is less stringent than this  
3 Section. This Section is a limitation under subsection (i) of  
4 Section 6 of Article VII of the Illinois Constitution on the  
5 concurrent exercise by home rule units of the powers and  
6 functions exercised by the State.

7 A municipality that is operating under a court order or  
8 consent decree regarding original appointments to a full-time  
9 fire department before August 4, 2011 (the effective date of  
10 Public Act 97-251) ~~this amendatory Act of the 97th General~~  
11 ~~Assembly~~ is exempt from the requirements of this Section for  
12 the duration of the court order or consent decree.

13 Notwithstanding any other provision of this subsection  
14 (a), this Section does not apply to a municipality with more  
15 than 1,000,000 inhabitants.

16 (b) Original appointments. All original appointments made  
17 to an affected fire department shall be made from a register of  
18 eligibles established in accordance with the processes  
19 established by this Section. Only persons who meet or exceed  
20 the performance standards required by this Section shall be  
21 placed on a register of eligibles for original appointment to  
22 an affected fire department.

23 Whenever an appointing authority authorizes action to hire  
24 a person to perform the duties of a firefighter or to hire a  
25 firefighter-paramedic to fill a position that is a new  
26 position or vacancy due to resignation, discharge, promotion,



1 death, the granting of a disability or retirement pension, or  
2 any other cause, the appointing authority shall appoint to  
3 that position the person with the highest ranking on the final  
4 eligibility list. If the appointing authority has reason to  
5 conclude that the highest ranked person fails to meet the  
6 minimum standards for the position or if the appointing  
7 authority believes an alternate candidate would better serve  
8 the needs of the department, then the appointing authority has  
9 the right to pass over the highest ranked person and appoint  
10 either: (i) any person who has a ranking in the top 5% of the  
11 register of eligibles or (ii) any person who is among the top 5  
12 highest ranked persons on the list of eligibles if the number  
13 of people who have a ranking in the top 5% of the register of  
14 eligibles is less than 5 people.

15 Any candidate may pass on an appointment once without  
16 losing his or her position on the register of eligibles. Any  
17 candidate who passes a second time may be removed from the list  
18 by the appointing authority provided that such action shall  
19 not prejudice a person's opportunities to participate in  
20 future examinations, including an examination held during the  
21 time a candidate is already on the municipality's register of  
22 eligibles.

23 The sole authority to issue certificates of appointment  
24 shall be vested in the Civil Service Commission. All  
25 certificates of appointment issued to any officer or member of  
26 an affected department shall be signed by the chairperson and

1 secretary, respectively, of the commission upon appointment of  
2 such officer or member to the affected department by the  
3 commission. After being selected from the register of  
4 eligibles to fill a vacancy in the affected department, each  
5 appointee shall be presented with his or her certificate of  
6 appointment on the day on which he or she is sworn in as a  
7 classified member of the affected department. Firefighters who  
8 were not issued a certificate of appointment when originally  
9 appointed shall be provided with a certificate within 10 days  
10 after making a written request to the chairperson of the Civil  
11 Service Commission. Each person who accepts a certificate of  
12 appointment and successfully completes his or her probationary  
13 period shall be enrolled as a firefighter and as a regular  
14 member of the fire department.

15 For the purposes of this Section, "firefighter" means any  
16 person who has been prior to, on, or after August 4, 2011 (the  
17 effective date of Public Act 97-251) ~~this amendatory Act of~~  
18 ~~the 97th General Assembly~~ appointed to a fire department or  
19 fire protection district or employed by a State university and  
20 sworn or commissioned to perform firefighter duties or  
21 paramedic duties, or both, except that the following persons  
22 are not included: part-time firefighters; auxiliary, reserve,  
23 or voluntary firefighters, including paid-on-call  
24 firefighters; clerks and dispatchers or other civilian  
25 employees of a fire department or fire protection district who  
26 are not routinely expected to perform firefighter duties; and

1 elected officials.

2 (c) Qualification for placement on register of eligibles.

3 The purpose of establishing a register of eligibles is to  
4 identify applicants who possess and demonstrate the mental  
5 aptitude and physical ability to perform the duties required  
6 of members of the fire department in order to provide the  
7 highest quality of service to the public. To this end, all  
8 applicants for original appointment to an affected fire  
9 department shall be subject to examination and testing which  
10 shall be public, competitive, and open to all applicants  
11 unless the municipality shall by ordinance limit applicants to  
12 residents of the municipality, county or counties in which the  
13 municipality is located, State, or nation. Any examination and  
14 testing procedure utilized under subsection (e) of this  
15 Section shall be supported by appropriate validation evidence  
16 and shall comply with all applicable State and federal laws.  
17 Municipalities may establish educational, emergency medical  
18 service licensure, and other prerequisites ~~prerequisites~~ for  
19 participation in an examination or for hire as a firefighter.  
20 Any municipality may charge a fee to cover the costs of the  
21 application process.

22 Residency requirements in effect at the time an individual  
23 enters the fire service of a municipality cannot be made more  
24 restrictive for that individual during his or her period of  
25 service for that municipality, or be made a condition of  
26 promotion, except for the rank or position of fire chief and

1 for no more than 2 positions that rank immediately below that  
2 of the chief rank which are appointed positions pursuant to  
3 the Fire Department Promotion Act.

4 No person who is 35 years of age or older shall be eligible  
5 to take an examination for a position as a firefighter unless  
6 the person has had previous employment status as a firefighter  
7 in the regularly constituted fire department of the  
8 municipality, except as provided in this Section. The age  
9 limitation does not apply to:

10 (1) any person previously employed as a full-time  
11 firefighter in a regularly constituted fire department of  
12 (i) any municipality or fire protection district located  
13 in Illinois, (ii) a fire protection district whose  
14 obligations were assumed by a municipality under Section  
15 21 of the Fire Protection District Act, or (iii) a  
16 municipality whose obligations were taken over by a fire  
17 protection district,

18 (2) any person who has served a municipality as a  
19 regularly enrolled volunteer, paid-on-call, or part-time  
20 firefighter for the 5 years immediately preceding the time  
21 that the municipality begins to use full-time firefighters  
22 to provide all or part of its fire protection service, or

23 (3) any person who turned 35 while serving as a member  
24 of the active or reserve components of any of the branches  
25 of the Armed Forces of the United States or the National  
26 Guard of any state, whose service was characterized as

1           honorable or under honorable, if separated from the  
2           military, and is currently under the age of 40.

3           No person who is under 21 years of age shall be eligible  
4           for employment as a firefighter.

5           No applicant shall be examined concerning his or her  
6           political or religious opinions or affiliations. The  
7           examinations shall be conducted by the commissioners of the  
8           municipality or their designees and agents.

9           No municipality shall require that any firefighter  
10          appointed to the lowest rank serve a probationary employment  
11          period of longer than one year of actual active employment,  
12          which may exclude periods of training, or injury or illness  
13          leaves, including duty related leave, in excess of 30 calendar  
14          days. Notwithstanding anything to the contrary in this  
15          Section, the probationary employment period limitation may be  
16          extended for a firefighter who is required, as a condition of  
17          employment, to be a licensed paramedic, during which time the  
18          sole reason that a firefighter may be discharged without a  
19          hearing is for failing to meet the requirements for paramedic  
20          licensure.

21          In the event that any applicant who has been found  
22          eligible for appointment and whose name has been placed upon  
23          the final eligibility register provided for in this Division 1  
24          has not been appointed to a firefighter position within one  
25          year after the date of his or her physical ability  
26          examination, the commission may cause a second examination to

1 be made of that applicant's physical ability prior to his or  
2 her appointment. If, after the second examination, the  
3 physical ability of the applicant shall be found to be less  
4 than the minimum standard fixed by the rules of the  
5 commission, the applicant shall not be appointed. The  
6 applicant's name may be retained upon the register of  
7 candidates eligible for appointment and when next reached for  
8 certification and appointment that applicant may be again  
9 examined as provided in this Section, and if the physical  
10 ability of that applicant is found to be less than the minimum  
11 standard fixed by the rules of the commission, the applicant  
12 shall not be appointed, and the name of the applicant shall be  
13 removed from the register.

14 (d) Notice, examination, and testing components. Notice of  
15 the time, place, general scope, merit criteria for any  
16 subjective component, and fee of every examination shall be  
17 given by the commission, by a publication at least 2 weeks  
18 preceding the examination: (i) in one or more newspapers  
19 published in the municipality, or if no newspaper is published  
20 therein, then in one or more newspapers with a general  
21 circulation within the municipality, or (ii) on the  
22 municipality's Internet website. Additional notice of the  
23 examination may be given as the commission shall prescribe.

24 The examination and qualifying standards for employment of  
25 firefighters shall be based on: mental aptitude, physical  
26 ability, preferences, moral character, and health. The mental

1 aptitude, physical ability, and preference components shall  
2 determine an applicant's qualification for and placement on  
3 the final register of eligibles. The examination may also  
4 include a subjective component based on merit criteria as  
5 determined by the commission. Scores from the examination must  
6 be made available to the public.

7 (e) Mental aptitude. No person who does not possess at  
8 least a high school diploma or an equivalent high school  
9 education shall be placed on a register of eligibles.  
10 Examination of an applicant's mental aptitude shall be based  
11 upon a written examination. The examination shall be practical  
12 in character and relate to those matters that fairly test the  
13 capacity of the persons examined to discharge the duties  
14 performed by members of a fire department. Written  
15 examinations shall be administered in a manner that ensures  
16 the security and accuracy of the scores achieved.

17 (f) Physical ability. All candidates shall be required to  
18 undergo an examination of their physical ability to perform  
19 the essential functions included in the duties they may be  
20 called upon to perform as a member of a fire department. For  
21 the purposes of this Section, essential functions of the job  
22 are functions associated with duties that a firefighter may be  
23 called upon to perform in response to emergency calls. The  
24 frequency of the occurrence of those duties as part of the fire  
25 department's regular routine shall not be a controlling factor  
26 in the design of examination criteria or evolutions selected

1 for testing. These physical examinations shall be open,  
2 competitive, and based on industry standards designed to test  
3 each applicant's physical abilities in the following  
4 dimensions:

5 (1) Muscular strength to perform tasks and evolutions  
6 that may be required in the performance of duties  
7 including grip strength, leg strength, and arm strength.  
8 Tests shall be conducted under anaerobic as well as  
9 aerobic conditions to test both the candidate's speed and  
10 endurance in performing tasks and evolutions. Tasks tested  
11 may be based on standards developed, or approved, by the  
12 local appointing authority.

13 (2) The ability to climb ladders, operate from  
14 heights, walk or crawl in the dark along narrow and uneven  
15 surfaces, and operate in proximity to hazardous  
16 environments.

17 (3) The ability to carry out critical, time-sensitive,  
18 and complex problem solving during physical exertion in  
19 stressful and hazardous environments. The testing  
20 environment may be hot and dark with tightly enclosed  
21 spaces, flashing lights, sirens, and other distractions.

22 The tests utilized to measure each applicant's  
23 capabilities in each of these dimensions may be tests based on  
24 industry standards currently in use or equivalent tests  
25 approved by the Joint Labor-Management Committee of the Office  
26 of the State Fire Marshal.



1 Physical ability examinations administered under this  
2 Section shall be conducted with a reasonable number of  
3 proctors and monitors, open to the public, and subject to  
4 reasonable regulations of the commission.

5 (g) Scoring of examination components. Appointing  
6 authorities may create a preliminary eligibility register. A  
7 person shall be placed on the list based upon his or her  
8 passage of the written examination or the passage of the  
9 written examination and the physical ability component.  
10 Passage of the written examination means attaining the minimum  
11 score set by the commission. Minimum scores should be set by  
12 the commission so as to demonstrate a candidate's ability to  
13 perform the essential functions of the job. The minimum score  
14 set by the commission shall be supported by appropriate  
15 validation evidence and shall comply with all applicable State  
16 and federal laws. The appointing authority may conduct the  
17 physical ability component and any subjective components  
18 subsequent to the posting of the preliminary eligibility  
19 register.

20 The examination components for an initial eligibility  
21 register shall be graded on a 100-point scale. A person's  
22 position on the list shall be determined by the following: (i)  
23 the person's score on the written examination, (ii) the person  
24 successfully passing the physical ability component, and (iii)  
25 the person's results on any subjective component as described  
26 in subsection (d).

1           In order to qualify for placement on the final eligibility  
2 register, an applicant's score on the written examination,  
3 before any applicable preference points or subjective points  
4 are applied, shall be at or above the minimum score set by the  
5 commission. The local appointing authority may prescribe the  
6 score to qualify for placement on the final eligibility  
7 register, but the score shall not be less than the minimum  
8 score set by the commission.

9           The commission shall prepare and keep a register of  
10 persons whose total score is not less than the minimum score  
11 for passage and who have passed the physical ability  
12 examination. These persons shall take rank upon the register  
13 as candidates in the order of their relative excellence based  
14 on the highest to the lowest total points scored on the mental  
15 aptitude, subjective component, and preference components of  
16 the test administered in accordance with this Section. No more  
17 than 60 days after each examination, an initial eligibility  
18 list shall be posted by the commission. The list shall include  
19 the final grades of the candidates without reference to  
20 priority of the time of examination and subject to claim for  
21 preference credit.

22           Commissions may conduct additional examinations, including  
23 without limitation a polygraph test, after a final eligibility  
24 register is established and before it expires with the  
25 candidates ranked by total score without regard to date of  
26 examination. No more than 60 days after each examination, an

1 initial eligibility list shall be posted by the commission  
2 showing the final grades of the candidates without reference  
3 to priority of time of examination and subject to claim for  
4 preference credit.

5 (h) Preferences. The following are preferences:

6 (1) Veteran preference. Persons who were engaged in  
7 the military service of the United States for a period of  
8 at least one year of active duty and who were honorably  
9 discharged therefrom, or who are now or have been members  
10 on inactive or reserve duty in such military or naval  
11 service, shall be preferred for appointment to and  
12 employment with the fire department of an affected  
13 department.

14 (2) Fire cadet preference. Persons who have  
15 successfully completed 2 years of study in fire techniques  
16 or cadet training within a cadet program established under  
17 the rules of the Joint Labor and Management Committee  
18 (JLMC), as defined in Section 50 of the Fire Department  
19 Promotion Act, may be preferred for appointment to and  
20 employment with the fire department.

21 (3) Educational preference. Persons who have  
22 successfully obtained an associate's degree in the field  
23 of fire service or emergency medical services, or a  
24 bachelor's degree from an accredited college or university  
25 may be preferred for appointment to and employment with  
26 the fire department.

1           (4) Paramedic preference. Persons who have obtained a  
2 license as a paramedic may be preferred for appointment to  
3 and employment with the fire department of an affected  
4 department providing emergency medical services.

5           (5) Experience preference. All persons employed by a  
6 municipality who have been paid-on-call or part-time  
7 certified Firefighter II, certified Firefighter III, State  
8 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
9 paramedic, or any combination of those capacities may be  
10 awarded up to a maximum of 5 points. However, the  
11 applicant may not be awarded more than 0.5 points for each  
12 complete year of paid-on-call or part-time service.  
13 Applicants from outside the municipality who were employed  
14 as full-time firefighters or firefighter-paramedics by a  
15 fire protection district or another municipality may be  
16 awarded up to 5 experience preference points. However, the  
17 applicant may not be awarded more than one point for each  
18 complete year of full-time service.

19           Upon request by the commission, the governing body of  
20 the municipality or in the case of applicants from outside  
21 the municipality the governing body of any fire protection  
22 district or any other municipality shall certify to the  
23 commission, within 10 days after the request, the number  
24 of years of successful paid-on-call, part-time, or  
25 full-time service of any person. A candidate may not  
26 receive the full amount of preference points under this

1 subsection if the amount of points awarded would place the  
2 candidate before a veteran on the eligibility list. If  
3 more than one candidate receiving experience preference  
4 points is prevented from receiving all of their points due  
5 to not being allowed to pass a veteran, the candidates  
6 shall be placed on the list below the veteran in rank order  
7 based on the totals received if all points under this  
8 subsection were to be awarded. Any remaining ties on the  
9 list shall be determined by lot.

10 (6) Residency preference. Applicants whose principal  
11 residence is located within the fire department's  
12 jurisdiction may be preferred for appointment to and  
13 employment with the fire department.

14 (7) Additional preferences. Up to 5 additional  
15 preference points may be awarded for unique categories  
16 based on an applicant's experience or background as  
17 identified by the commission.

18 (7.5) Apprentice preferences. A person who has  
19 performed fire suppression service for a department as a  
20 firefighter apprentice and otherwise meets ~~meet~~ the  
21 qualifications for original appointment as a firefighter  
22 specified in this Section may be awarded up to 20  
23 preference points. To qualify for preference points, an  
24 applicant shall have completed a minimum of 600 hours of  
25 fire suppression work on a regular shift for the affected  
26 fire department over a 12-month period. The fire

1 suppression work must be in accordance with Section  
2 10-1-14 of this Division and the terms established by a  
3 Joint Apprenticeship Committee included in a collective  
4 bargaining agreement agreed between the employer and its  
5 certified bargaining agent. An eligible applicant must  
6 apply to the Joint Apprenticeship Committee for preference  
7 points under this item. The Joint Apprenticeship Committee  
8 shall evaluate the merit of the applicant's performance,  
9 determine the preference points to be awarded, and certify  
10 the amount of points awarded to the commissioners. The  
11 commissioners may add the certified preference points to  
12 the final grades achieved by the applicant on the other  
13 components of the examination.

14 (8) Scoring of preferences. The commission shall give  
15 preference for original appointment to persons designated  
16 in item (1) by adding to the final grade that they receive  
17 5 points for the recognized preference achieved. The  
18 commission may give preference for original appointment to  
19 persons designated in item (7.5) by adding to the final  
20 grade the amount of points designated by the Joint  
21 Apprenticeship Committee as defined in item (7.5). The  
22 commission shall determine the number of preference points  
23 for each category, except (1) and (7.5). The number of  
24 preference points for each category shall range from 0 to  
25 5, except item (7.5). In determining the number of  
26 preference points, the commission shall prescribe that if

1 a candidate earns the maximum number of preference points  
2 in all categories except item (7.5), that number may not  
3 be less than 10 nor more than 30. The commission shall give  
4 preference for original appointment to persons designated  
5 in items (2) through (7) by adding the requisite number of  
6 points to the final grade for each recognized preference  
7 achieved. The numerical result thus attained shall be  
8 applied by the commission in determining the final  
9 eligibility list and appointment from the eligibility  
10 list. The local appointing authority may prescribe the  
11 total number of preference points awarded under this  
12 Section, but the total number of preference points, except  
13 item (7.5), shall not be less than 10 points or more than  
14 30 points. Apprentice preference points may be added in  
15 addition to other preference points awarded by the  
16 commission.

17 No person entitled to any preference shall be required to  
18 claim the credit before any examination held under the  
19 provisions of this Section, but the preference shall be given  
20 after the posting or publication of the initial eligibility  
21 list or register at the request of a person entitled to a  
22 credit before any certification or appointments are made from  
23 the eligibility register, upon the furnishing of verifiable  
24 evidence and proof of qualifying preference credit. Candidates  
25 who are eligible for preference credit shall make a claim in  
26 writing within 10 days after the posting of the initial

1 eligibility list, or the claim shall be deemed waived. Final  
2 eligibility registers shall be established after the awarding  
3 of verified preference points. However, apprentice preference  
4 credit earned subsequent to the establishment of the final  
5 eligibility register may be applied to the applicant's score  
6 upon certification by the Joint Apprenticeship Committee to  
7 the commission and the rank order of candidates on the final  
8 eligibility register shall be adjusted accordingly. All  
9 employment shall be subject to the commission's initial hire  
10 background review including, but not limited to, criminal  
11 history, employment history, moral character, oral  
12 examination, and medical and psychological examinations, all  
13 on a pass-fail basis. The medical and psychological  
14 examinations must be conducted last, and may only be performed  
15 after a conditional offer of employment has been extended.

16 Any person placed on an eligibility list who exceeds the  
17 age requirement before being appointed to a fire department  
18 shall remain eligible for appointment until the list is  
19 abolished, or his or her name has been on the list for a period  
20 of 2 years. No person who has attained the age of 35 years  
21 shall be inducted into a fire department, except as otherwise  
22 provided in this Section.

23 The commission shall strike off the names of candidates  
24 for original appointment after the names have been on the list  
25 for more than 2 years.

26 (i) Moral character. No person shall be appointed to a



1 fire department unless he or she is a person of good character;  
2 not a habitual drunkard, a gambler, or a person who has been  
3 convicted of a felony or a crime involving moral turpitude.  
4 However, no person shall be disqualified from appointment to  
5 the fire department because of the person's record of  
6 misdemeanor convictions except those under Sections 11-6,  
7 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
8 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
9 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and  
10 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of  
11 1961 or the Criminal Code of 2012, or arrest for any cause  
12 without conviction thereon. Any such person who is in the  
13 department may be removed on charges brought for violating  
14 this subsection and after a trial as hereinafter provided.

15 A classifiable set of the fingerprints of every person who  
16 is offered employment as a certificated member of an affected  
17 fire department whether with or without compensation, shall be  
18 furnished to the Illinois ~~Department of~~ State Police and to  
19 the Federal Bureau of Investigation by the commission.

20 Whenever a commission is authorized or required by law to  
21 consider some aspect of criminal history record information  
22 for the purpose of carrying out its statutory powers and  
23 responsibilities, then, upon request and payment of fees in  
24 conformance with the requirements of Section 2605-400 of the  
25 Illinois State Police Law of the Civil Administrative Code of  
26 Illinois, the Illinois ~~Department of~~ State Police is

1 authorized to furnish, pursuant to positive identification,  
2 the information contained in State files as is necessary to  
3 fulfill the request.

4 (j) Temporary appointments. In order to prevent a stoppage  
5 of public business, to meet extraordinary exigencies, or to  
6 prevent material impairment of the fire department, the  
7 commission may make temporary appointments, to remain in force  
8 only until regular appointments are made under the provisions  
9 of this Division, but never to exceed 60 days. No temporary  
10 appointment of any one person shall be made more than twice in  
11 any calendar year.

12 (k) A person who knowingly divulges or receives test  
13 questions or answers before a written examination, or  
14 otherwise knowingly violates or subverts any requirement of  
15 this Section, commits a violation of this Section and may be  
16 subject to charges for official misconduct.

17 A person who is the knowing recipient of test information  
18 in advance of the examination shall be disqualified from the  
19 examination or discharged from the position to which he or she  
20 was appointed, as applicable, and otherwise subjected to  
21 disciplinary actions.

22 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;  
23 revised 11-26-19.)

24 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

25 Sec. 10-2.1-6. Examination of applicants;

1     disqualifications.

2           (a) All applicants for a position in either the fire or  
3     police department of the municipality shall be under 35 years  
4     of age, shall be subject to an examination that shall be  
5     public, competitive, and open to all applicants (unless the  
6     council or board of trustees by ordinance limit applicants to  
7     electors of the municipality, county, state or nation) and  
8     shall be subject to reasonable limitations as to residence,  
9     health, habits, and moral character. The municipality may not  
10    charge or collect any fee from an applicant who has met all  
11    prequalification standards established by the municipality for  
12    any such position. With respect to a police department, a  
13    veteran shall be allowed to exceed the maximum age provision  
14    of this Section by the number of years served on active  
15    military duty, but by no more than 10 years of active military  
16    duty.

17           (b) Residency requirements in effect at the time an  
18    individual enters the fire or police service of a municipality  
19    (other than a municipality that has more than 1,000,000  
20    inhabitants) cannot be made more restrictive for that  
21    individual during his period of service for that municipality,  
22    or be made a condition of promotion, except for the rank or  
23    position of Fire or Police Chief.

24           (c) No person with a record of misdemeanor convictions  
25    except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
26    11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,

1 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4,  
2 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions  
3 (a) (1) and (a) (2) (C) of Section 11-14.3, and subsections (1),  
4 (6) and (8) of Section 24-1 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, or arrested for any cause but not  
6 convicted on that cause shall be disqualified from taking the  
7 examination to qualify for a position in the fire department  
8 on grounds of habits or moral character.

9 (d) The age limitation in subsection (a) does not apply  
10 (i) to any person previously employed as a policeman or  
11 fireman in a regularly constituted police or fire department  
12 of (I) any municipality, regardless of whether the  
13 municipality is located in Illinois or in another state, or  
14 (II) a fire protection district whose obligations were assumed  
15 by a municipality under Section 21 of the Fire Protection  
16 District Act, (ii) to any person who has served a municipality  
17 as a regularly enrolled volunteer fireman for 5 years  
18 immediately preceding the time that municipality begins to use  
19 full time firemen to provide all or part of its fire protection  
20 service, or (iii) to any person who has served as an auxiliary  
21 police officer under Section 3.1-30-20 for at least 5 years  
22 and is under 40 years of age, (iv) to any person who has served  
23 as a deputy under Section 3-6008 of the Counties Code and  
24 otherwise meets necessary training requirements, or (v) to any  
25 person who has served as a sworn officer as a member of the  
26 Illinois ~~Department of~~ State Police.

1           (e) Applicants who are 20 years of age and who have  
2 successfully completed 2 years of law enforcement studies at  
3 an accredited college or university may be considered for  
4 appointment to active duty with the police department. An  
5 applicant described in this subsection (e) who is appointed to  
6 active duty shall not have power of arrest, nor shall the  
7 applicant be permitted to carry firearms, until he or she  
8 reaches 21 years of age.

9           (f) Applicants who are 18 years of age and who have  
10 successfully completed 2 years of study in fire techniques,  
11 amounting to a total of 4 high school credits, within the cadet  
12 program of a municipality may be considered for appointment to  
13 active duty with the fire department of any municipality.

14           (g) The council or board of trustees may by ordinance  
15 provide that persons residing outside the municipality are  
16 eligible to take the examination.

17           (h) The examinations shall be practical in character and  
18 relate to those matters that will fairly test the capacity of  
19 the persons examined to discharge the duties of the positions  
20 to which they seek appointment. No person shall be appointed  
21 to the police or fire department if he or she does not possess  
22 a high school diploma or an equivalent high school education.  
23 A board of fire and police commissioners may, by its rules,  
24 require police applicants to have obtained an associate's  
25 degree or a bachelor's degree as a prerequisite for  
26 employment. The examinations shall include tests of physical

1 qualifications and health. A board of fire and police  
2 commissioners may, by its rules, waive portions of the  
3 required examination for police applicants who have previously  
4 been full-time sworn officers of a regular police department  
5 in any municipal, county, university, or State law enforcement  
6 agency, provided they are certified by the Illinois Law  
7 Enforcement Training Standards Board and have been with their  
8 respective law enforcement agency within the State for at  
9 least 2 years. No person shall be appointed to the police or  
10 fire department if he or she has suffered the amputation of any  
11 limb unless the applicant's duties will be only clerical or as  
12 a radio operator. No applicant shall be examined concerning  
13 his or her political or religious opinions or affiliations.  
14 The examinations shall be conducted by the board of fire and  
15 police commissioners of the municipality as provided in this  
16 Division 2.1.

17 The requirement that a police applicant possess an  
18 associate's degree under this subsection may be waived if one  
19 or more of the following applies: (1) the applicant has served  
20 for 24 months of honorable active duty in the United States  
21 Armed Forces and has not been discharged dishonorably or under  
22 circumstances other than honorable; (2) the applicant has  
23 served for 180 days of active duty in the United States Armed  
24 Forces in combat duty recognized by the Department of Defense  
25 and has not been discharged dishonorably or under  
26 circumstances other than honorable; or (3) the applicant has

1 successfully received credit for a minimum of 60 credit hours  
2 toward a bachelor's degree from an accredited college or  
3 university.

4 The requirement that a police applicant possess a  
5 bachelor's degree under this subsection may be waived if one  
6 or more of the following applies: (1) the applicant has served  
7 for 36 months of honorable active duty in the United States  
8 Armed Forces and has not been discharged dishonorably or under  
9 circumstances other than honorable or (2) the applicant has  
10 served for 180 days of active duty in the United States Armed  
11 Forces in combat duty recognized by the Department of Defense  
12 and has not been discharged dishonorably or under  
13 circumstances other than honorable.

14 (i) No person who is classified by his local selective  
15 service draft board as a conscientious objector, or who has  
16 ever been so classified, may be appointed to the police  
17 department.

18 (j) No person shall be appointed to the police or fire  
19 department unless he or she is a person of good character and  
20 not an habitual drunkard, gambler, or a person who has been  
21 convicted of a felony or a crime involving moral turpitude. No  
22 person, however, shall be disqualified from appointment to the  
23 fire department because of his or her record of misdemeanor  
24 convictions except those under Sections 11-1.50, 11-6, 11-7,  
25 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
26 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,

1 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
2 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
3 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012, or arrest for any  
5 cause without conviction on that cause. Any such person who is  
6 in the department may be removed on charges brought and after a  
7 trial as provided in this Division 2.1.

8 (Source: P.A. 100-467, eff. 9-8-17.)

9 (65 ILCS 5/10-2.1-6.1) (from Ch. 24, par. 10-2.1-6.1)

10 Sec. 10-2.1-6.1. A classifiable set of the fingerprints of  
11 every person who is now employed, or who hereafter becomes  
12 employed, as a full time member of a regular fire or police  
13 department of any municipality in this State, whether with or  
14 without compensation, shall be furnished to the Illinois  
15 ~~Department of~~ State Police and to the Federal Bureau of  
16 Investigation by the board of fire or police commissioners or  
17 other appropriate appointing authority, as the case may be.

18 (Source: P.A. 84-25.)

19 (65 ILCS 5/10-2.1-6.2) (from Ch. 24, par. 10-2.1-6.2)

20 Sec. 10-2.1-6.2. Whenever the Board of Fire and Police  
21 Commissioners is authorized or required by law to consider  
22 some aspect of criminal history record information for the  
23 purpose of carrying out its statutory powers and  
24 responsibilities, then, upon request and payment of fees in



1 conformance with the requirements of Section 2605-400 of the  
2 Illinois Department of State Police Law ~~(20 ILCS~~  
3 ~~2605/2605-400)~~, the Illinois Department of State Police is  
4 authorized to furnish, pursuant to positive identification,  
5 such information contained in State files as is necessary to  
6 fulfill the request.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (65 ILCS 5/10-2.1-6.3)

9 Sec. 10-2.1-6.3. Original appointments; full-time fire  
10 department.

11 (a) Applicability. Unless a commission elects to follow  
12 the provisions of Section 10-2.1-6.4, this Section shall apply  
13 to all original appointments to an affected full-time fire  
14 department. Existing registers of eligibles shall continue to  
15 be valid until their expiration dates, or up to a maximum of 2  
16 years after August 4, 2011 (the effective date of Public Act  
17 97-251) ~~this amendatory Act of the 97th General Assembly.~~

18 Notwithstanding any statute, ordinance, rule, or other law  
19 to the contrary, all original appointments to an affected  
20 department to which this Section applies shall be administered  
21 in the manner provided for in this Section. Provisions of the  
22 Illinois Municipal Code, municipal ordinances, and rules  
23 adopted pursuant to such authority and other laws relating to  
24 initial hiring of firefighters in affected departments shall  
25 continue to apply to the extent they are compatible with this

1 Section, but in the event of a conflict between this Section  
2 and any other law, this Section shall control.

3 A home rule or non-home rule municipality may not  
4 administer its fire department process for original  
5 appointments in a manner that is less stringent than this  
6 Section. This Section is a limitation under subsection (i) of  
7 Section 6 of Article VII of the Illinois Constitution on the  
8 concurrent exercise by home rule units of the powers and  
9 functions exercised by the State.

10 A municipality that is operating under a court order or  
11 consent decree regarding original appointments to a full-time  
12 fire department before August 4, 2011 (the effective date of  
13 Public Act 97-251) ~~this amendatory Act of the 97th General~~  
14 ~~Assembly~~ is exempt from the requirements of this Section for  
15 the duration of the court order or consent decree.

16 Notwithstanding any other provision of this subsection  
17 (a), this Section does not apply to a municipality with more  
18 than 1,000,000 inhabitants.

19 (b) Original appointments. All original appointments made  
20 to an affected fire department shall be made from a register of  
21 eligibles established in accordance with the processes  
22 established by this Section. Only persons who meet or exceed  
23 the performance standards required by this Section shall be  
24 placed on a register of eligibles for original appointment to  
25 an affected fire department.

26 Whenever an appointing authority authorizes action to hire

1 a person to perform the duties of a firefighter or to hire a  
2 firefighter-paramedic to fill a position that is a new  
3 position or vacancy due to resignation, discharge, promotion,  
4 death, the granting of a disability or retirement pension, or  
5 any other cause, the appointing authority shall appoint to  
6 that position the person with the highest ranking on the final  
7 eligibility list. If the appointing authority has reason to  
8 conclude that the highest ranked person fails to meet the  
9 minimum standards for the position or if the appointing  
10 authority believes an alternate candidate would better serve  
11 the needs of the department, then the appointing authority has  
12 the right to pass over the highest ranked person and appoint  
13 either: (i) any person who has a ranking in the top 5% of the  
14 register of eligibles or (ii) any person who is among the top 5  
15 highest ranked persons on the list of eligibles if the number  
16 of people who have a ranking in the top 5% of the register of  
17 eligibles is less than 5 people.

18 Any candidate may pass on an appointment once without  
19 losing his or her position on the register of eligibles. Any  
20 candidate who passes a second time may be removed from the list  
21 by the appointing authority provided that such action shall  
22 not prejudice a person's opportunities to participate in  
23 future examinations, including an examination held during the  
24 time a candidate is already on the municipality's register of  
25 eligibles.

26 The sole authority to issue certificates of appointment

1 shall be vested in the board of fire and police commissioners.  
2 All certificates of appointment issued to any officer or  
3 member of an affected department shall be signed by the  
4 chairperson and secretary, respectively, of the board upon  
5 appointment of such officer or member to the affected  
6 department by action of the board. After being selected from  
7 the register of eligibles to fill a vacancy in the affected  
8 department, each appointee shall be presented with his or her  
9 certificate of appointment on the day on which he or she is  
10 sworn in as a classified member of the affected department.  
11 Firefighters who were not issued a certificate of appointment  
12 when originally appointed shall be provided with a certificate  
13 within 10 days after making a written request to the  
14 chairperson of the board of fire and police commissioners.  
15 Each person who accepts a certificate of appointment and  
16 successfully completes his or her probationary period shall be  
17 enrolled as a firefighter and as a regular member of the fire  
18 department.

19 For the purposes of this Section, "firefighter" means any  
20 person who has been prior to, on, or after August 4, 2011 (the  
21 effective date of Public Act 97-251) ~~this amendatory Act of~~  
22 ~~the 97th General Assembly~~ appointed to a fire department or  
23 fire protection district or employed by a State university and  
24 sworn or commissioned to perform firefighter duties or  
25 paramedic duties, or both, except that the following persons  
26 are not included: part-time firefighters; auxiliary, reserve,

1 or voluntary firefighters, including paid-on-call  
2 firefighters; clerks and dispatchers or other civilian  
3 employees of a fire department or fire protection district who  
4 are not routinely expected to perform firefighter duties; and  
5 elected officials.

6 (c) Qualification for placement on register of eligibles.  
7 The purpose of establishing a register of eligibles is to  
8 identify applicants who possess and demonstrate the mental  
9 aptitude and physical ability to perform the duties required  
10 of members of the fire department in order to provide the  
11 highest quality of service to the public. To this end, all  
12 applicants for original appointment to an affected fire  
13 department shall be subject to examination and testing which  
14 shall be public, competitive, and open to all applicants  
15 unless the municipality shall by ordinance limit applicants to  
16 residents of the municipality, county or counties in which the  
17 municipality is located, State, or nation. Any examination and  
18 testing procedure utilized under subsection (e) of this  
19 Section shall be supported by appropriate validation evidence  
20 and shall comply with all applicable State and federal laws.  
21 Municipalities may establish educational, emergency medical  
22 service licensure, and other prerequisites ~~prerequisites~~ for  
23 participation in an examination or for hire as a firefighter.  
24 Any municipality may charge a fee to cover the costs of the  
25 application process.

26 Residency requirements in effect at the time an individual

1 enters the fire service of a municipality cannot be made more  
2 restrictive for that individual during his or her period of  
3 service for that municipality, or be made a condition of  
4 promotion, except for the rank or position of fire chief and  
5 for no more than 2 positions that rank immediately below that  
6 of the chief rank which are appointed positions pursuant to  
7 the Fire Department Promotion Act.

8 No person who is 35 years of age or older shall be eligible  
9 to take an examination for a position as a firefighter unless  
10 the person has had previous employment status as a firefighter  
11 in the regularly constituted fire department of the  
12 municipality, except as provided in this Section. The age  
13 limitation does not apply to:

14 (1) any person previously employed as a full-time  
15 firefighter in a regularly constituted fire department of  
16 (i) any municipality or fire protection district located  
17 in Illinois, (ii) a fire protection district whose  
18 obligations were assumed by a municipality under Section  
19 21 of the Fire Protection District Act, or (iii) a  
20 municipality whose obligations were taken over by a fire  
21 protection district,

22 (2) any person who has served a municipality as a  
23 regularly enrolled volunteer, paid-on-call, or part-time  
24 firefighter for the 5 years immediately preceding the time  
25 that the municipality begins to use full-time firefighters  
26 to provide all or part of its fire protection service, or

1           (3) any person who turned 35 while serving as a member  
2           of the active or reserve components of any of the branches  
3           of the Armed Forces of the United States or the National  
4           Guard of any state, whose service was characterized as  
5           honorable or under honorable, if separated from the  
6           military, and is currently under the age of 40.

7           No person who is under 21 years of age shall be eligible  
8           for employment as a firefighter.

9           No applicant shall be examined concerning his or her  
10          political or religious opinions or affiliations. The  
11          examinations shall be conducted by the commissioners of the  
12          municipality or their designees and agents.

13          No municipality shall require that any firefighter  
14          appointed to the lowest rank serve a probationary employment  
15          period of longer than one year of actual active employment,  
16          which may exclude periods of training, or injury or illness  
17          leaves, including duty related leave, in excess of 30 calendar  
18          days. Notwithstanding anything to the contrary in this  
19          Section, the probationary employment period limitation may be  
20          extended for a firefighter who is required, as a condition of  
21          employment, to be a licensed paramedic, during which time the  
22          sole reason that a firefighter may be discharged without a  
23          hearing is for failing to meet the requirements for paramedic  
24          licensure.

25          In the event that any applicant who has been found  
26          eligible for appointment and whose name has been placed upon

1 the final eligibility register provided for in this Section  
2 has not been appointed to a firefighter position within one  
3 year after the date of his or her physical ability  
4 examination, the commission may cause a second examination to  
5 be made of that applicant's physical ability prior to his or  
6 her appointment. If, after the second examination, the  
7 physical ability of the applicant shall be found to be less  
8 than the minimum standard fixed by the rules of the  
9 commission, the applicant shall not be appointed. The  
10 applicant's name may be retained upon the register of  
11 candidates eligible for appointment and when next reached for  
12 certification and appointment that applicant may be again  
13 examined as provided in this Section, and if the physical  
14 ability of that applicant is found to be less than the minimum  
15 standard fixed by the rules of the commission, the applicant  
16 shall not be appointed, and the name of the applicant shall be  
17 removed from the register.

18 (d) Notice, examination, and testing components. Notice of  
19 the time, place, general scope, merit criteria for any  
20 subjective component, and fee of every examination shall be  
21 given by the commission, by a publication at least 2 weeks  
22 preceding the examination: (i) in one or more newspapers  
23 published in the municipality, or if no newspaper is published  
24 therein, then in one or more newspapers with a general  
25 circulation within the municipality, or (ii) on the  
26 municipality's Internet website. Additional notice of the



1 examination may be given as the commission shall prescribe.

2 The examination and qualifying standards for employment of  
3 firefighters shall be based on: mental aptitude, physical  
4 ability, preferences, moral character, and health. The mental  
5 aptitude, physical ability, and preference components shall  
6 determine an applicant's qualification for and placement on  
7 the final register of eligibles. The examination may also  
8 include a subjective component based on merit criteria as  
9 determined by the commission. Scores from the examination must  
10 be made available to the public.

11 (e) Mental aptitude. No person who does not possess at  
12 least a high school diploma or an equivalent high school  
13 education shall be placed on a register of eligibles.  
14 Examination of an applicant's mental aptitude shall be based  
15 upon a written examination. The examination shall be practical  
16 in character and relate to those matters that fairly test the  
17 capacity of the persons examined to discharge the duties  
18 performed by members of a fire department. Written  
19 examinations shall be administered in a manner that ensures  
20 the security and accuracy of the scores achieved.

21 (f) Physical ability. All candidates shall be required to  
22 undergo an examination of their physical ability to perform  
23 the essential functions included in the duties they may be  
24 called upon to perform as a member of a fire department. For  
25 the purposes of this Section, essential functions of the job  
26 are functions associated with duties that a firefighter may be

1 called upon to perform in response to emergency calls. The  
2 frequency of the occurrence of those duties as part of the fire  
3 department's regular routine shall not be a controlling factor  
4 in the design of examination criteria or evolutions selected  
5 for testing. These physical examinations shall be open,  
6 competitive, and based on industry standards designed to test  
7 each applicant's physical abilities in the following  
8 dimensions:

9 (1) Muscular strength to perform tasks and evolutions  
10 that may be required in the performance of duties  
11 including grip strength, leg strength, and arm strength.  
12 Tests shall be conducted under anaerobic as well as  
13 aerobic conditions to test both the candidate's speed and  
14 endurance in performing tasks and evolutions. Tasks tested  
15 may be based on standards developed, or approved, by the  
16 local appointing authority.

17 (2) The ability to climb ladders, operate from  
18 heights, walk or crawl in the dark along narrow and uneven  
19 surfaces, and operate in proximity to hazardous  
20 environments.

21 (3) The ability to carry out critical, time-sensitive,  
22 and complex problem solving during physical exertion in  
23 stressful and hazardous environments. The testing  
24 environment may be hot and dark with tightly enclosed  
25 spaces, flashing lights, sirens, and other distractions.

26 The tests utilized to measure each applicant's

1 capabilities in each of these dimensions may be tests based on  
2 industry standards currently in use or equivalent tests  
3 approved by the Joint Labor-Management Committee of the Office  
4 of the State Fire Marshal.

5 Physical ability examinations administered under this  
6 Section shall be conducted with a reasonable number of  
7 proctors and monitors, open to the public, and subject to  
8 reasonable regulations of the commission.

9 (g) Scoring of examination components. Appointing  
10 authorities may create a preliminary eligibility register. A  
11 person shall be placed on the list based upon his or her  
12 passage of the written examination or the passage of the  
13 written examination and the physical ability component.  
14 Passage of the written examination means attaining the minimum  
15 score set by the commission. Minimum scores should be set by  
16 the commission so as to demonstrate a candidate's ability to  
17 perform the essential functions of the job. The minimum score  
18 set by the commission shall be supported by appropriate  
19 validation evidence and shall comply with all applicable State  
20 and federal laws. The appointing authority may conduct the  
21 physical ability component and any subjective components  
22 subsequent to the posting of the preliminary eligibility  
23 register.

24 The examination components for an initial eligibility  
25 register shall be graded on a 100-point scale. A person's  
26 position on the list shall be determined by the following: (i)

1 the person's score on the written examination, (ii) the person  
2 successfully passing the physical ability component, and (iii)  
3 the person's results on any subjective component as described  
4 in subsection (d).

5 In order to qualify for placement on the final eligibility  
6 register, an applicant's score on the written examination,  
7 before any applicable preference points or subjective points  
8 are applied, shall be at or above the minimum score as set by  
9 the commission. The local appointing authority may prescribe  
10 the score to qualify for placement on the final eligibility  
11 register, but the score shall not be less than the minimum  
12 score set by the commission.

13 The commission shall prepare and keep a register of  
14 persons whose total score is not less than the minimum score  
15 for passage and who have passed the physical ability  
16 examination. These persons shall take rank upon the register  
17 as candidates in the order of their relative excellence based  
18 on the highest to the lowest total points scored on the mental  
19 aptitude, subjective component, and preference components of  
20 the test administered in accordance with this Section. No more  
21 than 60 days after each examination, an initial eligibility  
22 list shall be posted by the commission. The list shall include  
23 the final grades of the candidates without reference to  
24 priority of the time of examination and subject to claim for  
25 preference credit.

26 Commissions may conduct additional examinations, including

1 without limitation a polygraph test, after a final eligibility  
2 register is established and before it expires with the  
3 candidates ranked by total score without regard to date of  
4 examination. No more than 60 days after each examination, an  
5 initial eligibility list shall be posted by the commission  
6 showing the final grades of the candidates without reference  
7 to priority of time of examination and subject to claim for  
8 preference credit.

9 (h) Preferences. The following are preferences:

10 (1) Veteran preference. Persons who were engaged in  
11 the military service of the United States for a period of  
12 at least one year of active duty and who were honorably  
13 discharged therefrom, or who are now or have been members  
14 on inactive or reserve duty in such military or naval  
15 service, shall be preferred for appointment to and  
16 employment with the fire department of an affected  
17 department.

18 (2) Fire cadet preference. Persons who have  
19 successfully completed 2 years of study in fire techniques  
20 or cadet training within a cadet program established under  
21 the rules of the Joint Labor and Management Committee  
22 (JLMC), as defined in Section 50 of the Fire Department  
23 Promotion Act, may be preferred for appointment to and  
24 employment with the fire department.

25 (3) Educational preference. Persons who have  
26 successfully obtained an associate's degree in the field

1 of fire service or emergency medical services, or a  
2 bachelor's degree from an accredited college or university  
3 may be preferred for appointment to and employment with  
4 the fire department.

5 (4) Paramedic preference. Persons who have obtained a  
6 license as a paramedic shall be preferred for appointment  
7 to and employment with the fire department of an affected  
8 department providing emergency medical services.

9 (5) Experience preference. All persons employed by a  
10 municipality who have been paid-on-call or part-time  
11 certified Firefighter II, State of Illinois or nationally  
12 licensed EMT, EMT-I, A-EMT, or any combination of those  
13 capacities shall be awarded 0.5 point for each year of  
14 successful service in one or more of those capacities, up  
15 to a maximum of 5 points. Certified Firefighter III and  
16 State of Illinois or nationally licensed paramedics shall  
17 be awarded one point per year up to a maximum of 5 points.  
18 Applicants from outside the municipality who were employed  
19 as full-time firefighters or firefighter-paramedics by a  
20 fire protection district or another municipality for at  
21 least 2 years shall be awarded 5 experience preference  
22 points. These additional points presuppose a rating scale  
23 totaling 100 points available for the eligibility list. If  
24 more or fewer points are used in the rating scale for the  
25 eligibility list, the points awarded under this subsection  
26 shall be increased or decreased by a factor equal to the

1 total possible points available for the examination  
2 divided by 100.

3 Upon request by the commission, the governing body of  
4 the municipality or in the case of applicants from outside  
5 the municipality the governing body of any fire protection  
6 district or any other municipality shall certify to the  
7 commission, within 10 days after the request, the number  
8 of years of successful paid-on-call, part-time, or  
9 full-time service of any person. A candidate may not  
10 receive the full amount of preference points under this  
11 subsection if the amount of points awarded would place the  
12 candidate before a veteran on the eligibility list. If  
13 more than one candidate receiving experience preference  
14 points is prevented from receiving all of their points due  
15 to not being allowed to pass a veteran, the candidates  
16 shall be placed on the list below the veteran in rank order  
17 based on the totals received if all points under this  
18 subsection were to be awarded. Any remaining ties on the  
19 list shall be determined by lot.

20 (6) Residency preference. Applicants whose principal  
21 residence is located within the fire department's  
22 jurisdiction shall be preferred for appointment to and  
23 employment with the fire department.

24 (7) Additional preferences. Up to 5 additional  
25 preference points may be awarded for unique categories  
26 based on an applicant's experience or background as

1 identified by the commission.

2 (7.5) Apprentice preferences. A person who has  
3 performed fire suppression service for a department as a  
4 firefighter apprentice and otherwise meets ~~meet~~ the  
5 qualifications for original appointment as a firefighter  
6 specified in this Section is ~~are~~ eligible to be awarded up  
7 to 20 preference points. To qualify for preference points,  
8 an applicant shall have completed a minimum of 600 hours  
9 of fire suppression work on a regular shift for the  
10 affected fire department over a 12-month period. The fire  
11 suppression work must be in accordance with Section  
12 10-2.1-4 of this Division and the terms established by a  
13 Joint Apprenticeship Committee included in a collective  
14 bargaining agreement agreed between the employer and its  
15 certified bargaining agent. An eligible applicant must  
16 apply to the Joint Apprenticeship Committee for preference  
17 points under this item. The Joint Apprenticeship Committee  
18 shall evaluate the merit of the applicant's performance,  
19 determine the preference points to be awarded, and certify  
20 the amount of points awarded to the commissioners. The  
21 commissioners may add the certified preference points to  
22 the final grades achieved by the applicant on the other  
23 components of the examination.

24 (8) Scoring of preferences. The commission may give  
25 preference for original appointment to persons designated  
26 in item (1) by adding to the final grade that they receive



1           5 points for the recognized preference achieved. The  
2           commission may give preference for original appointment to  
3           persons designated in item (7.5) by adding to the final  
4           grade the amount of points designated by the Joint  
5           Apprenticeship Committee as defined in item (7.5). The  
6           commission shall determine the number of preference points  
7           for each category, except (1) and (7.5). The number of  
8           preference points for each category shall range from 0 to  
9           5, except item (7.5). In determining the number of  
10          preference points, the commission shall prescribe that if  
11          a candidate earns the maximum number of preference points  
12          in all categories except item (7.5), that number may not  
13          be less than 10 nor more than 30. The commission shall give  
14          preference for original appointment to persons designated  
15          in items (2) through (7) by adding the requisite number of  
16          points to the final grade for each recognized preference  
17          achieved. The numerical result thus attained shall be  
18          applied by the commission in determining the final  
19          eligibility list and appointment from the eligibility  
20          list. The local appointing authority may prescribe the  
21          total number of preference points awarded under this  
22          Section, but the total number of preference points, except  
23          item (7.5), shall not be less than 10 points or more than  
24          30 points. Apprentice preference points may be added in  
25          addition to other preference points awarded by the  
26          commission.

1           No person entitled to any preference shall be required to  
2 claim the credit before any examination held under the  
3 provisions of this Section, but the preference may be given  
4 after the posting or publication of the initial eligibility  
5 list or register at the request of a person entitled to a  
6 credit before any certification or appointments are made from  
7 the eligibility register, upon the furnishing of verifiable  
8 evidence and proof of qualifying preference credit. Candidates  
9 who are eligible for preference credit may make a claim in  
10 writing within 10 days after the posting of the initial  
11 eligibility list, or the claim may be deemed waived. Final  
12 eligibility registers may be established after the awarding of  
13 verified preference points. However, apprentice preference  
14 credit earned subsequent to the establishment of the final  
15 eligibility register may be applied to the applicant's score  
16 upon certification by the Joint Apprenticeship Committee to  
17 the commission and the rank order of candidates on the final  
18 eligibility register shall be adjusted accordingly. All  
19 employment shall be subject to the commission's initial hire  
20 background review, including, but not limited to, criminal  
21 history, employment history, moral character, oral  
22 examination, and medical and psychological examinations, all  
23 on a pass-fail basis. The medical and psychological  
24 examinations must be conducted last, and may only be performed  
25 after a conditional offer of employment has been extended.

26           Any person placed on an eligibility list who exceeds the

1 age requirement before being appointed to a fire department  
2 shall remain eligible for appointment until the list is  
3 abolished, or his or her name has been on the list for a period  
4 of 2 years. No person who has attained the age of 35 years  
5 shall be inducted into a fire department, except as otherwise  
6 provided in this Section.

7 The commission shall strike off the names of candidates  
8 for original appointment after the names have been on the list  
9 for more than 2 years.

10 (i) Moral character. No person shall be appointed to a  
11 fire department unless he or she is a person of good character;  
12 not a habitual drunkard, a gambler, or a person who has been  
13 convicted of a felony or a crime involving moral turpitude.  
14 However, no person shall be disqualified from appointment to  
15 the fire department because of the person's record of  
16 misdemeanor convictions except those under Sections 11-6,  
17 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
18 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
19 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and  
20 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of  
21 1961 or the Criminal Code of 2012, or arrest for any cause  
22 without conviction thereon. Any such person who is in the  
23 department may be removed on charges brought for violating  
24 this subsection and after a trial as hereinafter provided.

25 A classifiable set of the fingerprints of every person who  
26 is offered employment as a certificated member of an affected

1 fire department whether with or without compensation, shall be  
2 furnished to the Illinois ~~Department of~~ State Police and to  
3 the Federal Bureau of Investigation by the commission.

4 Whenever a commission is authorized or required by law to  
5 consider some aspect of criminal history record information  
6 for the purpose of carrying out its statutory powers and  
7 responsibilities, then, upon request and payment of fees in  
8 conformance with the requirements of Section 2605-400 of the  
9 Illinois State Police Law of the Civil Administrative Code of  
10 Illinois, the Illinois ~~Department of~~ State Police is  
11 authorized to furnish, pursuant to positive identification,  
12 the information contained in State files as is necessary to  
13 fulfill the request.

14 (j) Temporary appointments. In order to prevent a stoppage  
15 of public business, to meet extraordinary exigencies, or to  
16 prevent material impairment of the fire department, the  
17 commission may make temporary appointments, to remain in force  
18 only until regular appointments are made under the provisions  
19 of this Division, but never to exceed 60 days. No temporary  
20 appointment of any one person shall be made more than twice in  
21 any calendar year.

22 (k) A person who knowingly divulges or receives test  
23 questions or answers before a written examination, or  
24 otherwise knowingly violates or subverts any requirement of  
25 this Section, commits a violation of this Section and may be  
26 subject to charges for official misconduct.

1           A person who is the knowing recipient of test information  
2 in advance of the examination shall be disqualified from the  
3 examination or discharged from the position to which he or she  
4 was appointed, as applicable, and otherwise subjected to  
5 disciplinary actions.

6           (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;  
7 revised 11-26-19.)

8           (65 ILCS 5/11-32-1) (from Ch. 24, par. 11-32-1)

9           Sec. 11-32-1. The corporate authorities of each  
10 municipality may:

11           (1) provide for the regulation, safe construction,  
12 installation, alteration, inspection, testing and maintenance  
13 of heating, air conditioning and refrigerating systems  
14 specified in this section.

15           (2) provide for examination, licensing and regulation of  
16 heating, air conditioning and refrigeration contractors; and  
17 fix the amount of license fees, not exceeding \$50, and the  
18 terms and manner of issuing and revoking licenses of such  
19 contractors.

20           (3) provide for the appointment of a board of examiners  
21 which shall examine applicants for and issue licenses to such  
22 contractors as are found capable and trustworthy.

23           A. The term "heating, air conditioning and refrigeration  
24 contractor" means:

25           (a) any person engaged in the business of installing,

1 altering or servicing heating, air conditioning or  
2 refrigerating systems;

3 (b) any private or municipally owned public utility if  
4 such public utility installs heating, air conditioning or  
5 refrigerating systems.

6 The term "heating, air conditioning and refrigeration  
7 contractor" does not include: (i) any private or municipally  
8 owned public utility, fuel supplier or dealer that supplies  
9 fuel and services or repairs heating or air conditioning  
10 appliances or equipment in connection with or as a part of  
11 their business of supplying the fuel used in such appliances  
12 or equipment; or (ii) any liquefied petroleum gas dealer  
13 subject to "An Act to regulate the storage, transportation,  
14 sale and use of liquefied petroleum gases", approved July 11,  
15 1955, as now or hereafter amended, and the rules and  
16 regulations of the Illinois ~~Department~~ of State Police  
17 promulgated pursuant to such Act; or (iii) any electrical  
18 contractor registered or licensed as such under the provisions  
19 of this Act or any other statute.

20 B. The term "heating system" means any heating unit  
21 intended to warm the atmosphere of any building or rooms  
22 therein used for human occupancy.

23 C. The term "air conditioning system" means any air  
24 conditioning unit designed to cool the atmosphere of any  
25 building or rooms therein used for human occupancy, which unit  
26 has a rated heat removal capacity in excess of 20,000 British

1 thermal units per hour; and also any such unit regardless of  
2 size or rating that is installed in such a manner that it  
3 projects from a building where pedestrian traffic will pass  
4 below it.

5 D. The term "refrigerating system" means any refrigerating  
6 unit, other than an air conditioning system as defined in this  
7 section, which is to be used in conjunction with or as an aid  
8 to any commercial enterprise but does not include a  
9 refrigerating unit used for family household purposes.

10 Any heating, air conditioning and refrigeration contractor  
11 properly licensed under paragraph (2) of this section in the  
12 municipality of his principal place of business in this State  
13 may install heating, air conditioning and refrigeration  
14 systems in any other municipality without securing an  
15 additional license, provided that such contractor complies  
16 with the rules and regulations of the municipality where such  
17 systems are installed.

18 (Source: P.A. 84-25.)

19 Section 440. The Fire Protection District Act is amended  
20 by changing Section 16.06b as follows:

21 (70 ILCS 705/16.06b)

22 Sec. 16.06b. Original appointments; full-time fire  
23 department.

24 (a) Applicability. Unless a commission elects to follow

1 the provisions of Section 16.06c, this Section shall apply to  
2 all original appointments to an affected full-time fire  
3 department. Existing registers of eligibles shall continue to  
4 be valid until their expiration dates, or up to a maximum of 2  
5 years after August 4, 2011 (the effective date of Public Act  
6 97-251) ~~this amendatory Act of the 97th General Assembly.~~

7 Notwithstanding any statute, ordinance, rule, or other law  
8 to the contrary, all original appointments to an affected  
9 department to which this Section applies shall be administered  
10 in a no less stringent manner than the manner provided for in  
11 this Section. Provisions of the Illinois Municipal Code, Fire  
12 Protection District Act, fire district ordinances, and rules  
13 adopted pursuant to such authority and other laws relating to  
14 initial hiring of firefighters in affected departments shall  
15 continue to apply to the extent they are compatible with this  
16 Section, but in the event of a conflict between this Section  
17 and any other law, this Section shall control.

18 A fire protection district that is operating under a court  
19 order or consent decree regarding original appointments to a  
20 full-time fire department before August 4, 2011 (the effective  
21 date of Public Act 97-251) ~~this amendatory Act of the 97th~~  
22 ~~General Assembly~~ is exempt from the requirements of this  
23 Section for the duration of the court order or consent decree.

24 (b) Original appointments. All original appointments made  
25 to an affected fire department shall be made from a register of  
26 eligibles established in accordance with the processes



1 required by this Section. Only persons who meet or exceed the  
2 performance standards required by the Section shall be placed  
3 on a register of eligibles for original appointment to an  
4 affected fire department.

5 Whenever an appointing authority authorizes action to hire  
6 a person to perform the duties of a firefighter or to hire a  
7 firefighter-paramedic to fill a position that is a new  
8 position or vacancy due to resignation, discharge, promotion,  
9 death, the granting of a disability or retirement pension, or  
10 any other cause, the appointing authority shall appoint to  
11 that position the person with the highest ranking on the final  
12 eligibility list. If the appointing authority has reason to  
13 conclude that the highest ranked person fails to meet the  
14 minimum standards for the position or if the appointing  
15 authority believes an alternate candidate would better serve  
16 the needs of the department, then the appointing authority has  
17 the right to pass over the highest ranked person and appoint  
18 either: (i) any person who has a ranking in the top 5% of the  
19 register of eligibles or (ii) any person who is among the top 5  
20 highest ranked persons on the list of eligibles if the number  
21 of people who have a ranking in the top 5% of the register of  
22 eligibles is less than 5 people.

23 Any candidate may pass on an appointment once without  
24 losing his or her position on the register of eligibles. Any  
25 candidate who passes a second time may be removed from the list  
26 by the appointing authority provided that such action shall

1 not prejudice a person's opportunities to participate in  
2 future examinations, including an examination held during the  
3 time a candidate is already on the fire district's register of  
4 eligibles.

5 The sole authority to issue certificates of appointment  
6 shall be vested in the board of fire commissioners, or board of  
7 trustees serving in the capacity of a board of fire  
8 commissioners. All certificates of appointment issued to any  
9 officer or member of an affected department shall be signed by  
10 the chairperson and secretary, respectively, of the commission  
11 upon appointment of such officer or member to the affected  
12 department by action of the commission. After being selected  
13 from the register of eligibles to fill a vacancy in the  
14 affected department, each appointee shall be presented with  
15 his or her certificate of appointment on the day on which he or  
16 she is sworn in as a classified member of the affected  
17 department. Firefighters who were not issued a certificate of  
18 appointment when originally appointed shall be provided with a  
19 certificate within 10 days after making a written request to  
20 the chairperson of the board of fire commissioners, or board  
21 of trustees serving in the capacity of a board of fire  
22 commissioners. Each person who accepts a certificate of  
23 appointment and successfully completes his or her probationary  
24 period shall be enrolled as a firefighter and as a regular  
25 member of the fire department.

26 For the purposes of this Section, "firefighter" means any

1 person who has been prior to, on, or after August 4, 2011 (the  
2 effective date of Public Act 97-251) ~~this amendatory Act of~~  
3 ~~the 97th General Assembly~~ appointed to a fire department or  
4 fire protection district or employed by a State university and  
5 sworn or commissioned to perform firefighter duties or  
6 paramedic duties, or both, except that the following persons  
7 are not included: part-time firefighters; auxiliary, reserve,  
8 or voluntary firefighters, including paid-on-call  
9 firefighters; clerks and dispatchers or other civilian  
10 employees of a fire department or fire protection district who  
11 are not routinely expected to perform firefighter duties; and  
12 elected officials.

13 (c) Qualification for placement on register of eligibles.  
14 The purpose of establishing a register of eligibles is to  
15 identify applicants who possess and demonstrate the mental  
16 aptitude and physical ability to perform the duties required  
17 of members of the fire department in order to provide the  
18 highest quality of service to the public. To this end, all  
19 applicants for original appointment to an affected fire  
20 department shall be subject to examination and testing which  
21 shall be public, competitive, and open to all applicants  
22 unless the district shall by ordinance limit applicants to  
23 residents of the district, county or counties in which the  
24 district is located, State, or nation. Any examination and  
25 testing procedure utilized under subsection (e) of this  
26 Section shall be supported by appropriate validation evidence

1 and shall comply with all applicable State and federal laws.  
2 Districts may establish educational, emergency medical service  
3 licensure, and other prerequisites ~~prerequisites~~ for  
4 participation in an examination or for hire as a firefighter.  
5 Any fire protection district may charge a fee to cover the  
6 costs of the application process.

7 Residency requirements in effect at the time an individual  
8 enters the fire service of a district cannot be made more  
9 restrictive for that individual during his or her period of  
10 service for that district, or be made a condition of  
11 promotion, except for the rank or position of fire chief and  
12 for no more than 2 positions that rank immediately below that  
13 of the chief rank which are appointed positions pursuant to  
14 the Fire Department Promotion Act.

15 No person who is 35 years of age or older shall be eligible  
16 to take an examination for a position as a firefighter unless  
17 the person has had previous employment status as a firefighter  
18 in the regularly constituted fire department of the district,  
19 except as provided in this Section. The age limitation does  
20 not apply to:

- 21 (1) any person previously employed as a full-time  
22 firefighter in a regularly constituted fire department of  
23 (i) any municipality or fire protection district located  
24 in Illinois, (ii) a fire protection district whose  
25 obligations were assumed by a municipality under Section  
26 21 of the Fire Protection District Act, or (iii) a

1 municipality whose obligations were taken over by a fire  
2 protection district;

3 (2) any person who has served a fire district as a  
4 regularly enrolled volunteer, paid-on-call, or part-time  
5 firefighter for the 5 years immediately preceding the time  
6 that the district begins to use full-time firefighters to  
7 provide all or part of its fire protection service; or

8 (3) any person who turned 35 while serving as a member  
9 of the active or reserve components of any of the branches  
10 of the Armed Forces of the United States or the National  
11 Guard of any state, whose service was characterized as  
12 honorable or under honorable, if separated from the  
13 military, and is currently under the age of 40.

14 No person who is under 21 years of age shall be eligible  
15 for employment as a firefighter.

16 No applicant shall be examined concerning his or her  
17 political or religious opinions or affiliations. The  
18 examinations shall be conducted by the commissioners of the  
19 district or their designees and agents.

20 No district shall require that any firefighter appointed  
21 to the lowest rank serve a probationary employment period of  
22 longer than one year of actual active employment, which may  
23 exclude periods of training, or injury or illness leaves,  
24 including duty related leave, in excess of 30 calendar days.  
25 Notwithstanding anything to the contrary in this Section, the  
26 probationary employment period limitation may be extended for

1 a firefighter who is required, as a condition of employment,  
2 to be a licensed paramedic, during which time the sole reason  
3 that a firefighter may be discharged without a hearing is for  
4 failing to meet the requirements for paramedic licensure.

5 In the event that any applicant who has been found  
6 eligible for appointment and whose name has been placed upon  
7 the final eligibility register provided for in this Section  
8 has not been appointed to a firefighter position within one  
9 year after the date of his or her physical ability  
10 examination, the commission may cause a second examination to  
11 be made of that applicant's physical ability prior to his or  
12 her appointment. If, after the second examination, the  
13 physical ability of the applicant shall be found to be less  
14 than the minimum standard fixed by the rules of the  
15 commission, the applicant shall not be appointed. The  
16 applicant's name may be retained upon the register of  
17 candidates eligible for appointment and when next reached for  
18 certification and appointment that applicant may be again  
19 examined as provided in this Section, and if the physical  
20 ability of that applicant is found to be less than the minimum  
21 standard fixed by the rules of the commission, the applicant  
22 shall not be appointed, and the name of the applicant shall be  
23 removed from the register.

24 (d) Notice, examination, and testing components. Notice of  
25 the time, place, general scope, merit criteria for any  
26 subjective component, and fee of every examination shall be

1 given by the commission, by a publication at least 2 weeks  
2 preceding the examination: (i) in one or more newspapers  
3 published in the district, or if no newspaper is published  
4 therein, then in one or more newspapers with a general  
5 circulation within the district, or (ii) on the fire  
6 protection district's Internet website. Additional notice of  
7 the examination may be given as the commission shall  
8 prescribe.

9 The examination and qualifying standards for employment of  
10 firefighters shall be based on: mental aptitude, physical  
11 ability, preferences, moral character, and health. The mental  
12 aptitude, physical ability, and preference components shall  
13 determine an applicant's qualification for and placement on  
14 the final register of eligibles. The examination may also  
15 include a subjective component based on merit criteria as  
16 determined by the commission. Scores from the examination must  
17 be made available to the public.

18 (e) Mental aptitude. No person who does not possess at  
19 least a high school diploma or an equivalent high school  
20 education shall be placed on a register of eligibles.  
21 Examination of an applicant's mental aptitude shall be based  
22 upon a written examination. The examination shall be practical  
23 in character and relate to those matters that fairly test the  
24 capacity of the persons examined to discharge the duties  
25 performed by members of a fire department. Written  
26 examinations shall be administered in a manner that ensures

1 the security and accuracy of the scores achieved.

2 (f) Physical ability. All candidates shall be required to  
3 undergo an examination of their physical ability to perform  
4 the essential functions included in the duties they may be  
5 called upon to perform as a member of a fire department. For  
6 the purposes of this Section, essential functions of the job  
7 are functions associated with duties that a firefighter may be  
8 called upon to perform in response to emergency calls. The  
9 frequency of the occurrence of those duties as part of the fire  
10 department's regular routine shall not be a controlling factor  
11 in the design of examination criteria or evolutions selected  
12 for testing. These physical examinations shall be open,  
13 competitive, and based on industry standards designed to test  
14 each applicant's physical abilities in the following  
15 dimensions:

16 (1) Muscular strength to perform tasks and evolutions  
17 that may be required in the performance of duties  
18 including grip strength, leg strength, and arm strength.  
19 Tests shall be conducted under anaerobic as well as  
20 aerobic conditions to test both the candidate's speed and  
21 endurance in performing tasks and evolutions. Tasks tested  
22 may be based on standards developed, or approved, by the  
23 local appointing authority.

24 (2) The ability to climb ladders, operate from  
25 heights, walk or crawl in the dark along narrow and uneven  
26 surfaces, and operate in proximity to hazardous



1 environments.

2 (3) The ability to carry out critical, time-sensitive,  
3 and complex problem solving during physical exertion in  
4 stressful and hazardous environments. The testing  
5 environment may be hot and dark with tightly enclosed  
6 spaces, flashing lights, sirens, and other distractions.

7 The tests utilized to measure each applicant's  
8 capabilities in each of these dimensions may be tests based on  
9 industry standards currently in use or equivalent tests  
10 approved by the Joint Labor-Management Committee of the Office  
11 of the State Fire Marshal.

12 Physical ability examinations administered under this  
13 Section shall be conducted with a reasonable number of  
14 proctors and monitors, open to the public, and subject to  
15 reasonable regulations of the commission.

16 (g) Scoring of examination components. Appointing  
17 authorities may create a preliminary eligibility register. A  
18 person shall be placed on the list based upon his or her  
19 passage of the written examination or the passage of the  
20 written examination and the physical ability component.  
21 Passage of the written examination means attaining the minimum  
22 score set by the commission. Minimum scores should be set by  
23 the appointing authorities so as to demonstrate a candidate's  
24 ability to perform the essential functions of the job. The  
25 minimum score set by the commission shall be supported by  
26 appropriate validation evidence and shall comply with all

1 applicable State and federal laws. The appointing authority  
2 may conduct the physical ability component and any subjective  
3 components subsequent to the posting of the preliminary  
4 eligibility register.

5 The examination components for an initial eligibility  
6 register shall be graded on a 100-point scale. A person's  
7 position on the list shall be determined by the following: (i)  
8 the person's score on the written examination, (ii) the person  
9 successfully passing the physical ability component, and (iii)  
10 the person's results on any subjective component as described  
11 in subsection (d).

12 In order to qualify for placement on the final eligibility  
13 register, an applicant's score on the written examination,  
14 before any applicable preference points or subjective points  
15 are applied, shall be at or above the minimum score set by the  
16 commission. The local appointing authority may prescribe the  
17 score to qualify for placement on the final eligibility  
18 register, but the score shall not be less than the minimum  
19 score set by the commission.

20 The commission shall prepare and keep a register of  
21 persons whose total score is not less than the minimum score  
22 for passage and who have passed the physical ability  
23 examination. These persons shall take rank upon the register  
24 as candidates in the order of their relative excellence based  
25 on the highest to the lowest total points scored on the mental  
26 aptitude, subjective component, and preference components of

1 the test administered in accordance with this Section. No more  
2 than 60 days after each examination, an initial eligibility  
3 list shall be posted by the commission. The list shall include  
4 the final grades of the candidates without reference to  
5 priority of the time of examination and subject to claim for  
6 preference credit.

7 Commissions may conduct additional examinations, including  
8 without limitation a polygraph test, after a final eligibility  
9 register is established and before it expires with the  
10 candidates ranked by total score without regard to date of  
11 examination. No more than 60 days after each examination, an  
12 initial eligibility list shall be posted by the commission  
13 showing the final grades of the candidates without reference  
14 to priority of time of examination and subject to claim for  
15 preference credit.

16 (h) Preferences. The following are preferences:

17 (1) Veteran preference. Persons who were engaged in  
18 the military service of the United States for a period of  
19 at least one year of active duty and who were honorably  
20 discharged therefrom, or who are now or have been members  
21 on inactive or reserve duty in such military or naval  
22 service, shall be preferred for appointment to and  
23 employment with the fire department of an affected  
24 department.

25 (2) Fire cadet preference. Persons who have  
26 successfully completed 2 years of study in fire techniques

1 or cadet training within a cadet program established under  
2 the rules of the Joint Labor and Management Committee  
3 (JLMC), as defined in Section 50 of the Fire Department  
4 Promotion Act, may be preferred for appointment to and  
5 employment with the fire department.

6 (3) Educational preference. Persons who have  
7 successfully obtained an associate's degree in the field  
8 of fire service or emergency medical services, or a  
9 bachelor's degree from an accredited college or university  
10 may be preferred for appointment to and employment with  
11 the fire department.

12 (4) Paramedic preference. Persons who have obtained a  
13 license as a paramedic may be preferred for appointment to  
14 and employment with the fire department of an affected  
15 department providing emergency medical services.

16 (5) Experience preference. All persons employed by a  
17 district who have been paid-on-call or part-time certified  
18 Firefighter II, certified Firefighter III, State of  
19 Illinois or nationally licensed EMT, EMT-I, A-EMT, or  
20 paramedic, or any combination of those capacities may be  
21 awarded up to a maximum of 5 points. However, the  
22 applicant may not be awarded more than 0.5 points for each  
23 complete year of paid-on-call or part-time service.  
24 Applicants from outside the district who were employed as  
25 full-time firefighters or firefighter-paramedics by a fire  
26 protection district or municipality for at least 2 years

1           may be awarded up to 5 experience preference points.  
2           However, the applicant may not be awarded more than one  
3           point for each complete year of full-time service.

4           Upon request by the commission, the governing body of  
5           the district or in the case of applicants from outside the  
6           district the governing body of any other fire protection  
7           district or any municipality shall certify to the  
8           commission, within 10 days after the request, the number  
9           of years of successful paid-on-call, part-time, or  
10          full-time service of any person. A candidate may not  
11          receive the full amount of preference points under this  
12          subsection if the amount of points awarded would place the  
13          candidate before a veteran on the eligibility list. If  
14          more than one candidate receiving experience preference  
15          points is prevented from receiving all of their points due  
16          to not being allowed to pass a veteran, the candidates  
17          shall be placed on the list below the veteran in rank order  
18          based on the totals received if all points under this  
19          subsection were to be awarded. Any remaining ties on the  
20          list shall be determined by lot.

21          (6) Residency preference. Applicants whose principal  
22          residence is located within the fire department's  
23          jurisdiction may be preferred for appointment to and  
24          employment with the fire department.

25          (7) Additional preferences. Up to 5 additional  
26          preference points may be awarded for unique categories

1 based on an applicant's experience or background as  
2 identified by the commission.

3 (7.5) Apprentice preferences. A person who has  
4 performed fire suppression service for a department as a  
5 firefighter apprentice and otherwise meets ~~meet~~ the  
6 qualifications for original appointment as a firefighter  
7 specified in this Section is ~~are~~ eligible to be awarded up  
8 to 20 preference points. To qualify for preference points,  
9 an applicant shall have completed a minimum of 600 hours  
10 of fire suppression work on a regular shift for the  
11 affected fire department over a 12-month period. The fire  
12 suppression work must be in accordance with Section 16.06  
13 of this Act and the terms established by a Joint  
14 Apprenticeship Committee included in a collective  
15 bargaining agreement agreed between the employer and its  
16 certified bargaining agent. An eligible applicant must  
17 apply to the Joint Apprenticeship Committee for preference  
18 points under this item. The Joint Apprenticeship Committee  
19 shall evaluate the merit of the applicant's performance,  
20 determine the preference points to be awarded, and certify  
21 the amount of points awarded to the commissioners. The  
22 commissioners may add the certified preference points to  
23 the final grades achieved by the applicant on the other  
24 components of the examination.

25 (8) Scoring of preferences. The commission shall give  
26 preference for original appointment to persons designated

1 in item (1) by adding to the final grade that they receive  
2 5 points for the recognized preference achieved. The  
3 commission may give preference for original appointment to  
4 persons designated in item (7.5) by adding to the final  
5 grade the amount of points designated by the Joint  
6 Apprenticeship Committee as defined in item (7.5). The  
7 commission shall determine the number of preference points  
8 for each category, except (1) and (7.5). The number of  
9 preference points for each category shall range from 0 to  
10 5, except item (7.5). In determining the number of  
11 preference points, the commission shall prescribe that if  
12 a candidate earns the maximum number of preference points  
13 in all categories except item (7.5), that number may not  
14 be less than 10 nor more than 30. The commission shall give  
15 preference for original appointment to persons designated  
16 in items (2) through (7) by adding the requisite number of  
17 points to the final grade for each recognized preference  
18 achieved. The numerical result thus attained shall be  
19 applied by the commission in determining the final  
20 eligibility list and appointment from the eligibility  
21 list. The local appointing authority may prescribe the  
22 total number of preference points awarded under this  
23 Section, but the total number of preference points, except  
24 item (7.5), shall not be less than 10 points or more than  
25 30 points. Apprentice preference points may be added in  
26 addition to other preference points awarded by the

1 commission.

2 No person entitled to any preference shall be required to  
3 claim the credit before any examination held under the  
4 provisions of this Section, but the preference shall be given  
5 after the posting or publication of the initial eligibility  
6 list or register at the request of a person entitled to a  
7 credit before any certification or appointments are made from  
8 the eligibility register, upon the furnishing of verifiable  
9 evidence and proof of qualifying preference credit. Candidates  
10 who are eligible for preference credit shall make a claim in  
11 writing within 10 days after the posting of the initial  
12 eligibility list, or the claim shall be deemed waived. Final  
13 eligibility registers shall be established after the awarding  
14 of verified preference points. However, apprentice preference  
15 credit earned subsequent to the establishment of the final  
16 eligibility register may be applied to the applicant's score  
17 upon certification by the Joint Apprenticeship Committee to  
18 the commission and the rank order of candidates on the final  
19 eligibility register shall be adjusted accordingly. All  
20 employment shall be subject to the commission's initial hire  
21 background review including, but not limited to, criminal  
22 history, employment history, moral character, oral  
23 examination, and medical and psychological examinations, all  
24 on a pass-fail basis. The medical and psychological  
25 examinations must be conducted last, and may only be performed  
26 after a conditional offer of employment has been extended.



1 Any person placed on an eligibility list who exceeds the  
2 age requirement before being appointed to a fire department  
3 shall remain eligible for appointment until the list is  
4 abolished, or his or her name has been on the list for a period  
5 of 2 years. No person who has attained the age of 35 years  
6 shall be inducted into a fire department, except as otherwise  
7 provided in this Section.

8 The commission shall strike off the names of candidates  
9 for original appointment after the names have been on the list  
10 for more than 2 years.

11 (i) Moral character. No person shall be appointed to a  
12 fire department unless he or she is a person of good character;  
13 not a habitual drunkard, a gambler, or a person who has been  
14 convicted of a felony or a crime involving moral turpitude.  
15 However, no person shall be disqualified from appointment to  
16 the fire department because of the person's record of  
17 misdemeanor convictions except those under Sections 11-6,  
18 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
19 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
20 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and  
21 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of  
22 1961 or the Criminal Code of 2012, or arrest for any cause  
23 without conviction thereon. Any such person who is in the  
24 department may be removed on charges brought for violating  
25 this subsection and after a trial as hereinafter provided.

26 A classifiable set of the fingerprints of every person who

1 is offered employment as a certificated member of an affected  
2 fire department whether with or without compensation, shall be  
3 furnished to the Illinois ~~Department of~~ State Police and to  
4 the Federal Bureau of Investigation by the commission.

5 Whenever a commission is authorized or required by law to  
6 consider some aspect of criminal history record information  
7 for the purpose of carrying out its statutory powers and  
8 responsibilities, then, upon request and payment of fees in  
9 conformance with the requirements of Section 2605-400 of the  
10 Illinois State Police Law of the Civil Administrative Code of  
11 Illinois, the Illinois ~~Department of~~ State Police is  
12 authorized to furnish, pursuant to positive identification,  
13 the information contained in State files as is necessary to  
14 fulfill the request.

15 (j) Temporary appointments. In order to prevent a stoppage  
16 of public business, to meet extraordinary exigencies, or to  
17 prevent material impairment of the fire department, the  
18 commission may make temporary appointments, to remain in force  
19 only until regular appointments are made under the provisions  
20 of this Section, but never to exceed 60 days. No temporary  
21 appointment of any one person shall be made more than twice in  
22 any calendar year.

23 (k) A person who knowingly divulges or receives test  
24 questions or answers before a written examination, or  
25 otherwise knowingly violates or subverts any requirement of  
26 this Section, commits a violation of this Section and may be

1 subject to charges for official misconduct.

2 A person who is the knowing recipient of test information  
3 in advance of the examination shall be disqualified from the  
4 examination or discharged from the position to which he or she  
5 was appointed, as applicable, and otherwise subjected to  
6 disciplinary actions.

7 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;  
8 revised 11-26-19.)

9 Section 450. The Park District Code is amended by changing  
10 Section 8-23 as follows:

11 (70 ILCS 1205/8-23)

12 Sec. 8-23. Criminal background investigations.

13 (a) An applicant for employment with a park district is  
14 required as a condition of employment to authorize an  
15 investigation to determine if the applicant has been convicted  
16 of any of the enumerated criminal or drug offenses in  
17 subsection (c) or (d) of this Section, or adjudicated a  
18 delinquent minor for any of the enumerated criminal or drug  
19 offenses in subsection (c) or (d) of this Section, or has been  
20 convicted, within 7 years of the application for employment  
21 with the park district, of any other felony under the laws of  
22 this State or of any offense committed or attempted in any  
23 other state or against the laws of the United States that, if  
24 committed or attempted in this State, would have been

1 punishable as a felony under the laws of this State.  
2 Authorization for the investigation shall be furnished by the  
3 applicant to the park district. Upon receipt of this  
4 authorization, the park district shall submit the applicant's  
5 name, sex, race, date of birth, and social security number to  
6 the Illinois ~~Department of~~ State Police on forms prescribed by  
7 the Illinois ~~Department of~~ State Police. The Illinois  
8 ~~Department of~~ State Police shall conduct a search of the  
9 Illinois criminal history records database to ascertain if the  
10 applicant being considered for employment has been convicted  
11 of any of the enumerated criminal or drug offenses in  
12 subsection (c) or (d) of this Section, or adjudicated a  
13 delinquent minor for committing or attempting to commit any of  
14 the enumerated criminal or drug offenses in subsection (c) or  
15 (d) of this Section, or has been convicted of committing or  
16 attempting to commit, within 7 years of the application for  
17 employment with the park district, any other felony under the  
18 laws of this State. The Illinois ~~Department of~~ State Police  
19 shall charge the park district a fee for conducting the  
20 investigation, which fee shall be deposited in the State  
21 Police Services Fund and shall not exceed the cost of the  
22 inquiry. The applicant shall not be charged a fee by the park  
23 district for the investigation.

24 (b) If the search of the Illinois criminal history record  
25 database indicates that the applicant has been convicted of  
26 any of the enumerated criminal or drug offenses in subsection

1 (c) or (d), or adjudicated a delinquent minor for committing  
2 or attempting to commit any of the enumerated criminal or drug  
3 offenses in subsection (c) or (d), or has been convicted of  
4 committing or attempting to commit, within 7 years of the  
5 application for employment with the park district, any other  
6 felony under the laws of this State, the Illinois Department  
7 ~~of~~ State Police and the Federal Bureau of Investigation shall  
8 furnish, pursuant to a fingerprint based background check,  
9 records of convictions or adjudications as a delinquent minor,  
10 until expunged, to the president of the park district. Any  
11 information concerning the record of convictions or  
12 adjudications as a delinquent minor obtained by the president  
13 shall be confidential and may only be transmitted to those  
14 persons who are necessary to the decision on whether to hire  
15 the applicant for employment. A copy of the record of  
16 convictions or adjudications as a delinquent minor obtained  
17 from the Illinois Department~~of~~ State Police shall be provided  
18 to the applicant for employment. Any person who releases any  
19 confidential information concerning any criminal convictions  
20 or adjudications as a delinquent minor of an applicant for  
21 employment shall be guilty of a Class A misdemeanor, unless  
22 the release of such information is authorized by this Section.

23 (c) No park district shall knowingly employ a person who  
24 has been convicted, or adjudicated a delinquent minor, for  
25 committing attempted first degree murder or for committing or  
26 attempting to commit first degree murder, a Class X felony, or

1 any one or more of the following criminal offenses: (i) those  
2 defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
3 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
4 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
5 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted of a Class 4  
6 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15,  
7 and 12-16 of the Criminal Code of 1961 or the Criminal Code of  
8 2012; (ii) (blank); (iii) (blank); (iv) (blank); and (v) any  
9 offense committed or attempted in any other state or against  
10 the laws of the United States, which, if committed or  
11 attempted in this State, would have been punishable as one or  
12 more of the foregoing offenses. Further, no park district  
13 shall knowingly employ a person who has been found to be the  
14 perpetrator of sexual or physical abuse of any minor under 18  
15 years of age pursuant to proceedings under Article II of the  
16 Juvenile Court Act of 1987. No park district shall knowingly  
17 employ a person for whom a criminal background investigation  
18 has not been initiated.

19 (d) No park district shall knowingly employ a person who  
20 has been convicted of the following drug offenses, other than  
21 an offense set forth in subsection (c), until 7 years  
22 following the end of the sentence imposed for any of the  
23 following offenses: (i) those defined in the Cannabis Control  
24 Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a),  
25 and 5(b) of that Act; (ii) those defined in the Illinois  
26 Controlled Substances Act; (iii) those defined in the

1 Methamphetamine Control and Community Protection Act; and (iv)  
2 any offense committed or attempted in any other state or  
3 against the laws of the United States, which, if committed or  
4 attempted in this State, would have been punishable as one or  
5 more of the foregoing offenses. For purposes of this  
6 paragraph, "sentence" includes any period of supervision or  
7 probation that was imposed either alone or in combination with  
8 a period of incarceration.

9 (e) Notwithstanding the provisions of subsections (c) and  
10 (d), a park district may, in its discretion, employ a person  
11 who has been granted a certificate of good conduct under  
12 Section 5-5.5-25 of the Unified Code of Corrections by the  
13 circuit court.

14 (Source: P.A. 99-884, eff. 8-22-16.)

15 Section 455. The Chicago Park District Act is amended by  
16 changing Section 16a-5 as follows:

17 (70 ILCS 1505/16a-5)

18 Sec. 16a-5. Criminal background investigations.

19 (a) An applicant for employment with the Chicago Park  
20 District is required as a condition of employment to authorize  
21 an investigation to determine if the applicant has been  
22 convicted of any of the enumerated criminal or drug offenses  
23 in subsection (c) or (d) of this Section, or adjudicated a  
24 delinquent minor for any of the enumerated criminal or drug

1 offenses in subsection (c) or (d) of this Section, or has been  
2 convicted, within 7 years of the application for employment  
3 with the Chicago Park District, of any other felony under the  
4 laws of this State or of any offense committed or attempted in  
5 any other state or against the laws of the United States that,  
6 if committed or attempted in this State, would have been  
7 punishable as a felony under the laws of this State.  
8 Authorization for the investigation shall be furnished by the  
9 applicant to the Chicago Park District. Upon receipt of this  
10 authorization, the Chicago Park District shall submit the  
11 applicant's name, sex, race, date of birth, and social  
12 security number to the Illinois ~~Department of~~ State Police on  
13 forms prescribed by the Illinois ~~Department of~~ State Police.  
14 The Illinois ~~Department of~~ State Police shall conduct a search  
15 of the Illinois criminal history record information database  
16 to ascertain if the applicant being considered for employment  
17 has been convicted of any of the enumerated criminal or drug  
18 offenses in subsection (c) or (d) of this Section, or  
19 adjudicated a delinquent minor for committing or attempting to  
20 commit any of the enumerated criminal or drug offenses in  
21 subsection (c) or (d) of this Section, or has been convicted of  
22 committing or attempting to commit, within 7 years of the  
23 application for employment with the Chicago Park District, any  
24 other felony under the laws of this State. The Illinois  
25 ~~Department of~~ State Police shall charge the Chicago Park  
26 District a fee for conducting the investigation, which fee



1 shall be deposited in the State Police Services Fund and shall  
2 not exceed the cost of the inquiry. The applicant shall not be  
3 charged a fee by the Chicago Park District for the  
4 investigation.

5 (b) If the search of the Illinois criminal history record  
6 database indicates that the applicant has been convicted of  
7 any of the enumerated criminal or drug offenses in subsection  
8 (c) or (d), or adjudicated a delinquent minor for committing  
9 or attempting to commit any of the enumerated criminal or drug  
10 offenses in subsection (c) or (d), or has been convicted of  
11 committing or attempting to commit, within 7 years of the  
12 application for employment with the Chicago Park District, any  
13 other felony under the laws of this State, the Illinois  
14 ~~Department of~~ State Police and the Federal Bureau of  
15 Investigation shall furnish, pursuant to a fingerprint based  
16 background check, records of convictions or adjudications as a  
17 delinquent minor, until expunged, to the General  
18 Superintendent and Chief Executive Officer of the Chicago Park  
19 District. Any information concerning the record of convictions  
20 or adjudications as a delinquent minor obtained by the General  
21 Superintendent and Chief Executive Officer shall be  
22 confidential and may only be transmitted to those persons who  
23 are necessary to the decision on whether to hire the applicant  
24 for employment. A copy of the record of convictions or  
25 adjudications as a delinquent minor obtained from the Illinois  
26 ~~Department of~~ State Police shall be provided to the applicant

1 for employment. Any person who releases any confidential  
2 information concerning any criminal convictions or  
3 adjudications as a delinquent minor of an applicant for  
4 employment shall be guilty of a Class A misdemeanor, unless  
5 the release of such information is authorized by this Section.

6 (c) The Chicago Park District may not knowingly employ a  
7 person who has been convicted, or adjudicated a delinquent  
8 minor, for committing attempted first degree murder or for  
9 committing or attempting to commit first degree murder, a  
10 Class X felony, or any one or more of the following criminal  
11 offenses: (i) those defined in Sections 11-1.20, 11-1.30,  
12 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14.3, 11-14.4,  
13 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
14 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30 (if convicted  
15 of a Class 4 felony), 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,  
16 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012; (ii) (blank); (iii) (blank); (iv)  
18 (blank); and (v) any offense committed or attempted in any  
19 other state or against the laws of the United States, which, if  
20 committed or attempted in this State, would have been  
21 punishable as one or more of the foregoing offenses. Further,  
22 the Chicago Park District may not knowingly employ a person  
23 who has been found to be the perpetrator of sexual or physical  
24 abuse of any minor under 18 years of age pursuant to  
25 proceedings under Article II of the Juvenile Court Act of  
26 1987. The Chicago Park District may not knowingly employ a

1 person for whom a criminal background investigation has not  
2 been initiated.

3 (d) The Chicago Park District shall not knowingly employ a  
4 person who has been convicted of the following drug offenses,  
5 other than an offense set forth in subsection (c), until 7  
6 years following the end of the sentence imposed for any of the  
7 following offenses: (i) those defined in the Cannabis Control  
8 Act, except those defined in Sections 4(a), 4(b), 4(c), 5(a),  
9 and 5(b) of that Act; (ii) those defined in the Illinois  
10 Controlled Substances Act; (iii) those defined in the  
11 Methamphetamine Control and Community Protection Act; and (iv)  
12 any offense committed or attempted in any other state or  
13 against the laws of the United States, which, if committed or  
14 attempted in this State, would have been punishable as one or  
15 more of the foregoing offenses. For purposes of this  
16 paragraph, "sentence" includes any period of supervision or  
17 probation that was imposed either alone or in combination with  
18 a period of incarceration.

19 (e) Notwithstanding the provisions of subsection (c) or  
20 (d), the Chicago Park District may, in its discretion, employ  
21 a person who has been granted a certificate of good conduct  
22 under Section 5-5.5-25 of the Unified Code of Corrections by  
23 the Circuit Court.

24 (Source: P.A. 99-884, eff. 8-22-16.)

25 Section 505. The Metropolitan Transit Authority Act is

1 amended by changing Section 28b as follows:

2 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

3 Sec. 28b. Any person applying for a position as a driver of  
4 a vehicle owned by a private carrier company which provides  
5 public transportation pursuant to an agreement with the  
6 Authority shall be required to authorize an investigation by  
7 the private carrier company to determine if the applicant has  
8 been convicted of any of the following offenses: (i) those  
9 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
10 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
11 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
12 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
13 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,  
14 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
15 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1,  
16 31A-1.1, and 33A-2, in subsection (a) and subsection (b),  
17 clause (1), of Section 12-4, in subdivisions (a)(1), (b)(1),  
18 and (f)(1) of Section 12-3.05, and in subsection (a-5) of  
19 Section 12-3.1 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012; (ii) those offenses defined in the Cannabis  
21 Control Act except those offenses defined in subsections (a)  
22 and (b) of Section 4, and subsection (a) of Section 5 of the  
23 Cannabis Control Act (iii) those offenses defined in the  
24 Illinois Controlled Substances Act; (iv) those offenses  
25 defined in the Methamphetamine Control and Community

1 Protection Act; and (v) any offense committed or attempted in  
2 any other state or against the laws of the United States, which  
3 if committed or attempted in this State would be punishable as  
4 one or more of the foregoing offenses. Upon receipt of this  
5 authorization, the private carrier company shall submit the  
6 applicant's name, sex, race, date of birth, fingerprints and  
7 social security number to the Illinois ~~Department of~~ State  
8 Police on forms prescribed by the Department. The Illinois  
9 ~~Department of~~ State Police shall conduct an investigation to  
10 ascertain if the applicant has been convicted of any of the  
11 above enumerated offenses. The Department shall charge the  
12 private carrier company a fee for conducting the  
13 investigation, which fee shall be deposited in the State  
14 Police Services Fund and shall not exceed the cost of the  
15 inquiry; and the applicant shall not be charged a fee for such  
16 investigation by the private carrier company. The Illinois  
17 ~~Department of~~ State Police shall furnish, pursuant to positive  
18 identification, records of convictions, until expunged, to the  
19 private carrier company which requested the investigation. A  
20 copy of the record of convictions obtained from the Department  
21 shall be provided to the applicant. Any record of conviction  
22 received by the private carrier company shall be confidential.  
23 Any person who releases any confidential information  
24 concerning any criminal convictions of an applicant shall be  
25 guilty of a Class A misdemeanor, unless authorized by this  
26 Section.

1 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;  
2 96-1551, Article 2, Section 960, eff. 7-1-11; 97-1108, eff.  
3 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

4 Section 510. The School Code is amended by changing  
5 Sections 1A-11, 2-3.25o, 2-3.73, 2-3.140, 10-20.21a, 10-21.7,  
6 10-21.9, 10-27.1A, 10-27.1B, 34-2.1, 34-8.05, and 34-18.5 as  
7 follows:

8 (105 ILCS 5/1A-11)

9 Sec. 1A-11. Children; methamphetamine; protocol. The State  
10 Board of Education shall cooperate with the Department of  
11 Children and Family Services and the Illinois ~~Department of~~  
12 State Police in developing the protocol required under Section  
13 6.5 of the Children and Family Services Act. The Board must  
14 post the protocol on the official Web site maintained by the  
15 Board.

16 (Source: P.A. 94-554, eff. 1-1-06.)

17 (105 ILCS 5/2-3.25o)

18 Sec. 2-3.25o. Registration and recognition of non-public  
19 elementary and secondary schools.

20 (a) Findings. The General Assembly finds and declares (i)  
21 that the Constitution of the State of Illinois provides that a  
22 "fundamental goal of the People of the State is the  
23 educational development of all persons to the limits of their

1 capacities" and (ii) that the educational development of every  
2 school student serves the public purposes of the State. In  
3 order to ensure that all Illinois students and teachers have  
4 the opportunity to enroll and work in State-approved  
5 educational institutions and programs, the State Board of  
6 Education shall provide for the voluntary registration and  
7 recognition of non-public elementary and secondary schools.

8 (b) Registration. All non-public elementary and secondary  
9 schools in the State of Illinois may voluntarily register with  
10 the State Board of Education on an annual basis. Registration  
11 shall be completed in conformance with procedures prescribed  
12 by the State Board of Education. Information required for  
13 registration shall include assurances of compliance (i) with  
14 federal and State laws regarding health examination and  
15 immunization, attendance, length of term, and  
16 nondiscrimination and (ii) with applicable fire and health  
17 safety requirements.

18 (c) Recognition. All non-public elementary and secondary  
19 schools in the State of Illinois may voluntarily seek the  
20 status of "Non-public School Recognition" from the State Board  
21 of Education. This status may be obtained by compliance with  
22 administrative guidelines and review procedures as prescribed  
23 by the State Board of Education. The guidelines and procedures  
24 must recognize that some of the aims and the financial bases of  
25 non-public schools are different from public schools and will  
26 not be identical to those for public schools, nor will they be

1 more burdensome. The guidelines and procedures must also  
2 recognize the diversity of non-public schools and shall not  
3 impinge upon the noneducational relationships between those  
4 schools and their clientele.

5 (c-5) Prohibition against recognition. A non-public  
6 elementary or secondary school may not obtain "Non-public  
7 School Recognition" status unless the school requires all  
8 certified and non-certified applicants for employment with the  
9 school, after July 1, 2007, to authorize a fingerprint-based  
10 criminal history records check as a condition of employment to  
11 determine if such applicants have been convicted of any of the  
12 enumerated criminal or drug offenses set forth in Section  
13 21B-80 of this Code or have been convicted, within 7 years of  
14 the application for employment, of any other felony under the  
15 laws of this State or of any offense committed or attempted in  
16 any other state or against the laws of the United States that,  
17 if committed or attempted in this State, would have been  
18 punishable as a felony under the laws of this State.

19 Authorization for the check shall be furnished by the  
20 applicant to the school, except that if the applicant is a  
21 substitute teacher seeking employment in more than one  
22 non-public school, a teacher seeking concurrent part-time  
23 employment positions with more than one non-public school (as  
24 a reading specialist, special education teacher, or  
25 otherwise), or an educational support personnel employee  
26 seeking employment positions with more than one non-public



1 school, then only one of the non-public schools employing the  
2 individual shall request the authorization. Upon receipt of  
3 this authorization, the non-public school shall submit the  
4 applicant's name, sex, race, date of birth, social security  
5 number, fingerprint images, and other identifiers, as  
6 prescribed by the Illinois ~~Department of~~ State Police, to the  
7 Illinois ~~Department of~~ State Police.

8 The Illinois ~~Department of~~ State Police and Federal Bureau  
9 of Investigation shall furnish, pursuant to a  
10 fingerprint-based criminal history records check, records of  
11 convictions, forever and hereafter, until expunged, to the  
12 president or principal of the non-public school that requested  
13 the check. The Illinois ~~Department of~~ State Police shall  
14 charge that school a fee for conducting such check, which fee  
15 must be deposited into the State Police Services Fund and must  
16 not exceed the cost of the inquiry. Subject to appropriations  
17 for these purposes, the State Superintendent of Education  
18 shall reimburse non-public schools for fees paid to obtain  
19 criminal history records checks under this Section.

20 A non-public school may not obtain recognition status  
21 unless the school also performs a check of the Statewide Sex  
22 Offender Database, as authorized by the Sex Offender Community  
23 Notification Law, for each applicant for employment, after  
24 July 1, 2007, to determine whether the applicant has been  
25 adjudicated a sex offender.

26 Any information concerning the record of convictions

1 obtained by a non-public school's president or principal under  
2 this Section is confidential and may be disseminated only to  
3 the governing body of the non-public school or any other  
4 person necessary to the decision of hiring the applicant for  
5 employment. A copy of the record of convictions obtained from  
6 the Illinois ~~Department of~~ State Police shall be provided to  
7 the applicant for employment. Upon a check of the Statewide  
8 Sex Offender Database, the non-public school shall notify the  
9 applicant as to whether or not the applicant has been  
10 identified in the Sex Offender Database as a sex offender. Any  
11 information concerning the records of conviction obtained by  
12 the non-public school's president or principal under this  
13 Section for a substitute teacher seeking employment in more  
14 than one non-public school, a teacher seeking concurrent  
15 part-time employment positions with more than one non-public  
16 school (as a reading specialist, special education teacher, or  
17 otherwise), or an educational support personnel employee  
18 seeking employment positions with more than one non-public  
19 school may be shared with another non-public school's  
20 principal or president to which the applicant seeks  
21 employment. Any unauthorized release of confidential  
22 information may be a violation of Section 7 of the Criminal  
23 Identification Act.

24 No non-public school may obtain recognition status that  
25 knowingly employs a person, hired after July 1, 2007, for whom  
26 an Illinois ~~a Department of~~ State Police and Federal Bureau of

1 Investigation fingerprint-based criminal history records check  
2 and a Statewide Sex Offender Database check has not been  
3 initiated or who has been convicted of any offense enumerated  
4 in Section 21B-80 of this Code or any offense committed or  
5 attempted in any other state or against the laws of the United  
6 States that, if committed or attempted in this State, would  
7 have been punishable as one or more of those offenses. No  
8 non-public school may obtain recognition status under this  
9 Section that knowingly employs a person who has been found to  
10 be the perpetrator of sexual or physical abuse of a minor under  
11 18 years of age pursuant to proceedings under Article II of the  
12 Juvenile Court Act of 1987.

13 In order to obtain recognition status under this Section,  
14 a non-public school must require compliance with the  
15 provisions of this subsection (c-5) from all employees of  
16 persons or firms holding contracts with the school, including,  
17 but not limited to, food service workers, school bus drivers,  
18 and other transportation employees, who have direct, daily  
19 contact with pupils. Any information concerning the records of  
20 conviction or identification as a sex offender of any such  
21 employee obtained by the non-public school principal or  
22 president must be promptly reported to the school's governing  
23 body.

24 Prior to the commencement of any student teaching  
25 experience or required internship (which is referred to as  
26 student teaching in this Section) in any non-public elementary

1 or secondary school that has obtained or seeks to obtain  
2 recognition status under this Section, a student teacher is  
3 required to authorize a fingerprint-based criminal history  
4 records check. Authorization for and payment of the costs of  
5 the check must be furnished by the student teacher to the chief  
6 administrative officer of the non-public school where the  
7 student teaching is to be completed. Upon receipt of this  
8 authorization and payment, the chief administrative officer of  
9 the non-public school shall submit the student teacher's name,  
10 sex, race, date of birth, social security number, fingerprint  
11 images, and other identifiers, as prescribed by the Illinois  
12 ~~Department of State Police~~, to the Illinois ~~Department of~~  
13 State Police. The Illinois ~~Department of~~ State Police and the  
14 Federal Bureau of Investigation shall furnish, pursuant to a  
15 fingerprint-based criminal history records check, records of  
16 convictions, forever and hereinafter, until expunged, to the  
17 chief administrative officer of the non-public school that  
18 requested the check. The Illinois ~~Department of~~ State Police  
19 shall charge the school a fee for conducting the check, which  
20 fee must be passed on to the student teacher, must not exceed  
21 the cost of the inquiry, and must be deposited into the State  
22 Police Services Fund. The school shall further perform a check  
23 of the Statewide Sex Offender Database, as authorized by the  
24 Sex Offender Community Notification Law, and of the Statewide  
25 Murderer and Violent Offender Against Youth Database, as  
26 authorized by the Murderer and Violent Offender Against Youth

1 Registration Act, for each student teacher. No school that has  
2 obtained or seeks to obtain recognition status under this  
3 Section may knowingly allow a person to student teach for whom  
4 a criminal history records check, a Statewide Sex Offender  
5 Database check, and a Statewide Murderer and Violent Offender  
6 Against Youth Database check have not been completed and  
7 reviewed by the chief administrative officer of the non-public  
8 school.

9 A copy of the record of convictions obtained from the  
10 Illinois ~~Department of~~ State Police must be provided to the  
11 student teacher. Any information concerning the record of  
12 convictions obtained by the chief administrative officer of  
13 the non-public school is confidential and may be transmitted  
14 only to the chief administrative officer of the non-public  
15 school or his or her designee, the State Superintendent of  
16 Education, the State Educator Preparation and Licensure Board,  
17 or, for clarification purposes, the Illinois ~~Department of~~  
18 State Police or the Statewide Sex Offender Database or  
19 Statewide Murderer and Violent Offender Against Youth  
20 Database. Any unauthorized release of confidential information  
21 may be a violation of Section 7 of the Criminal Identification  
22 Act.

23 No school that has obtained or seeks to obtain recognition  
24 status under this Section may knowingly allow a person to  
25 student teach who has been convicted of any offense that would  
26 subject him or her to license suspension or revocation

1 pursuant to Section 21B-80 of this Code or who has been found  
2 to be the perpetrator of sexual or physical abuse of a minor  
3 under 18 years of age pursuant to proceedings under Article II  
4 of the Juvenile Court Act of 1987.

5 (d) Public purposes. The provisions of this Section are in  
6 the public interest, for the public benefit, and serve secular  
7 public purposes.

8 (e) Definition. For purposes of this Section, a non-public  
9 school means any non-profit, non-home-based, and non-public  
10 elementary or secondary school that is in compliance with  
11 Title VI of the Civil Rights Act of 1964 and attendance at  
12 which satisfies the requirements of Section 26-1 of this Code.

13 (Source: P.A. 99-21, eff. 1-1-16; 99-30, eff. 7-10-15.)

14 (105 ILCS 5/2-3.73) (from Ch. 122, par. 2-3.73)

15 Sec. 2-3.73. Missing child program. The State Board of  
16 Education shall administer and implement a missing child  
17 program in accordance with the provisions of this Section.  
18 Upon receipt of each periodic information bulletin from the  
19 Illinois Department of State Police pursuant to Section 6 of  
20 the Intergovernmental Missing Child Recovery Act of 1984, the  
21 State Board of Education shall promptly disseminate the  
22 information to each school district in this State and to the  
23 principal or chief administrative officer of every nonpublic  
24 elementary and secondary school in this State registered with  
25 the State Board of Education. Upon receipt of such

1 information, each school board shall compare the names on the  
2 bulletin to the names of all students presently enrolled in  
3 the schools of the district. If a school board or its designee  
4 determines that a missing child is attending one of the  
5 schools within the school district, or if the principal or  
6 chief administrative officer of a nonpublic school is notified  
7 by school personnel that a missing child is attending that  
8 school, the school board or the principal or chief  
9 administrative officer of the nonpublic school shall  
10 immediately give notice of this fact to the Illinois  
11 ~~Department of~~ State Police and the law enforcement agency  
12 having jurisdiction in the area where the missing child  
13 resides or attends school.

14 (Source: P.A. 95-793, eff. 1-1-09; 96-734, eff. 8-25-09.)

15 (105 ILCS 5/2-3.140)

16 Sec. 2-3.140. Child abduction prevention instruction. The  
17 State Board of Education, in coordination with the Illinois  
18 ~~Department of~~ State Police, shall develop child abduction  
19 prevention instruction for inclusion in elementary and  
20 secondary school curricula throughout the State. The State  
21 Board of Education and the Illinois ~~Department of~~ State Police  
22 shall encourage the inclusion of the child abduction  
23 prevention instruction in private elementary and secondary  
24 school curricula throughout the State.

25 (Source: P.A. 93-310, eff. 7-23-03.)

1 (105 ILCS 5/10-20.21a)

2 Sec. 10-20.21a. Contracts for charter bus services. To  
3 award contracts for providing charter bus services for the  
4 sole purpose of transporting students regularly enrolled in  
5 grade 12 or below to or from interscholastic athletic or  
6 interscholastic or school sponsored activities.

7 All contracts for providing charter bus services for the  
8 sole purpose of transporting students regularly enrolled in  
9 grade 12 or below to or from interscholastic athletic or  
10 interscholastic or school sponsored activities must contain  
11 clause (A) as set forth below, except that a contract with an  
12 out-of-state company may contain clause (B), as set forth  
13 below, or clause (A). The clause must be set forth in the body  
14 of the contract in typeface of at least 12 points and all upper  
15 case letters:

16 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING  
17 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY  
18 SERVICES ARE PROVIDED:

19 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS  
20 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER  
21 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.  
22 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE  
23 FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE  
24 ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE AND FEDERAL BUREAU OF  
25 INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE



1 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT  
2 THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE  
3 OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION  
4 6-508 OF THE ILLINOIS VEHICLE CODE; AND

5 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL  
6 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,  
7 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY  
8 AGENCY."

9 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE  
10 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE  
11 BEFORE ANY SERVICES ARE PROVIDED:

12 (1) SUBMITTED THEIR FINGERPRINTS TO THE ILLINOIS  
13 ~~DEPARTMENT OF~~ STATE POLICE IN THE FORM AND MANNER  
14 PRESCRIBED BY THE ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE.  
15 THESE FINGERPRINTS SHALL BE CHECKED AGAINST THE  
16 FINGERPRINT RECORDS NOW AND HEREAFTER FILED IN THE  
17 ILLINOIS ~~DEPARTMENT OF~~ STATE POLICE AND FEDERAL BUREAU OF  
18 INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE  
19 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION THAT  
20 THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE  
21 OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION  
22 6-508 OF THE ILLINOIS VEHICLE CODE; AND

23 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL  
24 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,  
25 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY  
26 AGENCY."

1 (Source: P.A. 95-331, eff. 8-21-07.)

2 (105 ILCS 5/10-21.7) (from Ch. 122, par. 10-21.7)

3 Sec. 10-21.7. Attacks on school personnel.

4 (a) In the Section, "school" means any public or private  
5 elementary or secondary school.

6 (b) Upon receipt of a written complaint from any school  
7 personnel, the superintendent, or other appropriate  
8 administrative officer for a private school, shall report all  
9 incidents of battery committed against teachers, teacher  
10 personnel, administrative personnel or educational support  
11 personnel to the local law enforcement authorities immediately  
12 after the occurrence of the attack and to the Illinois  
13 ~~Department of~~ State Police's Illinois Uniform Crime Reporting  
14 Program no later than 3 days after the occurrence of the  
15 attack. The State Board of Education shall receive monthly as  
16 well as annual statistical compilations of attacks on school  
17 personnel from the Illinois ~~Department of~~ State Police through  
18 the Illinois Uniform Crime Reporting Program. The State Board  
19 of Education shall compile this information by school district  
20 and make it available to the public.

21 (Source: P.A. 91-491, eff. 8-13-99.)

22 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

23 Sec. 10-21.9. Criminal history records checks and checks  
24 of the Statewide Sex Offender Database and Statewide Murderer

1 and Violent Offender Against Youth Database.

2 (a) Licensed and nonlicensed applicants for employment  
3 with a school district, except school bus driver applicants,  
4 are required as a condition of employment to authorize a  
5 fingerprint-based criminal history records check to determine  
6 if such applicants have been convicted of any disqualifying,  
7 enumerated criminal or drug offenses in subsection (c) of this  
8 Section or have been convicted, within 7 years of the  
9 application for employment with the school district, of any  
10 other felony under the laws of this State or of any offense  
11 committed or attempted in any other state or against the laws  
12 of the United States that, if committed or attempted in this  
13 State, would have been punishable as a felony under the laws of  
14 this State. Authorization for the check shall be furnished by  
15 the applicant to the school district, except that if the  
16 applicant is a substitute teacher seeking employment in more  
17 than one school district, a teacher seeking concurrent  
18 part-time employment positions with more than one school  
19 district (as a reading specialist, special education teacher  
20 or otherwise), or an educational support personnel employee  
21 seeking employment positions with more than one district, any  
22 such district may require the applicant to furnish  
23 authorization for the check to the regional superintendent of  
24 the educational service region in which are located the school  
25 districts in which the applicant is seeking employment as a  
26 substitute or concurrent part-time teacher or concurrent

1 educational support personnel employee. Upon receipt of this  
2 authorization, the school district or the appropriate regional  
3 superintendent, as the case may be, shall submit the  
4 applicant's name, sex, race, date of birth, social security  
5 number, fingerprint images, and other identifiers, as  
6 prescribed by the Illinois Department of State Police, to the  
7 Illinois State Police Department. The regional superintendent  
8 submitting the requisite information to the Illinois  
9 ~~Department~~ of State Police shall promptly notify the school  
10 districts in which the applicant is seeking employment as a  
11 substitute or concurrent part-time teacher or concurrent  
12 educational support personnel employee that the check of the  
13 applicant has been requested. The Illinois Department of State  
14 Police and the Federal Bureau of Investigation shall furnish,  
15 pursuant to a fingerprint-based criminal history records  
16 check, records of convictions, forever and hereinafter, until  
17 expunged, to the president of the school board for the school  
18 district that requested the check, or to the regional  
19 superintendent who requested the check. The Illinois State  
20 Police Department shall charge the school district or the  
21 appropriate regional superintendent a fee for conducting such  
22 check, which fee shall be deposited in the State Police  
23 Services Fund and shall not exceed the cost of the inquiry; and  
24 the applicant shall not be charged a fee for such check by the  
25 school district or by the regional superintendent, except that  
26 those applicants seeking employment as a substitute teacher

1 with a school district may be charged a fee not to exceed the  
2 cost of the inquiry. Subject to appropriations for these  
3 purposes, the State Superintendent of Education shall  
4 reimburse school districts and regional superintendents for  
5 fees paid to obtain criminal history records checks under this  
6 Section.

7 (a-5) The school district or regional superintendent shall  
8 further perform a check of the Statewide Sex Offender  
9 Database, as authorized by the Sex Offender Community  
10 Notification Law, for each applicant. The check of the  
11 Statewide Sex Offender Database must be conducted by the  
12 school district or regional superintendent once for every 5  
13 years that an applicant remains employed by the school  
14 district.

15 (a-6) The school district or regional superintendent shall  
16 further perform a check of the Statewide Murderer and Violent  
17 Offender Against Youth Database, as authorized by the Murderer  
18 and Violent Offender Against Youth Community Notification Law,  
19 for each applicant. The check of the Murderer and Violent  
20 Offender Against Youth Database must be conducted by the  
21 school district or regional superintendent once for every 5  
22 years that an applicant remains employed by the school  
23 district.

24 (b) Any information concerning the record of convictions  
25 obtained by the president of the school board or the regional  
26 superintendent shall be confidential and may only be

1 transmitted to the superintendent of the school district or  
2 his designee, the appropriate regional superintendent if the  
3 check was requested by the school district, the presidents of  
4 the appropriate school boards if the check was requested from  
5 the Illinois ~~Department of~~ State Police by the regional  
6 superintendent, the State Board of Education and a school  
7 district as authorized under subsection (b-5), the State  
8 Superintendent of Education, the State Educator Preparation  
9 and Licensure Board, any other person necessary to the  
10 decision of hiring the applicant for employment, or for  
11 clarification purposes the Illinois ~~Department of~~ State Police  
12 or Statewide Sex Offender Database, or both. A copy of the  
13 record of convictions obtained from the Illinois ~~Department of~~  
14 State Police shall be provided to the applicant for  
15 employment. Upon the check of the Statewide Sex Offender  
16 Database or Statewide Murderer and Violent Offender Against  
17 Youth Database, the school district or regional superintendent  
18 shall notify an applicant as to whether or not the applicant  
19 has been identified in the Database. If a check of an applicant  
20 for employment as a substitute or concurrent part-time teacher  
21 or concurrent educational support personnel employee in more  
22 than one school district was requested by the regional  
23 superintendent, and the Illinois ~~Department of~~ State Police  
24 upon a check ascertains that the applicant has not been  
25 convicted of any of the enumerated criminal or drug offenses  
26 in subsection (c) of this Section or has not been convicted,

1 within 7 years of the application for employment with the  
2 school district, of any other felony under the laws of this  
3 State or of any offense committed or attempted in any other  
4 state or against the laws of the United States that, if  
5 committed or attempted in this State, would have been  
6 punishable as a felony under the laws of this State and so  
7 notifies the regional superintendent and if the regional  
8 superintendent upon a check ascertains that the applicant has  
9 not been identified in the Sex Offender Database or Statewide  
10 Murderer and Violent Offender Against Youth Database, then the  
11 regional superintendent shall issue to the applicant a  
12 certificate evidencing that as of the date specified by the  
13 Illinois Department of State Police the applicant has not been  
14 convicted of any of the enumerated criminal or drug offenses  
15 in subsection (c) of this Section or has not been convicted,  
16 within 7 years of the application for employment with the  
17 school district, of any other felony under the laws of this  
18 State or of any offense committed or attempted in any other  
19 state or against the laws of the United States that, if  
20 committed or attempted in this State, would have been  
21 punishable as a felony under the laws of this State and  
22 evidencing that as of the date that the regional  
23 superintendent conducted a check of the Statewide Sex Offender  
24 Database or Statewide Murderer and Violent Offender Against  
25 Youth Database, the applicant has not been identified in the  
26 Database. The school board of any school district may rely on

1 the certificate issued by any regional superintendent to that  
2 substitute teacher, concurrent part-time teacher, or  
3 concurrent educational support personnel employee or may  
4 initiate its own criminal history records check of the  
5 applicant through the Illinois ~~Department of~~ State Police and  
6 its own check of the Statewide Sex Offender Database or  
7 Statewide Murderer and Violent Offender Against Youth Database  
8 as provided in this Section. Any unauthorized release of  
9 confidential information may be a violation of Section 7 of  
10 the Criminal Identification Act.

11 (b-5) If a criminal history records check or check of the  
12 Statewide Sex Offender Database or Statewide Murderer and  
13 Violent Offender Against Youth Database is performed by a  
14 regional superintendent for an applicant seeking employment as  
15 a substitute teacher with a school district, the regional  
16 superintendent may disclose to the State Board of Education  
17 whether the applicant has been issued a certificate under  
18 subsection (b) based on those checks. If the State Board  
19 receives information on an applicant under this subsection,  
20 then it must indicate in the Educator Licensure Information  
21 System for a 90-day period that the applicant has been issued  
22 or has not been issued a certificate.

23 (c) No school board shall knowingly employ a person who  
24 has been convicted of any offense that would subject him or her  
25 to license suspension or revocation pursuant to Section 21B-80  
26 of this Code, except as provided under subsection (b) of



1 Section 21B-80. Further, no school board shall knowingly  
2 employ a person who has been found to be the perpetrator of  
3 sexual or physical abuse of any minor under 18 years of age  
4 pursuant to proceedings under Article II of the Juvenile Court  
5 Act of 1987. As a condition of employment, each school board  
6 must consider the status of a person who has been issued an  
7 indicated finding of abuse or neglect of a child by the  
8 Department of Children and Family Services under the Abused  
9 and Neglected Child Reporting Act or by a child welfare agency  
10 of another jurisdiction.

11 (d) No school board shall knowingly employ a person for  
12 whom a criminal history records check and a Statewide Sex  
13 Offender Database check have not been initiated.

14 (e) Within 10 days after a superintendent, regional office  
15 of education, or entity that provides background checks of  
16 license holders to public schools receives information of a  
17 pending criminal charge against a license holder for an  
18 offense set forth in Section 21B-80 of this Code, the  
19 superintendent, regional office of education, or entity must  
20 notify the State Superintendent of Education of the pending  
21 criminal charge.

22 If permissible by federal or State law, no later than 15  
23 business days after receipt of a record of conviction or of  
24 checking the Statewide Murderer and Violent Offender Against  
25 Youth Database or the Statewide Sex Offender Database and  
26 finding a registration, the superintendent of the employing

1 school board or the applicable regional superintendent shall,  
2 in writing, notify the State Superintendent of Education of  
3 any license holder who has been convicted of a crime set forth  
4 in Section 21B-80 of this Code. Upon receipt of the record of a  
5 conviction of or a finding of child abuse by a holder of any  
6 license issued pursuant to Article 21B or Section 34-8.1 or  
7 34-83 of the School Code, the State Superintendent of  
8 Education may initiate licensure suspension and revocation  
9 proceedings as authorized by law. If the receipt of the record  
10 of conviction or finding of child abuse is received within 6  
11 months after the initial grant of or renewal of a license, the  
12 State Superintendent of Education may rescind the license  
13 holder's license.

14 (e-5) The superintendent of the employing school board  
15 shall, in writing, notify the State Superintendent of  
16 Education and the applicable regional superintendent of  
17 schools of any license holder whom he or she has reasonable  
18 cause to believe has committed an intentional act of abuse or  
19 neglect with the result of making a child an abused child or a  
20 neglected child, as defined in Section 3 of the Abused and  
21 Neglected Child Reporting Act, and that act resulted in the  
22 license holder's dismissal or resignation from the school  
23 district. This notification must be submitted within 30 days  
24 after the dismissal or resignation. The license holder must  
25 also be contemporaneously sent a copy of the notice by the  
26 superintendent. All correspondence, documentation, and other

1 information so received by the regional superintendent of  
2 schools, the State Superintendent of Education, the State  
3 Board of Education, or the State Educator Preparation and  
4 Licensure Board under this subsection (e-5) is confidential  
5 and must not be disclosed to third parties, except (i) as  
6 necessary for the State Superintendent of Education or his or  
7 her designee to investigate and prosecute pursuant to Article  
8 21B of this Code, (ii) pursuant to a court order, (iii) for  
9 disclosure to the license holder or his or her representative,  
10 or (iv) as otherwise provided in this Article and provided  
11 that any such information admitted into evidence in a hearing  
12 is exempt from this confidentiality and non-disclosure  
13 requirement. Except for an act of willful or wanton  
14 misconduct, any superintendent who provides notification as  
15 required in this subsection (e-5) shall have immunity from any  
16 liability, whether civil or criminal or that otherwise might  
17 result by reason of such action.

18 (f) After January 1, 1990 the provisions of this Section  
19 shall apply to all employees of persons or firms holding  
20 contracts with any school district including, but not limited  
21 to, food service workers, school bus drivers and other  
22 transportation employees, who have direct, daily contact with  
23 the pupils of any school in such district. For purposes of  
24 criminal history records checks and checks of the Statewide  
25 Sex Offender Database on employees of persons or firms holding  
26 contracts with more than one school district and assigned to

1 more than one school district, the regional superintendent of  
2 the educational service region in which the contracting school  
3 districts are located may, at the request of any such school  
4 district, be responsible for receiving the authorization for a  
5 criminal history records check prepared by each such employee  
6 and submitting the same to the Illinois ~~Department of~~ State  
7 Police and for conducting a check of the Statewide Sex  
8 Offender Database for each employee. Any information  
9 concerning the record of conviction and identification as a  
10 sex offender of any such employee obtained by the regional  
11 superintendent shall be promptly reported to the president of  
12 the appropriate school board or school boards.

13 (f-5) Upon request of a school or school district, any  
14 information obtained by a school district pursuant to  
15 subsection (f) of this Section within the last year must be  
16 made available to the requesting school or school district.

17 (g) Prior to the commencement of any student teaching  
18 experience or required internship (which is referred to as  
19 student teaching in this Section) in the public schools, a  
20 student teacher is required to authorize a fingerprint-based  
21 criminal history records check. Authorization for and payment  
22 of the costs of the check must be furnished by the student  
23 teacher to the school district where the student teaching is  
24 to be completed. Upon receipt of this authorization and  
25 payment, the school district shall submit the student  
26 teacher's name, sex, race, date of birth, social security

1 number, fingerprint images, and other identifiers, as  
2 prescribed by the Illinois ~~Department of~~ State Police, to the  
3 Illinois ~~Department of~~ State Police. The Illinois ~~Department~~  
4 ~~of~~ State Police and the Federal Bureau of Investigation shall  
5 furnish, pursuant to a fingerprint-based criminal history  
6 records check, records of convictions, forever and  
7 hereinafter, until expunged, to the president of the school  
8 board for the school district that requested the check. The  
9 Illinois State Police ~~Department~~ shall charge the school  
10 district a fee for conducting the check, which fee must not  
11 exceed the cost of the inquiry and must be deposited into the  
12 State Police Services Fund. The school district shall further  
13 perform a check of the Statewide Sex Offender Database, as  
14 authorized by the Sex Offender Community Notification Law, and  
15 of the Statewide Murderer and Violent Offender Against Youth  
16 Database, as authorized by the Murderer and Violent Offender  
17 Against Youth Registration Act, for each student teacher. No  
18 school board may knowingly allow a person to student teach for  
19 whom a criminal history records check, a Statewide Sex  
20 Offender Database check, and a Statewide Murderer and Violent  
21 Offender Against Youth Database check have not been completed  
22 and reviewed by the district.

23 A copy of the record of convictions obtained from the  
24 Illinois ~~Department of~~ State Police must be provided to the  
25 student teacher. Any information concerning the record of  
26 convictions obtained by the president of the school board is

1 confidential and may only be transmitted to the superintendent  
2 of the school district or his or her designee, the State  
3 Superintendent of Education, the State Educator Preparation  
4 and Licensure Board, or, for clarification purposes, the  
5 Illinois ~~Department of~~ State Police or the Statewide Sex  
6 Offender Database or Statewide Murderer and Violent Offender  
7 Against Youth Database. Any unauthorized release of  
8 confidential information may be a violation of Section 7 of  
9 the Criminal Identification Act.

10 No school board shall knowingly allow a person to student  
11 teach who has been convicted of any offense that would subject  
12 him or her to license suspension or revocation pursuant to  
13 subsection (c) of Section 21B-80 of this Code, except as  
14 provided under subsection (b) of Section 21B-80. Further, no  
15 school board shall allow a person to student teach if he or she  
16 has been found to be the perpetrator of sexual or physical  
17 abuse of a minor under 18 years of age pursuant to proceedings  
18 under Article II of the Juvenile Court Act of 1987. Each school  
19 board must consider the status of a person to student teach who  
20 has been issued an indicated finding of abuse or neglect of a  
21 child by the Department of Children and Family Services under  
22 the Abused and Neglected Child Reporting Act or by a child  
23 welfare agency of another jurisdiction.

24 (h) (Blank).

25 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
26 101-643, eff. 6-18-20.)

1 (105 ILCS 5/10-27.1A)

2 Sec. 10-27.1A. Firearms in schools.

3 (a) All school officials, including teachers, guidance  
4 counselors, and support staff, shall immediately notify the  
5 office of the principal in the event that they observe any  
6 person in possession of a firearm on school grounds; provided  
7 that taking such immediate action to notify the office of the  
8 principal would not immediately endanger the health, safety,  
9 or welfare of students who are under the direct supervision of  
10 the school official or the school official. If the health,  
11 safety, or welfare of students under the direct supervision of  
12 the school official or of the school official is immediately  
13 endangered, the school official shall notify the office of the  
14 principal as soon as the students under his or her supervision  
15 and he or she are no longer under immediate danger. A report is  
16 not required by this Section when the school official knows  
17 that the person in possession of the firearm is a law  
18 enforcement official engaged in the conduct of his or her  
19 official duties. Any school official acting in good faith who  
20 makes such a report under this Section shall have immunity  
21 from any civil or criminal liability that might otherwise be  
22 incurred as a result of making the report. The identity of the  
23 school official making such report shall not be disclosed  
24 except as expressly and specifically authorized by law.  
25 Knowingly and willfully failing to comply with this Section is

1 a petty offense. A second or subsequent offense is a Class C  
2 misdemeanor.

3 (b) Upon receiving a report from any school official  
4 pursuant to this Section, or from any other person, the  
5 principal or his or her designee shall immediately notify a  
6 local law enforcement agency. If the person found to be in  
7 possession of a firearm on school grounds is a student, the  
8 principal or his or her designee shall also immediately notify  
9 that student's parent or guardian. Any principal or his or her  
10 designee acting in good faith who makes such reports under  
11 this Section shall have immunity from any civil or criminal  
12 liability that might otherwise be incurred or imposed as a  
13 result of making the reports. Knowingly and willfully failing  
14 to comply with this Section is a petty offense. A second or  
15 subsequent offense is a Class C misdemeanor. If the person  
16 found to be in possession of the firearm on school grounds is a  
17 minor, the law enforcement agency shall detain that minor  
18 until such time as the agency makes a determination pursuant  
19 to clause (a) of subsection (1) of Section 5-401 of the  
20 Juvenile Court Act of 1987, as to whether the agency  
21 reasonably believes that the minor is delinquent. If the law  
22 enforcement agency determines that probable cause exists to  
23 believe that the minor committed a violation of item (4) of  
24 subsection (a) of Section 24-1 of the Criminal Code of 2012  
25 while on school grounds, the agency shall detain the minor for  
26 processing pursuant to Section 5-407 of the Juvenile Court Act



1 of 1987.

2 (c) On or after January 1, 1997, upon receipt of any  
3 written, electronic, or verbal report from any school  
4 personnel regarding a verified incident involving a firearm in  
5 a school or on school owned or leased property, including any  
6 conveyance owned, leased, or used by the school for the  
7 transport of students or school personnel, the superintendent  
8 or his or her designee shall report all such firearm-related  
9 incidents occurring in a school or on school property to the  
10 local law enforcement authorities immediately and to the  
11 Illinois ~~Department of~~ State Police in a form, manner, and  
12 frequency as prescribed by the Illinois ~~Department of~~ State  
13 Police.

14 The State Board of Education shall receive an annual  
15 statistical compilation and related data associated with  
16 incidents involving firearms in schools from the Illinois  
17 ~~Department of~~ State Police. The State Board of Education shall  
18 compile this information by school district and make it  
19 available to the public.

20 (d) As used in this Section, the term "firearm" shall have  
21 the meaning ascribed to it in Section 1.1 of the Firearm Owners  
22 Identification Card Act.

23 As used in this Section, the term "school" means any  
24 public or private elementary or secondary school.

25 As used in this Section, the term "school grounds"  
26 includes the real property comprising any school, any

1 conveyance owned, leased, or contracted by a school to  
2 transport students to or from school or a school-related  
3 activity, or any public way within 1,000 feet of the real  
4 property comprising any school.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (105 ILCS 5/10-27.1B)

7 Sec. 10-27.1B. Reporting drug-related incidents in  
8 schools.

9 (a) In this Section:

10 "Drug" means "cannabis" as defined under subsection (a) of  
11 Section 3 of the Cannabis Control Act, "narcotic drug" as  
12 defined under subsection (aa) of Section 102 of the Illinois  
13 Controlled Substances Act, or "methamphetamine" as defined  
14 under Section 10 of the Methamphetamine Control and Community  
15 Protection Act.

16 "School" means any public or private elementary or  
17 secondary school.

18 (b) Upon receipt of any written, electronic, or verbal  
19 report from any school personnel regarding a verified incident  
20 involving drugs in a school or on school owned or leased  
21 property, including any conveyance owned, leased, or used by  
22 the school for the transport of students or school personnel,  
23 the superintendent or his or her designee, or other  
24 appropriate administrative officer for a private school, shall  
25 report all such drug-related incidents occurring in a school

1 or on school property to the local law enforcement authorities  
2 immediately and to the Illinois ~~Department of~~ State Police in  
3 a form, manner, and frequency as prescribed by the Illinois  
4 ~~Department of~~ State Police.

5 (c) The State Board of Education shall receive an annual  
6 statistical compilation and related data associated with  
7 drug-related incidents in schools from the Illinois ~~Department~~  
8 ~~of~~ State Police. The State Board of Education shall compile  
9 this information by school district and make it available to  
10 the public.

11 (Source: P.A. 94-556, eff. 9-11-05.)

12 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

13 Sec. 34-2.1. Local School Councils - Composition -  
14 Voter-Eligibility - Elections - Terms.

15 (a) A local school council shall be established for each  
16 attendance center within the school district. Each local  
17 school council shall consist of the following 12 voting  
18 members: the principal of the attendance center, 2 teachers  
19 employed and assigned to perform the majority of their  
20 employment duties at the attendance center, 6 parents of  
21 students currently enrolled at the attendance center, one  
22 employee of the school district employed and assigned to  
23 perform the majority of his or her employment duties at the  
24 attendance center who is not a teacher, and 2 community  
25 residents. Neither the parents nor the community residents who

1 serve as members of the local school council shall be  
2 employees of the Board of Education. In each secondary  
3 attendance center, the local school council shall consist of  
4 13 voting members -- the 12 voting members described above and  
5 one full-time student member, appointed as provided in  
6 subsection (m) below. In the event that the chief executive  
7 officer of the Chicago School Reform Board of Trustees  
8 determines that a local school council is not carrying out its  
9 financial duties effectively, the chief executive officer is  
10 authorized to appoint a representative of the business  
11 community with experience in finance and management to serve  
12 as an advisor to the local school council for the purpose of  
13 providing advice and assistance to the local school council on  
14 fiscal matters. The advisor shall have access to relevant  
15 financial records of the local school council. The advisor may  
16 attend executive sessions. The chief executive officer shall  
17 issue a written policy defining the circumstances under which  
18 a local school council is not carrying out its financial  
19 duties effectively.

20 (b) Within 7 days of January 11, 1991, the Mayor shall  
21 appoint the members and officers (a Chairperson who shall be a  
22 parent member and a Secretary) of each local school council  
23 who shall hold their offices until their successors shall be  
24 elected and qualified. Members so appointed shall have all the  
25 powers and duties of local school councils as set forth in this  
26 amendatory Act of 1991. The Mayor's appointments shall not

1 require approval by the City Council.

2 The membership of each local school council shall be  
3 encouraged to be reflective of the racial and ethnic  
4 composition of the student population of the attendance center  
5 served by the local school council.

6 (c) Beginning with the 1995-1996 school year and in every  
7 even-numbered year thereafter, the Board shall set second  
8 semester Parent Report Card Pick-up Day for Local School  
9 Council elections and may schedule elections at year-round  
10 schools for the same dates as the remainder of the school  
11 system. Elections shall be conducted as provided herein by the  
12 Board of Education in consultation with the local school  
13 council at each attendance center.

14 (c-5) Notwithstanding subsection (c), for the local school  
15 council election set for the 2019-2020 school year, the Board  
16 may hold the election on the first semester Parent Report Card  
17 Pick-up Day of the 2020-2021 school year, making any necessary  
18 modifications to the election process or date to comply with  
19 guidance from the Department of Public Health and the federal  
20 Centers for Disease Control and Prevention. The terms of  
21 office of all local school council members eligible to serve  
22 and seated on or after March 23, 2020 through January 10, 2021  
23 are extended through January 10, 2021, provided that the  
24 members continue to meet eligibility requirements for local  
25 school council membership.

26 (d) Beginning with the 1995-96 school year, the following

1 procedures shall apply to the election of local school council  
2 members at each attendance center:

3 (i) The elected members of each local school council  
4 shall consist of the 6 parent members and the 2 community  
5 resident members.

6 (ii) Each elected member shall be elected by the  
7 eligible voters of that attendance center to serve for a  
8 two-year term commencing on July 1 immediately following  
9 the election described in subsection (c), except that the  
10 terms of members elected to a local school council under  
11 subsection (c-5) shall commence on January 11, 2021 and  
12 end on July 1, 2022. Eligible voters for each attendance  
13 center shall consist of the parents and community  
14 residents for that attendance center.

15 (iii) Each eligible voter shall be entitled to cast  
16 one vote for up to a total of 5 candidates, irrespective of  
17 whether such candidates are parent or community resident  
18 candidates.

19 (iv) Each parent voter shall be entitled to vote in  
20 the local school council election at each attendance  
21 center in which he or she has a child currently enrolled.  
22 Each community resident voter shall be entitled to vote in  
23 the local school council election at each attendance  
24 center for which he or she resides in the applicable  
25 attendance area or voting district, as the case may be.

26 (v) Each eligible voter shall be entitled to vote

1           once, but not more than once, in the local school council  
2           election at each attendance center at which the voter is  
3           eligible to vote.

4           (vi) The 2 teacher members and the non-teacher  
5           employee member of each local school council shall be  
6           appointed as provided in subsection (l) below each to  
7           serve for a two-year term coinciding with that of the  
8           elected parent and community resident members. From March  
9           23, 2020 through January 10, 2021, the chief executive  
10          officer or his or her designee may make accommodations to  
11          fill the vacancy of a teacher or non-teacher employee  
12          member of a local school council.

13          (vii) At secondary attendance centers, the voting  
14          student member shall be appointed as provided in  
15          subsection (m) below to serve for a one-year term  
16          coinciding with the beginning of the terms of the elected  
17          parent and community members of the local school council.  
18          For the 2020-2021 school year, the chief executive officer  
19          or his or her designee may make accommodations to fill the  
20          vacancy of a student member of a local school council.

21          (e) The Council shall publicize the date and place of the  
22          election by posting notices at the attendance center, in  
23          public places within the attendance boundaries of the  
24          attendance center and by distributing notices to the pupils at  
25          the attendance center, and shall utilize such other means as  
26          it deems necessary to maximize the involvement of all eligible

1 voters.

2 (f) Nomination. The Council shall publicize the opening of  
3 nominations by posting notices at the attendance center, in  
4 public places within the attendance boundaries of the  
5 attendance center and by distributing notices to the pupils at  
6 the attendance center, and shall utilize such other means as  
7 it deems necessary to maximize the involvement of all eligible  
8 voters. Not less than 2 weeks before the election date,  
9 persons eligible to run for the Council shall submit their  
10 name, date of birth, social security number, if available, and  
11 some evidence of eligibility to the Council. The Council shall  
12 encourage nomination of candidates reflecting the  
13 racial/ethnic population of the students at the attendance  
14 center. Each person nominated who runs as a candidate shall  
15 disclose, in a manner determined by the Board, any economic  
16 interest held by such person, by such person's spouse or  
17 children, or by each business entity in which such person has  
18 an ownership interest, in any contract with the Board, any  
19 local school council or any public school in the school  
20 district. Each person nominated who runs as a candidate shall  
21 also disclose, in a manner determined by the Board, if he or  
22 she ever has been convicted of any of the offenses specified in  
23 subsection (c) of Section 34-18.5; provided that neither this  
24 provision nor any other provision of this Section shall be  
25 deemed to require the disclosure of any information that is  
26 contained in any law enforcement record or juvenile court



1 record that is confidential or whose accessibility or  
2 disclosure is restricted or prohibited under Section 5-901 or  
3 5-905 of the Juvenile Court Act of 1987. Failure to make such  
4 disclosure shall render a person ineligible for election or to  
5 serve on the local school council. The same disclosure shall  
6 be required of persons under consideration for appointment to  
7 the Council pursuant to subsections (l) and (m) of this  
8 Section.

9 (f-5) Notwithstanding disclosure, a person who has been  
10 convicted of any of the following offenses at any time shall be  
11 ineligible for election or appointment to a local school  
12 council and ineligible for appointment to a local school  
13 council pursuant to subsections (l) and (m) of this Section:  
14 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
15 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
16 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
17 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of  
18 Section 11-14.3, of the Criminal Code of 1961 or the Criminal  
19 Code of 2012, or (ii) any offense committed or attempted in any  
20 other state or against the laws of the United States, which, if  
21 committed or attempted in this State, would have been  
22 punishable as one or more of the foregoing offenses.  
23 Notwithstanding disclosure, a person who has been convicted of  
24 any of the following offenses within the 10 years previous to  
25 the date of nomination or appointment shall be ineligible for  
26 election or appointment to a local school council: (i) those

1 defined in Section 401.1, 405.1, or 405.2 of the Illinois  
2 Controlled Substances Act or (ii) any offense committed or  
3 attempted in any other state or against the laws of the United  
4 States, which, if committed or attempted in this State, would  
5 have been punishable as one or more of the foregoing offenses.

6 Immediately upon election or appointment, incoming local  
7 school council members shall be required to undergo a criminal  
8 background investigation, to be completed prior to the member  
9 taking office, in order to identify any criminal convictions  
10 under the offenses enumerated in Section 34-18.5. The  
11 investigation shall be conducted by the Illinois ~~Department of~~  
12 State Police in the same manner as provided for in Section  
13 34-18.5. However, notwithstanding Section 34-18.5, the social  
14 security number shall be provided only if available. If it is  
15 determined at any time that a local school council member or  
16 member-elect has been convicted of any of the offenses  
17 enumerated in this Section or failed to disclose a conviction  
18 of any of the offenses enumerated in Section 34-18.5, the  
19 general superintendent shall notify the local school council  
20 member or member-elect of such determination and the local  
21 school council member or member-elect shall be removed from  
22 the local school council by the Board, subject to a hearing,  
23 convened pursuant to Board rule, prior to removal.

24 (g) At least one week before the election date, the  
25 Council shall publicize, in the manner provided in subsection  
26 (e), the names of persons nominated for election.

1           (h) Voting shall be in person by secret ballot at the  
2 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

3           (i) Candidates receiving the highest number of votes shall  
4 be declared elected by the Council. In cases of a tie, the  
5 Council shall determine the winner by lot.

6           (j) The Council shall certify the results of the election  
7 and shall publish the results in the minutes of the Council.

8           (k) The general superintendent shall resolve any disputes  
9 concerning election procedure or results and shall ensure  
10 that, except as provided in subsections (e) and (g), no  
11 resources of any attendance center shall be used to endorse or  
12 promote any candidate.

13           (l) Beginning with the 1995-1996 school year and in every  
14 even numbered year thereafter, the Board shall appoint 2  
15 teacher members to each local school council. These  
16 appointments shall be made in the following manner:

17           (i) The Board shall appoint 2 teachers who are  
18 employed and assigned to perform the majority of their  
19 employment duties at the attendance center to serve on the  
20 local school council of the attendance center for a  
21 two-year term coinciding with the terms of the elected  
22 parent and community members of that local school council.  
23 These appointments shall be made from among those teachers  
24 who are nominated in accordance with subsection (f).

25           (ii) A non-binding, advisory poll to ascertain the  
26 preferences of the school staff regarding appointments of

1 teachers to the local school council for that attendance  
2 center shall be conducted in accordance with the  
3 procedures used to elect parent and community Council  
4 representatives. At such poll, each member of the school  
5 staff shall be entitled to indicate his or her preference  
6 for up to 2 candidates from among those who submitted  
7 statements of candidacy as described above. These  
8 preferences shall be advisory only and the Board shall  
9 maintain absolute discretion to appoint teacher members to  
10 local school councils, irrespective of the preferences  
11 expressed in any such poll.

12 (iii) In the event that a teacher representative is  
13 unable to perform his or her employment duties at the  
14 school due to illness, disability, leave of absence,  
15 disciplinary action, or any other reason, the Board shall  
16 declare a temporary vacancy and appoint a replacement  
17 teacher representative to serve on the local school  
18 council until such time as the teacher member originally  
19 appointed pursuant to this subsection (1) resumes service  
20 at the attendance center or for the remainder of the term.  
21 The replacement teacher representative shall be appointed  
22 in the same manner and by the same procedures as teacher  
23 representatives are appointed in subdivisions (i) and (ii)  
24 of this subsection (1).

25 (m) Beginning with the 1995-1996 school year, and in every  
26 year thereafter, the Board shall appoint one student member to

1 each secondary attendance center. These appointments shall be  
2 made in the following manner:

3 (i) Appointments shall be made from among those  
4 students who submit statements of candidacy to the  
5 principal of the attendance center, such statements to be  
6 submitted commencing on the first day of the twentieth  
7 week of school and continuing for 2 weeks thereafter. The  
8 form and manner of such candidacy statements shall be  
9 determined by the Board.

10 (ii) During the twenty-second week of school in every  
11 year, the principal of each attendance center shall  
12 conduct a non-binding, advisory poll to ascertain the  
13 preferences of the school students regarding the  
14 appointment of a student to the local school council for  
15 that attendance center. At such poll, each student shall  
16 be entitled to indicate his or her preference for up to one  
17 candidate from among those who submitted statements of  
18 candidacy as described above. The Board shall promulgate  
19 rules to ensure that these non-binding, advisory polls are  
20 conducted in a fair and equitable manner and maximize the  
21 involvement of all school students. The preferences  
22 expressed in these non-binding, advisory polls shall be  
23 transmitted by the principal to the Board. However, these  
24 preferences shall be advisory only and the Board shall  
25 maintain absolute discretion to appoint student members to  
26 local school councils, irrespective of the preferences

1           expressed in any such poll.

2           (iii) For the 1995-96 school year only, appointments  
3           shall be made from among those students who submitted  
4           statements of candidacy to the principal of the attendance  
5           center during the first 2 weeks of the school year. The  
6           principal shall communicate the results of any nonbinding,  
7           advisory poll to the Board. These results shall be  
8           advisory only, and the Board shall maintain absolute  
9           discretion to appoint student members to local school  
10          councils, irrespective of the preferences expressed in any  
11          such poll.

12          (n) The Board may promulgate such other rules and  
13          regulations for election procedures as may be deemed necessary  
14          to ensure fair elections.

15          (o) In the event that a vacancy occurs during a member's  
16          term, the Council shall appoint a person eligible to serve on  
17          the Council, to fill the unexpired term created by the  
18          vacancy, except that any teacher vacancy shall be filled by  
19          the Board after considering the preferences of the school  
20          staff as ascertained through a non-binding advisory poll of  
21          school staff.

22          (p) If less than the specified number of persons is  
23          elected within each candidate category, the newly elected  
24          local school council shall appoint eligible persons to serve  
25          as members of the Council for two-year terms.

26          (q) The Board shall promulgate rules regarding conflicts

1 of interest and disclosure of economic interests which shall  
2 apply to local school council members and which shall require  
3 reports or statements to be filed by Council members at  
4 regular intervals with the Secretary of the Board. Failure to  
5 comply with such rules or intentionally falsifying such  
6 reports shall be grounds for disqualification from local  
7 school council membership. A vacancy on the Council for  
8 disqualification may be so declared by the Secretary of the  
9 Board. Rules regarding conflicts of interest and disclosure of  
10 economic interests promulgated by the Board shall apply to  
11 local school council members. No less than 45 days prior to the  
12 deadline, the general superintendent shall provide notice, by  
13 mail, to each local school council member of all requirements  
14 and forms for compliance with economic interest statements.

15 (r) (1) If a parent member of a local school council ceases  
16 to have any child enrolled in the attendance center governed  
17 by the Local School Council due to the graduation or voluntary  
18 transfer of a child or children from the attendance center,  
19 the parent's membership on the Local School Council and all  
20 voting rights are terminated immediately as of the date of the  
21 child's graduation or voluntary transfer. If the child of a  
22 parent member of a local school council dies during the  
23 member's term in office, the member may continue to serve on  
24 the local school council for the balance of his or her term.  
25 Further, a local school council member may be removed from the  
26 Council by a majority vote of the Council as provided in

1 subsection (c) of Section 34-2.2 if the Council member has  
2 missed 3 consecutive regular meetings, not including committee  
3 meetings, or 5 regular meetings in a 12 month period, not  
4 including committee meetings. If a parent member of a local  
5 school council ceases to be eligible to serve on the Council  
6 for any other reason, he or she shall be removed by the Board  
7 subject to a hearing, convened pursuant to Board rule, prior  
8 to removal. A vote to remove a Council member by the local  
9 school council shall only be valid if the Council member has  
10 been notified personally or by certified mail, mailed to the  
11 person's last known address, of the Council's intent to vote  
12 on the Council member's removal at least 7 days prior to the  
13 vote. The Council member in question shall have the right to  
14 explain his or her actions and shall be eligible to vote on the  
15 question of his or her removal from the Council. The  
16 provisions of this subsection shall be contained within the  
17 petitions used to nominate Council candidates.

18 (2) A person may continue to serve as a community resident  
19 member of a local school council as long as he or she resides  
20 in the attendance area served by the school and is not employed  
21 by the Board nor is a parent of a student enrolled at the  
22 school. If a community resident member ceases to be eligible  
23 to serve on the Council, he or she shall be removed by the  
24 Board subject to a hearing, convened pursuant to Board rule,  
25 prior to removal.

26 (3) A person may continue to serve as a teacher member of a



1 local school council as long as he or she is employed and  
2 assigned to perform a majority of his or her duties at the  
3 school, provided that if the teacher representative resigns  
4 from employment with the Board or voluntarily transfers to  
5 another school, the teacher's membership on the local school  
6 council and all voting rights are terminated immediately as of  
7 the date of the teacher's resignation or upon the date of the  
8 teacher's voluntary transfer to another school. If a teacher  
9 member of a local school council ceases to be eligible to serve  
10 on a local school council for any other reason, that member  
11 shall be removed by the Board subject to a hearing, convened  
12 pursuant to Board rule, prior to removal.

13 (s) As used in this Section only, "community resident"  
14 means a person, 17 years of age or older, residing within an  
15 attendance area served by a school, excluding any person who  
16 is a parent of a student enrolled in that school; provided that  
17 with respect to any multi-area school, community resident  
18 means any person, 17 years of age or older, residing within the  
19 voting district established for that school pursuant to  
20 Section 34-2.1c, excluding any person who is a parent of a  
21 student enrolled in that school. This definition does not  
22 apply to any provisions concerning school boards.

23 (Source: P.A. 101-643, eff. 6-18-20.)

24 (105 ILCS 5/34-8.05)

25 Sec. 34-8.05. Reporting firearms in schools. On or after

1 January 1, 1997, upon receipt of any written, electronic, or  
2 verbal report from any school personnel regarding a verified  
3 incident involving a firearm in a school or on school owned or  
4 leased property, including any conveyance owned, leased, or  
5 used by the school for the transport of students or school  
6 personnel, the general superintendent or his or her designee  
7 shall report all such firearm-related incidents occurring in a  
8 school or on school property to the local law enforcement  
9 authorities no later than 24 hours after the occurrence of the  
10 incident and to the Illinois ~~Department of~~ State Police in a  
11 form, manner, and frequency as prescribed by the Illinois  
12 ~~Department of~~ State Police.

13 The State Board of Education shall receive an annual  
14 statistical compilation and related data associated with  
15 incidents involving firearms in schools from the Illinois  
16 ~~Department of~~ State Police. As used in this Section, the term  
17 "firearm" shall have the meaning ascribed to it in Section 1.1  
18 of the Firearm Owners Identification Card Act.

19 (Source: P.A. 89-498, eff. 6-27-96.)

20 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

21 Sec. 34-18.5. Criminal history records checks and checks  
22 of the Statewide Sex Offender Database and Statewide Murderer  
23 and Violent Offender Against Youth Database.

24 (a) Licensed and nonlicensed applicants for employment  
25 with the school district are required as a condition of

1 employment to authorize a fingerprint-based criminal history  
2 records check to determine if such applicants have been  
3 convicted of any disqualifying, enumerated criminal or drug  
4 offense in subsection (c) of this Section or have been  
5 convicted, within 7 years of the application for employment  
6 with the school district, of any other felony under the laws of  
7 this State or of any offense committed or attempted in any  
8 other state or against the laws of the United States that, if  
9 committed or attempted in this State, would have been  
10 punishable as a felony under the laws of this State.  
11 Authorization for the check shall be furnished by the  
12 applicant to the school district, except that if the applicant  
13 is a substitute teacher seeking employment in more than one  
14 school district, or a teacher seeking concurrent part-time  
15 employment positions with more than one school district (as a  
16 reading specialist, special education teacher or otherwise),  
17 or an educational support personnel employee seeking  
18 employment positions with more than one district, any such  
19 district may require the applicant to furnish authorization  
20 for the check to the regional superintendent of the  
21 educational service region in which are located the school  
22 districts in which the applicant is seeking employment as a  
23 substitute or concurrent part-time teacher or concurrent  
24 educational support personnel employee. Upon receipt of this  
25 authorization, the school district or the appropriate regional  
26 superintendent, as the case may be, shall submit the

1 applicant's name, sex, race, date of birth, social security  
2 number, fingerprint images, and other identifiers, as  
3 prescribed by the Illinois ~~Department of~~ State Police, to the  
4 Illinois State Police ~~Department~~. The regional superintendent  
5 submitting the requisite information to the Illinois  
6 ~~Department of~~ State Police shall promptly notify the school  
7 districts in which the applicant is seeking employment as a  
8 substitute or concurrent part-time teacher or concurrent  
9 educational support personnel employee that the check of the  
10 applicant has been requested. The Illinois ~~Department of~~ State  
11 Police and the Federal Bureau of Investigation shall furnish,  
12 pursuant to a fingerprint-based criminal history records  
13 check, records of convictions, forever and hereinafter, until  
14 expunged, to the president of the school board for the school  
15 district that requested the check, or to the regional  
16 superintendent who requested the check. The Illinois State  
17 Police ~~Department~~ shall charge the school district or the  
18 appropriate regional superintendent a fee for conducting such  
19 check, which fee shall be deposited in the State Police  
20 Services Fund and shall not exceed the cost of the inquiry; and  
21 the applicant shall not be charged a fee for such check by the  
22 school district or by the regional superintendent. Subject to  
23 appropriations for these purposes, the State Superintendent of  
24 Education shall reimburse the school district and regional  
25 superintendent for fees paid to obtain criminal history  
26 records checks under this Section.

1 (a-5) The school district or regional superintendent shall  
2 further perform a check of the Statewide Sex Offender  
3 Database, as authorized by the Sex Offender Community  
4 Notification Law, for each applicant. The check of the  
5 Statewide Sex Offender Database must be conducted by the  
6 school district or regional superintendent once for every 5  
7 years that an applicant remains employed by the school  
8 district.

9 (a-6) The school district or regional superintendent shall  
10 further perform a check of the Statewide Murderer and Violent  
11 Offender Against Youth Database, as authorized by the Murderer  
12 and Violent Offender Against Youth Community Notification Law,  
13 for each applicant. The check of the Murderer and Violent  
14 Offender Against Youth Database must be conducted by the  
15 school district or regional superintendent once for every 5  
16 years that an applicant remains employed by the school  
17 district.

18 (b) Any information concerning the record of convictions  
19 obtained by the president of the board of education or the  
20 regional superintendent shall be confidential and may only be  
21 transmitted to the general superintendent of the school  
22 district or his designee, the appropriate regional  
23 superintendent if the check was requested by the board of  
24 education for the school district, the presidents of the  
25 appropriate board of education or school boards if the check  
26 was requested from the Illinois ~~Department of~~ State Police by

1 the regional superintendent, the State Board of Education and  
2 the school district as authorized under subsection (b-5), the  
3 State Superintendent of Education, the State Educator  
4 Preparation and Licensure Board or any other person necessary  
5 to the decision of hiring the applicant for employment. A copy  
6 of the record of convictions obtained from the Illinois  
7 ~~Department of~~ State Police shall be provided to the applicant  
8 for employment. Upon the check of the Statewide Sex Offender  
9 Database or Statewide Murderer and Violent Offender Against  
10 Youth Database, the school district or regional superintendent  
11 shall notify an applicant as to whether or not the applicant  
12 has been identified in the Database. If a check of an applicant  
13 for employment as a substitute or concurrent part-time teacher  
14 or concurrent educational support personnel employee in more  
15 than one school district was requested by the regional  
16 superintendent, and the Illinois ~~Department of~~ State Police  
17 upon a check ascertains that the applicant has not been  
18 convicted of any of the enumerated criminal or drug offenses  
19 in subsection (c) of this Section or has not been convicted,  
20 within 7 years of the application for employment with the  
21 school district, of any other felony under the laws of this  
22 State or of any offense committed or attempted in any other  
23 state or against the laws of the United States that, if  
24 committed or attempted in this State, would have been  
25 punishable as a felony under the laws of this State and so  
26 notifies the regional superintendent and if the regional

1 superintendent upon a check ascertains that the applicant has  
2 not been identified in the Sex Offender Database or Statewide  
3 Murderer and Violent Offender Against Youth Database, then the  
4 regional superintendent shall issue to the applicant a  
5 certificate evidencing that as of the date specified by the  
6 Illinois ~~Department of~~ State Police the applicant has not been  
7 convicted of any of the enumerated criminal or drug offenses  
8 in subsection (c) of this Section or has not been convicted,  
9 within 7 years of the application for employment with the  
10 school district, of any other felony under the laws of this  
11 State or of any offense committed or attempted in any other  
12 state or against the laws of the United States that, if  
13 committed or attempted in this State, would have been  
14 punishable as a felony under the laws of this State and  
15 evidencing that as of the date that the regional  
16 superintendent conducted a check of the Statewide Sex Offender  
17 Database or Statewide Murderer and Violent Offender Against  
18 Youth Database, the applicant has not been identified in the  
19 Database. The school board of any school district may rely on  
20 the certificate issued by any regional superintendent to that  
21 substitute teacher, concurrent part-time teacher, or  
22 concurrent educational support personnel employee or may  
23 initiate its own criminal history records check of the  
24 applicant through the Illinois ~~Department of~~ State Police and  
25 its own check of the Statewide Sex Offender Database or  
26 Statewide Murderer and Violent Offender Against Youth Database

1 as provided in this Section. Any unauthorized release of  
2 confidential information may be a violation of Section 7 of  
3 the Criminal Identification Act.

4 (b-5) If a criminal history records check or check of the  
5 Statewide Sex Offender Database or Statewide Murderer and  
6 Violent Offender Against Youth Database is performed by a  
7 regional superintendent for an applicant seeking employment as  
8 a substitute teacher with the school district, the regional  
9 superintendent may disclose to the State Board of Education  
10 whether the applicant has been issued a certificate under  
11 subsection (b) based on those checks. If the State Board  
12 receives information on an applicant under this subsection,  
13 then it must indicate in the Educator Licensure Information  
14 System for a 90-day period that the applicant has been issued  
15 or has not been issued a certificate.

16 (c) The board of education shall not knowingly employ a  
17 person who has been convicted of any offense that would  
18 subject him or her to license suspension or revocation  
19 pursuant to Section 21B-80 of this Code, except as provided  
20 under subsection (b) of 21B-80. Further, the board of  
21 education shall not knowingly employ a person who has been  
22 found to be the perpetrator of sexual or physical abuse of any  
23 minor under 18 years of age pursuant to proceedings under  
24 Article II of the Juvenile Court Act of 1987. As a condition of  
25 employment, the board of education must consider the status of  
26 a person who has been issued an indicated finding of abuse or



1 neglect of a child by the Department of Children and Family  
2 Services under the Abused and Neglected Child Reporting Act or  
3 by a child welfare agency of another jurisdiction.

4 (d) The board of education shall not knowingly employ a  
5 person for whom a criminal history records check and a  
6 Statewide Sex Offender Database check have not been initiated.

7 (e) Within 10 days after the general superintendent of  
8 schools, a regional office of education, or an entity that  
9 provides background checks of license holders to public  
10 schools receives information of a pending criminal charge  
11 against a license holder for an offense set forth in Section  
12 21B-80 of this Code, the superintendent, regional office of  
13 education, or entity must notify the State Superintendent of  
14 Education of the pending criminal charge.

15 No later than 15 business days after receipt of a record of  
16 conviction or of checking the Statewide Murderer and Violent  
17 Offender Against Youth Database or the Statewide Sex Offender  
18 Database and finding a registration, the general  
19 superintendent of schools or the applicable regional  
20 superintendent shall, in writing, notify the State  
21 Superintendent of Education of any license holder who has been  
22 convicted of a crime set forth in Section 21B-80 of this Code.  
23 Upon receipt of the record of a conviction of or a finding of  
24 child abuse by a holder of any license issued pursuant to  
25 Article 21B or Section 34-8.1 or 34-83 of this Code, the State  
26 Superintendent of Education may initiate licensure suspension

1 and revocation proceedings as authorized by law. If the  
2 receipt of the record of conviction or finding of child abuse  
3 is received within 6 months after the initial grant of or  
4 renewal of a license, the State Superintendent of Education  
5 may rescind the license holder's license.

6 (e-5) The general superintendent of schools shall, in  
7 writing, notify the State Superintendent of Education of any  
8 license holder whom he or she has reasonable cause to believe  
9 has committed an intentional act of abuse or neglect with the  
10 result of making a child an abused child or a neglected child,  
11 as defined in Section 3 of the Abused and Neglected Child  
12 Reporting Act, and that act resulted in the license holder's  
13 dismissal or resignation from the school district. This  
14 notification must be submitted within 30 days after the  
15 dismissal or resignation. The license holder must also be  
16 contemporaneously sent a copy of the notice by the  
17 superintendent. All correspondence, documentation, and other  
18 information so received by the State Superintendent of  
19 Education, the State Board of Education, or the State Educator  
20 Preparation and Licensure Board under this subsection (e-5) is  
21 confidential and must not be disclosed to third parties,  
22 except (i) as necessary for the State Superintendent of  
23 Education or his or her designee to investigate and prosecute  
24 pursuant to Article 21B of this Code, (ii) pursuant to a court  
25 order, (iii) for disclosure to the license holder or his or her  
26 representative, or (iv) as otherwise provided in this Article

1 and provided that any such information admitted into evidence  
2 in a hearing is exempt from this confidentiality and  
3 non-disclosure requirement. Except for an act of willful or  
4 wanton misconduct, any superintendent who provides  
5 notification as required in this subsection (e-5) shall have  
6 immunity from any liability, whether civil or criminal or that  
7 otherwise might result by reason of such action.

8 (f) After March 19, 1990, the provisions of this Section  
9 shall apply to all employees of persons or firms holding  
10 contracts with any school district including, but not limited  
11 to, food service workers, school bus drivers and other  
12 transportation employees, who have direct, daily contact with  
13 the pupils of any school in such district. For purposes of  
14 criminal history records checks and checks of the Statewide  
15 Sex Offender Database on employees of persons or firms holding  
16 contracts with more than one school district and assigned to  
17 more than one school district, the regional superintendent of  
18 the educational service region in which the contracting school  
19 districts are located may, at the request of any such school  
20 district, be responsible for receiving the authorization for a  
21 criminal history records check prepared by each such employee  
22 and submitting the same to the Illinois Department of State  
23 ~~Police~~ and for conducting a check of the Statewide Sex  
24 Offender Database for each employee. Any information  
25 concerning the record of conviction and identification as a  
26 sex offender of any such employee obtained by the regional

1 superintendent shall be promptly reported to the president of  
2 the appropriate school board or school boards.

3 (f-5) Upon request of a school or school district, any  
4 information obtained by the school district pursuant to  
5 subsection (f) of this Section within the last year must be  
6 made available to the requesting school or school district.

7 (g) Prior to the commencement of any student teaching  
8 experience or required internship (which is referred to as  
9 student teaching in this Section) in the public schools, a  
10 student teacher is required to authorize a fingerprint-based  
11 criminal history records check. Authorization for and payment  
12 of the costs of the check must be furnished by the student  
13 teacher to the school district. Upon receipt of this  
14 authorization and payment, the school district shall submit  
15 the student teacher's name, sex, race, date of birth, social  
16 security number, fingerprint images, and other identifiers, as  
17 prescribed by the Illinois ~~Department of~~ State Police, to the  
18 Illinois ~~Department of~~ State Police. The Illinois ~~Department~~  
19 ~~of~~ State Police and the Federal Bureau of Investigation shall  
20 furnish, pursuant to a fingerprint-based criminal history  
21 records check, records of convictions, forever and  
22 hereinafter, until expunged, to the president of the board.  
23 The Illinois State Police ~~Department~~ shall charge the school  
24 district a fee for conducting the check, which fee must not  
25 exceed the cost of the inquiry and must be deposited into the  
26 State Police Services Fund. The school district shall further

1 perform a check of the Statewide Sex Offender Database, as  
2 authorized by the Sex Offender Community Notification Law, and  
3 of the Statewide Murderer and Violent Offender Against Youth  
4 Database, as authorized by the Murderer and Violent Offender  
5 Against Youth Registration Act, for each student teacher. The  
6 board may not knowingly allow a person to student teach for  
7 whom a criminal history records check, a Statewide Sex  
8 Offender Database check, and a Statewide Murderer and Violent  
9 Offender Against Youth Database check have not been completed  
10 and reviewed by the district.

11 A copy of the record of convictions obtained from the  
12 Illinois ~~Department of~~ State Police must be provided to the  
13 student teacher. Any information concerning the record of  
14 convictions obtained by the president of the board is  
15 confidential and may only be transmitted to the general  
16 superintendent of schools or his or her designee, the State  
17 Superintendent of Education, the State Educator Preparation  
18 and Licensure Board, or, for clarification purposes, the  
19 Illinois ~~Department of~~ State Police or the Statewide Sex  
20 Offender Database or Statewide Murderer and Violent Offender  
21 Against Youth Database. Any unauthorized release of  
22 confidential information may be a violation of Section 7 of  
23 the Criminal Identification Act.

24 The board may not knowingly allow a person to student  
25 teach who has been convicted of any offense that would subject  
26 him or her to license suspension or revocation pursuant to

1 subsection (c) of Section 21B-80 of this Code, except as  
2 provided under subsection (b) of Section 21B-80. Further, the  
3 board may not allow a person to student teach if he or she has  
4 been found to be the perpetrator of sexual or physical abuse of  
5 a minor under 18 years of age pursuant to proceedings under  
6 Article II of the Juvenile Court Act of 1987. The board must  
7 consider the status of a person to student teach who has been  
8 issued an indicated finding of abuse or neglect of a child by  
9 the Department of Children and Family Services under the  
10 Abused and Neglected Child Reporting Act or by a child welfare  
11 agency of another jurisdiction.

12 (h) (Blank).

13 (Source: P.A. 101-72, eff. 7-12-19; 101-531, eff. 8-23-19;  
14 101-643, eff. 6-18-20.)

15 Section 515. The Medical School Matriculant Criminal  
16 History Records Check Act is amended by changing Sections 10,  
17 15, and 25 as follows:

18 (110 ILCS 57/10)

19 Sec. 10. Criminal history records check for matriculants.

20 (a) A public medical school located in Illinois must  
21 conduct an inquiry into the Illinois ~~Department of~~ State  
22 Police's Statewide Sex Offender Database for each matriculant  
23 and must require that each matriculant submit to a  
24 fingerprint-based criminal history records check for violent

1 felony convictions, conducted by the Illinois ~~Department of~~  
2 State Police and the Federal Bureau of Investigation, as part  
3 of the medical school admissions process. The medical school  
4 shall forward the name, sex, race, date of birth, social  
5 security number, and fingerprints of each of its matriculants  
6 to the Illinois ~~Department of~~ State Police to be searched  
7 against the fingerprint records now and hereafter filed in the  
8 Illinois ~~Department of~~ State Police and Federal Bureau of  
9 Investigation criminal history records databases. The  
10 fingerprints of each matriculant must be submitted in the form  
11 and manner prescribed by the Illinois ~~Department of~~ State  
12 Police. The Illinois ~~Department of~~ State Police shall furnish,  
13 pursuant to positive identification, records of a  
14 matriculant's violent felony convictions to the medical school  
15 that requested the criminal history records check. Compliance  
16 with the criminal history record checks required by this  
17 subsection (a) may also be accomplished through the use of a  
18 private entity that checks criminal history records for  
19 violent felony convictions.

20 (b) A private medical school located in Illinois must  
21 conduct an inquiry into the Illinois ~~Department of~~ State  
22 Police's Statewide Sex Offender Database for each matriculant  
23 and must require that each matriculant submit to an Illinois  
24 Uniform Conviction Information Act fingerprint-based, criminal  
25 history records check for violent felony convictions,  
26 conducted by the Illinois ~~Department of~~ State Police, as part

1 of the medical school admissions process. The medical school  
2 shall forward the name, sex, race, date of birth, social  
3 security number, and fingerprints of each of its matriculants  
4 to the Illinois ~~Department of~~ State Police to be searched  
5 against the fingerprint records now and hereafter filed in the  
6 Illinois ~~Department of~~ State Police criminal history records  
7 database. The fingerprints of each matriculant must be  
8 submitted in the form and manner prescribed by the Illinois  
9 ~~Department of~~ State Police. The Illinois ~~Department of~~ State  
10 Police shall furnish, pursuant to positive identification,  
11 records of a matriculant's violent felony convictions to the  
12 medical school that requested the criminal history records  
13 check. Compliance with the criminal history record checks  
14 required by this subsection (b) may also be accomplished  
15 through the use of a private entity that checks criminal  
16 history records for violent felony convictions.

17 (Source: P.A. 96-1044, eff. 7-14-10.)

18 (110 ILCS 57/15)

19 Sec. 15. Fees. The Illinois ~~Department of~~ State Police  
20 shall charge each requesting medical school a fee for  
21 conducting the criminal history records check under Section 10  
22 of this Act, which shall be deposited in the State Police  
23 Services Fund and shall not exceed the cost of the inquiry.  
24 Each requesting medical school is solely responsible for  
25 payment of this fee to the Illinois ~~Department of~~ State



1 Police. Each requesting medical school is solely responsible  
2 for payment of any fees associated with the use of a private  
3 entity that checks criminal history records for violent felony  
4 convictions. Each medical school may impose its own fee upon a  
5 matriculant to cover the cost of the criminal history records  
6 check at the time the matriculant submits to the criminal  
7 history records check.

8 (Source: P.A. 96-1044, eff. 7-14-10.)

9 (110 ILCS 57/25)

10 Sec. 25. Civil immunity. Except for willful ~~wilful~~ or  
11 wanton misconduct, no medical school acting under the  
12 provisions of this Act shall be civilly liable to any  
13 matriculant for reporting any required information to the  
14 Illinois Department ~~of~~ State Police or for any decision made  
15 pursuant to Section 20 of this Act.

16 (Source: P.A. 94-709, eff. 12-5-05; 94-837, eff. 6-6-06.)

17 Section 525. The Transmitters of Money Act is amended by  
18 changing Section 25 as follows:

19 (205 ILCS 657/25)

20 Sec. 25. Application for license.

21 (a) An application for a license must be in writing, under  
22 oath, and in the form the Director prescribes. The application  
23 must contain or be accompanied by all of the following:

1           (1) The name of the applicant and the address of the  
2           principal place of business of the applicant and the  
3           address of all locations and proposed locations of the  
4           applicant in this State.

5           (2) The form of business organization of the  
6           applicant, including:

7                   (A) a copy of its articles of incorporation and  
8                   amendments thereto and a copy of its bylaws, certified  
9                   by its secretary, if the applicant is a corporation;

10                   (B) a copy of its partnership agreement, certified  
11                   by a partner, if the applicant is a partnership; or

12                   (C) a copy of the documents that control its  
13                   organizational structure, certified by a managing  
14                   official, if the applicant is organized in some other  
15                   form.

16           (3) The name, business and home address, and a  
17           chronological summary of the business experience, material  
18           litigation history, and felony convictions over the  
19           preceding 10 years of:

20                   (A) the proprietor, if the applicant is an  
21                   individual;

22                   (B) every partner, if the applicant is a  
23                   partnership;

24                   (C) each officer, director, and controlling  
25                   person, if the applicant is a corporation; and

26                   (D) each person in a position to exercise control

1           over, or direction of, the business of the applicant,  
2           regardless of the form of organization of the  
3           applicant.

4           (4) Financial statements, not more than one year old,  
5           prepared in accordance with generally accepted accounting  
6           principles and audited by a licensed public accountant or  
7           certified public accountant showing the financial  
8           condition of the applicant and an unaudited balance sheet  
9           and statement of operation as of the most recent quarterly  
10          report before the date of the application, certified by  
11          the applicant or an officer or partner thereof. If the  
12          applicant is a wholly owned subsidiary or is eligible to  
13          file consolidated federal income tax returns with its  
14          parent, however, unaudited financial statements for the  
15          preceding year along with the unaudited financial  
16          statements for the most recent quarter may be submitted if  
17          accompanied by the audited financial statements of the  
18          parent company for the preceding year along with the  
19          unaudited financial statement for the most recent quarter.

20          (5) Filings of the applicant with the Securities and  
21          Exchange Commission or similar foreign governmental entity  
22          (English translation), if any.

23          (6) A list of all other states in which the applicant  
24          is licensed as a money transmitter and whether the license  
25          of the applicant for those purposes has ever been  
26          withdrawn, refused, canceled, or suspended in any other

1 state, with full details.

2 (7) A list of all money transmitter locations and  
3 proposed locations in this State.

4 (8) A sample of the contract for authorized sellers.

5 (9) A sample form of the proposed payment instruments  
6 to be used in this State.

7 (10) The name and business address of the clearing  
8 banks through which the applicant intends to conduct any  
9 business regulated under this Act.

10 (11) A surety bond as required by Section 30 of this  
11 Act.

12 (12) The applicable fees as required by Section 45 of  
13 this Act.

14 (13) A written consent to service of process as  
15 provided by Section 100 of this Act.

16 (14) A written statement that the applicant is in full  
17 compliance with and agrees to continue to fully comply  
18 with all state and federal statutes and regulations  
19 relating to money laundering.

20 (15) All additional information the Director considers  
21 necessary in order to determine whether or not to issue  
22 the applicant a license under this Act.

23 (a-5) The proprietor, partner, officer, director, and  
24 controlling person of the applicant shall submit their  
25 fingerprints to the Illinois ~~Department of~~ State Police in an  
26 electronic format that complies with the form and manner for

1 requesting and furnishing criminal history record information  
2 as prescribed by the Illinois ~~Department of~~ State Police.  
3 These fingerprints shall be retained and checked against the  
4 Illinois ~~Department of~~ State Police and Federal Bureau of  
5 Investigation criminal history record databases now and  
6 hereafter filed, including latent fingerprint searches. The  
7 Illinois ~~Department of~~ State Police shall charge applicants a  
8 fee for conducting the criminal history records check, which  
9 shall be deposited into the State Police Services Fund and  
10 shall not exceed the actual cost of the records check. The  
11 Illinois ~~Department of~~ State Police shall furnish records of  
12 Illinois convictions to the Department pursuant to positive  
13 identification and shall forward the national criminal history  
14 record information to the Department. The Department may  
15 require applicants to pay a separate fingerprinting fee,  
16 either to the Department or to a Department-designated or  
17 Department-approved vendor. The Department, in its discretion,  
18 may allow a proprietor, partner, officer, director, or  
19 controlling person of an applicant who does not have  
20 reasonable access to a designated vendor to provide his or her  
21 fingerprints in an alternative manner. The Department, in its  
22 discretion, may also use other procedures in performing or  
23 obtaining criminal background checks of applicants. Instead of  
24 submitting his or her fingerprints, an individual may submit  
25 proof that is satisfactory to the Department that an  
26 equivalent security clearance has been conducted. The

1 Department may adopt any rules necessary to implement this  
2 subsection.

3 (b) The Director may, for good cause shown, waive, in  
4 part, any of the requirements of this Section.

5 (Source: P.A. 100-979, eff. 8-19-18.)

6 Section 530. The Currency Reporting Act is amended by  
7 changing Sections 2, 3, and 4 as follows:

8 (205 ILCS 685/2) (from Ch. 17, par. 7352)

9 Sec. 2. It is the purpose of this Act to require the  
10 keeping and submission to the Director of the Illinois State  
11 Police of certain reports and records of transactions  
12 involving United States currency when such reports and records  
13 have a high degree of usefulness in criminal, tax or  
14 regulatory investigations or proceedings.

15 (Source: P.A. 87-619.)

16 (205 ILCS 685/3) (from Ch. 17, par. 7353)

17 Sec. 3. As used in this Act, the term:

18 (a) "Currency" means currency and coin of the United  
19 States;

20 (b) (Blank); ~~"Department" means the Department of State~~  
21 ~~Police;~~

22 (c) "Director" means Director of the Illinois State  
23 Police;

- 1 (d) "Financial Institution" means any:
- 2 (1) National or state bank or banking association;
- 3 (2) Agency or branch of a foreign bank, or
- 4 international bank;
- 5 (3) Industrial savings bank;
- 6 (4) Trust company;
- 7 (5) Federal or state savings and loan association;
- 8 (6) Federal or state credit union;
- 9 (7) Community or ambulatory currency exchange;
- 10 (8) Issuer, redeemer, or cashier of travelers' checks,
- 11 money orders, or similar instruments;
- 12 (9) Operator of a credit card system;
- 13 (10) Insurance company;
- 14 (11) Dealer in precious metals, stones, and jewels;
- 15 (12) Loan or finance company;
- 16 (13) Pawnbroker;
- 17 (14) Travel agency;
- 18 (15) Licensed sender of money;
- 19 (16) Telegraph company;
- 20 (17) Business engaged in vehicle or vessel sales,
- 21 including automobile, airplane and boat sales;
- 22 (18) Person involved in real estate closings,
- 23 settlements, sales, or auctions.

24 However, "Financial Institution" does not include an office,  
25 department, agency or other entity of State government.

26 (Source: P.A. 87-619.)

1 (205 ILCS 685/4) (from Ch. 17, par. 7354)

2 Sec. 4. (a) Every financial institution shall keep a  
3 record of every currency transaction involving more than  
4 \$10,000 and shall file a report with the Illinois State Police  
5 ~~Department~~ at such time and containing such information as the  
6 Director by rule or regulation requires. Unless otherwise  
7 provided by rule, a financial institution may exempt from the  
8 reporting requirements of this Section deposits, withdrawals,  
9 exchanges, or payments exempted from the reporting  
10 requirements of Title 31 U.S.C. 5313. Each financial  
11 institution shall maintain a record of each exemption granted,  
12 including the name, address, type of business, taxpayer  
13 identification number, and account number of the customer  
14 granted the exemption; the type of transactions exempted; and  
15 the dollar limit of each exempt transaction. Such record of  
16 exemptions shall be made available to the Illinois State  
17 Police ~~Department~~ for inspection and copying.

18 (b) A financial institution in compliance with the  
19 provisions of the Currency and Foreign Transactions Reporting  
20 Act (31 U.S.C. 5311, et seq.) and Federal regulations  
21 prescribed thereunder shall be deemed to be in compliance with  
22 the provisions of this Section and rules or regulations  
23 prescribed thereunder by the Director.

24 (Source: P.A. 87-619.)



1           Section 535. The Abused and Neglected Long Term Care  
2 Facility Residents Reporting Act is amended by changing  
3 Sections 6 and 10 as follows:

4           (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

5           Sec. 6. All reports of suspected abuse or neglect made  
6 under this Act shall be made immediately by telephone to the  
7 Department's central register established under Section 14 on  
8 the single, State-wide, toll-free telephone number established  
9 under Section 13, or in person or by telephone through the  
10 nearest Department office. No long term care facility  
11 administrator, agent or employee, or any other person, shall  
12 screen reports or otherwise withhold any reports from the  
13 Department, and no long term care facility, department of  
14 State government, or other agency shall establish any rules,  
15 criteria, standards or guidelines to the contrary. Every long  
16 term care facility, department of State government and other  
17 agency whose employees are required to make or cause to be made  
18 reports under Section 4 shall notify its employees of the  
19 provisions of that Section and of this Section, and provide to  
20 the Department documentation that such notification has been  
21 given. The Department of Human Services shall train all of its  
22 mental health and developmental disabilities employees in the  
23 detection and reporting of suspected abuse and neglect of  
24 residents. Reports made to the central register through the  
25 State-wide, toll-free telephone number shall be transmitted to

1 appropriate Department offices and municipal health  
2 departments that have responsibility for licensing long term  
3 care facilities under the Nursing Home Care Act, the  
4 Specialized Mental Health Rehabilitation Act of 2013, the  
5 ID/DD Community Care Act, or the MC/DD Act. All reports  
6 received through offices of the Department shall be forwarded  
7 to the central register, in a manner and form described by the  
8 Department. The Department shall be capable of receiving  
9 reports of suspected abuse and neglect 24 hours a day, 7 days a  
10 week. Reports shall also be made in writing deposited in the  
11 U.S. mail, postage prepaid, within 24 hours after having  
12 reasonable cause to believe that the condition of the resident  
13 resulted from abuse or neglect. Such reports may in addition  
14 be made to the local law enforcement agency in the same manner.  
15 However, in the event a report is made to the local law  
16 enforcement agency, the reporter also shall immediately so  
17 inform the Department. The Department shall initiate an  
18 investigation of each report of resident abuse and neglect  
19 under this Act, whether oral or written, as provided for in  
20 Section 3-702 of the Nursing Home Care Act, Section 2-208 of  
21 the Specialized Mental Health Rehabilitation Act of 2013,  
22 Section 3-702 of the ID/DD Community Care Act, or Section  
23 3-702 of the MC/DD Act, except that reports of abuse which  
24 indicate that a resident's life or safety is in imminent  
25 danger shall be investigated within 24 hours of such report.  
26 The Department may delegate to law enforcement officials or

1 other public agencies the duty to perform such investigation.

2 With respect to investigations of reports of suspected  
3 abuse or neglect of residents of mental health and  
4 developmental disabilities institutions under the jurisdiction  
5 of the Department of Human Services, the Department shall  
6 transmit copies of such reports to the Illinois ~~Department of~~  
7 State Police, the Department of Human Services, and the  
8 Inspector General appointed under Section 1-17 of the  
9 Department of Human Services Act. If the Department receives a  
10 report of suspected abuse or neglect of a recipient of  
11 services as defined in Section 1-123 of the Mental Health and  
12 Developmental Disabilities Code, the Department shall transmit  
13 copies of such report to the Inspector General and the  
14 Directors of the Guardianship and Advocacy Commission and the  
15 agency designated by the Governor pursuant to the Protection  
16 and Advocacy for Persons with Developmental Disabilities Act.  
17 When requested by the Director of the Guardianship and  
18 Advocacy Commission, the agency designated by the Governor  
19 pursuant to the Protection and Advocacy for Persons with  
20 Developmental Disabilities Act, or the Department of Financial  
21 and Professional Regulation, the Department, the Department of  
22 Human Services and the Illinois ~~Department of~~ State Police  
23 shall make available a copy of the final investigative report  
24 regarding investigations conducted by their respective  
25 agencies on incidents of suspected abuse or neglect of  
26 residents of mental health and developmental disabilities

1 institutions or individuals receiving services at community  
2 agencies under the jurisdiction of the Department of Human  
3 Services. Such final investigative report shall not contain  
4 witness statements, investigation notes, draft summaries,  
5 results of lie detector tests, investigative files or other  
6 raw data which was used to compile the final investigative  
7 report. Specifically, the final investigative report of the  
8 Illinois Department of State Police shall mean the Director's  
9 final transmittal letter. The Department of Human Services  
10 shall also make available a copy of the results of  
11 disciplinary proceedings of employees involved in incidents of  
12 abuse or neglect to the Directors. All identifiable  
13 information in reports provided shall not be further disclosed  
14 except as provided by the Mental Health and Developmental  
15 Disabilities Confidentiality Act. Nothing in this Section is  
16 intended to limit or construe the power or authority granted  
17 to the agency designated by the Governor pursuant to the  
18 Protection and Advocacy for Persons with Developmental  
19 Disabilities Act, pursuant to any other State or federal  
20 statute.

21 With respect to investigations of reported resident abuse  
22 or neglect, the Department shall effect with appropriate law  
23 enforcement agencies formal agreements concerning methods and  
24 procedures for the conduct of investigations into the criminal  
25 histories of any administrator, staff assistant or employee of  
26 the nursing home or other person responsible for the residents

1 care, as well as for other residents in the nursing home who  
2 may be in a position to abuse, neglect or exploit the patient.  
3 Pursuant to the formal agreements entered into with  
4 appropriate law enforcement agencies, the Department may  
5 request information with respect to whether the person or  
6 persons set forth in this paragraph have ever been charged  
7 with a crime and if so, the disposition of those charges.  
8 Unless the criminal histories of the subjects involved crimes  
9 of violence or resident abuse or neglect, the Department shall  
10 be entitled only to information limited in scope to charges  
11 and their dispositions. In cases where prior crimes of  
12 violence or resident abuse or neglect are involved, a more  
13 detailed report can be made available to authorized  
14 representatives of the Department, pursuant to the agreements  
15 entered into with appropriate law enforcement agencies. Any  
16 criminal charges and their disposition information obtained by  
17 the Department shall be confidential and may not be  
18 transmitted outside the Department, except as required herein,  
19 to authorized representatives or delegates of the Department,  
20 and may not be transmitted to anyone within the Department who  
21 is not duly authorized to handle resident abuse or neglect  
22 investigations.

23 The Department shall effect formal agreements with  
24 appropriate law enforcement agencies in the various counties  
25 and communities to encourage cooperation and coordination in  
26 the handling of resident abuse or neglect cases pursuant to

1 this Act. The Department shall adopt and implement methods and  
2 procedures to promote statewide uniformity in the handling of  
3 reports of abuse and neglect under this Act, and those methods  
4 and procedures shall be adhered to by personnel of the  
5 Department involved in such investigations and reporting. The  
6 Department shall also make information required by this Act  
7 available to authorized personnel within the Department, as  
8 well as its authorized representatives.

9 The Department shall keep a continuing record of all  
10 reports made pursuant to this Act, including indications of  
11 the final determination of any investigation and the final  
12 disposition of all reports.

13 The Department shall report annually to the General  
14 Assembly on the incidence of abuse and neglect of long term  
15 care facility residents, with special attention to residents  
16 who are persons with mental disabilities. The report shall  
17 include but not be limited to data on the number and source of  
18 reports of suspected abuse or neglect filed under this Act,  
19 the nature of any injuries to residents, the final  
20 determination of investigations, the type and number of cases  
21 where abuse or neglect is determined to exist, and the final  
22 disposition of cases.

23 (Source: P.A. 98-104, eff. 7-22-13; 99-143, eff. 7-27-15;  
24 99-180, eff. 7-29-15; 99-642, eff. 7-28-16.)

1           Sec. 10. If, during the investigation of a report made  
2 pursuant to this Act, the Department obtains information  
3 indicating possible criminal acts, the Department shall refer  
4 the matter to the appropriate law enforcement agency or  
5 agencies for further investigation or prosecution. The  
6 Department shall make the entire file of its investigation  
7 available to the appropriate law enforcement agencies.

8           With respect to reports of suspected abuse or neglect of  
9 residents of facilities operated by the Department of Human  
10 Services (as successor to the Department of Rehabilitation  
11 Services) or recipients of services through any home,  
12 institution, program or other entity licensed in whole or in  
13 part by the Department of Human Services (as successor to the  
14 Department of Rehabilitation Services), the Department shall  
15 refer reports to the Illinois ~~Department of~~ State Police or  
16 the appropriate law enforcement entity upon awareness that a  
17 possible criminal act has occurred.

18           (Source: P.A. 94-428, eff. 8-2-05.)

19           Section 540. The Nursing Home Care Act is amended by  
20 changing Sections 1-114.01, 2-201.5, 2-201.6, and 2-201.7 as  
21 follows:

22           (210 ILCS 45/1-114.01)

23           Sec. 1-114.01. Identified offender. "Identified offender"  
24 means a person who meets any of the following criteria:

1           (1) Has been convicted of, found guilty of,  
2           adjudicated delinquent for, found not guilty by reason of  
3           insanity for, or found unfit to stand trial for, any  
4           felony offense listed in Section 25 of the Health Care  
5           Worker Background Check Act, except for the following: (i)  
6           a felony offense described in Section 10-5 of the Nurse  
7           Practice Act; (ii) a felony offense described in Section  
8           4, 5, 6, 8, or 17.02 of the Illinois Credit Card and Debit  
9           Card Act; (iii) a felony offense described in Section 5,  
10          5.1, 5.2, 7, or 9 of the Cannabis Control Act; (iv) a  
11          felony offense described in Section 401, 401.1, 404, 405,  
12          405.1, 407, or 407.1 of the Illinois Controlled Substances  
13          Act; and (v) a felony offense described in the  
14          Methamphetamine Control and Community Protection Act.

15          (2) Has been convicted of, adjudicated delinquent for,  
16          found not guilty by reason of insanity for, or found unfit  
17          to stand trial for, any sex offense as defined in  
18          subsection (c) of Section 10 of the Sex Offender  
19          Management Board Act.

20          (3) Is any other resident as determined by the  
21          Illinois Department of State Police.

22          (Source: P.A. 96-1372, eff. 7-29-10.)

23                 (210 ILCS 45/2-201.5)

24                 Sec. 2-201.5. Screening prior to admission.

25                 (a) All persons age 18 or older seeking admission to a



1 nursing facility must be screened to determine the need for  
2 nursing facility services prior to being admitted, regardless  
3 of income, assets, or funding source. Screening for nursing  
4 facility services shall be administered through procedures  
5 established by administrative rule. Screening may be done by  
6 agencies other than the Department as established by  
7 administrative rule. This Section applies on and after July 1,  
8 1996. No later than October 1, 2010, the Department of  
9 Healthcare and Family Services, in collaboration with the  
10 Department on Aging, the Department of Human Services, and the  
11 Department of Public Health, shall file administrative rules  
12 providing for the gathering, during the screening process, of  
13 information relevant to determining each person's potential  
14 for placing other residents, employees, and visitors at risk  
15 of harm.

16 (a-1) Any screening performed pursuant to subsection (a)  
17 of this Section shall include a determination of whether any  
18 person is being considered for admission to a nursing facility  
19 due to a need for mental health services. For a person who  
20 needs mental health services, the screening shall also include  
21 an evaluation of whether there is permanent supportive  
22 housing, or an array of community mental health services,  
23 including but not limited to supported housing, assertive  
24 community treatment, and peer support services, that would  
25 enable the person to live in the community. The person shall be  
26 told about the existence of any such services that would

1 enable the person to live safely and humanely and about  
2 available appropriate nursing home services that would enable  
3 the person to live safely and humanely, and the person shall be  
4 given the assistance necessary to avail himself or herself of  
5 any available services.

6 (a-2) Pre-screening for persons with a serious mental  
7 illness shall be performed by a psychiatrist, a psychologist,  
8 a registered nurse certified in psychiatric nursing, a  
9 licensed clinical professional counselor, or a licensed  
10 clinical social worker, who is competent to (i) perform a  
11 clinical assessment of the individual, (ii) certify a  
12 diagnosis, (iii) make a determination about the individual's  
13 current need for treatment, including substance abuse  
14 treatment, and recommend specific treatment, and (iv)  
15 determine whether a facility or a community-based program is  
16 able to meet the needs of the individual.

17 For any person entering a nursing facility, the  
18 pre-screening agent shall make specific recommendations about  
19 what care and services the individual needs to receive,  
20 beginning at admission, to attain or maintain the individual's  
21 highest level of independent functioning and to live in the  
22 most integrated setting appropriate for his or her physical  
23 and personal care and developmental and mental health needs.  
24 These recommendations shall be revised as appropriate by the  
25 pre-screening or re-screening agent based on the results of  
26 resident review and in response to changes in the resident's

1 wishes, needs, and interest in transition.

2 Upon the person entering the nursing facility, the  
3 Department of Human Services or its designee shall assist the  
4 person in establishing a relationship with a community mental  
5 health agency or other appropriate agencies in order to (i)  
6 promote the person's transition to independent living and (ii)  
7 support the person's progress in meeting individual goals.

8 (a-3) The Department of Human Services, by rule, shall  
9 provide for a prohibition on conflicts of interest for  
10 pre-admission screeners. The rule shall provide for waiver of  
11 those conflicts by the Department of Human Services if the  
12 Department of Human Services determines that a scarcity of  
13 qualified pre-admission screeners exists in a given community  
14 and that, absent a waiver of conflicts, an insufficient number  
15 of pre-admission screeners would be available. If a conflict  
16 is waived, the pre-admission screener shall disclose the  
17 conflict of interest to the screened individual in the manner  
18 provided for by rule of the Department of Human Services. For  
19 the purposes of this subsection, a "conflict of interest"  
20 includes, but is not limited to, the existence of a  
21 professional or financial relationship between (i) a PAS-MH  
22 corporate or a PAS-MH agent and (ii) a community provider or  
23 long-term care facility.

24 (b) In addition to the screening required by subsection  
25 (a), a facility, except for those licensed under the MC/DD  
26 Act, shall, within 24 hours after admission, request a

1 criminal history background check pursuant to the Illinois  
2 Uniform Conviction Information Act for all persons age 18 or  
3 older seeking admission to the facility, unless (i) a  
4 background check was initiated by a hospital pursuant to  
5 subsection (d) of Section 6.09 of the Hospital Licensing Act  
6 or a pre-admission background check was conducted by the  
7 Department of Veterans' Affairs 30 days prior to admittance  
8 into an Illinois Veterans Home; (ii) the transferring resident  
9 is immobile; or (iii) the transferring resident is moving into  
10 hospice. The exemption provided in item (ii) or (iii) of this  
11 subsection (b) shall apply only if a background check was  
12 completed by the facility the resident resided at prior to  
13 seeking admission to the facility and the resident was  
14 transferred to the facility with no time passing during which  
15 the resident was not institutionalized. If item (ii) or (iii)  
16 of this subsection (b) applies, the prior facility shall  
17 provide a copy of its background check of the resident and all  
18 supporting documentation, including, when applicable, the  
19 criminal history report and the security assessment, to the  
20 facility to which the resident is being transferred.  
21 Background checks conducted pursuant to this Section shall be  
22 based on the resident's name, date of birth, and other  
23 identifiers as required by the Illinois Department of State  
24 ~~Police~~. If the results of the background check are  
25 inconclusive, the facility shall initiate a fingerprint-based  
26 check, unless the fingerprint check is waived by the Director

1 of Public Health based on verification by the facility that  
2 the resident is completely immobile or that the resident meets  
3 other criteria related to the resident's health or lack of  
4 potential risk which may be established by Departmental rule.  
5 A waiver issued pursuant to this Section shall be valid only  
6 while the resident is immobile or while the criteria  
7 supporting the waiver exist. The facility shall provide for or  
8 arrange for any required fingerprint-based checks to be taken  
9 on the premises of the facility. If a fingerprint-based check  
10 is required, the facility shall arrange for it to be conducted  
11 in a manner that is respectful of the resident's dignity and  
12 that minimizes any emotional or physical hardship to the  
13 resident.

14 (c) If the results of a resident's criminal history  
15 background check reveal that the resident is an identified  
16 offender as defined in Section 1-114.01, the facility shall do  
17 the following:

18 (1) Immediately notify the Illinois ~~Department of~~  
19 State Police, in the form and manner required by the  
20 Illinois ~~Department of~~ State Police, in collaboration with  
21 the Department of Public Health, that the resident is an  
22 identified offender.

23 (2) Within 72 hours, arrange for a fingerprint-based  
24 criminal history record inquiry to be requested on the  
25 identified offender resident. The inquiry shall be based  
26 on the subject's name, sex, race, date of birth,

1 fingerprint images, and other identifiers required by the  
2 Illinois ~~Department of~~ State Police. The inquiry shall be  
3 processed through the files of the Illinois ~~Department of~~  
4 State Police and the Federal Bureau of Investigation to  
5 locate any criminal history record information that may  
6 exist regarding the subject. The Federal Bureau of  
7 Investigation shall furnish to the Illinois ~~Department of~~  
8 State Police, pursuant to an inquiry under this paragraph  
9 (2), any criminal history record information contained in  
10 its files.

11 The facility shall comply with all applicable provisions  
12 contained in the Illinois Uniform Conviction Information Act.

13 All name-based and fingerprint-based criminal history  
14 record inquiries shall be submitted to the Illinois ~~Department~~  
15 ~~of~~ State Police electronically in the form and manner  
16 prescribed by the Illinois ~~Department of~~ State Police. The  
17 Illinois ~~Department of~~ State Police may charge the facility a  
18 fee for processing name-based and fingerprint-based criminal  
19 history record inquiries. The fee shall be deposited into the  
20 State Police Services Fund. The fee shall not exceed the  
21 actual cost of processing the inquiry.

22 (d) (Blank).

23 (e) The Department shall develop and maintain a  
24 de-identified database of residents who have injured facility  
25 staff, facility visitors, or other residents, and the  
26 attendant circumstances, solely for the purposes of evaluating

1 and improving resident pre-screening and assessment procedures  
2 (including the Criminal History Report prepared under Section  
3 2-201.6) and the adequacy of Department requirements  
4 concerning the provision of care and services to residents. A  
5 resident shall not be listed in the database until a  
6 Department survey confirms the accuracy of the listing. The  
7 names of persons listed in the database and information that  
8 would allow them to be individually identified shall not be  
9 made public. Neither the Department nor any other agency of  
10 State government may use information in the database to take  
11 any action against any individual, licensee, or other entity,  
12 unless the Department or agency receives the information  
13 independent of this subsection (e). All information collected,  
14 maintained, or developed under the authority of this  
15 subsection (e) for the purposes of the database maintained  
16 under this subsection (e) shall be treated in the same manner  
17 as information that is subject to Part 21 of Article VIII of  
18 the Code of Civil Procedure.

19 (Source: P.A. 99-180, eff. 7-29-15; 99-314, eff. 8-7-15;  
20 99-453, eff. 8-24-15; 99-642, eff. 7-28-16.)

21 (210 ILCS 45/2-201.6)

22 Sec. 2-201.6. Criminal History Report.

23 (a) The Illinois ~~Department of~~ State Police shall prepare  
24 a Criminal History Report when it receives information,  
25 through the criminal history background check required

1 pursuant to subsection (d) of Section 6.09 of the Hospital  
2 Licensing Act or subsection (c) of Section 2-201.5, or through  
3 any other means, that a resident of a facility is an identified  
4 offender.

5 (b) The Illinois ~~Department of~~ State Police shall complete  
6 the Criminal History Report within 10 business days after  
7 receiving information under subsection (a) that a resident is  
8 an identified offender.

9 (c) The Criminal History Report shall include, but not be  
10 limited to, the following:

11 (1) (Blank).

12 (2) (Blank).

13 (3) (Blank).

14 (3.5) Copies of the identified offender's parole,  
15 mandatory supervised release, or probation orders.

16 (4) An interview with the identified offender.

17 (5) (Blank).

18 (6) A detailed summary of the entire criminal history  
19 of the offender, including arrests, convictions, and the  
20 date of the identified offender's last conviction relative  
21 to the date of admission to a long-term care facility.

22 (7) If the identified offender is a convicted or  
23 registered sex offender, a review of any and all sex  
24 offender evaluations conducted on that offender. If there  
25 is no sex offender evaluation available, the Illinois  
26 ~~Department of~~ State Police shall arrange, through the



1 Department of Public Health, for a sex offender evaluation  
2 to be conducted on the identified offender. If the  
3 convicted or registered sex offender is under supervision  
4 by the Illinois Department of Corrections or a county  
5 probation department, the sex offender evaluation shall be  
6 arranged by and at the expense of the supervising agency.  
7 All evaluations conducted on convicted or registered sex  
8 offenders under this Act shall be conducted by sex  
9 offender evaluators approved by the Sex Offender  
10 Management Board.

11 (d) The Illinois ~~Department of~~ State Police shall provide  
12 the Criminal History Report to a licensed forensic  
13 psychologist. After (i) consideration of the Criminal History  
14 Report, (ii) consultation with the facility administrator or  
15 the facility medical director, or both, regarding the mental  
16 and physical condition of the identified offender, and (iii)  
17 reviewing the facility's file on the identified offender,  
18 including all incident reports, all information regarding  
19 medication and medication compliance, and all information  
20 regarding previous discharges or transfers from other  
21 facilities, the licensed forensic psychologist shall prepare  
22 an Identified Offender Report and Recommendation. The  
23 Identified Offender Report and Recommendation shall detail  
24 whether and to what extent the identified offender's criminal  
25 history necessitates the implementation of security measures  
26 within the long-term care facility. If the identified offender

1 is a convicted or registered sex offender or if the Identified  
2 Offender Report and Recommendation reveals that the identified  
3 offender poses a significant risk of harm to others within the  
4 facility, the offender shall be required to have his or her own  
5 room within the facility.

6 (e) The licensed forensic psychologist shall complete the  
7 Identified Offender Report and Recommendation within 14  
8 business days after receiving the Criminal History Report and  
9 shall promptly provide the Identified Offender Report and  
10 Recommendation to the Illinois ~~Department of~~ State Police,  
11 which shall provide the Identified Offender Report and  
12 Recommendation to the following:

13 (1) The long-term care facility within which the  
14 identified offender resides.

15 (2) The Chief of Police of the municipality in which  
16 the facility is located.

17 (3) The State of Illinois Long Term Care Ombudsman.

18 (4) The Department of Public Health.

19 (e-5) The Department of Public Health shall keep a  
20 continuing record of all residents determined to be identified  
21 offenders as defined in Section 1-114.01 and shall report the  
22 number of identified offender residents annually to the  
23 General Assembly.

24 (f) The facility shall incorporate the Identified Offender  
25 Report and Recommendation into the identified offender's care  
26 plan created pursuant to 42 CFR 483.20.

1 (g) If, based on the Identified Offender Report and  
2 Recommendation, a facility determines that it cannot manage  
3 the identified offender resident safely within the facility,  
4 it shall commence involuntary transfer or discharge  
5 proceedings pursuant to Section 3-402.

6 (h) Except for willful and wanton misconduct, any person  
7 authorized to participate in the development of a Criminal  
8 History Report or Identified Offender Report and  
9 Recommendation is immune from criminal or civil liability for  
10 any acts or omissions as the result of his or her good faith  
11 effort to comply with this Section.

12 (Source: P.A. 96-1372, eff. 7-29-10.)

13 (210 ILCS 45/2-201.7)

14 Sec. 2-201.7. Expanded criminal history background check  
15 pilot program.

16 (a) The purpose of this Section is to establish a pilot  
17 program based in Cook and Will counties in which an expanded  
18 criminal history background check screening process will be  
19 utilized to better identify residents of licensed long term  
20 care facilities who, because of their criminal histories, may  
21 pose a risk to other vulnerable residents.

22 (b) In this Section, "mixed population facility" means a  
23 facility that has more than 25 residents with a diagnosis of  
24 serious mental illness and residents 65 years of age or older.

25 (c) Every mixed population facility located in Cook County

1 or Will County shall participate in the pilot program and  
2 shall employ expanded criminal history background check  
3 screening procedures for all residents admitted to the  
4 facility who are at least 18 years of age but less than 65  
5 years of age. Under the pilot program, criminal history  
6 background checks required under this Act shall employ  
7 fingerprint-based criminal history record inquiries or  
8 comparably comprehensive name-based criminal history  
9 background checks. Fingerprint-based criminal history record  
10 inquiries shall be conducted pursuant to subsection (c-2) of  
11 Section 2-201.5. A Criminal History Report and an Identified  
12 Offender Report and Recommendation shall be completed pursuant  
13 to Section 2-201.6 if the results of the expanded criminal  
14 history background check reveal that a resident is an  
15 identified offender as defined in Section 1-114.01.

16 (d) If an expanded criminal history background check  
17 reveals that a resident is an identified offender as defined  
18 in Section 1-114.01, the facility shall be notified within 72  
19 hours.

20 (e) The cost of the expanded criminal history background  
21 checks conducted pursuant to the pilot program shall not  
22 exceed \$50 per resident and shall be paid by the facility. The  
23 Illinois Department of State Police shall implement all  
24 potential measures to minimize the cost of the expanded  
25 criminal history background checks to the participating long  
26 term care facilities.

1 (f) The pilot program shall run for a period of one year  
2 after the effective date of this amendatory Act of the 96th  
3 General Assembly. Promptly after the end of that one-year  
4 period, the Department shall report the results of the pilot  
5 program to the General Assembly.

6 (Source: P.A. 96-1372, eff. 7-29-10.)

7 Section 545. The MC/DD Act is amended by changing Sections  
8 1-114.01, 2-201.5, and 2-201.6 as follows:

9 (210 ILCS 46/1-114.01)

10 Sec. 1-114.01. Identified offender. "Identified offender"  
11 means a person who meets any of the following criteria:

12 (1) Has been convicted of, found guilty of,  
13 adjudicated delinquent for, found not guilty by reason of  
14 insanity for, or found unfit to stand trial for any felony  
15 offense listed in Section 25 of the Health Care Worker  
16 Background Check Act, except for the following:

17 (i) a felony offense described in Section 10-5 of  
18 the Nurse Practice Act;

19 (ii) a felony offense described in Section 4, 5,  
20 6, 8, or 17.02 of the Illinois Credit Card and Debit  
21 Card Act;

22 (iii) a felony offense described in Section 5,  
23 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

24 (iv) a felony offense described in Section 401,

1           401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois  
2           Controlled Substances Act; and

3                   (v) a felony offense described in the  
4           Methamphetamine Control and Community Protection Act.

5           (2) Has been convicted of, adjudicated delinquent for,  
6           found not guilty by reason of insanity for, or found unfit  
7           to stand trial for, any sex offense as defined in  
8           subsection (c) of Section 10 of the Sex Offender  
9           Management Board Act.

10           (3) Is any other resident as determined by the  
11           Illinois Department of State Police.

12           (Source: P.A. 99-180, eff. 7-29-15.)

13           (210 ILCS 46/2-201.5)

14           Sec. 2-201.5. Screening prior to admission.

15           (a) All persons age 18 or older seeking admission to a  
16           facility must be screened to determine the need for facility  
17           services prior to being admitted, regardless of income,  
18           assets, or funding source. In addition, any person who seeks  
19           to become eligible for medical assistance from the Medical  
20           Assistance Program under the Illinois Public Aid Code to pay  
21           for services while residing in a facility must be screened  
22           prior to receiving those benefits. Screening for facility  
23           services shall be administered through procedures established  
24           by administrative rule. Screening may be done by agencies  
25           other than the Department as established by administrative

1 rule.

2 (a-1) Any screening shall also include an evaluation of  
3 whether there are residential supports and services or an  
4 array of community services that would enable the person to  
5 live in the community. The person shall be told about the  
6 existence of any such services that would enable the person to  
7 live safely and humanely in the least restrictive environment,  
8 that is appropriate, that the individual or guardian chooses,  
9 and the person shall be given the assistance necessary to  
10 avail himself or herself of any available services.

11 (b) In addition to the screening required by subsection  
12 (a), a facility shall, within 24 hours after admission,  
13 request a criminal history background check pursuant to the  
14 Uniform Conviction Information Act for all persons age 18 or  
15 older seeking admission to the facility. Background checks  
16 conducted pursuant to this Section shall be based on the  
17 resident's name, date of birth, and other identifiers as  
18 required by the Illinois ~~Department of~~ State Police. If the  
19 results of the background check are inconclusive, the facility  
20 shall initiate a fingerprint-based check, unless the  
21 fingerprint-based check is waived by the Director of Public  
22 Health based on verification by the facility that the resident  
23 is completely immobile or that the resident meets other  
24 criteria related to the resident's health or lack of potential  
25 risk which may be established by Departmental rule. A waiver  
26 issued pursuant to this Section shall be valid only while the

1 resident is immobile or while the criteria supporting the  
2 waiver exist. The facility shall provide for or arrange for  
3 any required fingerprint-based checks. If a fingerprint-based  
4 check is required, the facility shall arrange for it to be  
5 conducted in a manner that is respectful of the resident's  
6 dignity and that minimizes any emotional or physical hardship  
7 to the resident.

8 (c) If the results of a resident's criminal history  
9 background check reveal that the resident is an identified  
10 offender as defined in Section 1-114.01 of this Act, the  
11 facility shall do the following:

12 (1) Immediately notify the Illinois ~~Department of~~  
13 State Police, in the form and manner required by the  
14 Illinois ~~Department of~~ State Police, in collaboration with  
15 the Department of Public Health, that the resident is an  
16 identified offender.

17 (2) Within 72 hours, arrange for a fingerprint-based  
18 criminal history record inquiry to be requested on the  
19 identified offender resident. The inquiry shall be based  
20 on the subject's name, sex, race, date of birth,  
21 fingerprint images, and other identifiers required by the  
22 Illinois ~~Department of~~ State Police. The inquiry shall be  
23 processed through the files of the Illinois ~~Department of~~  
24 State Police and the Federal Bureau of Investigation to  
25 locate any criminal history record information that may  
26 exist regarding the subject. The Federal Bureau of



1 Investigation shall furnish to the Illinois ~~Department of~~  
2 State Police, pursuant to an inquiry under this paragraph  
3 (2), any criminal history record information contained in  
4 its files. The facility shall comply with all applicable  
5 provisions contained in the Uniform Conviction Information  
6 Act. All name-based and fingerprint-based criminal history  
7 record inquiries shall be submitted to the Illinois  
8 ~~Department of~~ State Police electronically in the form and  
9 manner prescribed by the Illinois ~~Department of~~ State  
10 Police. The Illinois ~~Department of~~ State Police may charge  
11 the facility a fee for processing name-based and  
12 fingerprint-based criminal history record inquiries. The  
13 fee shall be deposited into the State Police Services  
14 Fund. The fee shall not exceed the actual cost of  
15 processing the inquiry.

16 (d) The Department shall develop and maintain a  
17 de-identified database of residents who have injured facility  
18 staff, facility visitors, or other residents, and the  
19 attendant circumstances, solely for the purposes of evaluating  
20 and improving resident pre-screening and assessment procedures  
21 (including the Criminal History Report prepared under Section  
22 2-201.6 of this Act) and the adequacy of Department  
23 requirements concerning the provision of care and services to  
24 residents. A resident shall not be listed in the database  
25 until a Department survey confirms the accuracy of the  
26 listing. The names of persons listed in the database and

1 information that would allow them to be individually  
2 identified shall not be made public. Neither the Department  
3 nor any other agency of State government may use information  
4 in the database to take any action against any individual,  
5 licensee, or other entity unless the Department or agency  
6 receives the information independent of this subsection (d).  
7 All information collected, maintained, or developed under the  
8 authority of this subsection (d) for the purposes of the  
9 database maintained under this subsection (d) shall be treated  
10 in the same manner as information that is subject to Part 21 of  
11 Article VIII of the Code of Civil Procedure.

12 (Source: P.A. 99-180, eff. 7-29-15.)

13 (210 ILCS 46/2-201.6)

14 Sec. 2-201.6. Criminal History Report.

15 (a) The Illinois ~~Department of~~ State Police shall prepare  
16 a Criminal History Report when it receives information,  
17 through the criminal history background check required  
18 pursuant to subsection (c) of Section 2-201.5 or through any  
19 other means, that a resident of a facility is an identified  
20 offender.

21 (b) The Illinois ~~Department of~~ State Police shall complete  
22 the Criminal History Report within 10 business days after  
23 receiving any information described under subsection (a) of  
24 this Act that a resident is an identified offender.

25 (c) The Criminal History Report shall include, but not be

1 limited to, all of the following:

2 (1) Copies of the identified offender's parole,  
3 mandatory supervised release, or probation orders.

4 (2) An interview with the identified offender.

5 (3) A detailed summary of the entire criminal history  
6 of the offender, including arrests, convictions, and the  
7 date of the identified offender's last conviction relative  
8 to the date of admission to a facility.

9 (4) If the identified offender is a convicted or  
10 registered sex offender, then a review of any and all sex  
11 offender evaluations conducted on that offender. If there  
12 is no sex offender evaluation available, then the Illinois  
13 ~~Department of~~ State Police shall arrange, through the  
14 Department of Public Health, for a sex offender evaluation  
15 to be conducted on the identified offender. If the  
16 convicted or registered sex offender is under supervision  
17 by the Illinois Department of Corrections or a county  
18 probation department, then the sex offender evaluation  
19 shall be arranged by and at the expense of the supervising  
20 agency. All evaluations conducted on convicted or  
21 registered sex offenders under this Act shall be conducted  
22 by sex offender evaluators approved by the Sex Offender  
23 Management Board.

24 (d) The Illinois ~~Department of~~ State Police shall provide  
25 the Criminal History Report to a licensed forensic  
26 psychologist. The licensed forensic psychologist shall prepare

1 an Identified Offender Report and Recommendation after (i)  
2 consideration of the Criminal History Report, (ii)  
3 consultation with the facility administrator or the facility  
4 medical director, or both, regarding the mental and physical  
5 condition of the identified offender, and (iii) reviewing the  
6 facility's file on the identified offender, including all  
7 incident reports, all information regarding medication and  
8 medication compliance, and all information regarding previous  
9 discharges or transfers from other facilities. The Identified  
10 Offender Report and Recommendation shall detail whether and to  
11 what extent the identified offender's criminal history  
12 necessitates the implementation of security measures within  
13 the facility. If the identified offender is a convicted or  
14 registered sex offender, or if the Identified Offender Report  
15 and Recommendation reveals that the identified offender poses  
16 a significant risk of harm to others within the facility, then  
17 the offender shall be required to have his or her own room  
18 within the facility.

19 (e) The licensed forensic psychologist shall complete the  
20 Identified Offender Report and Recommendation within 14  
21 business days after receiving the Criminal History Report and  
22 shall promptly provide the Identified Offender Report and  
23 Recommendation to the Illinois Department of State Police,  
24 which shall provide the Identified Offender Report and  
25 Recommendation to the following:

26 (1) The facility within which the identified offender

1           resides.

2           (2) The Chief of Police of the municipality in which  
3           the facility is located.

4           (3) The State of Illinois Long Term Care Ombudsman.

5           (4) The Department of Public Health.

6           (f) The Department of Public Health shall keep a  
7           continuing record of all residents determined to be identified  
8           offenders as defined in Section 1-114.01 and shall report the  
9           number of identified offender residents annually to the  
10          General Assembly.

11          (g) The facility shall incorporate the Identified Offender  
12          Report and Recommendation into the identified offender's  
13          individual program plan created pursuant to 42 CFR 483.440(c).

14          (h) If, based on the Identified Offender Report and  
15          Recommendation, a facility determines that it cannot manage  
16          the identified offender resident safely within the facility,  
17          then it shall commence involuntary transfer or discharge  
18          proceedings pursuant to Section 3-402.

19          (i) Except for willful and wanton misconduct, any person  
20          authorized to participate in the development of a Criminal  
21          History Report or Identified Offender Report and  
22          Recommendation is immune from criminal or civil liability for  
23          any acts or omissions as the result of his or her good faith  
24          effort to comply with this Section.

25          (Source: P.A. 99-180, eff. 7-29-15.)

1 Section 550. The ID/DD Community Care Act is amended by  
2 changing Sections 1-114.01, 2-201.5, and 2-201.6 as follows:

3 (210 ILCS 47/1-114.01)

4 Sec. 1-114.01. Identified offender. "Identified offender"  
5 means a person who meets any of the following criteria:

6 (1) Has been convicted of, found guilty of,  
7 adjudicated delinquent for, found not guilty by reason of  
8 insanity for, or found unfit to stand trial for any felony  
9 offense listed in Section 25 of the Health Care Worker  
10 Background Check Act, except for the following:

11 (i) a felony offense described in Section 10-5 of  
12 the Nurse Practice Act;

13 (ii) a felony offense described in Section 4, 5,  
14 6, 8, or 17.02 of the Illinois Credit Card and Debit  
15 Card Act;

16 (iii) a felony offense described in Section 5,  
17 5.1, 5.2, 7, or 9 of the Cannabis Control Act;

18 (iv) a felony offense described in Section 401,  
19 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois  
20 Controlled Substances Act; and

21 (v) a felony offense described in the  
22 Methamphetamine Control and Community Protection Act.

23 (2) Has been convicted of, adjudicated delinquent for,  
24 found not guilty by reason of insanity for, or found unfit  
25 to stand trial for, any sex offense as defined in

1 subsection (c) of Section 10 of the Sex Offender  
2 Management Board Act.

3 (3) Is any other resident as determined by the  
4 Illinois ~~Department of~~ State Police.

5 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

6 (210 ILCS 47/2-201.5)

7 Sec. 2-201.5. Screening prior to admission.

8 (a) All persons age 18 or older seeking admission to a  
9 facility must be screened to determine the need for facility  
10 services prior to being admitted, regardless of income,  
11 assets, or funding source. In addition, any person who seeks  
12 to become eligible for medical assistance from the Medical  
13 Assistance Program under the Illinois Public Aid Code to pay  
14 for services while residing in a facility must be screened  
15 prior to receiving those benefits. Screening for facility  
16 services shall be administered through procedures established  
17 by administrative rule. Screening may be done by agencies  
18 other than the Department as established by administrative  
19 rule.

20 (a-1) Any screening shall also include an evaluation of  
21 whether there are residential supports and services or an  
22 array of community services that would enable the person to  
23 live in the community. The person shall be told about the  
24 existence of any such services that would enable the person to  
25 live safely and humanely in the least restrictive environment,

1 that is appropriate, that the individual or guardian chooses,  
2 and the person shall be given the assistance necessary to  
3 avail himself or herself of any available services.

4 (b) In addition to the screening required by subsection  
5 (a), a facility shall, within 24 hours after admission,  
6 request a criminal history background check pursuant to the  
7 Uniform Conviction Information Act for all persons age 18 or  
8 older seeking admission to the facility. Background checks  
9 conducted pursuant to this Section shall be based on the  
10 resident's name, date of birth, and other identifiers as  
11 required by the Illinois ~~Department of~~ State Police. If the  
12 results of the background check are inconclusive, the facility  
13 shall initiate a fingerprint-based check, unless the  
14 fingerprint-based check is waived by the Director of Public  
15 Health based on verification by the facility that the resident  
16 is completely immobile or that the resident meets other  
17 criteria related to the resident's health or lack of potential  
18 risk which may be established by Departmental rule. A waiver  
19 issued pursuant to this Section shall be valid only while the  
20 resident is immobile or while the criteria supporting the  
21 waiver exist. The facility shall provide for or arrange for  
22 any required fingerprint-based checks. If a fingerprint-based  
23 check is required, the facility shall arrange for it to be  
24 conducted in a manner that is respectful of the resident's  
25 dignity and that minimizes any emotional or physical hardship  
26 to the resident.



1 (c) If the results of a resident's criminal history  
2 background check reveal that the resident is an identified  
3 offender as defined in Section 1-114.01 of this Act, the  
4 facility shall do the following:

5 (1) Immediately notify the Illinois ~~Department of~~  
6 State Police, in the form and manner required by the  
7 Illinois ~~Department of~~ State Police, in collaboration with  
8 the Department of Public Health, that the resident is an  
9 identified offender.

10 (2) Within 72 hours, arrange for a fingerprint-based  
11 criminal history record inquiry to be requested on the  
12 identified offender resident. The inquiry shall be based  
13 on the subject's name, sex, race, date of birth,  
14 fingerprint images, and other identifiers required by the  
15 Illinois ~~Department of~~ State Police. The inquiry shall be  
16 processed through the files of the Illinois ~~Department of~~  
17 State Police and the Federal Bureau of Investigation to  
18 locate any criminal history record information that may  
19 exist regarding the subject. The Federal Bureau of  
20 Investigation shall furnish to the Illinois ~~Department of~~  
21 State Police, pursuant to an inquiry under this paragraph  
22 (2), any criminal history record information contained in  
23 its files. The facility shall comply with all applicable  
24 provisions contained in the Uniform Conviction Information  
25 Act. All name-based and fingerprint-based criminal history  
26 record inquiries shall be submitted to the Illinois

1 ~~Department of~~ State Police electronically in the form and  
2 manner prescribed by the Illinois ~~Department of~~ State  
3 Police. The Illinois ~~Department of~~ State Police may charge  
4 the facility a fee for processing name-based and  
5 fingerprint-based criminal history record inquiries. The  
6 fee shall be deposited into the State Police Services  
7 Fund. The fee shall not exceed the actual cost of  
8 processing the inquiry.

9 (d) The Department shall develop and maintain a  
10 de-identified database of residents who have injured facility  
11 staff, facility visitors, or other residents, and the  
12 attendant circumstances, solely for the purposes of evaluating  
13 and improving resident pre-screening and assessment procedures  
14 (including the Criminal History Report prepared under Section  
15 2-201.6 of this Act) and the adequacy of Department  
16 requirements concerning the provision of care and services to  
17 residents. A resident shall not be listed in the database  
18 until a Department survey confirms the accuracy of the  
19 listing. The names of persons listed in the database and  
20 information that would allow them to be individually  
21 identified shall not be made public. Neither the Department  
22 nor any other agency of State government may use information  
23 in the database to take any action against any individual,  
24 licensee, or other entity unless the Department or agency  
25 receives the information independent of this subsection (d).  
26 All information collected, maintained, or developed under the

1 authority of this subsection (d) for the purposes of the  
2 database maintained under this subsection (d) shall be treated  
3 in the same manner as information that is subject to Part 21 of  
4 Article VIII of the Code of Civil Procedure.

5 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

6 (210 ILCS 47/2-201.6)

7 Sec. 2-201.6. Criminal History Report.

8 (a) The Illinois ~~Department of~~ State Police shall prepare  
9 a Criminal History Report when it receives information,  
10 through the criminal history background check required  
11 pursuant to subsection (c) of Section 2-201.5 or through any  
12 other means, that a resident of a facility is an identified  
13 offender.

14 (b) The Illinois ~~Department of~~ State Police shall complete  
15 the Criminal History Report within 10 business days after  
16 receiving any information described under subsection (a) of  
17 this Act that a resident is an identified offender.

18 (c) The Criminal History Report shall include, but not be  
19 limited to, all of the following:

20 (1) Copies of the identified offender's parole,  
21 mandatory supervised release, or probation orders.

22 (2) An interview with the identified offender.

23 (3) A detailed summary of the entire criminal history  
24 of the offender, including arrests, convictions, and the  
25 date of the identified offender's last conviction relative

1 to the date of admission to a long-term care facility.

2 (4) If the identified offender is a convicted or  
3 registered sex offender, then a review of any and all sex  
4 offender evaluations conducted on that offender. If there  
5 is no sex offender evaluation available, then the Illinois  
6 ~~Department of~~ State Police shall arrange, through the  
7 Department of Public Health, for a sex offender evaluation  
8 to be conducted on the identified offender. If the  
9 convicted or registered sex offender is under supervision  
10 by the Illinois Department of Corrections or a county  
11 probation department, then the sex offender evaluation  
12 shall be arranged by and at the expense of the supervising  
13 agency. All evaluations conducted on convicted or  
14 registered sex offenders under this Act shall be conducted  
15 by sex offender evaluators approved by the Sex Offender  
16 Management Board.

17 (d) The Illinois ~~Department of~~ State Police shall provide  
18 the Criminal History Report to a licensed forensic  
19 psychologist. The licensed forensic psychologist shall prepare  
20 an Identified Offender Report and Recommendation after (i)  
21 consideration of the Criminal History Report, (ii)  
22 consultation with the facility administrator or the facility  
23 medical director, or both, regarding the mental and physical  
24 condition of the identified offender, and (iii) reviewing the  
25 facility's file on the identified offender, including all  
26 incident reports, all information regarding medication and

1 medication compliance, and all information regarding previous  
2 discharges or transfers from other facilities. The Identified  
3 Offender Report and Recommendation shall detail whether and to  
4 what extent the identified offender's criminal history  
5 necessitates the implementation of security measures within  
6 the facility. If the identified offender is a convicted or  
7 registered sex offender, or if the Identified Offender Report  
8 and Recommendation reveals that the identified offender poses  
9 a significant risk of harm to others within the facility, then  
10 the offender shall be required to have his or her own room  
11 within the facility.

12 (e) The licensed forensic psychologist shall complete the  
13 Identified Offender Report and Recommendation within 14  
14 business days after receiving the Criminal History Report and  
15 shall promptly provide the Identified Offender Report and  
16 Recommendation to the Illinois ~~Department of~~ State Police,  
17 which shall provide the Identified Offender Report and  
18 Recommendation to the following:

19 (1) The facility within which the identified offender  
20 resides.

21 (2) The Chief of Police of the municipality in which  
22 the facility is located.

23 (3) The State of Illinois Long Term Care Ombudsman.

24 (4) The Department of Public Health.

25 (f) The Department of Public Health shall keep a  
26 continuing record of all residents determined to be identified

1 offenders as defined in Section 1-114.01 and shall report the  
2 number of identified offender residents annually to the  
3 General Assembly.

4 (g) The facility shall incorporate the Identified Offender  
5 Report and Recommendation into the identified offender's  
6 individual program plan created pursuant to 42 CFR 483.440(c).

7 (h) If, based on the Identified Offender Report and  
8 Recommendation, a facility determines that it cannot manage  
9 the identified offender resident safely within the facility,  
10 then it shall commence involuntary transfer or discharge  
11 proceedings pursuant to Section 3-402.

12 (i) Except for willful and wanton misconduct, any person  
13 authorized to participate in the development of a Criminal  
14 History Report or Identified Offender Report and  
15 Recommendation is immune from criminal or civil liability for  
16 any acts or omissions as the result of his or her good faith  
17 effort to comply with this Section.

18 (Source: P.A. 97-38, eff. 6-28-11.)

19 Section 555. The Specialized Mental Health Rehabilitation  
20 Act of 2013 is amended by changing Sections 2-104 and 2-105 as  
21 follows:

22 (210 ILCS 49/2-104)

23 Sec. 2-104. Screening prior to admission.

24 (a) A facility shall, within 24 hours after admission,

1 request a criminal history background check pursuant to the  
2 Uniform Conviction Information Act for all persons age 18 or  
3 older seeking admission to the facility, unless a background  
4 check was initiated by a hospital pursuant to subsection (d)  
5 of Section 6.09 of the Hospital Licensing Act. Background  
6 checks conducted pursuant to this Section shall be based on  
7 the consumer's name, date of birth, and other identifiers as  
8 required by the Illinois ~~Department of~~ State Police. If the  
9 results of the background check are inconclusive, the facility  
10 shall initiate a fingerprint-based check, unless the  
11 fingerprint check is waived by the Director of Public Health  
12 based on verification by the facility that the consumer meets  
13 criteria related to the consumer's health or lack of potential  
14 risk which may be established by Departmental rule. A waiver  
15 issued pursuant to this Section shall be valid only while the  
16 consumer is immobile or while the criteria supporting the  
17 waiver exist. The facility shall provide for or arrange for  
18 any required fingerprint-based checks to be taken on the  
19 premises of the facility. If a fingerprint-based check is  
20 required, the facility shall arrange for it to be conducted in  
21 a manner that is respectful of the consumer's dignity and that  
22 minimizes any emotional or physical hardship to the consumer.

23 (b) If the results of a consumer's criminal history  
24 background check reveal that the consumer is an identified  
25 offender as defined in this Act, the facility shall do the  
26 following:

1           (1) Immediately notify the Illinois ~~Department of~~  
2 State Police, in the form and manner required by the  
3 Illinois ~~Department of~~ State Police, in collaboration with  
4 the Department of Public Health, that the consumer is an  
5 identified offender.

6           (2) Within 72 hours, arrange for a fingerprint-based  
7 criminal history record inquiry to be requested on the  
8 identified offender consumer. The inquiry shall be based  
9 on the subject's name, sex, race, date of birth,  
10 fingerprint images, and other identifiers required by the  
11 Illinois ~~Department of~~ State Police. The inquiry shall be  
12 processed through the files of the Illinois ~~Department of~~  
13 State Police and the Federal Bureau of Investigation to  
14 locate any criminal history record information that may  
15 exist regarding the subject. The Federal Bureau of  
16 Investigation shall furnish to the Illinois ~~Department of~~  
17 State Police, pursuant to an inquiry under this paragraph  
18 (2), any criminal history record information contained in  
19 its files.

20 (Source: P.A. 98-104, eff. 7-22-13.)

21 (210 ILCS 49/2-105)

22 Sec. 2-105. Criminal History Report.

23 (a) The Illinois ~~Department of~~ State Police shall prepare  
24 a Criminal History Report when it receives information,  
25 through the criminal history background check required



1 pursuant to subsection (d) of Section 6.09 of the Hospital  
2 Licensing Act or subsection (c) of Section 2-201.5 of the  
3 Nursing Home Care Act, or through any other means, that a  
4 consumer of a facility is an identified offender.

5 (b) The Illinois ~~Department of~~ State Police shall complete  
6 the Criminal History Report within 10 business days after  
7 receiving information under subsection (a) that a consumer is  
8 an identified offender.

9 (c) The Criminal History Report shall include, but not be  
10 limited to, the following:

11 (1) Copies of the identified offender's parole,  
12 mandatory supervised release, or probation orders.

13 (2) An interview with the identified offender.

14 (3) A detailed summary of the entire criminal history  
15 of the offender, including arrests, convictions, and the  
16 date of the identified offender's last conviction relative  
17 to the date of admission to a long-term care facility.

18 (4) If the identified offender is a convicted or  
19 registered sex offender, a review of any and all sex  
20 offender evaluations conducted on that offender. If there  
21 is no sex offender evaluation available, the Illinois  
22 ~~Department of~~ State Police shall arrange, through the  
23 Department of Public Health, for a sex offender evaluation  
24 to be conducted on the identified offender. If the  
25 convicted or registered sex offender is under supervision  
26 by the Illinois Department of Corrections or a county

1 probation department, the sex offender evaluation shall be  
2 arranged by and at the expense of the supervising agency.  
3 All evaluations conducted on convicted or registered sex  
4 offenders under this Act shall be conducted by sex  
5 offender evaluators approved by the Sex Offender  
6 Management Board.

7 (d) The Illinois ~~Department of~~ State Police shall provide  
8 the Criminal History Report to a licensed forensic  
9 psychologist. After (i) consideration of the Criminal History  
10 Report, (ii) consultation with the facility administrator or  
11 the facility medical director, or both, regarding the mental  
12 and physical condition of the identified offender, and (iii)  
13 reviewing the facility's file on the identified offender,  
14 including all incident reports, all information regarding  
15 medication and medication compliance, and all information  
16 regarding previous discharges or transfers from other  
17 facilities, the licensed forensic psychologist shall prepare  
18 an Identified Offender Report and Recommendation. The  
19 Identified Offender Report and Recommendation shall detail  
20 whether and to what extent the identified offender's criminal  
21 history necessitates the implementation of security measures  
22 within the long-term care facility. If the identified offender  
23 is a convicted or registered sex offender or if the Identified  
24 Offender Report and Recommendation reveals that the identified  
25 offender poses a significant risk of harm to others within the  
26 facility, the offender shall be required to have his or her own

1 room within the facility.

2 (e) The licensed forensic psychologist shall complete the  
3 Identified Offender Report and Recommendation within 14  
4 business days after receiving the Criminal History Report and  
5 shall promptly provide the Identified Offender Report and  
6 Recommendation to the Illinois ~~Department of~~ State Police,  
7 which shall provide the Identified Offender Report and  
8 Recommendation to the following:

9 (1) The facility within which the identified offender  
10 resides.

11 (2) The Chief of Police of the municipality in which  
12 the facility is located.

13 (3) The State of Illinois Long Term Care Ombudsman.

14 (4) The Department of Public Health.

15 (e-5) The Department of Public Health shall keep a  
16 continuing record of all consumers determined to be identified  
17 offenders as defined in Section 1-114.01 of the Nursing Home  
18 Care Act and shall report the number of identified offender  
19 consumers annually to the General Assembly.

20 (f) The facility shall incorporate the Identified Offender  
21 Report and Recommendation into the identified offender's care  
22 plan created pursuant to 42 CFR 483.20.

23 (g) If, based on the Identified Offender Report and  
24 Recommendation, a facility determines that it cannot manage  
25 the identified offender consumer safely within the facility,  
26 it shall commence involuntary transfer or discharge

1 proceedings pursuant to Section 3-402.

2 (h) Except for willful and wanton misconduct, any person  
3 authorized to participate in the development of a Criminal  
4 History Report or Identified Offender Report and  
5 Recommendation is immune from criminal or civil liability for  
6 any acts or omissions as the result of his or her good faith  
7 effort to comply with this Section.

8 (Source: P.A. 98-104, eff. 7-22-13.)

9 Section 560. The Hospital Licensing Act is amended by  
10 changing Section 6.09 as follows:

11 (210 ILCS 85/6.09) (from Ch. 111 1/2, par. 147.09)

12 Sec. 6.09. (a) In order to facilitate the orderly  
13 transition of aged patients and patients with disabilities  
14 from hospitals to post-hospital care, whenever a patient who  
15 qualifies for the federal Medicare program is hospitalized,  
16 the patient shall be notified of discharge at least 24 hours  
17 prior to discharge from the hospital. With regard to pending  
18 discharges to a skilled nursing facility, the hospital must  
19 notify the case coordination unit, as defined in 89 Ill. Adm.  
20 Code 240.260, at least 24 hours prior to discharge. When the  
21 assessment is completed in the hospital, the case coordination  
22 unit shall provide a copy of the required assessment  
23 documentation directly to the nursing home to which the  
24 patient is being discharged prior to discharge. The Department

1 on Aging shall provide notice of this requirement to case  
2 coordination units. When a case coordination unit is unable to  
3 complete an assessment in a hospital prior to the discharge of  
4 a patient, 60 years of age or older, to a nursing home, the  
5 case coordination unit shall notify the Department on Aging  
6 which shall notify the Department of Healthcare and Family  
7 Services. The Department of Healthcare and Family Services and  
8 the Department on Aging shall adopt rules to address these  
9 instances to ensure that the patient is able to access nursing  
10 home care, the nursing home is not penalized for accepting the  
11 admission, and the patient's timely discharge from the  
12 hospital is not delayed, to the extent permitted under federal  
13 law or regulation. Nothing in this subsection shall preclude  
14 federal requirements for a pre-admission screening/mental  
15 health (PAS/MH) as required under Section 2-201.5 of the  
16 Nursing Home Care Act or State or federal law or regulation. If  
17 home health services are ordered, the hospital must inform its  
18 designated case coordination unit, as defined in 89 Ill. Adm.  
19 Code 240.260, of the pending discharge and must provide the  
20 patient with the case coordination unit's telephone number and  
21 other contact information.

22 (b) Every hospital shall develop procedures for a  
23 physician with medical staff privileges at the hospital or any  
24 appropriate medical staff member to provide the discharge  
25 notice prescribed in subsection (a) of this Section. The  
26 procedures must include prohibitions against discharging or

1 referring a patient to any of the following if unlicensed,  
2 uncertified, or unregistered: (i) a board and care facility,  
3 as defined in the Board and Care Home Act; (ii) an assisted  
4 living and shared housing establishment, as defined in the  
5 Assisted Living and Shared Housing Act; (iii) a facility  
6 licensed under the Nursing Home Care Act, the Specialized  
7 Mental Health Rehabilitation Act of 2013, the ID/DD Community  
8 Care Act, or the MC/DD Act; (iv) a supportive living facility,  
9 as defined in Section 5-5.01a of the Illinois Public Aid Code;  
10 or (v) a free-standing hospice facility licensed under the  
11 Hospice Program Licensing Act if licensure, certification, or  
12 registration is required. The Department of Public Health  
13 shall annually provide hospitals with a list of licensed,  
14 certified, or registered board and care facilities, assisted  
15 living and shared housing establishments, nursing homes,  
16 supportive living facilities, facilities licensed under the  
17 ID/DD Community Care Act, the MC/DD Act, or the Specialized  
18 Mental Health Rehabilitation Act of 2013, and hospice  
19 facilities. Reliance upon this list by a hospital shall  
20 satisfy compliance with this requirement. The procedure may  
21 also include a waiver for any case in which a discharge notice  
22 is not feasible due to a short length of stay in the hospital  
23 by the patient, or for any case in which the patient  
24 voluntarily desires to leave the hospital before the  
25 expiration of the 24 hour period.

26 (c) At least 24 hours prior to discharge from the

1 hospital, the patient shall receive written information on the  
2 patient's right to appeal the discharge pursuant to the  
3 federal Medicare program, including the steps to follow to  
4 appeal the discharge and the appropriate telephone number to  
5 call in case the patient intends to appeal the discharge.

6 (d) Before transfer of a patient to a long term care  
7 facility licensed under the Nursing Home Care Act where  
8 elderly persons reside, a hospital shall as soon as  
9 practicable initiate a name-based criminal history background  
10 check by electronic submission to the Illinois ~~Department of~~  
11 State Police for all persons between the ages of 18 and 70  
12 years; provided, however, that a hospital shall be required to  
13 initiate such a background check only with respect to patients  
14 who:

15 (1) are transferring to a long term care facility for  
16 the first time;

17 (2) have been in the hospital more than 5 days;

18 (3) are reasonably expected to remain at the long term  
19 care facility for more than 30 days;

20 (4) have a known history of serious mental illness or  
21 substance abuse; and

22 (5) are independently ambulatory or mobile for more  
23 than a temporary period of time.

24 A hospital may also request a criminal history background  
25 check for a patient who does not meet any of the criteria set  
26 forth in items (1) through (5).

1           A hospital shall notify a long term care facility if the  
2 hospital has initiated a criminal history background check on  
3 a patient being discharged to that facility. In all  
4 circumstances in which the hospital is required by this  
5 subsection to initiate the criminal history background check,  
6 the transfer to the long term care facility may proceed  
7 regardless of the availability of criminal history results.  
8 Upon receipt of the results, the hospital shall promptly  
9 forward the results to the appropriate long term care  
10 facility. If the results of the background check are  
11 inconclusive, the hospital shall have no additional duty or  
12 obligation to seek additional information from, or about, the  
13 patient.

14           (Source: P.A. 98-104, eff. 7-22-13; 98-651, eff. 6-16-14;  
15 99-143, eff. 7-27-15; 99-180, eff. 7-29-15; 99-642, eff.  
16 7-28-16; 99-857, eff. 1-1-17.)

17           Section 565. The Safe Pharmaceutical Disposal Act is  
18 amended by changing Section 18 as follows:

19           (210 ILCS 150/18)

20           Sec. 18. Unused medications at the scene of a death.

21           (a) Notwithstanding any provision of law to the contrary,  
22 the Illinois ~~Department of~~ State Police may by rule authorize  
23 State Police officers to dispose of any unused medications  
24 found at the scene of a death the State Police officer is



1 investigating. A State Police officer may only dispose of any  
2 unused medications under this subsection after consulting with  
3 any other investigating law enforcement agency to ensure that  
4 the unused medications will not be needed as evidence in any  
5 investigation. This Section shall not apply to any unused  
6 medications a State Police officer takes into custody as part  
7 of any investigation into a crime.

8 (b) Notwithstanding any provision of law to the contrary,  
9 a local governmental agency may authorize police officers to  
10 dispose of any unused medications found at the scene of a death  
11 a police officer is investigating. A police officer may only  
12 dispose of any unused medications under this subsection after  
13 consulting with any other investigating law enforcement agency  
14 to ensure that the unused medications will not be needed as  
15 evidence in any investigation. This Section shall not apply to  
16 any unused medications a police officer takes into custody as  
17 part of any investigation into a crime.

18 (c) Notwithstanding any provision of law to the contrary,  
19 a coroner or medical examiner may dispose of any unused  
20 medications found at the scene of a death the coroner or  
21 medical examiner is investigating. A coroner or medical  
22 examiner may only dispose of any unused medications under this  
23 subsection after consulting with any investigating law  
24 enforcement agency to ensure that the unused medications will  
25 not be needed as evidence in any investigation.

26 (d) Any disposal under this Section shall be in accordance

1 with Section 17 of this Act or another State or federally  
2 approved medication take-back program or location.

3 (e) This Section shall not apply to prescription drugs for  
4 which the United States Food and Drug Administration created a  
5 Risk Evaluation and Mitigation Strategy for under the Food and  
6 Drug Administration Amendments Act of 2007.

7 (f) Nothing in this Section shall be construed to require  
8 a search of the scene for unused medications.

9 (g) Prior to disposal of any medication collected as  
10 evidence in a criminal investigation under this Section, a  
11 State Police officer, police officer, coroner, or medical  
12 examiner shall photograph the unused medication and its  
13 container or packaging, if available; document the number or  
14 amount of medication to be disposed; and include the  
15 photographs and documentation in the police report, coroner  
16 report, or medical examiner report.

17 (h) If an autopsy is performed as part of a death  
18 investigation, no medication seized under this Section shall  
19 be disposed of until after a toxicology report is received by  
20 the entity requesting the report.

21 (i) If a police officer, State Police officer, coroner, or  
22 medical examiner is not present at the scene of a death, a  
23 nurse may dispose of any unused medications found at the scene  
24 of a death the nurse is present at while engaging in the  
25 performance of his or her duties. A nurse may dispose of any  
26 unused medications under this subsection only after consulting

1 with any investigating law enforcement agency to ensure that  
2 the unused medications will not be needed as evidence in an  
3 investigation.

4 (j) When an individual authorized to dispose of unused  
5 medication under this Section disposes of unused medication  
6 under this Section in good faith, the individual, and his or  
7 her employer, employees, and agents, shall incur no criminal  
8 liability or professional discipline.

9 (Source: P.A. 99-648, eff. 1-1-17; 100-345, eff. 8-25-17.)

10 Section 570. The Health Care Violence Prevention Act is  
11 amended by changing Section 30 as follows:

12 (210 ILCS 160/30)

13 Sec. 30. Medical care for committed persons.

14 (a) If a committed person receives medical care and  
15 treatment at a place other than an institution or facility of  
16 the Department of Corrections, a county, or a municipality,  
17 then the institution or facility shall:

18 (1) to the greatest extent practicable, notify the  
19 hospital or medical facility that is treating the  
20 committed person prior to the committed person's visit and  
21 notify the hospital or medical facility of any significant  
22 medical, mental health, recent violent actions, or other  
23 safety concerns regarding the patient;

24 (2) to the greatest extent practicable, ensure the

1 transferred committed person is accompanied by the most  
2 comprehensive medical records possible;

3 (3) provide at least one guard trained in custodial  
4 escort and custody of high-risk committed persons to  
5 accompany any committed person. The custodial agency shall  
6 attest to such training for custodial escort and custody  
7 of high-risk committed persons through: (A) the training  
8 of the Department of Corrections, Department of Juvenile  
9 Justice, or Illinois ~~Department of~~ State Police; (B) law  
10 enforcement training that is substantially equivalent to  
11 the training of the Department of Corrections, Department  
12 of Juvenile Justice, or Illinois ~~Department of~~ State  
13 Police; or (C) the training described in Section 35. Under  
14 no circumstances may leg irons or shackles or waist  
15 shackles be used on any pregnant female prisoner who is in  
16 labor. In addition, restraint of a pregnant female  
17 prisoner in the custody of the Cook County shall comply  
18 with Section 3-15003.6 of the Counties Code. Additionally,  
19 restraints shall not be used on a committed person if  
20 medical personnel determine that the restraints would  
21 impede medical treatment; and

22 (4) ensure that only medical personnel, Department of  
23 Corrections, county, or municipality personnel, and  
24 visitors on the committed person's approved institutional  
25 visitors list may visit the committed person. Visitation  
26 by a person on the committed person's approved

1 institutional visitors list shall be subject to the rules  
2 and procedures of the hospital or medical facility and the  
3 Department of Corrections, county, or municipality. In any  
4 situation in which a committed person is being visited:

5 (A) the name of the visitor must be listed per the  
6 facility's or institution's documentation;

7 (B) the visitor shall submit to the search of his  
8 or her person or any personal property under his or her  
9 control at any time; and

10 (C) the custodial agency may deny the committed  
11 person access to a telephone or limit the number of  
12 visitors the committed person may receive for purposes  
13 of safety.

14 If a committed person receives medical care and treatment  
15 at a place other than an institution or facility of the  
16 Department of Corrections, county, or municipality, then the  
17 custodial agency shall ensure that the committed person is  
18 wearing security restraints in accordance with the custodial  
19 agency's rules and procedures if the custodial agency  
20 determines that restraints are necessary for the following  
21 reasons: (i) to prevent physical harm to the committed person  
22 or another person; (ii) because the committed person has a  
23 history of disruptive behavior that has placed others in  
24 potentially harmful situations or presents a substantial risk  
25 of inflicting physical harm on himself or herself or others as  
26 evidenced by recent behavior; or (iii) there is a well-founded

1 belief that the committed person presents a substantial risk  
2 of flight. Under no circumstances may leg irons or shackles or  
3 waist shackles be used on any pregnant female prisoner who is  
4 in labor. In addition, restraint of a pregnant female prisoner  
5 in the custody of the Cook County shall comply with Section  
6 3-15003.6 of the Counties Code.

7 The hospital or medical facility may establish protocols  
8 for the receipt of committed persons in collaboration with the  
9 Department of Corrections, county, or municipality,  
10 specifically with regard to potentially violent persons.

11 (b) If a committed person receives medical care and  
12 treatment at a place other than an institution or facility of  
13 the Department of Juvenile Justice, then the institution or  
14 facility shall:

15 (1) to the greatest extent practicable, notify the  
16 hospital or medical facility that is treating the  
17 committed person prior to the committed person's visit,  
18 and notify the hospital or medical facility of any  
19 significant medical, mental health, recent violent  
20 actions, or other safety concerns regarding the patient;

21 (2) to the greatest extent practicable, ensure the  
22 transferred committed person is accompanied by the most  
23 comprehensive medical records possible;

24 (3) provide: (A) at least one guard trained in  
25 custodial escort and custody of high-risk committed  
26 persons to accompany any committed person. The custodial

1 agency shall attest to such training for custodial escort  
2 and custody of high-risk committed persons through: (i)  
3 the training of the Department of Corrections, Department  
4 of Juvenile Justice, or Illinois ~~Department of~~ State  
5 Police, (ii) law enforcement training that is  
6 substantially equivalent to the training of the Department  
7 of Corrections, Department of Juvenile Justice, or  
8 Illinois ~~Department of~~ State Police, or (iii) the training  
9 described in Section 35; or (B) 2 guards to accompany the  
10 committed person at all times during the visit to the  
11 hospital or medical facility; and

12 (4) ensure that only medical personnel, Department of  
13 Juvenile Justice personnel, and visitors on the committed  
14 person's approved institutional visitors list may visit  
15 the committed person. Visitation by a person on the  
16 committed person's approved institutional visitors list  
17 shall be subject to the rules and procedures of the  
18 hospital or medical facility and the Department of  
19 Juvenile Justice. In any situation in which a committed  
20 person is being visited:

21 (A) the name of the visitor must be listed per the  
22 facility's or institution's documentation;

23 (B) the visitor shall submit to the search of his  
24 or her person or any personal property under his or her  
25 control at any time; and

26 (C) the custodial agency may deny the committed

1 person access to a telephone or limit the number of  
2 visitors the committed person may receive for purposes  
3 of safety.

4 If a committed person receives medical care and treatment  
5 at a place other than an institution or facility of the  
6 Department of Juvenile Justice, then the Department of  
7 Juvenile Justice shall ensure that the committed person is  
8 wearing security restraints on either his or her wrists or  
9 ankles in accordance with the rules and procedures of the  
10 Department of Juvenile Justice if the Department of Juvenile  
11 Justice determines that restraints are necessary for the  
12 following reasons: (i) to prevent physical harm to the  
13 committed person or another person; (ii) because the committed  
14 person has a history of disruptive behavior that has placed  
15 others in potentially harmful situations or presents a  
16 substantial risk of inflicting physical harm on himself or  
17 herself or others as evidenced by recent behavior; or (iii)  
18 there is a well-founded belief that the committed person  
19 presents a substantial risk of flight. Any restraints used on  
20 a committed person under this paragraph shall be the least  
21 restrictive restraints necessary to prevent flight or physical  
22 harm to the committed person or another person. Restraints  
23 shall not be used on the committed person as provided in this  
24 paragraph if medical personnel determine that the restraints  
25 would impede medical treatment. Under no circumstances may leg  
26 irons or shackles or waist shackles be used on any pregnant



1 female prisoner who is in labor. In addition, restraint of a  
2 pregnant female prisoner in the custody of the Cook County  
3 shall comply with Section 3-15003.6 of the Counties Code.

4 The hospital or medical facility may establish protocols  
5 for the receipt of committed persons in collaboration with the  
6 Department of Juvenile Justice, specifically with regard to  
7 persons recently exhibiting violence.

8 (Source: P.A. 100-1051, eff. 1-1-19; 100-1186, eff. 4-5-19.)

9 Section 575. The Illinois Insurance Code is amended by  
10 changing Sections 155.24, 401, and 1520 as follows:

11 (215 ILCS 5/155.24) (from Ch. 73, par. 767.24)

12 Sec. 155.24. Motor Vehicle Theft and Motor Insurance Fraud  
13 Reporting and Immunity Law.

14 (a) As used in this Section:

15 (1) "authorized governmental agency" means the  
16 Illinois ~~Department of~~ State Police, a local governmental  
17 police department, a county sheriff's office, a State's  
18 Attorney, the Attorney General, a municipal attorney, a  
19 United States district attorney, a duly constituted  
20 criminal investigative agency of the United States  
21 government, the Illinois Department of Insurance, the  
22 Illinois Department of Professional Regulation and the  
23 office of the Illinois Secretary of State;

24 (2) "relevant" means having a tendency to make the

1 existence of any information that is of consequence to an  
2 investigation of motor vehicle theft or insurance fraud  
3 investigation or a determination of such issue more  
4 probable or less probable than it would be without such  
5 information;

6 (3) information will be "deemed important" if within  
7 the sole discretion of the authorized governmental agency  
8 such information is requested by that authorized  
9 governmental agency;

10 (4) "Illinois authorized governmental agency" means an  
11 authorized governmental agency as defined in item (1) that  
12 is a part of the government of the State of Illinois or any  
13 of the counties or municipalities of this State or any  
14 other authorized entity; and

15 (5) For the purposes of this Section and Section  
16 155.23, "insurer" means insurance companies, insurance  
17 support organizations, self-insured entities, and other  
18 providers of insurance products and services doing  
19 business in the State of Illinois.

20 (b) Upon written request to an insurer by an authorized  
21 governmental agency, an insurer or agent authorized by an  
22 insurer to act on its behalf shall release to the requesting  
23 authorized governmental agency any or all relevant information  
24 deemed important to the authorized governmental agency which  
25 the insurer may possess relating to any specific motor vehicle  
26 theft or motor vehicle insurance fraud. Relevant information

1 may include, but is not limited to:

2 (1) Insurance policy information relevant to the motor  
3 vehicle theft or motor vehicle insurance fraud under  
4 investigation, including any application for such a  
5 policy.

6 (2) Policy premium payment records which are  
7 available.

8 (3) History of previous claims made by the insured.

9 (4) Information relating to the investigation of the  
10 motor vehicle theft or motor vehicle insurance fraud,  
11 including statements of any person, proofs of loss and  
12 notice of loss.

13 (c) When an insurer knows or reasonably believes to know  
14 the identity of a person whom it has reason to believe  
15 committed a criminal or fraudulent act relating to a motor  
16 vehicle theft or a motor vehicle insurance claim or has  
17 knowledge of such a criminal or fraudulent act which is  
18 reasonably believed not to have been reported to an authorized  
19 governmental agency, then for the purpose of notification and  
20 investigation, the insurer or an agent authorized by an  
21 insurer to act on its behalf shall notify an authorized  
22 governmental agency of such knowledge or reasonable belief and  
23 provide any additional relevant information in accordance with  
24 subsection (b) of this Section. When the motor vehicle theft  
25 or motor vehicle claim that gives rise to the suspected  
26 criminal or fraudulent act has already generated an incident

1 report to an Illinois authorized governmental agency, the  
2 insurer shall report the suspected criminal or fraudulent act  
3 to that agency. When no prior incident report has been made,  
4 the insurer shall report the suspected criminal or fraudulent  
5 act to the Attorney General or State's Attorney in the county  
6 or counties where the incident is claimed to have occurred.  
7 When the incident that gives rise to the suspected criminal or  
8 fraudulent act is claimed to have occurred outside the State  
9 of Illinois, but the suspected criminal or fraudulent act  
10 occurs within the State of Illinois, the insurer shall make  
11 the report to the Attorney General or State's Attorney in the  
12 county or counties where the suspected criminal or fraudulent  
13 act occurred. When the fraud occurs in multiple counties the  
14 report shall also be sent to the Attorney General.

15 (d) When an insurer provides any of the authorized  
16 governmental agencies with notice pursuant to this Section it  
17 shall be deemed sufficient notice to all authorized  
18 governmental agencies for the purpose of this Act.

19 (e) The authorized governmental agency provided with  
20 information pursuant to this Section may release or provide  
21 such information to any other authorized governmental agency.

22 (f) Any insurer providing information to an authorized  
23 governmental agency pursuant to this Section shall have the  
24 right to request and receive relevant information from such  
25 authorized governmental agency, and receive within a  
26 reasonable time after the completion of the investigation, not

1 to exceed 30 days, the information requested.

2 (g) Any information furnished pursuant to this Section  
3 shall be privileged and not a part of any public record. Except  
4 as otherwise provided by law, any authorized governmental  
5 agency, insurer, or an agent authorized by an insurer to act on  
6 its behalf which receives any information furnished pursuant  
7 to this Section, shall not release such information to public  
8 inspection. Such evidence or information shall not be subject  
9 to subpoena duces tecum in a civil or criminal proceeding  
10 unless, after reasonable notice to any insurer, agent  
11 authorized by an insurer to act on its behalf and authorized  
12 governmental agency which has an interest in such information  
13 and a hearing, the court determines that the public interest  
14 and any ongoing investigation by the authorized governmental  
15 agency, insurer, or any agent authorized by an insurer to act  
16 on its behalf will not be jeopardized by obedience to such a  
17 subpoena duces tecum.

18 (h) No insurer, or agent authorized by an insurer on its  
19 behalf, authorized governmental agency or their respective  
20 employees shall be subject to any civil or criminal liability  
21 in a cause of action of any kind for releasing or receiving any  
22 information pursuant to this Section. Nothing herein is  
23 intended to or does in any way or manner abrogate or lessen the  
24 common and statutory law privileges and immunities of an  
25 insurer, agent authorized by an insurer to act on its behalf or  
26 authorized governmental agency or any of their respective

1 employees.

2 (Source: P.A. 92-233, eff. 1-1-02.)

3 (215 ILCS 5/401) (from Ch. 73, par. 1013)

4 Sec. 401. General powers of the director. The Director is  
5 charged with the rights, powers and duties appertaining to the  
6 enforcement and execution of all the insurance laws of this  
7 State. He shall have the power

8 (a) to make reasonable rules and regulations as may be  
9 necessary for making effective such laws;

10 (b) to conduct such investigations as may be necessary  
11 to determine whether any person has violated any provision  
12 of such insurance laws;

13 (c) to conduct such examinations, investigations and  
14 hearings in addition to those specifically provided for,  
15 as may be necessary and proper for the efficient  
16 administration of the insurance laws of this State; and

17 (d) to institute such actions or other lawful  
18 proceedings as he may deem necessary for the enforcement  
19 of the Illinois Insurance Code or of any Order or action  
20 made or taken by him under this Code. The Attorney  
21 General, upon request of the Director, may proceed in the  
22 courts of this State to enforce an Order or decision in any  
23 court proceeding or in any administrative proceeding  
24 before the Director.

25 Whenever the Director is authorized or required by law to

1 consider some aspect of criminal history record information  
2 for the purpose of carrying out his statutory powers and  
3 responsibilities, then, upon request and payment of fees in  
4 conformance with the requirements of Section 2605-400 of the  
5 Illinois Department of State Police Law ~~(20 ILCS~~  
6 ~~2605/2605-400)~~, the Illinois Department of State Police is  
7 authorized to furnish, pursuant to positive identification,  
8 such information contained in State files as is necessary to  
9 meet the requirements of such authorization or statutes.

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 (215 ILCS 5/1520)

12 Sec. 1520. Application for license.

13 (a) A person applying for a public adjuster license shall  
14 make application to the Director on the appropriate uniform  
15 application or other application prescribed by the Director.

16 (b) The applicant shall declare under penalty of perjury  
17 and under penalty of refusal, suspension, or revocation of the  
18 license that the statements made in the application are true,  
19 correct, and complete to the best of the applicant's knowledge  
20 and belief.

21 (c) In order to make a determination of license  
22 eligibility, the Director is authorized to require all  
23 applicants for licensing, including renewal applicants, to  
24 undergo a fingerprint-based criminal history record check for  
25 the first year following the effective date of this amendatory

1 Act of the 97th General Assembly. The fingerprints and the fee  
2 required to perform the criminal history record checks shall  
3 be submitted to the Illinois ~~Department of~~ State Police and  
4 the Federal Bureau of Investigation (FBI) to conduct a State  
5 and national criminal history record check. The Illinois  
6 ~~Department of~~ State Police and the Federal Bureau of  
7 Investigation shall furnish to the Department of Insurance all  
8 records of convictions, unless or until expunged, pursuant to  
9 the fingerprint-based criminal history records check. The  
10 Illinois ~~Department of~~ State Police shall charge a fee for  
11 conducting such checks, which fee shall be deposited into the  
12 State Police Services Fund and shall not exceed the cost of the  
13 inquiry. The applicant shall be required to pay all fees  
14 associated with conducting the criminal history record check.

15 (d) The Director may adopt rules to establish procedures  
16 necessary to carry out the requirements of subsection (c) of  
17 this Section.

18 (e) The Director is authorized to submit electronic  
19 fingerprint records and necessary identifying information to  
20 the NAIC, its affiliates, or subsidiaries for permanent  
21 retention in a centralized repository. The purpose of such a  
22 centralized repository is to provide Directors with access to  
23 fingerprint records in order to perform criminal history  
24 record checks.

25 (f) Until such time as the Director can obtain and receive  
26 national criminal history records, the applicant shall obtain



1 a copy of his or her fingerprints and complete criminal  
2 history record from the FBI Criminal Justice Information  
3 Services Division and the Illinois State Police and provide  
4 such information to the Department of Insurance.

5 (Source: P.A. 96-1332, eff. 1-1-11; 97-207, eff. 7-28-11.)

6 Section 580. The Public Utilities Act is amended by  
7 changing Section 4-101 as follows:

8 (220 ILCS 5/4-101) (from Ch. 111 2/3, par. 4-101)

9 Sec. 4-101. The Commerce Commission shall have general  
10 supervision of all public utilities, except as otherwise  
11 provided in this Act, shall inquire into the management of the  
12 business thereof and shall keep itself informed as to the  
13 manner and method in which the business is conducted. It shall  
14 examine those public utilities and keep informed as to their  
15 general condition, their franchises, capitalization, rates and  
16 other charges, and the manner in which their plants, equipment  
17 and other property owned, leased, controlled or operated are  
18 managed, conducted and operated, not only with respect to the  
19 adequacy, security and accommodation afforded by their service  
20 but also with respect to their compliance with this Act and any  
21 other law, with the orders of the Commission and with the  
22 charter and franchise requirements.

23 Whenever the Commission is authorized or required by law  
24 to consider some aspect of criminal history record information

1 for the purpose of carrying out its statutory powers and  
2 responsibilities, then, upon request and payment of fees in  
3 conformance with the requirements of Section 2605-400 of the  
4 Illinois Department of State Police Law ~~(20 ILCS~~  
5 ~~2605/2605-400)~~, the Illinois Department of State Police is  
6 authorized to furnish, pursuant to positive identification,  
7 such information contained in State files as is necessary to  
8 fulfill the request.

9 The Commission shall require all public utilities to  
10 establish a security policy that includes on-site safeguards  
11 to restrict physical or electronic access to critical  
12 infrastructure and computerized control and data systems. The  
13 Commission shall maintain a record of and each regulated  
14 entity shall provide to the Commission an annual affidavit  
15 signed by a representative of the regulated entity that  
16 states:

17 (1) that the entity has a security policy in place;

18 (2) that the entity has conducted at least one  
19 practice exercise based on the security policy within the  
20 12 months immediately preceding the date of the affidavit;  
21 and

22 (3) with respect to any entity that is an electric  
23 public utility, that the entity follows, at a minimum, the  
24 most current security standards set forth by the North  
25 American Electric Reliability Council.

26 (Source: P.A. 94-480, eff. 1-1-06; 94-735, eff. 5-1-06.)

1 Section 585. The Child Care Act of 1969 is amended by  
2 changing Section 4.1 as follows:

3 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

4 Sec. 4.1. Criminal Background Investigations. The  
5 Department shall require that each child care facility license  
6 applicant as part of the application process, and each  
7 employee and volunteer of a child care facility or  
8 non-licensed service provider, as a condition of employment,  
9 authorize an investigation to determine if such applicant,  
10 employee, or volunteer has ever been charged with a crime and  
11 if so, the disposition of those charges; this authorization  
12 shall indicate the scope of the inquiry and the agencies which  
13 may be contacted. Upon this authorization, the Director shall  
14 request and receive information and assistance from any  
15 federal, State or local governmental agency as part of the  
16 authorized investigation. Each applicant, employee, or  
17 volunteer of a child care facility or non-licensed service  
18 provider shall submit his or her fingerprints to the Illinois  
19 ~~Department of~~ State Police in the form and manner prescribed  
20 by the Illinois ~~Department of~~ State Police. These fingerprints  
21 shall be checked against the fingerprint records now and  
22 hereafter filed in the Illinois ~~Department of~~ State Police and  
23 Federal Bureau of Investigation criminal history records  
24 databases. The Illinois ~~Department of~~ State Police shall

1 charge a fee for conducting the criminal history records  
2 check, which shall be deposited in the State Police Services  
3 Fund and shall not exceed the actual cost of the records check.  
4 The Illinois ~~Department~~ of State Police shall provide  
5 information concerning any criminal charges, and their  
6 disposition, now or hereafter filed, against an applicant,  
7 employee, or volunteer of a child care facility or  
8 non-licensed service provider upon request of the Department  
9 of Children and Family Services when the request is made in the  
10 form and manner required by the Illinois ~~Department~~ of State  
11 Police.

12 Information concerning convictions of a license applicant,  
13 employee, or volunteer of a child care facility or  
14 non-licensed service provider investigated under this Section,  
15 including the source of the information and any conclusions or  
16 recommendations derived from the information, shall be  
17 provided, upon request, to such applicant, employee, or  
18 volunteer of a child care facility or non-licensed service  
19 provider prior to final action by the Department on the  
20 application. State conviction information provided by the  
21 Illinois ~~Department~~ of State Police regarding employees,  
22 prospective employees, or volunteers of non-licensed service  
23 providers and child care facilities licensed under this Act  
24 shall be provided to the operator of such facility, and, upon  
25 request, to the employee, prospective employee, or volunteer  
26 of a child care facility or non-licensed service provider. Any

1 information concerning criminal charges and the disposition of  
2 such charges obtained by the Department shall be confidential  
3 and may not be transmitted outside the Department, except as  
4 required herein, and may not be transmitted to anyone within  
5 the Department except as needed for the purpose of evaluating  
6 an application or an employee or volunteer of a child care  
7 facility or non-licensed service provider. Only information  
8 and standards which bear a reasonable and rational relation to  
9 the performance of a child care facility shall be used by the  
10 Department or any licensee. Any employee of the Department of  
11 Children and Family Services, Illinois ~~Department of~~ State  
12 Police, or a child care facility receiving confidential  
13 information under this Section who gives or causes to be given  
14 any confidential information concerning any criminal  
15 convictions of an applicant, employee, or volunteer of a child  
16 care facility or non-licensed service provider, shall be  
17 guilty of a Class A misdemeanor unless release of such  
18 information is authorized by this Section.

19 A child care facility may hire, on a probationary basis,  
20 any employee or volunteer of a child care facility or  
21 non-licensed service provider authorizing a criminal  
22 background investigation under this Section, pending the  
23 result of such investigation. Employees and volunteers of a  
24 child care facility or non-licensed service provider shall be  
25 notified prior to hiring that such employment may be  
26 terminated on the basis of criminal background information

1 obtained by the facility.

2 (Source: P.A. 98-570, eff. 8-27-13.)

3 Section 590. The Health Care Worker Background Check Act  
4 is amended by changing Sections 15, 33, 45, 65, and 70 as  
5 follows:

6 (225 ILCS 46/15)

7 Sec. 15. Definitions. In this Act:

8 "Applicant" means an individual enrolling in a training  
9 program, seeking employment, whether paid or on a volunteer  
10 basis, with a health care employer who has received a bona fide  
11 conditional offer of employment.

12 "Conditional offer of employment" means a bona fide offer  
13 of employment by a health care employer to an applicant, which  
14 is contingent upon the receipt of a report from the Department  
15 of Public Health indicating that the applicant does not have a  
16 record of conviction of any of the criminal offenses  
17 enumerated in Section 25.

18 "Department" means the Department of Public Health.

19 "Direct care" means the provision of nursing care or  
20 assistance with feeding, dressing, movement, bathing,  
21 toileting, or other personal needs, including home services as  
22 defined in the Home Health, Home Services, and Home Nursing  
23 Agency Licensing Act. The entity responsible for inspecting  
24 and licensing, certifying, or registering the health care

1 employer may, by administrative rule, prescribe guidelines for  
2 interpreting this definition with regard to the health care  
3 employers that it licenses.

4 "Director" means the Director of Public Health.

5 "Disqualifying offenses" means those offenses set forth in  
6 Section 25 of this Act.

7 "Employee" means any individual hired, employed, or  
8 retained, whether paid or on a volunteer basis, to which this  
9 Act applies.

10 "Finding" means the Department's determination of whether  
11 an allegation is verified and substantiated.

12 "Fingerprint-based criminal history records check" means a  
13 livescan fingerprint-based criminal history records check  
14 submitted as a fee applicant inquiry in the form and manner  
15 prescribed by the Illinois ~~Department of~~ State Police.

16 "Health care employer" means:

17 (1) the owner or licensee of any of the following:

18 (i) a community living facility, as defined in the  
19 Community Living Facilities Act;

20 (ii) a life care facility, as defined in the Life  
21 Care Facilities Act;

22 (iii) a long-term care facility;

23 (iv) a home health agency, home services agency,  
24 or home nursing agency as defined in the Home Health,  
25 Home Services, and Home Nursing Agency Licensing Act;

26 (v) a hospice care program or volunteer hospice

1 program, as defined in the Hospice Program Licensing  
2 Act;

3 (vi) a hospital, as defined in the Hospital  
4 Licensing Act;

5 (vii) (blank);

6 (viii) a nurse agency, as defined in the Nurse  
7 Agency Licensing Act;

8 (ix) a respite care provider, as defined in the  
9 Respite Program Act;

10 (ix-a) an establishment licensed under the  
11 Assisted Living and Shared Housing Act;

12 (x) a supportive living program, as defined in the  
13 Illinois Public Aid Code;

14 (xi) early childhood intervention programs as  
15 described in 59 Ill. Adm. Code 121;

16 (xii) the University of Illinois Hospital,  
17 Chicago;

18 (xiii) programs funded by the Department on Aging  
19 through the Community Care Program;

20 (xiv) programs certified to participate in the  
21 Supportive Living Program authorized pursuant to  
22 Section 5-5.01a of the Illinois Public Aid Code;

23 (xv) programs listed by the Emergency Medical  
24 Services (EMS) Systems Act as Freestanding Emergency  
25 Centers;

26 (xvi) locations licensed under the Alternative



1 Health Care Delivery Act;

2 (2) a day training program certified by the Department  
3 of Human Services;

4 (3) a community integrated living arrangement operated  
5 by a community mental health and developmental service  
6 agency, as defined in the Community-Integrated Living  
7 Arrangements Licensing and Certification Act; or

8 (4) the State Long Term Care Ombudsman Program,  
9 including any regional long term care ombudsman programs  
10 under Section 4.04 of the Illinois Act on the Aging, only  
11 for the purpose of securing background checks.

12 "Initiate" means obtaining from a student, applicant, or  
13 employee his or her social security number, demographics, a  
14 disclosure statement, and an authorization for the Department  
15 of Public Health or its designee to request a  
16 fingerprint-based criminal history records check; transmitting  
17 this information electronically to the Department of Public  
18 Health; conducting Internet searches on certain web sites,  
19 including without limitation the Illinois Sex Offender  
20 Registry, the Department of Corrections' Sex Offender Search  
21 Engine, the Department of Corrections' Inmate Search Engine,  
22 the Department of Corrections Wanted Fugitives Search Engine,  
23 the National Sex Offender Public Registry, and the List of  
24 Excluded Individuals and Entities database on the website of  
25 the Health and Human Services Office of Inspector General to  
26 determine if the applicant has been adjudicated a sex

1 offender, has been a prison inmate, or has committed Medicare  
2 or Medicaid fraud, or conducting similar searches as defined  
3 by rule; and having the student, applicant, or employee's  
4 fingerprints collected and transmitted electronically to the  
5 Illinois ~~Department of~~ State Police.

6 "Livescan vendor" means an entity whose equipment has been  
7 certified by the Illinois ~~Department of~~ State Police to  
8 collect an individual's demographics and inkless fingerprints  
9 and, in a manner prescribed by the Illinois ~~Department of~~  
10 State Police and the Department of Public Health,  
11 electronically transmit the fingerprints and required data to  
12 the Illinois ~~Department of~~ State Police and a daily file of  
13 required data to the Department of Public Health. The  
14 Department of Public Health shall negotiate a contract with  
15 one or more vendors that effectively demonstrate that the  
16 vendor has 2 or more years of experience transmitting  
17 fingerprints electronically to the Illinois ~~Department of~~  
18 State Police and that the vendor can successfully transmit the  
19 required data in a manner prescribed by the Department of  
20 Public Health. Vendor authorization may be further defined by  
21 administrative rule.

22 "Long-term care facility" means a facility licensed by the  
23 State or certified under federal law as a long-term care  
24 facility, including without limitation facilities licensed  
25 under the Nursing Home Care Act, the Specialized Mental Health  
26 Rehabilitation Act of 2013, the ID/DD Community Care Act, or

1 the MC/DD Act, a supportive living facility, an assisted  
2 living establishment, or a shared housing establishment or  
3 registered as a board and care home.

4 "Resident" means a person, individual, or patient under  
5 the direct care of a health care employer or who has been  
6 provided goods or services by a health care employer.

7 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

8 (225 ILCS 46/33)

9 Sec. 33. Fingerprint-based criminal history records check.

10 (a) A fingerprint-based criminal history records check is  
11 not required for health care employees who have been  
12 continuously employed by a health care employer since October  
13 1, 2007, have met the requirements for criminal history  
14 background checks prior to October 1, 2007, and have no  
15 disqualifying convictions or requested and received a waiver  
16 of those disqualifying convictions. These employees shall be  
17 retained on the Health Care Worker Registry as long as they  
18 remain active. Nothing in this subsection (a) shall be  
19 construed to prohibit a health care employer from initiating a  
20 criminal history records check for these employees. Should  
21 these employees seek a new position with a different health  
22 care employer, then a fingerprint-based criminal history  
23 records check shall be required.

24 (b) On October 1, 2007 or as soon thereafter as is  
25 reasonably practical, in the discretion of the Director of

1 Public Health, and thereafter, any student, applicant, or  
2 employee who desires to be included on the Department of  
3 Public Health's Health Care Worker Registry shall authorize  
4 the Department of Public Health or its designee to request a  
5 fingerprint-based criminal history records check to determine  
6 if the individual has a conviction for a disqualifying  
7 offense. This authorization shall allow the Department of  
8 Public Health to request and receive information and  
9 assistance from any State or governmental agency. Each  
10 individual shall submit his or her fingerprints to the  
11 Illinois ~~Department of~~ State Police in an electronic format  
12 that complies with the form and manner for requesting and  
13 furnishing criminal history record information prescribed by  
14 the Illinois ~~Department of~~ State Police. The fingerprints  
15 submitted under this Section shall be checked against the  
16 fingerprint records now and hereafter filed in the Illinois  
17 ~~Department of~~ State Police criminal history record databases.  
18 The Illinois ~~Department of~~ State Police shall charge a fee for  
19 conducting the criminal history records check, which shall not  
20 exceed the actual cost of the records check. The livescan  
21 vendor may act as the designee for individuals, educational  
22 entities, or health care employers in the collection of  
23 Illinois ~~Department of~~ State Police fees and deposit those  
24 fees into the State Police Services Fund. The Illinois  
25 ~~Department of~~ State Police shall provide information  
26 concerning any criminal convictions, now or hereafter filed,

1 against the individual.

2 (c) On October 1, 2007 or as soon thereafter as is  
3 reasonably practical, in the discretion of the Director of  
4 Public Health, and thereafter, an educational entity, other  
5 than a secondary school, conducting a nurse aide training  
6 program shall initiate a fingerprint-based criminal history  
7 records check required by this Act prior to entry of an  
8 individual into the training program.

9 (d) On October 1, 2007 or as soon thereafter as is  
10 reasonably practical, in the discretion of the Director of  
11 Public Health, and thereafter, a health care employer who  
12 makes a conditional offer of employment to an applicant for a  
13 position as an employee shall initiate a fingerprint-based  
14 criminal history record check, requested by the Department of  
15 Public Health, on the applicant, if such a background check  
16 has not been previously conducted. Workforce intermediaries  
17 and organizations providing pro bono legal services may  
18 initiate a fingerprint-based criminal history record check if  
19 a conditional offer of employment has not been made and a  
20 background check has not been previously conducted for an  
21 individual who has a disqualifying conviction and is receiving  
22 services from a workforce intermediary or an organization  
23 providing pro bono legal services.

24 (e) When initiating a background check requested by the  
25 Department of Public Health, an educational entity, health  
26 care employer, workforce intermediary, or organization that

1 provides pro bono legal services shall electronically submit  
2 to the Department of Public Health the student's, applicant's,  
3 or employee's social security number, demographics,  
4 disclosure, and authorization information in a format  
5 prescribed by the Department of Public Health within 2 working  
6 days after the authorization is secured. The student,  
7 applicant, or employee shall have his or her fingerprints  
8 collected electronically and transmitted to the Illinois  
9 ~~Department of~~ State Police within 10 working days. The  
10 educational entity, health care employer, workforce  
11 intermediary, or organization that provides pro bono legal  
12 services shall transmit all necessary information and fees to  
13 the livescan vendor and Illinois ~~Department of~~ State Police  
14 within 10 working days after receipt of the authorization.  
15 This information and the results of the criminal history  
16 record checks shall be maintained by the Department of Public  
17 Health's Health Care Worker Registry.

18 (f) A direct care employer may initiate a  
19 fingerprint-based background check required by this Act for  
20 any of its employees, but may not use this process to initiate  
21 background checks for residents. The results of any  
22 fingerprint-based background check that is initiated with the  
23 Department as the requester shall be entered in the Health  
24 Care Worker Registry.

25 (g) As long as the employee or trainee has had a  
26 fingerprint-based criminal history record check required by

1 this Act and stays active on the Health Care Worker Registry,  
2 no further criminal history record checks are required, as the  
3 Illinois ~~Department~~ of State Police shall notify the  
4 Department of Public Health of any additional convictions  
5 associated with the fingerprints previously submitted. Health  
6 care employers shall check the Health Care Worker Registry  
7 before hiring an employee to determine that the individual has  
8 had a fingerprint-based record check required by this Act and  
9 has no disqualifying convictions or has been granted a waiver  
10 pursuant to Section 40 of this Act. If the individual has not  
11 had such a background check or is not active on the Health Care  
12 Worker Registry, then the health care employer shall initiate  
13 a fingerprint-based record check requested by the Department  
14 of Public Health. If an individual is inactive on the Health  
15 Care Worker Registry, that individual is prohibited from being  
16 hired to work as a certified nursing assistant if, since the  
17 individual's most recent completion of a competency test,  
18 there has been a period of 24 consecutive months during which  
19 the individual has not provided nursing or nursing-related  
20 services for pay. If the individual can provide proof of  
21 having retained his or her certification by not having a  
22 24-consecutive-month break in service for pay, he or she may  
23 be hired as a certified nursing assistant and that employment  
24 information shall be entered into the Health Care Worker  
25 Registry.

26 (h) On October 1, 2007 or as soon thereafter as is

1 reasonably practical, in the discretion of the Director of  
2 Public Health, and thereafter, if the Illinois ~~Department of~~  
3 State Police notifies the Department of Public Health that an  
4 employee has a new conviction of a disqualifying offense,  
5 based upon the fingerprints that were previously submitted,  
6 then (i) the Health Care Worker Registry shall notify the  
7 employee's last known employer of the offense, (ii) a record  
8 of the employee's disqualifying offense shall be entered on  
9 the Health Care Worker Registry, and (iii) the individual  
10 shall no longer be eligible to work as an employee unless he or  
11 she obtains a waiver pursuant to Section 40 of this Act.

12 (i) On October 1, 2007, or as soon thereafter, in the  
13 discretion of the Director of Public Health, as is reasonably  
14 practical, and thereafter, each direct care employer or its  
15 designee shall provide an employment verification for each  
16 employee no less than annually. The direct care employer or  
17 its designee shall log into the Health Care Worker Registry  
18 through a secure login. The health care employer or its  
19 designee shall indicate employment and termination dates  
20 within 30 days after hiring or terminating an employee, as  
21 well as the employment category and type. Failure to comply  
22 with this subsection (i) constitutes a licensing violation. A  
23 fine of up to \$500 may be imposed for failure to maintain these  
24 records. This information shall be used by the Department of  
25 Public Health to notify the last known employer of any  
26 disqualifying offenses that are reported by the Illinois



1 ~~Department of~~ State Police.

2 (j) In the event that an applicant or employee has a waiver  
3 for one or more disqualifying offenses pursuant to Section 40  
4 of this Act and he or she is otherwise eligible to work, the  
5 Health Care Worker Registry shall indicate that the applicant  
6 or employee is eligible to work and that additional  
7 information is available on the Health Care Worker Registry.  
8 The Health Care Worker Registry may indicate that the  
9 applicant or employee has received a waiver.

10 (k) The student, applicant, or employee shall be notified  
11 of each of the following whenever a fingerprint-based criminal  
12 history records check is required:

13 (1) That the educational entity, health care employer,  
14 or long-term care facility shall initiate a  
15 fingerprint-based criminal history record check required  
16 by this Act of the student, applicant, or employee.

17 (2) That the student, applicant, or employee has a  
18 right to obtain a copy of the criminal records report that  
19 indicates a conviction for a disqualifying offense and  
20 challenge the accuracy and completeness of the report  
21 through an established Illinois ~~Department of~~ State Police  
22 procedure of Access and Review.

23 (3) That the applicant, if hired conditionally, may be  
24 terminated if the criminal records report indicates that  
25 the applicant has a record of a conviction of any of the  
26 criminal offenses enumerated in Section 25, unless the

1 applicant obtains a waiver pursuant to Section 40 of this  
2 Act.

3 (4) That the applicant, if not hired conditionally,  
4 shall not be hired if the criminal records report  
5 indicates that the applicant has a record of a conviction  
6 of any of the criminal offenses enumerated in Section 25,  
7 unless the applicant obtains a waiver pursuant to Section  
8 40 of this Act.

9 (5) That the employee shall be terminated if the  
10 criminal records report indicates that the employee has a  
11 record of a conviction of any of the criminal offenses  
12 enumerated in Section 25.

13 (6) If, after the employee has originally been  
14 determined not to have disqualifying offenses, the  
15 employer is notified that the employee has a new  
16 conviction(s) of any of the criminal offenses enumerated  
17 in Section 25, then the employee shall be terminated.

18 (1) A health care employer or long-term care facility may  
19 conditionally employ an applicant for up to 3 months pending  
20 the results of a fingerprint-based criminal history record  
21 check requested by the Department of Public Health.

22 (m) The Department of Public Health or an entity  
23 responsible for inspecting, licensing, certifying, or  
24 registering the health care employer or long-term care  
25 facility shall be immune from liability for notices given  
26 based on the results of a fingerprint-based criminal history

1 record check.

2 (n) As used in this Section:

3 "Workforce intermediaries" means organizations that  
4 function to provide job training and employment services.  
5 Workforce intermediaries include institutions of higher  
6 education, faith-based and community organizations, and  
7 workforce investment boards.

8 "Organizations providing pro bono legal services" means  
9 legal services performed without compensation or at a  
10 significantly reduced cost to the recipient that provide  
11 services designed to help individuals overcome statutory  
12 barriers that would prevent them from entering positions in  
13 the healthcare industry.

14 (Source: P.A. 100-432, eff. 8-25-17; 101-176, eff. 7-31-19.)

15 (225 ILCS 46/45)

16 Sec. 45. Application fees. Except as otherwise provided in  
17 this Act, the student, applicant, or employee, other than a  
18 nurse aide, may be required to pay all related application and  
19 fingerprinting fees including, but not limited to, the amounts  
20 established by the Illinois Department of State Police to  
21 process fingerprint-based criminal history records checks. If  
22 a health care employer certified to participate in the  
23 Medicaid program pays the fees, the fees shall be a direct  
24 pass-through on the cost report submitted by the employer to  
25 the Medicaid agency.

1 (Source: P.A. 95-120, eff. 8-13-07.)

2 (225 ILCS 46/65)

3 Sec. 65. Health Care Worker Task Force. A Health Care  
4 Worker Task Force shall be appointed to study and make  
5 recommendations on statutory changes to this Act.

6 (a) The Task Force shall monitor the status of the  
7 implementation of this Act and monitor complaint  
8 investigations relating to this Act by the Department on  
9 Aging, Department of Public Health, Department of Professional  
10 Regulation, and the Department of Human Services to determine  
11 the criminal background, if any, of health care workers who  
12 have had findings of abuse, theft, or exploitation.

13 (b) The Task Force shall make recommendations concerning  
14 modifications to the list of offenses enumerated in Section  
15 25, including time limits on all or some of the disqualifying  
16 offenses, and any other necessary or desirable changes to the  
17 Act.

18 (c) In the event that proposed rules or changes are  
19 properly submitted to the Task Force and the Task Force fails  
20 to advise the Department within 90 days after receipt of the  
21 proposed rules or changes, final action shall be deemed to  
22 have been taken by the Task Force concerning the proposed  
23 rules or changes.

24 (d) The Task Force shall be composed of the following  
25 members, who shall serve without pay:

1 (1) a chairman knowledgeable about health care issues,  
2 who shall be appointed by the Governor;

3 (2) the Director of Public Health or his or her  
4 designee;

5 (3) the Director of the Illinois State Police or his  
6 or her designee;

7 (3.5) the Director of Healthcare and Family Services  
8 or his or her designee;

9 (3.6) the Secretary of Human Services or his or her  
10 designee;

11 (3.7) the Director of Aging or his or her designee;

12 (4) 2 representatives of health care providers, who  
13 shall be appointed by the Governor;

14 (5) 2 representatives of health care employees, who  
15 shall be appointed by the Governor;

16 (5.5) a representative of a Community Care homemaker  
17 program, who shall be appointed by the Governor;

18 (6) a representative of the general public who has an  
19 interest in health care, who shall be appointed by the  
20 Governor; and

21 (7) 4 members of the General Assembly, one appointed  
22 by the Speaker of the House, one appointed by the House  
23 Minority Leader, one appointed by the President of the  
24 Senate, and one appointed by the Senate Minority Leader.

25 (e) The Task Force shall meet at least quarterly, and more  
26 frequently at the discretion of the chairperson. Task Force

1 members shall serve until a replacement is sworn and  
2 qualified. Nine members appointed to the Task Force  
3 constitutes a quorum.

4 (Source: P.A. 95-331, eff. 8-21-07; 95-987, eff. 10-3-08.)

5 (225 ILCS 46/70)

6 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)  
7 grant; Voluntary FBI Fingerprint Demonstration Project.

8 (a) The General Assembly authorizes the establishment of  
9 the Voluntary FBI Fingerprint Demonstration Project  
10 (Demonstration Project), which shall be consistent with the  
11 provisions of the Centers for Medicare and Medicaid Services  
12 grant awarded to and distributed by the Department of Public  
13 Health pursuant to Title VI, Subtitle B, Part III, Subtitle C,  
14 Section 6201 of the Affordable Care Act of 2010. The  
15 Demonstration Project is authorized to operate for the period  
16 of January 1, 2014 through December 31, 2014 and shall operate  
17 until the conclusion of this grant period or until the  
18 long-term care facility terminates its participation in the  
19 Demonstration Project, whichever occurs sooner.

20 (b) The Long-Term Care Facility Advisory Board established  
21 under the Nursing Home Care Act shall act in an advisory  
22 capacity to the Demonstration Project.

23 (c) Long-term care facilities voluntarily participating in  
24 the Demonstration Project shall, in addition to the provisions  
25 of this Section, comply with all requirements set forth in

1 this Act. When conflict between the Act and the provisions of  
2 this Section occurs, the provisions of this Section shall  
3 supersede until the conclusion of the grant period or until  
4 the long-term care facility terminates its participation in  
5 the Demonstration Project, whichever occurs sooner.

6 (d) The Department of Public Health shall select at least  
7 one facility in the State to participate in the Demonstration  
8 Project.

9 (e) For the purposes of determining who shall be required  
10 to undergo a State and an FBI fingerprint-based criminal  
11 history records check under the Demonstration Project, "direct  
12 access employee" means any individual who has access to a  
13 patient or resident of a long-term care facility or provider  
14 through employment or through a contract with a long-term care  
15 facility or provider and has duties that involve or may  
16 involve one-on-one contact with a resident of the facility or  
17 provider, as determined by the State for purposes of the  
18 Demonstration Project.

19 (f) All long-term care facilities licensed under the  
20 Nursing Home Care Act are qualified to volunteer for the  
21 Demonstration Project.

22 (g) The Department of Public Health shall notify qualified  
23 long-term care facilities within 30 days after the effective  
24 date of this amendatory Act of the 98th General Assembly of the  
25 opportunity to volunteer for the Demonstration Project. The  
26 notice shall include information concerning application

1 procedures and deadlines, termination rights, requirements for  
2 participation, the selection process, and a  
3 question-and-answer document addressing potential conflicts  
4 between this Act and the provisions of this Section.

5 (h) Qualified long-term care facilities shall be given a  
6 minimum of 30 days after the date of receiving the notice to  
7 inform the Department of Public Health, in the form and manner  
8 prescribed by the Department of Public Health, of their  
9 interest in volunteering for the Demonstration Project.  
10 Facilities selected for the Demonstration Project shall be  
11 notified, within 30 days after the date of application, of the  
12 effective date that their participation in the Demonstration  
13 Project will begin, which may vary.

14 (i) The individual applicant shall be responsible for the  
15 cost of each individual fingerprint inquiry, which may be  
16 offset with grant funds, if available.

17 (j) Each applicant seeking employment in a position  
18 described in subsection (e) of this Section with a selected  
19 health care employer shall, as a condition of employment, have  
20 his or her fingerprints submitted to the Illinois Department  
21 ~~of~~ State Police in an electronic format that complies with the  
22 form and manner for requesting and furnishing criminal history  
23 record information by the Illinois Department ~~of~~ State Police  
24 and the Federal Bureau of Investigation criminal history  
25 record databases now and hereafter filed. The Illinois  
26 ~~Department of~~ State Police shall forward the fingerprints to



1 the Federal Bureau of Investigation for a national criminal  
2 history records check. The Illinois ~~Department of~~ State Police  
3 shall charge a fee for conducting the criminal history records  
4 check, which shall not exceed the actual cost of the records  
5 check and shall be deposited into the State Police Services  
6 Fund. The Illinois ~~Department of~~ State Police shall furnish,  
7 pursuant to positive identification, records of Illinois  
8 convictions to the Department of Public Health.

9 (k) A fingerprint-based criminal history records check  
10 submitted in accordance with subsection (j) of this Section  
11 shall be submitted as a fee applicant inquiry in the form and  
12 manner prescribed by the Illinois ~~Department of~~ State Police.

13 (l) A long-term care facility may terminate its  
14 participation in the Demonstration Project without prejudice  
15 by providing the Department of Public Health with notice of  
16 its intent to terminate at least 30 days prior to its voluntary  
17 termination.

18 (m) This Section shall be inapplicable upon the conclusion  
19 of the CMMS grant period.

20 (Source: P.A. 98-756, eff. 7-16-14; 98-1041, eff. 8-25-14;  
21 99-78, eff. 7-20-15.)

22 Section 595. The Massage Licensing Act is amended by  
23 changing Section 15 as follows:

24 (225 ILCS 57/15)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 15. Licensure requirements.

3 (a) Persons engaged in massage for compensation must be  
4 licensed by the Department. The Department shall issue a  
5 license to an individual who meets all of the following  
6 requirements:

7 (1) The applicant has applied in writing on the  
8 prescribed forms and has paid the required fees.

9 (2) The applicant is at least 18 years of age and of  
10 good moral character. In determining good moral character,  
11 the Department may take into consideration conviction of  
12 any crime under the laws of the United States or any state  
13 or territory thereof that is a felony or a misdemeanor or  
14 any crime that is directly related to the practice of the  
15 profession. Such a conviction shall not operate  
16 automatically as a complete bar to a license, except in  
17 the case of any conviction for prostitution, rape, or  
18 sexual misconduct, or where the applicant is a registered  
19 sex offender.

20 (3) The applicant has met one of the following  
21 requirements:

22 (A) has successfully completed a massage therapy  
23 program approved by the Department that requires a  
24 minimum of 500 hours, except applicants applying on or  
25 after January 1, 2014 shall meet a minimum requirement  
26 of 600 hours, and has passed a competency examination

1 approved by the Department;

2 (B) holds a current license from another  
3 jurisdiction having licensure requirements that  
4 include the completion of a massage therapy program of  
5 at least 500 hours; or

6 (C) (blank).

7 (b) Each applicant for licensure as a massage therapist  
8 shall have his or her fingerprints submitted to the Illinois  
9 ~~Department of~~ State Police in an electronic format that  
10 complies with the form and manner for requesting and  
11 furnishing criminal history record information as prescribed  
12 by the Illinois ~~Department of~~ State Police. These fingerprints  
13 shall be checked against the Illinois ~~Department of~~ State  
14 Police and Federal Bureau of Investigation criminal history  
15 record databases now and hereafter filed. The Illinois  
16 ~~Department of~~ State Police shall charge applicants a fee for  
17 conducting the criminal history records check, which shall be  
18 deposited into the State Police Services Fund and shall not  
19 exceed the actual cost of the records check. The Illinois  
20 ~~Department of~~ State Police shall furnish, pursuant to positive  
21 identification, records of Illinois convictions to the  
22 Department. The Department may require applicants to pay a  
23 separate fingerprinting fee, either to the Department or to a  
24 vendor. The Department, in its discretion, may allow an  
25 applicant who does not have reasonable access to a designated  
26 vendor to provide his or her fingerprints in an alternative

1 manner. The Department may adopt any rules necessary to  
2 implement this Section.

3 (Source: P.A. 97-514, eff. 8-23-11.)

4 Section 600. The Medical Practice Act of 1987 is amended  
5 by changing Sections 7, 9.7, and 65 as follows:

6 (225 ILCS 60/7) (from Ch. 111, par. 4400-7)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 7. Medical Disciplinary Board.

9 (A) There is hereby created the Illinois State Medical  
10 Disciplinary Board. The Disciplinary Board shall consist of 11  
11 members, to be appointed by the Governor by and with the advice  
12 and consent of the Senate. All members shall be residents of  
13 the State, not more than 6 of whom shall be members of the same  
14 political party. All members shall be voting members. Five  
15 members shall be physicians licensed to practice medicine in  
16 all of its branches in Illinois possessing the degree of  
17 doctor of medicine. One member shall be a physician licensed  
18 to practice medicine in all its branches in Illinois  
19 possessing the degree of doctor of osteopathy or osteopathic  
20 medicine. One member shall be a chiropractic physician  
21 licensed to practice in Illinois and possessing the degree of  
22 doctor of chiropractic. Four members shall be members of the  
23 public, who shall not be engaged in any way, directly or  
24 indirectly, as providers of health care.

1 (B) Members of the Disciplinary Board shall be appointed  
2 for terms of 4 years. Upon the expiration of the term of any  
3 member, his or her ~~their~~ successor shall be appointed for a  
4 term of 4 years by the Governor by and with the advice and  
5 consent of the Senate. The Governor shall fill any vacancy for  
6 the remainder of the unexpired term with the advice and  
7 consent of the Senate. Upon recommendation of the Board, any  
8 member of the Disciplinary Board may be removed by the  
9 Governor for misfeasance, malfeasance, or willful ~~wilful~~  
10 neglect of duty, after notice, and a public hearing, unless  
11 such notice and hearing shall be expressly waived in writing.  
12 Each member shall serve on the Disciplinary Board until their  
13 successor is appointed and qualified. No member of the  
14 Disciplinary Board shall serve more than 2 consecutive 4 year  
15 terms.

16 In making appointments the Governor shall attempt to  
17 insure that the various social and geographic regions of the  
18 State of Illinois are properly represented.

19 In making the designation of persons to act for the  
20 several professions represented on the Disciplinary Board, the  
21 Governor shall give due consideration to recommendations by  
22 members of the respective professions and by organizations  
23 therein.

24 (C) The Disciplinary Board shall annually elect one of its  
25 voting members as chairperson and one as vice chairperson. No  
26 officer shall be elected more than twice in succession to the

1 same office. Each officer shall serve until their successor  
2 has been elected and qualified.

3 (D) (Blank).

4 (E) Six voting members of the Disciplinary Board, at least  
5 4 of whom are physicians, shall constitute a quorum. A vacancy  
6 in the membership of the Disciplinary Board shall not impair  
7 the right of a quorum to exercise all the rights and perform  
8 all the duties of the Disciplinary Board. Any action taken by  
9 the Disciplinary Board under this Act may be authorized by  
10 resolution at any regular or special meeting and each such  
11 resolution shall take effect immediately. The Disciplinary  
12 Board shall meet at least quarterly.

13 (F) Each member, and member-officer, of the Disciplinary  
14 Board shall receive a per diem stipend as the Secretary shall  
15 determine. Each member shall be paid their necessary expenses  
16 while engaged in the performance of their duties.

17 (G) The Secretary shall select a Chief Medical Coordinator  
18 and not less than 2 Deputy Medical Coordinators who shall not  
19 be members of the Disciplinary Board. Each medical coordinator  
20 shall be a physician licensed to practice medicine in all of  
21 its branches, and the Secretary shall set their rates of  
22 compensation. The Secretary shall assign at least one medical  
23 coordinator to a region composed of Cook County and such other  
24 counties as the Secretary may deem appropriate, and such  
25 medical coordinator or coordinators shall locate their office  
26 in Chicago. The Secretary shall assign at least one medical

1 coordinator to a region composed of the balance of counties in  
2 the State, and such medical coordinator or coordinators shall  
3 locate their office in Springfield. The Chief Medical  
4 Coordinator shall be the chief enforcement officer of this  
5 Act. None of the functions, powers, or duties of the  
6 Department with respect to policies regarding enforcement or  
7 discipline under this Act, including the adoption of such  
8 rules as may be necessary for the administration of this Act,  
9 shall be exercised by the Department except upon review of the  
10 Disciplinary Board.

11 The Secretary shall employ, in conformity with the  
12 Personnel Code, investigators who are college graduates with  
13 at least 2 years of investigative experience or one year of  
14 advanced medical education. Upon the written request of the  
15 Disciplinary Board, the Secretary shall employ, in conformity  
16 with the Personnel Code, such other professional, technical,  
17 investigative, and clerical help, either on a full or  
18 part-time basis as the Disciplinary Board deems necessary for  
19 the proper performance of its duties.

20 (H) Upon the specific request of the Disciplinary Board,  
21 signed by either the chairperson, vice chairperson, or a  
22 medical coordinator of the Disciplinary Board, the Department  
23 of Human Services, the Department of Healthcare and Family  
24 Services, the Illinois ~~Department of~~ State Police, or any  
25 other law enforcement agency located in this State shall make  
26 available any and all information that they have in their

1 possession regarding a particular case then under  
2 investigation by the Disciplinary Board.

3 (I) Members of the Disciplinary Board shall be immune from  
4 suit in any action based upon any disciplinary proceedings or  
5 other acts performed in good faith as members of the  
6 Disciplinary Board.

7 (J) The Disciplinary Board may compile and establish a  
8 statewide roster of physicians and other medical  
9 professionals, including the several medical specialties, of  
10 such physicians and medical professionals, who have agreed to  
11 serve from time to time as advisors to the medical  
12 coordinators. Such advisors shall assist the medical  
13 coordinators or the Disciplinary Board in their investigations  
14 and participation in complaints against physicians. Such  
15 advisors shall serve under contract and shall be reimbursed at  
16 a reasonable rate for the services provided, plus reasonable  
17 expenses incurred. While serving in this capacity, the  
18 advisor, for any act undertaken in good faith and in the  
19 conduct of his or her duties under this Section, shall be  
20 immune from civil suit.

21 (Source: P.A. 97-622, eff. 11-23-11; 98-1140, eff. 12-30-14.)

22 (225 ILCS 60/9.7)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 9.7. Criminal history records background check. Each  
25 applicant for licensure or permit under Sections 9, 18, and 19



1 shall have his or her fingerprints submitted to the Illinois  
2 ~~Department of~~ State Police in an electronic format that  
3 complies with the form and manner for requesting and  
4 furnishing criminal history record information as prescribed  
5 by the Illinois ~~Department of~~ State Police. These fingerprints  
6 shall be checked against the Illinois ~~Department of~~ State  
7 Police and Federal Bureau of Investigation criminal history  
8 record databases now and hereafter filed. The Illinois  
9 ~~Department of~~ State Police shall charge applicants a fee for  
10 conducting the criminal history records check, which shall be  
11 deposited into the State Police Services Fund and shall not  
12 exceed the actual cost of the records check. The Illinois  
13 ~~Department of~~ State Police shall furnish, pursuant to positive  
14 identification, records of Illinois convictions to the  
15 Department. The Department may require applicants to pay a  
16 separate fingerprinting fee, either to the Department or to a  
17 Department designated or approved vendor. The Department, in  
18 its discretion, may allow an applicant who does not have  
19 reasonable access to a designated vendor to provide his or her  
20 fingerprints in an alternative manner. The Department may  
21 adopt any rules necessary to implement this Section.

22 (Source: P.A. 97-622, eff. 11-23-11.)

23 (225 ILCS 60/65)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 65. Annie LeGere Law; epinephrine auto-injector. A

1 licensee under this Act may not be subject to discipline for  
2 providing a standing order or prescription for an epinephrine  
3 auto-injector in accordance with Section 40 of the Illinois  
4 State Police Act or Section 10.19 of the Illinois Police  
5 Training Act.

6 (Source: P.A. 100-648, eff. 7-31-18.)

7 Section 605. The Nurse Practice Act is amended by changing  
8 Section 50-35 as follows:

9 (225 ILCS 65/50-35) (was 225 ILCS 65/5-23)

10 (Section scheduled to be repealed on January 1, 2028)

11 Sec. 50-35. Criminal history records background check.  
12 Each applicant for licensure by examination or restoration  
13 shall have his or her fingerprints submitted to the Illinois  
14 ~~Department of~~ State Police in an electronic format that  
15 complies with the form and manner for requesting and  
16 furnishing criminal history record information as prescribed  
17 by the Illinois ~~Department of~~ State Police. These fingerprints  
18 shall be checked against the Illinois ~~Department of~~ State  
19 Police and Federal Bureau of Investigation criminal history  
20 record databases now and hereafter filed. The Illinois  
21 ~~Department of~~ State Police shall charge applicants a fee for  
22 conducting the criminal history records check, which shall be  
23 deposited into the State Police Services Fund and shall not  
24 exceed the actual cost of the records check. The Illinois

1 ~~Department of~~ State Police shall furnish, pursuant to positive  
2 identification, records of Illinois convictions to the  
3 Department. The Department may require applicants to pay a  
4 separate fingerprinting fee, either to the Department or to a  
5 vendor. The Department, in its discretion, may allow an  
6 applicant who does not have reasonable access to a designated  
7 vendor to provide his or her fingerprints in an alternative  
8 manner. The Department may adopt any rules necessary to  
9 implement this Section.

10 (Source: P.A. 95-639, eff. 10-5-07.)

11 Section 610. The Nursing Home Administrators Licensing and  
12 Disciplinary Act is amended by changing Section 5.1 as  
13 follows:

14 (225 ILCS 70/5.1)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 5.1. Powers and duties; rules. The Department shall  
17 exercise the powers and duties prescribed by the Civil  
18 Administrative Code of Illinois for administration of  
19 licensing acts and shall exercise such other powers and duties  
20 necessary for effectuating the purposes of this Act. The  
21 Department shall adopt rules to implement, interpret, make  
22 specific the provisions and purposes of this Act, and may  
23 prescribe forms that shall be issued in connection with  
24 rulemaking. The Department shall transmit the proposed

1 rulemaking to the Board.

2 The Department may solicit the advice of the Board on any  
3 matter relating to the administration and enforcement of this  
4 Act.

5 Upon the written request of the Department, the Department  
6 of Public Health, the Department of Human Services or the  
7 Illinois ~~Department of~~ State Police may cooperate and assist  
8 in any investigation undertaken by the Board.

9 (Source: P.A. 100-675, eff. 8-3-18.)

10 Section 615. The Wholesale Drug Distribution Licensing Act  
11 is amended by changing Section 25 as follows:

12 (225 ILCS 120/25) (from Ch. 111, par. 8301-25)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 25. Wholesale drug distributor licensing  
15 requirements.

16 (a) Every resident wholesale distributor who engages in  
17 the wholesale distribution of prescription drugs must be  
18 licensed by the Department, and every non-resident wholesale  
19 distributor must be licensed in this State if it ships  
20 prescription drugs into this State, in accordance with this  
21 Act, before engaging in wholesale distributions of wholesale  
22 prescription drugs.

23 (b) The Department shall require without limitation all of  
24 the following information from each applicant for licensure

1 under this Act:

2 (1) The name, full business address, and telephone  
3 number of the licensee.

4 (2) All trade or business names used by the licensee.

5 (3) Addresses, telephone numbers, and the names of  
6 contact persons for all facilities used by the licensee  
7 for the storage, handling, and distribution of  
8 prescription drugs.

9 (4) The type of ownership or operation, such as a  
10 partnership, corporation, or sole proprietorship.

11 (5) The name of the owner or operator of the wholesale  
12 distributor, including:

13 (A) if a natural person, the name of the natural  
14 person;

15 (B) if a partnership, the name of each partner and  
16 the name of the partnership;

17 (C) if a corporation, the name and title of each  
18 corporate officer and director, the corporate names,  
19 and the name of the state of incorporation; and

20 (D) if a sole proprietorship, the full name of the  
21 sole proprietor and the name of the business entity.

22 (6) A list of all licenses and permits issued to the  
23 applicant by any other state that authorizes the applicant  
24 to purchase or possess prescription drugs.

25 (7) The name of the designated representative for the  
26 wholesale distributor, together with the personal

1 information statement and fingerprints, as required under  
2 subsection (c) of this Section.

3 (8) Minimum liability insurance and other insurance as  
4 defined by rule.

5 (9) Any additional information required by the  
6 Department.

7 (c) Each wholesale distributor must designate an  
8 individual representative who shall serve as the contact  
9 person for the Department. This representative must provide  
10 the Department with all of the following information:

11 (1) Information concerning whether the person has been  
12 enjoined, either temporarily or permanently, by a court of  
13 competent jurisdiction from violating any federal or State  
14 law regulating the possession, control, or distribution of  
15 prescription drugs or criminal violations, together with  
16 details concerning any such event.

17 (2) A description of any involvement by the person  
18 with any business, including any investments, other than  
19 the ownership of stock in a publicly traded company or  
20 mutual fund which manufactured, administered, prescribed,  
21 distributed, or stored pharmaceutical products and any  
22 lawsuits in which such businesses were named as a party.

23 (3) A description of any misdemeanor or felony  
24 criminal offense of which the person, as an adult, was  
25 found guilty, regardless of whether adjudication of guilt  
26 was withheld or whether the person pled guilty or nolo

1           contendere. If the person indicates that a criminal  
2           conviction is under appeal and submits a copy of the  
3           notice of appeal of that criminal offense, the applicant  
4           must, within 15 days after the disposition of the appeal,  
5           submit to the Department a copy of the final written order  
6           of disposition.

7           (4) The designated representative of an applicant for  
8           licensure as a wholesale drug distributor shall have his  
9           or her fingerprints submitted to the Illinois ~~Department~~  
10          ~~of~~ State Police in an electronic format that complies with  
11          the form and manner for requesting and furnishing criminal  
12          history record information as prescribed by the Illinois  
13          ~~Department of~~ State Police. These fingerprints shall be  
14          checked against the Illinois ~~Department of~~ State Police  
15          and Federal Bureau of Investigation criminal history  
16          record databases now and hereafter filed. The Illinois  
17          ~~Department of~~ State Police shall charge applicants a fee  
18          for conducting the criminal history records check, which  
19          shall be deposited into the State Police Services Fund and  
20          shall not exceed the actual cost of the records check. The  
21          Illinois ~~Department of~~ State Police shall furnish,  
22          pursuant to positive identification, records of Illinois  
23          convictions to the Department. The Department may require  
24          applicants to pay a separate fingerprinting fee, either to  
25          the Department or to a vendor. The Department, in its  
26          discretion, may allow an applicant who does not have

1 reasonable access to a designated vendor to provide his or  
2 her fingerprints in an alternative manner. The Department  
3 may adopt any rules necessary to implement this Section.

4 The designated representative of a licensee shall  
5 receive and complete continuing training in applicable  
6 federal and State laws governing the wholesale  
7 distribution of prescription drugs.

8 (d) The Department may not issue a wholesale distributor  
9 license to an applicant, unless the Department first:

10 (1) ensures that a physical inspection of the facility  
11 satisfactory to the Department has occurred at the address  
12 provided by the applicant, as required under item (1) of  
13 subsection (b) of this Section; and

14 (2) determines that the designated representative  
15 meets each of the following qualifications:

16 (A) He or she is at least 21 years of age.

17 (B) He or she has been employed full-time for at  
18 least 3 years in a pharmacy or with a wholesale  
19 distributor in a capacity related to the dispensing  
20 and distribution of, and recordkeeping relating to,  
21 prescription drugs.

22 (C) He or she is employed by the applicant full  
23 time in a managerial level position.

24 (D) He or she is actively involved in and aware of  
25 the actual daily operation of the wholesale  
26 distributor.



1           (E) He or she is physically present at the  
2           facility of the applicant during regular business  
3           hours, except when the absence of the designated  
4           representative is authorized, including without  
5           limitation sick leave and vacation leave.

6           (F) He or she is serving in the capacity of a  
7           designated representative for only one applicant at a  
8           time, except where more than one licensed wholesale  
9           distributor is co-located in the same facility and  
10          such wholesale distributors are members of an  
11          affiliated group, as defined in Section 1504 of the  
12          Internal Revenue Code.

13          (e) If a wholesale distributor distributes prescription  
14          drugs from more than one facility, the wholesale distributor  
15          shall obtain a license for each facility.

16          (f) The information provided under this Section may not be  
17          disclosed to any person or entity other than the Department or  
18          another government entity in need of such information for  
19          licensing or monitoring purposes.

20          (Source: P.A. 97-804, eff. 1-1-13.)

21          Section 625. The Pyrotechnic Distributor and Operator  
22          Licensing Act is amended by changing Sections 40 and 45 as  
23          follows:

24                 (225 ILCS 227/40)

1           Sec. 40. Fingerprint card; fees. The Office may require  
2 each applicant to file with his or her application a  
3 fingerprint card in the form and manner required by the  
4 Illinois ~~Department of~~ State Police to enable the Illinois  
5 ~~Department of~~ State Police to conduct a criminal history check  
6 on the applicant.

7           The Office may require each applicant to submit, in  
8 addition to the license fee, a fee specified by the Illinois  
9 ~~Department of~~ State Police for processing fingerprint cards,  
10 which may be made payable to the State Police Services Fund and  
11 shall be remitted to the Illinois ~~Department of~~ State Police  
12 for deposit into that Fund.

13           (Source: P.A. 93-263, eff. 7-22-03.)

14           (225 ILCS 227/45)

15           Sec. 45. Investigation. Upon receipt of an application,  
16 the Office shall investigate the eligibility of the applicant.  
17 The Office has authority to request and receive from any  
18 federal, state or local governmental agency such information  
19 and assistance as will enable it to carry out its powers and  
20 duties under this Act. The Illinois ~~Department of~~ State Police  
21 shall cause the fingerprints of each applicant to be compared  
22 with fingerprints of criminals filed with the Illinois  
23 ~~Department of~~ State Police or with federal law enforcement  
24 agencies maintaining official fingerprint files.

25           (Source: P.A. 93-263, eff. 7-22-03.)

1 Section 635. The Private Detective, Private Alarm, Private  
2 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
3 amended by changing Sections 5-10, 10-5, 10-25, 31-5, 31-10,  
4 31-15, 31-20, 31-25, 35-30, and 40-10 as follows:

5 (225 ILCS 447/5-10)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 5-10. Definitions. As used in this Act:

8 "Address of record" means the designated address recorded  
9 by the Department in the applicant's application file or the  
10 licensee's license file, as maintained by the Department's  
11 licensure maintenance unit.

12 "Advertisement" means any public media, including printed  
13 or electronic material, that is published or displayed in a  
14 phone book, newspaper, magazine, pamphlet, newsletter,  
15 website, or other similar type of publication or electronic  
16 format that is intended to either attract business or merely  
17 provide contact information to the public for an agency or  
18 licensee. Advertisement shall not include a licensee's or an  
19 agency's letterhead, business cards, or other stationery used  
20 in routine business correspondence or customary name, address,  
21 and number type listings in a telephone directory.

22 "Alarm system" means any system, including an electronic  
23 access control system, a surveillance video system, a security  
24 video system, a burglar alarm system, a fire alarm system, or

1 any other electronic system that activates an audible,  
2 visible, remote, or recorded signal that is designed for the  
3 protection or detection of intrusion, entry, theft, fire,  
4 vandalism, escape, or trespass, or other electronic systems  
5 designed for the protection of life by indicating the  
6 existence of an emergency situation. "Alarm system" also  
7 includes an emergency communication system and a mass  
8 notification system.

9 "Applicant" means a person or business applying for  
10 licensure, registration, or authorization under this Act. Any  
11 applicant or person who holds himself or herself out as an  
12 applicant is considered a licensee or registrant for the  
13 purposes of enforcement, investigation, hearings, and the  
14 Illinois Administrative Procedure Act.

15 "Armed employee" means a licensee or registered person who  
16 is employed by an agency licensed or an armed proprietary  
17 security force registered under this Act who carries a weapon  
18 while engaged in the performance of official duties within the  
19 course and scope of his or her employment during the hours and  
20 times the employee is scheduled to work or is commuting  
21 between his or her home or place of employment.

22 "Armed proprietary security force" means a security force  
23 made up of one or more armed individuals employed by a  
24 commercial or industrial operation or by a financial  
25 institution as security officers for the protection of persons  
26 or property.

1 "Board" means the Private Detective, Private Alarm,  
2 Private Security, Fingerprint Vendor, and Locksmith Board.

3 "Branch office" means a business location removed from the  
4 place of business for which an agency license has been issued,  
5 including, but not limited to, locations where active employee  
6 records that are required to be maintained under this Act are  
7 kept, where prospective new employees are processed, or where  
8 members of the public are invited in to transact business. A  
9 branch office does not include an office or other facility  
10 located on the property of an existing client that is utilized  
11 solely for the benefit of that client and is not owned or  
12 leased by the agency.

13 "Canine handler" means a person who uses or handles a  
14 trained dog to protect persons or property or to conduct  
15 investigations.

16 "Canine handler authorization card" means a card issued by  
17 the Department that authorizes the holder to use or handle a  
18 trained dog to protect persons or property or to conduct  
19 investigations during the performance of his or her duties as  
20 specified in this Act.

21 "Canine trainer" means a person who acts as a dog trainer  
22 for the purpose of training dogs to protect persons or  
23 property or to conduct investigations.

24 "Canine trainer authorization card" means a card issued by  
25 the Department that authorizes the holder to train a dog to  
26 protect persons or property or to conduct investigations

1 during the performance of his or her duties as specified in  
2 this Act.

3 "Canine training facility" means a facility operated by a  
4 licensed private detective agency or private security  
5 contractor agency wherein dogs are trained for the purposes of  
6 protecting persons or property or to conduct investigations.

7 "Corporation" means an artificial person or legal entity  
8 created by or under the authority of the laws of a state,  
9 including without limitation a corporation, limited liability  
10 company, or any other legal entity.

11 "Department" means the Department of Financial and  
12 Professional Regulation.

13 "Emergency communication system" means any system that  
14 communicates information about emergencies, including but not  
15 limited to fire, terrorist activities, shootings, other  
16 dangerous situations, accidents, and natural disasters.

17 "Employee" means a person who works for a person or agency  
18 that has the right to control the details of the work performed  
19 and is not dependent upon whether or not federal or state  
20 payroll taxes are withheld.

21 "Fingerprint vendor" means a person that offers,  
22 advertises, or provides services to fingerprint individuals,  
23 through electronic or other means, for the purpose of  
24 providing fingerprint images and associated demographic data  
25 to the Illinois ~~Department of~~ State Police for processing  
26 fingerprint based criminal history record information

1 inquiries.

2 "Fingerprint vendor agency" means a person, firm,  
3 corporation, or other legal entity that engages in the  
4 fingerprint vendor business and employs, in addition to the  
5 fingerprint vendor licensee-in-charge, at least one other  
6 person in conducting that business.

7 "Fingerprint vendor licensee-in-charge" means a person who  
8 has been designated by a fingerprint vendor agency to be the  
9 licensee-in-charge of an agency who is a full-time management  
10 employee or owner who assumes sole responsibility for  
11 maintaining all records required by this Act and who assumes  
12 sole responsibility for assuring the licensed agency's  
13 compliance with its responsibilities as stated in this Act.  
14 The Department shall adopt rules mandating licensee-in-charge  
15 participation in agency affairs.

16 "Fire alarm system" means any system that is activated by  
17 an automatic or manual device in the detection of smoke, heat,  
18 or fire that activates an audible, visible, or remote signal  
19 requiring a response.

20 "Firearm control card" means a card issued by the  
21 Department that authorizes the holder, who has complied with  
22 the training and other requirements of this Act, to carry a  
23 weapon during the performance of his or her duties as  
24 specified in this Act.

25 "Firm" means an unincorporated business entity, including  
26 but not limited to proprietorships and partnerships.

1 "Licensee" means a person or business licensed under this  
2 Act. Anyone who holds himself or herself out as a licensee or  
3 who is accused of unlicensed practice is considered a licensee  
4 for purposes of enforcement, investigation, hearings, and the  
5 Illinois Administrative Procedure Act.

6 "Locksmith" means a person who engages in a business or  
7 holds himself out to the public as providing a service that  
8 includes, but is not limited to, the servicing, installing,  
9 originating first keys, re-coding, repairing, maintaining,  
10 manipulating, or bypassing of a mechanical or electronic  
11 locking device, access control or video surveillance system at  
12 premises, vehicles, safes, vaults, safe deposit boxes, or  
13 automatic teller machines.

14 "Locksmith agency" means a person, firm, corporation, or  
15 other legal entity that engages in the locksmith business and  
16 employs, in addition to the locksmith licensee-in-charge, at  
17 least one other person in conducting such business.

18 "Locksmith licensee-in-charge" means a person who has been  
19 designated by agency to be the licensee-in-charge of an  
20 agency, who is a full-time management employee or owner who  
21 assumes sole responsibility for maintaining all records  
22 required by this Act, and who assumes sole responsibility for  
23 assuring the licensed agency's compliance with its  
24 responsibilities as stated in this Act. The Department shall  
25 adopt rules mandating licensee-in-charge participation in  
26 agency affairs.



1 "Mass notification system" means any system that is used  
2 to provide information and instructions to people in a  
3 building or other space using voice communications, including  
4 visible signals, text, graphics, tactile, or other  
5 communication methods.

6 "Peace officer" or "police officer" means a person who, by  
7 virtue of office or public employment, is vested by law with a  
8 duty to maintain public order or to make arrests for offenses,  
9 whether that duty extends to all offenses or is limited to  
10 specific offenses. Officers, agents, or employees of the  
11 federal government commissioned by federal statute to make  
12 arrests for violations of federal laws are considered peace  
13 officers.

14 "Permanent employee registration card" means a card issued  
15 by the Department to an individual who has applied to the  
16 Department and meets the requirements for employment by a  
17 licensed agency under this Act.

18 "Person" means a natural person.

19 "Private alarm contractor" means a person who engages in a  
20 business that individually or through others undertakes,  
21 offers to undertake, purports to have the capacity to  
22 undertake, or submits a bid to sell, install, design, monitor,  
23 maintain, alter, repair, replace, or service alarm and other  
24 security-related systems or parts thereof, including fire  
25 alarm systems, at protected premises or premises to be  
26 protected or responds to alarm systems at a protected premises

1 on an emergency basis and not as a full-time security officer.  
2 "Private alarm contractor" does not include a person, firm, or  
3 corporation that manufactures or sells alarm systems only from  
4 its place of business and does not sell, install, monitor,  
5 maintain, alter, repair, replace, service, or respond to alarm  
6 systems at protected premises or premises to be protected.

7 "Private alarm contractor agency" means a person,  
8 corporation, or other entity that engages in the private alarm  
9 contracting business and employs, in addition to the private  
10 alarm contractor-in-charge, at least one other person in  
11 conducting such business.

12 "Private alarm contractor licensee-in-charge" means a  
13 person who has been designated by an agency to be the  
14 licensee-in-charge of an agency, who is a full-time management  
15 employee or owner who assumes sole responsibility for  
16 maintaining all records required by this Act, and who assumes  
17 sole responsibility for assuring the licensed agency's  
18 compliance with its responsibilities as stated in this Act.  
19 The Department shall adopt rules mandating licensee-in-charge  
20 participation in agency affairs.

21 "Private detective" means any person who by any means,  
22 including, but not limited to, manual, canine odor detection,  
23 or electronic methods, engages in the business of, accepts  
24 employment to furnish, or agrees to make or makes  
25 investigations for a fee or other consideration to obtain  
26 information relating to:

1           (1) Crimes or wrongs done or threatened against the  
2 United States, any state or territory of the United  
3 States, or any local government of a state or territory.

4           (2) The identity, habits, conduct, business  
5 occupation, honesty, integrity, credibility, knowledge,  
6 trustworthiness, efficiency, loyalty, activity,  
7 movements, whereabouts, affiliations, associations,  
8 transactions, acts, reputation, or character of any  
9 person, firm, or other entity by any means, manual or  
10 electronic.

11           (3) The location, disposition, or recovery of lost or  
12 stolen property.

13           (4) The cause, origin, or responsibility for fires,  
14 accidents, or injuries to individuals or real or personal  
15 property.

16           (5) The truth or falsity of any statement or  
17 representation.

18           (6) Securing evidence to be used before any court,  
19 board, or investigating body.

20           (7) The protection of individuals from bodily harm or  
21 death (bodyguard functions).

22           (8) Service of process in criminal and civil  
23 proceedings.

24           "Private detective agency" means a person, firm,  
25 corporation, or other legal entity that engages in the private  
26 detective business and employs, in addition to the

1 licensee-in-charge, one or more persons in conducting such  
2 business.

3 "Private detective licensee-in-charge" means a person who  
4 has been designated by an agency to be the licensee-in-charge  
5 of an agency, who is a full-time management employee or owner  
6 who assumes sole responsibility for maintaining all records  
7 required by this Act, and who assumes sole responsibility for  
8 assuring the licensed agency's compliance with its  
9 responsibilities as stated in this Act. The Department shall  
10 adopt rules mandating licensee-in-charge participation in  
11 agency affairs.

12 "Private security contractor" means a person who engages  
13 in the business of providing a private security officer,  
14 watchman, patrol, guard dog, canine odor detection, or a  
15 similar service by any other title or name on a contractual  
16 basis for another person, firm, corporation, or other entity  
17 for a fee or other consideration and performing one or more of  
18 the following functions:

19 (1) The prevention or detection of intrusion, entry,  
20 theft, vandalism, abuse, fire, or trespass on private or  
21 governmental property.

22 (2) The prevention, observation, or detection of any  
23 unauthorized activity on private or governmental property.

24 (3) The protection of persons authorized to be on the  
25 premises of the person, firm, or other entity for which  
26 the security contractor contractually provides security

1 services.

2 (4) The prevention of the misappropriation or  
3 concealment of goods, money, bonds, stocks, notes,  
4 documents, or papers.

5 (5) The control, regulation, or direction of the  
6 movement of the public for the time specifically required  
7 for the protection of property owned or controlled by the  
8 client.

9 (6) The protection of individuals from bodily harm or  
10 death (bodyguard functions).

11 "Private security contractor agency" means a person, firm,  
12 corporation, or other legal entity that engages in the private  
13 security contractor business and that employs, in addition to  
14 the licensee-in-charge, one or more persons in conducting such  
15 business.

16 "Private security contractor licensee-in-charge" means a  
17 person who has been designated by an agency to be the  
18 licensee-in-charge of an agency, who is a full-time management  
19 employee or owner who assumes sole responsibility for  
20 maintaining all records required by this Act, and who assumes  
21 sole responsibility for assuring the licensed agency's  
22 compliance with its responsibilities as stated in this Act.  
23 The Department shall adopt rules mandating licensee-in-charge  
24 participation in agency affairs.

25 "Public member" means a person who is not a licensee or  
26 related to a licensee, or who is not an employer or employee of

1 a licensee. The term "related to" shall be determined by the  
2 rules of the Department.

3 "Secretary" means the Secretary of the Department of  
4 Financial and Professional Regulation.

5 (Source: P.A. 98-253, eff. 8-9-13.)

6 (225 ILCS 447/10-5)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 10-5. Requirement of license.

9 (a) It is unlawful for a person to act as or provide the  
10 functions of a private detective, private security contractor,  
11 private alarm contractor, fingerprint vendor, or locksmith or  
12 to advertise or to assume to act as any one of these, or to use  
13 these or any other title implying that the person is engaged in  
14 any of these activities unless licensed as such by the  
15 Department. An individual or sole proprietor who does not  
16 employ any employees other than himself or herself may operate  
17 under a "doing business as" or assumed name certification  
18 without having to obtain an agency license, so long as the  
19 assumed name is first registered with the Department.

20 (b) It is unlawful for a person, firm, corporation, or  
21 other legal entity to act as an agency licensed under this Act,  
22 to advertise, or to assume to act as a licensed agency or to  
23 use a title implying that the person, firm, or other entity is  
24 engaged in the practice as a private detective agency, private  
25 security contractor agency, private alarm contractor agency,

1 fingerprint vendor agency, or locksmith agency unless licensed  
2 by the Department.

3 (c) No agency shall operate a branch office without first  
4 applying for and receiving a branch office license for each  
5 location.

6 (d) Beginning 12 months after the adoption of rules  
7 providing for the licensure of fingerprint vendors under this  
8 Act, it is unlawful for a person to operate live scan  
9 fingerprint equipment or other equipment designed to obtain  
10 fingerprint images for the purpose of providing fingerprint  
11 images and associated demographic data to the Illinois  
12 ~~Department of State Police~~, unless he or she has successfully  
13 completed a fingerprint training course conducted or  
14 authorized by the Illinois ~~Department of State Police~~ and is  
15 licensed as a fingerprint vendor.

16 (e) Beginning 12 months after the adoption of rules  
17 providing for the licensure of canine handlers and canine  
18 trainers under this Act, no person shall operate a canine  
19 training facility unless licensed as a private detective  
20 agency or private security contractor agency under this Act,  
21 and no person shall act as a canine trainer unless he or she is  
22 licensed as a private detective or private security contractor  
23 or is a registered employee of a private detective agency or  
24 private security contractor agency approved by the Department.

25 (Source: P.A. 95-613, eff. 9-11-07.)

1 (225 ILCS 447/10-25)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 10-25. Issuance of license; renewal; fees.

4 (a) The Department shall, upon the applicant's  
5 satisfactory completion of the requirements set forth in this  
6 Act and upon receipt of the fee, issue the license indicating  
7 the name and business location of the licensee and the date of  
8 expiration.

9 (b) An applicant may, upon satisfactory completion of the  
10 requirements set forth in this Act and upon receipt of fees  
11 related to the application and testing for licensure, elect to  
12 defer the issuance of the applicant's initial license for a  
13 period not longer than 3 years. An applicant who fails to  
14 request issuance of his or her initial license or agency  
15 license and to remit the fees required for that license within  
16 3 years shall be required to resubmit an application together  
17 with all required fees.

18 (c) The expiration date, renewal period, and conditions  
19 for renewal and restoration of each license, permanent  
20 employee registration card, canine handler authorization card,  
21 canine trainer authorization card, and firearm control card  
22 shall be set by rule. The holder may renew the license,  
23 permanent employee registration card, canine handler  
24 authorization card, canine trainer authorization card, or  
25 firearm control card during the 30 days preceding its  
26 expiration by paying the required fee and by meeting



1 conditions that the Department may specify. Any license holder  
2 who notifies the Department on forms prescribed by the  
3 Department may place his or her license on inactive status for  
4 a period of not longer than 3 years and shall, subject to the  
5 rules of the Department, be excused from payment of renewal  
6 fees until the license holder notifies the Department, in  
7 writing, of an intention to resume active status. Practice  
8 while on inactive status constitutes unlicensed practice. A  
9 non-renewed license that has lapsed for less than 3 years may  
10 be restored upon payment of the restoration fee and all lapsed  
11 renewal fees. A license that has lapsed for more than 3 years  
12 may be restored by paying the required restoration fee and all  
13 lapsed renewal fees and by providing evidence of competence to  
14 resume practice satisfactory to the Department and the Board,  
15 which may include passing a written examination. All  
16 restoration fees and lapsed renewal fees shall be waived for  
17 an applicant whose license lapsed while on active duty in the  
18 armed forces of the United States if application for  
19 restoration is made within 12 months after discharge from the  
20 service.

21 Any person seeking renewal or restoration under this  
22 subsection (c) shall be subject to the continuing education  
23 requirements established pursuant to Section 10-27 of this  
24 Act.

25 (d) Any permanent employee registration card expired for  
26 less than one year may be restored upon payment of lapsed

1 renewal fees. Any permanent employee registration card expired  
2 for one year or more may be restored by making application to  
3 the Department and filing proof acceptable to the Department  
4 of the licensee's fitness to have the permanent employee  
5 registration card restored, including verification of  
6 fingerprint processing through the Illinois ~~Department of~~  
7 State Police and Federal Bureau of Investigation and paying  
8 the restoration fee.

9 (Source: P.A. 98-253, eff. 8-9-13.)

10 (225 ILCS 447/31-5)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 31-5. Exemptions.

13 (a) The provisions of this Act regarding fingerprint  
14 vendors do not apply to any of the following, if the person  
15 performing the service does not hold himself or herself out as  
16 a fingerprint vendor or fingerprint vendor agency:

17 (1) An employee of the United States, Illinois, or a  
18 political subdivision, including public school districts,  
19 of either while the employee is engaged in the performance  
20 of his or her official duties within the scope of his or  
21 her employment. However, any such person who offers his or  
22 her services as a fingerprint vendor or uses a similar  
23 title when these services are performed for compensation  
24 or other consideration, whether received directly or  
25 indirectly, is subject to this Act.

1           (2) A person employed exclusively by only one employer  
2           in connection with the exclusive activities of that  
3           employer, provided that person does not hold himself or  
4           herself out to the public as a fingerprint vendor.

5           (3) Any member of local law enforcement in the  
6           performance of his or her duties for criminal justice  
7           purposes, notwithstanding whether the local law  
8           enforcement agency charges a reasonable fee related to the  
9           cost of offering fingerprinting services.

10          (b) The provisions of this Act regarding fingerprint  
11          vendors do not apply to any member of a local law enforcement  
12          agency, acting on behalf of the local law enforcement agency  
13          that is registered with the Illinois ~~Department of~~ State  
14          Police to provide fingerprinting services for non-criminal  
15          justice purposes, notwithstanding whether the local law  
16          enforcement agency charges a reasonable fee related to the  
17          cost of offering fingerprinting services.

18          (Source: P.A. 98-294, eff. 8-9-13; 98-600, eff. 12-6-13.)

19           (225 ILCS 447/31-10)

20           (Section scheduled to be repealed on January 1, 2024)

21          Sec. 31-10. Qualifications for licensure as a fingerprint  
22          vendor.

23           (a) A person is qualified for licensure as a fingerprint  
24          vendor if he or she meets all of the following requirements:

25           (1) Is at least 18 years of age.

1           (2) Has not been convicted of any felony in any  
2 jurisdiction or at least 10 years have elapsed since the  
3 time of full discharge from a sentence imposed for a  
4 felony conviction.

5           (3) Is of good moral character. Good moral character  
6 is a continuing requirement of licensure. Conviction of  
7 crimes other than felonies may be used in determining  
8 moral character, but shall not constitute an absolute bar  
9 to licensure, except where the applicant is a registered  
10 sex offender.

11           (4) Has not been declared by any court of competent  
12 jurisdiction to be incompetent by reason of mental or  
13 physical defect or disease, unless a court has  
14 subsequently declared him or her to be competent.

15           (5) Is not suffering from dependence on alcohol or  
16 from narcotic addiction or dependence.

17           (6) Has not been dishonorably discharged from the  
18 armed forces of the United States.

19           (7) Submits certification issued by the Illinois  
20 ~~Department of~~ State Police that the applicant has  
21 successfully completed a fingerprint vendor training  
22 course conducted or authorized by the Illinois Department  
23 ~~of~~ State Police.

24           (8) Submits his or her fingerprints, in accordance  
25 with subsection (b) of this Section.

26           (9) Has not violated any provision of this Act or any

1 rule adopted under this Act.

2 (10) Provides evidence satisfactory to the Department  
3 that the applicant has obtained general liability  
4 insurance in an amount and with coverage as determined by  
5 rule. Failure to maintain general liability insurance and  
6 failure to provide the Department with written proof of  
7 the insurance, upon request, shall result in cancellation  
8 of the license without hearing. A fingerprint vendor  
9 employed by a licensed fingerprint vendor agency may  
10 provide proof that his or her actions as a fingerprint  
11 vendor are covered by the liability insurance of his or  
12 her employer.

13 (11) Pays the required licensure fee.

14 (12) (Blank).

15 (13) Submits proof that the applicant maintains a  
16 business office located in the State of Illinois.

17 (14) Provides proof of compliance with subsection (e)  
18 of Section 31-15 of this Act if the applicant is not  
19 required to obtain a fingerprint vendor agency license  
20 pursuant to subsection (b) of Section 31-15 of this Act.

21 (b) Each applicant for a fingerprint vendor license shall  
22 have his or her fingerprints submitted to the Illinois  
23 ~~Department of~~ State Police in an electronic format that  
24 complies with the form and manner for requesting and  
25 furnishing criminal history record information as prescribed  
26 by the Illinois ~~Department of~~ State Police. These fingerprints

1 shall be checked against the Illinois ~~Department of~~ State  
2 Police and Federal Bureau of Investigation criminal history  
3 record databases now and hereafter filed. The Illinois  
4 ~~Department of~~ State Police shall charge applicants a fee for  
5 conducting the criminal history records check, which shall be  
6 deposited in the State Police Services Fund and shall not  
7 exceed the actual cost of the records check. The Illinois  
8 ~~Department of~~ State Police shall furnish, pursuant to positive  
9 identification, records of Illinois convictions to the  
10 Department. The Department may require applicants to pay a  
11 separate fingerprinting fee, either to the Department or  
12 directly to the vendor. The Department, in its discretion, may  
13 allow an applicant who does not have reasonable access to a  
14 designated vendor to provide his or her fingerprints in an  
15 alternative manner. The Department, in its discretion, may  
16 also use other procedures in performing or obtaining criminal  
17 background checks of applicants. Instead of submitting his or  
18 her fingerprints, an individual may submit proof that is  
19 satisfactory to the Department that an equivalent security  
20 clearance has been conducted. Also, an individual who has  
21 retired as a peace officer within 12 months of application may  
22 submit verification, on forms provided by the Department and  
23 signed by his or her employer, of his or her previous full-time  
24 employment as a peace officer.

25 (Source: P.A. 100-44, eff. 8-11-17.)

1 (225 ILCS 447/31-15)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 31-15. Qualifications for licensure as a fingerprint  
4 vendor agency.

5 (a) Upon receipt of the required fee, compliance with  
6 subsection (e) of this Section, and proof that the applicant  
7 has a full-time Illinois licensed fingerprint vendor  
8 licensee-in-charge, which is a continuing requirement for  
9 agency licensure, the Department may issue a license as a  
10 fingerprint vendor agency to any of the following:

11 (1) An individual who submits an application and is a  
12 licensed fingerprint vendor under this Act.

13 (2) A firm that submits an application and all of the  
14 members of the firm are licensed fingerprint vendors under  
15 this Act.

16 (3) A corporation or limited liability company doing  
17 business in Illinois that is authorized to engage in the  
18 business of conducting a fingerprint vendor agency if at  
19 least one officer or executive employee is a licensed  
20 fingerprint vendor under this Act and all unlicensed  
21 officers and directors of the corporation or limited  
22 liability company are determined by the Department to be  
23 persons of good moral character.

24 (b) An individual licensed as a fingerprint vendor  
25 operating under a business name other than the licensed  
26 fingerprint vendor's own name shall not be required to obtain

1 a fingerprint vendor agency license if that licensed  
2 fingerprint vendor does not employ any persons to provide  
3 fingerprinting services. However, in either circumstance, the  
4 individual shall comply with the requirements of subsection  
5 (e) of this Section as a requirement for licensure.

6 (c) No fingerprint vendor may be the licensee-in-charge  
7 for more than one fingerprint vendor agency. Upon written  
8 request by a representative of the agency, within 10 days  
9 after the loss of a licensee-in-charge of an agency because of  
10 the death of that individual or because of the termination of  
11 the employment of that individual, the Department shall issue  
12 a temporary certificate of authority allowing the continuing  
13 operation of the licensed agency. No temporary certificate of  
14 authority shall be valid for more than 90 days. An extension of  
15 an additional 90 days may be granted upon written request by  
16 the representative of the agency. Not more than 2 extensions  
17 may be granted to any agency. No temporary permit shall be  
18 issued for loss of the licensee-in-charge because of  
19 disciplinary action by the Department related to his or her  
20 conduct on behalf of the agency.

21 (d) Upon issuance of the temporary certificate of  
22 authority as provided for in subsection (c) of this Section  
23 and at any time thereafter while the temporary certificate of  
24 authority is in effect, the Department may request in writing  
25 additional information from the agency regarding the loss of  
26 its licensee-in-charge, the selection of a new



1 licensee-in-charge, and the management of the agency. Failure  
2 of the agency to respond or respond to the satisfaction of the  
3 Department shall cause the Department to deny any extension of  
4 the temporary certificate of authority. While the temporary  
5 certificate of authority is in effect, the Department may  
6 disapprove the selection of a new licensee-in-charge by the  
7 agency if the person's license is not operative or the  
8 Department has good cause to believe that the person selected  
9 will not fully exercise the responsibilities of a  
10 licensee-in-charge. If the Department has disapproved the  
11 selection of a new licensee-in-charge and the temporary  
12 certificate of authority expires or is about to expire without  
13 the agency selecting another new licensee-in-charge, the  
14 Department shall grant an extension of the temporary  
15 certificate of authority for an additional 90 days, except as  
16 otherwise prohibited in subsection (c) or this subsection (d).

17 (e) An applicant shall submit certification issued by the  
18 Illinois ~~Department of~~ State Police that the applicant's  
19 fingerprinting equipment and software meets all specifications  
20 required by the Illinois ~~Department of~~ State Police.  
21 Compliance with Illinois ~~Department of~~ State Police  
22 fingerprinting equipment and software specifications is a  
23 continuing requirement for licensure.

24 (Source: P.A. 100-44, eff. 8-11-17.)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 31-20. Training; fingerprint vendor and employees.

3 (a) Registered employees of a licensed fingerprint vendor  
4 agency shall complete a minimum of 20 hours of training  
5 provided by a qualified instructor within 30 days of their  
6 employment. The substance of the training shall be prescribed  
7 by rule.

8 (b) It is the responsibility of the employer to certify,  
9 on a form provided by the Department, that the employee has  
10 successfully completed the training. The form shall be a  
11 permanent record of training completed by the employee and  
12 shall be placed in the employee's file with the employer for  
13 the period the employee remains with the employer. An agency  
14 may place a notarized copy of the Department form, in lieu of  
15 the original, into the permanent employee registration card  
16 file. The original form shall be given to the employee when his  
17 or her employment is terminated. Failure to return the  
18 original form to the employee is grounds for disciplinary  
19 action. The employee shall not be required to repeat the  
20 required training once the employee has been issued the form.  
21 An employer may provide or require additional training.

22 (c) Any certification of completion of the 20-hour basic  
23 training issued under the Private Detective, Private Alarm,  
24 Private Security, and Locksmith Act of 2004 or any prior Act  
25 shall be accepted as proof of training under this Act.

26 (d) No registered employee of a licensed fingerprint

1 vendor agency may operate live scan fingerprint equipment or  
2 other equipment designed to obtain fingerprint images for the  
3 purpose of providing fingerprint images and associated  
4 demographic data to the Illinois ~~Department of~~ State Police.

5 (Source: P.A. 95-613, eff. 9-11-07.)

6 (225 ILCS 447/31-25)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 31-25. Customer identification; record keeping. A  
9 fingerprint vendor or fingerprint vendor agency shall document  
10 in the form of a work order when and where each and every  
11 fingerprint service is provided. The work order shall also  
12 include the name, address, date of birth, telephone number,  
13 and driver's license number or other identification number of  
14 the person requesting the service to be done, the signature of  
15 that person, the routing number and any other information or  
16 documentation as provided by rule. All work orders shall be  
17 kept by the licensed fingerprint vendor for a period of 2 years  
18 from the date of service and shall include the name and license  
19 number of the fingerprint vendor and, if applicable, the name  
20 and identification number of the registered employee who  
21 performed the services. Work order forms required to be kept  
22 under this Section shall be available for inspection by the  
23 Department or by the Illinois ~~Department of~~ State Police.

24 (Source: P.A. 95-613, eff. 9-11-07.)

1 (225 ILCS 447/35-30)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 35-30. Employee requirements. All employees of a  
4 licensed agency, other than those exempted, shall apply for a  
5 permanent employee registration card. The holder of an agency  
6 license issued under this Act, known in this Section as  
7 "employer", may employ in the conduct of his or her business  
8 employees under the following provisions:

9 (a) No person shall be issued a permanent employee  
10 registration card who:

11 (1) Is younger than 18 years of age.

12 (2) Is younger than 21 years of age if the services  
13 will include being armed.

14 (3) Has been determined by the Department to be unfit  
15 by reason of conviction of an offense in this or another  
16 state, including registration as a sex offender, but not  
17 including a traffic offense. Persons convicted of felonies  
18 involving bodily harm, weapons, violence, or theft within  
19 the previous 10 years shall be presumed to be unfit for  
20 registration. The Department shall adopt rules for making  
21 those determinations that shall afford the applicant due  
22 process of law.

23 (4) Has had a license or permanent employee  
24 registration card denied, suspended, or revoked under this  
25 Act (i) within one year before the date the person's  
26 application for permanent employee registration card is

1 received by the Department; and (ii) that refusal, denial,  
2 suspension, or revocation was based on any provision of  
3 this Act other than Section 40-50, item (6) or (8) of  
4 subsection (a) of Section 15-10, subsection (b) of Section  
5 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
6 subsection (b) of Section 20-10, item (6) or (8) of  
7 subsection (a) of Section 25-10, subsection (b) of Section  
8 25-10, item (7) of subsection (a) of Section 30-10,  
9 subsection (b) of Section 30-10, or Section 10-40.

10 (5) Has been declared incompetent by any court of  
11 competent jurisdiction by reason of mental disease or  
12 defect and has not been restored.

13 (6) Has been dishonorably discharged from the armed  
14 services of the United States.

15 (b) No person may be employed by a private detective  
16 agency, private security contractor agency, private alarm  
17 contractor agency, fingerprint vendor agency, or locksmith  
18 agency under this Section until he or she has executed and  
19 furnished to the employer, on forms furnished by the  
20 Department, a verified statement to be known as "Employee's  
21 Statement" setting forth:

22 (1) The person's full name, age, and residence  
23 address.

24 (2) The business or occupation engaged in for the 5  
25 years immediately before the date of the execution of the  
26 statement, the place where the business or occupation was

1 engaged in, and the names of employers, if any.

2 (3) That the person has not had a license or employee  
3 registration denied, revoked, or suspended under this Act  
4 (i) within one year before the date the person's  
5 application for permanent employee registration card is  
6 received by the Department; and (ii) that refusal, denial,  
7 suspension, or revocation was based on any provision of  
8 this Act other than Section 40-50, item (6) or (8) of  
9 subsection (a) of Section 15-10, subsection (b) of Section  
10 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
11 subsection (b) of Section 20-10, item (6) or (8) of  
12 subsection (a) of Section 25-10, subsection (b) of Section  
13 25-10, item (7) of subsection (a) of Section 30-10,  
14 subsection (b) of Section 30-10, or Section 10-40.

15 (4) Any conviction of a felony or misdemeanor.

16 (5) Any declaration of incompetence by a court of  
17 competent jurisdiction that has not been restored.

18 (6) Any dishonorable discharge from the armed services  
19 of the United States.

20 (7) Any other information as may be required by any  
21 rule of the Department to show the good character,  
22 competency, and integrity of the person executing the  
23 statement.

24 (c) Each applicant for a permanent employee registration  
25 card shall have his or her fingerprints submitted to the  
26 Illinois ~~Department of~~ State Police in an electronic format

1 that complies with the form and manner for requesting and  
2 furnishing criminal history record information as prescribed  
3 by the Illinois ~~Department of~~ State Police. These fingerprints  
4 shall be checked against the Illinois ~~Department of~~ State  
5 Police and Federal Bureau of Investigation criminal history  
6 record databases now and hereafter filed. The Illinois  
7 ~~Department of~~ State Police shall charge applicants a fee for  
8 conducting the criminal history records check, which shall be  
9 deposited in the State Police Services Fund and shall not  
10 exceed the actual cost of the records check. The Illinois  
11 ~~Department of~~ State Police shall furnish, pursuant to positive  
12 identification, records of Illinois convictions to the  
13 Department. The Department may require applicants to pay a  
14 separate fingerprinting fee, either to the Department or  
15 directly to the vendor. The Department, in its discretion, may  
16 allow an applicant who does not have reasonable access to a  
17 designated vendor to provide his or her fingerprints in an  
18 alternative manner. The Department, in its discretion, may  
19 also use other procedures in performing or obtaining criminal  
20 background checks of applicants. Instead of submitting his or  
21 her fingerprints, an individual may submit proof that is  
22 satisfactory to the Department that an equivalent security  
23 clearance has been conducted. Also, an individual who has  
24 retired as a peace officer within 12 months of application may  
25 submit verification, on forms provided by the Department and  
26 signed by his or her employer, of his or her previous full-time

1 employment as a peace officer.

2 (d) The Department shall issue a permanent employee  
3 registration card, in a form the Department prescribes, to all  
4 qualified applicants. The holder of a permanent employee  
5 registration card shall carry the card at all times while  
6 actually engaged in the performance of the duties of his or her  
7 employment. Expiration and requirements for renewal of  
8 permanent employee registration cards shall be established by  
9 rule of the Department. Possession of a permanent employee  
10 registration card does not in any way imply that the holder of  
11 the card is employed by an agency unless the permanent  
12 employee registration card is accompanied by the employee  
13 identification card required by subsection (f) of this  
14 Section.

15 (e) Each employer shall maintain a record of each employee  
16 that is accessible to the duly authorized representatives of  
17 the Department. The record shall contain the following  
18 information:

19 (1) A photograph taken within 10 days of the date that  
20 the employee begins employment with the employer. The  
21 photograph shall be replaced with a current photograph  
22 every 3 calendar years.

23 (2) The Employee's Statement specified in subsection  
24 (b) of this Section.

25 (3) All correspondence or documents relating to the  
26 character and integrity of the employee received by the



1 employer from any official source or law enforcement  
2 agency.

3 (4) In the case of former employees, the employee  
4 identification card of that person issued under subsection  
5 (f) of this Section. Each employee record shall duly note  
6 if the employee is employed in an armed capacity. Armed  
7 employee files shall contain a copy of an active firearm  
8 owner's identification card and a copy of an active  
9 firearm control card. Each employer shall maintain a  
10 record for each armed employee of each instance in which  
11 the employee's weapon was discharged during the course of  
12 his or her professional duties or activities. The record  
13 shall be maintained on forms provided by the Department, a  
14 copy of which must be filed with the Department within 15  
15 days of an instance. The record shall include the date and  
16 time of the occurrence, the circumstances involved in the  
17 occurrence, and any other information as the Department  
18 may require. Failure to provide this information to the  
19 Department or failure to maintain the record as a part of  
20 each armed employee's permanent file is grounds for  
21 disciplinary action. The Department, upon receipt of a  
22 report, shall have the authority to make any investigation  
23 it considers appropriate into any occurrence in which an  
24 employee's weapon was discharged and to take disciplinary  
25 action as may be appropriate.

26 (5) A copy of the employee's permanent employee

1 registration card or a copy of the Department's "License  
2 Lookup" Webpage showing that the employee has been issued  
3 a valid permanent employee registration card by the  
4 Department.

5 The Department may, by rule, prescribe further record  
6 requirements.

7 (f) Every employer shall furnish an employee  
8 identification card to each of his or her employees. This  
9 employee identification card shall contain a recent photograph  
10 of the employee, the employee's name, the name and agency  
11 license number of the employer, the employee's personal  
12 description, the signature of the employer, the signature of  
13 that employee, the date of issuance, and an employee  
14 identification card number.

15 (g) No employer may issue an employee identification card  
16 to any person who is not employed by the employer in accordance  
17 with this Section or falsely state or represent that a person  
18 is or has been in his or her employ. It is unlawful for an  
19 applicant for registered employment to file with the  
20 Department the fingerprints of a person other than himself or  
21 herself.

22 (h) Every employer shall obtain the identification card of  
23 every employee who terminates employment with him or her.

24 (i) Every employer shall maintain a separate roster of the  
25 names of all employees currently working in an armed capacity  
26 and submit the roster to the Department on request.

1           (j) No agency may employ any person to perform a licensed  
2 activity under this Act unless the person possesses a valid  
3 permanent employee registration card or a valid license under  
4 this Act, or is exempt pursuant to subsection (n).

5           (k) Notwithstanding the provisions of subsection (j), an  
6 agency may employ a person in a temporary capacity if all of  
7 the following conditions are met:

8           (1) The agency completes in its entirety and submits  
9 to the Department an application for a permanent employee  
10 registration card, including the required fingerprint  
11 receipt and fees.

12           (2) The agency has verification from the Department  
13 that the applicant has no record of any criminal  
14 conviction pursuant to the criminal history check  
15 conducted by the Illinois ~~Department of~~ State Police. The  
16 agency shall maintain the verification of the results of  
17 the Illinois ~~Department of~~ State Police criminal history  
18 check as part of the employee record as required under  
19 subsection (e) of this Section.

20           (3) The agency exercises due diligence to ensure that  
21 the person is qualified under the requirements of the Act  
22 to be issued a permanent employee registration card.

23           (4) The agency maintains a separate roster of the  
24 names of all employees whose applications are currently  
25 pending with the Department and submits the roster to the  
26 Department on a monthly basis. Rosters are to be

1 maintained by the agency for a period of at least 24  
2 months.

3 An agency may employ only a permanent employee applicant  
4 for which it either submitted a permanent employee application  
5 and all required forms and fees or it confirms with the  
6 Department that a permanent employee application and all  
7 required forms and fees have been submitted by another agency,  
8 licensee or the permanent employee and all other requirements  
9 of this Section are met.

10 The Department shall have the authority to revoke, without  
11 a hearing, the temporary authority of an individual to work  
12 upon receipt of Federal Bureau of Investigation fingerprint  
13 data or a report of another official authority indicating a  
14 criminal conviction. If the Department has not received a  
15 temporary employee's Federal Bureau of Investigation  
16 fingerprint data within 120 days of the date the Department  
17 received the Illinois ~~Department of~~ State Police fingerprint  
18 data, the Department may, at its discretion, revoke the  
19 employee's temporary authority to work with 15 days written  
20 notice to the individual and the employing agency.

21 An agency may not employ a person in a temporary capacity  
22 if it knows or reasonably should have known that the person has  
23 been convicted of a crime under the laws of this State, has  
24 been convicted in another state of any crime that is a crime  
25 under the laws of this State, has been convicted of any crime  
26 in a federal court, or has been posted as an unapproved

1 applicant by the Department. Notice by the Department to the  
2 agency, via certified mail, personal delivery, electronic  
3 mail, or posting on the Department's Internet site accessible  
4 to the agency that the person has been convicted of a crime  
5 shall be deemed constructive knowledge of the conviction on  
6 the part of the agency. The Department may adopt rules to  
7 implement this subsection (k).

8 (l) No person may be employed under this Section in any  
9 capacity if:

10 (1) the person, while so employed, is being paid by  
11 the United States or any political subdivision for the  
12 time so employed in addition to any payments he or she may  
13 receive from the employer; or

14 (2) the person wears any portion of his or her  
15 official uniform, emblem of authority, or equipment while  
16 so employed.

17 (m) If information is discovered affecting the  
18 registration of a person whose fingerprints were submitted  
19 under this Section, the Department shall so notify the agency  
20 that submitted the fingerprints on behalf of that person.

21 (n) Peace officers shall be exempt from the requirements  
22 of this Section relating to permanent employee registration  
23 cards. The agency shall remain responsible for any peace  
24 officer employed under this exemption, regardless of whether  
25 the peace officer is compensated as an employee or as an  
26 independent contractor and as further defined by rule.

1           (o) Persons who have no access to confidential or security  
2 information, who do not go to a client's or prospective  
3 client's residence or place of business, and who otherwise do  
4 not provide traditional security services are exempt from  
5 employee registration. Examples of exempt employees include,  
6 but are not limited to, employees working in the capacity of  
7 ushers, directors, ticket takers, cashiers, drivers, and  
8 reception personnel. Confidential or security information is  
9 that which pertains to employee files, scheduling, client  
10 contracts, or technical security and alarm data.

11           (p) An applicant who is 21 years of age or older seeking a  
12 religious exemption to the photograph requirement of this  
13 Section shall furnish with the application an approved copy of  
14 United States Department of the Treasury Internal Revenue  
15 Service Form 4029. Regardless of age, an applicant seeking a  
16 religious exemption to this photograph requirement shall  
17 submit fingerprints in a form and manner prescribed by the  
18 Department with his or her application in lieu of a  
19 photograph.

20           (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

21           (225 ILCS 447/40-10)

22           (Section scheduled to be repealed on January 1, 2024)

23           Sec. 40-10. Disciplinary sanctions.

24           (a) The Department may deny issuance, refuse to renew, or  
25 restore or may reprimand, place on probation, suspend, revoke,

1 or take other disciplinary or non-disciplinary action against  
2 any license, registration, permanent employee registration  
3 card, canine handler authorization card, canine trainer  
4 authorization card, or firearm control card, may impose a fine  
5 not to exceed \$10,000 for each violation, and may assess costs  
6 as provided for under Section 45-60, for any of the following:

7 (1) Fraud, deception, or misrepresentation in  
8 obtaining or renewing of a license or registration.

9 (2) Professional incompetence as manifested by poor  
10 standards of service.

11 (3) Engaging in dishonorable, unethical, or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud, or harm the public.

14 (4) Conviction of or plea of guilty or plea of nolo  
15 contendere to a felony or misdemeanor in this State or any  
16 other jurisdiction or the entry of an administrative  
17 sanction by a government agency in this State or any other  
18 jurisdiction; action taken under this paragraph (4) for a  
19 misdemeanor or an administrative sanction is limited to a  
20 misdemeanor or administrative sanction that has as an  
21 essential element of dishonesty or fraud or involves  
22 larceny, embezzlement, or obtaining money, property, or  
23 credit by false pretenses or by means of a confidence  
24 game.

25 (5) Performing any services in a grossly negligent  
26 manner or permitting any of a licensee's employees to

1 perform services in a grossly negligent manner, regardless  
2 of whether actual damage to the public is established.

3 (6) Continued practice, although the person has become  
4 unfit to practice due to any of the following:

5 (A) Physical illness, mental illness, or other  
6 impairment, including, but not limited to,  
7 deterioration through the aging process or loss of  
8 motor skills that results in the inability to serve  
9 the public with reasonable judgment, skill, or safety.

10 (B) (Blank).

11 (C) Habitual or excessive use or abuse of drugs  
12 defined in law as controlled substances, alcohol, or  
13 any other substance that results in the inability to  
14 practice with reasonable judgment, skill, or safety.

15 (7) Receiving, directly or indirectly, compensation  
16 for any services not rendered.

17 (8) Willfully deceiving or defrauding the public on a  
18 material matter.

19 (9) Failing to account for or remit any moneys or  
20 documents coming into the licensee's possession that  
21 belong to another person or entity.

22 (10) Discipline by another United States jurisdiction,  
23 foreign nation, or governmental agency, if at least one of  
24 the grounds for the discipline is the same or  
25 substantially equivalent to those set forth in this Act.

26 (11) Giving differential treatment to a person that is



1 to that person's detriment because of race, color, creed,  
2 sex, religion, or national origin.

3 (12) Engaging in false or misleading advertising.

4 (13) Aiding, assisting, or willingly permitting  
5 another person to violate this Act or rules promulgated  
6 under it.

7 (14) Performing and charging for services without  
8 authorization to do so from the person or entity serviced.

9 (15) Directly or indirectly offering or accepting any  
10 benefit to or from any employee, agent, or fiduciary  
11 without the consent of the latter's employer or principal  
12 with intent to or the understanding that this action will  
13 influence his or her conduct in relation to his or her  
14 employer's or principal's affairs.

15 (16) Violation of any disciplinary order imposed on a  
16 licensee by the Department.

17 (17) Performing any act or practice that is a  
18 violation of this Act or the rules for the administration  
19 of this Act, or having a conviction or administrative  
20 finding of guilty as a result of violating any federal or  
21 State laws, rules, or regulations that apply exclusively  
22 to the practices of private detectives, private alarm  
23 contractors, private security contractors, fingerprint  
24 vendors, or locksmiths.

25 (18) Conducting an agency without a valid license.

26 (19) Revealing confidential information, except as

1 required by law, including but not limited to information  
2 available under Section 2-123 of the Illinois Vehicle  
3 Code.

4 (20) Failing to make available to the Department, upon  
5 request, any books, records, or forms required by this  
6 Act.

7 (21) Failing, within 30 days, to respond to a written  
8 request for information from the Department.

9 (22) Failing to provide employment information or  
10 experience information required by the Department  
11 regarding an applicant for licensure.

12 (23) Failing to make available to the Department at  
13 the time of the request any indicia of licensure or  
14 registration issued under this Act.

15 (24) Purporting to be a licensee-in-charge of an  
16 agency without active participation in the agency.

17 (25) A finding by the Department that the licensee,  
18 after having his or her license placed on probationary  
19 status, has violated the terms of probation.

20 (26) Violating subsection (f) of Section 30-30.

21 (27) A firearm control card holder having more  
22 firearms in his or her immediate possession than he or she  
23 can reasonably exercise control over.

24 (28) Failure to report in writing to the Department,  
25 within 60 days of an entry of a settlement or a verdict in  
26 excess of \$10,000, any legal action in which the quality

1 of the licensee's or registrant's professional services  
2 was the subject of the legal action.

3 (b) All fines imposed under this Section shall be paid  
4 within 60 days after the effective date of the order imposing  
5 the fine.

6 (c) The Department shall adopt rules that set forth  
7 standards of service for the following: (i) acceptable error  
8 rate in the transmission of fingerprint images and other data  
9 to the Illinois ~~Department of~~ State Police; (ii) acceptable  
10 error rate in the collection and documentation of information  
11 used to generate fingerprint work orders; and (iii) any other  
12 standard of service that affects fingerprinting services as  
13 determined by the Department.

14 The determination by a circuit court that a licensee is  
15 subject to involuntary admission or judicial admission, as  
16 provided in the Mental Health and Developmental Disabilities  
17 Code, operates as an automatic suspension. The suspension will  
18 end only upon a finding by a court that the patient is no  
19 longer subject to involuntary admission or judicial admission  
20 and the issuance of an order so finding and discharging the  
21 patient.

22 (Source: P.A. 98-253, eff. 8-9-13; 99-174, eff. 7-29-15.)

23 Section 640. The Real Estate Appraiser Licensing Act of  
24 2002 is amended by changing Section 5-22 as follows:

1 (225 ILCS 458/5-22)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 5-22. Criminal history records check.

4 (a) Each applicant for licensure by examination or  
5 restoration shall have his or her fingerprints submitted to  
6 the Illinois ~~Department of~~ State Police in an electronic  
7 format that complies with the form and manner for requesting  
8 and furnishing criminal history record information as  
9 prescribed by the Illinois ~~Department of~~ State Police. These  
10 fingerprints shall be checked against the Illinois ~~Department~~  
11 ~~of~~ State Police and Federal Bureau of Investigation criminal  
12 history record databases now and hereafter filed. The Illinois  
13 ~~Department of~~ State Police shall charge applicants a fee for  
14 conducting the criminal history records check, which shall be  
15 deposited into the State Police Services Fund and shall not  
16 exceed the actual cost of the records check. The Illinois  
17 ~~Department of~~ State Police shall furnish, pursuant to positive  
18 identification, records of Illinois convictions to the  
19 Department. The Department may require applicants to pay a  
20 separate fingerprinting fee, either to the Department or to a  
21 vendor. The Department may adopt any rules necessary to  
22 implement this Section.

23 (b) The Secretary may designate a multi-state licensing  
24 system to perform the functions described in subsection (a).  
25 The Department may require applicants to pay a separate  
26 fingerprinting fee, either to the Department or to the

1 multi-state licensing system. The Department may adopt any  
2 rules necessary to implement this subsection.

3 (Source: P.A. 100-604, eff. 7-13-18.)

4 Section 645. The Appraisal Management Company Registration  
5 Act is amended by changing Section 68 as follows:

6 (225 ILCS 459/68)

7 Sec. 68. Criminal history records background check. Each  
8 individual applicant or controlling person on behalf of a  
9 business entity that applies for registration or restoration  
10 shall have his or her fingerprints submitted to the Illinois  
11 ~~Department of~~ State Police in an electronic format that  
12 complies with the form and manner for requesting and  
13 furnishing criminal history record information as prescribed  
14 by the Illinois ~~Department of~~ State Police, or through a  
15 multi-state licensing system as designated by the Secretary.  
16 These fingerprints shall be checked against the Illinois  
17 ~~Department of~~ State Police and Federal Bureau of Investigation  
18 criminal history record databases now and hereafter filed. The  
19 Illinois ~~Department of~~ State Police shall charge applicants a  
20 fee for conducting the criminal history records background  
21 check, which shall be deposited into the State Police Services  
22 Fund and shall not exceed the actual cost of the criminal  
23 history records background check. The Illinois ~~Department of~~  
24 State Police shall furnish, pursuant to positive

1 identification, records of Illinois convictions to the  
2 Department. The Department may require an applicant to pay a  
3 separate fingerprinting fee, either to the Department or to a  
4 vendor. The Department may adopt any rules necessary to  
5 implement this Section.

6 (Source: P.A. 100-604, eff. 7-13-18.)

7 Section 650. The Solicitation for Charity Act is amended  
8 by changing Section 16.5 as follows:

9 (225 ILCS 460/16.5)

10 Sec. 16.5. Terrorist acts.

11 (a) Any person or organization subject to registration  
12 under this Act, who knowingly acts to further, directly or  
13 indirectly, or knowingly uses charitable assets to conduct or  
14 further, directly or indirectly, an act or actions as set  
15 forth in Article 29D of the Criminal Code of 2012, is thereby  
16 engaged in an act or actions contrary to public policy and  
17 antithetical to charity, and all of the funds, assets, and  
18 records of the person or organization shall be subject to  
19 temporary and permanent injunction from use or expenditure and  
20 the appointment of a temporary and permanent receiver to take  
21 possession of all of the assets and related records.

22 (b) An ex parte action may be commenced by the Attorney  
23 General, and, upon a showing of probable cause of a violation  
24 of this Section or Article 29D of the Criminal Code of 2012, an

1 immediate seizure of books and records by the Attorney General  
2 by and through his or her assistants or investigators or the  
3 Illinois ~~Department of~~ State Police and freezing of all assets  
4 shall be made by order of a court to protect the public,  
5 protect the assets, and allow a full review of the records.

6 (c) Upon a finding by a court after a hearing that a person  
7 or organization has acted or is in violation of this Section,  
8 the person or organization shall be permanently enjoined from  
9 soliciting funds from the public, holding charitable funds, or  
10 acting as a trustee or fiduciary within Illinois. Upon a  
11 finding of violation all assets and funds held by the person or  
12 organization shall be forfeited to the People of the State of  
13 Illinois or otherwise ordered by the court to be accounted for  
14 and marshaled and then delivered to charitable causes and uses  
15 within the State of Illinois by court order.

16 (d) A determination under this Section may be made by any  
17 court separate and apart from any criminal proceedings and the  
18 standard of proof shall be that for civil proceedings.

19 (e) Any knowing use of charitable assets to conduct or  
20 further, directly or indirectly, an act or actions set forth  
21 in Article 29D of the Criminal Code of 2012 shall be a misuse  
22 of charitable assets and breach of fiduciary duty relative to  
23 all other Sections of this Act.

24 (Source: P.A. 97-1150, eff. 1-25-13.)

25 Section 655. The Illinois Horse Racing Act of 1975 is

1 amended by changing Sections 9, 15, 28, 34, and 45 as follows:

2 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

3 Sec. 9. The Board shall have all powers necessary and  
4 proper to fully and effectively execute the provisions of this  
5 Act, including, but not limited to, the following:

6 (a) The Board is vested with jurisdiction and supervision  
7 over all race meetings in this State, over all licensees doing  
8 business in this State, over all occupation licensees, and  
9 over all persons on the facilities of any licensee. Such  
10 jurisdiction shall include the power to issue licenses to the  
11 Illinois Department of Agriculture authorizing the pari-mutuel  
12 system of wagering on harness and Quarter Horse races held (1)  
13 at the Illinois State Fair in Sangamon County, and (2) at the  
14 DuQuoin State Fair in Perry County. The jurisdiction of the  
15 Board shall also include the power to issue licenses to county  
16 fairs which are eligible to receive funds pursuant to the  
17 Agricultural Fair Act, as now or hereafter amended, or their  
18 agents, authorizing the pari-mutuel system of wagering on  
19 horse races conducted at the county fairs receiving such  
20 licenses. Such licenses shall be governed by subsection (n) of  
21 this Section.

22 Upon application, the Board shall issue a license to the  
23 Illinois Department of Agriculture to conduct harness and  
24 Quarter Horse races at the Illinois State Fair and at the  
25 DuQuoin State Fairgrounds during the scheduled dates of each



1 fair. The Board shall not require and the Department of  
2 Agriculture shall be exempt from the requirements of Sections  
3 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),  
4 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24  
5 and 25. The Board and the Department of Agriculture may extend  
6 any or all of these exemptions to any contractor or agent  
7 engaged by the Department of Agriculture to conduct its race  
8 meetings when the Board determines that this would best serve  
9 the public interest and the interest of horse racing.

10 Notwithstanding any provision of law to the contrary, it  
11 shall be lawful for any licensee to operate pari-mutuel  
12 wagering or contract with the Department of Agriculture to  
13 operate pari-mutuel wagering at the DuQuoin State Fairgrounds  
14 or for the Department to enter into contracts with a licensee,  
15 employ its owners, employees or agents and employ such other  
16 occupation licensees as the Department deems necessary in  
17 connection with race meetings and wagerings.

18 (b) The Board is vested with the full power to promulgate  
19 reasonable rules and regulations for the purpose of  
20 administering the provisions of this Act and to prescribe  
21 reasonable rules, regulations and conditions under which all  
22 horse race meetings or wagering in the State shall be  
23 conducted. Such reasonable rules and regulations are to  
24 provide for the prevention of practices detrimental to the  
25 public interest and to promote the best interests of horse  
26 racing and to impose penalties for violations thereof.

1           (c) The Board, and any person or persons to whom it  
2 delegates this power, is vested with the power to enter the  
3 facilities and other places of business of any licensee to  
4 determine whether there has been compliance with the  
5 provisions of this Act and its rules and regulations.

6           (d) The Board, and any person or persons to whom it  
7 delegates this power, is vested with the authority to  
8 investigate alleged violations of the provisions of this Act,  
9 its reasonable rules and regulations, orders and final  
10 decisions; the Board shall take appropriate disciplinary  
11 action against any licensee or occupation licensee for  
12 violation thereof or institute appropriate legal action for  
13 the enforcement thereof.

14           (e) The Board, and any person or persons to whom it  
15 delegates this power, may eject or exclude from any race  
16 meeting or the facilities of any licensee, or any part  
17 thereof, any occupation licensee or any other individual whose  
18 conduct or reputation is such that his presence on those  
19 facilities may, in the opinion of the Board, call into  
20 question the honesty and integrity of horse racing or wagering  
21 or interfere with the orderly conduct of horse racing or  
22 wagering; provided, however, that no person shall be excluded  
23 or ejected from the facilities of any licensee solely on the  
24 grounds of race, color, creed, national origin, ancestry, or  
25 sex. The power to eject or exclude an occupation licensee or  
26 other individual may be exercised for just cause by the

1 licensee or the Board, subject to subsequent hearing by the  
2 Board as to the propriety of said exclusion.

3 (f) The Board is vested with the power to acquire,  
4 establish, maintain and operate (or provide by contract to  
5 maintain and operate) testing laboratories and related  
6 facilities, for the purpose of conducting saliva, blood, urine  
7 and other tests on the horses run or to be run in any horse  
8 race meeting, including races run at county fairs, and to  
9 purchase all equipment and supplies deemed necessary or  
10 desirable in connection with any such testing laboratories and  
11 related facilities and all such tests.

12 (g) The Board may require that the records, including  
13 financial or other statements of any licensee or any person  
14 affiliated with the licensee who is involved directly or  
15 indirectly in the activities of any licensee as regulated  
16 under this Act to the extent that those financial or other  
17 statements relate to such activities be kept in such manner as  
18 prescribed by the Board, and that Board employees shall have  
19 access to those records during reasonable business hours.  
20 Within 120 days of the end of its fiscal year, each licensee  
21 shall transmit to the Board an audit of the financial  
22 transactions and condition of the licensee's total operations.  
23 All audits shall be conducted by certified public accountants.  
24 Each certified public accountant must be registered in the  
25 State of Illinois under the Illinois Public Accounting Act.  
26 The compensation for each certified public accountant shall be

1 paid directly by the licensee to the certified public  
2 accountant. A licensee shall also submit any other financial  
3 or related information the Board deems necessary to  
4 effectively administer this Act and all rules, regulations,  
5 and final decisions promulgated under this Act.

6 (h) The Board shall name and appoint in the manner  
7 provided by the rules and regulations of the Board: an  
8 Executive Director; a State director of mutuels; State  
9 veterinarians and representatives to take saliva, blood, urine  
10 and other tests on horses; licensing personnel; revenue  
11 inspectors; and State seasonal employees (excluding admission  
12 ticket sellers and mutuel clerks). All of those named and  
13 appointed as provided in this subsection shall serve during  
14 the pleasure of the Board; their compensation shall be  
15 determined by the Board and be paid in the same manner as other  
16 employees of the Board under this Act.

17 (i) The Board shall require that there shall be 3 stewards  
18 at each horse race meeting, at least 2 of whom shall be named  
19 and appointed by the Board. Stewards appointed or approved by  
20 the Board, while performing duties required by this Act or by  
21 the Board, shall be entitled to the same rights and immunities  
22 as granted to Board members and Board employees in Section 10  
23 of this Act.

24 (j) The Board may discharge any Board employee who fails  
25 or refuses for any reason to comply with the rules and  
26 regulations of the Board, or who, in the opinion of the Board,

1 is guilty of fraud, dishonesty or who is proven to be  
2 incompetent. The Board shall have no right or power to  
3 determine who shall be officers, directors or employees of any  
4 licensee, or their salaries except the Board may, by rule,  
5 require that all or any officials or employees in charge of or  
6 whose duties relate to the actual running of races be approved  
7 by the Board.

8 (k) The Board is vested with the power to appoint  
9 delegates to execute any of the powers granted to it under this  
10 Section for the purpose of administering this Act and any  
11 rules or regulations promulgated in accordance with this Act.

12 (l) The Board is vested with the power to impose civil  
13 penalties of up to \$5,000 against an individual and up to  
14 \$10,000 against a licensee for each violation of any provision  
15 of this Act, any rules adopted by the Board, any order of the  
16 Board or any other action which, in the Board's discretion, is  
17 a detriment or impediment to horse racing or wagering.  
18 Beginning on the date when any organization licensee begins  
19 conducting gaming pursuant to an organization gaming license  
20 issued under the Illinois Gambling Act, the power granted to  
21 the Board pursuant to this subsection (l) shall authorize the  
22 Board to impose penalties of up to \$10,000 against an  
23 individual and up to \$25,000 against a licensee. All such  
24 civil penalties shall be deposited into the Horse Racing Fund.

25 (m) The Board is vested with the power to prescribe a form  
26 to be used by licensees as an application for employment for

1 employees of each licensee.

2 (n) The Board shall have the power to issue a license to  
3 any county fair, or its agent, authorizing the conduct of the  
4 pari-mutuel system of wagering. The Board is vested with the  
5 full power to promulgate reasonable rules, regulations and  
6 conditions under which all horse race meetings licensed  
7 pursuant to this subsection shall be held and conducted,  
8 including rules, regulations and conditions for the conduct of  
9 the pari-mutuel system of wagering. The rules, regulations and  
10 conditions shall provide for the prevention of practices  
11 detrimental to the public interest and for the best interests  
12 of horse racing, and shall prescribe penalties for violations  
13 thereof. Any authority granted the Board under this Act shall  
14 extend to its jurisdiction and supervision over county fairs,  
15 or their agents, licensed pursuant to this subsection.  
16 However, the Board may waive any provision of this Act or its  
17 rules or regulations which would otherwise apply to such  
18 county fairs or their agents.

19 (o) Whenever the Board is authorized or required by law to  
20 consider some aspect of criminal history record information  
21 for the purpose of carrying out its statutory powers and  
22 responsibilities, then, upon request and payment of fees in  
23 conformance with the requirements of Section 2605-400 of the  
24 Illinois Department of State Police Law ~~(20 ILCS~~  
25 ~~2605/2605-400)~~, the Illinois Department of State Police is  
26 authorized to furnish, pursuant to positive identification,

1 such information contained in State files as is necessary to  
2 fulfill the request.

3 (p) To insure the convenience, comfort, and waging  
4 accessibility of race track patrons, to provide for the  
5 maximization of State revenue, and to generate increases in  
6 purse allotments to the horsemen, the Board shall require any  
7 licensee to staff the pari-mutuel department with adequate  
8 personnel.

9 (Source: P.A. 101-31, eff. 6-28-19.)

10 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

11 Sec. 15. (a) The Board shall, in its discretion, issue  
12 occupation licenses to horse owners, trainers, harness  
13 drivers, jockeys, agents, apprentices, grooms, stable foremen,  
14 exercise persons, veterinarians, valets, blacksmiths,  
15 concessionaires and others designated by the Board whose work,  
16 in whole or in part, is conducted upon facilities within the  
17 State. Such occupation licenses will be obtained prior to the  
18 persons engaging in their vocation upon such facilities. The  
19 Board shall not license pari-mutuel clerks, parking  
20 attendants, security guards and employees of concessionaires.  
21 No occupation license shall be required of any person who  
22 works at facilities within this State as a pari-mutuel clerk,  
23 parking attendant, security guard or as an employee of a  
24 concessionaire. Concessionaires of the Illinois State Fair and  
25 DuQuoin State Fair and employees of the Illinois Department of

1 Agriculture shall not be required to obtain an occupation  
2 license by the Board.

3 (b) Each application for an occupation license shall be on  
4 forms prescribed by the Board. Such license, when issued,  
5 shall be for the period ending December 31 of each year, except  
6 that the Board in its discretion may grant 3-year licenses.  
7 The application shall be accompanied by a fee of not more than  
8 \$25 per year or, in the case of 3-year occupation license  
9 applications, a fee of not more than \$60. Each applicant shall  
10 set forth in the application his full name and address, and if  
11 he had been issued prior occupation licenses or has been  
12 licensed in any other state under any other name, such name,  
13 his age, whether or not a permit or license issued to him in  
14 any other state has been suspended or revoked and if so whether  
15 such suspension or revocation is in effect at the time of the  
16 application, and such other information as the Board may  
17 require. Fees for registration of stable names shall not  
18 exceed \$50.00. Beginning on the date when any organization  
19 licensee begins conducting gaming pursuant to an organization  
20 gaming license issued under the Illinois Gambling Act, the fee  
21 for registration of stable names shall not exceed \$150, and  
22 the application fee for an occupation license shall not exceed  
23 \$75, per year or, in the case of a 3-year occupation license  
24 application, the fee shall not exceed \$180.

25 (c) The Board may in its discretion refuse an occupation  
26 license to any person:



- 1 (1) who has been convicted of a crime;
- 2 (2) who is unqualified to perform the duties required  
3 of such applicant;
- 4 (3) who fails to disclose or states falsely any  
5 information called for in the application;
- 6 (4) who has been found guilty of a violation of this  
7 Act or of the rules and regulations of the Board; or
- 8 (5) whose license or permit has been suspended,  
9 revoked or denied for just cause in any other state.

10 (d) The Board may suspend or revoke any occupation  
11 license:

- 12 (1) for violation of any of the provisions of this  
13 Act; or
- 14 (2) for violation of any of the rules or regulations  
15 of the Board; or
- 16 (3) for any cause which, if known to the Board, would  
17 have justified the Board in refusing to issue such  
18 occupation license; or
- 19 (4) for any other just cause.

20 (e) Each applicant shall submit his or her fingerprints  
21 to the Illinois ~~Department of~~ State Police in the form and  
22 manner prescribed by the Illinois ~~Department of~~ State Police.  
23 These fingerprints shall be checked against the fingerprint  
24 records now and hereafter filed in the Illinois ~~Department of~~  
25 State Police and Federal Bureau of Investigation criminal  
26 history records databases. The Illinois ~~Department of~~ State

1 Police shall charge a fee for conducting the criminal history  
2 records check, which shall be deposited in the State Police  
3 Services Fund and shall not exceed the actual cost of the  
4 records check. The Illinois ~~Department of~~ State Police shall  
5 furnish, pursuant to positive identification, records of  
6 conviction to the Board. Each applicant for licensure shall  
7 submit with his occupation license application, on forms  
8 provided by the Board, 2 sets of his fingerprints. All such  
9 applicants shall appear in person at the location designated  
10 by the Board for the purpose of submitting such sets of  
11 fingerprints; however, with the prior approval of a State  
12 steward, an applicant may have such sets of fingerprints taken  
13 by an official law enforcement agency and submitted to the  
14 Board.

15 (f) The Board may, in its discretion, issue an occupation  
16 license without submission of fingerprints if an applicant has  
17 been duly licensed in another recognized racing jurisdiction  
18 after submitting fingerprints that were subjected to a Federal  
19 Bureau of Investigation criminal history background check in  
20 that jurisdiction.

21 (g) Beginning on the date when any organization licensee  
22 begins conducting gaming pursuant to an organization gaming  
23 license issued under the Illinois Gambling Act, the Board may  
24 charge each applicant a reasonable nonrefundable fee to defray  
25 the costs associated with the background investigation  
26 conducted by the Board. This fee shall be exclusive of any

1 other fee or fees charged in connection with an application  
2 for and, if applicable, the issuance of, an organization  
3 gaming license. If the costs of the investigation exceed the  
4 amount of the fee charged, the Board shall immediately notify  
5 the applicant of the additional amount owed, payment of which  
6 must be submitted to the Board within 7 days after such  
7 notification. All information, records, interviews, reports,  
8 statements, memoranda, or other data supplied to or used by  
9 the Board in the course of its review or investigation of an  
10 applicant for a license or renewal under this Act shall be  
11 privileged, strictly confidential, and shall be used only for  
12 the purpose of evaluating an applicant for a license or a  
13 renewal. Such information, records, interviews, reports,  
14 statements, memoranda, or other data shall not be admissible  
15 as evidence, nor discoverable, in any action of any kind in any  
16 court or before any tribunal, board, agency, or person, except  
17 for any action deemed necessary by the Board.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

20 Sec. 28. Except as provided in subsection (g) of Section  
21 27 of this Act, moneys collected shall be distributed  
22 according to the provisions of this Section 28.

23 (a) Thirty per cent of the total of all monies received by  
24 the State as privilege taxes shall be paid into the  
25 Metropolitan Exposition, Auditorium and Office Building Fund

1 in the State Treasury.

2 (b) In addition, 4.5% of the total of all monies received  
3 by the State as privilege taxes shall be paid into the State  
4 treasury into a special Fund to be known as the Metropolitan  
5 Exposition, Auditorium and Office Building Fund.

6 (c) Fifty per cent of the total of all monies received by  
7 the State as privilege taxes under the provisions of this Act  
8 shall be paid into the Agricultural Premium Fund.

9 (d) Seven per cent of the total of all monies received by  
10 the State as privilege taxes shall be paid into the Fair and  
11 Exposition Fund in the State treasury; provided, however, that  
12 when all bonds issued prior to July 1, 1984 by the Metropolitan  
13 Fair and Exposition Authority shall have been paid or payment  
14 shall have been provided for upon a refunding of those bonds,  
15 thereafter 1/12 of \$1,665,662 of such monies shall be paid  
16 each month into the Build Illinois Fund, and the remainder  
17 into the Fair and Exposition Fund. All excess monies shall be  
18 allocated to the Department of Agriculture for distribution to  
19 county fairs for premiums and rehabilitation as set forth in  
20 the Agricultural Fair Act.

21 (e) The monies provided for in Section 30 shall be paid  
22 into the Illinois Thoroughbred Breeders Fund.

23 (f) The monies provided for in Section 31 shall be paid  
24 into the Illinois Standardbred Breeders Fund.

25 (g) Until January 1, 2000, that part representing 1/2 of  
26 the total breakage in Thoroughbred, Harness, Appaloosa,

1 Arabian, and Quarter Horse racing in the State shall be paid  
2 into the Illinois Race Track Improvement Fund as established  
3 in Section 32.

4 (h) All other monies received by the Board under this Act  
5 shall be paid into the Horse Racing Fund.

6 (i) The salaries of the Board members, secretary,  
7 stewards, directors of mutuels, veterinarians,  
8 representatives, accountants, clerks, stenographers,  
9 inspectors and other employees of the Board, and all expenses  
10 of the Board incident to the administration of this Act,  
11 including, but not limited to, all expenses and salaries  
12 incident to the taking of saliva and urine samples in  
13 accordance with the rules and regulations of the Board shall  
14 be paid out of the Agricultural Premium Fund.

15 (j) The Agricultural Premium Fund shall also be used:

16 (1) for the expenses of operating the Illinois State  
17 Fair and the DuQuoin State Fair, including the payment of  
18 prize money or premiums;

19 (2) for the distribution to county fairs, vocational  
20 agriculture section fairs, agricultural societies, and  
21 agricultural extension clubs in accordance with the  
22 Agricultural Fair Act, as amended;

23 (3) for payment of prize monies and premiums awarded  
24 and for expenses incurred in connection with the  
25 International Livestock Exposition and the Mid-Continent  
26 Livestock Exposition held in Illinois, which premiums, and

1 awards must be approved, and paid by the Illinois  
2 Department of Agriculture;

3 (4) for personal service of county agricultural  
4 advisors and county home advisors;

5 (5) for distribution to agricultural home economic  
6 extension councils in accordance with "An Act in relation  
7 to additional support and finance for the Agricultural and  
8 Home Economic Extension Councils in the several counties  
9 in this State and making an appropriation therefor",  
10 approved July 24, 1967, as amended;

11 (6) for research on equine disease, including a  
12 development center therefor;

13 (7) for training scholarships for study on equine  
14 diseases to students at the University of Illinois College  
15 of Veterinary Medicine;

16 (8) for the rehabilitation, repair and maintenance of  
17 the Illinois and DuQuoin State Fair Grounds and the  
18 structures and facilities thereon and the construction of  
19 permanent improvements on such Fair Grounds, including  
20 such structures, facilities and property located on such  
21 State Fair Grounds which are under the custody and control  
22 of the Department of Agriculture;

23 (9) (blank);

24 (10) for the expenses of the Department of Commerce  
25 and Economic Opportunity under Sections 605-620, 605-625,  
26 and 605-630 of the Department of Commerce and Economic

1 Opportunity Law ~~(20 ILCS 605/605-620, 605/605-625, and~~  
2 ~~605/605-630)~~;

3 (11) for remodeling, expanding, and reconstructing  
4 facilities destroyed by fire of any Fair and Exposition  
5 Authority in counties with a population of 1,000,000 or  
6 more inhabitants;

7 (12) for the purpose of assisting in the care and  
8 general rehabilitation of veterans with disabilities of  
9 any war and their surviving spouses and orphans;

10 (13) for expenses of the Illinois ~~Department of State~~  
11 Police for duties performed under this Act;

12 (14) for the Department of Agriculture for soil  
13 surveys and soil and water conservation purposes;

14 (15) for the Department of Agriculture for grants to  
15 the City of Chicago for conducting the Chicagofest;

16 (16) for the State Comptroller for grants and  
17 operating expenses authorized by the Illinois Global  
18 Partnership Act.

19 (k) To the extent that monies paid by the Board to the  
20 Agricultural Premium Fund are in the opinion of the Governor  
21 in excess of the amount necessary for the purposes herein  
22 stated, the Governor shall notify the Comptroller and the  
23 State Treasurer of such fact, who, upon receipt of such  
24 notification, shall transfer such excess monies from the  
25 Agricultural Premium Fund to the General Revenue Fund.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-933, eff. 1-27-17;

1 100-110, eff. 8-15-17; 100-863, eff. 8-14-18.)

2 (230 ILCS 5/34) (from Ch. 8, par. 37-34)

3 Sec. 34. (a) The Illinois ~~Department of~~ State Police shall  
4 enforce the racing statutes of the State and provide  
5 investigative services during all horse racing meetings  
6 conducted in this State. Each licensee shall provide and  
7 maintain his own security personnel.

8 (b) Each licensee shall submit a request for the  
9 investigative services to the Illinois ~~Department of~~ State  
10 Police. The Illinois ~~Department of~~ State Police shall  
11 determine each licensee's pro rata share of the Department's  
12 expenses for investigative services rendered to race tracks on  
13 a fiscal year basis, and bill each licensee, except the  
14 Illinois Department of Agriculture or their contractor, for  
15 such expenses. Upon receipt of such billing, the licensee  
16 shall pay the amount billed into the Agricultural Premium  
17 Fund. It shall be the duty of the General Assembly in  
18 subsequent years to review the operation of the Illinois  
19 ~~Department of~~ State Police and make consistent increases or,  
20 if the situation necessitates, decreases in the number of  
21 personnel necessary in order to fully assure that the Illinois  
22 ~~Department of~~ State Police is at such a strength as to  
23 effectively carry out the purposes of this Act.

24 (Source: P.A. 89-16, eff. 5-30-95.)



1 (230 ILCS 5/45) (from Ch. 8, par. 37-45)

2 Sec. 45. It shall be the duty of the Attorney General and  
3 the various State's attorneys in this State in cooperation  
4 with the Illinois ~~Department of~~ State Police to enforce this  
5 Act. The Governor may, upon request of the Illinois ~~Department~~  
6 ~~of~~ State Police, order the law enforcing officers of the  
7 various cities and counties to assign a sufficient number of  
8 deputies to aid members of the Illinois ~~Department of~~ State  
9 Police in preventing horse racing at any track within the  
10 respective jurisdiction of such cities or counties an  
11 organization license for which has been refused, suspended or  
12 revoked by the Board. The Governor may similarly assign such  
13 deputies to aid the Illinois ~~Department of~~ State Police when,  
14 by his determination, additional forces are needed to preserve  
15 the health, welfare or safety of any person or animal within  
16 the grounds of any race track in the State.

17 (Source: P.A. 84-25.)

18 Section 700. The Illinois Gambling Act is amended by  
19 changing Sections 5, 6, 7.7, 9, 11, 13, and 22 as follows:

20 (230 ILCS 10/5) (from Ch. 120, par. 2405)

21 Sec. 5. Gaming Board.

22 (a) (1) There is hereby established the Illinois Gaming  
23 Board, which shall have the powers and duties specified in  
24 this Act, and all other powers necessary and proper to fully

1 and effectively execute this Act for the purpose of  
2 administering, regulating, and enforcing the system of  
3 riverboat and casino gambling established by this Act and  
4 gaming pursuant to an organization gaming license issued under  
5 this Act. Its jurisdiction shall extend under this Act to  
6 every person, association, corporation, partnership and trust  
7 involved in riverboat and casino gambling operations and  
8 gaming pursuant to an organization gaming license issued under  
9 this Act in the State of Illinois.

10 (2) The Board shall consist of 5 members to be appointed by  
11 the Governor with the advice and consent of the Senate, one of  
12 whom shall be designated by the Governor to be chairperson.  
13 Each member shall have a reasonable knowledge of the practice,  
14 procedure and principles of gambling operations. Each member  
15 shall either be a resident of Illinois or shall certify that he  
16 or she will become a resident of Illinois before taking  
17 office.

18 On and after the effective date of this amendatory Act of  
19 the 101st General Assembly, new appointees to the Board must  
20 include the following:

21 (A) One member who has received, at a minimum, a  
22 bachelor's degree from an accredited school and at least  
23 10 years of verifiable experience in the fields of  
24 investigation and law enforcement.

25 (B) One member who is a certified public accountant  
26 with experience in auditing and with knowledge of complex

1 corporate structures and transactions.

2 (C) One member who has 5 years' experience as a  
3 principal, senior officer, or director of a company or  
4 business with either material responsibility for the daily  
5 operations and management of the overall company or  
6 business or material responsibility for the policy making  
7 of the company or business.

8 (D) One member who is an attorney licensed to practice  
9 law in Illinois for at least 5 years.

10 Notwithstanding any provision of this subsection (a), the  
11 requirements of subparagraphs (A) through (D) of this  
12 paragraph (2) shall not apply to any person reappointed  
13 pursuant to paragraph (3).

14 No more than 3 members of the Board may be from the same  
15 political party. No Board member shall, within a period of one  
16 year immediately preceding nomination, have been employed or  
17 received compensation or fees for services from a person or  
18 entity, or its parent or affiliate, that has engaged in  
19 business with the Board, a licensee, or a licensee under the  
20 Illinois Horse Racing Act of 1975. Board members must publicly  
21 disclose all prior affiliations with gaming interests,  
22 including any compensation, fees, bonuses, salaries, and other  
23 reimbursement received from a person or entity, or its parent  
24 or affiliate, that has engaged in business with the Board, a  
25 licensee, or a licensee under the Illinois Horse Racing Act of  
26 1975. This disclosure must be made within 30 days after

1 nomination but prior to confirmation by the Senate and must be  
2 made available to the members of the Senate.

3 (3) The terms of office of the Board members shall be 3  
4 years, except that the terms of office of the initial Board  
5 members appointed pursuant to this Act will commence from the  
6 effective date of this Act and run as follows: one for a term  
7 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2  
8 for a term ending July 1, 1993. Upon the expiration of the  
9 foregoing terms, the successors of such members shall serve a  
10 term for 3 years and until their successors are appointed and  
11 qualified for like terms. Vacancies in the Board shall be  
12 filled for the unexpired term in like manner as original  
13 appointments. Each member of the Board shall be eligible for  
14 reappointment at the discretion of the Governor with the  
15 advice and consent of the Senate.

16 (4) Each member of the Board shall receive \$300 for each  
17 day the Board meets and for each day the member conducts any  
18 hearing pursuant to this Act. Each member of the Board shall  
19 also be reimbursed for all actual and necessary expenses and  
20 disbursements incurred in the execution of official duties.

21 (5) No person shall be appointed a member of the Board or  
22 continue to be a member of the Board who is, or whose spouse,  
23 child or parent is, a member of the board of directors of, or a  
24 person financially interested in, any gambling operation  
25 subject to the jurisdiction of this Board, or any race track,  
26 race meeting, racing association or the operations thereof

1 subject to the jurisdiction of the Illinois Racing Board. No  
2 Board member shall hold any other public office. No person  
3 shall be a member of the Board who is not of good moral  
4 character or who has been convicted of, or is under indictment  
5 for, a felony under the laws of Illinois or any other state, or  
6 the United States.

7 (5.5) No member of the Board shall engage in any political  
8 activity. For the purposes of this Section, "political" means  
9 any activity in support of or in connection with any campaign  
10 for federal, State, or local elective office or any political  
11 organization, but does not include activities (i) relating to  
12 the support or opposition of any executive, legislative, or  
13 administrative action (as those terms are defined in Section 2  
14 of the Lobbyist Registration Act), (ii) relating to collective  
15 bargaining, or (iii) that are otherwise in furtherance of the  
16 person's official State duties or governmental and public  
17 service functions.

18 (6) Any member of the Board may be removed by the Governor  
19 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
20 in office or for engaging in any political activity.

21 (7) Before entering upon the discharge of the duties of  
22 his office, each member of the Board shall take an oath that he  
23 will faithfully execute the duties of his office according to  
24 the laws of the State and the rules and regulations adopted  
25 therewith and shall give bond to the State of Illinois,  
26 approved by the Governor, in the sum of \$25,000. Every such

1 bond, when duly executed and approved, shall be recorded in  
2 the office of the Secretary of State. Whenever the Governor  
3 determines that the bond of any member of the Board has become  
4 or is likely to become invalid or insufficient, he shall  
5 require such member forthwith to renew his bond, which is to be  
6 approved by the Governor. Any member of the Board who fails to  
7 take oath and give bond within 30 days from the date of his  
8 appointment, or who fails to renew his bond within 30 days  
9 after it is demanded by the Governor, shall be guilty of  
10 neglect of duty and may be removed by the Governor. The cost of  
11 any bond given by any member of the Board under this Section  
12 shall be taken to be a part of the necessary expenses of the  
13 Board.

14 (7.5) For the examination of all mechanical,  
15 electromechanical, or electronic table games, slot machines,  
16 slot accounting systems, sports wagering systems, and other  
17 electronic gaming equipment, and the field inspection of such  
18 systems, games, and machines, for compliance with this Act,  
19 the Board shall utilize the services of independent outside  
20 testing laboratories that have been accredited in accordance  
21 with ISO/IEC 17025 by an accreditation body that is a  
22 signatory to the International Laboratory Accreditation  
23 Cooperation Mutual Recognition Agreement signifying they are  
24 qualified to perform such examinations. Notwithstanding any  
25 law to the contrary, the Board shall consider the licensing of  
26 independent outside testing laboratory applicants in

1 accordance with procedures established by the Board by rule.  
2 The Board shall not withhold its approval of an independent  
3 outside testing laboratory license applicant that has been  
4 accredited as required under this paragraph (7.5) and is  
5 licensed in gaming jurisdictions comparable to Illinois. Upon  
6 the finalization of required rules, the Board shall license  
7 independent testing laboratories and accept the test reports  
8 of any licensed testing laboratory of the system's, game's, or  
9 machine manufacturer's choice, notwithstanding the existence  
10 of contracts between the Board and any independent testing  
11 laboratory.

12 (8) The Board shall employ such personnel as may be  
13 necessary to carry out its functions and shall determine the  
14 salaries of all personnel, except those personnel whose  
15 salaries are determined under the terms of a collective  
16 bargaining agreement. No person shall be employed to serve the  
17 Board who is, or whose spouse, parent or child is, an official  
18 of, or has a financial interest in or financial relation with,  
19 any operator engaged in gambling operations within this State  
20 or any organization engaged in conducting horse racing within  
21 this State. For the one year immediately preceding employment,  
22 an employee shall not have been employed or received  
23 compensation or fees for services from a person or entity, or  
24 its parent or affiliate, that has engaged in business with the  
25 Board, a licensee, or a licensee under the Illinois Horse  
26 Racing Act of 1975. Any employee violating these prohibitions

1 shall be subject to termination of employment.

2 (9) An Administrator shall perform any and all duties that  
3 the Board shall assign him. The salary of the Administrator  
4 shall be determined by the Board and, in addition, he shall be  
5 reimbursed for all actual and necessary expenses incurred by  
6 him in discharge of his official duties. The Administrator  
7 shall keep records of all proceedings of the Board and shall  
8 preserve all records, books, documents and other papers  
9 belonging to the Board or entrusted to its care. The  
10 Administrator shall devote his full time to the duties of the  
11 office and shall not hold any other office or employment.

12 (b) The Board shall have general responsibility for the  
13 implementation of this Act. Its duties include, without  
14 limitation, the following:

15 (1) To decide promptly and in reasonable order all  
16 license applications. Any party aggrieved by an action of  
17 the Board denying, suspending, revoking, restricting or  
18 refusing to renew a license may request a hearing before  
19 the Board. A request for a hearing must be made to the  
20 Board in writing within 5 days after service of notice of  
21 the action of the Board. Notice of the action of the Board  
22 shall be served either by personal delivery or by  
23 certified mail, postage prepaid, to the aggrieved party.  
24 Notice served by certified mail shall be deemed complete  
25 on the business day following the date of such mailing.  
26 The Board shall conduct any such hearings promptly and in



1 reasonable order;

2 (2) To conduct all hearings pertaining to civil  
3 violations of this Act or rules and regulations  
4 promulgated hereunder;

5 (3) To promulgate such rules and regulations as in its  
6 judgment may be necessary to protect or enhance the  
7 credibility and integrity of gambling operations  
8 authorized by this Act and the regulatory process  
9 hereunder;

10 (4) To provide for the establishment and collection of  
11 all license and registration fees and taxes imposed by  
12 this Act and the rules and regulations issued pursuant  
13 hereto. All such fees and taxes shall be deposited into  
14 the State Gaming Fund;

15 (5) To provide for the levy and collection of  
16 penalties and fines for the violation of provisions of  
17 this Act and the rules and regulations promulgated  
18 hereunder. All such fines and penalties shall be deposited  
19 into the Education Assistance Fund, created by Public Act  
20 86-0018, of the State of Illinois;

21 (6) To be present through its inspectors and agents  
22 any time gambling operations are conducted on any  
23 riverboat, in any casino, or at any organization gaming  
24 facility for the purpose of certifying the revenue  
25 thereof, receiving complaints from the public, and  
26 conducting such other investigations into the conduct of

1 the gambling games and the maintenance of the equipment as  
2 from time to time the Board may deem necessary and proper;

3 (7) To review and rule upon any complaint by a  
4 licensee regarding any investigative procedures of the  
5 State which are unnecessarily disruptive of gambling  
6 operations. The need to inspect and investigate shall be  
7 presumed at all times. The disruption of a licensee's  
8 operations shall be proved by clear and convincing  
9 evidence, and establish that: (A) the procedures had no  
10 reasonable law enforcement purposes, and (B) the  
11 procedures were so disruptive as to unreasonably inhibit  
12 gambling operations;

13 (8) To hold at least one meeting each quarter of the  
14 fiscal year. In addition, special meetings may be called  
15 by the Chairman or any 2 Board members upon 72 hours  
16 written notice to each member. All Board meetings shall be  
17 subject to the Open Meetings Act. Three members of the  
18 Board shall constitute a quorum, and 3 votes shall be  
19 required for any final determination by the Board. The  
20 Board shall keep a complete and accurate record of all its  
21 meetings. A majority of the members of the Board shall  
22 constitute a quorum for the transaction of any business,  
23 for the performance of any duty, or for the exercise of any  
24 power which this Act requires the Board members to  
25 transact, perform or exercise en banc, except that, upon  
26 order of the Board, one of the Board members or an

1 administrative law judge designated by the Board may  
2 conduct any hearing provided for under this Act or by  
3 Board rule and may recommend findings and decisions to the  
4 Board. The Board member or administrative law judge  
5 conducting such hearing shall have all powers and rights  
6 granted to the Board in this Act. The record made at the  
7 time of the hearing shall be reviewed by the Board, or a  
8 majority thereof, and the findings and decision of the  
9 majority of the Board shall constitute the order of the  
10 Board in such case;

11 (9) To maintain records which are separate and  
12 distinct from the records of any other State board or  
13 commission. Such records shall be available for public  
14 inspection and shall accurately reflect all Board  
15 proceedings;

16 (10) To file a written annual report with the Governor  
17 on or before July 1 each year and such additional reports  
18 as the Governor may request. The annual report shall  
19 include a statement of receipts and disbursements by the  
20 Board, actions taken by the Board, and any additional  
21 information and recommendations which the Board may deem  
22 valuable or which the Governor may request;

23 (11) (Blank);

24 (12) (Blank);

25 (13) To assume responsibility for administration and  
26 enforcement of the Video Gaming Act;

1           (13.1) To assume responsibility for the administration  
2           and enforcement of operations at organization gaming  
3           facilities pursuant to this Act and the Illinois Horse  
4           Racing Act of 1975;

5           (13.2) To assume responsibility for the administration  
6           and enforcement of the Sports Wagering Act; and

7           (14) To adopt, by rule, a code of conduct governing  
8           Board members and employees that ensure, to the maximum  
9           extent possible, that persons subject to this Code avoid  
10          situations, relationships, or associations that may  
11          represent or lead to a conflict of interest.

12          Internal controls and changes submitted by licensees must  
13          be reviewed and either approved or denied with cause within 90  
14          days after receipt of submission is deemed final by the  
15          Illinois Gaming Board. In the event an internal control  
16          submission or change does not meet the standards set by the  
17          Board, staff of the Board must provide technical assistance to  
18          the licensee to rectify such deficiencies within 90 days after  
19          the initial submission and the revised submission must be  
20          reviewed and approved or denied with cause within 90 days  
21          after the date the revised submission is deemed final by the  
22          Board. For the purposes of this paragraph, "with cause" means  
23          that the approval of the submission would jeopardize the  
24          integrity of gaming. In the event the Board staff has not acted  
25          within the timeframe, the submission shall be deemed approved.

26          (c) The Board shall have jurisdiction over and shall

1 supervise all gambling operations governed by this Act. The  
2 Board shall have all powers necessary and proper to fully and  
3 effectively execute the provisions of this Act, including, but  
4 not limited to, the following:

5 (1) To investigate applicants and determine the  
6 eligibility of applicants for licenses and to select among  
7 competing applicants the applicants which best serve the  
8 interests of the citizens of Illinois.

9 (2) To have jurisdiction and supervision over all  
10 riverboat gambling operations authorized under this Act  
11 and all persons in places where gambling operations are  
12 conducted.

13 (3) To promulgate rules and regulations for the  
14 purpose of administering the provisions of this Act and to  
15 prescribe rules, regulations and conditions under which  
16 all gambling operations subject to this Act shall be  
17 conducted. Such rules and regulations are to provide for  
18 the prevention of practices detrimental to the public  
19 interest and for the best interests of riverboat gambling,  
20 including rules and regulations regarding the inspection  
21 of organization gaming facilities, casinos, and  
22 riverboats, and the review of any permits or licenses  
23 necessary to operate a riverboat, casino, or organization  
24 gaming facility under any laws or regulations applicable  
25 to riverboats, casinos, or organization gaming facilities  
26 and to impose penalties for violations thereof.

1           (4) To enter the office, riverboats, casinos,  
2 organization gaming facilities, and other facilities, or  
3 other places of business of a licensee, where evidence of  
4 the compliance or noncompliance with the provisions of  
5 this Act is likely to be found.

6           (5) To investigate alleged violations of this Act or  
7 the rules of the Board and to take appropriate  
8 disciplinary action against a licensee or a holder of an  
9 occupational license for a violation, or institute  
10 appropriate legal action for enforcement, or both.

11           (6) To adopt standards for the licensing of all  
12 persons and entities under this Act, as well as for  
13 electronic or mechanical gambling games, and to establish  
14 fees for such licenses.

15           (7) To adopt appropriate standards for all  
16 organization gaming facilities, riverboats, casinos, and  
17 other facilities authorized under this Act.

18           (8) To require that the records, including financial  
19 or other statements of any licensee under this Act, shall  
20 be kept in such manner as prescribed by the Board and that  
21 any such licensee involved in the ownership or management  
22 of gambling operations submit to the Board an annual  
23 balance sheet and profit and loss statement, list of the  
24 stockholders or other persons having a 1% or greater  
25 beneficial interest in the gambling activities of each  
26 licensee, and any other information the Board deems

1           necessary in order to effectively administer this Act and  
2           all rules, regulations, orders and final decisions  
3           promulgated under this Act.

4           (9) To conduct hearings, issue subpoenas for the  
5           attendance of witnesses and subpoenas duces tecum for the  
6           production of books, records and other pertinent documents  
7           in accordance with the Illinois Administrative Procedure  
8           Act, and to administer oaths and affirmations to the  
9           witnesses, when, in the judgment of the Board, it is  
10          necessary to administer or enforce this Act or the Board  
11          rules.

12          (10) To prescribe a form to be used by any licensee  
13          involved in the ownership or management of gambling  
14          operations as an application for employment for their  
15          employees.

16          (11) To revoke or suspend licenses, as the Board may  
17          see fit and in compliance with applicable laws of the  
18          State regarding administrative procedures, and to review  
19          applications for the renewal of licenses. The Board may  
20          suspend an owners license or an organization gaming  
21          license without notice or hearing upon a determination  
22          that the safety or health of patrons or employees is  
23          jeopardized by continuing a gambling operation conducted  
24          under that license. The suspension may remain in effect  
25          until the Board determines that the cause for suspension  
26          has been abated. The Board may revoke an owners license or

1 organization gaming license upon a determination that the  
2 licensee has not made satisfactory progress toward abating  
3 the hazard.

4 (12) To eject or exclude or authorize the ejection or  
5 exclusion of, any person from gambling facilities where  
6 that person is in violation of this Act, rules and  
7 regulations thereunder, or final orders of the Board, or  
8 where such person's conduct or reputation is such that his  
9 or her presence within the gambling facilities may, in the  
10 opinion of the Board, call into question the honesty and  
11 integrity of the gambling operations or interfere with the  
12 orderly conduct thereof; provided that the propriety of  
13 such ejection or exclusion is subject to subsequent  
14 hearing by the Board.

15 (13) To require all licensees of gambling operations  
16 to utilize a cashless wagering system whereby all players'  
17 money is converted to tokens, electronic cards, or chips  
18 which shall be used only for wagering in the gambling  
19 establishment.

20 (14) (Blank).

21 (15) To suspend, revoke or restrict licenses, to  
22 require the removal of a licensee or an employee of a  
23 licensee for a violation of this Act or a Board rule or for  
24 engaging in a fraudulent practice, and to impose civil  
25 penalties of up to \$5,000 against individuals and up to  
26 \$10,000 or an amount equal to the daily gross receipts,



1           whichever is larger, against licensees for each violation  
2           of any provision of the Act, any rules adopted by the  
3           Board, any order of the Board or any other action which, in  
4           the Board's discretion, is a detriment or impediment to  
5           gambling operations.

6           (16) To hire employees to gather information, conduct  
7           investigations and carry out any other tasks contemplated  
8           under this Act.

9           (17) To establish minimum levels of insurance to be  
10          maintained by licensees.

11          (18) To authorize a licensee to sell or serve  
12          alcoholic liquors, wine or beer as defined in the Liquor  
13          Control Act of 1934 on board a riverboat or in a casino and  
14          to have exclusive authority to establish the hours for  
15          sale and consumption of alcoholic liquor on board a  
16          riverboat or in a casino, notwithstanding any provision of  
17          the Liquor Control Act of 1934 or any local ordinance, and  
18          regardless of whether the riverboat makes excursions. The  
19          establishment of the hours for sale and consumption of  
20          alcoholic liquor on board a riverboat or in a casino is an  
21          exclusive power and function of the State. A home rule  
22          unit may not establish the hours for sale and consumption  
23          of alcoholic liquor on board a riverboat or in a casino.  
24          This subdivision (18) is a denial and limitation of home  
25          rule powers and functions under subsection (h) of Section  
26          6 of Article VII of the Illinois Constitution.

1           (19) After consultation with the U.S. Army Corps of  
2 Engineers, to establish binding emergency orders upon the  
3 concurrence of a majority of the members of the Board  
4 regarding the navigability of water, relative to  
5 excursions, in the event of extreme weather conditions,  
6 acts of God or other extreme circumstances.

7           (20) To delegate the execution of any of its powers  
8 under this Act for the purpose of administering and  
9 enforcing this Act and the rules adopted by the Board.

10          (20.5) To approve any contract entered into on its  
11 behalf.

12          (20.6) To appoint investigators to conduct  
13 investigations, searches, seizures, arrests, and other  
14 duties imposed under this Act, as deemed necessary by the  
15 Board. These investigators have and may exercise all of  
16 the rights and powers of peace officers, provided that  
17 these powers shall be limited to offenses or violations  
18 occurring or committed in a casino, in an organization  
19 gaming facility, or on a riverboat or dock, as defined in  
20 subsections (d) and (f) of Section 4, or as otherwise  
21 provided by this Act or any other law.

22          (20.7) To contract with the Illinois ~~Department of~~  
23 State Police for the use of trained and qualified State  
24 police officers and with the Department of Revenue for the  
25 use of trained and qualified Department of Revenue  
26 investigators to conduct investigations, searches,

1 seizures, arrests, and other duties imposed under this Act  
2 and to exercise all of the rights and powers of peace  
3 officers, provided that the powers of Department of  
4 Revenue investigators under this subdivision (20.7) shall  
5 be limited to offenses or violations occurring or  
6 committed in a casino, in an organization gaming facility,  
7 or on a riverboat or dock, as defined in subsections (d)  
8 and (f) of Section 4, or as otherwise provided by this Act  
9 or any other law. In the event the Illinois ~~Department of~~  
10 State Police or the Department of Revenue is unable to  
11 fill contracted police or investigative positions, the  
12 Board may appoint investigators to fill those positions  
13 pursuant to subdivision (20.6).

14 (21) To adopt rules concerning the conduct of gaming  
15 pursuant to an organization gaming license issued under  
16 this Act.

17 (22) To have the same jurisdiction and supervision  
18 over casinos and organization gaming facilities as the  
19 Board has over riverboats, including, but not limited to,  
20 the power to (i) investigate, review, and approve  
21 contracts as that power is applied to riverboats, (ii)  
22 adopt rules for administering the provisions of this Act,  
23 (iii) adopt standards for the licensing of all persons  
24 involved with a casino or organization gaming facility,  
25 (iv) investigate alleged violations of this Act by any  
26 person involved with a casino or organization gaming

1 facility, and (v) require that records, including  
2 financial or other statements of any casino or  
3 organization gaming facility, shall be kept in such manner  
4 as prescribed by the Board.

5 (23) To take any other action as may be reasonable or  
6 appropriate to enforce this Act and the rules adopted by  
7 the Board.

8 (d) The Board may seek and shall receive the cooperation  
9 of the Illinois ~~Department of~~ State Police in conducting  
10 background investigations of applicants and in fulfilling its  
11 responsibilities under this Section. Costs incurred by the  
12 Illinois ~~Department of~~ State Police as a result of such  
13 cooperation shall be paid by the Board in conformance with the  
14 requirements of Section 2605-400 of the Illinois ~~Department of~~  
15 State Police Law.

16 (e) The Board must authorize to each investigator and to  
17 any other employee of the Board exercising the powers of a  
18 peace officer a distinct badge that, on its face, (i) clearly  
19 states that the badge is authorized by the Board and (ii)  
20 contains a unique identifying number. No other badge shall be  
21 authorized by the Board.

22 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

23 (230 ILCS 10/6) (from Ch. 120, par. 2406)

24 Sec. 6. Application for owners license.

25 (a) A qualified person may apply to the Board for an owners

1 license to conduct a gambling operation as provided in this  
2 Act. The application shall be made on forms provided by the  
3 Board and shall contain such information as the Board  
4 prescribes, including but not limited to the identity of the  
5 riverboat on which such gambling operation is to be conducted,  
6 if applicable, and the exact location where such riverboat or  
7 casino will be located, a certification that the riverboat  
8 will be registered under this Act at all times during which  
9 gambling operations are conducted on board, detailed  
10 information regarding the ownership and management of the  
11 applicant, and detailed personal information regarding the  
12 applicant. Any application for an owners license to be  
13 re-issued on or after June 1, 2003 shall also include the  
14 applicant's license bid in a form prescribed by the Board.  
15 Information provided on the application shall be used as a  
16 basis for a thorough background investigation which the Board  
17 shall conduct with respect to each applicant. An incomplete  
18 application shall be cause for denial of a license by the  
19 Board.

20 (a-5) In addition to any other information required under  
21 this Section, each application for an owners license must  
22 include the following information:

23 (1) The history and success of the applicant and each  
24 person and entity disclosed under subsection (c) of this  
25 Section in developing tourism facilities ancillary to  
26 gaming, if applicable.

1           (2) The likelihood that granting a license to the  
2 applicant will lead to the creation of quality, living  
3 wage jobs and permanent, full-time jobs for residents of  
4 the State and residents of the unit of local government  
5 that is designated as the home dock of the proposed  
6 facility where gambling is to be conducted by the  
7 applicant.

8           (3) The projected number of jobs that would be created  
9 if the license is granted and the projected number of new  
10 employees at the proposed facility where gambling is to be  
11 conducted by the applicant.

12           (4) The record, if any, of the applicant and its  
13 developer in meeting commitments to local agencies,  
14 community-based organizations, and employees at other  
15 locations where the applicant or its developer has  
16 performed similar functions as they would perform if the  
17 applicant were granted a license.

18           (5) Identification of adverse effects that might be  
19 caused by the proposed facility where gambling is to be  
20 conducted by the applicant, including the costs of meeting  
21 increased demand for public health care, child care,  
22 public transportation, affordable housing, and social  
23 services, and a plan to mitigate those adverse effects.

24           (6) The record, if any, of the applicant and its  
25 developer regarding compliance with:

26           (A) federal, state, and local discrimination, wage

1           and hour, disability, and occupational and  
2           environmental health and safety laws; and

3                   (B) state and local labor relations and employment  
4           laws.

5           (7) The applicant's record, if any, in dealing with  
6           its employees and their representatives at other  
7           locations.

8           (8) A plan concerning the utilization of  
9           minority-owned and women-owned businesses and concerning  
10          the hiring of minorities and women.

11          (9) Evidence the applicant used its best efforts to  
12          reach a goal of 25% ownership representation by minority  
13          persons and 5% ownership representation by women.

14          (b) Applicants shall submit with their application all  
15          documents, resolutions, and letters of support from the  
16          governing body that represents the municipality or county  
17          wherein the licensee will be located.

18          (c) Each applicant shall disclose the identity of every  
19          person or entity having a greater than 1% direct or indirect  
20          pecuniary interest in the gambling operation with respect to  
21          which the license is sought. If the disclosed entity is a  
22          trust, the application shall disclose the names and addresses  
23          of all beneficiaries; if a corporation, the names and  
24          addresses of all stockholders and directors; if a partnership,  
25          the names and addresses of all partners, both general and  
26          limited.

1 (d) An application shall be filed and considered in  
2 accordance with the rules of the Board. Each application shall  
3 be accompanied by a nonrefundable application fee of \$250,000.  
4 In addition, a nonrefundable fee of \$50,000 shall be paid at  
5 the time of filing to defray the costs associated with the  
6 background investigation conducted by the Board. If the costs  
7 of the investigation exceed \$50,000, the applicant shall pay  
8 the additional amount to the Board within 7 days after  
9 requested by the Board. If the costs of the investigation are  
10 less than \$50,000, the applicant shall receive a refund of the  
11 remaining amount. All information, records, interviews,  
12 reports, statements, memoranda or other data supplied to or  
13 used by the Board in the course of its review or investigation  
14 of an application for a license or a renewal under this Act  
15 shall be privileged, strictly confidential and shall be used  
16 only for the purpose of evaluating an applicant for a license  
17 or a renewal. Such information, records, interviews, reports,  
18 statements, memoranda or other data shall not be admissible as  
19 evidence, nor discoverable in any action of any kind in any  
20 court or before any tribunal, board, agency or person, except  
21 for any action deemed necessary by the Board. The application  
22 fee shall be deposited into the State Gaming Fund.

23 (e) The Board shall charge each applicant a fee set by the  
24 Illinois ~~Department of~~ State Police to defray the costs  
25 associated with the search and classification of fingerprints  
26 obtained by the Board with respect to the applicant's



1 application. These fees shall be paid into the State Police  
2 Services Fund. In order to expedite the application process,  
3 the Board may establish rules allowing applicants to acquire  
4 criminal background checks and financial integrity reviews as  
5 part of the initial application process from a list of vendors  
6 approved by the Board.

7 (f) The licensed owner shall be the person primarily  
8 responsible for the boat or casino itself. Only one gambling  
9 operation may be authorized by the Board on any riverboat or in  
10 any casino. The applicant must identify the riverboat or  
11 premises it intends to use and certify that the riverboat or  
12 premises: (1) has the authorized capacity required in this  
13 Act; (2) is accessible to persons with disabilities; and (3)  
14 is fully registered and licensed in accordance with any  
15 applicable laws.

16 (g) A person who knowingly makes a false statement on an  
17 application is guilty of a Class A misdemeanor.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 10/7.7)

20 Sec. 7.7. Organization gaming licenses.

21 (a) The Illinois Gaming Board shall award one organization  
22 gaming license to each person or entity having operating  
23 control of a racetrack that applies under Section 56 of the  
24 Illinois Horse Racing Act of 1975, subject to the application  
25 and eligibility requirements of this Section. Within 60 days

1 after the effective date of this amendatory Act of the 101st  
2 General Assembly, a person or entity having operating control  
3 of a racetrack may submit an application for an organization  
4 gaming license. The application shall be made on such forms as  
5 provided by the Board and shall contain such information as  
6 the Board prescribes, including, but not limited to, the  
7 identity of any racetrack at which gaming will be conducted  
8 pursuant to an organization gaming license, detailed  
9 information regarding the ownership and management of the  
10 applicant, and detailed personal information regarding the  
11 applicant. The application shall specify the number of gaming  
12 positions the applicant intends to use and the place where the  
13 organization gaming facility will operate. A person who  
14 knowingly makes a false statement on an application is guilty  
15 of a Class A misdemeanor.

16 Each applicant shall disclose the identity of every person  
17 or entity having a direct or indirect pecuniary interest  
18 greater than 1% in any racetrack with respect to which the  
19 license is sought. If the disclosed entity is a corporation,  
20 the applicant shall disclose the names and addresses of all  
21 officers, stockholders, and directors. If the disclosed entity  
22 is a limited liability company, the applicant shall disclose  
23 the names and addresses of all members and managers. If the  
24 disclosed entity is a partnership, the applicant shall  
25 disclose the names and addresses of all partners, both general  
26 and limited. If the disclosed entity is a trust, the applicant

1 shall disclose the names and addresses of all beneficiaries.

2 An application shall be filed and considered in accordance  
3 with the rules of the Board. Each application for an  
4 organization gaming license shall include a nonrefundable  
5 application fee of \$250,000. In addition, a nonrefundable fee  
6 of \$50,000 shall be paid at the time of filing to defray the  
7 costs associated with background investigations conducted by  
8 the Board. If the costs of the background investigation exceed  
9 \$50,000, the applicant shall pay the additional amount to the  
10 Board within 7 days after a request by the Board. If the costs  
11 of the investigation are less than \$50,000, the applicant  
12 shall receive a refund of the remaining amount. All  
13 information, records, interviews, reports, statements,  
14 memoranda, or other data supplied to or used by the Board in  
15 the course of this review or investigation of an applicant for  
16 an organization gaming license under this Act shall be  
17 privileged and strictly confidential and shall be used only  
18 for the purpose of evaluating an applicant for an organization  
19 gaming license or a renewal. Such information, records,  
20 interviews, reports, statements, memoranda, or other data  
21 shall not be admissible as evidence nor discoverable in any  
22 action of any kind in any court or before any tribunal, board,  
23 agency or person, except for any action deemed necessary by  
24 the Board. The application fee shall be deposited into the  
25 State Gaming Fund.

26 Any applicant or key person, including the applicant's

1 owners, officers, directors (if a corporation), managers and  
2 members (if a limited liability company), and partners (if a  
3 partnership), for an organization gaming license shall have  
4 his or her fingerprints submitted to the Illinois Department  
5 ~~of~~ State Police in an electronic format that complies with the  
6 form and manner for requesting and furnishing criminal history  
7 record information as prescribed by the Illinois Department of  
8 State Police. These fingerprints shall be checked against the  
9 Illinois Department of State Police and Federal Bureau of  
10 Investigation criminal history record databases now and  
11 hereafter filed, including, but not limited to, civil,  
12 criminal, and latent fingerprint databases. The Illinois  
13 ~~Department of~~ State Police shall charge applicants a fee for  
14 conducting the criminal history records check, which shall be  
15 deposited into the State Police Services Fund and shall not  
16 exceed the actual cost of the records check. The Illinois  
17 ~~Department of~~ State Police shall furnish, pursuant to positive  
18 identification, records of Illinois criminal history to the  
19 Illinois State Police Department.

20 (b) The Board shall determine within 120 days after  
21 receiving an application for an organization gaming license  
22 whether to grant an organization gaming license to the  
23 applicant. If the Board does not make a determination within  
24 that time period, then the Board shall give a written  
25 explanation to the applicant as to why it has not reached a  
26 determination and when it reasonably expects to make a

1 determination.

2 The organization gaming licensee shall purchase up to the  
3 amount of gaming positions authorized under this Act within  
4 120 days after receiving its organization gaming license. If  
5 an organization gaming licensee is prepared to purchase the  
6 gaming positions, but is temporarily prohibited from doing so  
7 by order of a court of competent jurisdiction or the Board,  
8 then the 120-day period is tolled until a resolution is  
9 reached.

10 An organization gaming license shall authorize its holder  
11 to conduct gaming under this Act at its racetracks on the same  
12 days of the year and hours of the day that owners licenses are  
13 allowed to operate under approval of the Board.

14 An organization gaming license and any renewal of an  
15 organization gaming license shall authorize gaming pursuant to  
16 this Section for a period of 4 years. The fee for the issuance  
17 or renewal of an organization gaming license shall be  
18 \$250,000.

19 All payments by licensees under this subsection (b) shall  
20 be deposited into the Rebuild Illinois Projects Fund.

21 (c) To be eligible to conduct gaming under this Section, a  
22 person or entity having operating control of a racetrack must  
23 (i) obtain an organization gaming license, (ii) hold an  
24 organization license under the Illinois Horse Racing Act of  
25 1975, (iii) hold an inter-track wagering license, (iv) pay an  
26 initial fee of \$30,000 per gaming position from organization

1 gaming licensees where gaming is conducted in Cook County and,  
2 except as provided in subsection (c-5), \$17,500 for  
3 organization gaming licensees where gaming is conducted  
4 outside of Cook County before beginning to conduct gaming plus  
5 make the reconciliation payment required under subsection (k),  
6 (v) conduct live racing in accordance with subsections (e-1),  
7 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act  
8 of 1975, (vi) meet the requirements of subsection (a) of  
9 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for  
10 organization licensees conducting standardbred race meetings,  
11 keep backstretch barns and dormitories open and operational  
12 year-round unless a lesser schedule is mutually agreed to by  
13 the organization licensee and the horsemen association racing  
14 at that organization licensee's race meeting, (viii) for  
15 organization licensees conducting thoroughbred race meetings,  
16 the organization licensee must maintain accident medical  
17 expense liability insurance coverage of \$1,000,000 for  
18 jockeys, and (ix) meet all other requirements of this Act that  
19 apply to owners licensees.

20 An organization gaming licensee may enter into a joint  
21 venture with a licensed owner to own, manage, conduct, or  
22 otherwise operate the organization gaming licensee's  
23 organization gaming facilities, unless the organization gaming  
24 licensee has a parent company or other affiliated company that  
25 is, directly or indirectly, wholly owned by a parent company  
26 that is also licensed to conduct organization gaming, casino

1 gaming, or their equivalent in another state.

2 All payments by licensees under this subsection (c) shall  
3 be deposited into the Rebuild Illinois Projects Fund.

4 (c-5) A person or entity having operating control of a  
5 racetrack located in Madison County shall only pay the initial  
6 fees specified in subsection (c) for 540 of the gaming  
7 positions authorized under the license.

8 (d) A person or entity is ineligible to receive an  
9 organization gaming license if:

10 (1) the person or entity has been convicted of a  
11 felony under the laws of this State, any other state, or  
12 the United States, including a conviction under the  
13 Racketeer Influenced and Corrupt Organizations Act;

14 (2) the person or entity has been convicted of any  
15 violation of Article 28 of the Criminal Code of 2012, or  
16 substantially similar laws of any other jurisdiction;

17 (3) the person or entity has submitted an application  
18 for a license under this Act that contains false  
19 information;

20 (4) the person is a member of the Board;

21 (5) a person defined in (1), (2), (3), or (4) of this  
22 subsection (d) is an officer, director, or managerial  
23 employee of the entity;

24 (6) the person or entity employs a person defined in  
25 (1), (2), (3), or (4) of this subsection (d) who  
26 participates in the management or operation of gambling

1 operations authorized under this Act; or

2 (7) a license of the person or entity issued under  
3 this Act or a license to own or operate gambling  
4 facilities in any other jurisdiction has been revoked.

5 (e) The Board may approve gaming positions pursuant to an  
6 organization gaming license statewide as provided in this  
7 Section. The authority to operate gaming positions under this  
8 Section shall be allocated as follows: up to 1,200 gaming  
9 positions for any organization gaming licensee in Cook County  
10 and up to 900 gaming positions for any organization gaming  
11 licensee outside of Cook County.

12 (f) Each applicant for an organization gaming license  
13 shall specify in its application for licensure the number of  
14 gaming positions it will operate, up to the applicable  
15 limitation set forth in subsection (e) of this Section. Any  
16 unreserved gaming positions that are not specified shall be  
17 forfeited and retained by the Board. For the purposes of this  
18 subsection (f), an organization gaming licensee that did not  
19 conduct live racing in 2010 and is located within 3 miles of  
20 the Mississippi River may reserve up to 900 positions and  
21 shall not be penalized under this Section for not operating  
22 those positions until it meets the requirements of subsection  
23 (e) of this Section, but such licensee shall not request  
24 unreserved gaming positions under this subsection (f) until  
25 its 900 positions are all operational.

26 Thereafter, the Board shall publish the number of



1 unreserved gaming positions and shall accept requests for  
2 additional positions from any organization gaming licensee  
3 that initially reserved all of the positions that were  
4 offered. The Board shall allocate expeditiously the unreserved  
5 gaming positions to requesting organization gaming licensees  
6 in a manner that maximizes revenue to the State. The Board may  
7 allocate any such unused gaming positions pursuant to an open  
8 and competitive bidding process, as provided under Section 7.5  
9 of this Act. This process shall continue until all unreserved  
10 gaming positions have been purchased. All positions obtained  
11 pursuant to this process and all positions the organization  
12 gaming licensee specified it would operate in its application  
13 must be in operation within 18 months after they were obtained  
14 or the organization gaming licensee forfeits the right to  
15 operate those positions, but is not entitled to a refund of any  
16 fees paid. The Board may, after holding a public hearing,  
17 grant extensions so long as the organization gaming licensee  
18 is working in good faith to make the positions operational.  
19 The extension may be for a period of 6 months. If, after the  
20 period of the extension, the organization gaming licensee has  
21 not made the positions operational, then another public  
22 hearing must be held by the Board before it may grant another  
23 extension.

24 Unreserved gaming positions retained from and allocated to  
25 organization gaming licensees by the Board pursuant to this  
26 subsection (f) shall not be allocated to owners licensees

1 under this Act.

2 For the purpose of this subsection (f), the unreserved  
3 gaming positions for each organization gaming licensee shall  
4 be the applicable limitation set forth in subsection (e) of  
5 this Section, less the number of reserved gaming positions by  
6 such organization gaming licensee, and the total unreserved  
7 gaming positions shall be the aggregate of the unreserved  
8 gaming positions for all organization gaming licensees.

9 (g) An organization gaming licensee is authorized to  
10 conduct the following at a racetrack:

11 (1) slot machine gambling;

12 (2) video game of chance gambling;

13 (3) gambling with electronic gambling games as defined  
14 in this Act or defined by the Illinois Gaming Board; and

15 (4) table games.

16 (h) Subject to the approval of the Illinois Gaming Board,  
17 an organization gaming licensee may make modification or  
18 additions to any existing buildings and structures to comply  
19 with the requirements of this Act. The Illinois Gaming Board  
20 shall make its decision after consulting with the Illinois  
21 Racing Board. In no case, however, shall the Illinois Gaming  
22 Board approve any modification or addition that alters the  
23 grounds of the organization licensee such that the act of live  
24 racing is an ancillary activity to gaming authorized under  
25 this Section. Gaming authorized under this Section may take  
26 place in existing structures where inter-track wagering is

1 conducted at the racetrack or a facility within 300 yards of  
2 the racetrack in accordance with the provisions of this Act  
3 and the Illinois Horse Racing Act of 1975.

4 (i) An organization gaming licensee may conduct gaming at  
5 a temporary facility pending the construction of a permanent  
6 facility or the remodeling or relocation of an existing  
7 facility to accommodate gaming participants for up to 24  
8 months after the temporary facility begins to conduct gaming  
9 authorized under this Section. Upon request by an organization  
10 gaming licensee and upon a showing of good cause by the  
11 organization gaming licensee, the Board shall extend the  
12 period during which the licensee may conduct gaming authorized  
13 under this Section at a temporary facility by up to 12 months.  
14 The Board shall make rules concerning the conduct of gaming  
15 authorized under this Section from temporary facilities.

16 The gaming authorized under this Section may take place in  
17 existing structures where inter-track wagering is conducted at  
18 the racetrack or a facility within 300 yards of the racetrack  
19 in accordance with the provisions of this Act and the Illinois  
20 Horse Racing Act of 1975.

21 (i-5) Under no circumstances shall an organization gaming  
22 licensee conduct gaming at any State or county fair.

23 (j) The Illinois Gaming Board must adopt emergency rules  
24 in accordance with Section 5-45 of the Illinois Administrative  
25 Procedure Act as necessary to ensure compliance with the  
26 provisions of this amendatory Act of the 101st General

1 Assembly concerning the conduct of gaming by an organization  
2 gaming licensee. The adoption of emergency rules authorized by  
3 this subsection (j) shall be deemed to be necessary for the  
4 public interest, safety, and welfare.

5 (k) Each organization gaming licensee who obtains gaming  
6 positions must make a reconciliation payment 3 years after the  
7 date the organization gaming licensee begins operating the  
8 positions in an amount equal to 75% of the difference between  
9 its adjusted gross receipts from gaming authorized under this  
10 Section and amounts paid to its purse accounts pursuant to  
11 item (1) of subsection (b) of Section 56 of the Illinois Horse  
12 Racing Act of 1975 for the 12-month period for which such  
13 difference was the largest, minus an amount equal to the  
14 initial per position fee paid by the organization gaming  
15 licensee. If this calculation results in a negative amount,  
16 then the organization gaming licensee is not entitled to any  
17 reimbursement of fees previously paid. This reconciliation  
18 payment may be made in installments over a period of no more  
19 than 6 years.

20 All payments by licensees under this subsection (k) shall  
21 be deposited into the Rebuild Illinois Projects Fund.

22 (l) As soon as practical after a request is made by the  
23 Illinois Gaming Board, to minimize duplicate submissions by  
24 the applicant, the Illinois Racing Board must provide  
25 information on an applicant for an organization gaming license  
26 to the Illinois Gaming Board.

1 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;  
2 101-648, eff. 6-30-20.)

3 (230 ILCS 10/9) (from Ch. 120, par. 2409)

4 Sec. 9. Occupational licenses.

5 (a) The Board may issue an occupational license to an  
6 applicant upon the payment of a non-refundable fee set by the  
7 Board, upon a determination by the Board that the applicant is  
8 eligible for an occupational license and upon payment of an  
9 annual license fee in an amount to be established. To be  
10 eligible for an occupational license, an applicant must:

11 (1) be at least 21 years of age if the applicant will  
12 perform any function involved in gaming by patrons. Any  
13 applicant seeking an occupational license for a non-gaming  
14 function shall be at least 18 years of age;

15 (2) not have been convicted of a felony offense, a  
16 violation of Article 28 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, or a similar statute of any other  
18 jurisdiction;

19 (2.5) not have been convicted of a crime, other than a  
20 crime described in item (2) of this subsection (a),  
21 involving dishonesty or moral turpitude, except that the  
22 Board may, in its discretion, issue an occupational  
23 license to a person who has been convicted of a crime  
24 described in this item (2.5) more than 10 years prior to  
25 his or her application and has not subsequently been

1 convicted of any other crime;

2 (3) have demonstrated a level of skill or knowledge  
3 which the Board determines to be necessary in order to  
4 operate gambling aboard a riverboat, in a casino, or at an  
5 organization gaming facility; and

6 (4) have met standards for the holding of an  
7 occupational license as adopted by rules of the Board.  
8 Such rules shall provide that any person or entity seeking  
9 an occupational license to manage gambling operations  
10 under this Act shall be subject to background inquiries  
11 and further requirements similar to those required of  
12 applicants for an owners license. Furthermore, such rules  
13 shall provide that each such entity shall be permitted to  
14 manage gambling operations for only one licensed owner.

15 (b) Each application for an occupational license shall be  
16 on forms prescribed by the Board and shall contain all  
17 information required by the Board. The applicant shall set  
18 forth in the application: whether he has been issued prior  
19 gambling related licenses; whether he has been licensed in any  
20 other state under any other name, and, if so, such name and his  
21 age; and whether or not a permit or license issued to him in  
22 any other state has been suspended, restricted or revoked,  
23 and, if so, for what period of time.

24 (c) Each applicant shall submit with his application, on  
25 forms provided by the Board, 2 sets of his fingerprints. The  
26 Board shall charge each applicant a fee set by the Illinois

1 ~~Department of~~ State Police to defray the costs associated with  
2 the search and classification of fingerprints obtained by the  
3 Board with respect to the applicant's application. These fees  
4 shall be paid into the State Police Services Fund.

5 (d) The Board may in its discretion refuse an occupational  
6 license to any person: (1) who is unqualified to perform the  
7 duties required of such applicant; (2) who fails to disclose  
8 or states falsely any information called for in the  
9 application; (3) who has been found guilty of a violation of  
10 this Act or whose prior gambling related license or  
11 application therefor has been suspended, restricted, revoked  
12 or denied for just cause in any other state; or (4) for any  
13 other just cause.

14 (e) The Board may suspend, revoke or restrict any  
15 occupational licensee: (1) for violation of any provision of  
16 this Act; (2) for violation of any of the rules and regulations  
17 of the Board; (3) for any cause which, if known to the Board,  
18 would have disqualified the applicant from receiving such  
19 license; or (4) for default in the payment of any obligation or  
20 debt due to the State of Illinois; or (5) for any other just  
21 cause.

22 (f) A person who knowingly makes a false statement on an  
23 application is guilty of a Class A misdemeanor.

24 (g) Any license issued pursuant to this Section shall be  
25 valid for a period of one year from the date of issuance.

26 (h) Nothing in this Act shall be interpreted to prohibit a

1 licensed owner or organization gaming licensee from entering  
2 into an agreement with a public community college or a school  
3 approved under the Private Business and Vocational Schools Act  
4 of 2012 for the training of any occupational licensee. Any  
5 training offered by such a school shall be in accordance with a  
6 written agreement between the licensed owner or organization  
7 gaming licensee and the school.

8 (i) Any training provided for occupational licensees may  
9 be conducted either at the site of the gambling facility or at  
10 a school with which a licensed owner or organization gaming  
11 licensee has entered into an agreement pursuant to subsection  
12 (h).

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 (230 ILCS 10/11) (from Ch. 120, par. 2411)

15 Sec. 11. Conduct of gambling. Gambling may be conducted by  
16 licensed owners or licensed managers on behalf of the State  
17 aboard riverboats. Gambling may be conducted by organization  
18 gaming licensees at organization gaming facilities. Gambling  
19 authorized under this Section is subject to the following  
20 standards:

21 (1) A licensee may conduct riverboat gambling  
22 authorized under this Act regardless of whether it  
23 conducts excursion cruises. A licensee may permit the  
24 continuous ingress and egress of patrons on a riverboat  
25 not used for excursion cruises for the purpose of



1 gambling. Excursion cruises shall not exceed 4 hours for a  
2 round trip. However, the Board may grant express approval  
3 for an extended cruise on a case-by-case basis.

4 (1.5) An owners licensee may conduct gambling  
5 operations authorized under this Act 24 hours a day.

6 (2) (Blank).

7 (3) Minimum and maximum wagers on games shall be set  
8 by the licensee.

9 (4) Agents of the Board and the Illinois ~~Department of~~  
10 State Police may board and inspect any riverboat, enter  
11 and inspect any portion of a casino, or enter and inspect  
12 any portion of an organization gaming facility at any time  
13 for the purpose of determining whether this Act is being  
14 complied with. Every riverboat, if under way and being  
15 hailed by a law enforcement officer or agent of the Board,  
16 must stop immediately and lay to.

17 (5) Employees of the Board shall have the right to be  
18 present on the riverboat or in the casino or on adjacent  
19 facilities under the control of the licensee and at the  
20 organization gaming facility under the control of the  
21 organization gaming licensee.

22 (6) Gambling equipment and supplies customarily used  
23 in conducting gambling must be purchased or leased only  
24 from suppliers licensed for such purpose under this Act.  
25 The Board may approve the transfer, sale, or lease of  
26 gambling equipment and supplies by a licensed owner from

1 or to an affiliate of the licensed owner as long as the  
2 gambling equipment and supplies were initially acquired  
3 from a supplier licensed in Illinois.

4 (7) Persons licensed under this Act shall permit no  
5 form of wagering on gambling games except as permitted by  
6 this Act.

7 (8) Wagers may be received only from a person present  
8 on a licensed riverboat, in a casino, or at an  
9 organization gaming facility. No person present on a  
10 licensed riverboat, in a casino, or at an organization  
11 gaming facility shall place or attempt to place a wager on  
12 behalf of another person who is not present on the  
13 riverboat, in a casino, or at the organization gaming  
14 facility.

15 (9) Wagering, including gaming authorized under  
16 Section 7.7, shall not be conducted with money or other  
17 negotiable currency.

18 (10) A person under age 21 shall not be permitted on an  
19 area of a riverboat or casino where gambling is being  
20 conducted or at an organization gaming facility where  
21 gambling is being conducted, except for a person at least  
22 18 years of age who is an employee of the riverboat or  
23 casino gambling operation or gaming operation. No employee  
24 under age 21 shall perform any function involved in  
25 gambling by the patrons. No person under age 21 shall be  
26 permitted to make a wager under this Act, and any winnings

1           that are a result of a wager by a person under age 21,  
2           whether or not paid by a licensee, shall be treated as  
3           winnings for the privilege tax purposes, confiscated, and  
4           forfeited to the State and deposited into the Education  
5           Assistance Fund.

6           (11) Gambling excursion cruises are permitted only  
7           when the waterway for which the riverboat is licensed is  
8           navigable, as determined by the Board in consultation with  
9           the U.S. Army Corps of Engineers. This paragraph (11) does  
10          not limit the ability of a licensee to conduct gambling  
11          authorized under this Act when gambling excursion cruises  
12          are not permitted.

13          (12) All tickets, chips, or electronic cards used to  
14          make wagers must be purchased (i) from a licensed owner or  
15          manager, in the case of a riverboat, either aboard a  
16          riverboat or at an onshore facility which has been  
17          approved by the Board and which is located where the  
18          riverboat docks, (ii) in the case of a casino, from a  
19          licensed owner at the casino, or (iii) from an  
20          organization gaming licensee at the organization gaming  
21          facility. The tickets, chips, or electronic cards may be  
22          purchased by means of an agreement under which the owner  
23          or manager extends credit to the patron. Such tickets,  
24          chips, or electronic cards may be used while aboard the  
25          riverboat, in the casino, or at the organization gaming  
26          facility only for the purpose of making wagers on gambling

1 games.

2 (13) Notwithstanding any other Section of this Act, in  
3 addition to the other licenses authorized under this Act,  
4 the Board may issue special event licenses allowing  
5 persons who are not otherwise licensed to conduct  
6 riverboat gambling to conduct such gambling on a specified  
7 date or series of dates. Riverboat gambling under such a  
8 license may take place on a riverboat not normally used  
9 for riverboat gambling. The Board shall establish  
10 standards, fees and fines for, and limitations upon, such  
11 licenses, which may differ from the standards, fees, fines  
12 and limitations otherwise applicable under this Act. All  
13 such fees shall be deposited into the State Gaming Fund.  
14 All such fines shall be deposited into the Education  
15 Assistance Fund, created by Public Act 86-0018, of the  
16 State of Illinois.

17 (14) In addition to the above, gambling must be  
18 conducted in accordance with all rules adopted by the  
19 Board.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 10/13) (from Ch. 120, par. 2413)

22 Sec. 13. Wagering tax; rate; distribution.

23 (a) Until January 1, 1998, a tax is imposed on the adjusted  
24 gross receipts received from gambling games authorized under  
25 this Act at the rate of 20%.

1 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
2 tax is imposed on persons engaged in the business of  
3 conducting riverboat gambling operations, based on the  
4 adjusted gross receipts received by a licensed owner from  
5 gambling games authorized under this Act at the following  
6 rates:

7 15% of annual adjusted gross receipts up to and  
8 including \$25,000,000;

9 20% of annual adjusted gross receipts in excess of  
10 \$25,000,000 but not exceeding \$50,000,000;

11 25% of annual adjusted gross receipts in excess of  
12 \$50,000,000 but not exceeding \$75,000,000;

13 30% of annual adjusted gross receipts in excess of  
14 \$75,000,000 but not exceeding \$100,000,000;

15 35% of annual adjusted gross receipts in excess of  
16 \$100,000,000.

17 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
18 is imposed on persons engaged in the business of conducting  
19 riverboat gambling operations, other than licensed managers  
20 conducting riverboat gambling operations on behalf of the  
21 State, based on the adjusted gross receipts received by a  
22 licensed owner from gambling games authorized under this Act  
23 at the following rates:

24 15% of annual adjusted gross receipts up to and  
25 including \$25,000,000;

26 22.5% of annual adjusted gross receipts in excess of

1           \$25,000,000 but not exceeding \$50,000,000;  
2           27.5% of annual adjusted gross receipts in excess of  
3           \$50,000,000 but not exceeding \$75,000,000;  
4           32.5% of annual adjusted gross receipts in excess of  
5           \$75,000,000 but not exceeding \$100,000,000;  
6           37.5% of annual adjusted gross receipts in excess of  
7           \$100,000,000 but not exceeding \$150,000,000;  
8           45% of annual adjusted gross receipts in excess of  
9           \$150,000,000 but not exceeding \$200,000,000;  
10          50% of annual adjusted gross receipts in excess of  
11          \$200,000,000.

12          (a-3) Beginning July 1, 2003, a privilege tax is imposed  
13          on persons engaged in the business of conducting riverboat  
14          gambling operations, other than licensed managers conducting  
15          riverboat gambling operations on behalf of the State, based on  
16          the adjusted gross receipts received by a licensed owner from  
17          gambling games authorized under this Act at the following  
18          rates:

19                15% of annual adjusted gross receipts up to and  
20                including \$25,000,000;  
21                27.5% of annual adjusted gross receipts in excess of  
22                \$25,000,000 but not exceeding \$37,500,000;  
23                32.5% of annual adjusted gross receipts in excess of  
24                \$37,500,000 but not exceeding \$50,000,000;  
25                37.5% of annual adjusted gross receipts in excess of  
26                \$50,000,000 but not exceeding \$75,000,000;

1           45% of annual adjusted gross receipts in excess of  
2           \$75,000,000 but not exceeding \$100,000,000;

3           50% of annual adjusted gross receipts in excess of  
4           \$100,000,000 but not exceeding \$250,000,000;

5           70% of annual adjusted gross receipts in excess of  
6           \$250,000,000.

7           An amount equal to the amount of wagering taxes collected  
8           under this subsection (a-3) that are in addition to the amount  
9           of wagering taxes that would have been collected if the  
10          wagering tax rates under subsection (a-2) were in effect shall  
11          be paid into the Common School Fund.

12          The privilege tax imposed under this subsection (a-3)  
13          shall no longer be imposed beginning on the earlier of (i) July  
14          1, 2005; (ii) the first date after June 20, 2003 that riverboat  
15          gambling operations are conducted pursuant to a dormant  
16          license; or (iii) the first day that riverboat gambling  
17          operations are conducted under the authority of an owners  
18          license that is in addition to the 10 owners licenses  
19          initially authorized under this Act. For the purposes of this  
20          subsection (a-3), the term "dormant license" means an owners  
21          license that is authorized by this Act under which no  
22          riverboat gambling operations are being conducted on June 20,  
23          2003.

24          (a-4) Beginning on the first day on which the tax imposed  
25          under subsection (a-3) is no longer imposed and ending upon  
26          the imposition of the privilege tax under subsection (a-5) of

1 this Section, a privilege tax is imposed on persons engaged in  
2 the business of conducting gambling operations, other than  
3 licensed managers conducting riverboat gambling operations on  
4 behalf of the State, based on the adjusted gross receipts  
5 received by a licensed owner from gambling games authorized  
6 under this Act at the following rates:

7 15% of annual adjusted gross receipts up to and  
8 including \$25,000,000;

9 22.5% of annual adjusted gross receipts in excess of  
10 \$25,000,000 but not exceeding \$50,000,000;

11 27.5% of annual adjusted gross receipts in excess of  
12 \$50,000,000 but not exceeding \$75,000,000;

13 32.5% of annual adjusted gross receipts in excess of  
14 \$75,000,000 but not exceeding \$100,000,000;

15 37.5% of annual adjusted gross receipts in excess of  
16 \$100,000,000 but not exceeding \$150,000,000;

17 45% of annual adjusted gross receipts in excess of  
18 \$150,000,000 but not exceeding \$200,000,000;

19 50% of annual adjusted gross receipts in excess of  
20 \$200,000,000.

21 For the imposition of the privilege tax in this subsection  
22 (a-4), amounts paid pursuant to item (1) of subsection (b) of  
23 Section 56 of the Illinois Horse Racing Act of 1975 shall not  
24 be included in the determination of adjusted gross receipts.

25 (a-5)(1) Beginning on July 1, 2020, a privilege tax is  
26 imposed on persons engaged in the business of conducting



1 gambling operations, other than the owners licensee under  
2 paragraph (1) of subsection (e-5) of Section 7 and licensed  
3 managers conducting riverboat gambling operations on behalf of  
4 the State, based on the adjusted gross receipts received by  
5 such licensee from the gambling games authorized under this  
6 Act. The privilege tax for all gambling games other than table  
7 games, including, but not limited to, slot machines, video  
8 game of chance gambling, and electronic gambling games shall  
9 be at the following rates:

10 15% of annual adjusted gross receipts up to and  
11 including \$25,000,000;

12 22.5% of annual adjusted gross receipts in excess of  
13 \$25,000,000 but not exceeding \$50,000,000;

14 27.5% of annual adjusted gross receipts in excess of  
15 \$50,000,000 but not exceeding \$75,000,000;

16 32.5% of annual adjusted gross receipts in excess of  
17 \$75,000,000 but not exceeding \$100,000,000;

18 37.5% of annual adjusted gross receipts in excess of  
19 \$100,000,000 but not exceeding \$150,000,000;

20 45% of annual adjusted gross receipts in excess of  
21 \$150,000,000 but not exceeding \$200,000,000;

22 50% of annual adjusted gross receipts in excess of  
23 \$200,000,000.

24 The privilege tax for table games shall be at the  
25 following rates:

26 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 20% of annual adjusted gross receipts in excess of  
3 \$25,000,000.

4 For the imposition of the privilege tax in this subsection  
5 (a-5), amounts paid pursuant to item (1) of subsection (b) of  
6 Section 56 of the Illinois Horse Racing Act of 1975 shall not  
7 be included in the determination of adjusted gross receipts.

8 (2) Beginning on the first day that an owners licensee  
9 under paragraph (1) of subsection (e-5) of Section 7 conducts  
10 gambling operations, either in a temporary facility or a  
11 permanent facility, a privilege tax is imposed on persons  
12 engaged in the business of conducting gambling operations  
13 under paragraph (1) of subsection (e-5) of Section 7, other  
14 than licensed managers conducting riverboat gambling  
15 operations on behalf of the State, based on the adjusted gross  
16 receipts received by such licensee from the gambling games  
17 authorized under this Act. The privilege tax for all gambling  
18 games other than table games, including, but not limited to,  
19 slot machines, video game of chance gambling, and electronic  
20 gambling games shall be at the following rates:

21 12% of annual adjusted gross receipts up to and  
22 including \$25,000,000 to the State and 10.5% of annual  
23 adjusted gross receipts up to and including \$25,000,000 to  
24 the City of Chicago;

25 16% of annual adjusted gross receipts in excess of  
26 \$25,000,000 but not exceeding \$50,000,000 to the State and

1 14% of annual adjusted gross receipts in excess of  
2 \$25,000,000 but not exceeding \$50,000,000 to the City of  
3 Chicago;

4 20.1% of annual adjusted gross receipts in excess of  
5 \$50,000,000 but not exceeding \$75,000,000 to the State and  
6 17.4% of annual adjusted gross receipts in excess of  
7 \$50,000,000 but not exceeding \$75,000,000 to the City of  
8 Chicago;

9 21.4% of annual adjusted gross receipts in excess of  
10 \$75,000,000 but not exceeding \$100,000,000 to the State  
11 and 18.6% of annual adjusted gross receipts in excess of  
12 \$75,000,000 but not exceeding \$100,000,000 to the City of  
13 Chicago;

14 22.7% of annual adjusted gross receipts in excess of  
15 \$100,000,000 but not exceeding \$150,000,000 to the State  
16 and 19.8% of annual adjusted gross receipts in excess of  
17 \$100,000,000 but not exceeding \$150,000,000 to the City of  
18 Chicago;

19 24.1% of annual adjusted gross receipts in excess of  
20 \$150,000,000 but not exceeding \$225,000,000 to the State  
21 and 20.9% of annual adjusted gross receipts in excess of  
22 \$150,000,000 but not exceeding \$225,000,000 to the City of  
23 Chicago;

24 26.8% of annual adjusted gross receipts in excess of  
25 \$225,000,000 but not exceeding \$1,000,000,000 to the State  
26 and 23.2% of annual adjusted gross receipts in excess of

1           \$225,000,000 but not exceeding \$1,000,000,000 to the City  
2           of Chicago;

3           40% of annual adjusted gross receipts in excess of  
4           \$1,000,000,000 to the State and 34.7% of annual gross  
5           receipts in excess of \$1,000,000,000 to the City of  
6           Chicago.

7           The privilege tax for table games shall be at the  
8           following rates:

9           8.1% of annual adjusted gross receipts up to and  
10          including \$25,000,000 to the State and 6.9% of annual  
11          adjusted gross receipts up to and including \$25,000,000 to  
12          the City of Chicago;

13          10.7% of annual adjusted gross receipts in excess of  
14          \$25,000,000 but not exceeding \$75,000,000 to the State and  
15          9.3% of annual adjusted gross receipts in excess of  
16          \$25,000,000 but not exceeding \$75,000,000 to the City of  
17          Chicago;

18          11.2% of annual adjusted gross receipts in excess of  
19          \$75,000,000 but not exceeding \$175,000,000 to the State  
20          and 9.8% of annual adjusted gross receipts in excess of  
21          \$75,000,000 but not exceeding \$175,000,000 to the City of  
22          Chicago;

23          13.5% of annual adjusted gross receipts in excess of  
24          \$175,000,000 but not exceeding \$225,000,000 to the State  
25          and 11.5% of annual adjusted gross receipts in excess of  
26          \$175,000,000 but not exceeding \$225,000,000 to the City of

1 Chicago;

2 15.1% of annual adjusted gross receipts in excess of  
3 \$225,000,000 but not exceeding \$275,000,000 to the State  
4 and 12.9% of annual adjusted gross receipts in excess of  
5 \$225,000,000 but not exceeding \$275,000,000 to the City of  
6 Chicago;

7 16.2% of annual adjusted gross receipts in excess of  
8 \$275,000,000 but not exceeding \$375,000,000 to the State  
9 and 13.8% of annual adjusted gross receipts in excess of  
10 \$275,000,000 but not exceeding \$375,000,000 to the City of  
11 Chicago;

12 18.9% of annual adjusted gross receipts in excess of  
13 \$375,000,000 to the State and 16.1% of annual gross  
14 receipts in excess of \$375,000,000 to the City of Chicago.

15 For the imposition of the privilege tax in this subsection  
16 (a-5), amounts paid pursuant to item (1) of subsection (b) of  
17 Section 56 of the Illinois Horse Racing Act of 1975 shall not  
18 be included in the determination of adjusted gross receipts.

19 Notwithstanding the provisions of this subsection (a-5),  
20 for the first 10 years that the privilege tax is imposed under  
21 this subsection (a-5), the privilege tax shall be imposed on  
22 the modified annual adjusted gross receipts of a riverboat or  
23 casino conducting gambling operations in the City of East St.  
24 Louis, unless:

25 (1) the riverboat or casino fails to employ at least  
26 450 people;

1           (2) the riverboat or casino fails to maintain  
2 operations in a manner consistent with this Act or is not a  
3 viable riverboat or casino subject to the approval of the  
4 Board; or

5           (3) the owners licensee is not an entity in which  
6 employees participate in an employee stock ownership plan.

7           As used in this subsection (a-5), "modified annual  
8 adjusted gross receipts" means:

9           (A) for calendar year 2020, the annual adjusted gross  
10 receipts for the current year minus the difference between  
11 an amount equal to the average annual adjusted gross  
12 receipts from a riverboat or casino conducting gambling  
13 operations in the City of East St. Louis for 2014, 2015,  
14 2016, 2017, and 2018 and the annual adjusted gross  
15 receipts for 2018;

16           (B) for calendar year 2021, the annual adjusted gross  
17 receipts for the current year minus the difference between  
18 an amount equal to the average annual adjusted gross  
19 receipts from a riverboat or casino conducting gambling  
20 operations in the City of East St. Louis for 2014, 2015,  
21 2016, 2017, and 2018 and the annual adjusted gross  
22 receipts for 2019; and

23           (C) for calendar years 2022 through 2029, the annual  
24 adjusted gross receipts for the current year minus the  
25 difference between an amount equal to the average annual  
26 adjusted gross receipts from a riverboat or casino

1 conducting gambling operations in the City of East St.  
2 Louis for 3 years preceding the current year and the  
3 annual adjusted gross receipts for the immediately  
4 preceding year.

5 (a-6) From June 28, 2019 (the effective date of Public Act  
6 101-31) until June 30, 2023, an owners licensee that conducted  
7 gambling operations prior to January 1, 2011 shall receive a  
8 dollar-for-dollar credit against the tax imposed under this  
9 Section for any renovation or construction costs paid by the  
10 owners licensee, but in no event shall the credit exceed  
11 \$2,000,000.

12 Additionally, from June 28, 2019 (the effective date of  
13 Public Act 101-31) until December 31, 2022, an owners licensee  
14 that (i) is located within 15 miles of the Missouri border, and  
15 (ii) has at least 3 riverboats, casinos, or their equivalent  
16 within a 45-mile radius, may be authorized to relocate to a new  
17 location with the approval of both the unit of local  
18 government designated as the home dock and the Board, so long  
19 as the new location is within the same unit of local government  
20 and no more than 3 miles away from its original location. Such  
21 owners licensee shall receive a credit against the tax imposed  
22 under this Section equal to 8% of the total project costs, as  
23 approved by the Board, for any renovation or construction  
24 costs paid by the owners licensee for the construction of the  
25 new facility, provided that the new facility is operational by  
26 July 1, 2022. In determining whether or not to approve a

1 relocation, the Board must consider the extent to which the  
2 relocation will diminish the gaming revenues received by other  
3 Illinois gaming facilities.

4 (a-7) Beginning in the initial adjustment year and through  
5 the final adjustment year, if the total obligation imposed  
6 pursuant to either subsection (a-5) or (a-6) will result in an  
7 owners licensee receiving less after-tax adjusted gross  
8 receipts than it received in calendar year 2018, then the  
9 total amount of privilege taxes that the owners licensee is  
10 required to pay for that calendar year shall be reduced to the  
11 extent necessary so that the after-tax adjusted gross receipts  
12 in that calendar year equals the after-tax adjusted gross  
13 receipts in calendar year 2018, but the privilege tax  
14 reduction shall not exceed the annual adjustment cap. If  
15 pursuant to this subsection (a-7), the total obligation  
16 imposed pursuant to either subsection (a-5) or (a-6) shall be  
17 reduced, then the owners licensee shall not receive a refund  
18 from the State at the end of the subject calendar year but  
19 instead shall be able to apply that amount as a credit against  
20 any payments it owes to the State in the following calendar  
21 year to satisfy its total obligation under either subsection  
22 (a-5) or (a-6). The credit for the final adjustment year shall  
23 occur in the calendar year following the final adjustment  
24 year.

25 If an owners licensee that conducted gambling operations  
26 prior to January 1, 2019 expands its riverboat or casino,



1 including, but not limited to, with respect to its gaming  
2 floor, additional non-gaming amenities such as restaurants,  
3 bars, and hotels and other additional facilities, and incurs  
4 construction and other costs related to such expansion from  
5 June 28, 2019 (the effective date of Public Act 101-31) until  
6 June 28, 2024 (the 5th anniversary of the effective date of  
7 Public Act 101-31), then for each \$15,000,000 spent for any  
8 such construction or other costs related to expansion paid by  
9 the owners licensee, the final adjustment year shall be  
10 extended by one year and the annual adjustment cap shall  
11 increase by 0.2% of adjusted gross receipts during each  
12 calendar year until and including the final adjustment year.  
13 No further modifications to the final adjustment year or  
14 annual adjustment cap shall be made after \$75,000,000 is  
15 incurred in construction or other costs related to expansion  
16 so that the final adjustment year shall not extend beyond the  
17 9th calendar year after the initial adjustment year, not  
18 including the initial adjustment year, and the annual  
19 adjustment cap shall not exceed 4% of adjusted gross receipts  
20 in a particular calendar year. Construction and other costs  
21 related to expansion shall include all project related costs,  
22 including, but not limited to, all hard and soft costs,  
23 financing costs, on or off-site ground, road or utility work,  
24 cost of gaming equipment and all other personal property,  
25 initial fees assessed for each incremental gaming position,  
26 and the cost of incremental land acquired for such expansion.

1 Soft costs shall include, but not be limited to, legal fees,  
2 architect, engineering and design costs, other consultant  
3 costs, insurance cost, permitting costs, and pre-opening costs  
4 related to the expansion, including, but not limited to, any  
5 of the following: marketing, real estate taxes, personnel,  
6 training, travel and out-of-pocket expenses, supply,  
7 inventory, and other costs, and any other project related soft  
8 costs.

9 To be eligible for the tax credits in subsection (a-6),  
10 all construction contracts shall include a requirement that  
11 the contractor enter into a project labor agreement with the  
12 building and construction trades council with geographic  
13 jurisdiction of the location of the proposed gaming facility.

14 Notwithstanding any other provision of this subsection  
15 (a-7), this subsection (a-7) does not apply to an owners  
16 licensee unless such owners licensee spends at least  
17 \$15,000,000 on construction and other costs related to its  
18 expansion, excluding the initial fees assessed for each  
19 incremental gaming position.

20 This subsection (a-7) does not apply to owners licensees  
21 authorized pursuant to subsection (e-5) of Section 7 of this  
22 Act.

23 For purposes of this subsection (a-7):

24 "Building and construction trades council" means any  
25 organization representing multiple construction entities that  
26 are monitoring or attentive to compliance with public or

1 workers' safety laws, wage and hour requirements, or other  
2 statutory requirements or that are making or maintaining  
3 collective bargaining agreements.

4 "Initial adjustment year" means the year commencing on  
5 January 1 of the calendar year immediately following the  
6 earlier of the following:

7 (1) the commencement of gambling operations, either in  
8 a temporary or permanent facility, with respect to the  
9 owners license authorized under paragraph (1) of  
10 subsection (e-5) of Section 7 of this Act; or

11 (2) June 28, 2021 (24 months after the effective date  
12 of Public Act 101-31);

13 provided the initial adjustment year shall not commence  
14 earlier than June 28, 2020 (12 months after the effective date  
15 of Public Act 101-31).

16 "Final adjustment year" means the 2nd calendar year after  
17 the initial adjustment year, not including the initial  
18 adjustment year, and as may be extended further as described  
19 in this subsection (a-7).

20 "Annual adjustment cap" means 3% of adjusted gross  
21 receipts in a particular calendar year, and as may be  
22 increased further as otherwise described in this subsection  
23 (a-7).

24 (a-8) Riverboat gambling operations conducted by a  
25 licensed manager on behalf of the State are not subject to the  
26 tax imposed under this Section.

1 (a-9) Beginning on January 1, 2020, the calculation of  
2 gross receipts or adjusted gross receipts, for the purposes of  
3 this Section, for a riverboat, a casino, or an organization  
4 gaming facility shall not include the dollar amount of  
5 non-cashable vouchers, coupons, and electronic promotions  
6 redeemed by wagerers upon the riverboat, in the casino, or in  
7 the organization gaming facility up to and including an amount  
8 not to exceed 20% of a riverboat's, a casino's, or an  
9 organization gaming facility's adjusted gross receipts.

10 The Illinois Gaming Board shall submit to the General  
11 Assembly a comprehensive report no later than March 31, 2023  
12 detailing, at a minimum, the effect of removing non-cashable  
13 vouchers, coupons, and electronic promotions from this  
14 calculation on net gaming revenues to the State in calendar  
15 years 2020 through 2022, the increase or reduction in wagerers  
16 as a result of removing non-cashable vouchers, coupons, and  
17 electronic promotions from this calculation, the effect of the  
18 tax rates in subsection (a-5) on net gaming revenues to this  
19 State, and proposed modifications to the calculation.

20 (a-10) The taxes imposed by this Section shall be paid by  
21 the licensed owner or the organization gaming licensee to the  
22 Board not later than 5:00 o'clock p.m. of the day after the day  
23 when the wagers were made.

24 (a-15) If the privilege tax imposed under subsection (a-3)  
25 is no longer imposed pursuant to item (i) of the last paragraph  
26 of subsection (a-3), then by June 15 of each year, each owners

1 licensee, other than an owners licensee that admitted  
2 1,000,000 persons or fewer in calendar year 2004, must, in  
3 addition to the payment of all amounts otherwise due under  
4 this Section, pay to the Board a reconciliation payment in the  
5 amount, if any, by which the licensed owner's base amount  
6 exceeds the amount of net privilege tax paid by the licensed  
7 owner to the Board in the then current State fiscal year. A  
8 licensed owner's net privilege tax obligation due for the  
9 balance of the State fiscal year shall be reduced up to the  
10 total of the amount paid by the licensed owner in its June 15  
11 reconciliation payment. The obligation imposed by this  
12 subsection (a-15) is binding on any person, firm, corporation,  
13 or other entity that acquires an ownership interest in any  
14 such owners license. The obligation imposed under this  
15 subsection (a-15) terminates on the earliest of: (i) July 1,  
16 2007, (ii) the first day after the effective date of this  
17 amendatory Act of the 94th General Assembly that riverboat  
18 gambling operations are conducted pursuant to a dormant  
19 license, (iii) the first day that riverboat gambling  
20 operations are conducted under the authority of an owners  
21 license that is in addition to the 10 owners licenses  
22 initially authorized under this Act, or (iv) the first day  
23 that a licensee under the Illinois Horse Racing Act of 1975  
24 conducts gaming operations with slot machines or other  
25 electronic gaming devices. The Board must reduce the  
26 obligation imposed under this subsection (a-15) by an amount

1 the Board deems reasonable for any of the following reasons:

2 (A) an act or acts of God, (B) an act of bioterrorism or  
3 terrorism or a bioterrorism or terrorism threat that was  
4 investigated by a law enforcement agency, or (C) a condition  
5 beyond the control of the owners licensee that does not result  
6 from any act or omission by the owners licensee or any of its  
7 agents and that poses a hazardous threat to the health and  
8 safety of patrons. If an owners licensee pays an amount in  
9 excess of its liability under this Section, the Board shall  
10 apply the overpayment to future payments required under this  
11 Section.

12 For purposes of this subsection (a-15):

13 "Act of God" means an incident caused by the operation of  
14 an extraordinary force that cannot be foreseen, that cannot be  
15 avoided by the exercise of due care, and for which no person  
16 can be held liable.

17 "Base amount" means the following:

18 For a riverboat in Alton, \$31,000,000.

19 For a riverboat in East Peoria, \$43,000,000.

20 For the Empress riverboat in Joliet, \$86,000,000.

21 For a riverboat in Metropolis, \$45,000,000.

22 For the Harrah's riverboat in Joliet, \$114,000,000.

23 For a riverboat in Aurora, \$86,000,000.

24 For a riverboat in East St. Louis, \$48,500,000.

25 For a riverboat in Elgin, \$198,000,000.

26 "Dormant license" has the meaning ascribed to it in

1 subsection (a-3).

2 "Net privilege tax" means all privilege taxes paid by a  
3 licensed owner to the Board under this Section, less all  
4 payments made from the State Gaming Fund pursuant to  
5 subsection (b) of this Section.

6 The changes made to this subsection (a-15) by Public Act  
7 94-839 are intended to restate and clarify the intent of  
8 Public Act 94-673 with respect to the amount of the payments  
9 required to be made under this subsection by an owners  
10 licensee to the Board.

11 (b) From the tax revenue from riverboat or casino gambling  
12 deposited in the State Gaming Fund under this Section, an  
13 amount equal to 5% of adjusted gross receipts generated by a  
14 riverboat or a casino, other than a riverboat or casino  
15 designated in paragraph (1), (3), or (4) of subsection (e-5)  
16 of Section 7, shall be paid monthly, subject to appropriation  
17 by the General Assembly, to the unit of local government in  
18 which the casino is located or that is designated as the home  
19 dock of the riverboat. Notwithstanding anything to the  
20 contrary, beginning on the first day that an owners licensee  
21 under paragraph (1), (2), (3), (4), (5), or (6) of subsection  
22 (e-5) of Section 7 conducts gambling operations, either in a  
23 temporary facility or a permanent facility, and for 2 years  
24 thereafter, a unit of local government designated as the home  
25 dock of a riverboat whose license was issued before January 1,  
26 2019, other than a riverboat conducting gambling operations in

1 the City of East St. Louis, shall not receive less under this  
2 subsection (b) than the amount the unit of local government  
3 received under this subsection (b) in calendar year 2018.  
4 Notwithstanding anything to the contrary and because the City  
5 of East St. Louis is a financially distressed city, beginning  
6 on the first day that an owners licensee under paragraph (1),  
7 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7  
8 conducts gambling operations, either in a temporary facility  
9 or a permanent facility, and for 10 years thereafter, a unit of  
10 local government designated as the home dock of a riverboat  
11 conducting gambling operations in the City of East St. Louis  
12 shall not receive less under this subsection (b) than the  
13 amount the unit of local government received under this  
14 subsection (b) in calendar year 2018.

15 From the tax revenue deposited in the State Gaming Fund  
16 pursuant to riverboat or casino gambling operations conducted  
17 by a licensed manager on behalf of the State, an amount equal  
18 to 5% of adjusted gross receipts generated pursuant to those  
19 riverboat or casino gambling operations shall be paid monthly,  
20 subject to appropriation by the General Assembly, to the unit  
21 of local government that is designated as the home dock of the  
22 riverboat upon which those riverboat gambling operations are  
23 conducted or in which the casino is located.

24 From the tax revenue from riverboat or casino gambling  
25 deposited in the State Gaming Fund under this Section, an  
26 amount equal to 5% of the adjusted gross receipts generated by



1 a riverboat designated in paragraph (3) of subsection (e-5) of  
2 Section 7 shall be divided and remitted monthly, subject to  
3 appropriation, as follows: 70% to Waukegan, 10% to Park City,  
4 15% to North Chicago, and 5% to Lake County.

5 From the tax revenue from riverboat or casino gambling  
6 deposited in the State Gaming Fund under this Section, an  
7 amount equal to 5% of the adjusted gross receipts generated by  
8 a riverboat designated in paragraph (4) of subsection (e-5) of  
9 Section 7 shall be remitted monthly, subject to appropriation,  
10 as follows: 70% to the City of Rockford, 5% to the City of  
11 Loves Park, 5% to the Village of Machesney, and 20% to  
12 Winnebago County.

13 From the tax revenue from riverboat or casino gambling  
14 deposited in the State Gaming Fund under this Section, an  
15 amount equal to 5% of the adjusted gross receipts generated by  
16 a riverboat designated in paragraph (5) of subsection (e-5) of  
17 Section 7 shall be remitted monthly, subject to appropriation,  
18 as follows: 2% to the unit of local government in which the  
19 riverboat or casino is located, and 3% shall be distributed:  
20 (A) in accordance with a regional capital development plan  
21 entered into by the following communities: Village of Beecher,  
22 City of Blue Island, Village of Burnham, City of Calumet City,  
23 Village of Calumet Park, City of Chicago Heights, City of  
24 Country Club Hills, Village of Crestwood, Village of Crete,  
25 Village of Dixmoor, Village of Dolton, Village of East Hazel  
26 Crest, Village of Flossmoor, Village of Ford Heights, Village

1 of Glenwood, City of Harvey, Village of Hazel Crest, Village  
2 of Homewood, Village of Lansing, Village of Lynwood, City of  
3 Markham, Village of Matteson, Village of Midlothian, Village  
4 of Monee, City of Oak Forest, Village of Olympia Fields,  
5 Village of Orland Hills, Village of Orland Park, City of Palos  
6 Heights, Village of Park Forest, Village of Phoenix, Village  
7 of Posen, Village of Richton Park, Village of Riverdale,  
8 Village of Robbins, Village of Sauk Village, Village of South  
9 Chicago Heights, Village of South Holland, Village of Steger,  
10 Village of Thornton, Village of Tinley Park, Village of  
11 University Park and Village of Worth; or (B) if no regional  
12 capital development plan exists, equally among the communities  
13 listed in item (A) to be used for capital expenditures or  
14 public pension payments, or both.

15 Units of local government may refund any portion of the  
16 payment that they receive pursuant to this subsection (b) to  
17 the riverboat or casino.

18 (b-4) Beginning on the first day the licensee under  
19 paragraph (5) of subsection (e-5) of Section 7 conducts  
20 gambling operations, either in a temporary facility or a  
21 permanent facility, and ending on July 31, 2042, from the tax  
22 revenue deposited in the State Gaming Fund under this Section,  
23 \$5,000,000 shall be paid annually, subject to appropriation,  
24 to the host municipality of that owners licensee of a license  
25 issued or re-issued pursuant to Section 7.1 of this Act before  
26 January 1, 2012. Payments received by the host municipality

1 pursuant to this subsection (b-4) may not be shared with any  
2 other unit of local government.

3 (b-5) Beginning on June 28, 2019 (the effective date of  
4 Public Act 101-31), from the tax revenue deposited in the  
5 State Gaming Fund under this Section, an amount equal to 3% of  
6 adjusted gross receipts generated by each organization gaming  
7 facility located outside Madison County shall be paid monthly,  
8 subject to appropriation by the General Assembly, to a  
9 municipality other than the Village of Stickney in which each  
10 organization gaming facility is located or, if the  
11 organization gaming facility is not located within a  
12 municipality, to the county in which the organization gaming  
13 facility is located, except as otherwise provided in this  
14 Section. From the tax revenue deposited in the State Gaming  
15 Fund under this Section, an amount equal to 3% of adjusted  
16 gross receipts generated by an organization gaming facility  
17 located in the Village of Stickney shall be paid monthly,  
18 subject to appropriation by the General Assembly, as follows:  
19 25% to the Village of Stickney, 5% to the City of Berwyn, 50%  
20 to the Town of Cicero, and 20% to the Stickney Public Health  
21 District.

22 From the tax revenue deposited in the State Gaming Fund  
23 under this Section, an amount equal to 5% of adjusted gross  
24 receipts generated by an organization gaming facility located  
25 in the City of Collinsville shall be paid monthly, subject to  
26 appropriation by the General Assembly, as follows: 30% to the

1 City of Alton, 30% to the City of East St. Louis, and 40% to  
2 the City of Collinsville.

3 Municipalities and counties may refund any portion of the  
4 payment that they receive pursuant to this subsection (b-5) to  
5 the organization gaming facility.

6 (b-6) Beginning on June 28, 2019 (the effective date of  
7 Public Act 101-31), from the tax revenue deposited in the  
8 State Gaming Fund under this Section, an amount equal to 2% of  
9 adjusted gross receipts generated by an organization gaming  
10 facility located outside Madison County shall be paid monthly,  
11 subject to appropriation by the General Assembly, to the  
12 county in which the organization gaming facility is located  
13 for the purposes of its criminal justice system or health care  
14 system.

15 Counties may refund any portion of the payment that they  
16 receive pursuant to this subsection (b-6) to the organization  
17 gaming facility.

18 (b-7) From the tax revenue from the organization gaming  
19 licensee located in one of the following townships of Cook  
20 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or  
21 Worth, an amount equal to 5% of the adjusted gross receipts  
22 generated by that organization gaming licensee shall be  
23 remitted monthly, subject to appropriation, as follows: 2% to  
24 the unit of local government in which the organization gaming  
25 licensee is located, and 3% shall be distributed: (A) in  
26 accordance with a regional capital development plan entered

1 into by the following communities: Village of Beecher, City of  
2 Blue Island, Village of Burnham, City of Calumet City, Village  
3 of Calumet Park, City of Chicago Heights, City of Country Club  
4 Hills, Village of Crestwood, Village of Crete, Village of  
5 Dixmoor, Village of Dolton, Village of East Hazel Crest,  
6 Village of Flossmoor, Village of Ford Heights, Village of  
7 Glenwood, City of Harvey, Village of Hazel Crest, Village of  
8 Homewood, Village of Lansing, Village of Lynwood, City of  
9 Markham, Village of Matteson, Village of Midlothian, Village  
10 of Monee, City of Oak Forest, Village of Olympia Fields,  
11 Village of Orland Hills, Village of Orland Park, City of Palos  
12 Heights, Village of Park Forest, Village of Phoenix, Village  
13 of Posen, Village of Richton Park, Village of Riverdale,  
14 Village of Robbins, Village of Sauk Village, Village of South  
15 Chicago Heights, Village of South Holland, Village of Steger,  
16 Village of Thornton, Village of Tinley Park, Village of  
17 University Park, and Village of Worth; or (B) if no regional  
18 capital development plan exists, equally among the communities  
19 listed in item (A) to be used for capital expenditures or  
20 public pension payments, or both.

21 (b-8) In lieu of the payments under subsection (b) of this  
22 Section, from the tax revenue deposited in the State Gaming  
23 Fund pursuant to riverboat or casino gambling operations  
24 conducted by an owners licensee under paragraph (1) of  
25 subsection (e-5) of Section 7, an amount equal to the tax  
26 revenue generated from the privilege tax imposed by paragraph

1 (2) of subsection (a-5) that is to be paid to the City of  
2 Chicago shall be paid monthly, subject to appropriation by the  
3 General Assembly, as follows: (1) an amount equal to 0.5% of  
4 the annual adjusted gross receipts generated by the owners  
5 licensee under paragraph (1) of subsection (e-5) of Section 7  
6 to the home rule county in which the owners licensee is located  
7 for the purpose of enhancing the county's criminal justice  
8 system; and (2) the balance to the City of Chicago and shall be  
9 expended or obligated by the City of Chicago for pension  
10 payments in accordance with Public Act 99-506.

11 (c) Appropriations, as approved by the General Assembly,  
12 may be made from the State Gaming Fund to the Board (i) for the  
13 administration and enforcement of this Act and the Video  
14 Gaming Act, (ii) for distribution to the Illinois Department  
15 ~~of~~ State Police and to the Department of Revenue for the  
16 enforcement of this Act and the Video Gaming Act, and (iii) to  
17 the Department of Human Services for the administration of  
18 programs to treat problem gambling, including problem gambling  
19 from sports wagering. The Board's annual appropriations  
20 request must separately state its funding needs for the  
21 regulation of gaming authorized under Section 7.7, riverboat  
22 gaming, casino gaming, video gaming, and sports wagering.

23 (c-2) An amount equal to 2% of the adjusted gross receipts  
24 generated by an organization gaming facility located within a  
25 home rule county with a population of over 3,000,000  
26 inhabitants shall be paid, subject to appropriation from the

1 General Assembly, from the State Gaming Fund to the home rule  
2 county in which the organization gaming licensee is located  
3 for the purpose of enhancing the county's criminal justice  
4 system.

5 (c-3) Appropriations, as approved by the General Assembly,  
6 may be made from the tax revenue deposited into the State  
7 Gaming Fund from organization gaming licensees pursuant to  
8 this Section for the administration and enforcement of this  
9 Act.

10 (c-4) After payments required under subsections (b),  
11 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from  
12 the tax revenue from organization gaming licensees deposited  
13 into the State Gaming Fund under this Section, all remaining  
14 amounts from organization gaming licensees shall be  
15 transferred into the Capital Projects Fund.

16 (c-5) (Blank).

17 (c-10) Each year the General Assembly shall appropriate  
18 from the General Revenue Fund to the Education Assistance Fund  
19 an amount equal to the amount paid into the Horse Racing Equity  
20 Fund pursuant to subsection (c-5) in the prior calendar year.

21 (c-15) After the payments required under subsections (b),  
22 (c), and (c-5) have been made, an amount equal to 2% of the  
23 adjusted gross receipts of (1) an owners licensee that  
24 relocates pursuant to Section 11.2, (2) an owners licensee  
25 conducting riverboat gambling operations pursuant to an owners  
26 license that is initially issued after June 25, 1999, or (3)

1 the first riverboat gambling operations conducted by a  
2 licensed manager on behalf of the State under Section 7.3,  
3 whichever comes first, shall be paid, subject to appropriation  
4 from the General Assembly, from the State Gaming Fund to each  
5 home rule county with a population of over 3,000,000  
6 inhabitants for the purpose of enhancing the county's criminal  
7 justice system.

8 (c-20) Each year the General Assembly shall appropriate  
9 from the General Revenue Fund to the Education Assistance Fund  
10 an amount equal to the amount paid to each home rule county  
11 with a population of over 3,000,000 inhabitants pursuant to  
12 subsection (c-15) in the prior calendar year.

13 (c-21) After the payments required under subsections (b),  
14 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have  
15 been made, an amount equal to 0.5% of the adjusted gross  
16 receipts generated by the owners licensee under paragraph (1)  
17 of subsection (e-5) of Section 7 shall be paid monthly,  
18 subject to appropriation from the General Assembly, from the  
19 State Gaming Fund to the home rule county in which the owners  
20 licensee is located for the purpose of enhancing the county's  
21 criminal justice system.

22 (c-22) After the payments required under subsections (b),  
23 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and  
24 (c-21) have been made, an amount equal to 2% of the adjusted  
25 gross receipts generated by the owners licensee under  
26 paragraph (5) of subsection (e-5) of Section 7 shall be paid,



1 subject to appropriation from the General Assembly, from the  
2 State Gaming Fund to the home rule county in which the owners  
3 licensee is located for the purpose of enhancing the county's  
4 criminal justice system.

5 (c-25) From July 1, 2013 and each July 1 thereafter  
6 through July 1, 2019, \$1,600,000 shall be transferred from the  
7 State Gaming Fund to the Chicago State University Education  
8 Improvement Fund.

9 On July 1, 2020 and each July 1 thereafter, \$3,000,000  
10 shall be transferred from the State Gaming Fund to the Chicago  
11 State University Education Improvement Fund.

12 (c-30) On July 1, 2013 or as soon as possible thereafter,  
13 \$92,000,000 shall be transferred from the State Gaming Fund to  
14 the School Infrastructure Fund and \$23,000,000 shall be  
15 transferred from the State Gaming Fund to the Horse Racing  
16 Equity Fund.

17 (c-35) Beginning on July 1, 2013, in addition to any  
18 amount transferred under subsection (c-30) of this Section,  
19 \$5,530,000 shall be transferred monthly from the State Gaming  
20 Fund to the School Infrastructure Fund.

21 (d) From time to time, the Board shall transfer the  
22 remainder of the funds generated by this Act into the  
23 Education Assistance Fund, created by Public Act 86-0018, of  
24 the State of Illinois.

25 (e) Nothing in this Act shall prohibit the unit of local  
26 government designated as the home dock of the riverboat from

1 entering into agreements with other units of local government  
2 in this State or in other states to share its portion of the  
3 tax revenue.

4 (f) To the extent practicable, the Board shall administer  
5 and collect the wagering taxes imposed by this Section in a  
6 manner consistent with the provisions of Sections 4, 5, 5a,  
7 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of  
8 the Retailers' Occupation Tax Act and Section 3-7 of the  
9 Uniform Penalty and Interest Act.

10 (Source: P.A. 101-31, Article 25, Section 25-910, eff.  
11 6-28-19; 101-31, Article 35, Section 35-55, eff. 6-28-19;  
12 101-648, eff. 6-30-20.)

13 (230 ILCS 10/22) (from Ch. 120, par. 2422)

14 Sec. 22. Criminal history record information. Whenever the  
15 Board is authorized or required by law to consider some aspect  
16 of criminal history record information for the purpose of  
17 carrying out its statutory powers and responsibilities, the  
18 Board shall, in the form and manner required by the Illinois  
19 ~~Department of~~ State Police and the Federal Bureau of  
20 Investigation, cause to be conducted a criminal history record  
21 investigation to obtain any information currently or  
22 thereafter contained in the files of the Illinois Department  
23 ~~of~~ State Police or the Federal Bureau of Investigation,  
24 including, but not limited to, civil, criminal, and latent  
25 fingerprint databases. Each applicant for occupational

1 licensing under Section 9 or key person as defined by the Board  
2 in administrative rules shall submit his or her fingerprints  
3 to the Illinois ~~Department of~~ State Police in the form and  
4 manner prescribed by the Illinois ~~Department of~~ State Police.  
5 These fingerprints shall be checked against the fingerprint  
6 records now and hereafter filed in the Illinois ~~Department of~~  
7 State Police and Federal Bureau of Investigation criminal  
8 history records databases, including, but not limited to,  
9 civil, criminal, and latent fingerprint databases. The  
10 Illinois ~~Department of~~ State Police shall charge a fee for  
11 conducting the criminal history records check, which shall be  
12 deposited in the State Police Services Fund and shall not  
13 exceed the actual cost of the records check. The Illinois  
14 ~~Department of~~ State Police shall provide, on the Board's  
15 request, information concerning any criminal charges, and  
16 their disposition, currently or thereafter filed against any  
17 applicant, key person, or holder of any license or for  
18 determinations of suitability. Information obtained as a  
19 result of an investigation under this Section shall be used in  
20 determining eligibility for any license. Upon request and  
21 payment of fees in conformance with the requirements of  
22 Section 2605-400 of the Illinois ~~Department of~~ State Police  
23 Law (~~20 ILCS 2605/2605-400~~), the Illinois ~~Department of~~ State  
24 Police is authorized to furnish, pursuant to positive  
25 identification, such information contained in State files as  
26 is necessary to fulfill the request.

1 (Source: P.A. 101-597, eff. 12-6-19.)

2 Section 705. The Illinois Pull Tabs and Jar Games Act is  
3 amended by changing Sections 2.1 and 5 as follows:

4 (230 ILCS 20/2.1)

5 Sec. 2.1. Ineligibility for a license. The following are  
6 ineligible for any license under this Act:

7 (1) Any person convicted of any felony within the last  
8 5 years where such conviction will impair the person's  
9 ability to engage in the position for which a license is  
10 sought.

11 (2) Any person convicted of a violation of Article 28  
12 of the Criminal Code of 1961 or the Criminal Code of 2012  
13 who has not been sufficiently rehabilitated following the  
14 conviction.

15 (3) Any person who has had a bingo, pull tabs and jar  
16 games, or charitable games license revoked by the  
17 Department.

18 (4) Any person who is or has been a professional  
19 gambler.

20 (5) Any person found gambling in a manner not  
21 authorized by the Illinois Pull Tabs and Jar Games Act,  
22 the Bingo License and Tax Act, or the Charitable Games  
23 Act, participating in such gambling, or knowingly  
24 permitting such gambling on premises where pull tabs and

1 jar games are authorized to be conducted.

2 (6) Any firm or corporation in which a person defined  
3 in (1), (2), (3), (4), or (5) has any proprietary,  
4 equitable, or credit interest or in which such person is  
5 active or employed.

6 (7) Any organization in which a person defined in (1),  
7 (2), (3), (4), or (5) is an officer, director, or  
8 employee, whether compensated or not.

9 (8) Any organization in which a person defined in (1),  
10 (2), (3), (4), or (5) is to participate in the management  
11 or operation of pull tabs and jar games.

12 The Illinois ~~Department of~~ State Police shall provide the  
13 criminal background of any supplier as requested by the  
14 Department of Revenue.

15 (Source: P.A. 100-286, eff. 1-1-18.)

16 (230 ILCS 20/5) (from Ch. 120, par. 1055)

17 Sec. 5. Payments; returns. There shall be paid to the  
18 Department of Revenue 5% of the gross proceeds of any pull tabs  
19 and jar games conducted under this Act. Such payments shall be  
20 made 4 times per year, between the first and the 20th day of  
21 April, July, October and January. Accompanying each payment  
22 shall be a return, on forms prescribed by the Department of  
23 Revenue. Failure to submit either the payment or the return  
24 within the specified time shall result in suspension or  
25 revocation of the license. Tax returns filed pursuant to this

1 Act shall not be confidential and shall be available for  
2 public inspection. All payments made to the Department of  
3 Revenue under this Act shall be deposited as follows:

4 (a) 50% shall be deposited in the Common School Fund;

5 and

6 (b) 50% shall be deposited in the Illinois Gaming Law  
7 Enforcement Fund. Of the monies deposited in the Illinois  
8 Gaming Law Enforcement Fund under this Section, the  
9 General Assembly shall appropriate two-thirds to the  
10 Department of Revenue, Illinois ~~Department of~~ State Police  
11 and the Office of the Attorney General for State law  
12 enforcement purposes, and one-third shall be appropriated  
13 to the Department of Revenue for the purpose of  
14 distribution in the form of grants to counties or  
15 municipalities for law enforcement purposes. The amounts  
16 of grants to counties or municipalities shall bear the  
17 same ratio as the number of licenses issued in counties or  
18 municipalities bears to the total number of licenses  
19 issued in the State. In computing the number of licenses  
20 issued in a county, licenses issued for locations within a  
21 municipality's boundaries shall be excluded.

22 The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f,  
23 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, 10, 11 and 12 of the  
24 Retailers' Occupation Tax Act, and Section 3-7 of the Uniform  
25 Penalty and Interest Act, which are not inconsistent with this  
26 Act shall apply, as far as practicable, to the subject matter

1 of this Act to the same extent as if such provisions were  
2 included in this Act. For the purposes of this Act, references  
3 in such incorporated Sections of the Retailers' Occupation Tax  
4 Act to retailers, sellers or persons engaged in the business  
5 of selling tangible personal property means persons engaged in  
6 conducting pull tabs and jar games and references in such  
7 incorporated Sections of the Retailers' Occupation Tax Act to  
8 sales of tangible personal property mean the conducting of  
9 pull tabs and jar games and the making of charges for  
10 participating in such drawings.

11 If any payment provided for in this Section exceeds the  
12 taxpayer's liabilities under this Act, as shown on an original  
13 return, the taxpayer may credit such excess payment against  
14 liability subsequently to be remitted to the Department under  
15 this Act, in accordance with reasonable rules adopted by the  
16 Department.

17 (Source: P.A. 100-1171, eff. 1-4-19.)

18 Section 710. The Bingo License and Tax Act is amended by  
19 changing Section 1.2 as follows:

20 (230 ILCS 25/1.2)

21 Sec. 1.2. Ineligibility for licensure. The following are  
22 ineligible for any license under this Act:

23 (1) Any person convicted of any felony within the last  
24 5 years where such conviction will impair the person's

1 ability to engage in the position for which a license is  
2 sought.

3 (2) Any person convicted of a violation of Article 28  
4 of the Criminal Code of 1961 or the Criminal Code of 2012  
5 who has not been sufficiently rehabilitated following the  
6 conviction.

7 (3) Any person who has had a bingo, pull tabs and jar  
8 games, or charitable games license revoked by the  
9 Department.

10 (4) Any person who is or has been a professional  
11 gambler.

12 (5) Any person found gambling in a manner not  
13 authorized by the Illinois Pull Tabs and Jar Games Act,  
14 Bingo License and Tax Act, or the Charitable Games Act,  
15 participating in such gambling, or knowingly permitting  
16 such gambling on premises where a bingo event is  
17 authorized to be conducted or has been conducted.

18 (6) Any organization in which a person defined in (1),  
19 (2), (3), (4), or (5) has a proprietary, equitable, or  
20 credit interest, or in which such person is active or  
21 employed.

22 (7) Any organization in which a person defined in (1),  
23 (2), (3), (4), or (5) is an officer, director, or  
24 employee, whether compensated or not.

25 (8) Any organization in which a person defined in (1),  
26 (2), (3), (4), or (5) is to participate in the management



1 or operation of a bingo game.

2 The Illinois ~~Department of~~ State Police shall provide the  
3 criminal background of any person requested by the Department  
4 of Revenue.

5 (Source: P.A. 100-286, eff. 1-1-18.)

6 Section 715. The Charitable Games Act is amended by  
7 changing Sections 7 and 14 as follows:

8 (230 ILCS 30/7) (from Ch. 120, par. 1127)

9 Sec. 7. Ineligible persons. The following are ineligible  
10 for any license under this Act:

11 (a) any person convicted of any felony within the last  
12 5 years where such conviction will impair the person's  
13 ability to engage in the position for which a license is  
14 sought;

15 (b) any person convicted of a violation of Article 28  
16 of the Criminal Code of 1961 or the Criminal Code of 2012  
17 who has not been sufficiently rehabilitated following the  
18 conviction;

19 (c) any person who has had a bingo, pull tabs and jar  
20 games, or charitable games license revoked by the  
21 Department;

22 (d) any person who is or has been a professional  
23 gambler;

24 (d-1) any person found gambling in a manner not

1 authorized by this Act, the Illinois Pull Tabs and Jar  
2 Games Act, or the Bingo License and Tax Act participating  
3 in such gambling, or knowingly permitting such gambling on  
4 premises where an authorized charitable games event is  
5 authorized to be conducted or has been conducted;

6 (e) any organization in which a person defined in (a),  
7 (b), (c), (d), or (d-1) has a proprietary, equitable, or  
8 credit interest, or in which the person is active or  
9 employed;

10 (f) any organization in which a person defined in (a),  
11 (b), (c), (d), or (d-1) is an officer, director, or  
12 employee, whether compensated or not;

13 (g) any organization in which a person defined in (a),  
14 (b), (c), (d), or (d-1) is to participate in the  
15 management or operation of charitable games.

16 The Illinois ~~Department of~~ State Police shall provide the  
17 criminal background of any person requested by the Department  
18 of Revenue.

19 (Source: P.A. 100-286, eff. 1-1-18.)

20 (230 ILCS 30/14) (from Ch. 120, par. 1134)

21 Sec. 14. (a) There is hereby created the Illinois Gaming  
22 Law Enforcement Fund, a special fund in the State Treasury.

23 (b) The General Assembly shall appropriate two-thirds of  
24 the monies in such fund to the Department of Revenue, Illinois  
25 ~~Department of~~ State Police and the Office of the Attorney

1 General for State law enforcement purposes. The remaining  
2 one-third of the monies in such fund shall be appropriated to  
3 the Department of Revenue for the purpose of distribution in  
4 the form of grants to counties or municipalities for law  
5 enforcement purposes.

6 The amount of a grant to counties or municipalities shall  
7 bear the same ratio to the total amount of grants made as the  
8 number of licenses issued in counties or municipalities bears  
9 to the total number of licenses issued in the State. In  
10 computing the number of licenses issued in a county, licenses  
11 issued for locations within a municipality's boundaries shall  
12 be excluded.

13 (c) (Blank).

14 (Source: P.A. 90-372, eff. 7-1-98.)

15 Section 720. The Video Gaming Act is amended by changing  
16 Section 45 as follows:

17 (230 ILCS 40/45)

18 Sec. 45. Issuance of license.

19 (a) The burden is upon each applicant to demonstrate his  
20 suitability for licensure. Each video gaming terminal  
21 manufacturer, distributor, supplier, operator, handler,  
22 licensed establishment, licensed truck stop establishment,  
23 licensed large truck stop establishment, licensed fraternal  
24 establishment, and licensed veterans establishment shall be

1 licensed by the Board. The Board may issue or deny a license  
2 under this Act to any person pursuant to the same criteria set  
3 forth in Section 9 of the Illinois Gambling Act.

4 (a-5) The Board shall not grant a license to a person who  
5 has facilitated, enabled, or participated in the use of  
6 coin-operated devices for gambling purposes or who is under  
7 the significant influence or control of such a person. For the  
8 purposes of this Act, "facilitated, enabled, or participated  
9 in the use of coin-operated amusement devices for gambling  
10 purposes" means that the person has been convicted of any  
11 violation of Article 28 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012. If there is pending legal action  
13 against a person for any such violation, then the Board shall  
14 delay the licensure of that person until the legal action is  
15 resolved.

16 (b) Each person seeking and possessing a license as a  
17 video gaming terminal manufacturer, distributor, supplier,  
18 operator, handler, licensed establishment, licensed truck stop  
19 establishment, licensed large truck stop establishment,  
20 licensed fraternal establishment, or licensed veterans  
21 establishment shall submit to a background investigation  
22 conducted by the Board with the assistance of the Illinois  
23 State Police or other law enforcement. To the extent that the  
24 corporate structure of the applicant allows, the background  
25 investigation shall include any or all of the following as the  
26 Board deems appropriate or as provided by rule for each

1 category of licensure: (i) each beneficiary of a trust, (ii)  
2 each partner of a partnership, (iii) each member of a limited  
3 liability company, (iv) each director and officer of a  
4 publicly or non-publicly held corporation, (v) each  
5 stockholder of a non-publicly held corporation, (vi) each  
6 stockholder of 5% or more of a publicly held corporation, or  
7 (vii) each stockholder of 5% or more in a parent or subsidiary  
8 corporation.

9 (c) Each person seeking and possessing a license as a  
10 video gaming terminal manufacturer, distributor, supplier,  
11 operator, handler, licensed establishment, licensed truck stop  
12 establishment, licensed large truck stop establishment,  
13 licensed fraternal establishment, or licensed veterans  
14 establishment shall disclose the identity of every person,  
15 association, trust, corporation, or limited liability company  
16 having a greater than 1% direct or indirect pecuniary interest  
17 in the video gaming terminal operation for which the license  
18 is sought. If the disclosed entity is a trust, the application  
19 shall disclose the names and addresses of the beneficiaries;  
20 if a corporation, the names and addresses of all stockholders  
21 and directors; if a limited liability company, the names and  
22 addresses of all members; or if a partnership, the names and  
23 addresses of all partners, both general and limited.

24 (d) No person may be licensed as a video gaming terminal  
25 manufacturer, distributor, supplier, operator, handler,  
26 licensed establishment, licensed truck stop establishment,

1 licensed large truck stop establishment, licensed fraternal  
2 establishment, or licensed veterans establishment if that  
3 person has been found by the Board to:

4 (1) have a background, including a criminal record,  
5 reputation, habits, social or business associations, or  
6 prior activities that pose a threat to the public  
7 interests of the State or to the security and integrity of  
8 video gaming;

9 (2) create or enhance the dangers of unsuitable,  
10 unfair, or illegal practices, methods, and activities in  
11 the conduct of video gaming; or

12 (3) present questionable business practices and  
13 financial arrangements incidental to the conduct of video  
14 gaming activities.

15 (e) Any applicant for any license under this Act has the  
16 burden of proving his or her qualifications to the  
17 satisfaction of the Board. The Board may adopt rules to  
18 establish additional qualifications and requirements to  
19 preserve the integrity and security of video gaming in this  
20 State.

21 (f) A non-refundable application fee shall be paid at the  
22 time an application for a license is filed with the Board in  
23 the following amounts:

- 24 (1) Manufacturer ..... \$5,000
- 25 (2) Distributor..... \$5,000
- 26 (3) Terminal operator ..... \$5,000

- 1 (4) Supplier ..... \$2,500
- 2 (5) Technician ..... \$100
- 3 (6) Terminal Handler ..... \$100
- 4 (7) Licensed establishment, licensed truck stop
- 5 establishment, licensed large truck stop establishment,
- 6 licensed fraternal establishment, or licensed
- 7 veterans establishment ..... \$100

8 (g) The Board shall establish an annual fee for each  
 9 license not to exceed the following:

- 10 (1) Manufacturer ..... \$10,000
- 11 (2) Distributor..... \$10,000
- 12 (3) Terminal operator ..... \$5,000
- 13 (4) Supplier ..... \$2,000
- 14 (5) Technician ..... \$100
- 15 (6) Licensed establishment, licensed truck stop
- 16 establishment, licensed large truck stop establishment,
- 17 licensed fraternal establishment, or licensed
- 18 veterans establishment ..... \$100
- 19 (7) Video gaming terminal ..... \$100
- 20 (8) Terminal Handler ..... \$100

21 (h) A terminal operator and a licensed establishment,  
 22 licensed truck stop establishment, licensed large truck stop  
 23 establishment, licensed fraternal establishment, or licensed  
 24 veterans establishment shall equally split the fees specified  
 25 in item (7) of subsection (g).

26 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

1 Section 725. The Sports Wagering Act is amended by  
2 changing Section 25-20 as follows:

3 (230 ILCS 45/25-20)

4 Sec. 25-20. Licenses required.

5 (a) No person may engage in any activity in connection  
6 with sports wagering in this State unless all necessary  
7 licenses have been obtained in accordance with this Act and  
8 the rules of the Board and the Department. The following  
9 licenses shall be issued under this Act:

- 10 (1) master sports wagering license;  
11 (2) occupational license;  
12 (3) supplier license;  
13 (4) management services provider license;  
14 (5) tier 2 official league data provider license; and  
15 (6) central system provider license.

16 No person or entity may engage in a sports wagering  
17 operation or activity without first obtaining the appropriate  
18 license.

19 (b) An applicant for a license issued under this Act shall  
20 submit an application to the Board in the form the Board  
21 requires. The applicant shall submit fingerprints for a  
22 national criminal records check by the Illinois ~~Department of~~  
23 State Police and the Federal Bureau of Investigation. The  
24 fingerprints shall be furnished by the applicant's owners,



1 officers, and directors (if a corporation), managers and  
2 members (if a limited liability company), and partners (if a  
3 partnership). The fingerprints shall be accompanied by a  
4 signed authorization for the release of information by the  
5 Federal Bureau of Investigation. The Board may require  
6 additional background checks on licensees when they apply for  
7 license renewal, and an applicant convicted of a disqualifying  
8 offense shall not be licensed.

9 (c) Each master sports wagering licensee shall display the  
10 license conspicuously in the licensee's place of business or  
11 have the license available for inspection by an agent of the  
12 Board or a law enforcement agency.

13 (d) Each holder of an occupational license shall carry the  
14 license and have some indicia of licensure prominently  
15 displayed on his or her person when present in a gaming  
16 facility licensed under this Act at all times, in accordance  
17 with the rules of the Board.

18 (e) Each person licensed under this Act shall give the  
19 Board written notice within 30 days after a material change to  
20 information provided in the licensee's application for a  
21 license or renewal.

22 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19.)

23 Section 730. The Liquor Control Act of 1934 is amended by  
24 changing Sections 4-7 and 10-1 as follows:

1 (235 ILCS 5/4-7) (from Ch. 43, par. 114a)

2 Sec. 4-7. The local liquor control commissioner shall have  
3 the right to require fingerprints of any applicant for a local  
4 license or for a renewal thereof other than an applicant who is  
5 an air carrier operating under a certificate or a foreign air  
6 permit issued pursuant to the Federal Aviation Act of 1958.  
7 Each applicant shall submit his or her fingerprints to the  
8 Illinois ~~Department of~~ State Police in the form and manner  
9 prescribed by the Illinois ~~Department of~~ State Police. These  
10 fingerprints shall be checked against the fingerprint records  
11 now and hereafter filed in the Illinois ~~Department of~~ State  
12 Police and Federal Bureau of Investigation criminal history  
13 records databases. The Illinois ~~Department of~~ State Police  
14 shall charge a fee for conducting the criminal history records  
15 check, which shall be deposited in the State Police Services  
16 Fund and shall not exceed the actual cost of the records check.  
17 The Illinois ~~Department of~~ State Police shall furnish pursuant  
18 to positive identification, records of conviction to the local  
19 liquor control commissioner. For purposes of obtaining  
20 fingerprints under this Section, the local liquor commissioner  
21 shall collect a fee and forward the fee to the appropriate  
22 policing body who shall submit the fingerprints and the fee to  
23 the Illinois ~~Department of~~ State Police.

24 (Source: P.A. 93-418, eff. 1-1-04.)

25 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

1           Sec. 10-1. Violations; penalties. Whereas a substantial  
2 threat to the sound and careful control, regulation, and  
3 taxation of the manufacture, sale, and distribution of  
4 alcoholic liquors exists by virtue of individuals who  
5 manufacture, import, distribute, or sell alcoholic liquors  
6 within the State without having first obtained a valid license  
7 to do so, and whereas such threat is especially serious along  
8 the borders of this State, and whereas such threat requires  
9 immediate correction by this Act, by active investigation and  
10 prosecution by the State Commission, law enforcement  
11 officials, and prosecutors, and by prompt and strict  
12 enforcement through the courts of this State to punish  
13 violators and to deter such conduct in the future:

14           (a) Any person who manufactures, imports for distribution  
15 or use, transports from outside this State into this State, or  
16 distributes or sells 108 liters (28.53 gallons) or more of  
17 wine, 45 liters (11.88 gallons) or more of distilled spirits,  
18 or 118 liters (31.17 gallons) or more of beer at any place  
19 within the State without having first obtained a valid license  
20 to do so under the provisions of this Act shall be guilty of a  
21 Class 4 felony for each offense. However, any person who was  
22 duly licensed under this Act and whose license expired within  
23 30 days prior to a violation shall be guilty of a business  
24 offense and fined not more than \$1,000 for the first such  
25 offense and shall be guilty of a Class 4 felony for each  
26 subsequent offense.

1 Any person who manufactures, imports for distribution,  
2 transports from outside this State into this State for sale or  
3 resale in this State, or distributes or sells less than 108  
4 liters (28.53 gallons) of wine, less than 45 liters (11.88  
5 gallons) of distilled spirits, or less than 118 liters (31.17  
6 gallons) of beer at any place within the State without having  
7 first obtained a valid license to do so under the provisions of  
8 this Act shall be guilty of a business offense and fined not  
9 more than \$1,000 for the first such offense and shall be guilty  
10 of a Class 4 felony for each subsequent offense. This  
11 subsection does not apply to a motor carrier or freight  
12 forwarder, as defined in Section 13102 of Title 49 of the  
13 United States Code, an air carrier, as defined in Section  
14 40102 of Title 49 of the United States Code, or a rail carrier,  
15 as defined in Section 10102 of Title 49 of the United States  
16 Code.

17 Any person who: (1) has been issued an initial cease and  
18 desist notice from the State Commission; and (2) for  
19 compensation, does any of the following: (i) ships alcoholic  
20 liquor into this State without a license authorized by Section  
21 5-1 issued by the State Commission or in violation of that  
22 license; or (ii) manufactures, imports for distribution,  
23 transports from outside this State into this State for sale or  
24 resale in this State, or distributes or sells alcoholic  
25 liquors at any place without having first obtained a valid  
26 license to do so is guilty of a Class 4 felony for each

1 offense.

2 (b) (1) Any retailer, caterer retailer, brew pub, special  
3 event retailer, special use permit holder, homebrewer special  
4 event permit holder, or craft distiller tasting permit holder  
5 who knowingly causes alcoholic liquors to be imported directly  
6 into the State of Illinois from outside of the State for the  
7 purpose of furnishing, giving, or selling to another, except  
8 when having received the product from a duly licensed  
9 distributor or importing distributor, shall have his license  
10 suspended for 30 days for the first offense and for the second  
11 offense, shall have his license revoked by the Commission.

12 (2) In the event the State Commission receives a certified  
13 copy of a final order from a foreign jurisdiction that an  
14 Illinois retail licensee has been found to have violated that  
15 foreign jurisdiction's laws, rules, or regulations concerning  
16 the importation of alcoholic liquor into that foreign  
17 jurisdiction, the violation may be grounds for the State  
18 Commission to revoke, suspend, or refuse to issue or renew a  
19 license, to impose a fine, or to take any additional action  
20 provided by this Act with respect to the Illinois retail  
21 license or licensee. Any such action on the part of the State  
22 Commission shall be in accordance with this Act and  
23 implementing rules.

24 For the purposes of paragraph (2): (i) "foreign  
25 jurisdiction" means a state, territory, or possession of the  
26 United States, the District of Columbia, or the Commonwealth

1 of Puerto Rico, and (ii) "final order" means an order or  
2 judgment of a court or administrative body that determines the  
3 rights of the parties respecting the subject matter of the  
4 proceeding, that remains in full force and effect, and from  
5 which no appeal can be taken.

6 (c) Any person who shall make any false statement or  
7 otherwise violates any of the provisions of this Act in  
8 obtaining any license hereunder, or who having obtained a  
9 license hereunder shall violate any of the provisions of this  
10 Act with respect to the manufacture, possession, distribution  
11 or sale of alcoholic liquor, or with respect to the  
12 maintenance of the licensed premises, or shall violate any  
13 other provision of this Act, shall for a first offense be  
14 guilty of a petty offense and fined not more than \$500, and for  
15 a second or subsequent offense shall be guilty of a Class B  
16 misdemeanor.

17 (c-5) Any owner of an establishment that serves alcohol on  
18 its premises, if more than 50% of the establishment's gross  
19 receipts within the prior 3 months is from the sale of alcohol,  
20 who knowingly fails to prohibit concealed firearms on its  
21 premises or who knowingly makes a false statement or record to  
22 avoid the prohibition of concealed firearms on its premises  
23 under the Firearm Concealed Carry Act shall be guilty of a  
24 business offense with a fine up to \$5,000.

25 (d) Each day any person engages in business as a  
26 manufacturer, foreign importer, importing distributor,

1 distributor or retailer in violation of the provisions of this  
2 Act shall constitute a separate offense.

3 (e) Any person, under the age of 21 years who, for the  
4 purpose of buying, accepting or receiving alcoholic liquor  
5 from a licensee, represents that he is 21 years of age or over  
6 shall be guilty of a Class A misdemeanor.

7 (f) In addition to the penalties herein provided, any  
8 person licensed as a wine-maker in either class who  
9 manufactures more wine than authorized by his license shall be  
10 guilty of a business offense and shall be fined \$1 for each  
11 gallon so manufactured.

12 (g) A person shall be exempt from prosecution for a  
13 violation of this Act if he is a peace officer in the  
14 enforcement of the criminal laws and such activity is approved  
15 in writing by one of the following:

16 (1) In all counties, the respective State's Attorney;

17 (2) The Director of the Illinois State Police under  
18 Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75,  
19 ~~2605-100, 2605-105, 2605-110, 2605-115, 2605-120,~~  
20 ~~2605-130, 2605-140,~~ 2605-190, 2605-200, 2605-205,  
21 2605-210, 2605-215, 2605-250, 2605-275, ~~2605-300,~~  
22 2605-305, 2605-315, 2605-325, 2605-335, 2605-340,  
23 2605-350, 2605-355, 2605-360, 2605-365, 2605-375,  
24 ~~2605-390,~~ 2605-400, 2605-405, 2605-420, 2605-430,  
25 2605-435, ~~2605-500,~~ 2605-525, or 2605-550 of the Illinois  
26 ~~Department of State Police Law (20 ILCS 2605/2605-10,~~

1       ~~2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,~~  
2       ~~2605/2605-110, 2605/2605-115, 2605/2605-120,~~  
3       ~~2605/2605-130, 2605/2605-140, 2605/2605-190,~~  
4       ~~2605/2605-200, 2605/2605-205, 2605/2605-210,~~  
5       ~~2605/2605-215, 2605/2605-250, 2605/2605-275,~~  
6       ~~2605/2605-300, 2605/2605-305, 2605/2605-315,~~  
7       ~~2605/2605-325, 2605/2605-335, 2605/2605-340,~~  
8       ~~2605/2605-350, 2605/2605-355, 2605/2605-360,~~  
9       ~~2605/2605-365, 2605/2605-375, 2605/2605-390,~~  
10       ~~2605/2605-400, 2605/2605-405, 2605/2605-420,~~  
11       ~~2605/2605-430, 2605/2605-435, 2605/2605-500,~~  
12       ~~2605/2605-525, or 2605/2605-550); or~~

13               (3) In cities over 1,000,000, the Superintendent of  
14       Police.

15       (Source: P.A. 101-37, eff. 7-3-19.)

16               Section 735. The Illinois Public Aid Code is amended by  
17       changing Sections 8A-7, 9A-11.5, 10-3.4, and 12-4.25 as  
18       follows:

19               (305 ILCS 5/8A-7) (from Ch. 23, par. 8A-7)

20               Sec. 8A-7. Civil Remedies. (a) A person who receives  
21       financial aid by means of a false statement, willful  
22       misrepresentation or by his failure to notify the county  
23       department or local governmental unit, as the case may be, of a  
24       change in his status as required by Sections 11-18 and 11-19,



1 for the purpose of preventing the denial, cancellation or  
2 suspension of his grant, or a variation in the amount thereof,  
3 or by other fraudulent device, or a person who knowingly aids  
4 or abets any person in obtaining financial aid for which he is  
5 not eligible, shall be answerable to the county department or  
6 the local governmental unit, as the case may be, for refunding  
7 the entire amount of aid received. If the refund is not made,  
8 it shall be recoverable in a civil action from the person who  
9 received the aid, or from anyone who willfully aided such  
10 person to obtain the aid. If an act which would be unlawful  
11 under Section 8A-2 is proven, the court may as a penalty assess  
12 an additional sum of money, not to exceed the entire amount of  
13 aid provided, against the recipient or against any person who  
14 willfully aided the recipient. If assessed, the penalty shall  
15 be included in any judgment entered for the aid received, and  
16 paid to the county department or the local governmental unit,  
17 as the case may be. Upon entry of the judgment a lien shall  
18 attach to all property and assets of such person until the  
19 judgment is satisfied.

20 (b) Any person, firm, corporation, association, agency,  
21 institution or other legal entity, other than an individual  
22 recipient, that willfully, by means of a false statement or  
23 representation, or by concealment of any material fact or by  
24 other fraudulent scheme or device on behalf of himself or  
25 others, obtains or attempts to obtain benefits or payments  
26 under this Code to which he or it is not entitled, or in a

1 greater amount than that to which he or it is entitled, shall  
2 be liable for repayment of any excess benefits or payments  
3 received and, in addition to any other penalties provided by  
4 law, civil penalties consisting of (1) the interest on the  
5 amount of excess benefits or payments at the maximum legal  
6 rate in effect on the date the payment was made to such person,  
7 firm, corporation, association, agency, institution or other  
8 legal entity for the period from the date upon which payment  
9 was made to the date upon which repayment is made to the State,  
10 (2) an amount not to exceed 3 times the amount of such excess  
11 benefits or payments, and (3) the sum of \$2,000 for each  
12 excessive claim for benefits or payments. Upon entry of a  
13 judgment for repayment of any excess benefits or payments, or  
14 for any civil penalties assessed by the court, a lien shall  
15 attach to all property and assets of such person, firm,  
16 corporation, association, agency, institution or other legal  
17 entity until the judgment is satisfied.

18 (c) Civil recoveries provided for in this Section may be  
19 recoverable in court proceedings initiated by the Attorney  
20 General or, in actions involving a local governmental unit, by  
21 the State's Attorney.

22 (d) Any person who commits the offense of vendor fraud or  
23 recipient fraud as defined in Section 8A-2 and Section 8A-3 of  
24 this Article shall forfeit, according to the provisions of  
25 this subsection, any monies, profits or proceeds, and any  
26 interest or property which the sentencing court determines he

1 has acquired or maintained, directly or indirectly, in whole  
2 or in part as a result of such offense. Such person shall also  
3 forfeit any interest in, securities of, claim against, or  
4 contractual right of any kind which affords him a source of  
5 influence over, any enterprise which he has established,  
6 operated, controlled, conducted, or participated in  
7 conducting, where his relationship to or connection with any  
8 such thing or activity directly or indirectly, in whole or in  
9 part, is traceable to any thing or benefit which he has  
10 obtained or acquired through vendor fraud or recipient fraud.

11 Proceedings instituted pursuant to this subsection shall  
12 be subject to and conducted in accordance with the following  
13 procedures:

14 (1) The sentencing court shall, upon petition by the  
15 Attorney General or State's Attorney at any time following  
16 sentencing, conduct a hearing to determine whether any  
17 property or property interest is subject to forfeiture under  
18 this subsection. At the forfeiture hearing the People shall  
19 have the burden of establishing, by a preponderance of the  
20 evidence, that the property or property interests are subject  
21 to such forfeiture.

22 (2) In any action brought by the People of the State of  
23 Illinois under this Section, in which any restraining order,  
24 injunction or prohibition or any other action in connection  
25 with any property or interest subject to forfeiture under this  
26 subsection is sought, the circuit court presiding over the

1 trial of the person charged with recipient fraud or vendor  
2 fraud as defined in Sections 8A-2 or 8A-3 of this Article shall  
3 first determine whether there is probable cause to believe  
4 that the person so charged has committed the offense of  
5 recipient fraud or vendor fraud and whether the property or  
6 interest is subject to forfeiture under this subsection. To  
7 make such a determination, prior to entering any such order,  
8 the court shall conduct a hearing without a jury, at which the  
9 People shall establish that there is (i) probable cause that  
10 the person so charged has committed the offense of recipient  
11 fraud or vendor fraud and (ii) probable cause that any  
12 property or interest may be subject to forfeiture pursuant to  
13 this subsection. Such hearing may be conducted simultaneously  
14 with a preliminary hearing, if the prosecution is commenced by  
15 information or complaint, or by motion of the People at any  
16 stage in the proceedings. The court may accept a finding of  
17 probable cause at a preliminary hearing following the filing  
18 of an information charging the offense of recipient fraud or  
19 vendor fraud as defined in Sections 8A-2 or 8A-3 or the return  
20 of an indictment by a grand jury charging the offense of  
21 recipient fraud or vendor fraud as defined in Sections 8A-2 or  
22 8A-3 of this Article as sufficient evidence of probable cause  
23 as provided in item (i) above. Upon such a finding, the circuit  
24 court shall enter such restraining order, injunction or  
25 prohibition, or shall take such other action in connection  
26 with any such property or other interest subject to forfeiture

1 under this Act as is necessary to insure that such property is  
2 not removed from the jurisdiction of the court, concealed,  
3 destroyed or otherwise disposed of by the owner of that  
4 property or interest prior to a forfeiture hearing under this  
5 subsection. The Attorney General or State's Attorney shall  
6 file a certified copy of such restraining order, injunction or  
7 other prohibition with the recorder of deeds or registrar of  
8 titles of each county where any such property of the defendant  
9 may be located. No such injunction, restraining order or other  
10 prohibition shall affect the rights of any bonafide purchaser,  
11 mortgagee, judgement creditor or other lien holder arising  
12 prior to the date of such filing. The court may, at any time,  
13 upon verified petition by the defendant, conduct a hearing to  
14 determine whether all or portions of any such property or  
15 interest which the court previously determined to be subject  
16 to forfeiture or subject to any restraining order, injunction,  
17 or prohibition or other action, should be released. The court  
18 may in its discretion release such property to the defendant  
19 for good cause shown.

20 (3) Upon conviction of a person under this Article, the  
21 court shall authorize the Director of the Illinois ~~Department~~  
22 ~~of~~ State Police to seize all property or other interest  
23 declared forfeited under this subsection upon such terms and  
24 conditions as the court shall deem proper.

25 (4) The Director of the Illinois ~~Department~~ of State  
26 Police is authorized to sell all property forfeited and seized

1 pursuant to this subsection, unless such property is required  
2 by law to be destroyed or is harmful to the public. After the  
3 deduction of all requisite expenses of administration and  
4 sale, the court shall order the Director to distribute to the  
5 Illinois Department an amount from the proceeds of the  
6 forfeited property, or monies forfeited or seized, which will  
7 satisfy any unsatisfied court order of restitution entered  
8 pursuant to a conviction under this Article. If the proceeds  
9 are less than the amount necessary to satisfy the order of  
10 restitution, the Director shall distribute to the Illinois  
11 Department the entire amount of the remaining proceeds. The  
12 Director shall distribute any remaining proceeds of such sale,  
13 along with any monies forfeited or seized, in accordance with  
14 the following schedules:

15 (a) 25% shall be distributed to the unit of local  
16 government whose officers or employees conducted the  
17 investigation into recipient fraud or vendor fraud and caused  
18 the arrest or arrests and prosecution leading to the  
19 forfeiture. Amounts distributed to units of local government  
20 shall be used solely for enforcement matters relating to  
21 detection, investigation or prosecution of recipient fraud or  
22 vendor fraud as defined in Section 8A-2 or 8A-3 of this  
23 Article. Where the investigation, arrest or arrests leading to  
24 the prosecution and forfeiture is undertaken solely by the  
25 Illinois ~~Department of~~ State Police, the portion provided  
26 hereunder shall be paid into the Medicaid Fraud and Abuse

1 Prevention Fund, which is hereby created in the State  
2 treasury. Monies from this fund shall be used by the Illinois  
3 ~~Department of~~ State Police for the furtherance of enforcement  
4 matters relating to detection, investigation or prosecution of  
5 recipient fraud or vendor fraud. Monies directed to this fund  
6 shall be used in addition to, and not as a substitute for,  
7 funds annually appropriated to the Illinois ~~Department of~~  
8 State Police for medicaid fraud enforcement.

9 (b) 25% shall be distributed to the county in which the  
10 prosecution and petition for forfeiture resulting in the  
11 forfeiture was instituted, and deposited in a special fund in  
12 the county treasury and appropriated to the State's Attorney  
13 for use solely in enforcement matters relating to detection,  
14 investigation or prosecution of recipient fraud or vendor  
15 fraud; however, if the Attorney General brought the  
16 prosecution resulting in the forfeiture, the portion provided  
17 hereunder shall be paid into the Medicaid Fraud and Abuse  
18 Prevention Fund, to be used by the Medicaid Fraud Control Unit  
19 of the Illinois ~~Department of~~ State Police for enforcement  
20 matters relating to detection, investigation or prosecution of  
21 recipient fraud or vendor fraud. Where the Attorney General  
22 and a State's Attorney have jointly participated in any  
23 portion of the proceedings, 12.5% shall be distributed to the  
24 county in which the prosecution resulting in the forfeiture  
25 was instituted, and used as specified herein, and 12.5% shall  
26 be paid into the Medicaid Fraud and Abuse Prevention Fund, and

1 used as specified herein.

2 (c) 50% shall be transmitted to the State Treasurer for  
3 deposit in the General Revenue Fund.

4 (Source: P.A. 85-707.)

5 (305 ILCS 5/9A-11.5)

6 Sec. 9A-11.5. Investigate child care providers.

7 (a) Any child care provider receiving funds from the child  
8 care assistance program under this Code who is not required to  
9 be licensed under the Child Care Act of 1969 shall, as a  
10 condition of eligibility to participate in the child care  
11 assistance program under this Code, authorize in writing on a  
12 form prescribed by the Department of Children and Family  
13 Services, periodic investigations of the Central Register, as  
14 defined in the Abused and Neglected Child Reporting Act, to  
15 ascertain if the child care provider has been determined to be  
16 a perpetrator in an indicated report of child abuse or  
17 neglect. The Department of Children and Family Services shall  
18 conduct an investigation of the Central Register at the  
19 request of the Department.

20 (b) Any child care provider, other than a relative of the  
21 child, receiving funds from the child care assistance program  
22 under this Code who is not required to be licensed under the  
23 Child Care Act of 1969 shall, as a condition of eligibility to  
24 participate in the child care assistance program under this  
25 Code, authorize in writing a State and Federal Bureau of



1 Investigation fingerprint-based criminal history record check  
2 to determine if the child care provider has ever been  
3 convicted of a crime with respect to which the conviction has  
4 not been overturned and the criminal records have not been  
5 sealed or expunged. Upon this authorization, the Department  
6 shall request and receive information and assistance from any  
7 federal or State governmental agency as part of the authorized  
8 criminal history record check. The Illinois ~~Department of~~  
9 State Police shall provide information concerning any  
10 conviction that has not been overturned and with respect to  
11 which the criminal records have not been sealed or expunged,  
12 whether the conviction occurred before or on or after the  
13 effective date of this amendatory Act of the 96th General  
14 Assembly, of a child care provider upon the request of the  
15 Department when the request is made in the form and manner  
16 required by the Illinois ~~Department of~~ State Police. The  
17 Illinois ~~Department of~~ State Police shall charge a fee not to  
18 exceed the cost of processing the criminal history record  
19 check. The fee is to be deposited into the State Police  
20 Services Fund. Any information concerning convictions that  
21 have not been overturned and with respect to which the  
22 criminal records have not been sealed or expunged obtained by  
23 the Department is confidential and may not be transmitted (i)  
24 outside the Department except as required in this Section or  
25 (ii) to anyone within the Department except as needed for the  
26 purposes of determining participation in the child care

1 assistance program. A copy of the criminal history record  
2 check obtained from the Illinois ~~Department of~~ State Police  
3 shall be provided to the unlicensed child care provider.

4 (c) The Department shall by rule set standards for  
5 determining when to disqualify an unlicensed child care  
6 provider for payment because (i) there is an indicated finding  
7 against the provider based on the results of the Central  
8 Register search or (ii) there is a disqualifying criminal  
9 charge pending against the provider or the provider has a  
10 disqualifying criminal conviction that has not been overturned  
11 and with respect to which the criminal records have not been  
12 expunged or sealed based on the results of the  
13 fingerprint-based Illinois ~~Department of~~ State Police and  
14 Federal Bureau of Investigation criminal history record check.  
15 In determining whether to disqualify an unlicensed child care  
16 provider for payment under this subsection, the Department  
17 shall consider the nature and gravity of any offense or  
18 offenses; the time that has passed since the offense or  
19 offenses or the completion of the criminal sentence or both;  
20 and the relationship of the offense or offenses to the  
21 responsibilities of the child care provider.

22 (Source: P.A. 96-632, eff. 8-24-09.)

23 (305 ILCS 5/10-3.4)

24 Sec. 10-3.4. Obtaining location information.

25 (a) The Illinois Department shall enter into agreements

1 with the Illinois ~~Department of~~ State Police and the Secretary  
2 of State to obtain location information on persons for the  
3 purpose of establishing paternity, and establishing,  
4 modifying, and enforcing child support obligations.

5 (b) Upon request, the Illinois Department shall provide  
6 information obtained pursuant to this Section to federal  
7 agencies and other states' agencies conducting child support  
8 enforcement activities under Title IV, Part D of the Social  
9 Security Act.

10 (Source: P.A. 90-18, eff. 7-1-97.)

11 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

12 Sec. 12-4.25. Medical assistance program; vendor  
13 participation.

14 (A) The Illinois Department may deny, suspend, or  
15 terminate the eligibility of any person, firm, corporation,  
16 association, agency, institution or other legal entity to  
17 participate as a vendor of goods or services to recipients  
18 under the medical assistance program under Article V, or may  
19 exclude any such person or entity from participation as such a  
20 vendor, and may deny, suspend, or recover payments, if after  
21 reasonable notice and opportunity for a hearing the Illinois  
22 Department finds:

23 (a) Such vendor is not complying with the Department's  
24 policy or rules and regulations, or with the terms and  
25 conditions prescribed by the Illinois Department in its

1 vendor agreement, which document shall be developed by the  
2 Department as a result of negotiations with each vendor  
3 category, including physicians, hospitals, long term care  
4 facilities, pharmacists, optometrists, podiatric  
5 physicians, and dentists setting forth the terms and  
6 conditions applicable to the participation of each vendor  
7 group in the program; or

8 (b) Such vendor has failed to keep or make available  
9 for inspection, audit or copying, after receiving a  
10 written request from the Illinois Department, such records  
11 regarding payments claimed for providing services. This  
12 section does not require vendors to make available patient  
13 records of patients for whom services are not reimbursed  
14 under this Code; or

15 (c) Such vendor has failed to furnish any information  
16 requested by the Department regarding payments for  
17 providing goods or services; or

18 (d) Such vendor has knowingly made, or caused to be  
19 made, any false statement or representation of a material  
20 fact in connection with the administration of the medical  
21 assistance program; or

22 (e) Such vendor has furnished goods or services to a  
23 recipient which are (1) in excess of need, (2) harmful, or  
24 (3) of grossly inferior quality, all of such  
25 determinations to be based upon competent medical judgment  
26 and evaluations; or

1           (f)     The vendor; a person with management  
2           responsibility for a vendor; an officer or person owning,  
3           either directly or indirectly, 5% or more of the shares of  
4           stock or other evidences of ownership in a corporate  
5           vendor; an owner of a sole proprietorship which is a  
6           vendor; or a partner in a partnership which is a vendor,  
7           either:

8                     (1) was previously terminated, suspended, or  
9                     excluded from participation in the Illinois medical  
10                    assistance program, or was terminated, suspended, or  
11                    excluded from participation in another state or  
12                    federal medical assistance or health care program; or

13                    (2) was a person with management responsibility  
14                    for a vendor previously terminated, suspended, or  
15                    excluded from participation in the Illinois medical  
16                    assistance program, or terminated, suspended, or  
17                    excluded from participation in another state or  
18                    federal medical assistance or health care program  
19                    during the time of conduct which was the basis for that  
20                    vendor's termination, suspension, or exclusion; or

21                    (3) was an officer, or person owning, either  
22                    directly or indirectly, 5% or more of the shares of  
23                    stock or other evidences of ownership in a corporate  
24                    or limited liability company vendor previously  
25                    terminated, suspended, or excluded from participation  
26                    in the Illinois medical assistance program, or

1 terminated, suspended, or excluded from participation  
2 in a state or federal medical assistance or health  
3 care program during the time of conduct which was the  
4 basis for that vendor's termination, suspension, or  
5 exclusion; or

6 (4) was an owner of a sole proprietorship or  
7 partner of a partnership previously terminated,  
8 suspended, or excluded from participation in the  
9 Illinois medical assistance program, or terminated,  
10 suspended, or excluded from participation in a state  
11 or federal medical assistance or health care program  
12 during the time of conduct which was the basis for that  
13 vendor's termination, suspension, or exclusion; or

14 (f-1) Such vendor has a delinquent debt owed to the  
15 Illinois Department; or

16 (g) The vendor; a person with management  
17 responsibility for a vendor; an officer or person owning,  
18 either directly or indirectly, 5% or more of the shares of  
19 stock or other evidences of ownership in a corporate or  
20 limited liability company vendor; an owner of a sole  
21 proprietorship which is a vendor; or a partner in a  
22 partnership which is a vendor, either:

23 (1) has engaged in practices prohibited by  
24 applicable federal or State law or regulation; or

25 (2) was a person with management responsibility  
26 for a vendor at the time that such vendor engaged in

1 practices prohibited by applicable federal or State  
2 law or regulation; or

3 (3) was an officer, or person owning, either  
4 directly or indirectly, 5% or more of the shares of  
5 stock or other evidences of ownership in a vendor at  
6 the time such vendor engaged in practices prohibited  
7 by applicable federal or State law or regulation; or

8 (4) was an owner of a sole proprietorship or  
9 partner of a partnership which was a vendor at the time  
10 such vendor engaged in practices prohibited by  
11 applicable federal or State law or regulation; or

12 (h) The direct or indirect ownership of the vendor  
13 (including the ownership of a vendor that is a sole  
14 proprietorship, a partner's interest in a vendor that is a  
15 partnership, or ownership of 5% or more of the shares of  
16 stock or other evidences of ownership in a corporate  
17 vendor) has been transferred by an individual who is  
18 terminated, suspended, or excluded or barred from  
19 participating as a vendor to the individual's spouse,  
20 child, brother, sister, parent, grandparent, grandchild,  
21 uncle, aunt, niece, nephew, cousin, or relative by  
22 marriage.

23 (A-5) The Illinois Department may deny, suspend, or  
24 terminate the eligibility of any person, firm, corporation,  
25 association, agency, institution, or other legal entity to  
26 participate as a vendor of goods or services to recipients

1 under the medical assistance program under Article V, or may  
2 exclude any such person or entity from participation as such a  
3 vendor, if, after reasonable notice and opportunity for a  
4 hearing, the Illinois Department finds that the vendor; a  
5 person with management responsibility for a vendor; an officer  
6 or person owning, either directly or indirectly, 5% or more of  
7 the shares of stock or other evidences of ownership in a  
8 corporate vendor; an owner of a sole proprietorship that is a  
9 vendor; or a partner in a partnership that is a vendor has been  
10 convicted of an offense based on fraud or willful  
11 misrepresentation related to any of the following:

12 (1) The medical assistance program under Article V of  
13 this Code.

14 (2) A medical assistance or health care program in  
15 another state.

16 (3) The Medicare program under Title XVIII of the  
17 Social Security Act.

18 (4) The provision of health care services.

19 (5) A violation of this Code, as provided in Article  
20 VIIIA, or another state or federal medical assistance  
21 program or health care program.

22 (A-10) The Illinois Department may deny, suspend, or  
23 terminate the eligibility of any person, firm, corporation,  
24 association, agency, institution, or other legal entity to  
25 participate as a vendor of goods or services to recipients  
26 under the medical assistance program under Article V, or may



1 exclude any such person or entity from participation as such a  
2 vendor, if, after reasonable notice and opportunity for a  
3 hearing, the Illinois Department finds that (i) the vendor,  
4 (ii) a person with management responsibility for a vendor,  
5 (iii) an officer or person owning, either directly or  
6 indirectly, 5% or more of the shares of stock or other  
7 evidences of ownership in a corporate vendor, (iv) an owner of  
8 a sole proprietorship that is a vendor, or (v) a partner in a  
9 partnership that is a vendor has been convicted of an offense  
10 related to any of the following:

11 (1) Murder.

12 (2) A Class X felony under the Criminal Code of 1961 or  
13 the Criminal Code of 2012.

14 (3) Sexual misconduct that may subject recipients to  
15 an undue risk of harm.

16 (4) A criminal offense that may subject recipients to  
17 an undue risk of harm.

18 (5) A crime of fraud or dishonesty.

19 (6) A crime involving a controlled substance.

20 (7) A misdemeanor relating to fraud, theft,  
21 embezzlement, breach of fiduciary responsibility, or other  
22 financial misconduct related to a health care program.

23 (A-15) The Illinois Department may deny the eligibility of  
24 any person, firm, corporation, association, agency,  
25 institution, or other legal entity to participate as a vendor  
26 of goods or services to recipients under the medical

1 assistance program under Article V if, after reasonable notice  
2 and opportunity for a hearing, the Illinois Department finds:

3 (1) The applicant or any person with management  
4 responsibility for the applicant; an officer or member of  
5 the board of directors of an applicant; an entity owning  
6 (directly or indirectly) 5% or more of the shares of stock  
7 or other evidences of ownership in a corporate vendor  
8 applicant; an owner of a sole proprietorship applicant; a  
9 partner in a partnership applicant; or a technical or  
10 other advisor to an applicant has a debt owed to the  
11 Illinois Department, and no payment arrangements  
12 acceptable to the Illinois Department have been made by  
13 the applicant.

14 (2) The applicant or any person with management  
15 responsibility for the applicant; an officer or member of  
16 the board of directors of an applicant; an entity owning  
17 (directly or indirectly) 5% or more of the shares of stock  
18 or other evidences of ownership in a corporate vendor  
19 applicant; an owner of a sole proprietorship applicant; a  
20 partner in a partnership vendor applicant; or a technical  
21 or other advisor to an applicant was (i) a person with  
22 management responsibility, (ii) an officer or member of  
23 the board of directors of an applicant, (iii) an entity  
24 owning (directly or indirectly) 5% or more of the shares  
25 of stock or other evidences of ownership in a corporate  
26 vendor, (iv) an owner of a sole proprietorship, (v) a

1 partner in a partnership vendor, (vi) a technical or other  
2 advisor to a vendor, during a period of time where the  
3 conduct of that vendor resulted in a debt owed to the  
4 Illinois Department, and no payment arrangements  
5 acceptable to the Illinois Department have been made by  
6 that vendor.

7 (3) There is a credible allegation of the use,  
8 transfer, or lease of assets of any kind to an applicant  
9 from a current or prior vendor who has a debt owed to the  
10 Illinois Department, no payment arrangements acceptable to  
11 the Illinois Department have been made by that vendor or  
12 the vendor's alternate payee, and the applicant knows or  
13 should have known of such debt.

14 (4) There is a credible allegation of a transfer of  
15 management responsibilities, or direct or indirect  
16 ownership, to an applicant from a current or prior vendor  
17 who has a debt owed to the Illinois Department, and no  
18 payment arrangements acceptable to the Illinois Department  
19 have been made by that vendor or the vendor's alternate  
20 payee, and the applicant knows or should have known of  
21 such debt.

22 (5) There is a credible allegation of the use,  
23 transfer, or lease of assets of any kind to an applicant  
24 who is a spouse, child, brother, sister, parent,  
25 grandparent, grandchild, uncle, aunt, niece, relative by  
26 marriage, nephew, cousin, or relative of a current or

1 prior vendor who has a debt owed to the Illinois  
2 Department and no payment arrangements acceptable to the  
3 Illinois Department have been made.

4 (6) There is a credible allegation that the  
5 applicant's previous affiliations with a provider of  
6 medical services that has an uncollected debt, a provider  
7 that has been or is subject to a payment suspension under a  
8 federal health care program, or a provider that has been  
9 previously excluded from participation in the medical  
10 assistance program, poses a risk of fraud, waste, or abuse  
11 to the Illinois Department.

12 As used in this subsection, "credible allegation" is  
13 defined to include an allegation from any source, including,  
14 but not limited to, fraud hotline complaints, claims data  
15 mining, patterns identified through provider audits, civil  
16 actions filed under the Illinois False Claims Act, and law  
17 enforcement investigations. An allegation is considered to be  
18 credible when it has indicia of reliability.

19 (B) The Illinois Department shall deny, suspend or  
20 terminate the eligibility of any person, firm, corporation,  
21 association, agency, institution or other legal entity to  
22 participate as a vendor of goods or services to recipients  
23 under the medical assistance program under Article V, or may  
24 exclude any such person or entity from participation as such a  
25 vendor:

26 (1) immediately, if such vendor is not properly

1 licensed, certified, or authorized;

2 (2) within 30 days of the date when such vendor's  
3 professional license, certification or other authorization  
4 has been refused renewal, restricted, revoked, suspended,  
5 or otherwise terminated; or

6 (3) if such vendor has been convicted of a violation  
7 of this Code, as provided in Article VIII A.

8 (C) Upon termination, suspension, or exclusion of a vendor  
9 of goods or services from participation in the medical  
10 assistance program authorized by this Article, a person with  
11 management responsibility for such vendor during the time of  
12 any conduct which served as the basis for that vendor's  
13 termination, suspension, or exclusion is barred from  
14 participation in the medical assistance program.

15 Upon termination, suspension, or exclusion of a corporate  
16 vendor, the officers and persons owning, directly or  
17 indirectly, 5% or more of the shares of stock or other  
18 evidences of ownership in the vendor during the time of any  
19 conduct which served as the basis for that vendor's  
20 termination, suspension, or exclusion are barred from  
21 participation in the medical assistance program. A person who  
22 owns, directly or indirectly, 5% or more of the shares of stock  
23 or other evidences of ownership in a terminated, suspended, or  
24 excluded vendor may not transfer his or her ownership interest  
25 in that vendor to his or her spouse, child, brother, sister,  
26 parent, grandparent, grandchild, uncle, aunt, niece, nephew,

1 cousin, or relative by marriage.

2       Upon termination, suspension, or exclusion of a sole  
3 proprietorship or partnership, the owner or partners during  
4 the time of any conduct which served as the basis for that  
5 vendor's termination, suspension, or exclusion are barred from  
6 participation in the medical assistance program. The owner of  
7 a terminated, suspended, or excluded vendor that is a sole  
8 proprietorship, and a partner in a terminated, suspended, or  
9 excluded vendor that is a partnership, may not transfer his or  
10 her ownership or partnership interest in that vendor to his or  
11 her spouse, child, brother, sister, parent, grandparent,  
12 grandchild, uncle, aunt, niece, nephew, cousin, or relative by  
13 marriage.

14       A person who owns, directly or indirectly, 5% or more of  
15 the shares of stock or other evidences of ownership in a  
16 corporate or limited liability company vendor who owes a debt  
17 to the Department, if that vendor has not made payment  
18 arrangements acceptable to the Department, shall not transfer  
19 his or her ownership interest in that vendor, or vendor assets  
20 of any kind, to his or her spouse, child, brother, sister,  
21 parent, grandparent, grandchild, uncle, aunt, niece, nephew,  
22 cousin, or relative by marriage.

23       Rules adopted by the Illinois Department to implement  
24 these provisions shall specifically include a definition of  
25 the term "management responsibility" as used in this Section.  
26 Such definition shall include, but not be limited to, typical

1 job titles, and duties and descriptions which will be  
2 considered as within the definition of individuals with  
3 management responsibility for a provider.

4 A vendor or a prior vendor who has been terminated,  
5 excluded, or suspended from the medical assistance program, or  
6 from another state or federal medical assistance or health  
7 care program, and any individual currently or previously  
8 barred from the medical assistance program, or from another  
9 state or federal medical assistance or health care program, as  
10 a result of being an officer or a person owning, directly or  
11 indirectly, 5% or more of the shares of stock or other  
12 evidences of ownership in a corporate or limited liability  
13 company vendor during the time of any conduct which served as  
14 the basis for that vendor's termination, suspension, or  
15 exclusion, may be required to post a surety bond as part of a  
16 condition of enrollment or participation in the medical  
17 assistance program. The Illinois Department shall establish,  
18 by rule, the criteria and requirements for determining when a  
19 surety bond must be posted and the value of the bond.

20 A vendor or a prior vendor who has a debt owed to the  
21 Illinois Department and any individual currently or previously  
22 barred from the medical assistance program, or from another  
23 state or federal medical assistance or health care program, as  
24 a result of being an officer or a person owning, directly or  
25 indirectly, 5% or more of the shares of stock or other  
26 evidences of ownership in that corporate or limited liability

1 company vendor during the time of any conduct which served as  
2 the basis for the debt, may be required to post a surety bond  
3 as part of a condition of enrollment or participation in the  
4 medical assistance program. The Illinois Department shall  
5 establish, by rule, the criteria and requirements for  
6 determining when a surety bond must be posted and the value of  
7 the bond.

8 (D) If a vendor has been suspended from the medical  
9 assistance program under Article V of the Code, the Director  
10 may require that such vendor correct any deficiencies which  
11 served as the basis for the suspension. The Director shall  
12 specify in the suspension order a specific period of time,  
13 which shall not exceed one year from the date of the order,  
14 during which a suspended vendor shall not be eligible to  
15 participate. At the conclusion of the period of suspension the  
16 Director shall reinstate such vendor, unless he finds that  
17 such vendor has not corrected deficiencies upon which the  
18 suspension was based.

19 If a vendor has been terminated, suspended, or excluded  
20 from the medical assistance program under Article V, such  
21 vendor shall be barred from participation for at least one  
22 year, except that if a vendor has been terminated, suspended,  
23 or excluded based on a conviction of a violation of Article  
24 VIIIA or a conviction of a felony based on fraud or a willful  
25 misrepresentation related to (i) the medical assistance  
26 program under Article V, (ii) a federal or another state's



1 medical assistance or health care program, or (iii) the  
2 provision of health care services, then the vendor shall be  
3 barred from participation for 5 years or for the length of the  
4 vendor's sentence for that conviction, whichever is longer. At  
5 the end of one year a vendor who has been terminated,  
6 suspended, or excluded may apply for reinstatement to the  
7 program. Upon proper application to be reinstated such vendor  
8 may be deemed eligible by the Director providing that such  
9 vendor meets the requirements for eligibility under this Code.  
10 If such vendor is deemed not eligible for reinstatement, he  
11 shall be barred from again applying for reinstatement for one  
12 year from the date his application for reinstatement is  
13 denied.

14 A vendor whose termination, suspension, or exclusion from  
15 participation in the Illinois medical assistance program under  
16 Article V was based solely on an action by a governmental  
17 entity other than the Illinois Department may, upon  
18 reinstatement by that governmental entity or upon reversal of  
19 the termination, suspension, or exclusion, apply for  
20 rescission of the termination, suspension, or exclusion from  
21 participation in the Illinois medical assistance program. Upon  
22 proper application for rescission, the vendor may be deemed  
23 eligible by the Director if the vendor meets the requirements  
24 for eligibility under this Code.

25 If a vendor has been terminated, suspended, or excluded  
26 and reinstated to the medical assistance program under Article

1 V and the vendor is terminated, suspended, or excluded a  
2 second or subsequent time from the medical assistance program,  
3 the vendor shall be barred from participation for at least 2  
4 years, except that if a vendor has been terminated, suspended,  
5 or excluded a second time based on a conviction of a violation  
6 of Article VIII A or a conviction of a felony based on fraud or  
7 a willful misrepresentation related to (i) the medical  
8 assistance program under Article V, (ii) a federal or another  
9 state's medical assistance or health care program, or (iii)  
10 the provision of health care services, then the vendor shall  
11 be barred from participation for life. At the end of 2 years, a  
12 vendor who has been terminated, suspended, or excluded may  
13 apply for reinstatement to the program. Upon application to be  
14 reinstated, the vendor may be deemed eligible if the vendor  
15 meets the requirements for eligibility under this Code. If the  
16 vendor is deemed not eligible for reinstatement, the vendor  
17 shall be barred from again applying for reinstatement for 2  
18 years from the date the vendor's application for reinstatement  
19 is denied.

20 (E) The Illinois Department may recover money improperly  
21 or erroneously paid, or overpayments, either by setoff,  
22 crediting against future billings or by requiring direct  
23 repayment to the Illinois Department. The Illinois Department  
24 may suspend or deny payment, in whole or in part, if such  
25 payment would be improper or erroneous or would otherwise  
26 result in overpayment.

1           (1) Payments may be suspended, denied, or recovered  
2           from a vendor or alternate payee: (i) for services  
3           rendered in violation of the Illinois Department's  
4           provider notices, statutes, rules, and regulations; (ii)  
5           for services rendered in violation of the terms and  
6           conditions prescribed by the Illinois Department in its  
7           vendor agreement; (iii) for any vendor who fails to grant  
8           the Office of Inspector General timely access to full and  
9           complete records, including, but not limited to, records  
10          relating to recipients under the medical assistance  
11          program for the most recent 6 years, in accordance with  
12          Section 140.28 of Title 89 of the Illinois Administrative  
13          Code, and other information for the purpose of audits,  
14          investigations, or other program integrity functions,  
15          after reasonable written request by the Inspector General;  
16          this subsection (E) does not require vendors to make  
17          available the medical records of patients for whom  
18          services are not reimbursed under this Code or to provide  
19          access to medical records more than 6 years old; (iv) when  
20          the vendor has knowingly made, or caused to be made, any  
21          false statement or representation of a material fact in  
22          connection with the administration of the medical  
23          assistance program; or (v) when the vendor previously  
24          rendered services while terminated, suspended, or excluded  
25          from participation in the medical assistance program or  
26          while terminated or excluded from participation in another

1 state or federal medical assistance or health care  
2 program.

3 (2) Notwithstanding any other provision of law, if a  
4 vendor has the same taxpayer identification number  
5 (assigned under Section 6109 of the Internal Revenue Code  
6 of 1986) as is assigned to a vendor with past-due  
7 financial obligations to the Illinois Department, the  
8 Illinois Department may make any necessary adjustments to  
9 payments to that vendor in order to satisfy any past-due  
10 obligations, regardless of whether the vendor is assigned  
11 a different billing number under the medical assistance  
12 program.

13 (E-5) Civil monetary penalties.

14 (1) As used in this subsection (E-5):

15 (a) "Knowingly" means that a person, with respect  
16 to information: (i) has actual knowledge of the  
17 information; (ii) acts in deliberate ignorance of the  
18 truth or falsity of the information; or (iii) acts in  
19 reckless disregard of the truth or falsity of the  
20 information. No proof of specific intent to defraud is  
21 required.

22 (b) "Overpayment" means any funds that a person  
23 receives or retains from the medical assistance  
24 program to which the person, after applicable  
25 reconciliation, is not entitled under this Code.

26 (c) "Remuneration" means the offer or transfer of

1 items or services for free or for other than fair  
2 market value by a person; however, remuneration does  
3 not include items or services of a nominal value of no  
4 more than \$10 per item or service, or \$50 in the  
5 aggregate on an annual basis, or any other offer or  
6 transfer of items or services as determined by the  
7 Department.

8 (d) "Should know" means that a person, with  
9 respect to information: (i) acts in deliberate  
10 ignorance of the truth or falsity of the information;  
11 or (ii) acts in reckless disregard of the truth or  
12 falsity of the information. No proof of specific  
13 intent to defraud is required.

14 (2) Any person (including a vendor, provider,  
15 organization, agency, or other entity, or an alternate  
16 payee thereof, but excluding a recipient) who:

17 (a) knowingly presents or causes to be presented  
18 to an officer, employee, or agent of the State, a claim  
19 that the Department determines:

20 (i) is for a medical or other item or service  
21 that the person knows or should know was not  
22 provided as claimed, including any person who  
23 engages in a pattern or practice of presenting or  
24 causing to be presented a claim for an item or  
25 service that is based on a code that the person  
26 knows or should know will result in a greater

1 payment to the person than the code the person  
2 knows or should know is applicable to the item or  
3 service actually provided;

4 (ii) is for a medical or other item or service  
5 and the person knows or should know that the claim  
6 is false or fraudulent;

7 (iii) is presented for a vendor physician's  
8 service, or an item or service incident to a  
9 vendor physician's service, by a person who knows  
10 or should know that the individual who furnished,  
11 or supervised the furnishing of, the service:

12 (AA) was not licensed as a physician;

13 (BB) was licensed as a physician but such  
14 license had been obtained through a  
15 misrepresentation of material fact (including  
16 cheating on an examination required for  
17 licensing); or

18 (CC) represented to the patient at the  
19 time the service was furnished that the  
20 physician was certified in a medical specialty  
21 by a medical specialty board, when the  
22 individual was not so certified;

23 (iv) is for a medical or other item or service  
24 furnished during a period in which the person was  
25 excluded from the medical assistance program or a  
26 federal or state health care program under which

1 the claim was made pursuant to applicable law; or

2 (v) is for a pattern of medical or other items  
3 or services that a person knows or should know are  
4 not medically necessary;

5 (b) knowingly presents or causes to be presented  
6 to any person a request for payment which is in  
7 violation of the conditions for receipt of vendor  
8 payments under the medical assistance program under  
9 Section 11-13 of this Code;

10 (c) knowingly gives or causes to be given to any  
11 person, with respect to medical assistance program  
12 coverage of inpatient hospital services, information  
13 that he or she knows or should know is false or  
14 misleading, and that could reasonably be expected to  
15 influence the decision when to discharge such person  
16 or other individual from the hospital;

17 (d) in the case of a person who is not an  
18 organization, agency, or other entity, is excluded  
19 from participating in the medical assistance program  
20 or a federal or state health care program and who, at  
21 the time of a violation of this subsection (E-5):

22 (i) retains a direct or indirect ownership or  
23 control interest in an entity that is  
24 participating in the medical assistance program or  
25 a federal or state health care program, and who  
26 knows or should know of the action constituting

1           the basis for the exclusion; or

2           (ii) is an officer or managing employee of  
3           such an entity;

4           (e) offers or transfers remuneration to any  
5           individual eligible for benefits under the medical  
6           assistance program that such person knows or should  
7           know is likely to influence such individual to order  
8           or receive from a particular vendor, provider,  
9           practitioner, or supplier any item or service for  
10          which payment may be made, in whole or in part, under  
11          the medical assistance program;

12          (f) arranges or contracts (by employment or  
13          otherwise) with an individual or entity that the  
14          person knows or should know is excluded from  
15          participation in the medical assistance program or a  
16          federal or state health care program, for the  
17          provision of items or services for which payment may  
18          be made under such a program;

19          (g) commits an act described in subsection (b) or  
20          (c) of Section 8A-3;

21          (h) knowingly makes, uses, or causes to be made or  
22          used, a false record or statement material to a false  
23          or fraudulent claim for payment for items and services  
24          furnished under the medical assistance program;

25          (i) fails to grant timely access, upon reasonable  
26          request (as defined by the Department by rule), to the



1 Inspector General, for the purpose of audits,  
2 investigations, evaluations, or other statutory  
3 functions of the Inspector General of the Department;

4 (j) orders or prescribes a medical or other item  
5 or service during a period in which the person was  
6 excluded from the medical assistance program or a  
7 federal or state health care program, in the case  
8 where the person knows or should know that a claim for  
9 such medical or other item or service will be made  
10 under such a program;

11 (k) knowingly makes or causes to be made any false  
12 statement, omission, or misrepresentation of a  
13 material fact in any application, bid, or contract to  
14 participate or enroll as a vendor or provider of  
15 services or a supplier under the medical assistance  
16 program;

17 (l) knows of an overpayment and does not report  
18 and return the overpayment to the Department in  
19 accordance with paragraph (6);

20 shall be subject, in addition to any other penalties that  
21 may be prescribed by law, to a civil money penalty of not  
22 more than \$10,000 for each item or service (or, in cases  
23 under subparagraph (c), \$15,000 for each individual with  
24 respect to whom false or misleading information was given;  
25 in cases under subparagraph (d), \$10,000 for each day the  
26 prohibited relationship occurs; in cases under

1           subparagraph (g), \$50,000 for each such act; in cases  
2           under subparagraph (h), \$50,000 for each false record or  
3           statement; in cases under subparagraph (i), \$15,000 for  
4           each day of the failure described in such subparagraph; or  
5           in cases under subparagraph (k), \$50,000 for each false  
6           statement, omission, or misrepresentation of a material  
7           fact). In addition, such a person shall be subject to an  
8           assessment of not more than 3 times the amount claimed for  
9           each such item or service in lieu of damages sustained by  
10          the State because of such claim (or, in cases under  
11          subparagraph (g), damages of not more than 3 times the  
12          total amount of remuneration offered, paid, solicited, or  
13          received, without regard to whether a portion of such  
14          remuneration was offered, paid, solicited, or received for  
15          a lawful purpose; or in cases under subparagraph (k), an  
16          assessment of not more than 3 times the total amount  
17          claimed for each item or service for which payment was  
18          made based upon the application, bid, or contract  
19          containing the false statement, omission, or  
20          misrepresentation of a material fact).

21           (3) In addition, the Director or his or her designee  
22           may make a determination in the same proceeding to  
23           exclude, terminate, suspend, or bar the person from  
24           participation in the medical assistance program.

25           (4) The Illinois Department may seek the civil  
26           monetary penalties and exclusion, termination, suspension,

1 or barment identified in this subsection (E-5). Prior to  
2 the imposition of any penalties or sanctions, the affected  
3 person shall be afforded an opportunity for a hearing  
4 after reasonable notice. The Department shall establish  
5 hearing procedures by rule.

6 (5) Any final order, decision, or other determination  
7 made, issued, or executed by the Director under the  
8 provisions of this subsection (E-5), whereby a person is  
9 aggrieved, shall be subject to review in accordance with  
10 the provisions of the Administrative Review Law, and the  
11 rules adopted pursuant thereto, which shall apply to and  
12 govern all proceedings for the judicial review of final  
13 administrative decisions of the Director.

14 (6) (a) If a person has received an overpayment, the  
15 person shall:

16 (i) report and return the overpayment to the  
17 Department at the correct address; and

18 (ii) notify the Department in writing of the  
19 reason for the overpayment.

20 (b) An overpayment must be reported and returned under  
21 subparagraph (a) by the later of:

22 (i) the date which is 60 days after the date on  
23 which the overpayment was identified; or

24 (ii) the date any corresponding cost report is  
25 due, if applicable.

26 (E-10) A vendor who disputes an overpayment identified as

1 part of a Department audit shall utilize the Department's  
2 self-referral disclosure protocol as set forth under this Code  
3 to identify, investigate, and return to the Department any  
4 undisputed audit overpayment amount. Unless the disputed  
5 overpayment amount is subject to a fraud payment suspension,  
6 or involves a termination sanction, the Department shall defer  
7 the recovery of the disputed overpayment amount up to one year  
8 after the date of the Department's final audit determination,  
9 or earlier, or as required by State or federal law. If the  
10 administrative hearing extends beyond one year, and such delay  
11 was not caused by the request of the vendor, then the  
12 Department shall not recover the disputed overpayment amount  
13 until the date of the final administrative decision. If a  
14 final administrative decision establishes that the disputed  
15 overpayment amount is owed to the Department, then the amount  
16 shall be immediately due to the Department. The Department  
17 shall be entitled to recover interest from the vendor on the  
18 overpayment amount from the date of the overpayment through  
19 the date the vendor returns the overpayment to the Department  
20 at a rate not to exceed the Wall Street Journal Prime Rate, as  
21 published from time to time, but not to exceed 5%. Any interest  
22 billed by the Department shall be due immediately upon receipt  
23 of the Department's billing statement.

24 (F) The Illinois Department may withhold payments to any  
25 vendor or alternate payee prior to or during the pendency of  
26 any audit or proceeding under this Section, and through the

1 pendency of any administrative appeal or administrative review  
2 by any court proceeding. The Illinois Department shall state  
3 by rule with as much specificity as practicable the conditions  
4 under which payments will not be withheld under this Section.  
5 Payments may be denied for bills submitted with service dates  
6 occurring during the pendency of a proceeding, after a final  
7 decision has been rendered, or after the conclusion of any  
8 administrative appeal, where the final administrative decision  
9 is to terminate, exclude, or suspend eligibility to  
10 participate in the medical assistance program. The Illinois  
11 Department shall state by rule with as much specificity as  
12 practicable the conditions under which payments will not be  
13 denied for such bills. The Illinois Department shall state by  
14 rule a process and criteria by which a vendor or alternate  
15 payee may request full or partial release of payments withheld  
16 under this subsection. The Department must complete a  
17 proceeding under this Section in a timely manner.

18 Notwithstanding recovery allowed under subsection (E) or  
19 this subsection (F), the Illinois Department may withhold  
20 payments to any vendor or alternate payee who is not properly  
21 licensed, certified, or in compliance with State or federal  
22 agency regulations. Payments may be denied for bills submitted  
23 with service dates occurring during the period of time that a  
24 vendor is not properly licensed, certified, or in compliance  
25 with State or federal regulations. Facilities licensed under  
26 the Nursing Home Care Act shall have payments denied or

1 withheld pursuant to subsection (I) of this Section.

2 (F-5) The Illinois Department may temporarily withhold  
3 payments to a vendor or alternate payee if any of the following  
4 individuals have been indicted or otherwise charged under a  
5 law of the United States or this or any other state with an  
6 offense that is based on alleged fraud or willful  
7 misrepresentation on the part of the individual related to (i)  
8 the medical assistance program under Article V of this Code,  
9 (ii) a federal or another state's medical assistance or health  
10 care program, or (iii) the provision of health care services:

11 (1) If the vendor or alternate payee is a corporation:  
12 an officer of the corporation or an individual who owns,  
13 either directly or indirectly, 5% or more of the shares of  
14 stock or other evidence of ownership of the corporation.

15 (2) If the vendor is a sole proprietorship: the owner  
16 of the sole proprietorship.

17 (3) If the vendor or alternate payee is a partnership:  
18 a partner in the partnership.

19 (4) If the vendor or alternate payee is any other  
20 business entity authorized by law to transact business in  
21 this State: an officer of the entity or an individual who  
22 owns, either directly or indirectly, 5% or more of the  
23 evidences of ownership of the entity.

24 If the Illinois Department withholds payments to a vendor  
25 or alternate payee under this subsection, the Department shall  
26 not release those payments to the vendor or alternate payee

1 while any criminal proceeding related to the indictment or  
2 charge is pending unless the Department determines that there  
3 is good cause to release the payments before completion of the  
4 proceeding. If the indictment or charge results in the  
5 individual's conviction, the Illinois Department shall retain  
6 all withheld payments, which shall be considered forfeited to  
7 the Department. If the indictment or charge does not result in  
8 the individual's conviction, the Illinois Department shall  
9 release to the vendor or alternate payee all withheld  
10 payments.

11 (F-10) If the Illinois Department establishes that the  
12 vendor or alternate payee owes a debt to the Illinois  
13 Department, and the vendor or alternate payee subsequently  
14 fails to pay or make satisfactory payment arrangements with  
15 the Illinois Department for the debt owed, the Illinois  
16 Department may seek all remedies available under the law of  
17 this State to recover the debt, including, but not limited to,  
18 wage garnishment or the filing of claims or liens against the  
19 vendor or alternate payee.

20 (F-15) Enforcement of judgment.

21 (1) Any fine, recovery amount, other sanction, or  
22 costs imposed, or part of any fine, recovery amount, other  
23 sanction, or cost imposed, remaining unpaid after the  
24 exhaustion of or the failure to exhaust judicial review  
25 procedures under the Illinois Administrative Review Law is  
26 a debt due and owing the State and may be collected using

1 all remedies available under the law.

2 (2) After expiration of the period in which judicial  
3 review under the Illinois Administrative Review Law may be  
4 sought for a final administrative decision, unless stayed  
5 by a court of competent jurisdiction, the findings,  
6 decision, and order of the Director may be enforced in the  
7 same manner as a judgment entered by a court of competent  
8 jurisdiction.

9 (3) In any case in which any person or entity has  
10 failed to comply with a judgment ordering or imposing any  
11 fine or other sanction, any expenses incurred by the  
12 Illinois Department to enforce the judgment, including,  
13 but not limited to, attorney's fees, court costs, and  
14 costs related to property demolition or foreclosure, after  
15 they are fixed by a court of competent jurisdiction or the  
16 Director, shall be a debt due and owing the State and may  
17 be collected in accordance with applicable law. Prior to  
18 any expenses being fixed by a final administrative  
19 decision pursuant to this subsection (F-15), the Illinois  
20 Department shall provide notice to the individual or  
21 entity that states that the individual or entity shall  
22 appear at a hearing before the administrative hearing  
23 officer to determine whether the individual or entity has  
24 failed to comply with the judgment. The notice shall set  
25 the date for such a hearing, which shall not be less than 7  
26 days from the date that notice is served. If notice is



1 served by mail, the 7-day period shall begin to run on the  
2 date that the notice was deposited in the mail.

3 (4) Upon being recorded in the manner required by  
4 Article XII of the Code of Civil Procedure or by the  
5 Uniform Commercial Code, a lien shall be imposed on the  
6 real estate or personal estate, or both, of the individual  
7 or entity in the amount of any debt due and owing the State  
8 under this Section. The lien may be enforced in the same  
9 manner as a judgment of a court of competent jurisdiction.  
10 A lien shall attach to all property and assets of such  
11 person, firm, corporation, association, agency,  
12 institution, or other legal entity until the judgment is  
13 satisfied.

14 (5) The Director may set aside any judgment entered by  
15 default and set a new hearing date upon a petition filed at  
16 any time (i) if the petitioner's failure to appear at the  
17 hearing was for good cause, or (ii) if the petitioner  
18 established that the Department did not provide proper  
19 service of process. If any judgment is set aside pursuant  
20 to this paragraph (5), the hearing officer shall have  
21 authority to enter an order extinguishing any lien which  
22 has been recorded for any debt due and owing the Illinois  
23 Department as a result of the vacated default judgment.

24 (G) The provisions of the Administrative Review Law, as  
25 now or hereafter amended, and the rules adopted pursuant  
26 thereto, shall apply to and govern all proceedings for the

1 judicial review of final administrative decisions of the  
2 Illinois Department under this Section. The term  
3 "administrative decision" is defined as in Section 3-101 of  
4 the Code of Civil Procedure.

5 (G-5) Vendors who pose a risk of fraud, waste, abuse, or  
6 harm.

7 (1) Notwithstanding any other provision in this  
8 Section, the Department may terminate, suspend, or exclude  
9 vendors who pose a risk of fraud, waste, abuse, or harm  
10 from participation in the medical assistance program prior  
11 to an evidentiary hearing but after reasonable notice and  
12 opportunity to respond as established by the Department by  
13 rule.

14 (2) Vendors who pose a risk of fraud, waste, abuse, or  
15 harm shall submit to a fingerprint-based criminal  
16 background check on current and future information  
17 available in the State system and current information  
18 available through the Federal Bureau of Investigation's  
19 system by submitting all necessary fees and information in  
20 the form and manner prescribed by the Illinois Department  
21 ~~of~~ State Police. The following individuals shall be  
22 subject to the check:

23 (A) In the case of a vendor that is a corporation,  
24 every shareholder who owns, directly or indirectly, 5%  
25 or more of the outstanding shares of the corporation.

26 (B) In the case of a vendor that is a partnership,

1 every partner.

2 (C) In the case of a vendor that is a sole  
3 proprietorship, the sole proprietor.

4 (D) Each officer or manager of the vendor.

5 Each such vendor shall be responsible for payment of  
6 the cost of the criminal background check.

7 (3) Vendors who pose a risk of fraud, waste, abuse, or  
8 harm may be required to post a surety bond. The Department  
9 shall establish, by rule, the criteria and requirements  
10 for determining when a surety bond must be posted and the  
11 value of the bond.

12 (4) The Department, or its agents, may refuse to  
13 accept requests for authorization from specific vendors  
14 who pose a risk of fraud, waste, abuse, or harm, including  
15 prior-approval and post-approval requests, if:

16 (A) the Department has initiated a notice of  
17 termination, suspension, or exclusion of the vendor  
18 from participation in the medical assistance program;  
19 or

20 (B) the Department has issued notification of its  
21 withholding of payments pursuant to subsection (F-5)  
22 of this Section; or

23 (C) the Department has issued a notification of  
24 its withholding of payments due to reliable evidence  
25 of fraud or willful misrepresentation pending  
26 investigation.

1           (5) As used in this subsection, the following terms  
2 are defined as follows:

3           (A) "Fraud" means an intentional deception or  
4 misrepresentation made by a person with the knowledge  
5 that the deception could result in some unauthorized  
6 benefit to himself or herself or some other person. It  
7 includes any act that constitutes fraud under  
8 applicable federal or State law.

9           (B) "Abuse" means provider practices that are  
10 inconsistent with sound fiscal, business, or medical  
11 practices and that result in an unnecessary cost to  
12 the medical assistance program or in reimbursement for  
13 services that are not medically necessary or that fail  
14 to meet professionally recognized standards for health  
15 care. It also includes recipient practices that result  
16 in unnecessary cost to the medical assistance program.  
17 Abuse does not include diagnostic or therapeutic  
18 measures conducted primarily as a safeguard against  
19 possible vendor liability.

20           (C) "Waste" means the unintentional misuse of  
21 medical assistance resources, resulting in unnecessary  
22 cost to the medical assistance program. Waste does not  
23 include diagnostic or therapeutic measures conducted  
24 primarily as a safeguard against possible vendor  
25 liability.

26           (D) "Harm" means physical, mental, or monetary

1           damage to recipients or to the medical assistance  
2           program.

3           (G-6) The Illinois Department, upon making a determination  
4           based upon information in the possession of the Illinois  
5           Department that continuation of participation in the medical  
6           assistance program by a vendor would constitute an immediate  
7           danger to the public, may immediately suspend such vendor's  
8           participation in the medical assistance program without a  
9           hearing. In instances in which the Illinois Department  
10          immediately suspends the medical assistance program  
11          participation of a vendor under this Section, a hearing upon  
12          the vendor's participation must be convened by the Illinois  
13          Department within 15 days after such suspension and completed  
14          without appreciable delay. Such hearing shall be held to  
15          determine whether to recommend to the Director that the  
16          vendor's medical assistance program participation be denied,  
17          terminated, suspended, placed on provisional status, or  
18          reinstated. In the hearing, any evidence relevant to the  
19          vendor constituting an immediate danger to the public may be  
20          introduced against such vendor; provided, however, that the  
21          vendor, or his or her counsel, shall have the opportunity to  
22          discredit, impeach, and submit evidence rebutting such  
23          evidence.

24          (H) Nothing contained in this Code shall in any way limit  
25          or otherwise impair the authority or power of any State agency  
26          responsible for licensing of vendors.

1 (I) Based on a finding of noncompliance on the part of a  
2 nursing home with any requirement for certification under  
3 Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec.  
4 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois  
5 Department may impose one or more of the following remedies  
6 after notice to the facility:

7 (1) Termination of the provider agreement.

8 (2) Temporary management.

9 (3) Denial of payment for new admissions.

10 (4) Civil money penalties.

11 (5) Closure of the facility in emergency situations or  
12 transfer of residents, or both.

13 (6) State monitoring.

14 (7) Denial of all payments when the U.S. Department of  
15 Health and Human Services has imposed this sanction.

16 The Illinois Department shall by rule establish criteria  
17 governing continued payments to a nursing facility subsequent  
18 to termination of the facility's provider agreement if, in the  
19 sole discretion of the Illinois Department, circumstances  
20 affecting the health, safety, and welfare of the facility's  
21 residents require those continued payments. The Illinois  
22 Department may condition those continued payments on the  
23 appointment of temporary management, sale of the facility to  
24 new owners or operators, or other arrangements that the  
25 Illinois Department determines best serve the needs of the  
26 facility's residents.

1           Except in the case of a facility that has a right to a  
2 hearing on the finding of noncompliance before an agency of  
3 the federal government, a facility may request a hearing  
4 before a State agency on any finding of noncompliance within  
5 60 days after the notice of the intent to impose a remedy.  
6 Except in the case of civil money penalties, a request for a  
7 hearing shall not delay imposition of the penalty. The choice  
8 of remedies is not appealable at a hearing. The level of  
9 noncompliance may be challenged only in the case of a civil  
10 money penalty. The Illinois Department shall provide by rule  
11 for the State agency that will conduct the evidentiary  
12 hearings.

13           The Illinois Department may collect interest on unpaid  
14 civil money penalties.

15           The Illinois Department may adopt all rules necessary to  
16 implement this subsection (I).

17           (J) The Illinois Department, by rule, may permit  
18 individual practitioners to designate that Department payments  
19 that may be due the practitioner be made to an alternate payee  
20 or alternate payees.

21           (a) Such alternate payee or alternate payees shall be  
22 required to register as an alternate payee in the Medical  
23 Assistance Program with the Illinois Department.

24           (b) If a practitioner designates an alternate payee,  
25 the alternate payee and practitioner shall be jointly and  
26 severally liable to the Department for payments made to

1 the alternate payee. Pursuant to subsection (E) of this  
2 Section, any Department action to suspend or deny payment  
3 or recover money or overpayments from an alternate payee  
4 shall be subject to an administrative hearing.

5 (c) Registration as an alternate payee or alternate  
6 payees in the Illinois Medical Assistance Program shall be  
7 conditional. At any time, the Illinois Department may deny  
8 or cancel any alternate payee's registration in the  
9 Illinois Medical Assistance Program without cause. Any  
10 such denial or cancellation is not subject to an  
11 administrative hearing.

12 (d) The Illinois Department may seek a revocation of  
13 any alternate payee, and all owners, officers, and  
14 individuals with management responsibility for such  
15 alternate payee shall be permanently prohibited from  
16 participating as an owner, an officer, or an individual  
17 with management responsibility with an alternate payee in  
18 the Illinois Medical Assistance Program, if after  
19 reasonable notice and opportunity for a hearing the  
20 Illinois Department finds that:

21 (1) the alternate payee is not complying with the  
22 Department's policy or rules and regulations, or with  
23 the terms and conditions prescribed by the Illinois  
24 Department in its alternate payee registration  
25 agreement; or

26 (2) the alternate payee has failed to keep or make



1 available for inspection, audit, or copying, after  
2 receiving a written request from the Illinois  
3 Department, such records regarding payments claimed as  
4 an alternate payee; or

5 (3) the alternate payee has failed to furnish any  
6 information requested by the Illinois Department  
7 regarding payments claimed as an alternate payee; or

8 (4) the alternate payee has knowingly made, or  
9 caused to be made, any false statement or  
10 representation of a material fact in connection with  
11 the administration of the Illinois Medical Assistance  
12 Program; or

13 (5) the alternate payee, a person with management  
14 responsibility for an alternate payee, an officer or  
15 person owning, either directly or indirectly, 5% or  
16 more of the shares of stock or other evidences of  
17 ownership in a corporate alternate payee, or a partner  
18 in a partnership which is an alternate payee:

19 (a) was previously terminated, suspended, or  
20 excluded from participation as a vendor in the  
21 Illinois Medical Assistance Program, or was  
22 previously revoked as an alternate payee in the  
23 Illinois Medical Assistance Program, or was  
24 terminated, suspended, or excluded from  
25 participation as a vendor in a medical assistance  
26 program in another state that is of the same kind

1 as the program of medical assistance provided  
2 under Article V of this Code; or

3 (b) was a person with management  
4 responsibility for a vendor previously terminated,  
5 suspended, or excluded from participation as a  
6 vendor in the Illinois Medical Assistance Program,  
7 or was previously revoked as an alternate payee in  
8 the Illinois Medical Assistance Program, or was  
9 terminated, suspended, or excluded from  
10 participation as a vendor in a medical assistance  
11 program in another state that is of the same kind  
12 as the program of medical assistance provided  
13 under Article V of this Code, during the time of  
14 conduct which was the basis for that vendor's  
15 termination, suspension, or exclusion or alternate  
16 payee's revocation; or

17 (c) was an officer, or person owning, either  
18 directly or indirectly, 5% or more of the shares  
19 of stock or other evidences of ownership in a  
20 corporate vendor previously terminated, suspended,  
21 or excluded from participation as a vendor in the  
22 Illinois Medical Assistance Program, or was  
23 previously revoked as an alternate payee in the  
24 Illinois Medical Assistance Program, or was  
25 terminated, suspended, or excluded from  
26 participation as a vendor in a medical assistance

1 program in another state that is of the same kind  
2 as the program of medical assistance provided  
3 under Article V of this Code, during the time of  
4 conduct which was the basis for that vendor's  
5 termination, suspension, or exclusion; or

6 (d) was an owner of a sole proprietorship or  
7 partner in a partnership previously terminated,  
8 suspended, or excluded from participation as a  
9 vendor in the Illinois Medical Assistance Program,  
10 or was previously revoked as an alternate payee in  
11 the Illinois Medical Assistance Program, or was  
12 terminated, suspended, or excluded from  
13 participation as a vendor in a medical assistance  
14 program in another state that is of the same kind  
15 as the program of medical assistance provided  
16 under Article V of this Code, during the time of  
17 conduct which was the basis for that vendor's  
18 termination, suspension, or exclusion or alternate  
19 payee's revocation; or

20 (6) the alternate payee, a person with management  
21 responsibility for an alternate payee, an officer or  
22 person owning, either directly or indirectly, 5% or  
23 more of the shares of stock or other evidences of  
24 ownership in a corporate alternate payee, or a partner  
25 in a partnership which is an alternate payee:

26 (a) has engaged in conduct prohibited by

1 applicable federal or State law or regulation  
2 relating to the Illinois Medical Assistance  
3 Program; or

4 (b) was a person with management  
5 responsibility for a vendor or alternate payee at  
6 the time that the vendor or alternate payee  
7 engaged in practices prohibited by applicable  
8 federal or State law or regulation relating to the  
9 Illinois Medical Assistance Program; or

10 (c) was an officer, or person owning, either  
11 directly or indirectly, 5% or more of the shares  
12 of stock or other evidences of ownership in a  
13 vendor or alternate payee at the time such vendor  
14 or alternate payee engaged in practices prohibited  
15 by applicable federal or State law or regulation  
16 relating to the Illinois Medical Assistance  
17 Program; or

18 (d) was an owner of a sole proprietorship or  
19 partner in a partnership which was a vendor or  
20 alternate payee at the time such vendor or  
21 alternate payee engaged in practices prohibited by  
22 applicable federal or State law or regulation  
23 relating to the Illinois Medical Assistance  
24 Program; or

25 (7) the direct or indirect ownership of the vendor  
26 or alternate payee (including the ownership of a

1 vendor or alternate payee that is a partner's interest  
2 in a vendor or alternate payee, or ownership of 5% or  
3 more of the shares of stock or other evidences of  
4 ownership in a corporate vendor or alternate payee)  
5 has been transferred by an individual who is  
6 terminated, suspended, or excluded or barred from  
7 participating as a vendor or is prohibited or revoked  
8 as an alternate payee to the individual's spouse,  
9 child, brother, sister, parent, grandparent,  
10 grandchild, uncle, aunt, niece, nephew, cousin, or  
11 relative by marriage.

12 (K) The Illinois Department of Healthcare and Family  
13 Services may withhold payments, in whole or in part, to a  
14 provider or alternate payee where there is credible evidence,  
15 received from State or federal law enforcement or federal  
16 oversight agencies or from the results of a preliminary  
17 Department audit, that the circumstances giving rise to the  
18 need for a withholding of payments may involve fraud or  
19 willful misrepresentation under the Illinois Medical  
20 Assistance program. The Department shall by rule define what  
21 constitutes "credible" evidence for purposes of this  
22 subsection. The Department may withhold payments without first  
23 notifying the provider or alternate payee of its intention to  
24 withhold such payments. A provider or alternate payee may  
25 request a reconsideration of payment withholding, and the  
26 Department must grant such a request. The Department shall

1 state by rule a process and criteria by which a provider or  
2 alternate payee may request full or partial release of  
3 payments withheld under this subsection. This request may be  
4 made at any time after the Department first withholds such  
5 payments.

6 (a) The Illinois Department must send notice of its  
7 withholding of program payments within 5 days of taking  
8 such action. The notice must set forth the general  
9 allegations as to the nature of the withholding action,  
10 but need not disclose any specific information concerning  
11 its ongoing investigation. The notice must do all of the  
12 following:

13 (1) State that payments are being withheld in  
14 accordance with this subsection.

15 (2) State that the withholding is for a temporary  
16 period, as stated in paragraph (b) of this subsection,  
17 and cite the circumstances under which withholding  
18 will be terminated.

19 (3) Specify, when appropriate, which type or types  
20 of Medicaid claims withholding is effective.

21 (4) Inform the provider or alternate payee of the  
22 right to submit written evidence for reconsideration  
23 of the withholding by the Illinois Department.

24 (5) Inform the provider or alternate payee that a  
25 written request may be made to the Illinois Department  
26 for full or partial release of withheld payments and

1           that such requests may be made at any time after the  
2           Department first withholds such payments.

3           (b) All withholding-of-payment actions under this  
4           subsection shall be temporary and shall not continue after  
5           any of the following:

6                   (1) The Illinois Department or the prosecuting  
7                   authorities determine that there is insufficient  
8                   evidence of fraud or willful misrepresentation by the  
9                   provider or alternate payee.

10                   (2) Legal proceedings related to the provider's or  
11                   alternate payee's alleged fraud, willful  
12                   misrepresentation, violations of this Act, or  
13                   violations of the Illinois Department's administrative  
14                   rules are completed.

15                   (3) The withholding of payments for a period of 3  
16                   years.

17           (c) The Illinois Department may adopt all rules  
18           necessary to implement this subsection (K).

19           (K-5) The Illinois Department may withhold payments, in  
20           whole or in part, to a provider or alternate payee upon  
21           initiation of an audit, quality of care review, investigation  
22           when there is a credible allegation of fraud, or the provider  
23           or alternate payee demonstrating a clear failure to cooperate  
24           with the Illinois Department such that the circumstances give  
25           rise to the need for a withholding of payments. As used in this  
26           subsection, "credible allegation" is defined to include an

1 allegation from any source, including, but not limited to,  
2 fraud hotline complaints, claims data mining, patterns  
3 identified through provider audits, civil actions filed under  
4 the Illinois False Claims Act, and law enforcement  
5 investigations. An allegation is considered to be credible  
6 when it has indicia of reliability. The Illinois Department  
7 may withhold payments without first notifying the provider or  
8 alternate payee of its intention to withhold such payments. A  
9 provider or alternate payee may request a hearing or a  
10 reconsideration of payment withholding, and the Illinois  
11 Department must grant such a request. The Illinois Department  
12 shall state by rule a process and criteria by which a provider  
13 or alternate payee may request a hearing or a reconsideration  
14 for the full or partial release of payments withheld under  
15 this subsection. This request may be made at any time after the  
16 Illinois Department first withholds such payments.

17 (a) The Illinois Department must send notice of its  
18 withholding of program payments within 5 days of taking  
19 such action. The notice must set forth the general  
20 allegations as to the nature of the withholding action but  
21 need not disclose any specific information concerning its  
22 ongoing investigation. The notice must do all of the  
23 following:

24 (1) State that payments are being withheld in  
25 accordance with this subsection.

26 (2) State that the withholding is for a temporary



1 period, as stated in paragraph (b) of this subsection,  
2 and cite the circumstances under which withholding  
3 will be terminated.

4 (3) Specify, when appropriate, which type or types  
5 of claims are withheld.

6 (4) Inform the provider or alternate payee of the  
7 right to request a hearing or a reconsideration of the  
8 withholding by the Illinois Department, including the  
9 ability to submit written evidence.

10 (5) Inform the provider or alternate payee that a  
11 written request may be made to the Illinois Department  
12 for a hearing or a reconsideration for the full or  
13 partial release of withheld payments and that such  
14 requests may be made at any time after the Illinois  
15 Department first withholds such payments.

16 (b) All withholding of payment actions under this  
17 subsection shall be temporary and shall not continue after  
18 any of the following:

19 (1) The Illinois Department determines that there  
20 is insufficient evidence of fraud, or the provider or  
21 alternate payee demonstrates clear cooperation with  
22 the Illinois Department, as determined by the Illinois  
23 Department, such that the circumstances do not give  
24 rise to the need for withholding of payments; or

25 (2) The withholding of payments has lasted for a  
26 period in excess of 3 years.

1           (c) The Illinois Department may adopt all rules  
2           necessary to implement this subsection (K-5).

3           (L) The Illinois Department shall establish a protocol to  
4           enable health care providers to disclose an actual or  
5           potential violation of this Section pursuant to a  
6           self-referral disclosure protocol, referred to in this  
7           subsection as "the protocol". The protocol shall include  
8           direction for health care providers on a specific person,  
9           official, or office to whom such disclosures shall be made.  
10          The Illinois Department shall post information on the protocol  
11          on the Illinois Department's public website. The Illinois  
12          Department may adopt rules necessary to implement this  
13          subsection (L). In addition to other factors that the Illinois  
14          Department finds appropriate, the Illinois Department may  
15          consider a health care provider's timely use or failure to use  
16          the protocol in considering the provider's failure to comply  
17          with this Code.

18          (M) Notwithstanding any other provision of this Code, the  
19          Illinois Department, at its discretion, may exempt an entity  
20          licensed under the Nursing Home Care Act, the ID/DD Community  
21          Care Act, or the MC/DD Act from the provisions of subsections  
22          (A-15), (B), and (C) of this Section if the licensed entity is  
23          in receivership.

24          (Source: P.A. 98-214, eff. 8-9-13; 98-550, eff. 8-27-13;  
25          98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

1           Section 740. The Housing Authorities Act is amended by  
2 changing Section 25 as follows:

3           (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

4           Sec. 25. Rentals and tenant selection. In the operation or  
5 management of housing projects an Authority shall at all times  
6 observe the following duties with respect to rentals and  
7 tenant selection:

8           (a) It shall not accept any person as a tenant in any  
9 dwelling in a housing project if the persons who would occupy  
10 the dwelling have an aggregate annual income which equals or  
11 exceeds the amount which the Authority determines (which  
12 determination shall be conclusive) to be necessary in order to  
13 enable such persons to secure safe, sanitary and uncongested  
14 dwelling accommodations within the area of operation of the  
15 Authority and to provide an adequate standard of living for  
16 themselves.

17           (b) It may rent or lease the dwelling accommodations  
18 therein only at rentals within the financial reach of persons  
19 who lack the amount of income which it determines (pursuant to  
20 (a) of this Section) to be necessary in order to obtain safe,  
21 sanitary and uncongested dwelling accommodations within the  
22 area of operation of the Authority and to provide an adequate  
23 standard of living.

24           (c) It may rent or lease to a tenant a dwelling consisting  
25 of the number of rooms (but no greater number) which it deems

1 necessary to provide safe and sanitary accommodations to the  
2 proposed occupants thereof, without overcrowding.

3 (d) It shall not change the residency preference of any  
4 prospective tenant once the application has been accepted by  
5 the authority.

6 (e) It may refuse to certify or recertify applicants,  
7 current tenants, or other household members if, after due  
8 notice and an impartial hearing, that person or any of the  
9 proposed occupants of the dwelling has, prior to or during a  
10 term of tenancy or occupancy in any housing project operated  
11 by an Authority, been convicted of a criminal offense relating  
12 to the sale or distribution of controlled substances under the  
13 laws of this State, the United States or any other state. If an  
14 Authority desires a criminal history records check of all 50  
15 states or a 50-state confirmation of a conviction record, the  
16 Authority shall submit the fingerprints of the relevant  
17 applicant, tenant, or other household member to the Illinois  
18 ~~Department of State Police~~ in a manner prescribed by the  
19 Illinois ~~Department of State Police~~. These fingerprints shall  
20 be checked against the fingerprint records now and hereafter  
21 filed in the Illinois ~~Department of State Police~~ and Federal  
22 Bureau of Investigation criminal history records databases.  
23 The Illinois ~~Department of State Police~~ shall charge a fee for  
24 conducting the criminal history records check, which shall be  
25 deposited in the State Police Services Fund and shall not  
26 exceed the actual cost of the records check. The Illinois

1 ~~Department of~~ State Police shall furnish pursuant to positive  
2 identification, records of conviction to the Authority.

3 (f) It may, if a tenant has created or maintained a threat  
4 constituting a serious and clear danger to the health or  
5 safety of other tenants or Authority employees, after 3 days'  
6 written notice of termination and without a hearing, file suit  
7 against any such tenant for recovery of possession of the  
8 premises. The tenant shall be given the opportunity to contest  
9 the termination in the court proceedings. A serious and clear  
10 danger to the health or safety of other tenants or Authority  
11 employees shall include, but not be limited to, any of the  
12 following activities of the tenant or of any other person on  
13 the premises with the consent of the tenant:

14 (1) Physical assault or the threat of physical  
15 assault.

16 (2) Illegal use of a firearm or other weapon or the  
17 threat to use in an illegal manner a firearm or other  
18 weapon.

19 (3) Possession of a controlled substance by the tenant  
20 or any other person on the premises with the consent of the  
21 tenant if the tenant knew or should have known of the  
22 possession by the other person of a controlled substance,  
23 unless the controlled substance was obtained directly from  
24 or pursuant to a valid prescription.

25 (4) Streetgang membership as defined in the Illinois  
26 Streetgang Terrorism Omnibus Prevention Act.

1           The management of low-rent public housing projects  
2           financed and developed under the U.S. Housing Act of 1937  
3           shall be in accordance with that Act.

4           Nothing contained in this Section or any other Section of  
5           this Act shall be construed as limiting the power of an  
6           Authority to vest in a bondholder or trustee the right, in the  
7           event of a default by the Authority, to take possession and  
8           operate a housing project or cause the appointment of a  
9           receiver thereof, free from all restrictions imposed by this  
10          Section or any other Section of this Act.

11          (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)

12          Section 745. The Adult Protective Services Act is amended  
13          by changing Section 3.5 as follows:

14                 (320 ILCS 20/3.5)

15          Sec. 3.5. Other responsibilities. The Department shall  
16          also be responsible for the following activities, contingent  
17          upon adequate funding; implementation shall be expanded to  
18          adults with disabilities upon the effective date of this  
19          amendatory Act of the 98th General Assembly, except those  
20          responsibilities under subsection (a), which shall be  
21          undertaken as soon as practicable:

22                 (a) promotion of a wide range of endeavors for the  
23                 purpose of preventing abuse, neglect, financial  
24                 exploitation, and self-neglect, including, but not limited

1 to, promotion of public and professional education to  
2 increase awareness of abuse, neglect, financial  
3 exploitation, and self-neglect; to increase reports; to  
4 establish access to and use of the Registry established  
5 under Section 7.5; and to improve response by various  
6 legal, financial, social, and health systems;

7 (b) coordination of efforts with other agencies,  
8 councils, and like entities, to include but not be limited  
9 to, the Administrative Office of the Illinois Courts, the  
10 Office of the Attorney General, the Illinois State Police,  
11 the Illinois Law Enforcement Training Standards Board, the  
12 State Triad, the Illinois Criminal Justice Information  
13 Authority, the Departments of Public Health, Healthcare  
14 and Family Services, and Human Services, the Illinois  
15 Guardianship and Advocacy Commission, the Family Violence  
16 Coordinating Council, the Illinois Violence Prevention  
17 Authority, and other entities which may impact awareness  
18 of, and response to, abuse, neglect, financial  
19 exploitation, and self-neglect;

20 (c) collection and analysis of data;

21 (d) monitoring of the performance of regional  
22 administrative agencies and adult protective services  
23 agencies;

24 (e) promotion of prevention activities;

25 (f) establishing and coordinating an aggressive  
26 training program on the unique nature of adult abuse cases

1 with other agencies, councils, and like entities, to  
2 include but not be limited to the Office of the Attorney  
3 General, the Illinois State Police, the Illinois Law  
4 Enforcement Training Standards Board, the State Triad, the  
5 Illinois Criminal Justice Information Authority, the State  
6 Departments of Public Health, Healthcare and Family  
7 Services, and Human Services, the Family Violence  
8 Coordinating Council, the Illinois Violence Prevention  
9 Authority, the agency designated by the Governor under  
10 Section 1 of the Protection and Advocacy for Persons with  
11 Developmental Disabilities Act, and other entities that  
12 may impact awareness of and response to abuse, neglect,  
13 financial exploitation, and self-neglect;

14 (g) solicitation of financial institutions for the  
15 purpose of making information available to the general  
16 public warning of financial exploitation of adults and  
17 related financial fraud or abuse, including such  
18 information and warnings available through signage or  
19 other written materials provided by the Department on the  
20 premises of such financial institutions, provided that the  
21 manner of displaying or distributing such information is  
22 subject to the sole discretion of each financial  
23 institution;

24 (g-1) developing by joint rulemaking with the  
25 Department of Financial and Professional Regulation  
26 minimum training standards which shall be used by



1 financial institutions for their current and new employees  
2 with direct customer contact; the Department of Financial  
3 and Professional Regulation shall retain sole visitation  
4 and enforcement authority under this subsection (g-1); the  
5 Department of Financial and Professional Regulation shall  
6 provide bi-annual reports to the Department setting forth  
7 aggregate statistics on the training programs required  
8 under this subsection (g-1); and

9 (h) coordinating efforts with utility and electric  
10 companies to send notices in utility bills to explain to  
11 persons 60 years of age or older their rights regarding  
12 telemarketing and home repair fraud.

13 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;  
14 99-143, eff. 7-27-15.)

15 Section 755. The Abused and Neglected Child Reporting Act  
16 is amended by changing Sections 7.3, 7.4, and 11.1 as follows:

17 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

18 Sec. 7.3. (a) The Department shall be the sole agency  
19 responsible for receiving and investigating reports of child  
20 abuse or neglect made under this Act, including reports of  
21 adult resident abuse or neglect as defined in this Act, except  
22 where investigations by other agencies may be required with  
23 respect to reports alleging the abuse or neglect of a child by  
24 a person who is not the child's parent, a member of the child's

1 immediate family, a person responsible for the child's  
2 welfare, an individual residing in the same home as the child,  
3 or a paramour of the child's parent, the death of a child,  
4 serious injury to a child or sexual abuse to a child made  
5 pursuant to Sections 4.1 or 7 of this Act, and except that the  
6 Department may delegate the performance of the investigation  
7 to the Illinois ~~Department of~~ State Police, a law enforcement  
8 agency and to those private social service agencies which have  
9 been designated for this purpose by the Department prior to  
10 July 1, 1980.

11 (b) Notwithstanding any other provision of this Act, the  
12 Department shall adopt rules expressly allowing law  
13 enforcement personnel to investigate reports of suspected  
14 child abuse or neglect concurrently with the Department,  
15 without regard to whether the Department determines a report  
16 to be "indicated" or "unfounded" or deems a report to be  
17 "undetermined".

18 (c) By June 1, 2016, the Department shall adopt rules that  
19 address and set forth criteria and standards relevant to  
20 investigations of reports of abuse or neglect committed by any  
21 agency, as defined in Section 3 of this Act, or person working  
22 for an agency responsible for the welfare of a child or adult  
23 resident.

24 (Source: P.A. 101-583, eff. 1-1-20.)

25 (325 ILCS 5/7.4) (from Ch. 23, par. 2057.4)

1           Sec. 7.4. (a) The Department shall be capable of receiving  
2 reports of suspected child abuse or neglect 24 hours a day, 7  
3 days a week. Whenever the Department receives a report  
4 alleging that a child is a truant as defined in Section 26-2a  
5 of the School Code, as now or hereafter amended, the  
6 Department shall notify the superintendent of the school  
7 district in which the child resides and the appropriate  
8 superintendent of the educational service region. The  
9 notification to the appropriate officials by the Department  
10 shall not be considered an allegation of abuse or neglect  
11 under this Act.

12           (a-5) The Department of Children and Family Services may  
13 implement a "differential response program" in accordance with  
14 criteria, standards, and procedures prescribed by rule. The  
15 program may provide that, upon receiving a report, the  
16 Department shall determine whether to conduct a family  
17 assessment or an investigation as appropriate to prevent or  
18 provide a remedy for child abuse or neglect.

19           For purposes of this subsection (a-5), "family assessment"  
20 means a comprehensive assessment of child safety, risk of  
21 subsequent child maltreatment, and family strengths and needs  
22 that is applied to a child maltreatment report that does not  
23 allege substantial child endangerment. "Family assessment"  
24 does not include a determination as to whether child  
25 maltreatment occurred but does determine the need for services  
26 to address the safety of family members and the risk of

1 subsequent maltreatment.

2 For purposes of this subsection (a-5), "investigation"  
3 means fact-gathering related to the current safety of a child  
4 and the risk of subsequent abuse or neglect that determines  
5 whether a report of suspected child abuse or neglect should be  
6 indicated or unfounded and whether child protective services  
7 are needed.

8 Under the "differential response program" implemented  
9 under this subsection (a-5), the Department:

10 (1) Shall conduct an investigation on reports  
11 involving substantial child abuse or neglect.

12 (2) Shall begin an immediate investigation if, at any  
13 time when it is using a family assessment response, it  
14 determines that there is reason to believe that  
15 substantial child abuse or neglect or a serious threat to  
16 the child's safety exists.

17 (3) May conduct a family assessment for reports that  
18 do not allege substantial child endangerment. In  
19 determining that a family assessment is appropriate, the  
20 Department may consider issues, including, but not limited  
21 to, child safety, parental cooperation, and the need for  
22 an immediate response.

23 (4) Shall promulgate criteria, standards, and  
24 procedures that shall be applied in making this  
25 determination, taking into consideration the Child  
26 Endangerment Risk Assessment Protocol of the Department.

1           (5) May conduct a family assessment on a report that  
2           was initially screened and assigned for an investigation.

3           In determining that a complete investigation is not  
4           required, the Department must document the reason for  
5           terminating the investigation and notify the local law  
6           enforcement agency or the Illinois ~~Department of~~ State Police  
7           if the local law enforcement agency or Illinois ~~Department of~~  
8           State Police is conducting a joint investigation.

9           Once it is determined that a "family assessment" will be  
10          implemented, the case shall not be reported to the central  
11          register of abuse and neglect reports.

12          During a family assessment, the Department shall collect  
13          any available and relevant information to determine child  
14          safety, risk of subsequent abuse or neglect, and family  
15          strengths.

16          Information collected includes, but is not limited to,  
17          when relevant: information with regard to the person reporting  
18          the alleged abuse or neglect, including the nature of the  
19          reporter's relationship to the child and to the alleged  
20          offender, and the basis of the reporter's knowledge for the  
21          report; the child allegedly being abused or neglected; the  
22          alleged offender; the child's caretaker; and other collateral  
23          sources having relevant information related to the alleged  
24          abuse or neglect. Information relevant to the assessment must  
25          be asked for, and may include:

26                 (A) The child's sex and age, prior reports of abuse or

1 neglect, information relating to developmental  
2 functioning, credibility of the child's statement, and  
3 whether the information provided under this paragraph (A)  
4 is consistent with other information collected during the  
5 course of the assessment or investigation.

6 (B) The alleged offender's age, a record check for  
7 prior reports of abuse or neglect, and criminal charges  
8 and convictions. The alleged offender may submit  
9 supporting documentation relevant to the assessment.

10 (C) Collateral source information regarding the  
11 alleged abuse or neglect and care of the child. Collateral  
12 information includes, when relevant: (i) a medical  
13 examination of the child; (ii) prior medical records  
14 relating to the alleged maltreatment or care of the child  
15 maintained by any facility, clinic, or health care  
16 professional, and an interview with the treating  
17 professionals; and (iii) interviews with the child's  
18 caretakers, including the child's parent, guardian, foster  
19 parent, child care provider, teachers, counselors, family  
20 members, relatives, and other persons who may have  
21 knowledge regarding the alleged maltreatment and the care  
22 of the child.

23 (D) Information on the existence of domestic abuse and  
24 violence in the home of the child, and substance abuse.

25 Nothing in this subsection (a-5) precludes the Department  
26 from collecting other relevant information necessary to

1 conduct the assessment or investigation. Nothing in this  
2 subsection (a-5) shall be construed to allow the name or  
3 identity of a reporter to be disclosed in violation of the  
4 protections afforded under Section 7.19 of this Act.

5 After conducting the family assessment, the Department  
6 shall determine whether services are needed to address the  
7 safety of the child and other family members and the risk of  
8 subsequent abuse or neglect.

9 Upon completion of the family assessment, if the  
10 Department concludes that no services shall be offered, then  
11 the case shall be closed. If the Department concludes that  
12 services shall be offered, the Department shall develop a  
13 family preservation plan and offer or refer services to the  
14 family.

15 At any time during a family assessment, if the Department  
16 believes there is any reason to stop the assessment and  
17 conduct an investigation based on the information discovered,  
18 the Department shall do so.

19 The procedures available to the Department in conducting  
20 investigations under this Act shall be followed as appropriate  
21 during a family assessment.

22 If the Department implements a differential response  
23 program authorized under this subsection (a-5), the Department  
24 shall arrange for an independent evaluation of the program for  
25 at least the first 3 years of implementation to determine  
26 whether it is meeting the goals in accordance with Section 2 of

1 this Act.

2 The Department may adopt administrative rules necessary  
3 for the execution of this Section, in accordance with Section  
4 4 of the Children and Family Services Act.

5 The Department shall submit a report to the General  
6 Assembly by January 15, 2018 on the implementation progress  
7 and recommendations for additional needed legislative changes.

8 (b) (1) The following procedures shall be followed in the  
9 investigation of all reports of suspected abuse or neglect of  
10 a child, except as provided in subsection (c) of this Section.

11 (2) If, during a family assessment authorized by  
12 subsection (a-5) or an investigation, it appears that the  
13 immediate safety or well-being of a child is endangered, that  
14 the family may flee or the child disappear, or that the facts  
15 otherwise so warrant, the Child Protective Service Unit shall  
16 commence an investigation immediately, regardless of the time  
17 of day or night. All other investigations shall be commenced  
18 within 24 hours of receipt of the report. Upon receipt of a  
19 report, the Child Protective Service Unit shall conduct a  
20 family assessment authorized by subsection (a-5) or begin an  
21 initial investigation and make an initial determination  
22 whether the report is a good faith indication of alleged child  
23 abuse or neglect.

24 (3) Based on an initial investigation, if the Unit  
25 determines the report is a good faith indication of alleged  
26 child abuse or neglect, then a formal investigation shall



1 commence and, pursuant to Section 7.12 of this Act, may or may  
2 not result in an indicated report. The formal investigation  
3 shall include: direct contact with the subject or subjects of  
4 the report as soon as possible after the report is received; an  
5 evaluation of the environment of the child named in the report  
6 and any other children in the same environment; a  
7 determination of the risk to such children if they continue to  
8 remain in the existing environments, as well as a  
9 determination of the nature, extent and cause of any condition  
10 enumerated in such report; the name, age and condition of  
11 other children in the environment; and an evaluation as to  
12 whether there would be an immediate and urgent necessity to  
13 remove the child from the environment if appropriate family  
14 preservation services were provided. After seeing to the  
15 safety of the child or children, the Department shall  
16 forthwith notify the subjects of the report in writing, of the  
17 existence of the report and their rights existing under this  
18 Act in regard to amendment or expungement. To fulfill the  
19 requirements of this Section, the Child Protective Service  
20 Unit shall have the capability of providing or arranging for  
21 comprehensive emergency services to children and families at  
22 all times of the day or night.

23 (4) If (i) at the conclusion of the Unit's initial  
24 investigation of a report, the Unit determines the report to  
25 be a good faith indication of alleged child abuse or neglect  
26 that warrants a formal investigation by the Unit, the

1 Department, any law enforcement agency or any other  
2 responsible agency and (ii) the person who is alleged to have  
3 caused the abuse or neglect is employed or otherwise engaged  
4 in an activity resulting in frequent contact with children and  
5 the alleged abuse or neglect are in the course of such  
6 employment or activity, then the Department shall, except in  
7 investigations where the Director determines that such  
8 notification would be detrimental to the Department's  
9 investigation, inform the appropriate supervisor or  
10 administrator of that employment or activity that the Unit has  
11 commenced a formal investigation pursuant to this Act, which  
12 may or may not result in an indicated report. The Department  
13 shall also notify the person being investigated, unless the  
14 Director determines that such notification would be  
15 detrimental to the Department's investigation.

16 (c) In an investigation of a report of suspected abuse or  
17 neglect of a child by a school employee at a school or on  
18 school grounds, the Department shall make reasonable efforts  
19 to follow the following procedures:

20 (1) Investigations involving teachers shall not, to  
21 the extent possible, be conducted when the teacher is  
22 scheduled to conduct classes. Investigations involving  
23 other school employees shall be conducted so as to  
24 minimize disruption of the school day. The school employee  
25 accused of child abuse or neglect may have his superior,  
26 his association or union representative and his attorney

1 present at any interview or meeting at which the teacher  
2 or administrator is present. The accused school employee  
3 shall be informed by a representative of the Department,  
4 at any interview or meeting, of the accused school  
5 employee's due process rights and of the steps in the  
6 investigation process. These due process rights shall also  
7 include the right of the school employee to present  
8 countervailing evidence regarding the accusations. In an  
9 investigation in which the alleged perpetrator of abuse or  
10 neglect is a school employee, including, but not limited  
11 to, a school teacher or administrator, and the  
12 recommendation is to determine the report to be indicated,  
13 in addition to other procedures as set forth and defined  
14 in Department rules and procedures, the employee's due  
15 process rights shall also include: (i) the right to a copy  
16 of the investigation summary; (ii) the right to review the  
17 specific allegations which gave rise to the investigation;  
18 and (iii) the right to an administrator's teleconference  
19 which shall be convened to provide the school employee  
20 with the opportunity to present documentary evidence or  
21 other information that supports his or her position and to  
22 provide information before a final finding is entered.

23 (2) If a report of neglect or abuse of a child by a  
24 teacher or administrator does not involve allegations of  
25 sexual abuse or extreme physical abuse, the Child  
26 Protective Service Unit shall make reasonable efforts to

1           conduct the initial investigation in coordination with the  
2           employee's supervisor.

3           If the Unit determines that the report is a good faith  
4           indication of potential child abuse or neglect, it shall  
5           then commence a formal investigation under paragraph (3)  
6           of subsection (b) of this Section.

7           (3) If a report of neglect or abuse of a child by a  
8           teacher or administrator involves an allegation of sexual  
9           abuse or extreme physical abuse, the Child Protective Unit  
10          shall commence an investigation under paragraph (2) of  
11          subsection (b) of this Section.

12          (c-5) In any instance in which a report is made or caused  
13          to made by a school district employee involving the conduct of  
14          a person employed by the school district, at the time the  
15          report was made, as required under Section 4 of this Act, the  
16          Child Protective Service Unit shall send a copy of its final  
17          finding report to the general superintendent of that school  
18          district.

19          (c-10) The Department may recommend that a school district  
20          remove a school employee who is the subject of an  
21          investigation from his or her employment position pending the  
22          outcome of the investigation; however, all employment  
23          decisions regarding school personnel shall be the sole  
24          responsibility of the school district or employer. The  
25          Department may not require a school district to remove a  
26          school employee from his or her employment position or limit

1 the school employee's duties pending the outcome of an  
2 investigation.

3 (d) If the Department has contact with an employer, or  
4 with a religious institution or religious official having  
5 supervisory or hierarchical authority over a member of the  
6 clergy accused of the abuse of a child, in the course of its  
7 investigation, the Department shall notify the employer or the  
8 religious institution or religious official, in writing, when  
9 a report is unfounded so that any record of the investigation  
10 can be expunged from the employee's or member of the clergy's  
11 personnel or other records. The Department shall also notify  
12 the employee or the member of the clergy, in writing, that  
13 notification has been sent to the employer or to the  
14 appropriate religious institution or religious official  
15 informing the employer or religious institution or religious  
16 official that the Department's investigation has resulted in  
17 an unfounded report.

18 (d-1) Whenever a report alleges that a child was abused or  
19 neglected while receiving care in a hospital, including a  
20 freestanding psychiatric hospital licensed by the Department  
21 of Public Health, the Department shall send a copy of its final  
22 finding to the Director of Public Health and the Director of  
23 Healthcare and Family Services.

24 (e) Upon request by the Department, the Illinois  
25 ~~Department of~~ State Police and law enforcement agencies are  
26 authorized to provide criminal history record information as

1 defined in the Illinois Uniform Conviction Information Act and  
2 information maintained in the adjudicatory and dispositional  
3 record system as defined in Section 2605-355 of the Illinois  
4 ~~Department of State Police Law (20 ILCS 2605/2605-355)~~ to  
5 properly designated employees of the Department of Children  
6 and Family Services if the Department determines the  
7 information is necessary to perform its duties under the  
8 Abused and Neglected Child Reporting Act, the Child Care Act  
9 of 1969, and the Children and Family Services Act. The request  
10 shall be in the form and manner required by the Illinois  
11 ~~Department of State Police~~. Any information obtained by the  
12 Department of Children and Family Services under this Section  
13 is confidential and may not be transmitted outside the  
14 Department of Children and Family Services other than to a  
15 court of competent jurisdiction or unless otherwise authorized  
16 by law. Any employee of the Department of Children and Family  
17 Services who transmits confidential information in violation  
18 of this Section or causes the information to be transmitted in  
19 violation of this Section is guilty of a Class A misdemeanor  
20 unless the transmittal of the information is authorized by  
21 this Section or otherwise authorized by law.

22 (f) For purposes of this Section, "child abuse or neglect"  
23 includes abuse or neglect of an adult resident as defined in  
24 this Act.

25 (Source: P.A. 100-68, eff. 1-1-18; 100-176, eff. 1-1-18;  
26 100-191, eff. 1-1-18; 100-863, eff. 8-14-18; 101-43, eff.

1 1-1-20.)

2 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

3 Sec. 11.1. Access to records.

4 (a) A person shall have access to the records described in  
5 Section 11 only in furtherance of purposes directly connected  
6 with the administration of this Act or the Intergovernmental  
7 Missing Child Recovery Act of 1984. Those persons and purposes  
8 for access include:

9 (1) Department staff in the furtherance of their  
10 responsibilities under this Act, or for the purpose of  
11 completing background investigations on persons or  
12 agencies licensed by the Department or with whom the  
13 Department contracts for the provision of child welfare  
14 services.

15 (2) A law enforcement agency investigating known or  
16 suspected child abuse or neglect, known or suspected  
17 involvement with child pornography, known or suspected  
18 criminal sexual assault, known or suspected criminal  
19 sexual abuse, or any other sexual offense when a child is  
20 alleged to be involved.

21 (3) The Illinois ~~Department of~~ State Police when  
22 administering the provisions of the Intergovernmental  
23 Missing Child Recovery Act of 1984.

24 (4) A physician who has before him a child whom he  
25 reasonably suspects may be abused or neglected.

1           (5) A person authorized under Section 5 of this Act to  
2 place a child in temporary protective custody when such  
3 person requires the information in the report or record to  
4 determine whether to place the child in temporary  
5 protective custody.

6           (6) A person having the legal responsibility or  
7 authorization to care for, treat, or supervise a child, or  
8 a parent, prospective adoptive parent, foster parent,  
9 guardian, or other person responsible for the child's  
10 welfare, who is the subject of a report.

11           (7) Except in regard to harmful or detrimental  
12 information as provided in Section 7.19, any subject of  
13 the report, and if the subject of the report is a minor,  
14 his guardian or guardian ad litem.

15           (8) A court, upon its finding that access to such  
16 records may be necessary for the determination of an issue  
17 before such court; however, such access shall be limited  
18 to in camera inspection, unless the court determines that  
19 public disclosure of the information contained therein is  
20 necessary for the resolution of an issue then pending  
21 before it.

22           (8.1) A probation officer or other authorized  
23 representative of a probation or court services department  
24 conducting an investigation ordered by a court under the  
25 Juvenile Court Act of 1987.

26           (9) A grand jury, upon its determination that access



1 to such records is necessary in the conduct of its  
2 official business.

3 (10) Any person authorized by the Director, in  
4 writing, for audit or bona fide research purposes.

5 (11) Law enforcement agencies, coroners or medical  
6 examiners, physicians, courts, school superintendents and  
7 child welfare agencies in other states who are responsible  
8 for child abuse or neglect investigations or background  
9 investigations.

10 (12) The Department of Professional Regulation, the  
11 State Board of Education and school superintendents in  
12 Illinois, who may use or disclose information from the  
13 records as they deem necessary to conduct investigations  
14 or take disciplinary action, as provided by law.

15 (13) A coroner or medical examiner who has reason to  
16 believe that a child has died as the result of abuse or  
17 neglect.

18 (14) The Director of a State-operated facility when an  
19 employee of that facility is the perpetrator in an  
20 indicated report.

21 (15) The operator of a licensed child care facility or  
22 a facility licensed by the Department of Human Services  
23 (as successor to the Department of Alcoholism and  
24 Substance Abuse) in which children reside when a current  
25 or prospective employee of that facility is the  
26 perpetrator in an indicated child abuse or neglect report,

1           pursuant to Section 4.3 of the Child Care Act of 1969.

2           (16) Members of a multidisciplinary team in the  
3           furtherance of its responsibilities under subsection (b)  
4           of Section 7.1. All reports concerning child abuse and  
5           neglect made available to members of such  
6           multidisciplinary teams and all records generated as a  
7           result of such reports shall be confidential and shall not  
8           be disclosed, except as specifically authorized by this  
9           Act or other applicable law. It is a Class A misdemeanor to  
10          permit, assist or encourage the unauthorized release of  
11          any information contained in such reports or records.  
12          Nothing contained in this Section prevents the sharing of  
13          reports or records relating or pertaining to the death of  
14          a minor under the care of or receiving services from the  
15          Department of Children and Family Services and under the  
16          jurisdiction of the juvenile court with the juvenile  
17          court, the State's Attorney, and the minor's attorney.

18          (17) The Department of Human Services, as provided in  
19          Section 17 of the Rehabilitation of Persons with  
20          Disabilities Act.

21          (18) Any other agency or investigative body, including  
22          the Department of Public Health and a local board of  
23          health, authorized by State law to conduct an  
24          investigation into the quality of care provided to  
25          children in hospitals and other State regulated care  
26          facilities.

1           (19) The person appointed, under Section 2-17 of the  
2           Juvenile Court Act of 1987, as the guardian ad litem of a  
3           minor who is the subject of a report or records under this  
4           Act; or the person appointed, under Section 5-610 of the  
5           Juvenile Court Act of 1987, as the guardian ad litem of a  
6           minor who is in the custody or guardianship of the  
7           Department or who has an open intact family services case  
8           with the Department and who is the subject of a report or  
9           records made pursuant to this Act.

10           (20) The Department of Human Services, as provided in  
11           Section 10 of the Early Intervention Services System Act,  
12           and the operator of a facility providing early  
13           intervention services pursuant to that Act, for the  
14           purpose of determining whether a current or prospective  
15           employee who provides or may provide direct services under  
16           that Act is the perpetrator in an indicated report of  
17           child abuse or neglect filed under this Act.

18           (b) Nothing contained in this Act prevents the sharing or  
19           disclosure of information or records relating or pertaining to  
20           juveniles subject to the provisions of the Serious Habitual  
21           Offender Comprehensive Action Program when that information is  
22           used to assist in the early identification and treatment of  
23           habitual juvenile offenders.

24           (c) To the extent that persons or agencies are given  
25           access to information pursuant to this Section, those persons  
26           or agencies may give this information to and receive this

1 information from each other in order to facilitate an  
2 investigation conducted by those persons or agencies.

3 (Source: P.A. 100-158, eff. 1-1-18; 101-43, eff. 1-1-20.)

4 Section 760. The Intergovernmental Missing Child Recovery  
5 Act of 1984 is amended by changing Sections 2, 3, 3.5, 3.6, 6,  
6 and 7 as follows:

7 (325 ILCS 40/2) (from Ch. 23, par. 2252)

8 Sec. 2. As used in this Act:

9 (a) (Blank). ~~"Department" means the Department of State~~  
10 ~~Police.~~

11 (b) "Director" means the Director of the Illinois  
12 ~~Department of State Police.~~

13 (c) "Unit of local government" is defined as in Article  
14 VII, Section 1 of the Illinois Constitution and includes both  
15 home rule units and units which are not home rule units. The  
16 term is also defined to include all public school districts  
17 subject to the provisions of the School Code.

18 (d) "Child" means a person under 21 years of age.

19 (e) A "LEADS terminal" is an interactive computerized  
20 communication and processing unit which permits a direct  
21 on-line communication with the Illinois ~~Department of~~ State  
22 Police's central data repository, the Law Enforcement Agencies  
23 Data System (LEADS).

24 (f) A "primary contact agency" means a law enforcement

1 agency which maintains a LEADS terminal, or has immediate  
2 access to one on a 24-hour-per-day, 7-day-per-week basis by  
3 written agreement with another law enforcement agency.

4 (g) (Blank).

5 (h) "Missing child" means any person under 21 years of age  
6 whose whereabouts are unknown to his or her parents or legal  
7 guardian.

8 (i) "Exploitation" means activities and actions which  
9 include, but are not limited to, child pornography, aggravated  
10 child pornography, child prostitution, child sexual abuse,  
11 drug and substance abuse by children, and child suicide.

12 (j) (Blank).

13 (Source: P.A. 96-1551, eff. 7-1-11; 97-938, eff. 1-1-13.)

14 (325 ILCS 40/3) (from Ch. 23, par. 2253)

15 Sec. 3. The Illinois State Police ~~Department~~ shall  
16 establish a State Missing Persons Clearinghouse as a resource  
17 to promote an immediate and effective community response to  
18 missing children and may engage in, but shall not be limited  
19 to, the following activities:

20 (a) To establish and conduct programs to educate parents,  
21 children and communities in ways to prevent the abduction of  
22 children.

23 (b) To conduct training programs and distribute materials  
24 providing guidelines for children when dealing with strangers,  
25 casual acquaintances, or non-custodial parents, in order to

1 avoid abduction or kidnapping situations.

2 (c) To compile, maintain and make available data upon the  
3 request of law enforcement agencies and other entities deemed  
4 appropriate by the Illinois State Police ~~Department~~ to assist  
5 enforcement agencies in recovering missing children, including  
6 but not limited to data regarding the places of shelter  
7 commonly used by runaway children in a requested geographical  
8 area.

9 (d) To draft and implement plans for the most efficient  
10 use of available resources to publicize information regarding  
11 missing children.

12 (e) To establish and maintain contacts with other state  
13 missing persons clearinghouses, law enforcement agencies, and  
14 missing persons non-profit organizations in order to increase  
15 the probability of locating and returning missing children,  
16 and to otherwise assist in the recovery and tracking of  
17 missing children.

18 (f) To coordinate the tracking and recovery of children  
19 under the custody or guardianship of the Department of  
20 Children and Family Services whose disappearance has been  
21 reported and to produce an annual report indicating the number  
22 of children under the custody or guardianship of that  
23 Department who have been reported missing and the number who  
24 have been recovered.

25 (g) To conduct other activities as may be necessary to  
26 achieve the goals established by this Act.

1 (Source: P.A. 97-938, eff. 1-1-13.)

2 (325 ILCS 40/3.5)

3 Sec. 3.5. Contact with Department of Children and Family  
4 Services. For each child reported missing and entered into the  
5 LEADS network, the Illinois State Police ~~Department~~ shall, in  
6 the form and manner it determines, contact the Department of  
7 Children and Family Services to provide it with the name, age,  
8 and sex of the child, and the geographic area from which the  
9 child was reported missing so that the Department of Children  
10 and Family Services can determine if that child had been  
11 abandoned within the previous 2 months.

12 (Source: P.A. 97-938, eff. 1-1-13.)

13 (325 ILCS 40/3.6)

14 Sec. 3.6. Department of Children and Family Services;  
15 missing persons. The Illinois State Police ~~Department~~ shall  
16 develop and conduct a training advisory for LEADS reporting of  
17 missing persons when the missing individual, regardless of  
18 age, is under the care and legal custody of the Department of  
19 Children and Family Services.

20 (Source: P.A. 99-351, eff. 1-1-16.)

21 (325 ILCS 40/6) (from Ch. 23, par. 2256)

22 Sec. 6. The Illinois State Police ~~Department~~ shall:

23 (a) Utilize the ~~Establish and maintain a~~ statewide Law

1 Enforcement Agencies Data System (LEADS) for the purpose of  
2 effecting an immediate law enforcement response to reports of  
3 missing children. The Illinois State Police ~~Department~~ shall  
4 implement an automated data exchange system to compile, to  
5 maintain and to make available for dissemination to Illinois  
6 and out-of-State law enforcement agencies, data which can  
7 assist appropriate agencies in recovering missing children.

8 (b) Establish contacts and exchange information regarding  
9 lost, missing or runaway children with nationally recognized  
10 "missing person and runaway" service organizations and monitor  
11 national research and publicize important developments.

12 (c) Provide a uniform reporting format for the entry of  
13 pertinent information regarding reports of missing children  
14 into LEADS.

15 (d) Develop and implement a policy whereby a statewide or  
16 regional alert would be used in situations relating to the  
17 disappearances of children, based on criteria and in a format  
18 established by the Illinois State Police ~~Department~~. Such a  
19 format shall include, but not be limited to, the age and  
20 physical description of the missing child and the suspected  
21 circumstances of the disappearance.

22 (e) Notify all law enforcement agencies that reports of  
23 missing persons shall be entered as soon as the minimum level  
24 of data specified by the Illinois State Police ~~Department~~ is  
25 available to the reporting agency and that no waiting period  
26 for entry of such data exists.



1           (f) Provide a procedure for prompt confirmation of the  
2 receipt and entry of the missing child report into LEADS to the  
3 parent or guardian of the missing child.

4           (g) Compile and retain information regarding missing  
5 children in a separate data file, in a manner that allows such  
6 information to be used by law enforcement and other agencies  
7 deemed appropriate by the Director, for investigative  
8 purposes. Such files shall be updated to reflect and include  
9 information relating to the disposition of the case.

10          (h) Compile and maintain an historic data repository  
11 relating to missing children in order (1) to develop and  
12 improve techniques utilized by law enforcement agencies when  
13 responding to reports of missing children and (2) to provide a  
14 factual and statistical base for research that would address  
15 the problem of missing children.

16          (i) Create a quality control program to monitor timeliness  
17 of entries of missing children reports into LEADS and conduct  
18 performance audits of all entering agencies.

19          (j) Prepare a periodic information bulletin concerning  
20 missing children who it determines may be present in this  
21 State, compiling such bulletin from information contained in  
22 both the National Crime Information Center computer and from  
23 reports, alerts and other information entered into LEADS or  
24 otherwise compiled and retained by the Illinois State Police  
25 ~~Department~~ pursuant to this Act. The bulletin shall indicate  
26 the name, age, physical description, suspected circumstances

1 of disappearance if that information is available, a  
2 photograph if one is available, the name of the law  
3 enforcement agency investigating the case, and such other  
4 information as the Director considers appropriate concerning  
5 each missing child who the Illinois State Police ~~Department~~  
6 determines may be present in this State. The Illinois State  
7 Police ~~Department~~ shall send a copy of each periodic  
8 information bulletin to the State Board of Education for its  
9 use in accordance with Section 2-3.48 of the School Code. The  
10 Illinois State Police ~~Department~~ shall provide a copy of the  
11 bulletin, upon request, to law enforcement agencies of this or  
12 any other state or of the federal government, and may provide a  
13 copy of the bulletin, upon request, to other persons or  
14 entities, if deemed appropriate by the Director, and may  
15 establish limitations on its use and a reasonable fee for so  
16 providing the same, except that no fee shall be charged for  
17 providing the periodic information bulletin to the State Board  
18 of Education, appropriate units of local government, State  
19 agencies, or law enforcement agencies of this or any other  
20 state or of the federal government.

21 (k) Provide for the entry into LEADS of the names and  
22 addresses of sex offenders as defined in the Sex Offender  
23 Registration Act who are required to register under that Act.  
24 The information shall be immediately accessible to law  
25 enforcement agencies and peace officers of this State or any  
26 other state or of the federal government. Similar information

1 may be requested from any other state or of the federal  
2 government for purposes of this Act.

3 (1) Provide for the entry into LEADS of the names and  
4 addresses of violent offenders against youth as defined in the  
5 Murderer and Violent Offender Against Youth Registration Act  
6 who are required to register under that Act. The information  
7 shall be immediately accessible to law enforcement agencies  
8 and peace officers of this State or any other state or of the  
9 federal government. Similar information may be requested from  
10 any other state or of the federal government for purposes of  
11 this Act.

12 (Source: P.A. 97-154, eff. 1-1-12.)

13 (325 ILCS 40/7) (from Ch. 23, par. 2257)

14 Sec. 7. (a) All law enforcement agencies and policing  
15 bodies of this State shall, upon receipt of a report of a  
16 missing person, enter that report into LEADS as soon as the  
17 minimum level of data specified pursuant to subsection (e) of  
18 Section 6 is available and shall furnish the Illinois State  
19 Police Department, in the form and detail the Illinois State  
20 Police Department requires, (1) reports of cases of lost,  
21 missing or runaway children as they arise and the disposition  
22 of such cases, (2) information relating to sex crimes which  
23 occurred in their respective jurisdictions and which they  
24 investigated, and (3) the names and addresses of sex offenders  
25 required to register in their respective jurisdictions under

1 the Sex Offender Registration Act. Such information shall be  
2 submitted on a regular basis, as deemed necessary by the  
3 Illinois State Police ~~Department~~, and shall be kept in a  
4 central automated data repository for the purpose of  
5 establishing profiles of sex offenders and victims and to  
6 assist all law enforcement agencies in the identification and  
7 apprehension of sex offenders.

8 (b) In addition to entering the report of a missing child  
9 into LEADS as prescribed by subsection (a), all law  
10 enforcement agencies shall, upon receipt of a report of a  
11 missing child:

12 (1) Immediately make a radio dispatch to officers on  
13 duty at the time of receipt of the report. The dispatch  
14 shall contain the name and approximate age of the missing  
15 child and any other pertinent information available at  
16 that time. In the event that the law enforcement agency  
17 receiving the report of the missing child does not operate  
18 a radio dispatch system, a geographically appropriate  
19 radio dispatch system shall be used, such as the Illinois  
20 State Police Emergency Radio Network or a similar  
21 multi-agency law enforcement radio communication system  
22 serving the area of the reporting agency.

23 In addition, in the event that a missing child is not  
24 recovered during the work shift in which the radio  
25 dispatch was made, the law enforcement agency receiving  
26 the report of the missing child shall disseminate the

1 information relating to the missing child to all sworn  
2 personnel employed by the agency who work or are assigned  
3 to other shifts or time periods.

4 (2) Immediately contact State Missing Persons  
5 Clearinghouse personnel designated by the Illinois State  
6 Police Department, by a means and in a manner and form  
7 prescribed by the Illinois State Police Department,  
8 informing the personnel of the report of the missing  
9 child.

10 (Source: P.A. 97-938, eff. 1-1-13.)

11 Section 765. The Missing Children Records Act is amended  
12 by changing Sections 1, 2, 3, 4, and 5 as follows:

13 (325 ILCS 50/1) (from Ch. 23, par. 2281)

14 Sec. 1. Definitions. As used in this Act, unless the  
15 context requires otherwise:

16 (a) "Custodian" means the State Registrar of Vital  
17 Records, local registrars of vital records appointed by the  
18 State Registrar and county clerks.

19 (b) (Blank). ~~"Department" means the Illinois Department of~~  
20 ~~State Police.~~

21 (c) "Missing person" means a person 17 years old or  
22 younger reported to any law enforcement authority as abducted,  
23 lost or a runaway.

24 (d) "Registrar" means the State Registrar of Vital

1 Records.

2 (Source: P.A. 84-1430.)

3 (325 ILCS 50/2) (from Ch. 23, par. 2282)

4 Sec. 2. Illinois State Police ~~Department~~ duties. Upon  
5 entry of a report of a missing person born in Illinois into the  
6 Law Enforcement Agencies Data System (LEADS) established  
7 pursuant to the Intergovernmental Missing Child Recovery Act  
8 of 1984, the Illinois State Police ~~Department~~ shall notify the  
9 Registrar within 5 business days of the disappearance and  
10 shall provide the Registrar with information concerning the  
11 identity of the missing person. Upon entry of a report of a  
12 missing person born in a state other than Illinois into the Law  
13 Enforcement Agencies Data System (LEADS), the Illinois State  
14 Police ~~Department~~ shall notify the registrar, or other state  
15 agency responsible for vital records, in that state within 5  
16 business days of the disappearance and shall provide such  
17 registrar or other agency with information concerning the  
18 identity of the missing person.

19 If the Illinois State Police ~~Department~~ has reason to  
20 believe that a missing person has been enrolled in a specific  
21 Illinois elementary or secondary school, it shall notify the  
22 last such known school as to the disappearance at which time  
23 the school shall flag the missing child's record pursuant to  
24 Section 5.

25 Upon learning of the recovery of a missing person, the

1 Illinois State Police ~~Department~~ shall so notify the Registrar  
2 and any school previously informed of the person's  
3 disappearance.

4 The Illinois State Police ~~Department~~ shall by rule  
5 determine the manner and form of notices and information  
6 required by this Act.

7 (Source: P.A. 84-1430.)

8 (325 ILCS 50/3) (from Ch. 23, par. 2283)

9 Sec. 3. Registrar duties. Upon notification by the  
10 Illinois State Police ~~Department~~ that a person born in this  
11 State is missing, the Registrar shall flag the birth  
12 certificate record of that person in such a manner that  
13 whenever a copy of the birth certificate or information  
14 regarding the birth record is requested, the Registrar shall  
15 be alerted to the fact that the certificate is that of a  
16 missing person. The Registrar shall also notify the  
17 appropriate municipality or county custodians to likewise flag  
18 their records. Upon notification by the Illinois State Police  
19 ~~Department~~ that the missing person has been recovered, the  
20 Registrar shall remove the flag from the person's birth  
21 certificate record and shall notify any other previously  
22 notified municipality or county custodian to remove the flag  
23 from his record.

24 (Source: P.A. 84-1430.)

1 (325 ILCS 50/4) (from Ch. 23, par. 2284)

2 Sec. 4. Custodian duties. (a) In response to any inquiry,  
3 a custodian shall not provide a copy of a birth certificate or  
4 information concerning the birth record of any person whose  
5 record is flagged pursuant to Section 3 except as approved by  
6 the Illinois State Police ~~Department~~.

7 (b) When a copy of the birth certificate of a person whose  
8 record has been flagged is requested in person, the  
9 custodian's personnel accepting the request shall immediately  
10 notify his supervisor. The custodian's personnel shall then  
11 follow procedures prescribed by the Illinois State Police  
12 ~~Department~~ to clearly ascertain the identity of the person  
13 making the request, his address and his physical description.  
14 Such procedures shall include requiring the person making the  
15 request to complete a standardized information form and to  
16 present at least one form of photo identification. The  
17 custodian's personnel shall inform the person making the  
18 request that a copy of the certificate shall be mailed to him,  
19 and, upon the latter's departure from the custodian's office,  
20 his supervisor shall immediately notify the Illinois State  
21 Police ~~Department~~ or the local law enforcement authority as to  
22 the request and the information obtained pursuant to this  
23 subsection. The custodian shall retain the form completed by  
24 the person making the request.

25 (c) When a copy of the birth certificate of a person whose  
26 record has been flagged is requested in writing, the



1 custodian's personnel receiving the request shall immediately  
2 notify his supervisor. The supervisor shall immediately notify  
3 the Illinois State Police ~~Department~~ or local law enforcement  
4 authority as to the request and shall provide a copy of the  
5 written request. The custodian shall retain the original  
6 written request.

7 (Source: P.A. 84-1430.)

8 (325 ILCS 50/5) (from Ch. 23, par. 2285)

9 Sec. 5. Duties of school or other entity.

10 (a) Upon notification by the Illinois State Police  
11 ~~Department~~ of a person's disappearance, a school, preschool  
12 educational program, child care facility, or day care home or  
13 group day care home in which the person is currently or was  
14 previously enrolled shall flag the record of that person in  
15 such a manner that whenever a copy of or information regarding  
16 the record is requested, the school or other entity shall be  
17 alerted to the fact that the record is that of a missing  
18 person. The school or other entity shall immediately report to  
19 the Illinois State Police ~~Department~~ any request concerning  
20 flagged records or knowledge as to the whereabouts of any  
21 missing person. Upon notification by the Illinois State Police  
22 ~~Department~~ that the missing person has been recovered, the  
23 school or other entity shall remove the flag from the person's  
24 record.

25 (b) (1) For every child enrolled in a particular

1 elementary or secondary school, public or private preschool  
2 educational program, public or private child care facility  
3 licensed under the Child Care Act of 1969, or day care home or  
4 group day care home licensed under the Child Care Act of 1969,  
5 that school or other entity shall notify in writing the person  
6 enrolling the child that within 30 days he must provide either  
7 (i) a certified copy of the child's birth certificate or (ii)  
8 other reliable proof, as determined by the Illinois State  
9 Police Department, of the child's identity and age and an  
10 affidavit explaining the inability to produce a copy of the  
11 birth certificate. Other reliable proof of the child's  
12 identity and age shall include a passport, visa or other  
13 governmental documentation of the child's identity. When the  
14 person enrolling the child provides the school or other entity  
15 with a certified copy of the child's birth certificate, the  
16 school or other entity shall promptly make a copy of the  
17 certified copy for its records and return the original  
18 certified copy to the person enrolling the child. Once a  
19 school or other entity has been provided with a certified copy  
20 of a child's birth certificate as required under item (i) of  
21 this subdivision (b) (1), the school or other entity need not  
22 request another such certified copy with respect to that child  
23 for any other year in which the child is enrolled in that  
24 school or other entity.

25 (2) Upon the failure of a person enrolling a child to  
26 comply with subsection (b) (1), the school or other entity

1 shall immediately notify the Illinois State Police ~~Department~~  
2 or local law enforcement agency of such failure, and shall  
3 notify the person enrolling the child in writing that he has 10  
4 additional days to comply.

5 (3) The school or other entity shall immediately report to  
6 the Illinois State Police ~~Department~~ any affidavit received  
7 pursuant to this subsection which appears inaccurate or  
8 suspicious in form or content.

9 (c) Within 14 days after enrolling a transfer student, the  
10 elementary or secondary school shall request directly from the  
11 student's previous school a certified copy of his record. The  
12 requesting school shall exercise due diligence in obtaining  
13 the copy of the record requested. Any elementary or secondary  
14 school requested to forward a copy of a transferring student's  
15 record to the new school shall comply within 10 days of receipt  
16 of the request unless the record has been flagged pursuant to  
17 subsection (a), in which case the copy shall not be forwarded  
18 and the requested school shall notify the Illinois State  
19 Police ~~Department~~ or local law enforcement authority of the  
20 request.

21 (Source: P.A. 95-439, eff. 1-1-08; 95-793, eff. 8-8-08.)

22 Section 770. The Missing Children Registration Law is  
23 amended by changing Sections 1, 2, 3, 4, 5, and 6 as follows:

24 (325 ILCS 55/1) (from Ch. 23, par. 2271)

1           Sec. 1. Definitions. As used in this Article, unless the  
2 context requires otherwise:

3           (a) "Custodian" means the State Registrar of Vital  
4 Records, local registrars of vital records appointed by the  
5 State Registrar and county clerks.

6           (b) (Blank). ~~"Department" means the Illinois Department of~~  
7 ~~State Police.~~

8           (c) "Missing child" means a person under the age of 18  
9 years, reported to any law enforcement authority as abducted,  
10 lost or a runaway, whose identity is entered into the Law  
11 Enforcement Agencies Data System.

12           (d) "Registrar" means the State Registrar of Vital  
13 Records.

14           (Source: P.A. 84-1279.)

15           (325 ILCS 55/2) (from Ch. 23, par. 2272)

16           Sec. 2. Illinois State Police ~~Department~~ duties. Upon  
17 entry of a report of a missing child born in Illinois into the  
18 Law Enforcement Agencies Data System, the Illinois State  
19 Police ~~Department~~ shall notify the Registrar of the  
20 disappearance and shall provide the Registrar with information  
21 concerning the identity of the missing child.

22           If the Illinois State Police ~~Department~~ has reason to  
23 believe that a missing child may be enrolled in an Illinois  
24 elementary or secondary school, it shall notify the last such  
25 known school as to the disappearance, at which time the school

1 shall flag the missing child's record pursuant to Section 5.

2 Upon learning of the recovery of a missing child, the  
3 Illinois State Police ~~Department~~ shall so notify the  
4 Registrar.

5 The Illinois State Police ~~Department~~ shall by rule  
6 determine the manner and form of notices and information  
7 required by this Article.

8 (Source: P.A. 84-1279.)

9 (325 ILCS 55/3) (from Ch. 23, par. 2273)

10 Sec. 3. Registrar duties. Upon notification by the  
11 Illinois State Police ~~Department~~ that a person under the age  
12 of 18 years who was born in this State is missing, the  
13 Registrar shall flag the birth certificate record of that  
14 person in such a manner that whenever a copy of the birth  
15 certificate or information regarding the birth record is  
16 requested, the Registrar shall be alerted to the fact that the  
17 certificate is that of a missing child. The Registrar shall  
18 also notify the appropriate city or county custodian to  
19 likewise flag his records. Upon notification by the Illinois  
20 State Police ~~Department~~ that the missing child has been  
21 recovered, the Registrar shall remove the flag from the  
22 person's birth certificate record and shall notify any other  
23 previously notified city or county custodian to remove the  
24 flag from his record.

25 (Source: P.A. 84-1279.)

1 (325 ILCS 55/4) (from Ch. 23, par. 2274)

2 Sec. 4. Custodian duties. (a) In response to any inquiry,  
3 a custodian shall not provide a copy of a birth certificate or  
4 information concerning the birth record of any person whose  
5 record is flagged pursuant to Section 3 except as approved by  
6 the Illinois State Police Department.

7 (b) When a copy of the birth certificate of a person whose  
8 record has been flagged is requested in person, the  
9 custodian's personnel accepting the request shall immediately  
10 notify his supervisor. The person making the request shall  
11 complete a form as prescribed by the Illinois State Police  
12 ~~Department~~, which may include the name, address, telephone  
13 number and social security number of the person making the  
14 request, his or her relationship to the missing child and the  
15 name, address and birth date of the missing child. The  
16 driver's license of the person making the request, if  
17 available, shall be photocopied and returned to him. He shall  
18 be informed that a copy of the certificate shall be mailed to  
19 him. The custodian's personnel shall note the physical  
20 description of the person making the request, and, upon the  
21 latter's departure from the custodian's office, his supervisor  
22 shall immediately notify the local law enforcement authority  
23 as to the request and the information obtained pursuant to  
24 this subsection. The custodian shall retain the form completed  
25 by the person making the request.

1 (c) When a copy of the birth certificate of a person whose  
2 record has been flagged is requested in writing, the  
3 custodian's personnel receiving the request shall immediately  
4 notify his supervisor. The supervisor shall immediately notify  
5 the local law enforcement authority as to the request and  
6 shall provide a copy of the written request. The custodian  
7 shall retain the original written request.

8 (Source: P.A. 84-1279.)

9 (325 ILCS 55/5) (from Ch. 23, par. 2275)

10 Sec. 5. School duties. (a) Upon notification by the  
11 Illinois State Police Department of a child's disappearance, a  
12 school in which the child is currently or was previously  
13 enrolled shall flag the record of that child in such a manner  
14 that whenever a copy of or information regarding the record is  
15 requested, the school shall be alerted to the fact that the  
16 record is that of a missing child. The school shall  
17 immediately report to the local law enforcement authority any  
18 request concerning flagged records or knowledge as to the  
19 whereabouts of any missing child. Upon notification by the  
20 Illinois State Police Department that the missing child has  
21 been recovered, the school shall remove the flag from the  
22 person's record.

23 (b) Upon enrollment of a student for the first time in a  
24 particular elementary or secondary school, that school shall  
25 notify in writing the person enrolling the student that within

1 30 days he must provide either (1) a certified copy of the  
2 student's birth certificate or (2) other reliable proof, as  
3 determined by the Illinois State Police Department, of the  
4 student's identity and age, and an affidavit explaining the  
5 inability to produce a copy of the birth certificate.

6 Upon the failure of a person enrolling a student to comply  
7 with this subsection, the school shall immediately notify the  
8 local law enforcement agency and shall also notify the person  
9 enrolling the student in writing that, unless he complies  
10 within 10 days, the case shall be referred to the local law  
11 enforcement authority for investigation. If compliance is not  
12 obtained within that 10 day period, the school shall so refer  
13 the case.

14 The school shall immediately report to the local law  
15 enforcement authority any affidavit received pursuant to this  
16 subsection which appears inaccurate or suspicious in form or  
17 content.

18 (c) Within 14 days after enrolling a transfer student, the  
19 elementary or secondary school shall request directly from the  
20 student's previous school a certified copy of his record. The  
21 requesting school shall exercise due diligence in obtaining  
22 the copy of the record requested. Any elementary or secondary  
23 school requested to forward a copy of a transferring student's  
24 record to the new school shall comply within 10 days of receipt  
25 of such request unless the record has been flagged pursuant to  
26 subsection (a), in which case the copy shall not be forwarded



1 and the requested school shall notify the local law  
2 enforcement authority of the request.

3 (Source: P.A. 84-1279.)

4 (325 ILCS 55/6) (from Ch. 23, par. 2276)

5 Sec. 6. Local law enforcement duties. Any local law  
6 enforcement authority notified pursuant to this Article of the  
7 request for the birth certificate or school record of or other  
8 information concerning a missing child shall immediately  
9 notify the Illinois State Police ~~Department~~ of such request  
10 and shall investigate the request.

11 (Source: P.A. 84-1279.)

12 Section 815. The Mental Health and Developmental  
13 Disabilities Code is amended by changing Sections 6-103.1,  
14 6-103.2, and 6-103.3 as follows:

15 (405 ILCS 5/6-103.1)

16 Sec. 6-103.1. Adjudication as a person with a mental  
17 disability. When a person has been adjudicated as a person  
18 with a mental disability as defined in Section 1.1 of the  
19 Firearm Owners Identification Card Act, including, but not  
20 limited to, an adjudication as a person with a disability as  
21 defined in Section 11a-2 of the Probate Act of 1975, the court  
22 shall direct the circuit court clerk to notify the Illinois  
23 ~~Department of~~ State Police, Firearm Owner's Identification

1 (FOID) Office, in a form and manner prescribed by the Illinois  
2 ~~Department of~~ State Police, and shall forward a copy of the  
3 court order to the Department no later than 7 days after the  
4 entry of the order. Upon receipt of the order, the Illinois  
5 ~~Department of~~ State Police shall provide notification to the  
6 National Instant Criminal Background Check System.

7 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

8 (405 ILCS 5/6-103.2)

9 Sec. 6-103.2. Developmental disability; notice. If a  
10 person 14 years old or older is determined to be a person with  
11 a developmental disability by a physician, clinical  
12 psychologist, or qualified examiner, the physician, clinical  
13 psychologist, or qualified examiner shall notify the  
14 Department of Human Services within 7 days of making the  
15 determination that the person has a developmental disability.  
16 The Department of Human Services shall immediately update its  
17 records and information relating to mental health and  
18 developmental disabilities, and if appropriate, shall notify  
19 the Illinois ~~Department of~~ State Police in a form and manner  
20 prescribed by the Illinois ~~Department of~~ State Police.  
21 Information disclosed under this Section shall remain  
22 privileged and confidential, and shall not be redisclosed,  
23 except as required under subsection (e) of Section 3.1 of the  
24 Firearm Owners Identification Card Act, nor used for any other  
25 purpose. The method of providing this information shall

1 guarantee that the information is not released beyond that  
2 which is necessary for the purpose of this Section and shall be  
3 provided by rule by the Department of Human Services. The  
4 identity of the person reporting under this Section shall not  
5 be disclosed to the subject of the report.

6 The physician, clinical psychologist, or qualified  
7 examiner making the determination and his or her employer may  
8 not be held criminally, civilly, or professionally liable for  
9 making or not making the notification required under this  
10 Section, except for willful or wanton misconduct.

11 For purposes of this Section, "developmental disability"  
12 means a disability which is attributable to any other  
13 condition which results in impairment similar to that caused  
14 by an intellectual disability and which requires services  
15 similar to those required by intellectually disabled persons.  
16 The disability must originate before the age of 18 years, be  
17 expected to continue indefinitely, and constitute a  
18 substantial disability. This disability results, in the  
19 professional opinion of a physician, clinical psychologist, or  
20 qualified examiner, in significant functional limitations in 3  
21 or more of the following areas of major life activity:

- 22 (i) self-care;
- 23 (ii) receptive and expressive language;
- 24 (iii) learning;
- 25 (iv) mobility; or
- 26 (v) self-direction.

1 "Determined to be a person with a developmental disability  
2 by a physician, clinical psychologist, or qualified examiner"  
3 means in the professional opinion of the physician, clinical  
4 psychologist, or qualified examiner, a person is diagnosed,  
5 assessed, or evaluated as having a developmental disability.

6 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
7 eff. 7-27-15; 99-642, eff. 7-28-16.)

8 (405 ILCS 5/6-103.3)

9 Sec. 6-103.3. Clear and present danger; notice. If a  
10 person is determined to pose a clear and present danger to  
11 himself, herself, or to others by a physician, clinical  
12 psychologist, or qualified examiner, whether employed by the  
13 State, by any public or private mental health facility or part  
14 thereof, or by a law enforcement official or a school  
15 administrator, then the physician, clinical psychologist,  
16 qualified examiner shall notify the Department of Human  
17 Services and a law enforcement official or school  
18 administrator shall notify the Illinois ~~Department of~~ State  
19 Police, within 24 hours of making the determination that the  
20 person poses a clear and present danger. The Department of  
21 Human Services shall immediately update its records and  
22 information relating to mental health and developmental  
23 disabilities, and if appropriate, shall notify the Illinois  
24 ~~Department of~~ State Police in a form and manner prescribed by  
25 the Illinois ~~Department of~~ State Police. Information disclosed

1 under this Section shall remain privileged and confidential,  
2 and shall not be redisclosed, except as required under  
3 subsection (e) of Section 3.1 of the Firearm Owners  
4 Identification Card Act, nor used for any other purpose. The  
5 method of providing this information shall guarantee that the  
6 information is not released beyond that which is necessary for  
7 the purpose of this Section and shall be provided by rule by  
8 the Department of Human Services. The identity of the person  
9 reporting under this Section shall not be disclosed to the  
10 subject of the report. The physician, clinical psychologist,  
11 qualified examiner, law enforcement official, or school  
12 administrator making the determination and his or her employer  
13 shall not be held criminally, civilly, or professionally  
14 liable for making or not making the notification required  
15 under this Section, except for willful or wanton misconduct.  
16 This Section does not apply to a law enforcement official, if  
17 making the notification under this Section will interfere with  
18 an ongoing or pending criminal investigation.

19 For the purposes of this Section:

20 "Clear and present danger" has the meaning ascribed to  
21 it in Section 1.1 of the Firearm Owners Identification  
22 Card Act.

23 "Determined to pose a clear and present danger to  
24 himself, herself, or to others by a physician, clinical  
25 psychologist, or qualified examiner" means in the  
26 professional opinion of the physician, clinical

1           psychologist, or qualified examiner, a person poses a  
2           clear and present danger.

3           "School administrator" means the person required to  
4           report under the School Administrator Reporting of Mental  
5           Health Clear and Present Danger Determinations Law.

6           (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

7           Section 820. The Sexual Assault Survivors Emergency  
8           Treatment Act is amended by changing Sections 1a, 5, 6.4, and  
9           9.5 as follows:

10           (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

11           Sec. 1a. Definitions.

12           (a) In this Act:

13           "Advanced practice registered nurse" has the meaning  
14           provided in Section 50-10 of the Nurse Practice Act.

15           "Ambulance provider" means an individual or entity that  
16           owns and operates a business or service using ambulances or  
17           emergency medical services vehicles to transport emergency  
18           patients.

19           "Approved pediatric health care facility" means a health  
20           care facility, other than a hospital, with a sexual assault  
21           treatment plan approved by the Department to provide medical  
22           forensic services to pediatric sexual assault survivors who  
23           present with a complaint of sexual assault within a minimum of  
24           the last 7 days or who have disclosed past sexual assault by a

1 specific individual and were in the care of that individual  
2 within a minimum of the last 7 days.

3 "Areawide sexual assault treatment plan" means a plan,  
4 developed by hospitals or by hospitals and approved pediatric  
5 health care facilities in a community or area to be served,  
6 which provides for medical forensic services to sexual assault  
7 survivors that shall be made available by each of the  
8 participating hospitals and approved pediatric health care  
9 facilities.

10 "Board-certified child abuse pediatrician" means a  
11 physician certified by the American Board of Pediatrics in  
12 child abuse pediatrics.

13 "Board-eligible child abuse pediatrician" means a  
14 physician who has completed the requirements set forth by the  
15 American Board of Pediatrics to take the examination for  
16 certification in child abuse pediatrics.

17 "Department" means the Department of Public Health.

18 "Emergency contraception" means medication as approved by  
19 the federal Food and Drug Administration (FDA) that can  
20 significantly reduce the risk of pregnancy if taken within 72  
21 hours after sexual assault.

22 "Follow-up healthcare" means healthcare services related  
23 to a sexual assault, including laboratory services and  
24 pharmacy services, rendered within 90 days of the initial  
25 visit for medical forensic services.

26 "Health care professional" means a physician, a physician

1 assistant, a sexual assault forensic examiner, an advanced  
2 practice registered nurse, a registered professional nurse, a  
3 licensed practical nurse, or a sexual assault nurse examiner.

4 "Hospital" means a hospital licensed under the Hospital  
5 Licensing Act or operated under the University of Illinois  
6 Hospital Act, any outpatient center included in the hospital's  
7 sexual assault treatment plan where hospital employees provide  
8 medical forensic services, and an out-of-state hospital that  
9 has consented to the jurisdiction of the Department under  
10 Section 2.06.

11 "Illinois State Police Sexual Assault Evidence Collection  
12 Kit" means a prepackaged set of materials and forms to be used  
13 for the collection of evidence relating to sexual assault. The  
14 standardized evidence collection kit for the State of Illinois  
15 shall be the Illinois State Police Sexual Assault Evidence  
16 Collection Kit.

17 "Law enforcement agency having jurisdiction" means the law  
18 enforcement agency in the jurisdiction where an alleged sexual  
19 assault or sexual abuse occurred.

20 "Licensed practical nurse" has the meaning provided in  
21 Section 50-10 of the Nurse Practice Act.

22 "Medical forensic services" means health care delivered to  
23 patients within or under the care and supervision of personnel  
24 working in a designated emergency department of a hospital or  
25 an approved pediatric health care facility. "Medical forensic  
26 services" includes, but is not limited to, taking a medical



1 history, performing photo documentation, performing a physical  
2 and anogenital examination, assessing the patient for evidence  
3 collection, collecting evidence in accordance with a statewide  
4 sexual assault evidence collection program administered by the  
5 Illinois Department of State Police using the Illinois State  
6 Police Sexual Assault Evidence Collection Kit, if appropriate,  
7 assessing the patient for drug-facilitated or  
8 alcohol-facilitated sexual assault, providing an evaluation of  
9 and care for sexually transmitted infection and human  
10 immunodeficiency virus (HIV), pregnancy risk evaluation and  
11 care, and discharge and follow-up healthcare planning.

12 "Pediatric health care facility" means a clinic or  
13 physician's office that provides medical services to pediatric  
14 patients.

15 "Pediatric sexual assault survivor" means a person under  
16 the age of 13 who presents for medical forensic services in  
17 relation to injuries or trauma resulting from a sexual  
18 assault.

19 "Photo documentation" means digital photographs or  
20 colposcope videos stored and backed up securely in the  
21 original file format.

22 "Physician" means a person licensed to practice medicine  
23 in all its branches.

24 "Physician assistant" has the meaning provided in Section  
25 4 of the Physician Assistant Practice Act of 1987.

26 "Prepubescent sexual assault survivor" means a female who

1 is under the age of 18 years and has not had a first menstrual  
2 cycle or a male who is under the age of 18 years and has not  
3 started to develop secondary sex characteristics who presents  
4 for medical forensic services in relation to injuries or  
5 trauma resulting from a sexual assault.

6 "Qualified medical provider" means a board-certified child  
7 abuse pediatrician, board-eligible child abuse pediatrician, a  
8 sexual assault forensic examiner, or a sexual assault nurse  
9 examiner who has access to photo documentation tools, and who  
10 participates in peer review.

11 "Registered Professional Nurse" has the meaning provided  
12 in Section 50-10 of the Nurse Practice Act.

13 "Sexual assault" means:

14 (1) an act of sexual conduct; as used in this  
15 paragraph, "sexual conduct" has the meaning provided under  
16 Section 11-0.1 of the Criminal Code of 2012; or

17 (2) any act of sexual penetration; as used in this  
18 paragraph, "sexual penetration" has the meaning provided  
19 under Section 11-0.1 of the Criminal Code of 2012 and  
20 includes, without limitation, acts prohibited under  
21 Sections 11-1.20 through 11-1.60 of the Criminal Code of  
22 2012.

23 "Sexual assault forensic examiner" means a physician or  
24 physician assistant who has completed training that meets or  
25 is substantially similar to the Sexual Assault Nurse Examiner  
26 Education Guidelines established by the International

1 Association of Forensic Nurses.

2 "Sexual assault nurse examiner" means an advanced practice  
3 registered nurse or registered professional nurse who has  
4 completed a sexual assault nurse examiner training program  
5 that meets the Sexual Assault Nurse Examiner Education  
6 Guidelines established by the International Association of  
7 Forensic Nurses.

8 "Sexual assault services voucher" means a document  
9 generated by a hospital or approved pediatric health care  
10 facility at the time the sexual assault survivor receives  
11 outpatient medical forensic services that may be used to seek  
12 payment for any ambulance services, medical forensic services,  
13 laboratory services, pharmacy services, and follow-up  
14 healthcare provided as a result of the sexual assault.

15 "Sexual assault survivor" means a person who presents for  
16 medical forensic services in relation to injuries or trauma  
17 resulting from a sexual assault.

18 "Sexual assault transfer plan" means a written plan  
19 developed by a hospital and approved by the Department, which  
20 describes the hospital's procedures for transferring sexual  
21 assault survivors to another hospital, and an approved  
22 pediatric health care facility, if applicable, in order to  
23 receive medical forensic services.

24 "Sexual assault treatment plan" means a written plan that  
25 describes the procedures and protocols for providing medical  
26 forensic services to sexual assault survivors who present

1 themselves for such services, either directly or through  
2 transfer from a hospital or an approved pediatric health care  
3 facility.

4 "Transfer hospital" means a hospital with a sexual assault  
5 transfer plan approved by the Department.

6 "Transfer services" means the appropriate medical  
7 screening examination and necessary stabilizing treatment  
8 prior to the transfer of a sexual assault survivor to a  
9 hospital or an approved pediatric health care facility that  
10 provides medical forensic services to sexual assault survivors  
11 pursuant to a sexual assault treatment plan or areawide sexual  
12 assault treatment plan.

13 "Treatment hospital" means a hospital with a sexual  
14 assault treatment plan approved by the Department to provide  
15 medical forensic services to all sexual assault survivors who  
16 present with a complaint of sexual assault within a minimum of  
17 the last 7 days or who have disclosed past sexual assault by a  
18 specific individual and were in the care of that individual  
19 within a minimum of the last 7 days.

20 "Treatment hospital with approved pediatric transfer"  
21 means a hospital with a treatment plan approved by the  
22 Department to provide medical forensic services to sexual  
23 assault survivors 13 years old or older who present with a  
24 complaint of sexual assault within a minimum of the last 7 days  
25 or who have disclosed past sexual assault by a specific  
26 individual and were in the care of that individual within a

1 minimum of the last 7 days.

2 (b) This Section is effective on and after July 1, 2021.

3 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;  
4 101-81, eff. 7-12-19; 101-634, eff. 6-5-20.)

5 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

6 Sec. 5. Minimum requirements for medical forensic services  
7 provided to sexual assault survivors by hospitals and approved  
8 pediatric health care facilities.

9 (a) Every hospital and approved pediatric health care  
10 facility providing medical forensic services to sexual assault  
11 survivors under this Act shall, as minimum requirements for  
12 such services, provide, with the consent of the sexual assault  
13 survivor, and as ordered by the attending physician, an  
14 advanced practice registered nurse, or a physician assistant,  
15 the services set forth in subsection (a-5).

16 Beginning January 1, 2022, a qualified medical provider  
17 must provide the services set forth in subsection (a-5).

18 (a-5) A treatment hospital, a treatment hospital with  
19 approved pediatric transfer, or an approved pediatric health  
20 care facility shall provide the following services in  
21 accordance with subsection (a):

22 (1) Appropriate medical forensic services without  
23 delay, in a private, age-appropriate or  
24 developmentally-appropriate space, required to ensure the  
25 health, safety, and welfare of a sexual assault survivor

1 and which may be used as evidence in a criminal proceeding  
2 against a person accused of the sexual assault, in a  
3 proceeding under the Juvenile Court Act of 1987, or in an  
4 investigation under the Abused and Neglected Child  
5 Reporting Act.

6 Records of medical forensic services, including  
7 results of examinations and tests, the Illinois State  
8 Police Medical Forensic Documentation Forms, the Illinois  
9 State Police Patient Discharge Materials, and the Illinois  
10 State Police Patient Consent: Collect and Test Evidence or  
11 Collect and Hold Evidence Form, shall be maintained by the  
12 hospital or approved pediatric health care facility as  
13 part of the patient's electronic medical record.

14 Records of medical forensic services of sexual assault  
15 survivors under the age of 18 shall be retained by the  
16 hospital for a period of 60 years after the sexual assault  
17 survivor reaches the age of 18. Records of medical  
18 forensic services of sexual assault survivors 18 years of  
19 age or older shall be retained by the hospital for a period  
20 of 20 years after the date the record was created.

21 Records of medical forensic services may only be  
22 disseminated in accordance with Section 6.5 of this Act  
23 and other State and federal law.

24 (1.5) An offer to complete the Illinois Sexual Assault  
25 Evidence Collection Kit for any sexual assault survivor  
26 who presents within a minimum of the last 7 days of the

1 assault or who has disclosed past sexual assault by a  
2 specific individual and was in the care of that individual  
3 within a minimum of the last 7 days.

4 (A) Appropriate oral and written information  
5 concerning evidence-based guidelines for the  
6 appropriateness of evidence collection depending on  
7 the sexual development of the sexual assault survivor,  
8 the type of sexual assault, and the timing of the  
9 sexual assault shall be provided to the sexual assault  
10 survivor. Evidence collection is encouraged for  
11 prepubescent sexual assault survivors who present to a  
12 hospital or approved pediatric health care facility  
13 with a complaint of sexual assault within a minimum of  
14 96 hours after the sexual assault.

15 Before January 1, 2022, the information required  
16 under this subparagraph shall be provided in person by  
17 the health care professional providing medical  
18 forensic services directly to the sexual assault  
19 survivor.

20 On and after January 1, 2022, the information  
21 required under this subparagraph shall be provided in  
22 person by the qualified medical provider providing  
23 medical forensic services directly to the sexual  
24 assault survivor.

25 The written information provided shall be the  
26 information created in accordance with Section 10 of

1           this Act.

2           (B) Following the discussion regarding the  
3 evidence-based guidelines for evidence collection in  
4 accordance with subparagraph (A), evidence collection  
5 must be completed at the sexual assault survivor's  
6 request. A sexual assault nurse examiner conducting an  
7 examination using the Illinois State Police Sexual  
8 Assault Evidence Collection Kit may do so without the  
9 presence or participation of a physician.

10          (2) Appropriate oral and written information  
11 concerning the possibility of infection, sexually  
12 transmitted infection, including an evaluation of the  
13 sexual assault survivor's risk of contracting human  
14 immunodeficiency virus (HIV) from sexual assault, and  
15 pregnancy resulting from sexual assault.

16          (3) Appropriate oral and written information  
17 concerning accepted medical procedures, laboratory tests,  
18 medication, and possible contraindications of such  
19 medication available for the prevention or treatment of  
20 infection or disease resulting from sexual assault.

21          (3.5) After a medical evidentiary or physical  
22 examination, access to a shower at no cost, unless  
23 showering facilities are unavailable.

24          (4) An amount of medication, including HIV  
25 prophylaxis, for treatment at the hospital or approved  
26 pediatric health care facility and after discharge as is



1 deemed appropriate by the attending physician, an advanced  
2 practice registered nurse, or a physician assistant in  
3 accordance with the Centers for Disease Control and  
4 Prevention guidelines and consistent with the hospital's  
5 or approved pediatric health care facility's current  
6 approved protocol for sexual assault survivors.

7 (5) Photo documentation of the sexual assault  
8 survivor's injuries, anatomy involved in the assault, or  
9 other visible evidence on the sexual assault survivor's  
10 body to supplement the medical forensic history and  
11 written documentation of physical findings and evidence  
12 beginning July 1, 2019. Photo documentation does not  
13 replace written documentation of the injury.

14 (6) Written and oral instructions indicating the need  
15 for follow-up examinations and laboratory tests after the  
16 sexual assault to determine the presence or absence of  
17 sexually transmitted infection.

18 (7) Referral by hospital or approved pediatric health  
19 care facility personnel for appropriate counseling.

20 (8) Medical advocacy services provided by a rape  
21 crisis counselor whose communications are protected under  
22 Section 8-802.1 of the Code of Civil Procedure, if there  
23 is a memorandum of understanding between the hospital or  
24 approved pediatric health care facility and a rape crisis  
25 center. With the consent of the sexual assault survivor, a  
26 rape crisis counselor shall remain in the exam room during

1 the medical forensic examination.

2 (9) Written information regarding services provided by  
3 a Children's Advocacy Center and rape crisis center, if  
4 applicable.

5 (10) A treatment hospital, a treatment hospital with  
6 approved pediatric transfer, an out-of-state hospital as  
7 defined in Section 5.4, or an approved pediatric health  
8 care facility shall comply with the rules relating to the  
9 collection and tracking of sexual assault evidence adopted  
10 by the Illinois ~~Department of~~ State Police under Section  
11 50 of the Sexual Assault Evidence Submission Act.

12 (a-7) By January 1, 2022, every hospital with a treatment  
13 plan approved by the Department shall employ or contract with  
14 a qualified medical provider to initiate medical forensic  
15 services to a sexual assault survivor within 90 minutes of the  
16 patient presenting to the treatment hospital or treatment  
17 hospital with approved pediatric transfer. The provision of  
18 medical forensic services by a qualified medical provider  
19 shall not delay the provision of life-saving medical care.

20 (b) Any person who is a sexual assault survivor who seeks  
21 medical forensic services or follow-up healthcare under this  
22 Act shall be provided such services without the consent of any  
23 parent, guardian, custodian, surrogate, or agent. If a sexual  
24 assault survivor is unable to consent to medical forensic  
25 services, the services may be provided under the Consent by  
26 Minors to Medical Procedures Act, the Health Care Surrogate

1 Act, or other applicable State and federal laws.

2 (b-5) Every hospital or approved pediatric health care  
3 facility providing medical forensic services to sexual assault  
4 survivors shall issue a voucher to any sexual assault survivor  
5 who is eligible to receive one in accordance with Section 5.2  
6 of this Act. The hospital shall make a copy of the voucher and  
7 place it in the medical record of the sexual assault survivor.  
8 The hospital shall provide a copy of the voucher to the sexual  
9 assault survivor after discharge upon request.

10 (c) Nothing in this Section creates a physician-patient  
11 relationship that extends beyond discharge from the hospital  
12 or approved pediatric health care facility.

13 (d) This Section is effective on and after July 1, 2021.

14 (Source: P.A. 100-513, eff. 1-1-18; 100-775, eff. 1-1-19;  
15 100-1087, eff. 1-1-19; 101-81, eff. 7-12-19; 101-377, eff.  
16 8-16-19; 101-634, eff. 6-5-20.)

17 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

18 Sec. 6.4. Sexual assault evidence collection program.

19 (a) There is created a statewide sexual assault evidence  
20 collection program to facilitate the prosecution of persons  
21 accused of sexual assault. This program shall be administered  
22 by the Illinois State Police. The program shall consist of the  
23 following: (1) distribution of sexual assault evidence  
24 collection kits which have been approved by the Illinois State  
25 Police to hospitals and approved pediatric health care

1 facilities that request them, or arranging for such  
2 distribution by the manufacturer of the kits, (2) collection  
3 of the kits from hospitals and approved pediatric health care  
4 facilities after the kits have been used to collect evidence,  
5 (3) analysis of the collected evidence and conducting of  
6 laboratory tests, (4) maintaining the chain of custody and  
7 safekeeping of the evidence for use in a legal proceeding, and  
8 (5) the comparison of the collected evidence with the genetic  
9 marker grouping analysis information maintained by the  
10 Illinois ~~Department of~~ State Police under Section 5-4-3 of the  
11 Unified Code of Corrections and with the information contained  
12 in the Federal Bureau of Investigation's National DNA  
13 database; provided the amount and quality of genetic marker  
14 grouping results obtained from the evidence in the sexual  
15 assault case meets the requirements of both the Illinois  
16 ~~Department of~~ State Police and the Federal Bureau of  
17 Investigation's Combined DNA Index System (CODIS) policies.  
18 The standardized evidence collection kit for the State of  
19 Illinois shall be the Illinois State Police Sexual Assault  
20 Evidence Kit and shall include a written consent form  
21 authorizing law enforcement to test the sexual assault  
22 evidence and to provide law enforcement with details of the  
23 sexual assault.

24 (a-5) (Blank).

25 (b) The Illinois State Police shall administer a program  
26 to train hospital and approved pediatric health care facility

1 personnel participating in the sexual assault evidence  
2 collection program, in the correct use and application of the  
3 sexual assault evidence collection kits. The Department shall  
4 cooperate with the Illinois State Police in this program as it  
5 pertains to medical aspects of the evidence collection.

6 (c) (Blank).

7 (d) This Section is effective on and after July 1, 2021.

8 (Source: P.A. 100-775, eff. 1-1-19; 101-634, eff. 6-5-20.)

9 (410 ILCS 70/9.5)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 9.5. Sexual Assault Medical Forensic Services  
12 Implementation Task Force.

13 (a) The Sexual Assault Medical Forensic Services  
14 Implementation Task Force is created to assist hospitals and  
15 approved pediatric health care facilities with the  
16 implementation of the changes made by this amendatory Act of  
17 the 100th General Assembly. The Task Force shall consist of  
18 the following members, who shall serve without compensation:

19 (1) one member of the Senate appointed by the  
20 President of the Senate, who may designate an alternate  
21 member;

22 (2) one member of the Senate appointed by the Minority  
23 Leader of the Senate, who may designate an alternate  
24 member;

25 (3) one member of the House of Representatives

1 appointed by the Speaker of the House of Representatives,  
2 who may designate an alternate member;

3 (4) one member of the House of Representatives  
4 appointed by the Minority Leader of the House of  
5 Representatives, who may designate an alternate member;

6 (5) two members representing the Office of the  
7 Attorney General appointed by the Attorney General, one of  
8 whom shall be the Sexual Assault Nurse Examiner  
9 Coordinator for the State of Illinois;

10 (6) one member representing the Department of Public  
11 Health appointed by the Director of Public Health;

12 (7) one member representing the Illinois ~~Department of~~  
13 State Police appointed by the Director of the Illinois  
14 State Police;

15 (8) one member representing the Department of  
16 Healthcare and Family Services appointed by the Director  
17 of Healthcare and Family Services;

18 (9) six members representing hospitals appointed by  
19 the head of a statewide organization representing the  
20 interests of hospitals in Illinois, at least one of whom  
21 shall represent small and rural hospitals and at least one  
22 of these members shall represent urban hospitals;

23 (10) one member representing physicians appointed by  
24 the head of a statewide organization representing the  
25 interests of physicians in Illinois;

26 (11) one member representing emergency physicians

1 appointed by the head of a statewide organization  
2 representing the interests of emergency physicians in  
3 Illinois;

4 (12) two members representing child abuse  
5 pediatricians appointed by the head of a statewide  
6 organization representing the interests of child abuse  
7 pediatricians in Illinois, at least one of whom shall  
8 represent child abuse pediatricians providing medical  
9 forensic services in rural locations and at least one of  
10 whom shall represent child abuse pediatricians providing  
11 medical forensic services in urban locations;

12 (13) one member representing nurses appointed by the  
13 head of a statewide organization representing the  
14 interests of nurses in Illinois;

15 (14) two members representing sexual assault nurse  
16 examiners appointed by the head of a statewide  
17 organization representing the interests of forensic nurses  
18 in Illinois, at least one of whom shall represent  
19 pediatric/adolescent sexual assault nurse examiners and at  
20 least one of these members shall represent  
21 adult/adolescent sexual assault nurse examiners;

22 (15) one member representing State's Attorneys  
23 appointed by the head of a statewide organization  
24 representing the interests of State's Attorneys in  
25 Illinois;

26 (16) three members representing sexual assault

1 survivors appointed by the head of a statewide  
2 organization representing the interests of sexual assault  
3 survivors and rape crisis centers, at least one of whom  
4 shall represent rural rape crisis centers and at least one  
5 of whom shall represent urban rape crisis centers; and

6 (17) one member representing children's advocacy  
7 centers appointed by the head of a statewide organization  
8 representing the interests of children's advocacy centers  
9 in Illinois.

10 The members representing the Office of the Attorney  
11 General and the Department of Public Health shall serve as  
12 co-chairpersons of the Task Force. The Office of the Attorney  
13 General shall provide administrative and other support to the  
14 Task Force.

15 (b) The first meeting of the Task Force shall be called by  
16 the co-chairpersons no later than 90 days after the effective  
17 date of this Section.

18 (c) The goals of the Task Force shall include, but not be  
19 limited to, the following:

20 (1) to facilitate the development of areawide  
21 treatment plans among hospitals and pediatric health care  
22 facilities;

23 (2) to facilitate the development of on-call systems  
24 of qualified medical providers and assist hospitals with  
25 the development of plans to employ or contract with a  
26 qualified medical provider to initiate medical forensic



1 services to a sexual assault survivor within 90 minutes of  
2 the patient presenting to the hospital as required in  
3 subsection (a-7) of Section 5;

4 (3) to identify photography and storage options for  
5 hospitals to comply with the photo documentation  
6 requirements in Sections 5 and 5.1;

7 (4) to develop a model written agreement for use by  
8 rape crisis centers, hospitals, and approved pediatric  
9 health care facilities with sexual assault treatment plans  
10 to comply with subsection (c) of Section 2;

11 (5) to develop and distribute educational information  
12 regarding the implementation of this Act to hospitals,  
13 health care providers, rape crisis centers, children's  
14 advocacy centers, State's Attorney's offices;

15 (6) to examine the role of telemedicine in the  
16 provision of medical forensic services under this Act and  
17 to develop recommendations for statutory change and  
18 standards and procedures for the use of telemedicine to be  
19 adopted by the Department;

20 (7) to seek inclusion of the International Association  
21 of Forensic Nurses Sexual Assault Nurse Examiner Education  
22 Guidelines for nurses within the registered nurse training  
23 curriculum in Illinois nursing programs and the American  
24 College of Emergency Physicians Management of the Patient  
25 with the Complaint of Sexual Assault for emergency  
26 physicians within the Illinois residency training

1 curriculum for emergency physicians; and

2 (8) to submit a report to the General Assembly by  
3 January 1, 2023 regarding the status of implementation of  
4 this amendatory Act of the 100th General Assembly,  
5 including, but not limited to, the impact of transfers to  
6 out-of-state hospitals on sexual assault survivors and the  
7 availability of treatment hospitals in Illinois; the  
8 report to the General Assembly shall be filed with the  
9 Clerk of the House of Representatives and the Secretary of  
10 the Senate in electronic form only, in the manner that the  
11 Clerk and the Secretary shall direct.

12 (d) This Section is repealed on January 1, 2024.

13 (Source: P.A. 100-775, eff. 8-10-18.)

14 Section 825. The Smoke Free Illinois Act is amended by  
15 changing Sections 40 and 45 as follows:

16 (410 ILCS 82/40)

17 Sec. 40. Enforcement; complaints.

18 (a) The Department, State-certified local public health  
19 departments, and local, Department of Natural Resources, and  
20 Illinois ~~Department of~~ State Police law enforcement agencies  
21 shall enforce the provisions of this Act through the issuance  
22 of citations and may assess civil penalties pursuant to  
23 Section 45 of this Act.

24 (a-2) The citations issued pursuant to this Act shall

1 conspicuously include the following:

2 (1) the name of the offense and its statutory  
3 reference;

4 (2) the nature and elements of the violation;

5 (3) the date and location of the violation;

6 (4) the name of the enforcing agency;

7 (5) the name of the violator;

8 (6) the amount of the imposed civil penalty and the  
9 location where the violator can pay the civil penalty  
10 without objection;

11 (7) the address and phone number of the enforcing  
12 agency where the violator can request a hearing before the  
13 Department to contest the imposition of the civil penalty  
14 imposed by the citation under the rules and procedures of  
15 the Illinois Administrative Procedure Act;

16 (8) the time period in which to pay the civil penalty  
17 or to request a hearing to contest the imposition of the  
18 civil penalty imposed by the citation; and

19 (9) the verified signature of the person issuing the  
20 citation.

21 (a-3) One copy of the citation shall be provided to the  
22 violator, one copy shall be retained by the enforcing agency,  
23 and one copy shall be provided to the entity otherwise  
24 authorized by the enforcing agency to receive civil penalties  
25 on their behalf.

26 (b) Any person may register a complaint with the

1 Department, a State-certified local public health department,  
2 or a law enforcement agency for a violation of this Act. The  
3 Department shall establish a telephone number that a person  
4 may call to register a complaint under this subsection (b).

5 (c) The Department shall afford a violator the opportunity  
6 to pay the civil penalty without objection or to contest the  
7 citation in accordance with the Illinois Administrative  
8 Procedure Act, except that in case of a conflict between the  
9 Illinois Administrative Procedure Act and this Act, the  
10 provisions of this Act shall control.

11 (d) Upon receipt of a request for hearing to contest the  
12 imposition of a civil penalty imposed by a citation, the  
13 enforcing agency shall immediately forward a copy of the  
14 citation and notice of the request for hearing to the  
15 Department for initiation of a hearing conducted in accordance  
16 with the Illinois Administrative Procedure Act and the rules  
17 established thereto by the Department applicable to contested  
18 cases, except that in case of a conflict between the Illinois  
19 Administrative Procedure Act and this Act, the provisions of  
20 this Act shall control. Parties to the hearing shall be the  
21 enforcing agency and the violator.

22 The Department shall notify the violator in writing of the  
23 time, place, and location of the hearing. The hearing shall be  
24 conducted at the nearest regional office of the Department, or  
25 in a location contracted by the Department in the county where  
26 the citation was issued.

1           (e) Civil penalties imposed under this Act may be  
2 collected in accordance with all methods otherwise available  
3 to the enforcing agency or the Department, except that there  
4 shall be no collection efforts during the pendency of the  
5 hearing before the Department.

6           (f) Rulemaking authority to implement this amendatory Act  
7 of the 95th General Assembly, if any, is conditioned on the  
8 rules being adopted in accordance with all provisions of the  
9 Illinois Administrative Procedure Act and all rules and  
10 procedures of the Joint Committee on Administrative Rules; any  
11 purported rule not so adopted, for whatever reason, is  
12 unauthorized.

13       (Source: P.A. 100-877, eff. 1-1-19.)

14           (410 ILCS 82/45)

15           Sec. 45. Violations.

16           (a) A person, corporation, partnership, association or  
17 other entity who violates Section 15 or 20 of this Act shall be  
18 liable for a civil penalty pursuant to this Section. Each day  
19 that a violation occurs is a separate violation.

20           (b) A person who smokes in an area where smoking is  
21 prohibited under Section 15 of this Act shall be liable for a  
22 civil penalty in an amount that is \$100 for a first offense and  
23 \$250 for each subsequent offense. A person who owns, operates,  
24 or otherwise controls a public place or place of employment  
25 that violates Section 15 or 20 of this Act shall be liable for

1 a civil penalty of (i) \$250 for the first violation, (ii) \$500  
2 for the second violation within one year after the first  
3 violation, and (iii) \$2,500 for each additional violation  
4 within one year after the first violation.

5 (c) A civil penalty imposed under this Section shall be  
6 allocated as follows:

7 (1) one-half of the civil penalty shall be distributed  
8 to the Department; and

9 (2) one-half of the civil penalty shall be distributed  
10 to the enforcing agency.

11 With respect to funds designated for the Illinois  
12 ~~Department of~~ State Police under this subsection, the Illinois  
13 ~~Department of~~ State Police shall deposit the moneys into the  
14 State Police Operations Assistance Fund. With respect to funds  
15 designated for the Department of Natural Resources under this  
16 subsection, the Department of Natural Resources shall deposit  
17 the moneys into the Conservation Police Operations Assistance  
18 Fund.

19 (d) Rulemaking authority to implement this amendatory Act  
20 of the 95th General Assembly, if any, is conditioned on the  
21 rules being adopted in accordance with all provisions of the  
22 Illinois Administrative Procedure Act and all rules and  
23 procedures of the Joint Committee on Administrative Rules; any  
24 purported rule not so adopted, for whatever reason, is  
25 unauthorized.

26 (Source: P.A. 100-877, eff. 1-1-19.)

1           Section 830. The Compassionate Use of Medical Cannabis  
2 Pilot Program Act is amended by changing Sections 85, 95, 100,  
3 105, 145, 150, and 180 as follows:

4           (410 ILCS 130/85)

5           Sec. 85. Issuance and denial of medical cannabis  
6 cultivation permit.

7           (a) The Department of Agriculture may register up to 22  
8 cultivation center registrations for operation. The Department  
9 of Agriculture may not issue more than one registration per  
10 each Illinois State Police District boundary as specified on  
11 the date of January 1, 2013. The Department of Agriculture may  
12 not issue less than the 22 registrations if there are  
13 qualified applicants who have applied with the Department.

14           (b) The registrations shall be issued and renewed annually  
15 as determined by administrative rule.

16           (c) The Department of Agriculture shall determine a  
17 registration fee by rule.

18           (d) A cultivation center may only operate if it has been  
19 issued a valid registration from the Department of  
20 Agriculture. When applying for a cultivation center  
21 registration, the applicant shall submit the following in  
22 accordance with Department of Agriculture rules:

23                   (1) the proposed legal name of the cultivation center;

24                   (2) the proposed physical address of the cultivation

1 center and description of the enclosed, locked facility as  
2 it applies to cultivation centers where medical cannabis  
3 will be grown, harvested, manufactured, packaged, or  
4 otherwise prepared for distribution to a dispensing  
5 organization;

6 (3) the name, address, and date of birth of each  
7 principal officer and board member of the cultivation  
8 center, provided that all those individuals shall be at  
9 least 21 years of age;

10 (4) any instance in which a business that any of the  
11 prospective board members of the cultivation center had  
12 managed or served on the board of the business and was  
13 convicted, fined, censured, or had a registration or  
14 license suspended or revoked in any administrative or  
15 judicial proceeding;

16 (5) cultivation, inventory, and packaging plans;

17 (6) proposed operating by-laws that include procedures  
18 for the oversight of the cultivation center, development  
19 and implementation of a plant monitoring system, medical  
20 cannabis container tracking system, accurate record  
21 keeping, staffing plan, and security plan reviewed by the  
22 Illinois State Police that are in accordance with the  
23 rules issued by the Department of Agriculture under this  
24 Act. A physical inventory shall be performed of all plants  
25 and medical cannabis containers on a weekly basis;

26 (7) experience with agricultural cultivation



1 techniques and industry standards;

2 (8) any academic degrees, certifications, or relevant  
3 experience with related businesses;

4 (9) the identity of every person, association, trust,  
5 or corporation having any direct or indirect pecuniary  
6 interest in the cultivation center operation with respect  
7 to which the registration is sought. If the disclosed  
8 entity is a trust, the application shall disclose the  
9 names and addresses of the beneficiaries; if a  
10 corporation, the names and addresses of all stockholders  
11 and directors; if a partnership, the names and addresses  
12 of all partners, both general and limited;

13 (10) verification from the Illinois State Police that  
14 all background checks of the principal officer, board  
15 members, and registered agents have been conducted and  
16 those individuals have not been convicted of an excluded  
17 offense;

18 (11) provide a copy of the current local zoning  
19 ordinance to the Department of Agriculture and verify that  
20 proposed cultivation center is in compliance with the  
21 local zoning rules issued in accordance with Section 140;

22 (12) an application fee set by the Department of  
23 Agriculture by rule; and

24 (13) any other information required by Department of  
25 Agriculture rules, including, but not limited to a  
26 cultivation center applicant's experience with the

1 cultivation of agricultural or horticultural products,  
2 operating an agriculturally related business, or operating  
3 a horticultural business.

4 (e) An application for a cultivation center permit must be  
5 denied if any of the following conditions are met:

6 (1) the applicant failed to submit the materials  
7 required by this Section, including if the applicant's  
8 plans do not satisfy the security, oversight, inventory,  
9 or recordkeeping rules issued by the Department of  
10 Agriculture;

11 (2) the applicant would not be in compliance with  
12 local zoning rules issued in accordance with Section 140;

13 (3) one or more of the prospective principal officers  
14 or board members has been convicted of an excluded  
15 offense;

16 (4) one or more of the prospective principal officers  
17 or board members has served as a principal officer or  
18 board member for a registered dispensing organization or  
19 cultivation center that has had its registration revoked;

20 (5) one or more of the principal officers or board  
21 members is under 21 years of age;

22 (6) a principal officer or board member of the  
23 cultivation center has been convicted of a felony under  
24 the laws of this State, any other state, or the United  
25 States;

26 (7) a principal officer or board member of the

1 cultivation center has been convicted of any violation of  
2 Article 28 of the Criminal Code of 2012, or substantially  
3 similar laws of any other jurisdiction; or

4 (8) the person has submitted an application for a  
5 certificate under this Act which contains false  
6 information.

7 (Source: P.A. 98-122, eff. 1-1-14.)

8 (410 ILCS 130/95)

9 Sec. 95. Background checks.

10 (a) The Department of Agriculture through the Illinois  
11 ~~Department of~~ State Police shall conduct a background check of  
12 the prospective cultivation center agents. The Illinois  
13 ~~Department of~~ State Police shall charge a fee for conducting  
14 the criminal history record check, which shall be deposited in  
15 the State Police Services Fund and shall not exceed the actual  
16 cost of the record check. In order to carry out this provision,  
17 each person applying as a cultivation center agent shall  
18 submit a full set of fingerprints to the Illinois ~~Department~~  
19 ~~of~~ State Police for the purpose of obtaining a State and  
20 federal criminal records check. These fingerprints shall be  
21 checked against the fingerprint records now and hereafter, to  
22 the extent allowed by law, filed in the Illinois ~~Department of~~  
23 State Police and Federal Bureau of Investigation criminal  
24 history records databases. The Illinois ~~Department of~~ State  
25 Police shall furnish, following positive identification, all

1 Illinois conviction information to the Department of  
2 Agriculture.

3 (b) When applying for the initial permit, the background  
4 checks for the principal officer, board members, and  
5 registered agents shall be completed prior to submitting the  
6 application to the Department of Agriculture.

7 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

8 (410 ILCS 130/100)

9 Sec. 100. Cultivation center agent identification card.

10 (a) The Department of Agriculture shall:

11 (1) verify the information contained in an application  
12 or renewal for a cultivation center identification card  
13 submitted under this Act, and approve or deny an  
14 application or renewal, within 30 days of receiving a  
15 completed application or renewal application and all  
16 supporting documentation required by rule;

17 (2) issue a cultivation center agent identification  
18 card to a qualifying agent within 15 business days of  
19 approving the application or renewal;

20 (3) enter the registry identification number of the  
21 cultivation center where the agent works; and

22 (4) allow for an electronic application process, and  
23 provide a confirmation by electronic or other methods that  
24 an application has been submitted.

25 (b) A cultivation center agent must keep his or her

1 identification card visible at all times when on the property  
2 of a cultivation center and during the transportation of  
3 medical cannabis to a registered dispensary organization.

4 (c) The cultivation center agent identification cards  
5 shall contain the following:

6 (1) the name of the cardholder;

7 (2) the date of issuance and expiration date of  
8 cultivation center agent identification cards;

9 (3) a random 10 digit alphanumeric identification  
10 number containing at least 4 numbers and at least 4  
11 letters; that is unique to the holder; and

12 (4) a photograph of the cardholder.

13 (d) The cultivation center agent identification cards  
14 shall be immediately returned to the cultivation center upon  
15 termination of employment.

16 (e) Any card lost by a cultivation center agent shall be  
17 reported to the Illinois State Police and the Department of  
18 Agriculture immediately upon discovery of the loss.

19 (f) An applicant shall be denied a cultivation center  
20 agent identification card if he or she has been convicted of an  
21 excluded offense.

22 (Source: P.A. 98-122, eff. 1-1-14.)

23 (410 ILCS 130/105)

24 Sec. 105. Requirements; prohibitions; penalties for  
25 cultivation centers.

1           (a) The operating documents of a registered cultivation  
2 center shall include procedures for the oversight of the  
3 cultivation center, a cannabis plant monitoring system  
4 including a physical inventory recorded weekly, a cannabis  
5 container system including a physical inventory recorded  
6 weekly, accurate record keeping, and a staffing plan.

7           (b) A registered cultivation center shall implement a  
8 security plan reviewed by the Illinois State Police and  
9 including but not limited to: facility access controls,  
10 perimeter intrusion detection systems, personnel  
11 identification systems, 24-hour surveillance system to monitor  
12 the interior and exterior of the registered cultivation center  
13 facility and accessible to authorized law enforcement and the  
14 Department of Agriculture in real-time.

15           (c) A registered cultivation center may not be located  
16 within 2,500 feet of the property line of a pre-existing  
17 public or private preschool or elementary or secondary school  
18 or day care center, day care home, group day care home, part  
19 day child care facility, or an area zoned for residential use.

20           (d) All cultivation of cannabis for distribution to a  
21 registered dispensing organization must take place in an  
22 enclosed, locked facility as it applies to cultivation centers  
23 at the physical address provided to the Department of  
24 Agriculture during the registration process. The cultivation  
25 center location shall only be accessed by the cultivation  
26 center agents working for the registered cultivation center,

1 Department of Agriculture staff performing inspections,  
2 Department of Public Health staff performing inspections, law  
3 enforcement or other emergency personnel, and contractors  
4 working on jobs unrelated to medical cannabis, such as  
5 installing or maintaining security devices or performing  
6 electrical wiring.

7 (e) A cultivation center may not sell or distribute any  
8 cannabis to any individual or entity other than another  
9 cultivation center, a dispensing organization registered under  
10 this Act, or a laboratory licensed by the Department of  
11 Agriculture.

12 (f) All harvested cannabis intended for distribution to a  
13 dispensing organization must be packaged in a labeled medical  
14 cannabis container and entered into a data collection system.

15 (g) No person who has been convicted of an excluded  
16 offense may be a cultivation center agent.

17 (h) Registered cultivation centers are subject to random  
18 inspection by the Illinois State Police.

19 (i) Registered cultivation centers are subject to random  
20 inspections by the Department of Agriculture and the  
21 Department of Public Health.

22 (j) A cultivation center agent shall notify local law  
23 enforcement, the Illinois State Police, and the Department of  
24 Agriculture within 24 hours of the discovery of any loss or  
25 theft. Notification shall be made by phone or in-person, or by  
26 written or electronic communication.

1 (k) A cultivation center shall comply with all State and  
2 federal rules and regulations regarding the use of pesticides.  
3 (Source: P.A. 101-363, eff. 8-9-19.)

4 (410 ILCS 130/145)

5 Sec. 145. Confidentiality.

6 (a) The following information received and records kept by  
7 the Department of Public Health, Department of Financial and  
8 Professional Regulation, Department of Agriculture, or  
9 Illinois ~~Department~~ of State Police for purposes of  
10 administering this Act are subject to all applicable federal  
11 privacy laws, confidential, and exempt from the Freedom of  
12 Information Act, and not subject to disclosure to any  
13 individual or public or private entity, except as necessary  
14 for authorized employees of those authorized agencies to  
15 perform official duties under this Act and the following  
16 information received and records kept by Department of Public  
17 Health, Department of Agriculture, Department of Financial and  
18 Professional Regulation, and Illinois ~~Department~~ of State  
19 Police, excluding any existing or non-existing Illinois or  
20 national criminal history record information as defined in  
21 subsection (d), may be disclosed to each other upon request:

22 (1) Applications and renewals, their contents, and  
23 supporting information submitted by qualifying patients  
24 and designated caregivers, including information regarding  
25 their designated caregivers and certifying health care



1 professionals.

2 (2) Applications and renewals, their contents, and  
3 supporting information submitted by or on behalf of  
4 cultivation centers and dispensing organizations in  
5 compliance with this Act, including their physical  
6 addresses.

7 (3) The individual names and other information  
8 identifying persons to whom the Department of Public  
9 Health has issued registry identification cards.

10 (4) Any dispensing information required to be kept  
11 under Section 135, Section 150, or Department of Public  
12 Health, Department of Agriculture, or Department of  
13 Financial and Professional Regulation rules shall identify  
14 cardholders and registered cultivation centers by their  
15 registry identification numbers and medical cannabis  
16 dispensing organizations by their registration number and  
17 not contain names or other personally identifying  
18 information.

19 (5) All medical records provided to the Department of  
20 Public Health in connection with an application for a  
21 registry card.

22 (b) Nothing in this Section precludes the following:

23 (1) Department of Agriculture, Department of Financial  
24 and Professional Regulation, or Public Health employees  
25 may notify law enforcement about falsified or fraudulent  
26 information submitted to the Departments if the employee

1           who suspects that falsified or fraudulent information has  
2           been submitted conferred with his or her supervisor and  
3           both agree that circumstances exist that warrant  
4           reporting.

5           (2) If the employee conferred with his or her  
6           supervisor and both agree that circumstances exist that  
7           warrant reporting, Department of Public Health employees  
8           may notify the Department of Financial and Professional  
9           Regulation if there is reasonable cause to believe a  
10          certifying health care professional:

11                 (A) issued a written certification without a bona  
12                 fide health care professional-patient relationship  
13                 under this Act;

14                 (B) issued a written certification to a person who  
15                 was not under the certifying health care  
16                 professional's care for the debilitating medical  
17                 condition; or

18                 (C) failed to abide by the acceptable and  
19                 prevailing standard of care when evaluating a  
20                 patient's medical condition.

21          (3) The Department of Public Health, Department of  
22          Agriculture, and Department of Financial and Professional  
23          Regulation may notify State or local law enforcement about  
24          apparent criminal violations of this Act if the employee  
25          who suspects the offense has conferred with his or her  
26          supervisor and both agree that circumstances exist that

1 warrant reporting.

2 (4) Medical cannabis cultivation center agents and  
3 medical cannabis dispensing organizations may notify the  
4 Department of Public Health, Department of Financial and  
5 Professional Regulation, or Department of Agriculture of a  
6 suspected violation or attempted violation of this Act or  
7 the rules issued under it.

8 (5) Each Department may verify registry identification  
9 cards under Section 150.

10 (6) The submission of the report to the General  
11 Assembly under Section 160.

12 (c) It is a Class B misdemeanor with a \$1,000 fine for any  
13 person, including an employee or official of the Department of  
14 Public Health, Department of Financial and Professional  
15 Regulation, or Department of Agriculture or another State  
16 agency or local government, to breach the confidentiality of  
17 information obtained under this Act.

18 (d) The Department of Public Health, the Department of  
19 Agriculture, the Illinois ~~Department of~~ State Police, and the  
20 Department of Financial and Professional Regulation shall not  
21 share or disclose any existing or non-existing Illinois or  
22 national criminal history record information. For the purposes  
23 of this Section, "any existing or non-existing Illinois or  
24 national criminal history record information" means any  
25 Illinois or national criminal history record information,  
26 including but not limited to the lack of or non-existence of

1 these records.

2 (Source: P.A. 101-363, eff. 8-9-19.)

3 (410 ILCS 130/150)

4 Sec. 150. Registry identification and registration  
5 certificate verification.

6 (a) The Department of Public Health shall maintain a  
7 confidential list of the persons to whom the Department of  
8 Public Health has issued registry identification cards and  
9 their addresses, phone numbers, and registry identification  
10 numbers. This confidential list may not be combined or linked  
11 in any manner with any other list or database except as  
12 provided in this Section.

13 (b) Within 180 days of the effective date of this Act, the  
14 Department of Public Health, Department of Financial and  
15 Professional Regulation, and Department of Agriculture shall  
16 together establish a computerized database or verification  
17 system. The database or verification system must allow law  
18 enforcement personnel and medical cannabis dispensary  
19 organization agents to determine whether or not the  
20 identification number corresponds with a current, valid  
21 registry identification card. The system shall only disclose  
22 whether the identification card is valid, whether the  
23 cardholder is a registered qualifying patient or a registered  
24 designated caregiver, the registry identification number of  
25 the registered medical cannabis dispensing organization

1 designated to serve the registered qualifying patient who  
2 holds the card, and the registry identification number of the  
3 patient who is assisted by a registered designated caregiver  
4 who holds the card. The Department of Public Health, the  
5 Department of Agriculture, the Illinois ~~Department of~~ State  
6 Police, and the Department of Financial and Professional  
7 Regulation shall not share or disclose any existing or  
8 non-existing Illinois or national criminal history record  
9 information. Notwithstanding any other requirements  
10 established by this subsection, the Department of Public  
11 Health shall issue registry cards to qualifying patients, the  
12 Department of Financial and Professional Regulation may issue  
13 registration to medical cannabis dispensing organizations for  
14 the period during which the database is being established, and  
15 the Department of Agriculture may issue registration to  
16 medical cannabis cultivation organizations for the period  
17 during which the database is being established.

18 (c) For the purposes of this Section, "any existing or  
19 non-existing Illinois or national criminal history record  
20 information" means any Illinois or national criminal history  
21 record information, including but not limited to the lack of  
22 or non-existence of these records.

23 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

24 (410 ILCS 130/180)

25 Sec. 180. Destruction of medical cannabis.

1 (a) All cannabis byproduct, scrap, and harvested cannabis  
2 not intended for distribution to a medical cannabis  
3 organization must be destroyed and disposed of pursuant to  
4 State law. Documentation of destruction and disposal shall be  
5 retained at the cultivation center for a period of not less  
6 than 5 years.

7 (b) A cultivation center shall prior to the destruction,  
8 notify the Department of Agriculture and the Illinois State  
9 Police.

10 (c) The cultivation center shall keep record of the date  
11 of destruction and how much was destroyed.

12 (d) A dispensary organization shall destroy all cannabis,  
13 including cannabis-infused products, that are not sold to  
14 registered qualifying patients. Documentation of destruction  
15 and disposal shall be retained at the dispensary organization  
16 for a period of not less than 5 years.

17 (e) A dispensary organization shall prior to the  
18 destruction, notify the Department of Financial and  
19 Professional Regulation and the Illinois State Police.

20 (Source: P.A. 98-122, eff. 1-1-14.)

21 Section 835. The Vital Records Act is amended by changing  
22 Sections 15.1 and 25.1 as follows:

23 (410 ILCS 535/15.1) (from Ch. 111 1/2, par. 73-15.1)

24 Sec. 15.1. (1) The Director of the Illinois ~~Department of~~

1 State Police or his designee may obtain a registration of a  
2 fictitious vital record for the purpose and in the manner  
3 prescribed in this Section.

4 (2) A registration of a fictitious vital record may be  
5 obtained pursuant to this Section only for law enforcement  
6 purposes in providing: (a) witnesses with new identification  
7 to protect them during and following criminal investigations  
8 or proceedings; and (b) law enforcement officers with new  
9 identification to enable them to escape detection while  
10 performing criminal investigations.

11 (3) The Director of the Illinois State Police or his  
12 designee may apply to the circuit court on behalf of a person  
13 for an order directing the State Registrar of Vital Records to  
14 establish a fictitious vital record if it is determined by the  
15 Director that normal procedures of investigation or protection  
16 are inadequate or reasonably appear to be unlikely to succeed  
17 if tried or are too dangerous to employ. The court shall fix a  
18 time and place for hearing the application and, if it finds  
19 that the application should be granted, shall order the State  
20 Registrar of Vital Records to establish the vital record  
21 requested. The order shall include the data to be registered,  
22 and shall be delivered in person by the designee of the  
23 Director of the Illinois ~~Department of~~ State Police to the  
24 State Registrar of Vital Records. Upon receipt of such order,  
25 the State Registrar of Vital Records shall establish a vital  
26 record as if such data had been registered pursuant to Section

1 12 or 18 of this Act or pursuant to Section 210 or 413 of the  
2 Illinois Marriage and Dissolution of Marriage Act.

3 (4) The general public shall be excluded from any hearing  
4 on an application for an order under this Section and only  
5 persons, including representatives of agencies, who in the  
6 opinion of the court have a direct interest in the matter of  
7 the application shall be admitted to the hearing.

8 (5) The court's file relating to any proceeding under this  
9 Section shall be impounded by the clerk of the court and shall  
10 be opened for examination only upon specific order of the  
11 court, which order shall name the person or persons who are to  
12 be permitted to examine such file. Certified copies of any  
13 paper or document contained in any file so impounded shall be  
14 made only on like order.

15 (6) Any documentation concerning a vital record registered  
16 pursuant to this Section, including any court order entered  
17 under subsection (3), maintained by the Illinois ~~Department of~~  
18 State Police or by the State Registrar of Vital Records shall  
19 be sealed. Such documentation maintained by the Registrar of  
20 Vital Records shall be opened for examination only upon  
21 specific order of the court, which order shall name the person  
22 or persons who are to be permitted to examine such file. Such  
23 documentation maintained by the Illinois ~~Department of~~ State  
24 Police shall be opened for examination only upon the written  
25 permission of the Director of that Department or his designee.

26 (7) The Registrar of Vital Records shall immediately



1 notify the Director of the Illinois ~~Department of~~ State Police  
2 or his designee upon receiving any request for a copy of or  
3 information concerning any vital record registered pursuant to  
4 this Section.

5 (8) If the court order directing the State Registrar of  
6 Vital Records to establish a fictitious vital record does not  
7 specify a time for the destruction or elimination of such  
8 vital record, the fictitious vital record shall be destroyed  
9 or eliminated at the conclusion of the investigation or when  
10 the Director of the Illinois ~~Department of~~ State Police  
11 determines that such record is no longer necessary. After the  
12 destruction of such record, the Director of the Illinois  
13 ~~Department of~~ State Police shall so notify the court which  
14 entered the order directing the establishment of the  
15 fictitious vital record.

16 (Source: P.A. 85-829.)

17 (410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

18 Sec. 25.1. (a) When the State Registrar of Vital Records  
19 receives or prepares a death certificate the Registrar shall  
20 make an appropriate notation in the birth certificate record  
21 of that person that the person is deceased. The Registrar  
22 shall also notify the appropriate municipal or county  
23 custodian of such birth record that the person is deceased,  
24 and such custodian shall likewise make an appropriate notation  
25 in its records.

1           (b) In response to any inquiry, the Registrar or a  
2 custodian shall not provide a copy of a birth certificate or  
3 information concerning the birth record of any deceased person  
4 except as provided in this subsection (b) or as otherwise  
5 provided in this Act or as approved by the Department. When a  
6 copy of the birth certificate of a deceased person is  
7 requested, the Registrar or custodian shall require the person  
8 making the request to complete an information form, which  
9 shall be developed and furnished by the Department and shall  
10 include, at a minimum, the name, address, telephone number,  
11 social security number and driver's license number of the  
12 person making the request. Before furnishing the copy, the  
13 custodian shall prominently stamp on the copy the word  
14 "DECEASED" and write or stamp on the copy the date of death of  
15 the deceased person. The custodian shall retain the  
16 information form completed by the person making the request,  
17 and note on the birth certificate record that such a request  
18 was made. The custodian shall make the information form  
19 available to the Illinois ~~Department of~~ State Police or any  
20 local law enforcement agency upon request. A city or county  
21 custodian shall promptly submit copies of all completed forms  
22 to the Registrar. The word "DECEASED" and the date of death  
23 shall not appear on a copy of a birth certificate furnished to  
24 a parent of a child who died within 3 months of birth, provided  
25 no other copy of a birth certificate was furnished to the  
26 parent prior to the child's death.

1           (c) The Registrar shall furnish, no later than 60 days  
2 after receipt of a form used to request a birth certificate  
3 record of a deceased person, a copy of the form and a copy of  
4 the corresponding birth certificate record to the Department  
5 of Healthcare and Family Services and the Department of Human  
6 Services. The Department of Healthcare and Family Services and  
7 the Department of Human Services shall, upon receipt of such  
8 information, check their records to ensure that no claim for  
9 public assistance under the Illinois Public Aid Code is being  
10 made either by a person purporting to be the deceased person or  
11 by any person on behalf of the deceased person.

12           (d) Notwithstanding the requirements of subsection (b),  
13 when the death of a child occurs within 90 days of that child's  
14 live birth, the mother listed on the birth certificate of that  
15 child may request the issuance of a copy of a certificate of  
16 live birth from the State Registrar. Such request shall be  
17 made in accordance with subsection (b), shall indicate the  
18 requestor's relationship to the child, and shall be made not  
19 later than 9 months from the date of the death of the child.  
20 Except as provided herein, the Registrar shall conform to all  
21 requirements of this Act in issuing copies of certificates  
22 under this subsection (d).

23           (Source: P.A. 94-7, eff. 6-6-05; 95-331, eff. 8-21-07.)

24           Section 840. The Illinois Food, Drug and Cosmetic Act is  
25 amended by changing Section 3.21 as follows:

1 (410 ILCS 620/3.21) (from Ch. 56 1/2, par. 503.21)

2 Sec. 3.21. Except as authorized by this Act, the Illinois  
3 Controlled Substances Act, the Pharmacy Practice Act, the  
4 Dental Practice Act, the Medical Practice Act of 1987, the  
5 Veterinary Medicine and Surgery Practice Act of 2004, the  
6 Podiatric Medical Practice Act of 1987, Section 22-30 of the  
7 School Code, Section 40 of the Illinois State Police Act,  
8 Section 10.19 of the Illinois Police Training Act, or the  
9 Epinephrine Injector Act, to sell or dispense a prescription  
10 drug without a prescription.

11 (Source: P.A. 99-78, eff. 7-20-15; 99-711, eff. 1-1-17;  
12 100-799, eff. 1-1-19.)

13 Section 845. The Cannabis Regulation and Tax Act is  
14 amended by changing Sections 1-10, 5-20, 15-25, 15-30, 15-40,  
15 15-65, 15-75, 15-100, 15-135, 20-15, 20-30, 20-35, 20-40,  
16 25-30, 25-35, 30-10, 30-30, 30-35, 30-40, 35-10, 35-25, 35-30,  
17 40-10, 40-25, 40-30, 40-35, 55-15, 55-30, 55-35, 55-40, 55-50,  
18 55-55, and 55-80 as follows:

19 (410 ILCS 705/1-10)

20 Sec. 1-10. Definitions. In this Act:

21 "Adult Use Cultivation Center License" means a license  
22 issued by the Department of Agriculture that permits a person  
23 to act as a cultivation center under this Act and any

1 administrative rule made in furtherance of this Act.

2 "Adult Use Dispensing Organization License" means a  
3 license issued by the Department of Financial and Professional  
4 Regulation that permits a person to act as a dispensing  
5 organization under this Act and any administrative rule made  
6 in furtherance of this Act.

7 "Advertise" means to engage in promotional activities  
8 including, but not limited to: newspaper, radio, Internet and  
9 electronic media, and television advertising; the distribution  
10 of fliers and circulars; billboard advertising; and the  
11 display of window and interior signs. "Advertise" does not  
12 mean exterior signage displaying only the name of the licensed  
13 cannabis business establishment.

14 "BLS Region" means a region in Illinois used by the United  
15 States Bureau of Labor Statistics to gather and categorize  
16 certain employment and wage data. The 17 such regions in  
17 Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion,  
18 Champaign-Urbana, Chicago-Naperville-Elgin, Danville,  
19 Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria,  
20 Rockford, St. Louis, Springfield, Northwest Illinois  
21 nonmetropolitan area, West Central Illinois nonmetropolitan  
22 area, East Central Illinois nonmetropolitan area, and South  
23 Illinois nonmetropolitan area.

24 "Cannabis" means marijuana, hashish, and other substances  
25 that are identified as including any parts of the plant  
26 Cannabis sativa and including derivatives or subspecies, such

1 as indica, of all strains of cannabis, whether growing or not;  
2 the seeds thereof, the resin extracted from any part of the  
3 plant; and any compound, manufacture, salt, derivative,  
4 mixture, or preparation of the plant, its seeds, or resin,  
5 including tetrahydrocannabinol (THC) and all other naturally  
6 produced cannabinol derivatives, whether produced directly or  
7 indirectly by extraction; however, "cannabis" does not include  
8 the mature stalks of the plant, fiber produced from the  
9 stalks, oil or cake made from the seeds of the plant, any other  
10 compound, manufacture, salt, derivative, mixture, or  
11 preparation of the mature stalks (except the resin extracted  
12 from it), fiber, oil or cake, or the sterilized seed of the  
13 plant that is incapable of germination. "Cannabis" does not  
14 include industrial hemp as defined and authorized under the  
15 Industrial Hemp Act. "Cannabis" also means cannabis flower,  
16 concentrate, and cannabis-infused products.

17 "Cannabis business establishment" means a cultivation  
18 center, craft grower, processing organization, infuser  
19 organization, dispensing organization, or transporting  
20 organization.

21 "Cannabis concentrate" means a product derived from  
22 cannabis that is produced by extracting cannabinoids,  
23 including tetrahydrocannabinol (THC), from the plant through  
24 the use of propylene glycol, glycerin, butter, olive oil or  
25 other typical cooking fats; water, ice, or dry ice; or butane,  
26 propane, CO<sub>2</sub>, ethanol, or isopropanol and with the intended

1 use of smoking or making a cannabis-infused product. The use  
2 of any other solvent is expressly prohibited unless and until  
3 it is approved by the Department of Agriculture.

4 "Cannabis container" means a sealed, traceable, container,  
5 or package used for the purpose of containment of cannabis or  
6 cannabis-infused product during transportation.

7 "Cannabis flower" means marijuana, hashish, and other  
8 substances that are identified as including any parts of the  
9 plant Cannabis sativa and including derivatives or subspecies,  
10 such as indica, of all strains of cannabis; including raw  
11 kief, leaves, and buds, but not resin that has been extracted  
12 from any part of such plant; nor any compound, manufacture,  
13 salt, derivative, mixture, or preparation of such plant, its  
14 seeds, or resin.

15 "Cannabis-infused product" means a beverage, food, oil,  
16 ointment, tincture, topical formulation, or another product  
17 containing cannabis or cannabis concentrate that is not  
18 intended to be smoked.

19 "Cannabis paraphernalia" means equipment, products, or  
20 materials intended to be used for planting, propagating,  
21 cultivating, growing, harvesting, manufacturing, producing,  
22 processing, preparing, testing, analyzing, packaging,  
23 repackaging, storing, containing, concealing, ingesting, or  
24 otherwise introducing cannabis into the human body.

25 "Cannabis plant monitoring system" or "plant monitoring  
26 system" means a system that includes, but is not limited to,

1 testing and data collection established and maintained by the  
2 cultivation center, craft grower, or processing organization  
3 and that is available to the Department of Revenue, the  
4 Department of Agriculture, the Department of Financial and  
5 Professional Regulation, and the Illinois ~~Department of~~ State  
6 Police for the purposes of documenting each cannabis plant and  
7 monitoring plant development throughout the life cycle of a  
8 cannabis plant cultivated for the intended use by a customer  
9 from seed planting to final packaging.

10 "Cannabis testing facility" means an entity registered by  
11 the Department of Agriculture to test cannabis for potency and  
12 contaminants.

13 "Clone" means a plant section from a female cannabis plant  
14 not yet rootbound, growing in a water solution or other  
15 propagation matrix, that is capable of developing into a new  
16 plant.

17 "Community College Cannabis Vocational Training Pilot  
18 Program faculty participant" means a person who is 21 years of  
19 age or older, licensed by the Department of Agriculture, and  
20 is employed or contracted by an Illinois community college to  
21 provide student instruction using cannabis plants at an  
22 Illinois Community College.

23 "Community College Cannabis Vocational Training Pilot  
24 Program faculty participant Agent Identification Card" means a  
25 document issued by the Department of Agriculture that  
26 identifies a person as a Community College Cannabis Vocational



1 Training Pilot Program faculty participant.

2 "Conditional Adult Use Dispensing Organization License"  
3 means a license awarded to top-scoring applicants for an Adult  
4 Use Dispensing Organization License that reserves the right to  
5 an Adult Use Dispensing Organization License if the applicant  
6 meets certain conditions described in this Act, but does not  
7 entitle the recipient to begin purchasing or selling cannabis  
8 or cannabis-infused products.

9 "Conditional Adult Use Cultivation Center License" means a  
10 license awarded to top-scoring applicants for an Adult Use  
11 Cultivation Center License that reserves the right to an Adult  
12 Use Cultivation Center License if the applicant meets certain  
13 conditions as determined by the Department of Agriculture by  
14 rule, but does not entitle the recipient to begin growing,  
15 processing, or selling cannabis or cannabis-infused products.

16 "Craft grower" means a facility operated by an  
17 organization or business that is licensed by the Department of  
18 Agriculture to cultivate, dry, cure, and package cannabis and  
19 perform other necessary activities to make cannabis available  
20 for sale at a dispensing organization or use at a processing  
21 organization. A craft grower may contain up to 5,000 square  
22 feet of canopy space on its premises for plants in the  
23 flowering state. The Department of Agriculture may authorize  
24 an increase or decrease of flowering stage cultivation space  
25 in increments of 3,000 square feet by rule based on market  
26 need, craft grower capacity, and the licensee's history of

1 compliance or noncompliance, with a maximum space of 14,000  
2 square feet for cultivating plants in the flowering stage,  
3 which must be cultivated in all stages of growth in an enclosed  
4 and secure area. A craft grower may share premises with a  
5 processing organization or a dispensing organization, or both,  
6 provided each licensee stores currency and cannabis or  
7 cannabis-infused products in a separate secured vault to which  
8 the other licensee does not have access or all licensees  
9 sharing a vault share more than 50% of the same ownership.

10 "Craft grower agent" means a principal officer, board  
11 member, employee, or other agent of a craft grower who is 21  
12 years of age or older.

13 "Craft Grower Agent Identification Card" means a document  
14 issued by the Department of Agriculture that identifies a  
15 person as a craft grower agent.

16 "Cultivation center" means a facility operated by an  
17 organization or business that is licensed by the Department of  
18 Agriculture to cultivate, process, transport (unless otherwise  
19 limited by this Act), and perform other necessary activities  
20 to provide cannabis and cannabis-infused products to cannabis  
21 business establishments.

22 "Cultivation center agent" means a principal officer,  
23 board member, employee, or other agent of a cultivation center  
24 who is 21 years of age or older.

25 "Cultivation Center Agent Identification Card" means a  
26 document issued by the Department of Agriculture that

1 identifies a person as a cultivation center agent.

2 "Currency" means currency and coin of the United States.

3 "Dispensary" means a facility operated by a dispensing  
4 organization at which activities licensed by this Act may  
5 occur.

6 "Dispensing organization" means a facility operated by an  
7 organization or business that is licensed by the Department of  
8 Financial and Professional Regulation to acquire cannabis from  
9 a cultivation center, craft grower, processing organization,  
10 or another dispensary for the purpose of selling or dispensing  
11 cannabis, cannabis-infused products, cannabis seeds,  
12 paraphernalia, or related supplies under this Act to  
13 purchasers or to qualified registered medical cannabis  
14 patients and caregivers. As used in this Act, "dispensing  
15 organization" includes a registered medical cannabis  
16 organization as defined in the Compassionate Use of Medical  
17 Cannabis Program Act or its successor Act that has obtained an  
18 Early Approval Adult Use Dispensing Organization License.

19 "Dispensing organization agent" means a principal officer,  
20 employee, or agent of a dispensing organization who is 21  
21 years of age or older.

22 "Dispensing organization agent identification card" means  
23 a document issued by the Department of Financial and  
24 Professional Regulation that identifies a person as a  
25 dispensing organization agent.

26 "Disproportionately Impacted Area" means a census tract or

1 comparable geographic area that satisfies the following  
2 criteria as determined by the Department of Commerce and  
3 Economic Opportunity, that:

4 (1) meets at least one of the following criteria:

5 (A) the area has a poverty rate of at least 20%  
6 according to the latest federal decennial census; or

7 (B) 75% or more of the children in the area  
8 participate in the federal free lunch program  
9 according to reported statistics from the State Board  
10 of Education; or

11 (C) at least 20% of the households in the area  
12 receive assistance under the Supplemental Nutrition  
13 Assistance Program; or

14 (D) the area has an average unemployment rate, as  
15 determined by the Illinois Department of Employment  
16 Security, that is more than 120% of the national  
17 unemployment average, as determined by the United  
18 States Department of Labor, for a period of at least 2  
19 consecutive calendar years preceding the date of the  
20 application; and

21 (2) has high rates of arrest, conviction, and  
22 incarceration related to the sale, possession, use,  
23 cultivation, manufacture, or transport of cannabis.

24 "Early Approval Adult Use Cultivation Center License"  
25 means a license that permits a medical cannabis cultivation  
26 center licensed under the Compassionate Use of Medical

1 Cannabis Program Act as of the effective date of this Act to  
2 begin cultivating, infusing, packaging, transporting (unless  
3 otherwise provided in this Act), processing and selling  
4 cannabis or cannabis-infused product to cannabis business  
5 establishments for resale to purchasers as permitted by this  
6 Act as of January 1, 2020.

7 "Early Approval Adult Use Dispensing Organization License"  
8 means a license that permits a medical cannabis dispensing  
9 organization licensed under the Compassionate Use of Medical  
10 Cannabis Program Act as of the effective date of this Act to  
11 begin selling cannabis or cannabis-infused product to  
12 purchasers as permitted by this Act as of January 1, 2020.

13 "Early Approval Adult Use Dispensing Organization at a  
14 secondary site" means a license that permits a medical  
15 cannabis dispensing organization licensed under the  
16 Compassionate Use of Medical Cannabis Program Act as of the  
17 effective date of this Act to begin selling cannabis or  
18 cannabis-infused product to purchasers as permitted by this  
19 Act on January 1, 2020 at a different dispensary location from  
20 its existing registered medical dispensary location.

21 "Enclosed, locked facility" means a room, greenhouse,  
22 building, or other enclosed area equipped with locks or other  
23 security devices that permit access only by cannabis business  
24 establishment agents working for the licensed cannabis  
25 business establishment or acting pursuant to this Act to  
26 cultivate, process, store, or distribute cannabis.

1 "Enclosed, locked space" means a closet, room, greenhouse,  
2 building or other enclosed area equipped with locks or other  
3 security devices that permit access only by authorized  
4 individuals under this Act. "Enclosed, locked space" may  
5 include:

6 (1) a space within a residential building that (i) is  
7 the primary residence of the individual cultivating 5 or  
8 fewer cannabis plants that are more than 5 inches tall and  
9 (ii) includes sleeping quarters and indoor plumbing. The  
10 space must only be accessible by a key or code that is  
11 different from any key or code that can be used to access  
12 the residential building from the exterior; or

13 (2) a structure, such as a shed or greenhouse, that  
14 lies on the same plot of land as a residential building  
15 that (i) includes sleeping quarters and indoor plumbing  
16 and (ii) is used as a primary residence by the person  
17 cultivating 5 or fewer cannabis plants that are more than  
18 5 inches tall, such as a shed or greenhouse. The structure  
19 must remain locked when it is unoccupied by people.

20 "Financial institution" has the same meaning as "financial  
21 organization" as defined in Section 1501 of the Illinois  
22 Income Tax Act, and also includes the holding companies,  
23 subsidiaries, and affiliates of such financial organizations.

24 "Flowering stage" means the stage of cultivation where and  
25 when a cannabis plant is cultivated to produce plant material  
26 for cannabis products. This includes mature plants as follows:

1           (1) if greater than 2 stigmas are visible at each  
2 internode of the plant; or

3           (2) if the cannabis plant is in an area that has been  
4 intentionally deprived of light for a period of time  
5 intended to produce flower buds and induce maturation,  
6 from the moment the light deprivation began through the  
7 remainder of the marijuana plant growth cycle.

8           "Individual" means a natural person.

9           "Infuser organization" or "infuser" means a facility  
10 operated by an organization or business that is licensed by  
11 the Department of Agriculture to directly incorporate cannabis  
12 or cannabis concentrate into a product formulation to produce  
13 a cannabis-infused product.

14           "Kief" means the resinous crystal-like trichomes that are  
15 found on cannabis and that are accumulated, resulting in a  
16 higher concentration of cannabinoids, untreated by heat or  
17 pressure, or extracted using a solvent.

18           "Labor peace agreement" means an agreement between a  
19 cannabis business establishment and any labor organization  
20 recognized under the National Labor Relations Act, referred to  
21 in this Act as a bona fide labor organization, that prohibits  
22 labor organizations and members from engaging in picketing,  
23 work stoppages, boycotts, and any other economic interference  
24 with the cannabis business establishment. This agreement means  
25 that the cannabis business establishment has agreed not to  
26 disrupt efforts by the bona fide labor organization to

1 communicate with, and attempt to organize and represent, the  
2 cannabis business establishment's employees. The agreement  
3 shall provide a bona fide labor organization access at  
4 reasonable times to areas in which the cannabis business  
5 establishment's employees work, for the purpose of meeting  
6 with employees to discuss their right to representation,  
7 employment rights under State law, and terms and conditions of  
8 employment. This type of agreement shall not mandate a  
9 particular method of election or certification of the bona  
10 fide labor organization.

11 "Limited access area" means a room or other area under the  
12 control of a cannabis dispensing organization licensed under  
13 this Act and upon the licensed premises where cannabis sales  
14 occur with access limited to purchasers, dispensing  
15 organization owners and other dispensing organization agents,  
16 or service professionals conducting business with the  
17 dispensing organization, or, if sales to registered qualifying  
18 patients, caregivers, provisional patients, and Opioid  
19 Alternative Pilot Program participants licensed pursuant to  
20 the Compassionate Use of Medical Cannabis Program Act are also  
21 permitted at the dispensary, registered qualifying patients,  
22 caregivers, provisional patients, and Opioid Alternative Pilot  
23 Program participants.

24 "Member of an impacted family" means an individual who has  
25 a parent, legal guardian, child, spouse, or dependent, or was  
26 a dependent of an individual who, prior to the effective date



1 of this Act, was arrested for, convicted of, or adjudicated  
2 delinquent for any offense that is eligible for expungement  
3 under this Act.

4 "Mother plant" means a cannabis plant that is cultivated  
5 or maintained for the purpose of generating clones, and that  
6 will not be used to produce plant material for sale to an  
7 infuser or dispensing organization.

8 "Ordinary public view" means within the sight line with  
9 normal visual range of a person, unassisted by visual aids,  
10 from a public street or sidewalk adjacent to real property, or  
11 from within an adjacent property.

12 "Ownership and control" means ownership of at least 51% of  
13 the business, including corporate stock if a corporation, and  
14 control over the management and day-to-day operations of the  
15 business and an interest in the capital, assets, and profits  
16 and losses of the business proportionate to percentage of  
17 ownership.

18 "Person" means a natural individual, firm, partnership,  
19 association, joint stock company, joint venture, public or  
20 private corporation, limited liability company, or a receiver,  
21 executor, trustee, guardian, or other representative appointed  
22 by order of any court.

23 "Possession limit" means the amount of cannabis under  
24 Section 10-10 that may be possessed at any one time by a person  
25 21 years of age or older or who is a registered qualifying  
26 medical cannabis patient or caregiver under the Compassionate

1 Use of Medical Cannabis Program Act.

2 "Principal officer" includes a cannabis business  
3 establishment applicant or licensed cannabis business  
4 establishment's board member, owner with more than 1% interest  
5 of the total cannabis business establishment or more than 5%  
6 interest of the total cannabis business establishment of a  
7 publicly traded company, president, vice president, secretary,  
8 treasurer, partner, officer, member, manager member, or person  
9 with a profit sharing, financial interest, or revenue sharing  
10 arrangement. The definition includes a person with authority  
11 to control the cannabis business establishment, a person who  
12 assumes responsibility for the debts of the cannabis business  
13 establishment and who is further defined in this Act.

14 "Primary residence" means a dwelling where a person  
15 usually stays or stays more often than other locations. It may  
16 be determined by, without limitation, presence, tax filings;  
17 address on an Illinois driver's license, an Illinois  
18 Identification Card, or an Illinois Person with a Disability  
19 Identification Card; or voter registration. No person may have  
20 more than one primary residence.

21 "Processing organization" or "processor" means a facility  
22 operated by an organization or business that is licensed by  
23 the Department of Agriculture to either extract constituent  
24 chemicals or compounds to produce cannabis concentrate or  
25 incorporate cannabis or cannabis concentrate into a product  
26 formulation to produce a cannabis product.

1 "Processing organization agent" means a principal officer,  
2 board member, employee, or agent of a processing organization.

3 "Processing organization agent identification card" means  
4 a document issued by the Department of Agriculture that  
5 identifies a person as a processing organization agent.

6 "Purchaser" means a person 21 years of age or older who  
7 acquires cannabis for a valuable consideration. "Purchaser"  
8 does not include a cardholder under the Compassionate Use of  
9 Medical Cannabis Program Act.

10 "Qualified Social Equity Applicant" means a Social Equity  
11 Applicant who has been awarded a conditional license under  
12 this Act to operate a cannabis business establishment.

13 "Resided" means an individual's primary residence was  
14 located within the relevant geographic area as established by  
15 2 of the following:

16 (1) a signed lease agreement that includes the  
17 applicant's name;

18 (2) a property deed that includes the applicant's  
19 name;

20 (3) school records;

21 (4) a voter registration card;

22 (5) an Illinois driver's license, an Illinois  
23 Identification Card, or an Illinois Person with a  
24 Disability Identification Card;

25 (6) a paycheck stub;

26 (7) a utility bill;

1 (8) tax records; or

2 (9) any other proof of residency or other information  
3 necessary to establish residence as provided by rule.

4 "Smoking" means the inhalation of smoke caused by the  
5 combustion of cannabis.

6 "Social Equity Applicant" means an applicant that is an  
7 Illinois resident that meets one of the following criteria:

8 (1) an applicant with at least 51% ownership and  
9 control by one or more individuals who have resided for at  
10 least 5 of the preceding 10 years in a Disproportionately  
11 Impacted Area;

12 (2) an applicant with at least 51% ownership and  
13 control by one or more individuals who:

14 (i) have been arrested for, convicted of, or  
15 adjudicated delinquent for any offense that is  
16 eligible for expungement under this Act; or

17 (ii) is a member of an impacted family;

18 (3) for applicants with a minimum of 10 full-time  
19 employees, an applicant with at least 51% of current  
20 employees who:

21 (i) currently reside in a Disproportionately  
22 Impacted Area; or

23 (ii) have been arrested for, convicted of, or  
24 adjudicated delinquent for any offense that is  
25 eligible for expungement under this Act or member of  
26 an impacted family.

1           Nothing in this Act shall be construed to preempt or limit  
2 the duties of any employer under the Job Opportunities for  
3 Qualified Applicants Act. Nothing in this Act shall permit an  
4 employer to require an employee to disclose sealed or expunged  
5 offenses, unless otherwise required by law.

6           "Tincture" means a cannabis-infused solution, typically  
7 comprised of alcohol, glycerin, or vegetable oils, derived  
8 either directly from the cannabis plant or from a processed  
9 cannabis extract. A tincture is not an alcoholic liquor as  
10 defined in the Liquor Control Act of 1934. A tincture shall  
11 include a calibrated dropper or other similar device capable  
12 of accurately measuring servings.

13           "Transporting organization" or "transporter" means an  
14 organization or business that is licensed by the Department of  
15 Agriculture to transport cannabis or cannabis-infused product  
16 on behalf of a cannabis business establishment or a community  
17 college licensed under the Community College Cannabis  
18 Vocational Training Pilot Program.

19           "Transporting organization agent" means a principal  
20 officer, board member, employee, or agent of a transporting  
21 organization.

22           "Transporting organization agent identification card"  
23 means a document issued by the Department of Agriculture that  
24 identifies a person as a transporting organization agent.

25           "Unit of local government" means any county, city,  
26 village, or incorporated town.

1 "Vegetative stage" means the stage of cultivation in which  
2 a cannabis plant is propagated to produce additional cannabis  
3 plants or reach a sufficient size for production. This  
4 includes seedlings, clones, mothers, and other immature  
5 cannabis plants as follows:

6 (1) if the cannabis plant is in an area that has not  
7 been intentionally deprived of light for a period of time  
8 intended to produce flower buds and induce maturation, it  
9 has no more than 2 stigmas visible at each internode of the  
10 cannabis plant; or

11 (2) any cannabis plant that is cultivated solely for  
12 the purpose of propagating clones and is never used to  
13 produce cannabis.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (410 ILCS 705/5-20)

16 Sec. 5-20. Background checks.

17 (a) Through the Illinois ~~Department of~~ State Police, the  
18 licensing or issuing Department shall conduct a criminal  
19 history record check of the prospective principal officers,  
20 board members, and agents of a cannabis business establishment  
21 applying for a license or identification card under this Act.

22 Each cannabis business establishment prospective principal  
23 officer, board member, or agent shall submit his or her  
24 fingerprints to the Illinois ~~Department of~~ State Police in the  
25 form and manner prescribed by the Illinois ~~Department of~~ State

1 Police.

2 Unless otherwise provided in this Act, such fingerprints  
3 shall be transmitted through a live scan fingerprint vendor  
4 licensed by the Department of Financial and Professional  
5 Regulation. These fingerprints shall be checked against the  
6 fingerprint records now and hereafter filed in the Illinois  
7 ~~Department of~~ State Police and Federal Bureau of Investigation  
8 criminal history records databases. The Illinois ~~Department of~~  
9 State Police shall charge a fee for conducting the criminal  
10 history record check, which shall be deposited into the State  
11 Police Services Fund and shall not exceed the actual cost of  
12 the State and national criminal history record check. The  
13 Illinois ~~Department of~~ State Police shall furnish, pursuant to  
14 positive identification, all Illinois conviction information  
15 and shall forward the national criminal history record  
16 information to:

17 (i) the Department of Agriculture, with respect to a  
18 cultivation center, craft grower, infuser organization, or  
19 transporting organization; or

20 (ii) the Department of Financial and Professional  
21 Regulation, with respect to a dispensing organization.

22 (b) When applying for the initial license or  
23 identification card, the background checks for all prospective  
24 principal officers, board members, and agents shall be  
25 completed before submitting the application to the licensing  
26 or issuing agency.

1 (c) All applications for licensure under this Act by  
2 applicants with criminal convictions shall be subject to  
3 Sections 2105-131, 2105-135, and 2105-205 of the Department of  
4 Professional Regulation Law of the Civil Administrative Code  
5 of Illinois.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

7 (410 ILCS 705/15-25)

8 Sec. 15-25. Awarding of Conditional Adult Use Dispensing  
9 Organization Licenses prior to January 1, 2021.

10 (a) The Department shall issue up to 75 Conditional Adult  
11 Use Dispensing Organization Licenses before May 1, 2020.

12 (b) The Department shall make the application for a  
13 Conditional Adult Use Dispensing Organization License  
14 available no later than October 1, 2019 and shall accept  
15 applications no later than January 1, 2020.

16 (c) To ensure the geographic dispersion of Conditional  
17 Adult Use Dispensing Organization License holders, the  
18 following number of licenses shall be awarded in each BLS  
19 Region as determined by each region's percentage of the  
20 State's population:

21 (1) Bloomington: 1

22 (2) Cape Girardeau: 1

23 (3) Carbondale-Marion: 1

24 (4) Champaign-Urbana: 1

25 (5) Chicago-Naperville-Elgin: 47



- 1 (6) Danville: 1
- 2 (7) Davenport-Moline-Rock Island: 1
- 3 (8) Decatur: 1
- 4 (9) Kankakee: 1
- 5 (10) Peoria: 3
- 6 (11) Rockford: 2
- 7 (12) St. Louis: 4
- 8 (13) Springfield: 1
- 9 (14) Northwest Illinois nonmetropolitan: 3
- 10 (15) West Central Illinois nonmetropolitan: 3
- 11 (16) East Central Illinois nonmetropolitan: 2
- 12 (17) South Illinois nonmetropolitan: 2

13 (d) An applicant seeking issuance of a Conditional Adult  
14 Use Dispensing Organization License shall submit an  
15 application on forms provided by the Department. An applicant  
16 must meet the following requirements:

17 (1) Payment of a nonrefundable application fee of  
18 \$5,000 for each license for which the applicant is  
19 applying, which shall be deposited into the Cannabis  
20 Regulation Fund;

21 (2) Certification that the applicant will comply with  
22 the requirements contained in this Act;

23 (3) The legal name of the proposed dispensing  
24 organization;

25 (4) A statement that the dispensing organization  
26 agrees to respond to the Department's supplemental

1 requests for information;

2 (5) From each principal officer, a statement  
3 indicating whether that person:

4 (A) has previously held or currently holds an  
5 ownership interest in a cannabis business  
6 establishment in Illinois; or

7 (B) has held an ownership interest in a dispensing  
8 organization or its equivalent in another state or  
9 territory of the United States that had the dispensing  
10 organization registration or license suspended,  
11 revoked, placed on probationary status, or subjected  
12 to other disciplinary action;

13 (6) Disclosure of whether any principal officer has  
14 ever filed for bankruptcy or defaulted on spousal support  
15 or child support obligation;

16 (7) A resume for each principal officer, including  
17 whether that person has an academic degree, certification,  
18 or relevant experience with a cannabis business  
19 establishment or in a related industry;

20 (8) A description of the training and education that  
21 will be provided to dispensing organization agents;

22 (9) A copy of the proposed operating bylaws;

23 (10) A copy of the proposed business plan that  
24 complies with the requirements in this Act, including, at  
25 a minimum, the following:

26 (A) A description of services to be offered; and

1 (B) A description of the process of dispensing  
2 cannabis;

3 (11) A copy of the proposed security plan that  
4 complies with the requirements in this Article, including:

5 (A) The process or controls that will be  
6 implemented to monitor the dispensary, secure the  
7 premises, agents, and currency, and prevent the  
8 diversion, theft, or loss of cannabis; and

9 (B) The process to ensure that access to the  
10 restricted access areas is restricted to, registered  
11 agents, service professionals, transporting  
12 organization agents, Department inspectors, and  
13 security personnel;

14 (12) A proposed inventory control plan that complies  
15 with this Section;

16 (13) A proposed floor plan, a square footage estimate,  
17 and a description of proposed security devices, including,  
18 without limitation, cameras, motion detectors, servers,  
19 video storage capabilities, and alarm service providers;

20 (14) The name, address, social security number, and  
21 date of birth of each principal officer and board member  
22 of the dispensing organization; each of those individuals  
23 shall be at least 21 years of age;

24 (15) Evidence of the applicant's status as a Social  
25 Equity Applicant, if applicable, and whether a Social  
26 Equity Applicant plans to apply for a loan or grant issued

1 by the Department of Commerce and Economic Opportunity;

2 (16) The address, telephone number, and email address  
3 of the applicant's principal place of business, if  
4 applicable. A post office box is not permitted;

5 (17) Written summaries of any information regarding  
6 instances in which a business or not-for-profit that a  
7 prospective board member previously managed or served on  
8 were fined or censured, or any instances in which a  
9 business or not-for-profit that a prospective board member  
10 previously managed or served on had its registration  
11 suspended or revoked in any administrative or judicial  
12 proceeding;

13 (18) A plan for community engagement;

14 (19) Procedures to ensure accurate recordkeeping and  
15 security measures that are in accordance with this Article  
16 and Department rules;

17 (20) The estimated volume of cannabis it plans to  
18 store at the dispensary;

19 (21) A description of the features that will provide  
20 accessibility to purchasers as required by the Americans  
21 with Disabilities Act;

22 (22) A detailed description of air treatment systems  
23 that will be installed to reduce odors;

24 (23) A reasonable assurance that the issuance of a  
25 license will not have a detrimental impact on the  
26 community in which the applicant wishes to locate;

1 (24) The dated signature of each principal officer;

2 (25) A description of the enclosed, locked facility  
3 where cannabis will be stored by the dispensing  
4 organization;

5 (26) Signed statements from each dispensing  
6 organization agent stating that he or she will not divert  
7 cannabis;

8 (27) The number of licenses it is applying for in each  
9 BLS Region;

10 (28) A diversity plan that includes a narrative of at  
11 least 2,500 words that establishes a goal of diversity in  
12 ownership, management, employment, and contracting to  
13 ensure that diverse participants and groups are afforded  
14 equality of opportunity;

15 (29) A contract with a private security contractor  
16 that is licensed under Section 10-5 of the Private  
17 Detective, Private Alarm, Private Security, Fingerprint  
18 Vendor, and Locksmith Act of 2004 in order for the  
19 dispensary to have adequate security at its facility; and

20 (30) Other information deemed necessary by the  
21 Illinois Cannabis Regulation Oversight Officer to conduct  
22 the disparity and availability study referenced in  
23 subsection (e) of Section 5-45.

24 (e) An applicant who receives a Conditional Adult Use  
25 Dispensing Organization License under this Section has 180  
26 days from the date of award to identify a physical location for

1 the dispensing organization retail storefront. Before a  
2 conditional licensee receives an authorization to build out  
3 the dispensing organization from the Department, the  
4 Department shall inspect the physical space selected by the  
5 conditional licensee. The Department shall verify the site is  
6 suitable for public access, the layout promotes the safe  
7 dispensing of cannabis, the location is sufficient in size,  
8 power allocation, lighting, parking, handicapped accessible  
9 parking spaces, accessible entry and exits as required by the  
10 Americans with Disabilities Act, product handling, and  
11 storage. The applicant shall also provide a statement of  
12 reasonable assurance that the issuance of a license will not  
13 have a detrimental impact on the community. The applicant  
14 shall also provide evidence that the location is not within  
15 1,500 feet of an existing dispensing organization. If an  
16 applicant is unable to find a suitable physical address in the  
17 opinion of the Department within 180 days of the issuance of  
18 the Conditional Adult Use Dispensing Organization License, the  
19 Department may extend the period for finding a physical  
20 address another 180 days if the Conditional Adult Use  
21 Dispensing Organization License holder demonstrates concrete  
22 attempts to secure a location and a hardship. If the  
23 Department denies the extension or the Conditional Adult Use  
24 Dispensing Organization License holder is unable to find a  
25 location or become operational within 360 days of being  
26 awarded a conditional license, the Department shall rescind

1 the conditional license and award it to the next highest  
2 scoring applicant in the BLS Region for which the license was  
3 assigned, provided the applicant receiving the license: (i)  
4 confirms a continued interest in operating a dispensing  
5 organization; (ii) can provide evidence that the applicant  
6 continues to meet all requirements for holding a Conditional  
7 Adult Use Dispensing Organization License set forth in this  
8 Act; and (iii) has not otherwise become ineligible to be  
9 awarded a dispensing organization license. If the new awardee  
10 is unable to accept the Conditional Adult Use Dispensing  
11 Organization License, the Department shall award the  
12 Conditional Adult Use Dispensing Organization License to the  
13 next highest scoring applicant in the same manner. The new  
14 awardee shall be subject to the same required deadlines as  
15 provided in this subsection.

16 (e-5) If, within 180 days of being awarded a Conditional  
17 Adult Use Dispensing Organization License, a dispensing  
18 organization is unable to find a location within the BLS  
19 Region in which it was awarded a Conditional Adult Use  
20 Dispensing Organization License because no jurisdiction within  
21 the BLS Region allows for the operation of an Adult Use  
22 Dispensing Organization, the Department of Financial and  
23 Professional Regulation may authorize the Conditional Adult  
24 Use Dispensing Organization License holder to transfer its  
25 license to a BLS Region specified by the Department.

26 (f) A dispensing organization that is awarded a

1 Conditional Adult Use Dispensing Organization License pursuant  
2 to the criteria in Section 15-30 shall not purchase, possess,  
3 sell, or dispense cannabis or cannabis-infused products until  
4 the person has received an Adult Use Dispensing Organization  
5 License issued by the Department pursuant to Section 15-36 of  
6 this Act.

7 (g) The Department shall conduct a background check of the  
8 prospective organization agents in order to carry out this  
9 Article. The Illinois ~~Department of~~ State Police shall charge  
10 the applicant a fee for conducting the criminal history record  
11 check, which shall be deposited into the State Police Services  
12 Fund and shall not exceed the actual cost of the record check.  
13 Each person applying as a dispensing organization agent shall  
14 submit a full set of fingerprints to the Illinois ~~Department~~  
15 ~~of~~ State Police for the purpose of obtaining a State and  
16 federal criminal records check. These fingerprints shall be  
17 checked against the fingerprint records now and hereafter, to  
18 the extent allowed by law, filed in the Illinois ~~Department of~~  
19 State Police and Federal Bureau of Identification criminal  
20 history records databases. The Illinois ~~Department of~~ State  
21 Police shall furnish, following positive identification, all  
22 Illinois conviction information to the Department.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

24 (410 ILCS 705/15-30)

25 Sec. 15-30. Selection criteria for conditional licenses



1 awarded under Section 15-25.

2 (a) Applicants for a Conditional Adult Use Dispensing  
3 Organization License must submit all required information,  
4 including the information required in Section 15-25, to the  
5 Department. Failure by an applicant to submit all required  
6 information may result in the application being disqualified.

7 (b) If the Department receives an application that fails  
8 to provide the required elements contained in this Section,  
9 the Department shall issue a deficiency notice to the  
10 applicant. The applicant shall have 10 calendar days from the  
11 date of the deficiency notice to resubmit the incomplete  
12 information. Applications that are still incomplete after this  
13 opportunity to cure will not be scored and will be  
14 disqualified.

15 (c) The Department will award up to 250 points to complete  
16 applications based on the sufficiency of the applicant's  
17 responses to required information. Applicants will be awarded  
18 points based on a determination that the application  
19 satisfactorily includes the following elements:

20 (1) Suitability of Employee Training Plan (15 points).

21 The plan includes an employee training plan that  
22 demonstrates that employees will understand the rules  
23 and laws to be followed by dispensary employees, have  
24 knowledge of any security measures and operating  
25 procedures of the dispensary, and are able to advise  
26 purchasers on how to safely consume cannabis and use

1 individual products offered by the dispensary.

2 (2) Security and Recordkeeping (65 points).

3 (A) The security plan accounts for the prevention  
4 of the theft or diversion of cannabis. The security  
5 plan demonstrates safety procedures for dispensing  
6 organization agents and purchasers, and safe delivery  
7 and storage of cannabis and currency. It demonstrates  
8 compliance with all security requirements in this Act  
9 and rules.

10 (B) A plan for recordkeeping, tracking, and  
11 monitoring inventory, quality control, and other  
12 policies and procedures that will promote standard  
13 recordkeeping and discourage unlawful activity. This  
14 plan includes the applicant's strategy to communicate  
15 with the Department and the Illinois ~~Department of~~  
16 State Police on the destruction and disposal of  
17 cannabis. The plan must also demonstrate compliance  
18 with this Act and rules.

19 (C) The security plan shall also detail which  
20 private security contractor licensed under Section  
21 10-5 of the Private Detective, Private Alarm, Private  
22 Security, Fingerprint Vendor, and Locksmith Act of  
23 2004 the dispensary will contract with in order to  
24 provide adequate security at its facility.

25 (3) Applicant's Business Plan, Financials, Operating  
26 and Floor Plan (65 points).

1           (A) The business plan shall describe, at a  
2           minimum, how the dispensing organization will be  
3           managed on a long-term basis. This shall include a  
4           description of the dispensing organization's  
5           point-of-sale system, purchases and denials of sale,  
6           confidentiality, and products and services to be  
7           offered. It will demonstrate compliance with this Act  
8           and rules.

9           (B) The operating plan shall include, at a  
10          minimum, best practices for day-to-day dispensary  
11          operation and staffing. The operating plan may also  
12          include information about employment practices,  
13          including information about the percentage of  
14          full-time employees who will be provided a living  
15          wage.

16          (C) The proposed floor plan is suitable for public  
17          access, the layout promotes safe dispensing of  
18          cannabis, is compliant with the Americans with  
19          Disabilities Act and the Environmental Barriers Act,  
20          and facilitates safe product handling and storage.

21          (4) Knowledge and Experience (30 points).

22          (A) The applicant's principal officers must  
23          demonstrate experience and qualifications in business  
24          management or experience with the cannabis industry.  
25          This includes ensuring optimal safety and accuracy in  
26          the dispensing and sale of cannabis.

1 (B) The applicant's principal officers must  
2 demonstrate knowledge of various cannabis product  
3 strains or varieties and describe the types and  
4 quantities of products planned to be sold. This  
5 includes confirmation of whether the dispensing  
6 organization plans to sell cannabis paraphernalia or  
7 edibles.

8 (C) Knowledge and experience may be demonstrated  
9 through experience in other comparable industries that  
10 reflect on the applicant's ability to operate a  
11 cannabis business establishment.

12 (5) Status as a Social Equity Applicant (50 points).

13 The applicant meets the qualifications for a  
14 Social Equity Applicant as set forth in this Act.

15 (6) Labor and employment practices (5 points): The  
16 applicant may describe plans to provide a safe, healthy,  
17 and economically beneficial working environment for its  
18 agents, including, but not limited to, codes of conduct,  
19 health care benefits, educational benefits, retirement  
20 benefits, living wage standards, and entering a labor  
21 peace agreement with employees.

22 (7) Environmental Plan (5 points): The applicant may  
23 demonstrate an environmental plan of action to minimize  
24 the carbon footprint, environmental impact, and resource  
25 needs for the dispensary, which may include, without  
26 limitation, recycling cannabis product packaging.

1           (8) Illinois owner (5 points): The applicant is 51% or  
2 more owned and controlled by an Illinois resident, who can  
3 prove residency in each of the past 5 years with tax  
4 records or 2 of the following:

5           (A) a signed lease agreement that includes the  
6 applicant's name;

7           (B) a property deed that includes the applicant's  
8 name;

9           (C) school records;

10          (D) a voter registration card;

11          (E) an Illinois driver's license, an Illinois  
12 Identification Card, or an Illinois Person with a  
13 Disability Identification Card;

14          (F) a paycheck stub;

15          (G) a utility bill; or

16          (H) any other proof of residency or other  
17 information necessary to establish residence as  
18 provided by rule.

19          (9) Status as veteran (5 points): The applicant is 51%  
20 or more controlled and owned by an individual or  
21 individuals who meet the qualifications of a veteran as  
22 defined by Section 45-57 of the Illinois Procurement Code.

23          (10) A diversity plan (5 points): that includes a  
24 narrative of not more than 2,500 words that establishes a  
25 goal of diversity in ownership, management, employment,  
26 and contracting to ensure that diverse participants and

1 groups are afforded equality of opportunity.

2 (d) The Department may also award up to 2 bonus points for  
3 a plan to engage with the community. The applicant may  
4 demonstrate a desire to engage with its community by  
5 participating in one or more of, but not limited to, the  
6 following actions: (i) establishment of an incubator program  
7 designed to increase participation in the cannabis industry by  
8 persons who would qualify as Social Equity Applicants; (ii)  
9 providing financial assistance to substance abuse treatment  
10 centers; (iii) educating children and teens about the  
11 potential harms of cannabis use; or (iv) other measures  
12 demonstrating a commitment to the applicant's community. Bonus  
13 points will only be awarded if the Department receives  
14 applications that receive an equal score for a particular  
15 region.

16 (e) The Department may verify information contained in  
17 each application and accompanying documentation to assess the  
18 applicant's veracity and fitness to operate a dispensing  
19 organization.

20 (f) The Department may, in its discretion, refuse to issue  
21 an authorization to any applicant:

22 (1) Who is unqualified to perform the duties required  
23 of the applicant;

24 (2) Who fails to disclose or states falsely any  
25 information called for in the application;

26 (3) Who has been found guilty of a violation of this

1 Act, or whose medical cannabis dispensing organization,  
2 medical cannabis cultivation organization, or Early  
3 Approval Adult Use Dispensing Organization License, or  
4 Early Approval Adult Use Dispensing Organization License  
5 at a secondary site, or Early Approval Cultivation Center  
6 License was suspended, restricted, revoked, or denied for  
7 just cause, or the applicant's cannabis business  
8 establishment license was suspended, restricted, revoked,  
9 or denied in any other state; or

10 (4) Who has engaged in a pattern or practice of unfair  
11 or illegal practices, methods, or activities in the  
12 conduct of owning a cannabis business establishment or  
13 other business.

14 (g) The Department shall deny the license if any principal  
15 officer, board member, or person having a financial or voting  
16 interest of 5% or greater in the licensee is delinquent in  
17 filing any required tax returns or paying any amounts owed to  
18 the State of Illinois.

19 (h) The Department shall verify an applicant's compliance  
20 with the requirements of this Article and rules before issuing  
21 a dispensing organization license.

22 (i) Should the applicant be awarded a license, the  
23 information and plans provided in the application, including  
24 any plans submitted for bonus points, shall become a condition  
25 of the Conditional Adult Use Dispensing Organization Licenses  
26 and any Adult Use Dispensing Organization License issued to

1 the holder of the Conditional Adult Use Dispensing  
2 Organization License, except as otherwise provided by this Act  
3 or rule. Dispensing organizations have a duty to disclose any  
4 material changes to the application. The Department shall  
5 review all material changes disclosed by the dispensing  
6 organization, and may re-evaluate its prior decision regarding  
7 the awarding of a license, including, but not limited to,  
8 suspending or permanently revoking a license. Failure to  
9 comply with the conditions or requirements in the application  
10 may subject the dispensing organization to discipline, up to  
11 and including suspension or permanent revocation of its  
12 authorization or license by the Department.

13 (j) If an applicant has not begun operating as a  
14 dispensing organization within one year of the issuance of the  
15 Conditional Adult Use Dispensing Organization License, the  
16 Department may permanently revoke the Conditional Adult Use  
17 Dispensing Organization License and award it to the next  
18 highest scoring applicant in the BLS Region if a suitable  
19 applicant indicates a continued interest in the license or  
20 begin a new selection process to award a Conditional Adult Use  
21 Dispensing Organization License.

22 (k) The Department shall deny an application if granting  
23 that application would result in a single person or entity  
24 having a direct or indirect financial interest in more than 10  
25 Early Approval Adult Use Dispensing Organization Licenses,  
26 Conditional Adult Use Dispensing Organization Licenses, or



1 Adult Use Dispensing Organization Licenses. Any entity that is  
2 awarded a license that results in a single person or entity  
3 having a direct or indirect financial interest in more than 10  
4 licenses shall forfeit the most recently issued license and  
5 suffer a penalty to be determined by the Department, unless  
6 the entity declines the license at the time it is awarded.

7 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

8 (410 ILCS 705/15-40)

9 Sec. 15-40. Dispensing organization agent identification  
10 card; agent training.

11 (a) The Department shall:

12 (1) verify the information contained in an application  
13 or renewal for a dispensing organization agent  
14 identification card submitted under this Article, and  
15 approve or deny an application or renewal, within 30 days  
16 of receiving a completed application or renewal  
17 application and all supporting documentation required by  
18 rule;

19 (2) issue a dispensing organization agent  
20 identification card to a qualifying agent within 15  
21 business days of approving the application or renewal;

22 (3) enter the registry identification number of the  
23 dispensing organization where the agent works;

24 (4) within one year from the effective date of this  
25 Act, allow for an electronic application process and

1 provide a confirmation by electronic or other methods that  
2 an application has been submitted; and

3 (5) collect a \$100 nonrefundable fee from the  
4 applicant to be deposited into the Cannabis Regulation  
5 Fund.

6 (b) A dispensing organization agent must keep his or her  
7 identification card visible at all times when in the  
8 dispensary.

9 (c) The dispensing organization agent identification cards  
10 shall contain the following:

11 (1) the name of the cardholder;

12 (2) the date of issuance and expiration date of the  
13 dispensing organization agent identification cards;

14 (3) a random 10-digit alphanumeric identification  
15 number containing at least 4 numbers and at least 4  
16 letters that is unique to the cardholder; and

17 (4) a photograph of the cardholder.

18 (d) The dispensing organization agent identification cards  
19 shall be immediately returned to the dispensing organization  
20 upon termination of employment.

21 (e) The Department shall not issue an agent identification  
22 card if the applicant is delinquent in filing any required tax  
23 returns or paying any amounts owed to the State of Illinois.

24 (f) Any card lost by a dispensing organization agent shall  
25 be reported to the Illinois ~~Department of~~ State Police and the  
26 Department immediately upon discovery of the loss.

1 (g) An applicant shall be denied a dispensing organization  
2 agent identification card renewal if he or she fails to  
3 complete the training provided for in this Section.

4 (h) A dispensing organization agent shall only be required  
5 to hold one card for the same employer regardless of what type  
6 of dispensing organization license the employer holds.

7 (i) Cannabis retail sales training requirements.

8 (1) Within 90 days of September 1, 2019, or 90 days of  
9 employment, whichever is later, all owners, managers,  
10 employees, and agents involved in the handling or sale of  
11 cannabis or cannabis-infused product employed by an adult  
12 use dispensing organization or medical cannabis dispensing  
13 organization as defined in Section 10 of the Compassionate  
14 Use of Medical Cannabis Program Act shall attend and  
15 successfully complete a Responsible Vendor Program.

16 (2) Each owner, manager, employee, and agent of an  
17 adult use dispensing organization or medical cannabis  
18 dispensing organization shall successfully complete the  
19 program annually.

20 (3) Responsible Vendor Program Training modules shall  
21 include at least 2 hours of instruction time approved by  
22 the Department including:

23 (i) Health and safety concerns of cannabis use,  
24 including the responsible use of cannabis, its  
25 physical effects, onset of physiological effects,  
26 recognizing signs of impairment, and appropriate

1 responses in the event of overconsumption.

2 (ii) Training on laws and regulations on driving  
3 while under the influence and operating a watercraft  
4 or snowmobile while under the influence.

5 (iii) Sales to minors prohibition. Training shall  
6 cover all relevant Illinois laws and rules.

7 (iv) Quantity limitations on sales to purchasers.  
8 Training shall cover all relevant Illinois laws and  
9 rules.

10 (v) Acceptable forms of identification. Training  
11 shall include:

12 (I) How to check identification; and

13 (II) Common mistakes made in verification;

14 (vi) Safe storage of cannabis;

15 (vii) Compliance with all inventory tracking  
16 system regulations;

17 (viii) Waste handling, management, and disposal;

18 (ix) Health and safety standards;

19 (x) Maintenance of records;

20 (xi) Security and surveillance requirements;

21 (xii) Permitting inspections by State and local  
22 licensing and enforcement authorities;

23 (xiii) Privacy issues;

24 (xiv) Packaging and labeling requirement for sales  
25 to purchasers; and

26 (xv) Other areas as determined by rule.

1 (j) Blank.

2 (k) Upon the successful completion of the Responsible  
3 Vendor Program, the provider shall deliver proof of completion  
4 either through mail or electronic communication to the  
5 dispensing organization, which shall retain a copy of the  
6 certificate.

7 (l) The license of a dispensing organization or medical  
8 cannabis dispensing organization whose owners, managers,  
9 employees, or agents fail to comply with this Section may be  
10 suspended or permanently revoked under Section 15-145 or may  
11 face other disciplinary action.

12 (m) The regulation of dispensing organization and medical  
13 cannabis dispensing employer and employee training is an  
14 exclusive function of the State, and regulation by a unit of  
15 local government, including a home rule unit, is prohibited.  
16 This subsection (m) is a denial and limitation of home rule  
17 powers and functions under subsection (h) of Section 6 of  
18 Article VII of the Illinois Constitution.

19 (n) Persons seeking Department approval to offer the  
20 training required by paragraph (3) of subsection (i) may apply  
21 for such approval between August 1 and August 15 of each  
22 odd-numbered year in a manner prescribed by the Department.

23 (o) Persons seeking Department approval to offer the  
24 training required by paragraph (3) of subsection (i) shall  
25 submit a nonrefundable application fee of \$2,000 to be  
26 deposited into the Cannabis Regulation Fund or a fee as may be

1 set by rule. Any changes made to the training module shall be  
2 approved by the Department.

3 (p) The Department shall not unreasonably deny approval of  
4 a training module that meets all the requirements of paragraph  
5 (3) of subsection (i). A denial of approval shall include a  
6 detailed description of the reasons for the denial.

7 (q) Any person approved to provide the training required  
8 by paragraph (3) of subsection (i) shall submit an application  
9 for re-approval between August 1 and August 15 of each  
10 odd-numbered year and include a nonrefundable application fee  
11 of \$2,000 to be deposited into the Cannabis Regulation Fund or  
12 a fee as may be set by rule.

13 (r) All persons applying to become or renewing their  
14 registrations to be agents, including agents-in-charge and  
15 principal officers, shall disclose any disciplinary action  
16 taken against them that may have occurred in Illinois, another  
17 state, or another country in relation to their employment at a  
18 cannabis business establishment or at any cannabis cultivation  
19 center, processor, infuser, dispensary, or other cannabis  
20 business establishment.

21 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

22 (410 ILCS 705/15-65)

23 Sec. 15-65. Administration.

24 (a) A dispensing organization shall establish, maintain,  
25 and comply with written policies and procedures as submitted

1 in the Business, Financial and Operating plan as required in  
2 this Article or by rules established by the Department, and  
3 approved by the Department, for the security, storage,  
4 inventory, and distribution of cannabis. These policies and  
5 procedures shall include methods for identifying, recording,  
6 and reporting diversion, theft, or loss, and for correcting  
7 errors and inaccuracies in inventories. At a minimum,  
8 dispensing organizations shall ensure the written policies and  
9 procedures provide for the following:

10 (1) Mandatory and voluntary recalls of cannabis  
11 products. The policies shall be adequate to deal with  
12 recalls due to any action initiated at the request of the  
13 Department and any voluntary action by the dispensing  
14 organization to remove defective or potentially defective  
15 cannabis from the market or any action undertaken to  
16 promote public health and safety, including:

17 (i) A mechanism reasonably calculated to contact  
18 purchasers who have, or likely have, obtained the  
19 product from the dispensary, including information on  
20 the policy for return of the recalled product;

21 (ii) A mechanism to identify and contact the adult  
22 use cultivation center, craft grower, or infuser that  
23 manufactured the cannabis;

24 (iii) Policies for communicating with the  
25 Department, the Department of Agriculture, and the  
26 Department of Public Health within 24 hours of

1           discovering defective or potentially defective  
2           cannabis; and

3           (iv) Policies for destruction of any recalled  
4           cannabis product;

5           (2) Responses to local, State, or national  
6           emergencies, including natural disasters, that affect the  
7           security or operation of a dispensary;

8           (3) Segregation and destruction of outdated, damaged,  
9           deteriorated, misbranded, or adulterated cannabis. This  
10          procedure shall provide for written documentation of the  
11          cannabis disposition;

12          (4) Ensure the oldest stock of a cannabis product is  
13          distributed first. The procedure may permit deviation from  
14          this requirement, if such deviation is temporary and  
15          appropriate;

16          (5) Training of dispensing organization agents in the  
17          provisions of this Act and rules, to effectively operate  
18          the point-of-sale system and the State's verification  
19          system, proper inventory handling and tracking, specific  
20          uses of cannabis or cannabis-infused products, instruction  
21          regarding regulatory inspection preparedness and law  
22          enforcement interaction, awareness of the legal  
23          requirements for maintaining status as an agent, and other  
24          topics as specified by the dispensing organization or the  
25          Department. The dispensing organization shall maintain  
26          evidence of all training provided to each agent in its



1 files that is subject to inspection and audit by the  
2 Department. The dispensing organization shall ensure  
3 agents receive a minimum of 8 hours of training subject to  
4 the requirements in subsection (i) of Section 15-40  
5 annually, unless otherwise approved by the Department;

6 (6) Maintenance of business records consistent with  
7 industry standards, including bylaws, consents, manual or  
8 computerized records of assets and liabilities, audits,  
9 monetary transactions, journals, ledgers, and supporting  
10 documents, including agreements, checks, invoices,  
11 receipts, and vouchers. Records shall be maintained in a  
12 manner consistent with this Act and shall be retained for  
13 5 years;

14 (7) Inventory control, including:

15 (i) Tracking purchases and denials of sale;

16 (ii) Disposal of unusable or damaged cannabis as  
17 required by this Act and rules; and

18 (8) Purchaser education and support, including:

19 (i) Whether possession of cannabis is illegal  
20 under federal law;

21 (ii) Current educational information issued by the  
22 Department of Public Health about the health risks  
23 associated with the use or abuse of cannabis;

24 (iii) Information about possible side effects;

25 (iv) Prohibition on smoking cannabis in public  
26 places; and

1           (v) Offering any other appropriate purchaser  
2           education or support materials.

3           (b) Blank.

4           (c) A dispensing organization shall maintain copies of the  
5           policies and procedures on the dispensary premises and provide  
6           copies to the Department upon request. The dispensing  
7           organization shall review the dispensing organization policies  
8           and procedures at least once every 12 months from the issue  
9           date of the license and update as needed due to changes in  
10          industry standards or as requested by the Department.

11          (d) A dispensing organization shall ensure that each  
12          principal officer and each dispensing organization agent has a  
13          current agent identification card in the agent's immediate  
14          possession when the agent is at the dispensary.

15          (e) A dispensing organization shall provide prompt written  
16          notice to the Department, including the date of the event,  
17          when a dispensing organization agent no longer is employed by  
18          the dispensing organization.

19          (f) A dispensing organization shall promptly document and  
20          report any loss or theft of cannabis from the dispensary to the  
21          Illinois Department of State Police and the Department. It is  
22          the duty of any dispensing organization agent who becomes  
23          aware of the loss or theft to report it as provided in this  
24          Article.

25          (g) A dispensing organization shall post the following  
26          information in a conspicuous location in an area of the

1 dispensary accessible to consumers:

2 (1) The dispensing organization's license;

3 (2) The hours of operation.

4 (h) Signage that shall be posted inside the premises.

5 (1) All dispensing organizations must display a  
6 placard that states the following: "Cannabis consumption  
7 can impair cognition and driving, is for adult use only,  
8 may be habit forming, and should not be used by pregnant or  
9 breastfeeding women."

10 (2) Any dispensing organization that sells edible  
11 cannabis-infused products must display a placard that  
12 states the following:

13 (A) "Edible cannabis-infused products were  
14 produced in a kitchen that may also process common  
15 food allergens."; and

16 (B) "The effects of cannabis products can vary  
17 from person to person, and it can take as long as two  
18 hours to feel the effects of some cannabis-infused  
19 products. Carefully review the portion size  
20 information and warnings contained on the product  
21 packaging before consuming."

22 (3) All of the required signage in this subsection (h)  
23 shall be no smaller than 24 inches tall by 36 inches wide,  
24 with typed letters no smaller than 2 inches. The signage  
25 shall be clearly visible and readable by customers. The  
26 signage shall be placed in the area where cannabis and

1 cannabis-infused products are sold and may be translated  
2 into additional languages as needed. The Department may  
3 require a dispensary to display the required signage in a  
4 different language, other than English, if the Secretary  
5 deems it necessary.

6 (i) A dispensing organization shall prominently post  
7 notices inside the dispensing organization that state  
8 activities that are strictly prohibited and punishable by law,  
9 including, but not limited to:

10 (1) no minors permitted on the premises unless the  
11 minor is a minor qualifying patient under the  
12 Compassionate Use of Medical Cannabis Program Act;

13 (2) distribution to persons under the age of 21 is  
14 prohibited;

15 (3) transportation of cannabis or cannabis products  
16 across state lines is prohibited.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/15-75)

19 Sec. 15-75. Inventory control system.

20 (a) A dispensing organization agent-in-charge shall have  
21 primary oversight of the dispensing organization's cannabis  
22 inventory verification system, and its point-of-sale system.  
23 The inventory point-of-sale system shall be real-time,  
24 web-based, and accessible by the Department at any time. The  
25 point-of-sale system shall track, at a minimum the date of

1 sale, amount, price, and currency.

2 (b) A dispensing organization shall establish an account  
3 with the State's verification system that documents:

4 (1) Each sales transaction at the time of sale and  
5 each day's beginning inventory, acquisitions, sales,  
6 disposal, and ending inventory.

7 (2) Acquisition of cannabis and cannabis-infused  
8 products from a licensed adult use cultivation center,  
9 craft grower, infuser, or transporter, including:

10 (i) A description of the products, including the  
11 quantity, strain, variety, and batch number of each  
12 product received;

13 (ii) The name and registry identification number  
14 of the licensed adult use cultivation center, craft  
15 grower, or infuser providing the cannabis and  
16 cannabis-infused products;

17 (iii) The name and registry identification number  
18 of the licensed adult use cultivation center, craft  
19 grower, infuser, or transporting agent delivering the  
20 cannabis;

21 (iv) The name and registry identification number  
22 of the dispensing organization agent receiving the  
23 cannabis; and

24 (v) The date of acquisition.

25 (3) The disposal of cannabis, including:

26 (i) A description of the products, including the

1 quantity, strain, variety, batch number, and reason  
2 for the cannabis being disposed;

3 (ii) The method of disposal; and

4 (iii) The date and time of disposal.

5 (c) Upon cannabis delivery, a dispensing organization  
6 shall confirm the product's name, strain name, weight, and  
7 identification number on the manifest matches the information  
8 on the cannabis product label and package. The product name  
9 listed and the weight listed in the State's verification  
10 system shall match the product packaging.

11 (d) The agent-in-charge shall conduct daily inventory  
12 reconciliation documenting and balancing cannabis inventory by  
13 confirming the State's verification system matches the  
14 dispensing organization's point-of-sale system and the amount  
15 of physical product at the dispensary.

16 (1) A dispensing organization must receive Department  
17 approval before completing an inventory adjustment. It  
18 shall provide a detailed reason for the adjustment.  
19 Inventory adjustment documentation shall be kept at the  
20 dispensary for 2 years from the date performed.

21 (2) If the dispensing organization identifies an  
22 imbalance in the amount of cannabis after the daily  
23 inventory reconciliation due to mistake, the dispensing  
24 organization shall determine how the imbalance occurred  
25 and immediately upon discovery take and document  
26 corrective action. If the dispensing organization cannot

1 identify the reason for the mistake within 2 calendar days  
2 after first discovery, it shall inform the Department  
3 immediately in writing of the imbalance and the corrective  
4 action taken to date. The dispensing organization shall  
5 work diligently to determine the reason for the mistake.

6 (3) If the dispensing organization identifies an  
7 imbalance in the amount of cannabis after the daily  
8 inventory reconciliation or through other means due to  
9 theft, criminal activity, or suspected criminal activity,  
10 the dispensing organization shall immediately determine  
11 how the reduction occurred and take and document  
12 corrective action. Within 24 hours after the first  
13 discovery of the reduction due to theft, criminal  
14 activity, or suspected criminal activity, the dispensing  
15 organization shall inform the Department and the Illinois  
16 ~~Department of State Police~~ in writing.

17 (4) The dispensing organization shall file an annual  
18 compilation report with the Department, including a  
19 financial statement that shall include, but not be limited  
20 to, an income statement, balance sheet, profit and loss  
21 statement, statement of cash flow, wholesale cost and  
22 sales, and any other documentation requested by the  
23 Department in writing. The financial statement shall  
24 include any other information the Department deems  
25 necessary in order to effectively administer this Act and  
26 all rules, orders, and final decisions promulgated under

1 this Act. Statements required by this Section shall be  
2 filed with the Department within 60 days after the end of  
3 the calendar year. The compilation report shall include a  
4 letter authored by a licensed certified public accountant  
5 that it has been reviewed and is accurate based on the  
6 information provided. The dispensing organization,  
7 financial statement, and accompanying documents are not  
8 required to be audited unless specifically requested by  
9 the Department.

10 (e) A dispensing organization shall:

11 (1) Maintain the documentation required in this  
12 Section in a secure locked location at the dispensing  
13 organization for 5 years from the date on the document;

14 (2) Provide any documentation required to be  
15 maintained in this Section to the Department for review  
16 upon request; and

17 (3) If maintaining a bank account, retain for a period  
18 of 5 years a record of each deposit or withdrawal from the  
19 account.

20 (f) If a dispensing organization chooses to have a return  
21 policy for cannabis and cannabis products, the dispensing  
22 organization shall seek prior approval from the Department.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

24 (410 ILCS 705/15-100)

25 Sec. 15-100. Security.



1           (a) A dispensing organization shall implement security  
2 measures to deter and prevent entry into and theft of cannabis  
3 or currency.

4           (b) A dispensing organization shall submit any changes to  
5 the floor plan or security plan to the Department for  
6 pre-approval. All cannabis shall be maintained and stored in a  
7 restricted access area during construction.

8           (c) The dispensing organization shall implement security  
9 measures to protect the premises, purchasers, and dispensing  
10 organization agents including, but not limited to the  
11 following:

12                 (1) Establish a locked door or barrier between the  
13 facility's entrance and the limited access area;

14                 (2) Prevent individuals from remaining on the premises  
15 if they are not engaging in activity permitted by this Act  
16 or rules;

17                 (3) Develop a policy that addresses the maximum  
18 capacity and purchaser flow in the waiting rooms and  
19 limited access areas;

20                 (4) Dispose of cannabis in accordance with this Act  
21 and rules;

22                 (5) During hours of operation, store and dispense all  
23 cannabis from the restricted access area. During  
24 operational hours, cannabis shall be stored in an enclosed  
25 locked room or cabinet and accessible only to specifically  
26 authorized dispensing organization agents;

1           (6) When the dispensary is closed, store all cannabis  
2           and currency in a reinforced vault room in the restricted  
3           access area and in a manner as to prevent diversion,  
4           theft, or loss;

5           (7) Keep the reinforced vault room and any other  
6           equipment or cannabis storage areas securely locked and  
7           protected from unauthorized entry;

8           (8) Keep an electronic daily log of dispensing  
9           organization agents with access to the reinforced vault  
10          room and knowledge of the access code or combination;

11          (9) Keep all locks and security equipment in good  
12          working order;

13          (10) Maintain an operational security and alarm system  
14          at all times;

15          (11) Prohibit keys, if applicable, from being left in  
16          the locks, or stored or placed in a location accessible to  
17          persons other than specifically authorized personnel;

18          (12) Prohibit accessibility of security measures,  
19          including combination numbers, passwords, or electronic or  
20          biometric security systems to persons other than  
21          specifically authorized dispensing organization agents;

22          (13) Ensure that the dispensary interior and exterior  
23          premises are sufficiently lit to facilitate surveillance;

24          (14) Ensure that trees, bushes, and other foliage  
25          outside of the dispensary premises do not allow for a  
26          person or persons to conceal themselves from sight;

1           (15) Develop emergency policies and procedures for  
2           securing all product and currency following any instance  
3           of diversion, theft, or loss of cannabis, and conduct an  
4           assessment to determine whether additional safeguards are  
5           necessary; and

6           (16) Develop sufficient additional safeguards in  
7           response to any special security concerns, or as required  
8           by the Department.

9           (d) The Department may request or approve alternative  
10          security provisions that it determines are an adequate  
11          substitute for a security requirement specified in this  
12          Article. Any additional protections may be considered by the  
13          Department in evaluating overall security measures.

14          (e) A dispensing organization may share premises with a  
15          craft grower or an infuser organization, or both, provided  
16          each licensee stores currency and cannabis or cannabis-infused  
17          products in a separate secured vault to which the other  
18          licensee does not have access or all licensees sharing a vault  
19          share more than 50% of the same ownership.

20          (f) A dispensing organization shall provide additional  
21          security as needed and in a manner appropriate for the  
22          community where it operates.

23          (g) Restricted access areas.

24                 (1) All restricted access areas must be identified by  
25                 the posting of a sign that is a minimum of 12 inches by 12  
26                 inches and that states "Do Not Enter - Restricted Access

1 Area - Authorized Personnel Only" in lettering no smaller  
2 than one inch in height.

3 (2) All restricted access areas shall be clearly  
4 described in the floor plan of the premises, in the form  
5 and manner determined by the Department, reflecting walls,  
6 partitions, counters, and all areas of entry and exit. The  
7 floor plan shall show all storage, disposal, and retail  
8 sales areas.

9 (3) All restricted access areas must be secure, with  
10 locking devices that prevent access from the limited  
11 access areas.

12 (h) Security and alarm.

13 (1) A dispensing organization shall have an adequate  
14 security plan and security system to prevent and detect  
15 diversion, theft, or loss of cannabis, currency, or  
16 unauthorized intrusion using commercial grade equipment  
17 installed by an Illinois licensed private alarm contractor  
18 or private alarm contractor agency that shall, at a  
19 minimum, include:

20 (i) A perimeter alarm on all entry points and  
21 glass break protection on perimeter windows;

22 (ii) Security shatterproof tinted film on exterior  
23 windows;

24 (iii) A failure notification system that provides  
25 an audible, text, or visual notification of any  
26 failure in the surveillance system, including, but not

1 limited to, panic buttons, alarms, and video  
2 monitoring system. The failure notification system  
3 shall provide an alert to designated dispensing  
4 organization agents within 5 minutes after the  
5 failure, either by telephone or text message;

6 (iv) A duress alarm, panic button, and alarm, or  
7 holdup alarm and after-hours intrusion detection alarm  
8 that by design and purpose will directly or indirectly  
9 notify, by the most efficient means, the Public Safety  
10 Answering Point for the law enforcement agency having  
11 primary jurisdiction;

12 (v) Security equipment to deter and prevent  
13 unauthorized entrance into the dispensary, including  
14 electronic door locks on the limited and restricted  
15 access areas that include devices or a series of  
16 devices to detect unauthorized intrusion that may  
17 include a signal system interconnected with a radio  
18 frequency method, cellular, private radio signals or  
19 other mechanical or electronic device.

20 (2) All security system equipment and recordings shall  
21 be maintained in good working order, in a secure location  
22 so as to prevent theft, loss, destruction, or alterations.

23 (3) Access to surveillance monitoring recording  
24 equipment shall be limited to persons who are essential to  
25 surveillance operations, law enforcement authorities  
26 acting within their jurisdiction, security system service

1 personnel, and the Department. A current list of  
2 authorized dispensing organization agents and service  
3 personnel that have access to the surveillance equipment  
4 must be available to the Department upon request.

5 (4) All security equipment shall be inspected and  
6 tested at regular intervals, not to exceed one month from  
7 the previous inspection, and tested to ensure the systems  
8 remain functional.

9 (5) The security system shall provide protection  
10 against theft and diversion that is facilitated or hidden  
11 by tampering with computers or electronic records.

12 (6) The dispensary shall ensure all access doors are  
13 not solely controlled by an electronic access panel to  
14 ensure that locks are not released during a power outage.

15 (i) To monitor the dispensary, the dispensing organization  
16 shall incorporate continuous electronic video monitoring  
17 including the following:

18 (1) All monitors must be 19 inches or greater;

19 (2) Unobstructed video surveillance of all enclosed  
20 dispensary areas, unless prohibited by law, including all  
21 points of entry and exit that shall be appropriate for the  
22 normal lighting conditions of the area under surveillance.  
23 The cameras shall be directed so all areas are captured,  
24 including, but not limited to, safes, vaults, sales areas,  
25 and areas where cannabis is stored, handled, dispensed, or  
26 destroyed. Cameras shall be angled to allow for facial

1 recognition, the capture of clear and certain  
2 identification of any person entering or exiting the  
3 dispensary area and in lighting sufficient during all  
4 times of night or day;

5 (3) Unobstructed video surveillance of outside areas,  
6 the storefront, and the parking lot, that shall be  
7 appropriate for the normal lighting conditions of the area  
8 under surveillance. Cameras shall be angled so as to allow  
9 for the capture of facial recognition, clear and certain  
10 identification of any person entering or exiting the  
11 dispensary and the immediate surrounding area, and license  
12 plates of vehicles in the parking lot;

13 (4) 24-hour recordings from all video cameras  
14 available for immediate viewing by the Department upon  
15 request. Recordings shall not be destroyed or altered and  
16 shall be retained for at least 90 days. Recordings shall  
17 be retained as long as necessary if the dispensing  
18 organization is aware of the loss or theft of cannabis or a  
19 pending criminal, civil, or administrative investigation  
20 or legal proceeding for which the recording may contain  
21 relevant information;

22 (5) The ability to immediately produce a clear, color  
23 still photo from the surveillance video, either live or  
24 recorded;

25 (6) A date and time stamp embedded on all video  
26 surveillance recordings. The date and time shall be

1           synchronized and set correctly and shall not significantly  
2           obscure the picture;

3           (7) The ability to remain operational during a power  
4           outage and ensure all access doors are not solely  
5           controlled by an electronic access panel to ensure that  
6           locks are not released during a power outage;

7           (8) All video surveillance equipment shall allow for  
8           the exporting of still images in an industry standard  
9           image format, including .jpg, .bmp, and .gif. Exported  
10          video shall have the ability to be archived in a  
11          proprietary format that ensures authentication of the  
12          video and guarantees that no alteration of the recorded  
13          image has taken place. Exported video shall also have the  
14          ability to be saved in an industry standard file format  
15          that can be played on a standard computer operating  
16          system. All recordings shall be erased or destroyed before  
17          disposal;

18          (9) The video surveillance system shall be operational  
19          during a power outage with a 4-hour minimum battery  
20          backup;

21          (10) A video camera or cameras recording at each  
22          point-of-sale location allowing for the identification of  
23          the dispensing organization agent distributing the  
24          cannabis and any purchaser. The camera or cameras shall  
25          capture the sale, the individuals and the computer  
26          monitors used for the sale;



1           (11) A failure notification system that provides an  
2           audible and visual notification of any failure in the  
3           electronic video monitoring system; and

4           (12) All electronic video surveillance monitoring must  
5           record at least the equivalent of 8 frames per second and  
6           be available as recordings to the Department and the  
7           Illinois ~~Department of~~ State Police 24 hours a day via a  
8           secure web-based portal with reverse functionality.

9           (j) The requirements contained in this Act are minimum  
10          requirements for operating a dispensing organization. The  
11          Department may establish additional requirements by rule.

12          (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

13           (410 ILCS 705/15-135)

14           Sec. 15-135. Investigations.

15           (a) Dispensing organizations are subject to random and  
16           unannounced dispensary inspections and cannabis testing by the  
17           Department, the Illinois ~~Department of~~ State Police, and local  
18           law enforcement.

19           (b) The Department and its authorized representatives may  
20           enter any place, including a vehicle, in which cannabis is  
21           held, stored, dispensed, sold, produced, delivered,  
22           transported, manufactured, or disposed of and inspect, in a  
23           reasonable manner, the place and all pertinent equipment,  
24           containers and labeling, and all things including records,  
25           files, financial data, sales data, shipping data, pricing

1 data, personnel data, research, papers, processes, controls,  
2 and facility, and inventory any stock of cannabis and obtain  
3 samples of any cannabis or cannabis-infused product, any  
4 labels or containers for cannabis, or paraphernalia.

5 (c) The Department may conduct an investigation of an  
6 applicant, application, dispensing organization, principal  
7 officer, dispensary agent, third party vendor, or any other  
8 party associated with a dispensing organization for an alleged  
9 violation of this Act or rules or to determine qualifications  
10 to be granted a registration by the Department.

11 (d) The Department may require an applicant or holder of  
12 any license issued pursuant to this Article to produce  
13 documents, records, or any other material pertinent to the  
14 investigation of an application or alleged violations of this  
15 Act or rules. Failure to provide the required material may be  
16 grounds for denial or discipline.

17 (e) Every person charged with preparation, obtaining, or  
18 keeping records, logs, reports, or other documents in  
19 connection with this Act and rules and every person in charge,  
20 or having custody, of those documents shall, upon request by  
21 the Department, make the documents immediately available for  
22 inspection and copying by the Department, the Department's  
23 authorized representative, or others authorized by law to  
24 review the documents.

25 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/20-15)

2 Sec. 20-15. Conditional Adult Use Cultivation Center  
3 application.

4 (a) If the Department of Agriculture makes available  
5 additional cultivation center licenses pursuant to Section  
6 20-5, applicants for a Conditional Adult Use Cultivation  
7 Center License shall electronically submit the following in  
8 such form as the Department of Agriculture may direct:

9 (1) the nonrefundable application fee set by rule by  
10 the Department of Agriculture, to be deposited into the  
11 Cannabis Regulation Fund;

12 (2) the legal name of the cultivation center;

13 (3) the proposed physical address of the cultivation  
14 center;

15 (4) the name, address, social security number, and  
16 date of birth of each principal officer and board member  
17 of the cultivation center; each principal officer and  
18 board member shall be at least 21 years of age;

19 (5) the details of any administrative or judicial  
20 proceeding in which any of the principal officers or board  
21 members of the cultivation center (i) pled guilty, were  
22 convicted, were fined, or had a registration or license  
23 suspended or revoked, or (ii) managed or served on the  
24 board of a business or non-profit organization that pled  
25 guilty, was convicted, was fined, or had a registration or  
26 license suspended or revoked;

1           (6) proposed operating bylaws that include procedures  
2           for the oversight of the cultivation center, including the  
3           development and implementation of a plant monitoring  
4           system, accurate recordkeeping, staffing plan, and  
5           security plan approved by the Illinois ~~Department of~~ State  
6           Police that are in accordance with the rules issued by the  
7           Department of Agriculture under this Act. A physical  
8           inventory shall be performed of all plants and cannabis on  
9           a weekly basis by the cultivation center;

10           (7) verification from the Illinois ~~Department of~~ State  
11           Police that all background checks of the prospective  
12           principal officers, board members, and agents of the  
13           cannabis business establishment have been conducted;

14           (8) a copy of the current local zoning ordinance or  
15           permit and verification that the proposed cultivation  
16           center is in compliance with the local zoning rules and  
17           distance limitations established by the local  
18           jurisdiction;

19           (9) proposed employment practices, in which the  
20           applicant must demonstrate a plan of action to inform,  
21           hire, and educate minorities, women, veterans, and persons  
22           with disabilities, engage in fair labor practices, and  
23           provide worker protections;

24           (10) whether an applicant can demonstrate experience  
25           in or business practices that promote economic empowerment  
26           in Disproportionately Impacted Areas;

1           (11) experience with the cultivation of agricultural  
2           or horticultural products, operating an agriculturally  
3           related business, or operating a horticultural business;

4           (12) a description of the enclosed, locked facility  
5           where cannabis will be grown, harvested, manufactured,  
6           processed, packaged, or otherwise prepared for  
7           distribution to a dispensing organization;

8           (13) a survey of the enclosed, locked facility,  
9           including the space used for cultivation;

10          (14) cultivation, processing, inventory, and packaging  
11          plans;

12          (15) a description of the applicant's experience with  
13          agricultural cultivation techniques and industry  
14          standards;

15          (16) a list of any academic degrees, certifications,  
16          or relevant experience of all prospective principal  
17          officers, board members, and agents of the related  
18          business;

19          (17) the identity of every person having a financial  
20          or voting interest of 5% or greater in the cultivation  
21          center operation with respect to which the license is  
22          sought, whether a trust, corporation, partnership, limited  
23          liability company, or sole proprietorship, including the  
24          name and address of each person;

25          (18) a plan describing how the cultivation center will  
26          address each of the following:

1 (i) energy needs, including estimates of monthly  
2 electricity and gas usage, to what extent it will  
3 procure energy from a local utility or from on-site  
4 generation, and if it has or will adopt a sustainable  
5 energy use and energy conservation policy;

6 (ii) water needs, including estimated water draw  
7 and if it has or will adopt a sustainable water use and  
8 water conservation policy; and

9 (iii) waste management, including if it has or  
10 will adopt a waste reduction policy;

11 (19) a diversity plan that includes a narrative of not  
12 more than 2,500 words that establishes a goal of diversity  
13 in ownership, management, employment, and contracting to  
14 ensure that diverse participants and groups are afforded  
15 equality of opportunity;

16 (20) any other information required by rule;

17 (21) a recycling plan:

18 (A) Purchaser packaging, including cartridges,  
19 shall be accepted by the applicant and recycled.

20 (B) Any recyclable waste generated by the cannabis  
21 cultivation facility shall be recycled per applicable  
22 State and local laws, ordinances, and rules.

23 (C) Any cannabis waste, liquid waste, or hazardous  
24 waste shall be disposed of in accordance with 8 Ill.  
25 Adm. Code 1000.460, except, to the greatest extent  
26 feasible, all cannabis plant waste will be rendered

1 unusable by grinding and incorporating the cannabis  
2 plant waste with compostable mixed waste to be  
3 disposed of in accordance with 8 Ill. Adm. Code  
4 1000.460 (g) (1);

5 (22) commitment to comply with local waste provisions:  
6 a cultivation facility must remain in compliance with  
7 applicable State and federal environmental requirements,  
8 including, but not limited to:

9 (A) storing, securing, and managing all  
10 recyclables and waste, including organic waste  
11 composed of or containing finished cannabis and  
12 cannabis products, in accordance with applicable State  
13 and local laws, ordinances, and rules; and

14 (B) disposing liquid waste containing cannabis or  
15 byproducts of cannabis processing in compliance with  
16 all applicable State and federal requirements,  
17 including, but not limited to, the cannabis  
18 cultivation facility's permits under Title X of the  
19 Environmental Protection Act; and

20 (23) a commitment to a technology standard for  
21 resource efficiency of the cultivation center facility.

22 (A) A cannabis cultivation facility commits to use  
23 resources efficiently, including energy and water. For  
24 the following, a cannabis cultivation facility commits  
25 to meet or exceed the technology standard identified  
26 in items (i), (ii), (iii), and (iv), which may be

1 modified by rule:

2 (i) lighting systems, including light bulbs;

3 (ii) HVAC system;

4 (iii) water application system to the crop;

5 and

6 (iv) filtration system for removing  
7 contaminants from wastewater.

8 (B) Lighting. The Lighting Power Densities (LPD)  
9 for cultivation space commits to not exceed an average  
10 of 36 watts per gross square foot of active and growing  
11 space canopy, or all installed lighting technology  
12 shall meet a photosynthetic photon efficacy (PPE) of  
13 no less than 2.2 micromoles per joule fixture and  
14 shall be featured on the DesignLights Consortium (DLC)  
15 Horticultural Specification Qualified Products List  
16 (QPL). In the event that DLC requirement for minimum  
17 efficacy exceeds 2.2 micromoles per joule fixture,  
18 that PPE shall become the new standard.

19 (C) HVAC.

20 (i) For cannabis grow operations with less  
21 than 6,000 square feet of canopy, the licensee  
22 commits that all HVAC units will be  
23 high-efficiency ductless split HVAC units, or  
24 other more energy efficient equipment.

25 (ii) For cannabis grow operations with 6,000  
26 square feet of canopy or more, the licensee



1           commits that all HVAC units will be variable  
2           refrigerant flow HVAC units, or other more energy  
3           efficient equipment.

4           (D) Water application.

5                 (i) The cannabis cultivation facility commits  
6           to use automated watering systems, including, but  
7           not limited to, drip irrigation and flood tables,  
8           to irrigate cannabis crop.

9                 (ii) The cannabis cultivation facility commits  
10          to measure runoff from watering events and report  
11          this volume in its water usage plan, and that on  
12          average, watering events shall have no more than  
13          20% of runoff of water.

14          (E) Filtration. The cultivator commits that HVAC  
15          condensate, dehumidification water, excess runoff, and  
16          other wastewater produced by the cannabis cultivation  
17          facility shall be captured and filtered to the best of  
18          the facility's ability to achieve the quality needed  
19          to be reused in subsequent watering rounds.

20          (F) Reporting energy use and efficiency as  
21          required by rule.

22          (b) Applicants must submit all required information,  
23          including the information required in Section 20-10, to the  
24          Department of Agriculture. Failure by an applicant to submit  
25          all required information may result in the application being  
26          disqualified.

1 (c) If the Department of Agriculture receives an  
2 application with missing information, the Department of  
3 Agriculture may issue a deficiency notice to the applicant.  
4 The applicant shall have 10 calendar days from the date of the  
5 deficiency notice to resubmit the incomplete information.  
6 Applications that are still incomplete after this opportunity  
7 to cure will not be scored and will be disqualified.

8 (e) A cultivation center that is awarded a Conditional  
9 Adult Use Cultivation Center License pursuant to the criteria  
10 in Section 20-20 shall not grow, purchase, possess, or sell  
11 cannabis or cannabis-infused products until the person has  
12 received an Adult Use Cultivation Center License issued by the  
13 Department of Agriculture pursuant to Section 20-21 of this  
14 Act.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

16 (410 ILCS 705/20-30)

17 Sec. 20-30. Cultivation center requirements; prohibitions.

18 (a) The operating documents of a cultivation center shall  
19 include procedures for the oversight of the cultivation center  
20 a cannabis plant monitoring system including a physical  
21 inventory recorded weekly, accurate recordkeeping, and a  
22 staffing plan.

23 (b) A cultivation center shall implement a security plan  
24 reviewed by the Illinois ~~Department of~~ State Police that  
25 includes, but is not limited to: facility access controls,

1 perimeter intrusion detection systems, personnel  
2 identification systems, 24-hour surveillance system to monitor  
3 the interior and exterior of the cultivation center facility  
4 and accessibility to authorized law enforcement, the  
5 Department of Public Health where processing takes place, and  
6 the Department of Agriculture in real time.

7 (c) All cultivation of cannabis by a cultivation center  
8 must take place in an enclosed, locked facility at the  
9 physical address provided to the Department of Agriculture  
10 during the licensing process. The cultivation center location  
11 shall only be accessed by the agents working for the  
12 cultivation center, the Department of Agriculture staff  
13 performing inspections, the Department of Public Health staff  
14 performing inspections, local and State law enforcement or  
15 other emergency personnel, contractors working on jobs  
16 unrelated to cannabis, such as installing or maintaining  
17 security devices or performing electrical wiring, transporting  
18 organization agents as provided in this Act, individuals in a  
19 mentoring or educational program approved by the State, or  
20 other individuals as provided by rule.

21 (d) A cultivation center may not sell or distribute any  
22 cannabis or cannabis-infused products to any person other than  
23 a dispensing organization, craft grower, infuser organization,  
24 transporter, or as otherwise authorized by rule.

25 (e) A cultivation center may not either directly or  
26 indirectly discriminate in price between different dispensing

1 organizations, craft growers, or infuser organizations that  
2 are purchasing a like grade, strain, brand, and quality of  
3 cannabis or cannabis-infused product. Nothing in this  
4 subsection (e) prevents a cultivation center ~~centers~~ from  
5 pricing cannabis differently based on differences in the cost  
6 of manufacturing or processing, the quantities sold, such as  
7 volume discounts, or the way the products are delivered.

8 (f) All cannabis harvested by a cultivation center and  
9 intended for distribution to a dispensing organization must be  
10 entered into a data collection system, packaged and labeled  
11 under Section 55-21, and placed into a cannabis container for  
12 transport. All cannabis harvested by a cultivation center and  
13 intended for distribution to a craft grower or infuser  
14 organization must be packaged in a labeled cannabis container  
15 and entered into a data collection system before transport.

16 (g) Cultivation centers are subject to random inspections  
17 by the Department of Agriculture, the Department of Public  
18 Health, local safety or health inspectors, and the Illinois  
19 ~~Department of~~ State Police.

20 (h) A cultivation center agent shall notify local law  
21 enforcement, the Illinois ~~Department of~~ State Police, and the  
22 Department of Agriculture within 24 hours of the discovery of  
23 any loss or theft. Notification shall be made by phone or in  
24 person, or by written or electronic communication.

25 (i) A cultivation center shall comply with all State and  
26 any applicable federal rules and regulations regarding the use

1 of pesticides on cannabis plants.

2 (j) No person or entity shall hold any legal, equitable,  
3 ownership, or beneficial interest, directly or indirectly, of  
4 more than 3 cultivation centers licensed under this Article.  
5 Further, no person or entity that is employed by, an agent of,  
6 has a contract to receive payment in any form from a  
7 cultivation center, is a principal officer of a cultivation  
8 center, or entity controlled by or affiliated with a principal  
9 officer of a cultivation shall hold any legal, equitable,  
10 ownership, or beneficial interest, directly or indirectly, in  
11 a cultivation that would result in the person or entity owning  
12 or controlling in combination with any cultivation center,  
13 principal officer of a cultivation center, or entity  
14 controlled or affiliated with a principal officer of a  
15 cultivation center by which he, she, or it is employed, is an  
16 agent of, or participates in the management of, more than 3  
17 cultivation center licenses.

18 (k) A cultivation center may not contain more than 210,000  
19 square feet of canopy space for plants in the flowering stage  
20 for cultivation of adult use cannabis as provided in this Act.

21 (l) A cultivation center may process cannabis, cannabis  
22 concentrates, and cannabis-infused products.

23 (m) Beginning July 1, 2020, a cultivation center shall not  
24 transport cannabis or cannabis-infused products to a craft  
25 grower, dispensing organization, infuser organization, or  
26 laboratory licensed under this Act, unless it has obtained a

1 transporting organization license.

2 (n) It is unlawful for any person having a cultivation  
3 center license or any officer, associate, member,  
4 representative, or agent of such licensee to offer or deliver  
5 money, or anything else of value, directly or indirectly to  
6 any person having an Early Approval Adult Use Dispensing  
7 Organization License, a Conditional Adult Use Dispensing  
8 Organization License, an Adult Use Dispensing Organization  
9 License, or a medical cannabis dispensing organization license  
10 issued under the Compassionate Use of Medical Cannabis Program  
11 Act, or to any person connected with or in any way  
12 representing, or to any member of the family of, such person  
13 holding an Early Approval Adult Use Dispensing Organization  
14 License, a Conditional Adult Use Dispensing Organization  
15 License, an Adult Use Dispensing Organization License, or a  
16 medical cannabis dispensing organization license issued under  
17 the Compassionate Use of Medical Cannabis Program Act, or to  
18 any stockholders in any corporation engaged in the retail sale  
19 of cannabis, or to any officer, manager, agent, or  
20 representative of the Early Approval Adult Use Dispensing  
21 Organization License, a Conditional Adult Use Dispensing  
22 Organization License, an Adult Use Dispensing Organization  
23 License, or a medical cannabis dispensing organization license  
24 issued under the Compassionate Use of Medical Cannabis Program  
25 Act to obtain preferential placement within the dispensing  
26 organization, including, without limitation, on shelves and in

1 display cases where purchasers can view products, or on the  
2 dispensing organization's website.

3 (o) A cultivation center must comply with any other  
4 requirements or prohibitions set by administrative rule of the  
5 Department of Agriculture.

6 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

7 (410 ILCS 705/20-35)

8 Sec. 20-35. Cultivation center agent identification card.

9 (a) The Department of Agriculture shall:

10 (1) establish by rule the information required in an  
11 initial application or renewal application for an agent  
12 identification card submitted under this Act and the  
13 nonrefundable fee to accompany the initial application or  
14 renewal application;

15 (2) verify the information contained in an initial  
16 application or renewal application for an agent  
17 identification card submitted under this Act, and approve  
18 or deny an application within 30 days of receiving a  
19 completed initial application or renewal application and  
20 all supporting documentation required by rule;

21 (3) issue an agent identification card to a qualifying  
22 agent within 15 business days of approving the initial  
23 application or renewal application;

24 (4) enter the license number of the cultivation center  
25 where the agent works; and

1           (5) allow for an electronic initial application and  
2           renewal application process, and provide a confirmation by  
3           electronic or other methods that an application has been  
4           submitted. The Department of Agriculture may by rule  
5           require prospective agents to file their applications by  
6           electronic means and provide notices to the agents by  
7           electronic means.

8           (b) An agent must keep his or her identification card  
9           visible at all times when on the property of the cultivation  
10          center at which the agent is employed.

11          (c) The agent identification cards shall contain the  
12          following:

13                 (1) the name of the cardholder;

14                 (2) the date of issuance and expiration date of the  
15                 identification card;

16                 (3) a random 10-digit alphanumeric identification  
17                 number containing at least 4 numbers and at least 4  
18                 letters that is unique to the holder;

19                 (4) a photograph of the cardholder; and

20                 (5) the legal name of the cultivation center employing  
21                 the agent.

22          (d) An agent identification card shall be immediately  
23          returned to the cultivation center of the agent upon  
24          termination of his or her employment.

25          (e) Any agent identification card lost by a cultivation  
26          center agent shall be reported to the Illinois ~~Department of~~



1 State Police and the Department of Agriculture immediately  
2 upon discovery of the loss.

3 (f) The Department of Agriculture shall not issue an agent  
4 identification card if the applicant is delinquent in filing  
5 any required tax returns or paying any amounts owed to the  
6 State of Illinois.

7 (Source: P.A. 101-27, eff. 6-25-19.)

8 (410 ILCS 705/20-40)

9 Sec. 20-40. Cultivation center background checks.

10 (a) Through the Illinois ~~Department of~~ State Police, the  
11 Department of Agriculture shall conduct a background check of  
12 the prospective principal officers, board members, and agents  
13 of a cultivation center applying for a license or  
14 identification card under this Act. The Illinois ~~Department of~~  
15 State Police shall charge a fee set by rule for conducting the  
16 criminal history record check, which shall be deposited into  
17 the State Police Services Fund and shall not exceed the actual  
18 cost of the record check. In order to carry out this provision,  
19 each cultivation center prospective principal officer, board  
20 member, or agent shall submit a full set of fingerprints to the  
21 Illinois ~~Department of~~ State Police for the purpose of  
22 obtaining a State and federal criminal records check. These  
23 fingerprints shall be checked against the fingerprint records  
24 now and hereafter, to the extent allowed by law, filed in the  
25 Illinois ~~Department of~~ State Police and Federal Bureau of

1 Investigation criminal history records databases. The Illinois  
2 ~~Department of~~ State Police shall furnish, following positive  
3 identification, all conviction information to the Department  
4 of Agriculture.

5 (b) When applying for the initial license or  
6 identification card, the background checks for all prospective  
7 principal officers, board members, and agents shall be  
8 completed before submitting the application to the licensing  
9 or issuing agency.

10 (Source: P.A. 101-27, eff. 6-25-19.)

11 (410 ILCS 705/25-30)

12 (Section scheduled to be repealed on July 1, 2026)

13 Sec. 25-30. Inspection rights.

14 (a) A licensee's enclosed, locked facilities are subject  
15 to random inspections by the Department and the Illinois  
16 ~~Department of~~ State Police.

17 (b) Nothing in this Section shall be construed to give the  
18 Department or the Illinois ~~Department of~~ State Police a right  
19 of inspection or access to any location on the licensee's  
20 premises beyond the facilities licensed under this Article.

21 (Source: P.A. 101-27, eff. 6-25-19.)

22 (410 ILCS 705/25-35)

23 (Section scheduled to be repealed on July 1, 2026)

24 Sec. 25-35. Community College Cannabis Vocational Training

1 Pilot Program faculty participant agent identification card.

2 (a) The Department shall:

3 (1) establish by rule the information required in an  
4 initial application or renewal application for an agent  
5 identification card submitted under this Article and the  
6 nonrefundable fee to accompany the initial application or  
7 renewal application;

8 (2) verify the information contained in an initial  
9 application or renewal application for an agent  
10 identification card submitted under this Article, and  
11 approve or deny an application within 30 days of receiving  
12 a completed initial application or renewal application and  
13 all supporting documentation required by rule;

14 (3) issue an agent identification card to a qualifying  
15 agent within 15 business days of approving the initial  
16 application or renewal application;

17 (4) enter the license number of the community college  
18 where the agent works; and

19 (5) allow for an electronic initial application and  
20 renewal application process, and provide a confirmation by  
21 electronic or other methods that an application has been  
22 submitted. Each Department may by rule require prospective  
23 agents to file their applications by electronic means and  
24 to provide notices to the agents by electronic means.

25 (b) An agent must keep his or her identification card  
26 visible at all times when in the enclosed, locked facility, or

1 facilities for which he or she is an agent.

2 (c) The agent identification cards shall contain the  
3 following:

4 (1) the name of the cardholder;

5 (2) the date of issuance and expiration date of the  
6 identification card;

7 (3) a random 10-digit alphanumeric identification  
8 number containing at least 4 numbers and at least 4  
9 letters that is unique to the holder;

10 (4) a photograph of the cardholder; and

11 (5) the legal name of the community college employing  
12 the agent.

13 (d) An agent identification card shall be immediately  
14 returned to the community college of the agent upon  
15 termination of his or her employment.

16 (e) Any agent identification card lost shall be reported  
17 to the Illinois ~~Department of~~ State Police and the Department  
18 of Agriculture immediately upon discovery of the loss.

19 (Source: P.A. 101-27, eff. 6-25-19.)

20 (410 ILCS 705/30-10)

21 Sec. 30-10. Application.

22 (a) When applying for a license, the applicant shall  
23 electronically submit the following in such form as the  
24 Department of Agriculture may direct:

25 (1) the nonrefundable application fee of \$5,000 to be

1 deposited into the Cannabis Regulation Fund, or another  
2 amount as the Department of Agriculture may set by rule  
3 after January 1, 2021;

4 (2) the legal name of the craft grower;

5 (3) the proposed physical address of the craft grower;

6 (4) the name, address, social security number, and  
7 date of birth of each principal officer and board member  
8 of the craft grower; each principal officer and board  
9 member shall be at least 21 years of age;

10 (5) the details of any administrative or judicial  
11 proceeding in which any of the principal officers or board  
12 members of the craft grower (i) pled guilty, were  
13 convicted, were fined, or had a registration or license  
14 suspended or revoked or (ii) managed or served on the  
15 board of a business or non-profit organization that pled  
16 guilty, was convicted, was fined, or had a registration or  
17 license suspended or revoked;

18 (6) proposed operating bylaws that include procedures  
19 for the oversight of the craft grower, including the  
20 development and implementation of a plant monitoring  
21 system, accurate recordkeeping, staffing plan, and  
22 security plan approved by the Illinois ~~Department of~~ State  
23 Police that are in accordance with the rules issued by the  
24 Department of Agriculture under this Act; a physical  
25 inventory shall be performed of all plants and on a weekly  
26 basis by the craft grower;

1 (7) verification from the Illinois ~~Department of~~ State  
2 Police that all background checks of the prospective  
3 principal officers, board members, and agents of the  
4 cannabis business establishment have been conducted;

5 (8) a copy of the current local zoning ordinance or  
6 permit and verification that the proposed craft grower is  
7 in compliance with the local zoning rules and distance  
8 limitations established by the local jurisdiction;

9 (9) proposed employment practices, in which the  
10 applicant must demonstrate a plan of action to inform,  
11 hire, and educate minorities, women, veterans, and persons  
12 with disabilities, engage in fair labor practices, and  
13 provide worker protections;

14 (10) whether an applicant can demonstrate experience  
15 in or business practices that promote economic empowerment  
16 in Disproportionately Impacted Areas;

17 (11) experience with the cultivation of agricultural  
18 or horticultural products, operating an agriculturally  
19 related business, or operating a horticultural business;

20 (12) a description of the enclosed, locked facility  
21 where cannabis will be grown, harvested, manufactured,  
22 packaged, or otherwise prepared for distribution to a  
23 dispensing organization or other cannabis business  
24 establishment;

25 (13) a survey of the enclosed, locked facility,  
26 including the space used for cultivation;

1           (14) cultivation, processing, inventory, and packaging  
2 plans;

3           (15) a description of the applicant's experience with  
4 agricultural cultivation techniques and industry  
5 standards;

6           (16) a list of any academic degrees, certifications,  
7 or relevant experience of all prospective principal  
8 officers, board members, and agents of the related  
9 business;

10          (17) the identity of every person having a financial  
11 or voting interest of 5% or greater in the craft grower  
12 operation, whether a trust, corporation, partnership,  
13 limited liability company, or sole proprietorship,  
14 including the name and address of each person;

15          (18) a plan describing how the craft grower will  
16 address each of the following:

17           (i) energy needs, including estimates of monthly  
18 electricity and gas usage, to what extent it will  
19 procure energy from a local utility or from on-site  
20 generation, and if it has or will adopt a sustainable  
21 energy use and energy conservation policy;

22           (ii) water needs, including estimated water draw  
23 and if it has or will adopt a sustainable water use and  
24 water conservation policy; and

25           (iii) waste management, including if it has or  
26 will adopt a waste reduction policy;

1 (19) a recycling plan:

2 (A) Purchaser packaging, including cartridges,  
3 shall be accepted by the applicant and recycled.

4 (B) Any recyclable waste generated by the craft  
5 grower facility shall be recycled per applicable State  
6 and local laws, ordinances, and rules.

7 (C) Any cannabis waste, liquid waste, or hazardous  
8 waste shall be disposed of in accordance with 8 Ill.  
9 Adm. Code 1000.460, except, to the greatest extent  
10 feasible, all cannabis plant waste will be rendered  
11 unusable by grinding and incorporating the cannabis  
12 plant waste with compostable mixed waste to be  
13 disposed of in accordance with 8 Ill. Adm. Code  
14 1000.460(g)(1);

15 (20) a commitment to comply with local waste  
16 provisions: a craft grower facility must remain in  
17 compliance with applicable State and federal environmental  
18 requirements, including, but not limited to:

19 (A) storing, securing, and managing all  
20 recyclables and waste, including organic waste  
21 composed of or containing finished cannabis and  
22 cannabis products, in accordance with applicable State  
23 and local laws, ordinances, and rules; and

24 (B) disposing liquid waste containing cannabis or  
25 byproducts of cannabis processing in compliance with  
26 all applicable State and federal requirements,



1 including, but not limited to, the cannabis  
2 cultivation facility's permits under Title X of the  
3 Environmental Protection Act;

4 (21) a commitment to a technology standard for  
5 resource efficiency of the craft grower facility.

6 (A) A craft grower facility commits to use  
7 resources efficiently, including energy and water. For  
8 the following, a cannabis cultivation facility commits  
9 to meet or exceed the technology standard identified  
10 in paragraphs (i), (ii), (iii), and (iv), which may be  
11 modified by rule:

12 (i) lighting systems, including light bulbs;

13 (ii) HVAC system;

14 (iii) water application system to the crop;

15 and

16 (iv) filtration system for removing  
17 contaminants from wastewater.

18 (B) Lighting. The Lighting Power Densities (LPD)  
19 for cultivation space commits to not exceed an average  
20 of 36 watts per gross square foot of active and growing  
21 space canopy, or all installed lighting technology  
22 shall meet a photosynthetic photon efficacy (PPE) of  
23 no less than 2.2 micromoles per joule fixture and  
24 shall be featured on the DesignLights Consortium (DLC)  
25 Horticultural Specification Qualified Products List  
26 (QPL). In the event that DLC requirement for minimum

1 efficacy exceeds 2.2 micromoles per joule fixture,  
2 that PPE shall become the new standard.

3 (C) HVAC.

4 (i) For cannabis grow operations with less  
5 than 6,000 square feet of canopy, the licensee  
6 commits that all HVAC units will be  
7 high-efficiency ductless split HVAC units, or  
8 other more energy efficient equipment.

9 (ii) For cannabis grow operations with 6,000  
10 square feet of canopy or more, the licensee  
11 commits that all HVAC units will be variable  
12 refrigerant flow HVAC units, or other more energy  
13 efficient equipment.

14 (D) Water application.

15 (i) The craft grower facility commits to use  
16 automated watering systems, including, but not  
17 limited to, drip irrigation and flood tables, to  
18 irrigate cannabis crop.

19 (ii) The craft grower facility commits to  
20 measure runoff from watering events and report  
21 this volume in its water usage plan, and that on  
22 average, watering events shall have no more than  
23 20% of runoff of water.

24 (E) Filtration. The craft grower commits that HVAC  
25 condensate, dehumidification water, excess runoff, and  
26 other wastewater produced by the craft grower facility

1 shall be captured and filtered to the best of the  
2 facility's ability to achieve the quality needed to be  
3 reused in subsequent watering rounds.

4 (F) Reporting energy use and efficiency as  
5 required by rule; and

6 (22) any other information required by rule.

7 (b) Applicants must submit all required information,  
8 including the information required in Section 30-15, to the  
9 Department of Agriculture. Failure by an applicant to submit  
10 all required information may result in the application being  
11 disqualified.

12 (c) If the Department of Agriculture receives an  
13 application with missing information, the Department of  
14 Agriculture may issue a deficiency notice to the applicant.  
15 The applicant shall have 10 calendar days from the date of the  
16 deficiency notice to resubmit the incomplete information.  
17 Applications that are still incomplete after this opportunity  
18 to cure will not be scored and will be disqualified.

19 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

20 (410 ILCS 705/30-30)

21 Sec. 30-30. Craft grower requirements; prohibitions.

22 (a) The operating documents of a craft grower shall  
23 include procedures for the oversight of the craft grower, a  
24 cannabis plant monitoring system including a physical  
25 inventory recorded weekly, accurate recordkeeping, and a

1 staffing plan.

2 (b) A craft grower shall implement a security plan  
3 reviewed by the Illinois ~~Department of~~ State Police that  
4 includes, but is not limited to: facility access controls,  
5 perimeter intrusion detection systems, personnel  
6 identification systems, and a 24-hour surveillance system to  
7 monitor the interior and exterior of the craft grower facility  
8 and that is accessible to authorized law enforcement and the  
9 Department of Agriculture in real time.

10 (c) All cultivation of cannabis by a craft grower must  
11 take place in an enclosed, locked facility at the physical  
12 address provided to the Department of Agriculture during the  
13 licensing process. The craft grower location shall only be  
14 accessed by the agents working for the craft grower, the  
15 Department of Agriculture staff performing inspections, the  
16 Department of Public Health staff performing inspections,  
17 State and local law enforcement or other emergency personnel,  
18 contractors working on jobs unrelated to cannabis, such as  
19 installing or maintaining security devices or performing  
20 electrical wiring, transporting organization agents as  
21 provided in this Act, or participants in the incubator  
22 program, individuals in a mentoring or educational program  
23 approved by the State, or other individuals as provided by  
24 rule. However, if a craft grower shares a premises with an  
25 infuser or dispensing organization, agents from those other  
26 licensees may access the craft grower portion of the premises

1 if that is the location of common bathrooms, lunchrooms,  
2 locker rooms, or other areas of the building where work or  
3 cultivation of cannabis is not performed. At no time may an  
4 infuser or dispensing organization agent perform work at a  
5 craft grower without being a registered agent of the craft  
6 grower.

7 (d) A craft grower may not sell or distribute any cannabis  
8 to any person other than a cultivation center, a craft grower,  
9 an infuser organization, a dispensing organization, or as  
10 otherwise authorized by rule.

11 (e) A craft grower may not be located in an area zoned for  
12 residential use.

13 (f) A craft grower may not either directly or indirectly  
14 discriminate in price between different cannabis business  
15 establishments that are purchasing a like grade, strain,  
16 brand, and quality of cannabis or cannabis-infused product.  
17 Nothing in this subsection (f) prevents a craft grower from  
18 pricing cannabis differently based on differences in the cost  
19 of manufacturing or processing, the quantities sold, such as  
20 volume discounts, or the way the products are delivered.

21 (g) All cannabis harvested by a craft grower and intended  
22 for distribution to a dispensing organization must be entered  
23 into a data collection system, packaged and labeled under  
24 Section 55-21, and, if distribution is to a dispensing  
25 organization that does not share a premises with the  
26 dispensing organization receiving the cannabis, placed into a

1 cannabis container for transport. All cannabis harvested by a  
2 craft grower and intended for distribution to a cultivation  
3 center, to an infuser organization, or to a craft grower with  
4 which it does not share a premises, must be packaged in a  
5 labeled cannabis container and entered into a data collection  
6 system before transport.

7 (h) Craft growers are subject to random inspections by the  
8 Department of Agriculture, local safety or health inspectors,  
9 and the Illinois ~~Department of~~ State Police.

10 (i) A craft grower agent shall notify local law  
11 enforcement, the Illinois ~~Department of~~ State Police, and the  
12 Department of Agriculture within 24 hours of the discovery of  
13 any loss or theft. Notification shall be made by phone, in  
14 person, or written or electronic communication.

15 (j) A craft grower shall comply with all State and any  
16 applicable federal rules and regulations regarding the use of  
17 pesticides.

18 (k) A craft grower or craft grower agent shall not  
19 transport cannabis or cannabis-infused products to any other  
20 cannabis business establishment without a transport  
21 organization license unless:

22 (i) If the craft grower is located in a county with a  
23 population of 3,000,000 or more, the cannabis business  
24 establishment receiving the cannabis is within 2,000 feet  
25 of the property line of the craft grower;

26 (ii) If the craft grower is located in a county with a

1 population of more than 700,000 but fewer than 3,000,000,  
2 the cannabis business establishment receiving the cannabis  
3 is within 2 miles of the craft grower; or

4 (iii) If the craft grower is located in a county with a  
5 population of fewer than 700,000, the cannabis business  
6 establishment receiving the cannabis is within 15 miles of  
7 the craft grower.

8 (l) A craft grower may enter into a contract with a  
9 transporting organization to transport cannabis to a  
10 cultivation center, a craft grower, an infuser organization, a  
11 dispensing organization, or a laboratory.

12 (m) No person or entity shall hold any legal, equitable,  
13 ownership, or beneficial interest, directly or indirectly, of  
14 more than 3 craft grower licenses. Further, no person or  
15 entity that is employed by, an agent of, or has a contract to  
16 receive payment from or participate in the management of a  
17 craft grower, is a principal officer of a craft grower, or  
18 entity controlled by or affiliated with a principal officer of  
19 a craft grower shall hold any legal, equitable, ownership, or  
20 beneficial interest, directly or indirectly, in a craft grower  
21 license that would result in the person or entity owning or  
22 controlling in combination with any craft grower, principal  
23 officer of a craft grower, or entity controlled or affiliated  
24 with a principal officer of a craft grower by which he, she, or  
25 it is employed, is an agent of, or participates in the  
26 management of more than 3 craft grower licenses.

1           (n) It is unlawful for any person having a craft grower  
2 license or any officer, associate, member, representative, or  
3 agent of the licensee to offer or deliver money, or anything  
4 else of value, directly or indirectly, to any person having an  
5 Early Approval Adult Use Dispensing Organization License, a  
6 Conditional Adult Use Dispensing Organization License, an  
7 Adult Use Dispensing Organization License, or a medical  
8 cannabis dispensing organization license issued under the  
9 Compassionate Use of Medical Cannabis Program Act, or to any  
10 person connected with or in any way representing, or to any  
11 member of the family of, the person holding an Early Approval  
12 Adult Use Dispensing Organization License, a Conditional Adult  
13 Use Dispensing Organization License, an Adult Use Dispensing  
14 Organization License, or a medical cannabis dispensing  
15 organization license issued under the Compassionate Use of  
16 Medical Cannabis Program Act, or to any stockholders in any  
17 corporation engaged in the retail sale of cannabis, or to any  
18 officer, manager, agent, or representative of the Early  
19 Approval Adult Use Dispensing Organization License, a  
20 Conditional Adult Use Dispensing Organization License, an  
21 Adult Use Dispensing Organization License, or a medical  
22 cannabis dispensing organization license issued under the  
23 Compassionate Use of Medical Cannabis Program Act to obtain  
24 preferential placement within the dispensing organization,  
25 including, without limitation, on shelves and in display cases  
26 where purchasers can view products, or on the dispensing



1 organization's website.

2 (o) A craft grower shall not be located within 1,500 feet  
3 of another craft grower or a cultivation center.

4 (p) A craft grower may process cannabis, cannabis  
5 concentrates, and cannabis-infused products.

6 (q) A craft grower must comply with any other requirements  
7 or prohibitions set by administrative rule of the Department  
8 of Agriculture.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (410 ILCS 705/30-35)

11 Sec. 30-35. Craft grower agent identification card.

12 (a) The Department of Agriculture shall:

13 (1) establish by rule the information required in an  
14 initial application or renewal application for an agent  
15 identification card submitted under this Act and the  
16 nonrefundable fee to accompany the initial application or  
17 renewal application;

18 (2) verify the information contained in an initial  
19 application or renewal application for an agent  
20 identification card submitted under this Act and approve  
21 or deny an application within 30 days of receiving a  
22 completed initial application or renewal application and  
23 all supporting documentation required by rule;

24 (3) issue an agent identification card to a qualifying  
25 agent within 15 business days of approving the initial

1 application or renewal application;

2 (4) enter the license number of the craft grower where  
3 the agent works; and

4 (5) allow for an electronic initial application and  
5 renewal application process, and provide a confirmation by  
6 electronic or other methods that an application has been  
7 submitted. The Department of Agriculture may by rule  
8 require prospective agents to file their applications by  
9 electronic means and provide notices to the agents by  
10 electronic means.

11 (b) An agent must keep his or her identification card  
12 visible at all times when on the property of a cannabis  
13 business establishment, including the craft grower  
14 organization for which he or she is an agent.

15 (c) The agent identification cards shall contain the  
16 following:

17 (1) the name of the cardholder;

18 (2) the date of issuance and expiration date of the  
19 identification card;

20 (3) a random 10-digit alphanumeric identification  
21 number containing at least 4 numbers and at least 4  
22 letters that is unique to the holder;

23 (4) a photograph of the cardholder; and

24 (5) the legal name of the craft grower organization  
25 employing the agent.

26 (d) An agent identification card shall be immediately

1 returned to the cannabis business establishment of the agent  
2 upon termination of his or her employment.

3 (e) Any agent identification card lost by a craft grower  
4 agent shall be reported to the Illinois ~~Department of~~ State  
5 Police and the Department of Agriculture immediately upon  
6 discovery of the loss.

7 (Source: P.A. 101-27, eff. 6-25-19.)

8 (410 ILCS 705/30-40)

9 Sec. 30-40. Craft grower background checks.

10 (a) Through the Illinois ~~Department of~~ State Police, the  
11 Department of Agriculture shall conduct a background check of  
12 the prospective principal officers, board members, and agents  
13 of a craft grower applying for a license or identification  
14 card under this Act. The Illinois ~~Department of~~ State Police  
15 shall charge a fee set by rule for conducting the criminal  
16 history record check, which shall be deposited into the State  
17 Police Services Fund and shall not exceed the actual cost of  
18 the record check. In order to carry out this Section, each  
19 craft grower organization's prospective principal officer,  
20 board member, or agent shall submit a full set of fingerprints  
21 to the Illinois ~~Department of~~ State Police for the purpose of  
22 obtaining a State and federal criminal records check. These  
23 fingerprints shall be checked against the fingerprint records  
24 now and hereafter, to the extent allowed by law, filed in the  
25 Illinois ~~Department of~~ State Police and Federal Bureau of

1 Investigation criminal history records databases. The Illinois  
2 ~~Department of~~ State Police shall furnish, following positive  
3 identification, all conviction information to the Department  
4 of Agriculture.

5 (b) When applying for the initial license or  
6 identification card, the background checks for all prospective  
7 principal officers, board members, and agents shall be  
8 completed before submitting the application to the licensing  
9 or issuing agency.

10 (Source: P.A. 101-27, eff. 6-25-19.)

11 (410 ILCS 705/35-10)

12 Sec. 35-10. Application.

13 (a) When applying for a license, the applicant shall  
14 electronically submit the following in such form as the  
15 Department of Agriculture may direct:

16 (1) the nonrefundable application fee of \$5,000 or,  
17 after January 1, 2021, another amount as set by rule by the  
18 Department of Agriculture, to be deposited into the  
19 Cannabis Regulation Fund;

20 (2) the legal name of the infuser;

21 (3) the proposed physical address of the infuser;

22 (4) the name, address, social security number, and  
23 date of birth of each principal officer and board member  
24 of the infuser; each principal officer and board member  
25 shall be at least 21 years of age;

1 (5) the details of any administrative or judicial  
2 proceeding in which any of the principal officers or board  
3 members of the infuser (i) pled guilty, were convicted,  
4 fined, or had a registration or license suspended or  
5 revoked, or (ii) managed or served on the board of a  
6 business or non-profit organization that pled guilty, was  
7 convicted, fined, or had a registration or license  
8 suspended or revoked;

9 (6) proposed operating bylaws that include procedures  
10 for the oversight of the infuser, including the  
11 development and implementation of a plant monitoring  
12 system, accurate recordkeeping, staffing plan, and  
13 security plan approved by the Illinois ~~Department of~~ State  
14 Police that are in accordance with the rules issued by the  
15 Department of Agriculture under this Act; a physical  
16 inventory of all cannabis shall be performed on a weekly  
17 basis by the infuser;

18 (7) verification from the Illinois ~~Department of~~ State  
19 Police that all background checks of the prospective  
20 principal officers, board members, and agents of the  
21 infuser organization have been conducted;

22 (8) a copy of the current local zoning ordinance and  
23 verification that the proposed infuser is in compliance  
24 with the local zoning rules and distance limitations  
25 established by the local jurisdiction;

26 (9) proposed employment practices, in which the

1 applicant must demonstrate a plan of action to inform,  
2 hire, and educate minorities, women, veterans, and persons  
3 with disabilities, engage in fair labor practices, and  
4 provide worker protections;

5 (10) whether an applicant can demonstrate experience  
6 in or business practices that promote economic empowerment  
7 in Disproportionately Impacted Areas;

8 (11) experience with infusing products with cannabis  
9 concentrate;

10 (12) a description of the enclosed, locked facility  
11 where cannabis will be infused, packaged, or otherwise  
12 prepared for distribution to a dispensing organization or  
13 other infuser;

14 (13) processing, inventory, and packaging plans;

15 (14) a description of the applicant's experience with  
16 operating a commercial kitchen or laboratory preparing  
17 products for human consumption;

18 (15) a list of any academic degrees, certifications,  
19 or relevant experience of all prospective principal  
20 officers, board members, and agents of the related  
21 business;

22 (16) the identity of every person having a financial  
23 or voting interest of 5% or greater in the infuser  
24 operation with respect to which the license is sought,  
25 whether a trust, corporation, partnership, limited  
26 liability company, or sole proprietorship, including the

1 name and address of each person;

2 (17) a plan describing how the infuser will address  
3 each of the following:

4 (i) energy needs, including estimates of monthly  
5 electricity and gas usage, to what extent it will  
6 procure energy from a local utility or from on-site  
7 generation, and if it has or will adopt a sustainable  
8 energy use and energy conservation policy;

9 (ii) water needs, including estimated water draw,  
10 and if it has or will adopt a sustainable water use and  
11 water conservation policy; and

12 (iii) waste management, including if it has or  
13 will adopt a waste reduction policy;

14 (18) a recycling plan:

15 (A) a commitment that any recyclable waste  
16 generated by the infuser shall be recycled per  
17 applicable State and local laws, ordinances, and  
18 rules; and

19 (B) a commitment to comply with local waste  
20 provisions. An infuser commits to remain in compliance  
21 with applicable State and federal environmental  
22 requirements, including, but not limited to, storing,  
23 securing, and managing all recyclables and waste,  
24 including organic waste composed of or containing  
25 finished cannabis and cannabis products, in accordance  
26 with applicable State and local laws, ordinances, and

1 rules; and

2 (19) any other information required by rule.

3 (b) Applicants must submit all required information,  
4 including the information required in Section 35-15, to the  
5 Department of Agriculture. Failure by an applicant to submit  
6 all required information may result in the application being  
7 disqualified.

8 (c) If the Department of Agriculture receives an  
9 application with missing information, the Department of  
10 Agriculture may issue a deficiency notice to the applicant.  
11 The applicant shall have 10 calendar days from the date of the  
12 deficiency notice to resubmit the incomplete information.  
13 Applications that are still incomplete after this opportunity  
14 to cure will not be scored and will be disqualified.

15 (Source: P.A. 101-27, eff. 6-25-19.)

16 (410 ILCS 705/35-25)

17 Sec. 35-25. Infuser organization requirements;  
18 prohibitions.

19 (a) The operating documents of an infuser shall include  
20 procedures for the oversight of the infuser, an inventory  
21 monitoring system including a physical inventory recorded  
22 weekly, accurate recordkeeping, and a staffing plan.

23 (b) An infuser shall implement a security plan reviewed by  
24 the Illinois ~~Department of~~ State Police that includes, but is  
25 not limited to: facility access controls, perimeter intrusion



1 detection systems, personnel identification systems, and a  
2 24-hour surveillance system to monitor the interior and  
3 exterior of the infuser facility and that is accessible to  
4 authorized law enforcement, the Department of Public Health,  
5 and the Department of Agriculture in real time.

6 (c) All processing of cannabis by an infuser must take  
7 place in an enclosed, locked facility at the physical address  
8 provided to the Department of Agriculture during the licensing  
9 process. The infuser location shall only be accessed by the  
10 agents working for the infuser, the Department of Agriculture  
11 staff performing inspections, the Department of Public Health  
12 staff performing inspections, State and local law enforcement  
13 or other emergency personnel, contractors working on jobs  
14 unrelated to cannabis, such as installing or maintaining  
15 security devices or performing electrical wiring, transporting  
16 organization agents as provided in this Act, participants in  
17 the incubator program, individuals in a mentoring or  
18 educational program approved by the State, local safety or  
19 health inspectors, or other individuals as provided by rule.  
20 However, if an infuser shares a premises with a craft grower or  
21 dispensing organization, agents from these other licensees may  
22 access the infuser portion of the premises if that is the  
23 location of common bathrooms, lunchrooms, locker rooms, or  
24 other areas of the building where processing of cannabis is  
25 not performed. At no time may a craft grower or dispensing  
26 organization agent perform work at an infuser without being a

1 registered agent of the infuser.

2 (d) An infuser may not sell or distribute any cannabis to  
3 any person other than a dispensing organization, or as  
4 otherwise authorized by rule.

5 (e) An infuser may not either directly or indirectly  
6 discriminate in price between different cannabis business  
7 establishments that are purchasing a like grade, strain,  
8 brand, and quality of cannabis or cannabis-infused product.  
9 Nothing in this subsection (e) prevents an infuser from  
10 pricing cannabis differently based on differences in the cost  
11 of manufacturing or processing, the quantities sold, such  
12 volume discounts, or the way the products are delivered.

13 (f) All cannabis infused by an infuser and intended for  
14 distribution to a dispensing organization must be entered into  
15 a data collection system, packaged and labeled under Section  
16 55-21, and, if distribution is to a dispensing organization  
17 that does not share a premises with the infuser, placed into a  
18 cannabis container for transport. All cannabis produced by an  
19 infuser and intended for distribution to a cultivation center,  
20 infuser organization, or craft grower with which it does not  
21 share a premises, must be packaged in a labeled cannabis  
22 container and entered into a data collection system before  
23 transport.

24 (g) Infusers are subject to random inspections by the  
25 Department of Agriculture, the Department of Public Health,  
26 the Illinois ~~Department of~~ State Police, and local law

1 enforcement.

2 (h) An infuser agent shall notify local law enforcement,  
3 the Illinois ~~Department of~~ State Police, and the Department of  
4 Agriculture within 24 hours of the discovery of any loss or  
5 theft. Notification shall be made by phone, in person, or by  
6 written or electronic communication.

7 (i) An infuser organization may not be located in an area  
8 zoned for residential use.

9 (j) An infuser or infuser agent shall not transport  
10 cannabis or cannabis-infused products to any other cannabis  
11 business establishment without a transport organization  
12 license unless:

13 (i) If the infuser is located in a county with a  
14 population of 3,000,000 or more, the cannabis business  
15 establishment receiving the cannabis or cannabis-infused  
16 product is within 2,000 feet of the property line of the  
17 infuser;

18 (ii) If the infuser is located in a county with a  
19 population of more than 700,000 but fewer than 3,000,000,  
20 the cannabis business establishment receiving the cannabis  
21 or cannabis-infused product is within 2 miles of the  
22 infuser; or

23 (iii) If the infuser is located in a county with a  
24 population of fewer than 700,000, the cannabis business  
25 establishment receiving the cannabis or cannabis-infused  
26 product is within 15 miles of the infuser.

1           (k) An infuser may enter into a contract with a  
2 transporting organization to transport cannabis to a  
3 dispensing organization or a laboratory.

4           (l) An infuser organization may share premises with a  
5 craft grower or a dispensing organization, or both, provided  
6 each licensee stores currency and cannabis or cannabis-infused  
7 products in a separate secured vault to which the other  
8 licensee does not have access or all licensees sharing a vault  
9 share more than 50% of the same ownership.

10          (m) It is unlawful for any person or entity having an  
11 infuser organization license or any officer, associate,  
12 member, representative or agent of such licensee to offer or  
13 deliver money, or anything else of value, directly or  
14 indirectly to any person having an Early Approval Adult Use  
15 Dispensing Organization License, a Conditional Adult Use  
16 Dispensing Organization License, an Adult Use Dispensing  
17 Organization License, or a medical cannabis dispensing  
18 organization license issued under the Compassionate Use of  
19 Medical Cannabis Program Act, or to any person connected with  
20 or in any way representing, or to any member of the family of,  
21 such person holding an Early Approval Adult Use Dispensing  
22 Organization License, a Conditional Adult Use Dispensing  
23 Organization License, an Adult Use Dispensing Organization  
24 License, or a medical cannabis dispensing organization license  
25 issued under the Compassionate Use of Medical Cannabis Program  
26 Act, or to any stockholders in any corporation engaged the

1 retail sales of cannabis, or to any officer, manager, agent,  
2 or representative of the Early Approval Adult Use Dispensing  
3 Organization License, a Conditional Adult Use Dispensing  
4 Organization License, an Adult Use Dispensing Organization  
5 License, or a medical cannabis dispensing organization license  
6 issued under the Compassionate Use of Medical Cannabis Program  
7 Act to obtain preferential placement within the dispensing  
8 organization, including, without limitation, on shelves and in  
9 display cases where purchasers can view products, or on the  
10 dispensing organization's website.

11 (n) At no time shall an infuser organization or an infuser  
12 agent perform the extraction of cannabis concentrate from  
13 cannabis flower.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (410 ILCS 705/35-30)

16 Sec. 35-30. Infuser agent identification card.

17 (a) The Department of Agriculture shall:

18 (1) establish by rule the information required in an  
19 initial application or renewal application for an agent  
20 identification card submitted under this Act and the  
21 nonrefundable fee to accompany the initial application or  
22 renewal application;

23 (2) verify the information contained in an initial  
24 application or renewal application for an agent  
25 identification card submitted under this Act, and approve

1 or deny an application within 30 days of receiving a  
2 completed initial application or renewal application and  
3 all supporting documentation required by rule;

4 (3) issue an agent identification card to a qualifying  
5 agent within 15 business days of approving the initial  
6 application or renewal application;

7 (4) enter the license number of the infuser where the  
8 agent works; and

9 (5) allow for an electronic initial application and  
10 renewal application process, and provide a confirmation by  
11 electronic or other methods that an application has been  
12 submitted. The Department of Agriculture may by rule  
13 require prospective agents to file their applications by  
14 electronic means and provide notices to the agents by  
15 electronic means.

16 (b) An agent must keep his or her identification card  
17 visible at all times when on the property of a cannabis  
18 business establishment including the cannabis business  
19 establishment for which he or she is an agent.

20 (c) The agent identification cards shall contain the  
21 following:

22 (1) the name of the cardholder;

23 (2) the date of issuance and expiration date of the  
24 identification card;

25 (3) a random 10-digit alphanumeric identification  
26 number containing at least 4 numbers and at least 4

1 letters that is unique to the holder;

2 (4) a photograph of the cardholder; and

3 (5) the legal name of the infuser organization  
4 employing the agent.

5 (d) An agent identification card shall be immediately  
6 returned to the infuser organization of the agent upon  
7 termination of his or her employment.

8 (e) Any agent identification card lost by a transporting  
9 agent shall be reported to the Illinois ~~Department of~~ State  
10 Police and the Department of Agriculture immediately upon  
11 discovery of the loss.

12 (Source: P.A. 101-27, eff. 6-25-19.)

13 (410 ILCS 705/40-10)

14 Sec. 40-10. Application.

15 (a) When applying for a transporting organization license,  
16 the applicant shall submit the following in such form as the  
17 Department of Agriculture may direct:

18 (1) the nonrefundable application fee of \$5,000 or,  
19 after January 1, 2021, another amount as set by rule by the  
20 Department of Agriculture, to be deposited into the  
21 Cannabis Regulation Fund;

22 (2) the legal name of the transporting organization;

23 (3) the proposed physical address of the transporting  
24 organization, if one is proposed;

25 (4) the name, address, social security number, and

1 date of birth of each principal officer and board member  
2 of the transporting organization; each principal officer  
3 and board member shall be at least 21 years of age;

4 (5) the details of any administrative or judicial  
5 proceeding in which any of the principal officers or board  
6 members of the transporting organization (i) pled guilty,  
7 were convicted, fined, or had a registration or license  
8 suspended or revoked, or (ii) managed or served on the  
9 board of a business or non-profit organization that pled  
10 guilty, was convicted, fined, or had a registration or  
11 license suspended or revoked;

12 (6) proposed operating bylaws that include procedures  
13 for the oversight of the transporting organization,  
14 including the development and implementation of an  
15 accurate recordkeeping plan, staffing plan, and security  
16 plan approved by the Illinois ~~Department of~~ State Police  
17 that are in accordance with the rules issued by the  
18 Department of Agriculture under this Act; a physical  
19 inventory shall be performed of all cannabis on a weekly  
20 basis by the transporting organization;

21 (7) verification from the Illinois ~~Department of~~ State  
22 Police that all background checks of the prospective  
23 principal officers, board members, and agents of the  
24 transporting organization have been conducted;

25 (8) a copy of the current local zoning ordinance or  
26 permit and verification that the proposed transporting



1 organization is in compliance with the local zoning rules  
2 and distance limitations established by the local  
3 jurisdiction, if the transporting organization has a  
4 business address;

5 (9) proposed employment practices, in which the  
6 applicant must demonstrate a plan of action to inform,  
7 hire, and educate minorities, women, veterans, and persons  
8 with disabilities, engage in fair labor practices, and  
9 provide worker protections;

10 (10) whether an applicant can demonstrate experience  
11 in or business practices that promote economic empowerment  
12 in Disproportionately Impacted Areas;

13 (11) the number and type of equipment the transporting  
14 organization will use to transport cannabis and  
15 cannabis-infused products;

16 (12) loading, transporting, and unloading plans;

17 (13) a description of the applicant's experience in  
18 the distribution or security business;

19 (14) the identity of every person having a financial  
20 or voting interest of 5% or more in the transporting  
21 organization with respect to which the license is sought,  
22 whether a trust, corporation, partnership, limited  
23 liability company, or sole proprietorship, including the  
24 name and address of each person; and

25 (15) any other information required by rule.

26 (b) Applicants must submit all required information,

1 including the information required in Section 40-35 to the  
2 Department. Failure by an applicant to submit all required  
3 information may result in the application being disqualified.

4 (c) If the Department receives an application with missing  
5 information, the Department of Agriculture may issue a  
6 deficiency notice to the applicant. The applicant shall have  
7 10 calendar days from the date of the deficiency notice to  
8 resubmit the incomplete information. Applications that are  
9 still incomplete after this opportunity to cure will not be  
10 scored and will be disqualified.

11 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

12 (410 ILCS 705/40-25)

13 Sec. 40-25. Transporting organization requirements;  
14 prohibitions.

15 (a) The operating documents of a transporting organization  
16 shall include procedures for the oversight of the transporter,  
17 an inventory monitoring system including a physical inventory  
18 recorded weekly, accurate recordkeeping, and a staffing plan.

19 (b) A transporting organization may not transport cannabis  
20 or cannabis-infused products to any person other than a  
21 cultivation center, a craft grower, an infuser organization, a  
22 dispensing organization, a testing facility, or as otherwise  
23 authorized by rule.

24 (c) All cannabis transported by a transporting  
25 organization must be entered into a data collection system and

1 placed into a cannabis container for transport.

2 (d) Transporters are subject to random inspections by the  
3 Department of Agriculture, the Department of Public Health,  
4 and the Illinois ~~Department of~~ State Police.

5 (e) A transporting organization agent shall notify local  
6 law enforcement, the Illinois ~~Department of~~ State Police, and  
7 the Department of Agriculture within 24 hours of the discovery  
8 of any loss or theft. Notification shall be made by phone, in  
9 person, or by written or electronic communication.

10 (f) No person under the age of 21 years shall be in a  
11 commercial vehicle or trailer transporting cannabis goods.

12 (g) No person or individual who is not a transporting  
13 organization agent shall be in a vehicle while transporting  
14 cannabis goods.

15 (h) Transporters may not use commercial motor vehicles  
16 with a weight rating of over 10,001 pounds.

17 (i) It is unlawful for any person to offer or deliver  
18 money, or anything else of value, directly or indirectly, to  
19 any of the following persons to obtain preferential placement  
20 within the dispensing organization, including, without  
21 limitation, on shelves and in display cases where purchasers  
22 can view products, or on the dispensing organization's  
23 website:

24 (1) a person having a transporting organization  
25 license, or any officer, associate, member,  
26 representative, or agent of the licensee;

1           (2) a person having an Early Applicant Adult Use  
2           Dispensing Organization License, an Adult Use Dispensing  
3           Organization License, or a medical cannabis dispensing  
4           organization license issued under the Compassionate Use of  
5           Medical Cannabis Program Act;

6           (3) a person connected with or in any way  
7           representing, or a member of the family of, a person  
8           holding an Early Applicant Adult Use Dispensing  
9           Organization License, an Adult Use Dispensing Organization  
10          License, or a medical cannabis dispensing organization  
11          license issued under the Compassionate Use of Medical  
12          Cannabis Program Act; or

13          (4) a stockholder, officer, manager, agent, or  
14          representative of a corporation engaged in the retail sale  
15          of cannabis, an Early Applicant Adult Use Dispensing  
16          Organization License, an Adult Use Dispensing Organization  
17          License, or a medical cannabis dispensing organization  
18          license issued under the Compassionate Use of Medical  
19          Cannabis Program Act.

20          (j) A transporting organization agent must keep his or her  
21          identification card visible at all times when on the property  
22          of a cannabis business establishment and during the  
23          transporting of cannabis when acting under his or her duties  
24          as a transportation organization agent. During these times,  
25          the transporting organization agent must also provide the  
26          identification card upon request of any law enforcement

1 officer engaged in his or her official duties.

2 (k) A copy of the transporting organization's registration  
3 and a manifest for the delivery shall be present in any vehicle  
4 transporting cannabis.

5 (l) Cannabis shall be transported so it is not visible or  
6 recognizable from outside the vehicle.

7 (m) A vehicle transporting cannabis must not bear any  
8 markings to indicate the vehicle contains cannabis or bear the  
9 name or logo of the cannabis business establishment.

10 (n) Cannabis must be transported in an enclosed, locked  
11 storage compartment that is secured or affixed to the vehicle.

12 (o) The Department of Agriculture may, by rule, impose any  
13 other requirements or prohibitions on the transportation of  
14 cannabis.

15 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

16 (410 ILCS 705/40-30)

17 Sec. 40-30. Transporting agent identification card.

18 (a) The Department of Agriculture shall:

19 (1) establish by rule the information required in an  
20 initial application or renewal application for an agent  
21 identification card submitted under this Act and the  
22 nonrefundable fee to accompany the initial application or  
23 renewal application;

24 (2) verify the information contained in an initial  
25 application or renewal application for an agent

1 identification card submitted under this Act and approve  
2 or deny an application within 30 days of receiving a  
3 completed initial application or renewal application and  
4 all supporting documentation required by rule;

5 (3) issue an agent identification card to a qualifying  
6 agent within 15 business days of approving the initial  
7 application or renewal application;

8 (4) enter the license number of the transporting  
9 organization where the agent works; and

10 (5) allow for an electronic initial application and  
11 renewal application process, and provide a confirmation by  
12 electronic or other methods that an application has been  
13 submitted. The Department of Agriculture may by rule  
14 require prospective agents to file their applications by  
15 electronic means and provide notices to the agents by  
16 electronic means.

17 (b) An agent must keep his or her identification card  
18 visible at all times when on the property of a cannabis  
19 business establishment, including the cannabis business  
20 establishment for which he or she is an agent.

21 (c) The agent identification cards shall contain the  
22 following:

23 (1) the name of the cardholder;

24 (2) the date of issuance and expiration date of the  
25 identification card;

26 (3) a random 10-digit alphanumeric identification

1 number containing at least 4 numbers and at least 4  
2 letters that is unique to the holder;

3 (4) a photograph of the cardholder; and

4 (5) the legal name of the transporting organization  
5 employing the agent.

6 (d) An agent identification card shall be immediately  
7 returned to the transporting organization of the agent upon  
8 termination of his or her employment.

9 (e) Any agent identification card lost by a transporting  
10 agent shall be reported to the Illinois ~~Department of~~ State  
11 Police and the Department of Agriculture immediately upon  
12 discovery of the loss.

13 (f) An application for an agent identification card shall  
14 be denied if the applicant is delinquent in filing any  
15 required tax returns or paying any amounts owed to the State of  
16 Illinois.

17 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

18 (410 ILCS 705/40-35)

19 Sec. 40-35. Transporting organization background checks.

20 (a) Through the Illinois ~~Department of~~ State Police, the  
21 Department of Agriculture shall conduct a background check of  
22 the prospective principal officers, board members, and agents  
23 of a transporter applying for a license or identification card  
24 under this Act. The Illinois ~~Department of~~ State Police shall  
25 charge a fee set by rule for conducting the criminal history

1 record check, which shall be deposited into the State Police  
2 Services Fund and shall not exceed the actual cost of the  
3 record check. In order to carry out this provision, each  
4 transporting organization's prospective principal officer,  
5 board member, or agent shall submit a full set of fingerprints  
6 to the Illinois ~~Department of~~ State Police for the purpose of  
7 obtaining a State and federal criminal records check. These  
8 fingerprints shall be checked against the fingerprint records  
9 now and hereafter, to the extent allowed by law, filed in the  
10 Illinois ~~Department of~~ State Police and Federal Bureau of  
11 Investigation criminal history records databases. The Illinois  
12 ~~Department of~~ State Police shall furnish, following positive  
13 identification, all conviction information to the Department  
14 of Agriculture.

15 (b) When applying for the initial license or  
16 identification card, the background checks for all prospective  
17 principal officers, board members, and agents shall be  
18 completed before submitting the application to the Department  
19 of Agriculture.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

21 (410 ILCS 705/55-15)

22 Sec. 55-15. Destruction of cannabis.

23 (a) All cannabis byproduct, scrap, and harvested cannabis  
24 not intended for distribution to a dispensing organization  
25 must be destroyed and disposed of under rules adopted by the



1 Department of Agriculture under this Act. Documentation of  
2 destruction and disposal shall be retained at the cultivation  
3 center, craft grower, infuser organization, transporter, or  
4 testing facility as applicable for a period of not less than 5  
5 years.

6 (b) A cultivation center, craft grower, or infuser  
7 organization shall, before destruction, notify the Department  
8 of Agriculture and the Illinois ~~Department of~~ State Police. A  
9 dispensing organization shall, before destruction, notify the  
10 Department of Financial and Professional Regulation and the  
11 Illinois ~~Department of~~ State Police. The Department of  
12 Agriculture may by rule require that an employee of the  
13 Department of Agriculture or the Department of Financial and  
14 Professional Regulation be present during the destruction of  
15 any cannabis byproduct, scrap, and harvested cannabis, as  
16 applicable.

17 (c) The cultivation center, craft grower, infuser  
18 organization, or dispensing organization shall keep a record  
19 of the date of destruction and how much was destroyed.

20 (d) A dispensing organization shall destroy all cannabis,  
21 including cannabis-infused products, not sold to purchasers.  
22 Documentation of destruction and disposal shall be retained at  
23 the dispensing organization for a period of not less than 5  
24 years.

25 (Source: P.A. 101-27, eff. 6-25-19.)

1 (410 ILCS 705/55-30)

2 Sec. 55-30. Confidentiality.

3 (a) Information provided by the cannabis business  
4 establishment licensees or applicants to the Department of  
5 Agriculture, the Department of Public Health, the Department  
6 of Financial and Professional Regulation, the Department of  
7 Commerce and Economic Opportunity, or other agency shall be  
8 limited to information necessary for the purposes of  
9 administering this Act. The information is subject to the  
10 provisions and limitations contained in the Freedom of  
11 Information Act and may be disclosed in accordance with  
12 Section 55-65.

13 (b) The following information received and records kept by  
14 the Department of Agriculture, the Department of Public  
15 Health, the Illinois ~~Department of~~ State Police, and the  
16 Department of Financial and Professional Regulation for  
17 purposes of administering this Article are subject to all  
18 applicable federal privacy laws, are confidential and exempt  
19 from disclosure under the Freedom of Information Act, except  
20 as provided in this Act, and not subject to disclosure to any  
21 individual or public or private entity, except to the  
22 Department of Financial and Professional Regulation, the  
23 Department of Agriculture, the Department of Public Health,  
24 and the Illinois ~~Department of~~ State Police as necessary to  
25 perform official duties under this Article and to the Attorney  
26 General as necessary to enforce the provisions of this Act.

1 The following information received and kept by the Department  
2 of Financial and Professional Regulation or the Department of  
3 Agriculture may be disclosed to the Department of Public  
4 Health, the Department of Agriculture, the Department of  
5 Revenue, the Illinois ~~Department of~~ State Police, or the  
6 Attorney General upon proper request:

7 (1) Applications and renewals, their contents, and  
8 supporting information submitted by or on behalf of  
9 dispensing organizations in compliance with this Article,  
10 including their physical addresses;

11 (2) Any plans, procedures, policies, or other records  
12 relating to dispensing organization security; and

13 (3) Information otherwise exempt from disclosure by  
14 State or federal law.

15 Illinois or national criminal history record information,  
16 or the nonexistence or lack of such information, may not be  
17 disclosed by the Department of Financial and Professional  
18 Regulation or the Department of Agriculture, except as  
19 necessary to the Attorney General to enforce this Act.

20 (c) The name and address of a dispensing organization  
21 licensed under this Act shall be subject to disclosure under  
22 the Freedom of Information Act. The name and cannabis business  
23 establishment address of the person or entity holding each  
24 cannabis business establishment license shall be subject to  
25 disclosure.

26 (d) All information collected by the Department of

1 Financial and Professional Regulation in the course of an  
2 examination, inspection, or investigation of a licensee or  
3 applicant, including, but not limited to, any complaint  
4 against a licensee or applicant filed with the Department and  
5 information collected to investigate any such complaint, shall  
6 be maintained for the confidential use of the Department and  
7 shall not be disclosed, except as otherwise provided in this  
8 Act. A formal complaint against a licensee by the Department  
9 or any disciplinary order issued by the Department against a  
10 licensee or applicant shall be a public record, except as  
11 otherwise provided by law. Complaints from consumers or  
12 members of the general public received regarding a specific,  
13 named licensee or complaints regarding conduct by unlicensed  
14 entities shall be subject to disclosure under the Freedom of  
15 Information Act.

16 (e) The Department of Agriculture, the Illinois Department  
17 ~~of~~ State Police, and the Department of Financial and  
18 Professional Regulation shall not share or disclose any  
19 Illinois or national criminal history record information, or  
20 the nonexistence or lack of such information, to any person or  
21 entity not expressly authorized by this Act.

22 (f) Each Department responsible for licensure under this  
23 Act shall publish on the Department's website a list of the  
24 ownership information of cannabis business establishment  
25 licensees under the Department's jurisdiction. The list shall  
26 include, but is not limited to: the name of the person or

1 entity holding each cannabis business establishment license;  
2 and the address at which the entity is operating under this  
3 Act. This list shall be published and updated monthly.

4 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

5 (410 ILCS 705/55-35)

6 Sec. 55-35. Administrative rulemaking.

7 (a) No later than 180 days after the effective date of this  
8 Act, the Department of Agriculture, the Illinois ~~Department of~~  
9 State Police, the Department of Financial and Professional  
10 Regulation, the Department of Revenue, the Department of  
11 Commerce and Economic Opportunity, and the Treasurer's Office  
12 shall adopt permanent rules in accordance with their  
13 responsibilities under this Act. The Department of  
14 Agriculture, the Illinois ~~Department of~~ State Police, the  
15 Department of Financial and Professional Regulation, the  
16 Department of Revenue, and the Department of Commerce and  
17 Economic Opportunity may adopt rules necessary to regulate  
18 personal cannabis use through the use of emergency rulemaking  
19 in accordance with subsection (gg) of Section 5-45 of the  
20 Illinois Administrative Procedure Act. The General Assembly  
21 finds that the adoption of rules to regulate cannabis use is  
22 deemed an emergency and necessary for the public interest,  
23 safety, and welfare.

24 (b) The Department of Agriculture rules may address, but  
25 are not limited to, the following matters related to

1 cultivation centers, craft growers, infuser organizations, and  
2 transporting organizations with the goal of protecting against  
3 diversion and theft, without imposing an undue burden on the  
4 cultivation centers, craft growers, infuser organizations, or  
5 transporting organizations:

6 (1) oversight requirements for cultivation centers,  
7 craft growers, infuser organizations, and transporting  
8 organizations;

9 (2) recordkeeping requirements for cultivation  
10 centers, craft growers, infuser organizations, and  
11 transporting organizations;

12 (3) security requirements for cultivation centers,  
13 craft growers, infuser organizations, and transporting  
14 organizations, which shall include that each cultivation  
15 center, craft grower, infuser organization, and  
16 transporting organization location must be protected by a  
17 fully operational security alarm system;

18 (4) standards for enclosed, locked facilities under  
19 this Act;

20 (5) procedures for suspending or revoking the  
21 identification cards of agents of cultivation centers,  
22 craft growers, infuser organizations, and transporting  
23 organizations that commit violations of this Act or the  
24 rules adopted under this Section;

25 (6) rules concerning the intrastate transportation of  
26 cannabis from a cultivation center, craft grower, infuser

1 organization, and transporting organization to a  
2 dispensing organization;

3 (7) standards concerning the testing, quality,  
4 cultivation, and processing of cannabis; and

5 (8) any other matters under oversight by the  
6 Department of Agriculture as are necessary for the fair,  
7 impartial, stringent, and comprehensive administration of  
8 this Act.

9 (c) The Department of Financial and Professional  
10 Regulation rules may address, but are not limited to, the  
11 following matters related to dispensing organizations, with  
12 the goal of protecting against diversion and theft, without  
13 imposing an undue burden on the dispensing organizations:

14 (1) oversight requirements for dispensing  
15 organizations;

16 (2) recordkeeping requirements for dispensing  
17 organizations;

18 (3) security requirements for dispensing  
19 organizations, which shall include that each dispensing  
20 organization location must be protected by a fully  
21 operational security alarm system;

22 (4) procedures for suspending or revoking the licenses  
23 of dispensing organization agents that commit violations  
24 of this Act or the rules adopted under this Act;

25 (5) any other matters under oversight by the  
26 Department of Financial and Professional Regulation that

1 are necessary for the fair, impartial, stringent, and  
2 comprehensive administration of this Act.

3 (d) The Department of Revenue rules may address, but are  
4 not limited to, the following matters related to the payment  
5 of taxes by cannabis business establishments:

6 (1) recording of sales;

7 (2) documentation of taxable income and expenses;

8 (3) transfer of funds for the payment of taxes; or

9 (4) any other matter under the oversight of the  
10 Department of Revenue.

11 (e) The Department of Commerce and Economic Opportunity  
12 rules may address, but are not limited to, a loan program or  
13 grant program to assist Social Equity Applicants access the  
14 capital needed to start a cannabis business establishment. The  
15 names of recipients and the amounts of any moneys received  
16 through a loan program or grant program shall be a public  
17 record.

18 (f) The Illinois ~~Department of~~ State Police rules may  
19 address enforcement of its authority under this Act. The  
20 Illinois ~~Department of~~ State Police shall not make rules that  
21 infringe on the exclusive authority of the Department of  
22 Financial and Professional Regulation or the Department of  
23 Agriculture over licensees under this Act.

24 (g) The Department of Human Services shall develop and  
25 disseminate:

26 (1) educational information about the health risks



1 associated with the use of cannabis; and

2 (2) one or more public education campaigns in  
3 coordination with local health departments and community  
4 organizations, including one or more prevention campaigns  
5 directed at children, adolescents, parents, and pregnant  
6 or breastfeeding women, to inform them of the potential  
7 health risks associated with intentional or unintentional  
8 cannabis use.

9 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

10 (410 ILCS 705/55-40)

11 Sec. 55-40. Enforcement.

12 (a) If the Department of Agriculture, Illinois Department  
13 ~~of~~ State Police, Department of Financial and Professional  
14 Regulation, Department of Commerce and Economic Opportunity,  
15 or Department of Revenue fails to adopt rules to implement  
16 this Act within the times provided in this Act, any citizen may  
17 commence a mandamus action in the circuit court to compel the  
18 agencies to perform the actions mandated under Section 55-35.

19 (b) If the Department of Agriculture or the Department of  
20 Financial and Professional Regulation fails to issue a valid  
21 agent identification card in response to a valid initial  
22 application or renewal application submitted under this Act or  
23 fails to issue a verbal or written notice of denial of the  
24 application within 30 days of its submission, the agent  
25 identification card is deemed granted and a copy of the agent

1 identification initial application or renewal application  
2 shall be deemed a valid agent identification card.

3 (c) Authorized employees of State or local law enforcement  
4 agencies shall immediately notify the Department of  
5 Agriculture and the Department of Financial and Professional  
6 Regulation when any person in possession of an agent  
7 identification card has been convicted of or pled guilty to  
8 violating this Act.

9 (Source: P.A. 101-27, eff. 6-25-19.)

10 (410 ILCS 705/55-50)

11 Sec. 55-50. Petition for rehearing. Within 20 days after  
12 the service of any order or decision of the Department of  
13 Public Health, the Department of Agriculture, the Department  
14 of Financial and Professional Regulation, or the Illinois  
15 ~~Department of~~ State Police upon any party to the proceeding,  
16 the party may apply for a rehearing in respect to any matters  
17 determined by them under this Act, except for decisions made  
18 under the Cannabis Cultivation Privilege Tax Law, the Cannabis  
19 Purchaser Excise Tax Law, the County Cannabis Retailers'  
20 Occupation Tax Law, and the Municipal Cannabis Retailers'  
21 Occupation Tax Law, which shall be governed by the provisions  
22 of those Laws. If a rehearing is granted, an agency shall hold  
23 the rehearing and render a decision within 30 days from the  
24 filing of the application for rehearing with the agency. The  
25 time for holding such rehearing and rendering a decision may

1 be extended for a period not to exceed 30 days, for good cause  
2 shown, and by notice in writing to all parties of interest. If  
3 an agency fails to act on the application for rehearing within  
4 30 days, or the date the time for rendering a decision was  
5 extended for good cause shown, the order or decision of the  
6 agency is final. No action for the judicial review of any order  
7 or decision of an agency shall be allowed unless the party  
8 commencing such action has first filed an application for a  
9 rehearing and the agency has acted or failed to act upon the  
10 application. Only one rehearing may be granted by an agency on  
11 application of any one party.

12 (Source: P.A. 101-27, eff. 6-25-19.)

13 (410 ILCS 705/55-55)

14 Sec. 55-55. Review of administrative decisions. All final  
15 administrative decisions of the Department of Public Health,  
16 the Department of Agriculture, the Department of Financial and  
17 Professional Regulation, and the Illinois ~~Department of State~~  
18 Police are subject to judicial review under the Administrative  
19 Review Law and the rules adopted under that Law. The term  
20 "administrative decision" is defined as in Section 3-101 of  
21 the Code of Civil Procedure.

22 (Source: P.A. 101-27, eff. 6-25-19.)

23 (410 ILCS 705/55-80)

24 Sec. 55-80. Annual reports.

1           (a) The Department of Financial and Professional  
2 Regulation shall submit to the General Assembly and Governor a  
3 report, by September 30 of each year, that does not disclose  
4 any information identifying information about cultivation  
5 centers, craft growers, infuser organizations, transporting  
6 organizations, or dispensing organizations, but does contain,  
7 at a minimum, all of the following information for the  
8 previous fiscal year:

9           (1) The number of licenses issued to dispensing  
10 organizations by county, or, in counties with greater than  
11 3,000,000 residents, by zip code;

12           (2) The total number of dispensing organization owners  
13 that are Social Equity Applicants or minority persons,  
14 women, or persons with disabilities as those terms are  
15 defined in the Business Enterprise for Minorities, Women,  
16 and Persons with Disabilities Act;

17           (3) The total number of revenues received from  
18 dispensing organizations, segregated from revenues  
19 received from dispensing organizations under the  
20 Compassionate Use of Medical Cannabis Program Act by  
21 county, separated by source of revenue;

22           (4) The total amount of revenue received from  
23 dispensing organizations that share a premises or majority  
24 ownership with a craft grower;

25           (5) The total amount of revenue received from  
26 dispensing organizations that share a premises or majority

1 ownership with an infuser; and

2 (6) An analysis of revenue generated from taxation,  
3 licensing, and other fees for the State, including  
4 recommendations to change the tax rate applied.

5 (b) The Department of Agriculture shall submit to the  
6 General Assembly and Governor a report, by September 30 of  
7 each year, that does not disclose any information identifying  
8 information about cultivation centers, craft growers, infuser  
9 organizations, transporting organizations, or dispensing  
10 organizations, but does contain, at a minimum, all of the  
11 following information for the previous fiscal year:

12 (1) The number of licenses issued to cultivation  
13 centers, craft growers, infusers, and transporters by  
14 license type, and, in counties with more than 3,000,000  
15 residents, by zip code;

16 (2) The total number of cultivation centers, craft  
17 growers, infusers, and transporters by license type that  
18 are Social Equity Applicants or minority persons, women,  
19 or persons with disabilities as those terms are defined in  
20 the Business Enterprise for Minorities, Women, and Persons  
21 with Disabilities Act;

22 (3) The total amount of revenue received from  
23 cultivation centers, craft growers, infusers, and  
24 transporters, separated by license types and source of  
25 revenue;

26 (4) The total amount of revenue received from craft

1 growers and infusers that share a premises or majority  
2 ownership with a dispensing organization;

3 (5) The total amount of revenue received from craft  
4 growers that share a premises or majority ownership with  
5 an infuser, but do not share a premises or ownership with a  
6 dispensary;

7 (6) The total amount of revenue received from infusers  
8 that share a premises or majority ownership with a craft  
9 grower, but do not share a premises or ownership with a  
10 dispensary;

11 (7) The total amount of revenue received from craft  
12 growers that share a premises or majority ownership with a  
13 dispensing organization, but do not share a premises or  
14 ownership with an infuser;

15 (8) The total amount of revenue received from infusers  
16 that share a premises or majority ownership with a  
17 dispensing organization, but do not share a premises or  
18 ownership with a craft grower;

19 (9) The total amount of revenue received from  
20 transporters; and

21 (10) An analysis of revenue generated from taxation,  
22 licensing, and other fees for the State, including  
23 recommendations to change the tax rate applied.

24 (c) The Illinois ~~Department of~~ State Police shall submit  
25 to the General Assembly and Governor a report, by September 30  
26 of each year that contains, at a minimum, all of the following

1 information for the previous fiscal year:

2 (1) The effect of regulation and taxation of cannabis  
3 on law enforcement resources;

4 (2) The impact of regulation and taxation of cannabis  
5 on highway and waterway safety and rates of impaired  
6 driving or operating, where impairment was determined  
7 based on failure of a field sobriety test;

8 (3) The available and emerging methods for detecting  
9 the metabolites for delta-9-tetrahydrocannabinol in bodily  
10 fluids, including, without limitation, blood and saliva;

11 (4) The effectiveness of current DUI laws and  
12 recommendations for improvements to policy to better  
13 ensure safe highways and fair laws.

14 (d) The Adult Use Cannabis Health Advisory Committee shall  
15 submit to the General Assembly and Governor a report, by  
16 September 30 of each year, that does not disclose any  
17 identifying information about any individuals, but does  
18 contain, at a minimum:

19 (1) Self-reported youth cannabis use, as published in  
20 the most recent Illinois Youth Survey available;

21 (2) Self-reported adult cannabis use, as published in  
22 the most recent Behavioral Risk Factor Surveillance Survey  
23 available;

24 (3) Hospital room admissions and hospital utilization  
25 rates caused by cannabis consumption, including the  
26 presence or detection of other drugs;

1           (4) Overdoses of cannabis and poison control data,  
2 including the presence of other drugs that may have  
3 contributed;

4           (5) Incidents of impaired driving caused by the  
5 consumption of cannabis or cannabis products, including  
6 the presence of other drugs or alcohol that may have  
7 contributed to the impaired driving;

8           (6) Prevalence of infants born testing positive for  
9 cannabis or delta-9-tetrahydrocannabinol, including  
10 demographic and racial information on which infants are  
11 tested;

12           (7) Public perceptions of use and risk of harm;

13           (8) Revenue collected from cannabis taxation and how  
14 that revenue was used;

15           (9) Cannabis retail licenses granted and locations;

16           (10) Cannabis-related arrests; and

17           (11) The number of individuals completing required bud  
18 tender training.

19           (e) Each agency or committee submitting reports under this  
20 Section may consult with one another in the preparation of  
21 each report.

22           (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

23           Section 850. The Radiation Protection Act of 1990 is  
24 amended by changing Section 34 as follows:



1 (420 ILCS 40/34) (from Ch. 111 1/2, par. 210-34)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 34. All intrastate and interstate carriers of  
4 irradiated nuclear reactor fuel in the State of Illinois are  
5 hereby required to notify the Agency 24 hours prior to any  
6 transportation of irradiated nuclear reactor fuel within this  
7 State of the proposed route, the place and time of entry into  
8 the State, and the amount and the source of the fuel. The  
9 Agency shall immediately notify the Illinois State Police,  
10 which shall notify the sheriff of those counties along the  
11 route of such shipment.

12 For the purpose of this subsection, a "carrier" is any  
13 entity charged with transportation of such irradiated reactor  
14 fuel from the nuclear steam-generating facility to a storage  
15 facility.

16 For the purpose of this subsection, "irradiated reactor  
17 fuel" is any nuclear fuel assembly containing fissile-bearing  
18 material that has been irradiated in and removed from a  
19 nuclear reactor facility.

20 (Source: P.A. 94-104, eff. 7-1-05.)

21 Section 865. The Firearm Owners Identification Card Act is  
22 amended by changing Sections 1.1, 2, 3, 3.1, 3.3, 4, 5, 5.1, 6,  
23 8, 8.1, 8.2, 8.3, 9.5, 10, 11, 13.1, 13.2, 13.3, 15a, and 15b  
24 as follows:

1 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

2 Sec. 1.1. For purposes of this Act:

3 "Addicted to narcotics" means a person who has been:

4 (1) convicted of an offense involving the use or  
5 possession of cannabis, a controlled substance, or  
6 methamphetamine within the past year; or

7 (2) determined by the Illinois ~~Department of~~ State  
8 Police to be addicted to narcotics based upon federal law  
9 or federal guidelines.

10 "Addicted to narcotics" does not include possession or use  
11 of a prescribed controlled substance under the direction and  
12 authority of a physician or other person authorized to  
13 prescribe the controlled substance when the controlled  
14 substance is used in the prescribed manner.

15 "Adjudicated as a person with a mental disability" means  
16 the person is the subject of a determination by a court, board,  
17 commission or other lawful authority that the person, as a  
18 result of marked subnormal intelligence, or mental illness,  
19 mental impairment, incompetency, condition, or disease:

20 (1) presents a clear and present danger to himself,  
21 herself, or to others;

22 (2) lacks the mental capacity to manage his or her own  
23 affairs or is adjudicated a person with a disability as  
24 defined in Section 11a-2 of the Probate Act of 1975;

25 (3) is not guilty in a criminal case by reason of  
26 insanity, mental disease or defect;

1           (3.5) is guilty but mentally ill, as provided in  
2           Section 5-2-6 of the Unified Code of Corrections;

3           (4) is incompetent to stand trial in a criminal case;

4           (5) is not guilty by reason of lack of mental  
5           responsibility under Articles 50a and 72b of the Uniform  
6           Code of Military Justice, 10 U.S.C. 850a, 876b;

7           (6) is a sexually violent person under subsection (f)  
8           of Section 5 of the Sexually Violent Persons Commitment  
9           Act;

10          (7) is a sexually dangerous person under the Sexually  
11          Dangerous Persons Act;

12          (8) is unfit to stand trial under the Juvenile Court  
13          Act of 1987;

14          (9) is not guilty by reason of insanity under the  
15          Juvenile Court Act of 1987;

16          (10) is subject to involuntary admission as an  
17          inpatient as defined in Section 1-119 of the Mental Health  
18          and Developmental Disabilities Code;

19          (11) is subject to involuntary admission as an  
20          outpatient as defined in Section 1-119.1 of the Mental  
21          Health and Developmental Disabilities Code;

22          (12) is subject to judicial admission as set forth in  
23          Section 4-500 of the Mental Health and Developmental  
24          Disabilities Code; or

25          (13) is subject to the provisions of the Interstate  
26          Agreements on Sexually Dangerous Persons Act.

1 "Clear and present danger" means a person who:

2 (1) communicates a serious threat of physical violence  
3 against a reasonably identifiable victim or poses a clear  
4 and imminent risk of serious physical injury to himself,  
5 herself, or another person as determined by a physician,  
6 clinical psychologist, or qualified examiner; or

7 (2) demonstrates threatening physical or verbal  
8 behavior, such as violent, suicidal, or assaultive  
9 threats, actions, or other behavior, as determined by a  
10 physician, clinical psychologist, qualified examiner,  
11 school administrator, or law enforcement official.

12 "Clinical psychologist" has the meaning provided in  
13 Section 1-103 of the Mental Health and Developmental  
14 Disabilities Code.

15 "Controlled substance" means a controlled substance or  
16 controlled substance analog as defined in the Illinois  
17 Controlled Substances Act.

18 "Counterfeit" means to copy or imitate, without legal  
19 authority, with intent to deceive.

20 "Federally licensed firearm dealer" means a person who is  
21 licensed as a federal firearms dealer under Section 923 of the  
22 federal Gun Control Act of 1968 (18 U.S.C. 923).

23 "Firearm" means any device, by whatever name known, which  
24 is designed to expel a projectile or projectiles by the action  
25 of an explosion, expansion of gas or escape of gas; excluding,  
26 however:

1 (1) any pneumatic gun, spring gun, paint ball gun, or  
2 B-B gun which expels a single globular projectile not  
3 exceeding .18 inch in diameter or which has a maximum  
4 muzzle velocity of less than 700 feet per second;

5 (1.1) any pneumatic gun, spring gun, paint ball gun,  
6 or B-B gun which expels breakable paint balls containing  
7 washable marking colors;

8 (2) any device used exclusively for signaling  
9 ~~signalling~~ or safety and required or recommended by the  
10 United States Coast Guard or the Interstate Commerce  
11 Commission;

12 (3) any device used exclusively for the firing of stud  
13 cartridges, explosive rivets or similar industrial  
14 ammunition; and

15 (4) an antique firearm (other than a machine-gun)  
16 which, although designed as a weapon, the Illinois  
17 ~~Department of~~ State Police finds by reason of the date of  
18 its manufacture, value, design, and other characteristics  
19 is primarily a collector's item and is not likely to be  
20 used as a weapon.

21 "Firearm ammunition" means any self-contained cartridge or  
22 shotgun shell, by whatever name known, which is designed to be  
23 used or adaptable to use in a firearm; excluding, however:

24 (1) any ammunition exclusively designed for use with a  
25 device used exclusively for signalling or safety and  
26 required or recommended by the United States Coast Guard

1 or the Interstate Commerce Commission; and

2 (2) any ammunition designed exclusively for use with a  
3 stud or rivet driver or other similar industrial  
4 ammunition.

5 "Gun show" means an event or function:

6 (1) at which the sale and transfer of firearms is the  
7 regular and normal course of business and where 50 or more  
8 firearms are displayed, offered, or exhibited for sale,  
9 transfer, or exchange; or

10 (2) at which not less than 10 gun show vendors  
11 display, offer, or exhibit for sale, sell, transfer, or  
12 exchange firearms.

13 "Gun show" includes the entire premises provided for an  
14 event or function, including parking areas for the event or  
15 function, that is sponsored to facilitate the purchase, sale,  
16 transfer, or exchange of firearms as described in this  
17 Section. Nothing in this definition shall be construed to  
18 exclude a gun show held in conjunction with competitive  
19 shooting events at the World Shooting Complex sanctioned by a  
20 national governing body in which the sale or transfer of  
21 firearms is authorized under subparagraph (5) of paragraph (g)  
22 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

23 Unless otherwise expressly stated, "gun show" does not  
24 include training or safety classes, competitive shooting  
25 events, such as rifle, shotgun, or handgun matches, trap,  
26 skeet, or sporting clays shoots, dinners, banquets, raffles,

1 or any other event where the sale or transfer of firearms is  
2 not the primary course of business.

3 "Gun show promoter" means a person who organizes or  
4 operates a gun show.

5 "Gun show vendor" means a person who exhibits, sells,  
6 offers for sale, transfers, or exchanges any firearms at a gun  
7 show, regardless of whether the person arranges with a gun  
8 show promoter for a fixed location from which to exhibit,  
9 sell, offer for sale, transfer, or exchange any firearm.

10 "Involuntarily admitted" has the meaning as prescribed in  
11 Sections 1-119 and 1-119.1 of the Mental Health and  
12 Developmental Disabilities Code.

13 "Mental health facility" means any licensed private  
14 hospital or hospital affiliate, institution, or facility, or  
15 part thereof, and any facility, or part thereof, operated by  
16 the State or a political subdivision thereof which provide  
17 treatment of persons with mental illness and includes all  
18 hospitals, institutions, clinics, evaluation facilities,  
19 mental health centers, colleges, universities, long-term care  
20 facilities, and nursing homes, or parts thereof, which provide  
21 treatment of persons with mental illness whether or not the  
22 primary purpose is to provide treatment of persons with mental  
23 illness.

24 "National governing body" means a group of persons who  
25 adopt rules and formulate policy on behalf of a national  
26 firearm sporting organization.

1 "Patient" means:

2 (1) a person who is admitted as an inpatient or  
3 resident of a public or private mental health facility for  
4 mental health treatment under Chapter III of the Mental  
5 Health and Developmental Disabilities Code as an informal  
6 admission, a voluntary admission, a minor admission, an  
7 emergency admission, or an involuntary admission, unless  
8 the treatment was solely for an alcohol abuse disorder; or

9 (2) a person who voluntarily or involuntarily receives  
10 mental health treatment as an out-patient or is otherwise  
11 provided services by a public or private mental health  
12 facility, and who poses a clear and present danger to  
13 himself, herself, or to others.

14 "Person with a developmental disability" means a person  
15 with a disability which is attributable to any other condition  
16 which results in impairment similar to that caused by an  
17 intellectual disability and which requires services similar to  
18 those required by persons with intellectual disabilities. The  
19 disability must originate before the age of 18 years, be  
20 expected to continue indefinitely, and constitute a  
21 substantial disability. This disability results, in the  
22 professional opinion of a physician, clinical psychologist, or  
23 qualified examiner, in significant functional limitations in 3  
24 or more of the following areas of major life activity:

25 (i) self-care;

26 (ii) receptive and expressive language;



- 1           (iii) learning;  
2           (iv) mobility; or  
3           (v) self-direction.

4           "Person with an intellectual disability" means a person  
5 with a significantly subaverage general intellectual  
6 functioning which exists concurrently with impairment in  
7 adaptive behavior and which originates before the age of 18  
8 years.

9           "Physician" has the meaning as defined in Section 1-120 of  
10 the Mental Health and Developmental Disabilities Code.

11           "Qualified examiner" has the meaning provided in Section  
12 1-122 of the Mental Health and Developmental Disabilities  
13 Code.

14           "Sanctioned competitive shooting event" means a shooting  
15 contest officially recognized by a national or state shooting  
16 sport association, and includes any sight-in or practice  
17 conducted in conjunction with the event.

18           "School administrator" means the person required to report  
19 under the School Administrator Reporting of Mental Health  
20 Clear and Present Danger Determinations Law.

21           "Stun gun or taser" has the meaning ascribed to it in  
22 Section 24-1 of the Criminal Code of 2012.

23           (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
24 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

25           (430 ILCS 65/2) (from Ch. 38, par. 83-2)

1           Sec. 2. Firearm Owner's Identification Card required;  
2 exceptions.

3           (a) (1) No person may acquire or possess any firearm, stun  
4 gun, or taser within this State without having in his or her  
5 possession a Firearm Owner's Identification Card previously  
6 issued in his or her name by the Illinois ~~Department of~~ State  
7 Police under the provisions of this Act.

8           (2) No person may acquire or possess firearm ammunition  
9 within this State without having in his or her possession a  
10 Firearm Owner's Identification Card previously issued in his  
11 or her name by the Illinois ~~Department of~~ State Police under  
12 the provisions of this Act.

13           (b) The provisions of this Section regarding the  
14 possession of firearms, firearm ammunition, stun guns, and  
15 tasers do not apply to:

16           (1) United States Marshals, while engaged in the  
17 operation of their official duties;

18           (2) Members of the Armed Forces of the United States  
19 or the National Guard, while engaged in the operation of  
20 their official duties;

21           (3) Federal officials required to carry firearms,  
22 while engaged in the operation of their official duties;

23           (4) Members of bona fide veterans organizations which  
24 receive firearms directly from the armed forces of the  
25 United States, while using the firearms for ceremonial  
26 purposes with blank ammunition;

1           (5) Nonresident hunters during hunting season, with  
2           valid nonresident hunting licenses and while in an area  
3           where hunting is permitted; however, at all other times  
4           and in all other places these persons must have their  
5           firearms unloaded and enclosed in a case;

6           (6) Those hunters exempt from obtaining a hunting  
7           license who are required to submit their Firearm Owner's  
8           Identification Card when hunting on Department of Natural  
9           Resources owned or managed sites;

10          (7) Nonresidents while on a firing or shooting range  
11          recognized by the Illinois ~~Department of~~ State Police;  
12          however, these persons must at all other times and in all  
13          other places have their firearms unloaded and enclosed in  
14          a case;

15          (8) Nonresidents while at a firearm showing or display  
16          recognized by the Illinois ~~Department of~~ State Police;  
17          however, at all other times and in all other places these  
18          persons must have their firearms unloaded and enclosed in  
19          a case;

20          (9) Nonresidents whose firearms are unloaded and  
21          enclosed in a case;

22          (10) Nonresidents who are currently licensed or  
23          registered to possess a firearm in their resident state;

24          (11) Unemancipated minors while in the custody and  
25          immediate control of their parent or legal guardian or  
26          other person in loco parentis to the minor if the parent or

1 legal guardian or other person in loco parentis to the  
2 minor has a currently valid Firearm Owner's Identification  
3 Card;

4 (12) Color guards of bona fide veterans organizations  
5 or members of bona fide American Legion bands while using  
6 firearms for ceremonial purposes with blank ammunition;

7 (13) Nonresident hunters whose state of residence does  
8 not require them to be licensed or registered to possess a  
9 firearm and only during hunting season, with valid hunting  
10 licenses, while accompanied by, and using a firearm owned  
11 by, a person who possesses a valid Firearm Owner's  
12 Identification Card and while in an area within a  
13 commercial club licensed under the Wildlife Code where  
14 hunting is permitted and controlled, but in no instance  
15 upon sites owned or managed by the Department of Natural  
16 Resources;

17 (14) Resident hunters who are properly authorized to  
18 hunt and, while accompanied by a person who possesses a  
19 valid Firearm Owner's Identification Card, hunt in an area  
20 within a commercial club licensed under the Wildlife Code  
21 where hunting is permitted and controlled;

22 (15) A person who is otherwise eligible to obtain a  
23 Firearm Owner's Identification Card under this Act and is  
24 under the direct supervision of a holder of a Firearm  
25 Owner's Identification Card who is 21 years of age or  
26 older while the person is on a firing or shooting range or

1 is a participant in a firearms safety and training course  
2 recognized by a law enforcement agency or a national,  
3 statewide shooting sports organization; and

4 (16) Competitive shooting athletes whose competition  
5 firearms are sanctioned by the International Olympic  
6 Committee, the International Paralympic Committee, the  
7 International Shooting Sport Federation, or USA Shooting  
8 in connection with such athletes' training for and  
9 participation in shooting competitions at the 2016 Olympic  
10 and Paralympic Games and sanctioned test events leading up  
11 to the 2016 Olympic and Paralympic Games.

12 (c) The provisions of this Section regarding the  
13 acquisition and possession of firearms, firearm ammunition,  
14 stun guns, and tasers do not apply to law enforcement  
15 officials of this or any other jurisdiction, while engaged in  
16 the operation of their official duties.

17 (c-5) The provisions of paragraphs (1) and (2) of  
18 subsection (a) of this Section regarding the possession of  
19 firearms and firearm ammunition do not apply to the holder of a  
20 valid concealed carry license issued under the Firearm  
21 Concealed Carry Act who is in physical possession of the  
22 concealed carry license.

23 (d) Any person who becomes a resident of this State, who is  
24 not otherwise prohibited from obtaining, possessing, or using  
25 a firearm or firearm ammunition, shall not be required to have  
26 a Firearm Owner's Identification Card to possess firearms or

1 firearms ammunition until 60 calendar days after he or she  
2 obtains an Illinois driver's license or Illinois  
3 Identification Card.

4 (Source: P.A. 99-29, eff. 7-10-15.)

5 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

6 Sec. 3. (a) Except as provided in Section 3a, no person may  
7 knowingly transfer, or cause to be transferred, any firearm,  
8 firearm ammunition, stun gun, or taser to any person within  
9 this State unless the transferee with whom he deals displays  
10 either: (1) a currently valid Firearm Owner's Identification  
11 Card which has previously been issued in his or her name by the  
12 Illinois Department of State Police under the provisions of  
13 this Act; or (2) a currently valid license to carry a concealed  
14 firearm which has previously been issued in his or her name by  
15 the Illinois Department of State Police under the Firearm  
16 Concealed Carry Act. In addition, all firearm, stun gun, and  
17 taser transfers by federally licensed firearm dealers are  
18 subject to Section 3.1.

19 (a-5) Any person who is not a federally licensed firearm  
20 dealer and who desires to transfer or sell a firearm while that  
21 person is on the grounds of a gun show must, before selling or  
22 transferring the firearm, request the Illinois Department of  
23 State Police to conduct a background check on the prospective  
24 recipient of the firearm in accordance with Section 3.1.

25 (a-10) Notwithstanding item (2) of subsection (a) of this

1 Section, any person who is not a federally licensed firearm  
2 dealer and who desires to transfer or sell a firearm or  
3 firearms to any person who is not a federally licensed firearm  
4 dealer shall, before selling or transferring the firearms,  
5 contact the Illinois ~~Department of~~ State Police with the  
6 transferee's or purchaser's Firearm Owner's Identification  
7 Card number to determine the validity of the transferee's or  
8 purchaser's Firearm Owner's Identification Card. This  
9 subsection shall not be effective until January 1, 2014. The  
10 Illinois ~~Department of~~ State Police may adopt rules concerning  
11 the implementation of this subsection. The Illinois ~~Department~~  
12 ~~of~~ State Police shall provide the seller or transferor an  
13 approval number if the purchaser's Firearm Owner's  
14 Identification Card is valid. Approvals issued by the  
15 Department for the purchase of a firearm pursuant to this  
16 subsection are valid for 30 days from the date of issue.

17 (a-15) The provisions of subsection (a-10) of this Section  
18 do not apply to:

19 (1) transfers that occur at the place of business of a  
20 federally licensed firearm dealer, if the federally  
21 licensed firearm dealer conducts a background check on the  
22 prospective recipient of the firearm in accordance with  
23 Section 3.1 of this Act and follows all other applicable  
24 federal, State, and local laws as if he or she were the  
25 seller or transferor of the firearm, although the dealer  
26 is not required to accept the firearm into his or her

1 inventory. The purchaser or transferee may be required by  
2 the federally licensed firearm dealer to pay a fee not to  
3 exceed \$10 per firearm, which the dealer may retain as  
4 compensation for performing the functions required under  
5 this paragraph, plus the applicable fees authorized by  
6 Section 3.1;

7 (2) transfers as a bona fide gift to the transferor's  
8 husband, wife, son, daughter, stepson, stepdaughter,  
9 father, mother, stepfather, stepmother, brother, sister,  
10 nephew, niece, uncle, aunt, grandfather, grandmother,  
11 grandson, granddaughter, father-in-law, mother-in-law,  
12 son-in-law, or daughter-in-law;

13 (3) transfers by persons acting pursuant to operation  
14 of law or a court order;

15 (4) transfers on the grounds of a gun show under  
16 subsection (a-5) of this Section;

17 (5) the delivery of a firearm by its owner to a  
18 gunsmith for service or repair, the return of the firearm  
19 to its owner by the gunsmith, or the delivery of a firearm  
20 by a gunsmith to a federally licensed firearms dealer for  
21 service or repair and the return of the firearm to the  
22 gunsmith;

23 (6) temporary transfers that occur while in the home  
24 of the unlicensed transferee, if the unlicensed transferee  
25 is not otherwise prohibited from possessing firearms and  
26 the unlicensed transferee reasonably believes that



1 possession of the firearm is necessary to prevent imminent  
2 death or great bodily harm to the unlicensed transferee;

3 (7) transfers to a law enforcement or corrections  
4 agency or a law enforcement or corrections officer acting  
5 within the course and scope of his or her official duties;

6 (8) transfers of firearms that have been rendered  
7 permanently inoperable to a nonprofit historical society,  
8 museum, or institutional collection; and

9 (9) transfers to a person who is exempt from the  
10 requirement of possessing a Firearm Owner's Identification  
11 Card under Section 2 of this Act.

12 (a-20) The Illinois ~~Department of~~ State Police shall  
13 develop an Internet-based system for individuals to determine  
14 the validity of a Firearm Owner's Identification Card prior to  
15 the sale or transfer of a firearm. The Department shall have  
16 the Internet-based system completed and available for use by  
17 July 1, 2015. The Department shall adopt rules not  
18 inconsistent with this Section to implement this system.

19 (b) Any person within this State who transfers or causes  
20 to be transferred any firearm, stun gun, or taser shall keep a  
21 record of such transfer for a period of 10 years from the date  
22 of transfer. Such record shall contain the date of the  
23 transfer; the description, serial number or other information  
24 identifying the firearm, stun gun, or taser if no serial  
25 number is available; and, if the transfer was completed within  
26 this State, the transferee's Firearm Owner's Identification

1 Card number and any approval number or documentation provided  
2 by the Illinois ~~Department of~~ State Police pursuant to  
3 subsection (a-10) of this Section; if the transfer was not  
4 completed within this State, the record shall contain the name  
5 and address of the transferee. On or after January 1, 2006, the  
6 record shall contain the date of application for transfer of  
7 the firearm. On demand of a peace officer such transferor  
8 shall produce for inspection such record of transfer. If the  
9 transfer or sale took place at a gun show, the record shall  
10 include the unique identification number. Failure to record  
11 the unique identification number or approval number is a petty  
12 offense. For transfers of a firearm, stun gun, or taser made on  
13 or after the effective date of this amendatory Act of the 100th  
14 General Assembly, failure by the private seller to maintain  
15 the transfer records in accordance with this Section is a  
16 Class A misdemeanor for the first offense and a Class 4 felony  
17 for a second or subsequent offense. A transferee shall not be  
18 criminally liable under this Section provided that he or she  
19 provides the Illinois ~~Department of~~ State Police with the  
20 transfer records in accordance with procedures established by  
21 the Department. The Department shall establish, by rule, a  
22 standard form on its website.

23 (b-5) Any resident may purchase ammunition from a person  
24 within or outside of Illinois if shipment is by United States  
25 mail or by a private express carrier authorized by federal law  
26 to ship ammunition. Any resident purchasing ammunition within

1 or outside the State of Illinois must provide the seller with a  
2 copy of his or her valid Firearm Owner's Identification Card  
3 or valid concealed carry license and either his or her  
4 Illinois driver's license or Illinois State Identification  
5 Card prior to the shipment of the ammunition. The ammunition  
6 may be shipped only to an address on either of those 2  
7 documents.

8 (c) The provisions of this Section regarding the transfer  
9 of firearm ammunition shall not apply to those persons  
10 specified in paragraph (b) of Section 2 of this Act.

11 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

12 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

13 Sec. 3.1. Dial up system.

14 (a) The Illinois ~~Department of~~ State Police shall provide  
15 a dial up telephone system or utilize other existing  
16 technology which shall be used by any federally licensed  
17 firearm dealer, gun show promoter, or gun show vendor who is to  
18 transfer a firearm, stun gun, or taser under the provisions of  
19 this Act. The Illinois ~~Department of~~ State Police may utilize  
20 existing technology which allows the caller to be charged a  
21 fee not to exceed \$2. Fees collected by the Illinois  
22 ~~Department of~~ State Police shall be deposited in the State  
23 Police Services Fund and used to provide the service.

24 (b) Upon receiving a request from a federally licensed  
25 firearm dealer, gun show promoter, or gun show vendor, the

1 ~~Illinois Department of~~ State Police shall immediately approve,  
2 or within the time period established by Section 24-3 of the  
3 Criminal Code of 2012 regarding the delivery of firearms, stun  
4 guns, and tasers notify the inquiring dealer, gun show  
5 promoter, or gun show vendor of any objection that would  
6 disqualify the transferee from acquiring or possessing a  
7 firearm, stun gun, or taser. In conducting the inquiry, the  
8 ~~Illinois Department of~~ State Police shall initiate and  
9 complete an automated search of its criminal history record  
10 information files and those of the Federal Bureau of  
11 Investigation, including the National Instant Criminal  
12 Background Check System, and of the files of the Department of  
13 Human Services relating to mental health and developmental  
14 disabilities to obtain any felony conviction or patient  
15 hospitalization information which would disqualify a person  
16 from obtaining or require revocation of a currently valid  
17 Firearm Owner's Identification Card.

18 (c) If receipt of a firearm would not violate Section 24-3  
19 of the Criminal Code of 2012, federal law, or this Act the  
20 ~~Illinois Department of~~ State Police shall:

21 (1) assign a unique identification number to the  
22 transfer; and

23 (2) provide the licensee, gun show promoter, or gun  
24 show vendor with the number.

25 (d) Approvals issued by the ~~Illinois Department of~~ State  
26 Police for the purchase of a firearm are valid for 30 days from

1 the date of issue.

2 (e) (1) The Illinois ~~Department of~~ State Police must act  
3 as the Illinois Point of Contact for the National Instant  
4 Criminal Background Check System.

5 (2) The Illinois ~~Department of~~ State Police and the  
6 Department of Human Services shall, in accordance with State  
7 and federal law regarding confidentiality, enter into a  
8 memorandum of understanding with the Federal Bureau of  
9 Investigation for the purpose of implementing the National  
10 Instant Criminal Background Check System in the State. The  
11 Illinois ~~Department of~~ State Police shall report the name,  
12 date of birth, and physical description of any person  
13 prohibited from possessing a firearm pursuant to the Firearm  
14 Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to  
15 the National Instant Criminal Background Check System Index,  
16 Denied Persons Files.

17 (3) The Illinois ~~Department of~~ State Police shall provide  
18 notice of the disqualification of a person under subsection  
19 (b) of this Section or the revocation of a person's Firearm  
20 Owner's Identification Card under Section 8 or Section 8.2 of  
21 this Act, and the reason for the disqualification or  
22 revocation, to all law enforcement agencies with jurisdiction  
23 to assist with the seizure of the person's Firearm Owner's  
24 Identification Card.

25 (f) The Illinois ~~Department of~~ State Police shall adopt  
26 rules not inconsistent with this Section to implement this

1 system.

2 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

3 (430 ILCS 65/3.3)

4 Sec. 3.3. Report to the local law enforcement agency. The  
5 Illinois ~~Department of~~ State Police must report the name and  
6 address of a person to the local law enforcement agency where  
7 the person resides if the person attempting to purchase a  
8 firearm is disqualified from purchasing a firearm because of  
9 information obtained under subsection (a-10) of Section 3 or  
10 Section 3.1 that would disqualify the person from obtaining a  
11 Firearm Owner's Identification Card under any of subsections  
12 (c) through (n) of Section 8 of this Act.

13 (Source: P.A. 98-508, eff. 8-19-13.)

14 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

15 Sec. 4. Application for Firearm Owner's Identification  
16 Cards.

17 (a) Each applicant for a Firearm Owner's Identification  
18 Card must:

19 (1) Make application on blank forms prepared and  
20 furnished at convenient locations throughout the State by  
21 the Illinois ~~Department of~~ State Police, or by electronic  
22 means, if and when made available by the Illinois  
23 ~~Department of~~ State Police; and

24 (2) Submit evidence to the Illinois ~~Department of~~

1 State Police that:

2 (i) This subparagraph (i) applies through the  
3 180th day following the effective date of this  
4 amendatory Act of the 101st General Assembly. He or  
5 she is 21 years of age or over, or if he or she is  
6 under 21 years of age that he or she has the written  
7 consent of his or her parent or legal guardian to  
8 possess and acquire firearms and firearm ammunition  
9 and that he or she has never been convicted of a  
10 misdemeanor other than a traffic offense or adjudged  
11 delinquent, provided, however, that such parent or  
12 legal guardian is not an individual prohibited from  
13 having a Firearm Owner's Identification Card and files  
14 an affidavit with the Department as prescribed by the  
15 Department stating that he or she is not an individual  
16 prohibited from having a Card;

17 (i-5) This subparagraph (i-5) applies on and after  
18 the 181st day following the effective date of this  
19 amendatory Act of the 101st General Assembly. He or  
20 she is 21 years of age or over, or if he or she is  
21 under 21 years of age that he or she has never been  
22 convicted of a misdemeanor other than a traffic  
23 offense or adjudged delinquent and is an active duty  
24 member of the United States Armed Forces or has the  
25 written consent of his or her parent or legal guardian  
26 to possess and acquire firearms and firearm

1           ammunition, provided, however, that such parent or  
2           legal guardian is not an individual prohibited from  
3           having a Firearm Owner's Identification Card and files  
4           an affidavit with the Department as prescribed by the  
5           Department stating that he or she is not an individual  
6           prohibited from having a Card or the active duty  
7           member of the United States Armed Forces under 21  
8           years of age annually submits proof to the Illinois  
9           ~~Department of~~ State Police, in a manner prescribed by  
10          the Department;

11           (ii) He or she has not been convicted of a felony  
12          under the laws of this or any other jurisdiction;

13           (iii) He or she is not addicted to narcotics;

14           (iv) He or she has not been a patient in a mental  
15          health facility within the past 5 years or, if he or  
16          she has been a patient in a mental health facility more  
17          than 5 years ago submit the certification required  
18          under subsection (u) of Section 8 of this Act;

19           (v) He or she is not a person with an intellectual  
20          disability;

21           (vi) He or she is not an alien who is unlawfully  
22          present in the United States under the laws of the  
23          United States;

24           (vii) He or she is not subject to an existing order  
25          of protection prohibiting him or her from possessing a  
26          firearm;



1 (viii) He or she has not been convicted within the  
2 past 5 years of battery, assault, aggravated assault,  
3 violation of an order of protection, or a  
4 substantially similar offense in another jurisdiction,  
5 in which a firearm was used or possessed;

6 (ix) He or she has not been convicted of domestic  
7 battery, aggravated domestic battery, or a  
8 substantially similar offense in another jurisdiction  
9 committed before, on or after January 1, 2012 (the  
10 effective date of Public Act 97-158). If the applicant  
11 knowingly and intelligently waives the right to have  
12 an offense described in this clause (ix) tried by a  
13 jury, and by guilty plea or otherwise, results in a  
14 conviction for an offense in which a domestic  
15 relationship is not a required element of the offense  
16 but in which a determination of the applicability of  
17 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of  
18 the Code of Criminal Procedure of 1963, an entry by the  
19 court of a judgment of conviction for that offense  
20 shall be grounds for denying the issuance of a Firearm  
21 Owner's Identification Card under this Section;

22 (x) (Blank);

23 (xi) He or she is not an alien who has been  
24 admitted to the United States under a non-immigrant  
25 visa (as that term is defined in Section 101(a) (26) of  
26 the Immigration and Nationality Act (8 U.S.C.

1           1101(a)(26))), or that he or she is an alien who has  
2           been lawfully admitted to the United States under a  
3           non-immigrant visa if that alien is:

4                   (1) admitted to the United States for lawful  
5           hunting or sporting purposes;

6                   (2) an official representative of a foreign  
7           government who is:

8                           (A) accredited to the United States  
9           Government or the Government's mission to an  
10           international organization having its  
11           headquarters in the United States; or

12                           (B) en route to or from another country to  
13           which that alien is accredited;

14                   (3) an official of a foreign government or  
15           distinguished foreign visitor who has been so  
16           designated by the Department of State;

17                   (4) a foreign law enforcement officer of a  
18           friendly foreign government entering the United  
19           States on official business; or

20                   (5) one who has received a waiver from the  
21           Attorney General of the United States pursuant to  
22           18 U.S.C. 922(y)(3);

23                   (xii) He or she is not a minor subject to a  
24           petition filed under Section 5-520 of the Juvenile  
25           Court Act of 1987 alleging that the minor is a  
26           delinquent minor for the commission of an offense that

1 if committed by an adult would be a felony;

2 (xiii) He or she is not an adult who had been  
3 adjudicated a delinquent minor under the Juvenile  
4 Court Act of 1987 for the commission of an offense that  
5 if committed by an adult would be a felony;

6 (xiv) He or she is a resident of the State of  
7 Illinois;

8 (xv) He or she has not been adjudicated as a person  
9 with a mental disability;

10 (xvi) He or she has not been involuntarily  
11 admitted into a mental health facility; and

12 (xvii) He or she is not a person with a  
13 developmental disability; and

14 (3) Upon request by the Illinois ~~Department of~~ State  
15 Police, sign a release on a form prescribed by the  
16 Illinois ~~Department of~~ State Police waiving any right to  
17 confidentiality and requesting the disclosure to the  
18 Illinois ~~Department of~~ State Police of limited mental  
19 health institution admission information from another  
20 state, the District of Columbia, any other territory of  
21 the United States, or a foreign nation concerning the  
22 applicant for the sole purpose of determining whether the  
23 applicant is or was a patient in a mental health  
24 institution and disqualified because of that status from  
25 receiving a Firearm Owner's Identification Card. No mental  
26 health care or treatment records may be requested. The

1 information received shall be destroyed within one year of  
2 receipt.

3 (a-5) Each applicant for a Firearm Owner's Identification  
4 Card who is over the age of 18 shall furnish to the Illinois  
5 ~~Department of~~ State Police either his or her Illinois driver's  
6 license number or Illinois Identification Card number, except  
7 as provided in subsection (a-10).

8 (a-10) Each applicant for a Firearm Owner's Identification  
9 Card, who is employed as a law enforcement officer, an armed  
10 security officer in Illinois, or by the United States Military  
11 permanently assigned in Illinois and who is not an Illinois  
12 resident, shall furnish to the Illinois ~~Department of~~ State  
13 Police his or her driver's license number or state  
14 identification card number from his or her state of residence.  
15 The Illinois ~~Department of~~ State Police may adopt rules to  
16 enforce the provisions of this subsection (a-10).

17 (a-15) If an applicant applying for a Firearm Owner's  
18 Identification Card moves from the residence address named in  
19 the application, he or she shall immediately notify in a form  
20 and manner prescribed by the Illinois ~~Department of~~ State  
21 Police of that change of address.

22 (a-20) Each applicant for a Firearm Owner's Identification  
23 Card shall furnish to the Illinois ~~Department of~~ State Police  
24 his or her photograph. An applicant who is 21 years of age or  
25 older seeking a religious exemption to the photograph  
26 requirement must furnish with the application an approved copy

1 of United States Department of the Treasury Internal Revenue  
2 Service Form 4029. In lieu of a photograph, an applicant  
3 regardless of age seeking a religious exemption to the  
4 photograph requirement shall submit fingerprints on a form and  
5 manner prescribed by the Department with his or her  
6 application.

7 (b) Each application form shall include the following  
8 statement printed in bold type: "Warning: Entering false  
9 information on an application for a Firearm Owner's  
10 Identification Card is punishable as a Class 2 felony in  
11 accordance with subsection (d-5) of Section 14 of the Firearm  
12 Owners Identification Card Act.".

13 (c) Upon such written consent, pursuant to Section 4,  
14 paragraph (a)(2)(i), the parent or legal guardian giving the  
15 consent shall be liable for any damages resulting from the  
16 applicant's use of firearms or firearm ammunition.

17 (Source: P.A. 101-80, eff. 7-12-19.)

18 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

19 Sec. 5. Application and renewal.

20 (a) The Illinois ~~Department of~~ State Police shall either  
21 approve or deny all applications within 30 days from the date  
22 they are received, except as provided in subsection (b) of  
23 this Section, and every applicant found qualified under  
24 Section 8 of this Act by the Department shall be entitled to a  
25 Firearm Owner's Identification Card upon the payment of a \$10

1 fee. Any applicant who is an active duty member of the Armed  
2 Forces of the United States, a member of the Illinois National  
3 Guard, or a member of the Reserve Forces of the United States  
4 is exempt from the application fee. \$6 of each fee derived from  
5 the issuance of Firearm Owner's Identification Cards, or  
6 renewals thereof, shall be deposited in the Wildlife and Fish  
7 Fund in the State Treasury; \$1 of the fee shall be deposited in  
8 the State Police Services Fund and \$3 of the fee shall be  
9 deposited in the State Police Firearm Services Fund.

10 (b) Renewal applications shall be approved or denied  
11 within 60 business days, provided the applicant submitted his  
12 or her renewal application prior to the expiration of his or  
13 her Firearm Owner's Identification Card. If a renewal  
14 application has been submitted prior to the expiration date of  
15 the applicant's Firearm Owner's Identification Card, the  
16 Firearm Owner's Identification Card shall remain valid while  
17 the Department processes the application, unless the person is  
18 subject to or becomes subject to revocation under this Act.  
19 The cost for a renewal application shall be \$10 which shall be  
20 deposited into the State Police Firearm Services Fund.

21 (Source: P.A. 100-906, eff. 1-1-19.)

22 (430 ILCS 65/5.1)

23 Sec. 5.1. State Police Firearm Services Fund. All moneys  
24 remaining in the Firearm Owner's Notification Fund on the  
25 effective date of this amendatory Act of the 98th General

1 Assembly shall be transferred into the State Police Firearm  
2 Services Fund, a special fund created in the State treasury,  
3 to be expended by the Illinois ~~Department of~~ State Police, for  
4 the purposes specified in this Act and Section 2605-595 of the  
5 Illinois ~~Department of~~ State Police Law of the Civil  
6 Administrative Code of Illinois.

7 (Source: P.A. 98-63, eff. 7-9-13.)

8 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

9 Sec. 6. Contents of Firearm Owner's Identification Card.

10 (a) A Firearm Owner's Identification Card, issued by the  
11 Illinois ~~Department of~~ State Police at such places as the  
12 Director of the Illinois State Police ~~Department~~ shall  
13 specify, shall contain the applicant's name, residence, date  
14 of birth, sex, physical description, recent photograph, except  
15 as provided in subsection (c-5), and signature. Each Firearm  
16 Owner's Identification Card must have the expiration date  
17 boldly and conspicuously displayed on the face of the card.  
18 Each Firearm Owner's Identification Card must have printed on  
19 it the following: "CAUTION - This card does not permit bearer  
20 to UNLAWFULLY carry or use firearms." Before December 1, 2002,  
21 the Department may use a person's digital photograph and  
22 signature from his or her Illinois driver's license or  
23 Illinois Identification Card, if available. On and after  
24 December 1, 2002, the Department shall use a person's digital  
25 photograph and signature from his or her Illinois driver's

1 license or Illinois Identification Card, if available. The  
2 Department shall decline to use a person's digital photograph  
3 or signature if the digital photograph or signature is the  
4 result of or associated with fraudulent or erroneous data,  
5 unless otherwise provided by law.

6 (b) A person applying for a Firearm Owner's Identification  
7 Card shall consent to the Illinois ~~Department of~~ State Police  
8 using the applicant's digital driver's license or Illinois  
9 Identification Card photograph, if available, and signature on  
10 the applicant's Firearm Owner's Identification Card. The  
11 Secretary of State shall allow the Illinois ~~Department of~~  
12 State Police access to the photograph and signature for the  
13 purpose of identifying the applicant and issuing to the  
14 applicant a Firearm Owner's Identification Card.

15 (c) The Secretary of State shall conduct a study to  
16 determine the cost and feasibility of creating a method of  
17 adding an identifiable code, background, or other means on the  
18 driver's license or Illinois Identification Card to show that  
19 an individual is not disqualified from owning or possessing a  
20 firearm under State or federal law. The Secretary shall report  
21 the findings of this study 12 months after the effective date  
22 of this amendatory Act of the 92nd General Assembly.

23 (c-5) If a person qualifies for a photograph exemption, in  
24 lieu of a photograph, the Firearm Owner's Identification Card  
25 shall contain a copy of the card holder's fingerprints. Each  
26 Firearm Owner's Identification Card described in this



1 subsection (c-5) must have printed on it the following: "This  
2 card is only valid for firearm purchases through a federally  
3 licensed firearms dealer when presented with photographic  
4 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

5 (Source: P.A. 97-1131, eff. 1-1-13.)

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

7 Sec. 8. Grounds for denial and revocation. The Illinois  
8 ~~Department~~ of State Police has authority to deny an  
9 application for or to revoke and seize a Firearm Owner's  
10 Identification Card previously issued under this Act only if  
11 the Department finds that the applicant or the person to whom  
12 such card was issued is or was at the time of issuance:

13 (a) A person under 21 years of age who has been  
14 convicted of a misdemeanor other than a traffic offense or  
15 adjudged delinquent;

16 (b) This subsection (b) applies through the 180th day  
17 following the effective date of this amendatory Act of the  
18 101st General Assembly. A person under 21 years of age who  
19 does not have the written consent of his parent or  
20 guardian to acquire and possess firearms and firearm  
21 ammunition, or whose parent or guardian has revoked such  
22 written consent, or where such parent or guardian does not  
23 qualify to have a Firearm Owner's Identification Card;

24 (b-5) This subsection (b-5) applies on and after the  
25 181st day following the effective date of this amendatory

1 Act of the 101st General Assembly. A person under 21 years  
2 of age who is not an active duty member of the United  
3 States Armed Forces and does not have the written consent  
4 of his or her parent or guardian to acquire and possess  
5 firearms and firearm ammunition, or whose parent or  
6 guardian has revoked such written consent, or where such  
7 parent or guardian does not qualify to have a Firearm  
8 Owner's Identification Card;

9 (c) A person convicted of a felony under the laws of  
10 this or any other jurisdiction;

11 (d) A person addicted to narcotics;

12 (e) A person who has been a patient of a mental health  
13 facility within the past 5 years or a person who has been a  
14 patient in a mental health facility more than 5 years ago  
15 who has not received the certification required under  
16 subsection (u) of this Section. An active law enforcement  
17 officer employed by a unit of government who is denied,  
18 revoked, or has his or her Firearm Owner's Identification  
19 Card seized under this subsection (e) may obtain relief as  
20 described in subsection (c-5) of Section 10 of this Act if  
21 the officer did not act in a manner threatening to the  
22 officer, another person, or the public as determined by  
23 the treating clinical psychologist or physician, and the  
24 officer seeks mental health treatment;

25 (f) A person whose mental condition is of such a  
26 nature that it poses a clear and present danger to the

1 applicant, any other person or persons or the community;

2 (g) A person who has an intellectual disability;

3 (h) A person who intentionally makes a false statement  
4 in the Firearm Owner's Identification Card application;

5 (i) An alien who is unlawfully present in the United  
6 States under the laws of the United States;

7 (i-5) An alien who has been admitted to the United  
8 States under a non-immigrant visa (as that term is defined  
9 in Section 101(a)(26) of the Immigration and Nationality  
10 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
11 (i-5) does not apply to any alien who has been lawfully  
12 admitted to the United States under a non-immigrant visa  
13 if that alien is:

14 (1) admitted to the United States for lawful  
15 hunting or sporting purposes;

16 (2) an official representative of a foreign  
17 government who is:

18 (A) accredited to the United States Government  
19 or the Government's mission to an international  
20 organization having its headquarters in the United  
21 States; or

22 (B) en route to or from another country to  
23 which that alien is accredited;

24 (3) an official of a foreign government or  
25 distinguished foreign visitor who has been so  
26 designated by the Department of State;

1           (4) a foreign law enforcement officer of a  
2 friendly foreign government entering the United States  
3 on official business; or

4           (5) one who has received a waiver from the  
5 Attorney General of the United States pursuant to 18  
6 U.S.C. 922(y) (3);

7           (j) (Blank);

8           (k) A person who has been convicted within the past 5  
9 years of battery, assault, aggravated assault, violation  
10 of an order of protection, or a substantially similar  
11 offense in another jurisdiction, in which a firearm was  
12 used or possessed;

13           (l) A person who has been convicted of domestic  
14 battery, aggravated domestic battery, or a substantially  
15 similar offense in another jurisdiction committed before,  
16 on or after January 1, 2012 (the effective date of Public  
17 Act 97-158). If the applicant or person who has been  
18 previously issued a Firearm Owner's Identification Card  
19 under this Act knowingly and intelligently waives the  
20 right to have an offense described in this paragraph (l)  
21 tried by a jury, and by guilty plea or otherwise, results  
22 in a conviction for an offense in which a domestic  
23 relationship is not a required element of the offense but  
24 in which a determination of the applicability of 18 U.S.C.  
25 922(g) (9) is made under Section 112A-11.1 of the Code of  
26 Criminal Procedure of 1963, an entry by the court of a

1 judgment of conviction for that offense shall be grounds  
2 for denying an application for and for revoking and  
3 seizing a Firearm Owner's Identification Card previously  
4 issued to the person under this Act;

5 (m) (Blank);

6 (n) A person who is prohibited from acquiring or  
7 possessing firearms or firearm ammunition by any Illinois  
8 State statute or by federal law;

9 (o) A minor subject to a petition filed under Section  
10 5-520 of the Juvenile Court Act of 1987 alleging that the  
11 minor is a delinquent minor for the commission of an  
12 offense that if committed by an adult would be a felony;

13 (p) An adult who had been adjudicated a delinquent  
14 minor under the Juvenile Court Act of 1987 for the  
15 commission of an offense that if committed by an adult  
16 would be a felony;

17 (q) A person who is not a resident of the State of  
18 Illinois, except as provided in subsection (a-10) of  
19 Section 4;

20 (r) A person who has been adjudicated as a person with  
21 a mental disability;

22 (s) A person who has been found to have a  
23 developmental disability;

24 (t) A person involuntarily admitted into a mental  
25 health facility; or

26 (u) A person who has had his or her Firearm Owner's

1 Identification Card revoked or denied under subsection (e)  
2 of this Section or item (iv) of paragraph (2) of  
3 subsection (a) of Section 4 of this Act because he or she  
4 was a patient in a mental health facility as provided in  
5 subsection (e) of this Section, shall not be permitted to  
6 obtain a Firearm Owner's Identification Card, after the  
7 5-year period has lapsed, unless he or she has received a  
8 mental health evaluation by a physician, clinical  
9 psychologist, or qualified examiner as those terms are  
10 defined in the Mental Health and Developmental  
11 Disabilities Code, and has received a certification that  
12 he or she is not a clear and present danger to himself,  
13 herself, or others. The physician, clinical psychologist,  
14 or qualified examiner making the certification and his or  
15 her employer shall not be held criminally, civilly, or  
16 professionally liable for making or not making the  
17 certification required under this subsection, except for  
18 willful or wanton misconduct. This subsection does not  
19 apply to a person whose firearm possession rights have  
20 been restored through administrative or judicial action  
21 under Section 10 or 11 of this Act.

22 Upon revocation of a person's Firearm Owner's  
23 Identification Card, the Illinois ~~Department of~~ State Police  
24 shall provide notice to the person and the person shall comply  
25 with Section 9.5 of this Act.

26 (Source: P.A. 101-80, eff. 7-12-19.)

1 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

2 Sec. 8.1. Notifications to the Illinois ~~Department of~~  
3 State Police.

4 (a) The Circuit Clerk shall, in the form and manner  
5 required by the Supreme Court, notify the Illinois ~~Department~~  
6 ~~of~~ State Police of all final dispositions of cases for which  
7 the Department has received information reported to it under  
8 Sections 2.1 and 2.2 of the Criminal Identification Act.

9 (b) Upon adjudication of any individual as a person with a  
10 mental disability as defined in Section 1.1 of this Act or a  
11 finding that a person has been involuntarily admitted, the  
12 court shall direct the circuit court clerk to immediately  
13 notify the Illinois ~~Department of~~ State Police, Firearm  
14 Owner's Identification (FOID) department, and shall forward a  
15 copy of the court order to the Department.

16 (b-1) Beginning July 1, 2016, and each July 1 and December  
17 30 of every year thereafter, the circuit court clerk shall, in  
18 the form and manner prescribed by the Illinois ~~Department of~~  
19 State Police, notify the Illinois ~~Department of~~ State Police,  
20 Firearm Owner's Identification (FOID) department if the court  
21 has not directed the circuit court clerk to notify the  
22 Illinois ~~Department of~~ State Police, Firearm Owner's  
23 Identification (FOID) department under subsection (b) of this  
24 Section, within the preceding 6 months, because no person has  
25 been adjudicated as a person with a mental disability by the

1 court as defined in Section 1.1 of this Act or if no person has  
2 been involuntarily admitted. The Supreme Court may adopt any  
3 orders or rules necessary to identify the persons who shall be  
4 reported to the Illinois ~~Department of~~ State Police under  
5 subsection (b), or any other orders or rules necessary to  
6 implement the requirements of this Act.

7 (c) The Department of Human Services shall, in the form  
8 and manner prescribed by the Illinois ~~Department of~~ State  
9 Police, report all information collected under subsection (b)  
10 of Section 12 of the Mental Health and Developmental  
11 Disabilities Confidentiality Act for the purpose of  
12 determining whether a person who may be or may have been a  
13 patient in a mental health facility is disqualified under  
14 State or federal law from receiving or retaining a Firearm  
15 Owner's Identification Card, or purchasing a weapon.

16 (d) If a person is determined to pose a clear and present  
17 danger to himself, herself, or to others:

18 (1) by a physician, clinical psychologist, or  
19 qualified examiner, or is determined to have a  
20 developmental disability by a physician, clinical  
21 psychologist, or qualified examiner, whether employed by  
22 the State or privately, then the physician, clinical  
23 psychologist, or qualified examiner shall, within 24 hours  
24 of making the determination, notify the Department of  
25 Human Services that the person poses a clear and present  
26 danger or has a developmental disability; or



1           (2) by a law enforcement official or school  
2 administrator, then the law enforcement official or school  
3 administrator shall, within 24 hours of making the  
4 determination, notify the Illinois ~~Department of~~ State  
5 Police that the person poses a clear and present danger.

6           The Department of Human Services shall immediately update  
7 its records and information relating to mental health and  
8 developmental disabilities, and if appropriate, shall notify  
9 the Illinois ~~Department of~~ State Police in a form and manner  
10 prescribed by the Illinois ~~Department of~~ State Police. The  
11 Illinois ~~Department of~~ State Police shall determine whether to  
12 revoke the person's Firearm Owner's Identification Card under  
13 Section 8 of this Act. Any information disclosed under this  
14 subsection shall remain privileged and confidential, and shall  
15 not be redisclosed, except as required under subsection (e) of  
16 Section 3.1 of this Act, nor used for any other purpose. The  
17 method of providing this information shall guarantee that the  
18 information is not released beyond what is necessary for the  
19 purpose of this Section and shall be provided by rule by the  
20 Department of Human Services. The identity of the person  
21 reporting under this Section shall not be disclosed to the  
22 subject of the report. The physician, clinical psychologist,  
23 qualified examiner, law enforcement official, or school  
24 administrator making the determination and his or her employer  
25 shall not be held criminally, civilly, or professionally  
26 liable for making or not making the notification required

1 under this subsection, except for willful or wanton  
2 misconduct.

3 (e) The Illinois ~~Department of~~ State Police shall adopt  
4 rules to implement this Section.

5 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;  
6 99-143, eff. 7-27-15; 99-696, eff. 7-29-16.)

7 (430 ILCS 65/8.2)

8 Sec. 8.2. Firearm Owner's Identification Card denial or  
9 revocation. The Illinois ~~Department of~~ State Police shall deny  
10 an application or shall revoke and seize a Firearm Owner's  
11 Identification Card previously issued under this Act if the  
12 Department finds that the applicant or person to whom such  
13 card was issued is or was at the time of issuance subject to an  
14 existing order of protection or firearms restraining order.

15 (Source: P.A. 100-607, eff. 1-1-19.)

16 (430 ILCS 65/8.3)

17 Sec. 8.3. Suspension of Firearm Owner's Identification  
18 Card. The Illinois ~~Department of~~ State Police may, by rule in a  
19 manner consistent with the Department's rules concerning  
20 revocation, provide for the suspension of the Firearm Owner's  
21 Identification Card of a person whose Firearm Owner's  
22 Identification Card is subject to revocation and seizure under  
23 this Act for the duration of the disqualification if the  
24 disqualification is not a permanent grounds for revocation of

1 a Firearm Owner's Identification Card under this Act.

2 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

3 (430 ILCS 65/9.5)

4 Sec. 9.5. Revocation of Firearm Owner's Identification  
5 Card.

6 (a) A person who receives a revocation notice under  
7 Section 9 of this Act shall, within 48 hours of receiving  
8 notice of the revocation:

9 (1) surrender his or her Firearm Owner's  
10 Identification Card to the local law enforcement agency  
11 where the person resides. The local law enforcement agency  
12 shall provide the person a receipt and transmit the  
13 Firearm Owner's Identification Card to the Illinois  
14 ~~Department of State Police~~; and

15 (2) complete a Firearm Disposition Record on a form  
16 prescribed by the Illinois ~~Department of State Police~~ and  
17 place his or her firearms in the location or with the  
18 person reported in the Firearm Disposition Record. The  
19 form shall require the person to disclose:

20 (A) the make, model, and serial number of each  
21 firearm owned by or under the custody and control of  
22 the revoked person;

23 (B) the location where each firearm will be  
24 maintained during the prohibited term; and

25 (C) if any firearm will be transferred to the

1 custody of another person, the name, address and  
2 Firearm Owner's Identification Card number of the  
3 transferee.

4 (b) The local law enforcement agency shall provide a copy  
5 of the Firearm Disposition Record to the person whose Firearm  
6 Owner's Identification Card has been revoked and to the  
7 Illinois ~~Department of~~ State Police.

8 (c) If the person whose Firearm Owner's Identification  
9 Card has been revoked fails to comply with the requirements of  
10 this Section, the sheriff or law enforcement agency where the  
11 person resides may petition the circuit court to issue a  
12 warrant to search for and seize the Firearm Owner's  
13 Identification Card and firearms in the possession or under  
14 the custody or control of the person whose Firearm Owner's  
15 Identification Card has been revoked.

16 (d) A violation of subsection (a) of this Section is a  
17 Class A misdemeanor.

18 (e) The observation of a Firearm Owner's Identification  
19 Card in the possession of a person whose Firearm Owner's  
20 Identification Card has been revoked constitutes a sufficient  
21 basis for the arrest of that person for violation of this  
22 Section.

23 (f) Within 30 days after the effective date of this  
24 amendatory Act of the 98th General Assembly, the Illinois  
25 ~~Department of~~ State Police shall provide written notice of the  
26 requirements of this Section to persons whose Firearm Owner's

1 Identification Cards have been revoked, suspended, or expired  
2 and who have failed to surrender their cards to the  
3 Department.

4 (g) A person whose Firearm Owner's Identification Card has  
5 been revoked and who received notice under subsection (f)  
6 shall comply with the requirements of this Section within 48  
7 hours of receiving notice.

8 (Source: P.A. 98-63, eff. 7-9-13.)

9 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

10 Sec. 10. Appeal to director; hearing; relief from firearm  
11 prohibitions.

12 (a) Whenever an application for a Firearm Owner's  
13 Identification Card is denied, whenever the Department fails  
14 to act on an application within 30 days of its receipt, or  
15 whenever such a Card is revoked or seized as provided for in  
16 Section 8 of this Act, the aggrieved party may appeal to the  
17 Director of the Illinois State Police for a hearing upon such  
18 denial, revocation or seizure, unless the denial, revocation,  
19 or seizure was based upon a forcible felony, stalking,  
20 aggravated stalking, domestic battery, any violation of the  
21 Illinois Controlled Substances Act, the Methamphetamine  
22 Control and Community Protection Act, or the Cannabis Control  
23 Act that is classified as a Class 2 or greater felony, any  
24 felony violation of Article 24 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012, or any adjudication as a delinquent

1 minor for the commission of an offense that if committed by an  
2 adult would be a felony, in which case the aggrieved party may  
3 petition the circuit court in writing in the county of his or  
4 her residence for a hearing upon such denial, revocation, or  
5 seizure.

6 (b) At least 30 days before any hearing in the circuit  
7 court, the petitioner shall serve the relevant State's  
8 Attorney with a copy of the petition. The State's Attorney may  
9 object to the petition and present evidence. At the hearing  
10 the court shall determine whether substantial justice has been  
11 done. Should the court determine that substantial justice has  
12 not been done, the court shall issue an order directing the  
13 Illinois Department of State Police to issue a Card. However,  
14 the court shall not issue the order if the petitioner is  
15 otherwise prohibited from obtaining, possessing, or using a  
16 firearm under federal law.

17 (c) Any person prohibited from possessing a firearm under  
18 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
19 acquiring a Firearm Owner's Identification Card under Section  
20 8 of this Act may apply to the Director of the Illinois State  
21 Police or petition the circuit court in the county where the  
22 petitioner resides, whichever is applicable in accordance with  
23 subsection (a) of this Section, requesting relief from such  
24 prohibition and the Director or court may grant such relief if  
25 it is established by the applicant to the court's or  
26 Director's satisfaction that:

1 (0.05) when in the circuit court, the State's Attorney  
2 has been served with a written copy of the petition at  
3 least 30 days before any such hearing in the circuit court  
4 and at the hearing the State's Attorney was afforded an  
5 opportunity to present evidence and object to the  
6 petition;

7 (1) the applicant has not been convicted of a forcible  
8 felony under the laws of this State or any other  
9 jurisdiction within 20 years of the applicant's  
10 application for a Firearm Owner's Identification Card, or  
11 at least 20 years have passed since the end of any period  
12 of imprisonment imposed in relation to that conviction;

13 (2) the circumstances regarding a criminal conviction,  
14 where applicable, the applicant's criminal history and his  
15 reputation are such that the applicant will not be likely  
16 to act in a manner dangerous to public safety;

17 (3) granting relief would not be contrary to the  
18 public interest; and

19 (4) granting relief would not be contrary to federal  
20 law.

21 (c-5) (1) An active law enforcement officer employed by a  
22 unit of government, who is denied, revoked, or has his or her  
23 Firearm Owner's Identification Card seized under subsection  
24 (e) of Section 8 of this Act may apply to the Director of the  
25 Illinois State Police requesting relief if the officer did not  
26 act in a manner threatening to the officer, another person, or

1 the public as determined by the treating clinical psychologist  
2 or physician, and as a result of his or her work is referred by  
3 the employer for or voluntarily seeks mental health evaluation  
4 or treatment by a licensed clinical psychologist,  
5 psychiatrist, or qualified examiner, and:

6 (A) the officer has not received treatment  
7 involuntarily at a mental health facility, regardless of  
8 the length of admission; or has not been voluntarily  
9 admitted to a mental health facility for more than 30 days  
10 and not for more than one incident within the past 5 years;  
11 and

12 (B) the officer has not left the mental institution  
13 against medical advice.

14 (2) The Director of the Illinois State Police shall grant  
15 expedited relief to active law enforcement officers described  
16 in paragraph (1) of this subsection (c-5) upon a determination  
17 by the Director that the officer's possession of a firearm  
18 does not present a threat to themselves, others, or public  
19 safety. The Director shall act on the request for relief  
20 within 30 business days of receipt of:

21 (A) a notarized statement from the officer in the form  
22 prescribed by the Director detailing the circumstances  
23 that led to the hospitalization;

24 (B) all documentation regarding the admission,  
25 evaluation, treatment and discharge from the treating  
26 licensed clinical psychologist or psychiatrist of the



1 officer;

2 (C) a psychological fitness for duty evaluation of the  
3 person completed after the time of discharge; and

4 (D) written confirmation in the form prescribed by the  
5 Director from the treating licensed clinical psychologist  
6 or psychiatrist that the provisions set forth in paragraph  
7 (1) of this subsection (c-5) have been met, the person  
8 successfully completed treatment, and their professional  
9 opinion regarding the person's ability to possess  
10 firearms.

11 (3) Officers eligible for the expedited relief in  
12 paragraph (2) of this subsection (c-5) have the burden of  
13 proof on eligibility and must provide all information  
14 required. The Director may not consider granting expedited  
15 relief until the proof and information is received.

16 (4) "Clinical psychologist", "psychiatrist", and  
17 "qualified examiner" shall have the same meaning as provided  
18 in Chapter I of the Mental Health and Developmental  
19 Disabilities Code.

20 (c-10) (1) An applicant, who is denied, revoked, or has  
21 his or her Firearm Owner's Identification Card seized under  
22 subsection (e) of Section 8 of this Act based upon a  
23 determination of a developmental disability or an intellectual  
24 disability may apply to the Director of the Illinois State  
25 Police requesting relief.

26 (2) The Director shall act on the request for relief

1 within 60 business days of receipt of written certification,  
2 in the form prescribed by the Director, from a physician or  
3 clinical psychologist, or qualified examiner, that the  
4 aggrieved party's developmental disability or intellectual  
5 disability condition is determined by a physician, clinical  
6 psychologist, or qualified to be mild. If a fact-finding  
7 conference is scheduled to obtain additional information  
8 concerning the circumstances of the denial or revocation, the  
9 60 business days the Director has to act shall be tolled until  
10 the completion of the fact-finding conference.

11 (3) The Director may grant relief if the aggrieved party's  
12 developmental disability or intellectual disability is mild as  
13 determined by a physician, clinical psychologist, or qualified  
14 examiner and it is established by the applicant to the  
15 Director's satisfaction that:

16 (A) granting relief would not be contrary to the  
17 public interest; and

18 (B) granting relief would not be contrary to federal  
19 law.

20 (4) The Director may not grant relief if the condition is  
21 determined by a physician, clinical psychologist, or qualified  
22 examiner to be moderate, severe, or profound.

23 (5) The changes made to this Section by this amendatory  
24 Act of the 99th General Assembly apply to requests for relief  
25 pending on or before the effective date of this amendatory  
26 Act, except that the 60-day period for the Director to act on

1 requests pending before the effective date shall begin on the  
2 effective date of this amendatory Act.

3 (d) When a minor is adjudicated delinquent for an offense  
4 which if committed by an adult would be a felony, the court  
5 shall notify the Illinois ~~Department of~~ State Police.

6 (e) The court shall review the denial of an application or  
7 the revocation of a Firearm Owner's Identification Card of a  
8 person who has been adjudicated delinquent for an offense that  
9 if committed by an adult would be a felony if an application  
10 for relief has been filed at least 10 years after the  
11 adjudication of delinquency and the court determines that the  
12 applicant should be granted relief from disability to obtain a  
13 Firearm Owner's Identification Card. If the court grants  
14 relief, the court shall notify the Illinois ~~Department of~~  
15 State Police that the disability has been removed and that the  
16 applicant is eligible to obtain a Firearm Owner's  
17 Identification Card.

18 (f) Any person who is subject to the disabilities of 18  
19 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act  
20 of 1968 because of an adjudication or commitment that occurred  
21 under the laws of this State or who was determined to be  
22 subject to the provisions of subsections (e), (f), or (g) of  
23 Section 8 of this Act may apply to the Illinois ~~Department of~~  
24 State Police requesting relief from that prohibition. The  
25 Director shall grant the relief if it is established by a  
26 preponderance of the evidence that the person will not be

1 likely to act in a manner dangerous to public safety and that  
2 granting relief would not be contrary to the public interest.  
3 In making this determination, the Director shall receive  
4 evidence concerning (i) the circumstances regarding the  
5 firearms disabilities from which relief is sought; (ii) the  
6 petitioner's mental health and criminal history records, if  
7 any; (iii) the petitioner's reputation, developed at a minimum  
8 through character witness statements, testimony, or other  
9 character evidence; and (iv) changes in the petitioner's  
10 condition or circumstances since the disqualifying events  
11 relevant to the relief sought. If relief is granted under this  
12 subsection or by order of a court under this Section, the  
13 Director shall as soon as practicable but in no case later than  
14 15 business days, update, correct, modify, or remove the  
15 person's record in any database that the Illinois Department  
16 ~~of~~ State Police makes available to the National Instant  
17 Criminal Background Check System and notify the United States  
18 Attorney General that the basis for the record being made  
19 available no longer applies. The Illinois Department ~~of~~ State  
20 Police shall adopt rules for the administration of this  
21 Section.

22 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,  
23 eff. 7-20-15.)

24 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

25 Sec. 11. Judicial review of final administrative

1 decisions.

2 (a) All final administrative decisions of the Department  
3 under this Act, except final administrative decisions of the  
4 Director of the Illinois State Police to deny a person's  
5 application for relief under subsection (f) of Section 10 of  
6 this Act, shall be subject to judicial review under the  
7 provisions of the Administrative Review Law, and all  
8 amendments and modifications thereof, and the rules adopted  
9 pursuant thereto. The term "administrative decision" is  
10 defined as in Section 3-101 of the Code of Civil Procedure.

11 (b) Any final administrative decision by the Director of  
12 the Illinois State Police to deny a person's application for  
13 relief under subsection (f) of Section 10 of this Act is  
14 subject to de novo judicial review by the circuit court, and  
15 any party may offer evidence that is otherwise proper and  
16 admissible without regard to whether that evidence is part of  
17 the administrative record.

18 (c) The Director of the Illinois State Police shall submit  
19 a report to the General Assembly on March 1 of each year,  
20 beginning March 1, 1991, listing all final decisions by a  
21 court of this State upholding, reversing, or reversing in part  
22 any administrative decision made by the Illinois ~~Department of~~  
23 State Police.

24 (Source: P.A. 97-1131, eff. 1-1-13.)

25 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

1           Sec. 13.1. Preemption.

2           (a) Except as otherwise provided in the Firearm Concealed  
3 Carry Act and subsections (b) and (c) of this Section, the  
4 provisions of any ordinance enacted by any municipality which  
5 requires registration or imposes greater restrictions or  
6 limitations on the acquisition, possession and transfer of  
7 firearms than are imposed by this Act, are not invalidated or  
8 affected by this Act.

9           (b) Notwithstanding subsection (a) of this Section, the  
10 regulation, licensing, possession, and registration of  
11 handguns and ammunition for a handgun, and the transportation  
12 of any firearm and ammunition by a holder of a valid Firearm  
13 Owner's Identification Card issued by the Illinois Department  
14 ~~of~~ State Police under this Act are exclusive powers and  
15 functions of this State. Any ordinance or regulation, or  
16 portion of that ordinance or regulation, enacted on or before  
17 the effective date of this amendatory Act of the 98th General  
18 Assembly that purports to impose regulations or restrictions  
19 on a holder of a valid Firearm Owner's Identification Card  
20 issued by the Illinois Department ~~of~~ State Police under this  
21 Act in a manner that is inconsistent with this Act, on the  
22 effective date of this amendatory Act of the 98th General  
23 Assembly, shall be invalid in its application to a holder of a  
24 valid Firearm Owner's Identification Card issued by the  
25 Illinois Department ~~of~~ State Police under this Act.

26           (c) Notwithstanding subsection (a) of this Section, the

1 regulation of the possession or ownership of assault weapons  
2 are exclusive powers and functions of this State. Any  
3 ordinance or regulation, or portion of that ordinance or  
4 regulation, that purports to regulate the possession or  
5 ownership of assault weapons in a manner that is inconsistent  
6 with this Act, shall be invalid unless the ordinance or  
7 regulation is enacted on, before, or within 10 days after the  
8 effective date of this amendatory Act of the 98th General  
9 Assembly. Any ordinance or regulation described in this  
10 subsection (c) enacted more than 10 days after the effective  
11 date of this amendatory Act of the 98th General Assembly is  
12 invalid. An ordinance enacted on, before, or within 10 days  
13 after the effective date of this amendatory Act of the 98th  
14 General Assembly may be amended. The enactment or amendment of  
15 ordinances under this subsection (c) are subject to the  
16 submission requirements of Section 13.3. For the purposes of  
17 this subsection, "assault weapons" means firearms designated  
18 by either make or model or by a test or list of cosmetic  
19 features that cumulatively would place the firearm into a  
20 definition of "assault weapon" under the ordinance.

21 (d) For the purposes of this Section, "handgun" has the  
22 meaning ascribed to it in Section 5 of the Firearm Concealed  
23 Carry Act.

24 (e) This Section is a denial and limitation of home rule  
25 powers and functions under subsection (h) of Section 6 of  
26 Article VII of the Illinois Constitution.

1 (Source: P.A. 98-63, eff. 7-9-13.)

2 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

3 Sec. 13.2. Renewal; name or address change; replacement  
4 card. The Illinois ~~Department of~~ State Police shall, 60 days  
5 prior to the expiration of a Firearm Owner's Identification  
6 Card, forward by first class mail to each person whose card is  
7 to expire a notification of the expiration of the card and  
8 instructions for renewal. It is the obligation of the holder  
9 of a Firearm Owner's Identification Card to notify the  
10 Illinois ~~Department of~~ State Police of any address change  
11 since the issuance of the Firearm Owner's Identification Card.  
12 Whenever any person moves from the residence address named on  
13 his or her card, the person shall within 21 calendar days  
14 thereafter notify in a form and manner prescribed by the  
15 Department of his or her old and new residence addresses and  
16 the card number held by him or her. Any person whose legal name  
17 has changed from the name on the card that he or she has been  
18 previously issued must apply for a corrected card within 30  
19 calendar days after the change. The cost for a corrected card  
20 shall be \$5. The cost for replacement of a card which has been  
21 lost, destroyed, or stolen shall be \$5 if the loss,  
22 destruction, or theft of the card is reported to the Illinois  
23 ~~Department of~~ State Police. The fees collected under this  
24 Section shall be deposited into the State Police Firearm  
25 Services Fund.



1 (Source: P.A. 100-906, eff. 1-1-19.)

2 (430 ILCS 65/13.3)

3 Sec. 13.3. Municipal ordinance submission. Within 6 months  
4 after the effective date of this amendatory Act of the 92nd  
5 General Assembly, every municipality must submit to the  
6 Illinois ~~Department of~~ State Police a copy of every ordinance  
7 adopted by the municipality that regulates the acquisition,  
8 possession, sale, or transfer of firearms within the  
9 municipality and must submit, 30 days after adoption, every  
10 such ordinance adopted after its initial submission of  
11 ordinances under this Section. The Illinois ~~Department of~~  
12 State Police shall compile these ordinances and publish them  
13 in a form available to the public free of charge and shall  
14 periodically update this compilation of ordinances in a manner  
15 prescribed by the Director of the Illinois State Police.

16 (Source: P.A. 92-238, eff. 8-3-01.)

17 (430 ILCS 65/15a) (from Ch. 38, par. 83-15a)

18 Sec. 15a. When this amendatory Act enacted by the  
19 Seventy-Sixth General Assembly takes effect the records of the  
20 Department of Public Safety relating to the administration of  
21 the Act amended shall be transferred to the Illinois  
22 ~~Department of~~ State Police. All Firearm Owner's Identification  
23 Cards issued by the Department of Public Safety shall be valid  
24 for the period for which they were issued unless revoked or

1 seized in the manner provided in the Act amended. The Illinois  
2 ~~Department of~~ State Police as the successor to the Department  
3 of Public Safety shall have the rights, powers and duties  
4 provided in, and be subject to the provisions of Sections  
5 5-95, 5-700, and 5-705 of the Departments of State Government  
6 Law ~~(20 ILCS 5/5-95, 5/5-700, and 5/5-705)~~.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (430 ILCS 65/15b)

9 Sec. 15b. Certified abstracts. Any certified abstract  
10 issued by the Director of the Illinois State Police or  
11 transmitted electronically by the Director of the Illinois  
12 State Police under this Section to a court or on request of a  
13 law enforcement agency for the record of a named person as to  
14 the status of the person's Firearm Owner's Identification Card  
15 is prima facie evidence of the facts stated in the certified  
16 abstract and if the name appearing in the abstract is the same  
17 as that of a person named in an information or warrant, the  
18 abstract is prima facie evidence that the person named in the  
19 information or warrant is the same person as the person named  
20 in the abstract and is admissible for any prosecution under  
21 this Act or any other applicable violation of law and may be  
22 admitted as proof of any prior conviction or proof of records,  
23 notices, or orders recorded on individual Firearm Owner's  
24 Identification Card records maintained by the Illinois  
25 ~~Department of~~ State Police.

1 (Source: P.A. 92-839, eff. 8-22-02.)

2 Section 870. The Firearm Concealed Carry Act is amended by  
3 changing Sections 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55,  
4 65, 70, 75, 80, 87, 95, and 105 as follows:

5 (430 ILCS 66/5)

6 Sec. 5. Definitions. As used in this Act:

7 "Applicant" means a person who is applying for a license  
8 to carry a concealed firearm under this Act.

9 "Board" means the Concealed Carry Licensing Review Board.

10 "Concealed firearm" means a loaded or unloaded handgun  
11 carried on or about a person completely or mostly concealed  
12 from view of the public or on or about a person within a  
13 vehicle.

14 ~~"Department" means the Department of State Police.~~

15 "Director" means the Director of the Illinois State  
16 Police.

17 "Handgun" means any device which is designed to expel a  
18 projectile or projectiles by the action of an explosion,  
19 expansion of gas, or escape of gas that is designed to be held  
20 and fired by the use of a single hand. "Handgun" does not  
21 include:

22 (1) a stun gun or taser;

23 (2) a machine gun as defined in item (i) of paragraph

24 (7) of subsection (a) of Section 24-1 of the Criminal Code

1 of 2012;

2 (3) a short-barreled rifle or shotgun as defined in  
3 item (ii) of paragraph (7) of subsection (a) of Section  
4 24-1 of the Criminal Code of 2012; or

5 (4) any pneumatic gun, spring gun, paint ball gun, or  
6 B-B gun which expels a single globular projectile not  
7 exceeding .18 inch in diameter, or which has a maximum  
8 muzzle velocity of less than 700 feet per second, or which  
9 expels breakable paint balls containing washable marking  
10 colors.

11 "Law enforcement agency" means any federal, State, or  
12 local law enforcement agency, including offices of State's  
13 Attorneys and the Office of the Attorney General.

14 "License" means a license issued by the Illinois  
15 ~~Department of~~ State Police to carry a concealed handgun.

16 "Licensee" means a person issued a license to carry a  
17 concealed handgun.

18 "Municipality" has the meaning ascribed to it in Section 1  
19 of Article VII of the Illinois Constitution.

20 "Unit of local government" has the meaning ascribed to it  
21 in Section 1 of Article VII of the Illinois Constitution.

22 (Source: P.A. 98-63, eff. 7-9-13.)

23 (430 ILCS 66/10)

24 Sec. 10. Issuance of licenses to carry a concealed  
25 firearm.

1 (a) The Illinois State Police ~~Department~~ shall issue a  
2 license to carry a concealed firearm under this Act to an  
3 applicant who:

4 (1) meets the qualifications of Section 25 of this  
5 Act;

6 (2) has provided the application and documentation  
7 required in Section 30 of this Act;

8 (3) has submitted the requisite fees; and

9 (4) does not pose a danger to himself, herself, or  
10 others, or a threat to public safety as determined by the  
11 Concealed Carry Licensing Review Board in accordance with  
12 Section 20.

13 (b) The Illinois State Police ~~Department~~ shall issue a  
14 renewal, corrected, or duplicate license as provided in this  
15 Act.

16 (c) A license shall be valid throughout the State for a  
17 period of 5 years from the date of issuance. A license shall  
18 permit the licensee to:

19 (1) carry a loaded or unloaded concealed firearm,  
20 fully concealed or partially concealed, on or about his or  
21 her person; and

22 (2) keep or carry a loaded or unloaded concealed  
23 firearm on or about his or her person within a vehicle.

24 (d) The Illinois State Police ~~Department~~ shall make  
25 applications for a license available no later than 180 days  
26 after the effective date of this Act. The Illinois State

1 ~~Police Department~~ shall establish rules for the availability  
2 and submission of applications in accordance with this Act.

3 (e) An application for a license submitted to the Illinois  
4 State Police Department that contains all the information and  
5 materials required by this Act, including the requisite fee,  
6 shall be deemed completed. Except as otherwise provided in  
7 this Act, no later than 90 days after receipt of a completed  
8 application, the Illinois State Police Department shall issue  
9 or deny the applicant a license.

10 (f) The Illinois State Police Department shall deny the  
11 applicant a license if the applicant fails to meet the  
12 requirements under this Act or the Illinois State Police  
13 Department receives a determination from the Board that the  
14 applicant is ineligible for a license. The Illinois State  
15 Police Department must notify the applicant stating the  
16 grounds for the denial. The notice of denial must inform the  
17 applicant of his or her right to an appeal through  
18 administrative and judicial review.

19 (g) A licensee shall possess a license at all times the  
20 licensee carries a concealed firearm except:

21 (1) when the licensee is carrying or possessing a  
22 concealed firearm on his or her land or in his or her  
23 abode, legal dwelling, or fixed place of business, or on  
24 the land or in the legal dwelling of another person as an  
25 invitee with that person's permission;

26 (2) when the person is authorized to carry a firearm

1 under Section 24-2 of the Criminal Code of 2012, except  
2 subsection (a-5) of that Section; or

3 (3) when the handgun is broken down in a  
4 non-functioning state, is not immediately accessible, or  
5 is unloaded and enclosed in a case.

6 (h) If an officer of a law enforcement agency initiates an  
7 investigative stop, including but not limited to a traffic  
8 stop, of a licensee or a non-resident carrying a concealed  
9 firearm under subsection (e) of Section 40 of this Act, upon  
10 the request of the officer the licensee or non-resident shall  
11 disclose to the officer that he or she is in possession of a  
12 concealed firearm under this Act, or present the license upon  
13 the request of the officer if he or she is a licensee or  
14 present upon the request of the officer evidence under  
15 paragraph (2) of subsection (e) of Section 40 of this Act that  
16 he or she is a non-resident qualified to carry under that  
17 subsection. The disclosure requirement under this subsection  
18 (h) is satisfied if the licensee presents his or her license to  
19 the officer or the non-resident presents to the officer  
20 evidence under paragraph (2) of subsection (e) of Section 40  
21 of this Act that he or she is qualified to carry under that  
22 subsection. Upon the request of the officer, the licensee or  
23 non-resident shall also identify the location of the concealed  
24 firearm and permit the officer to safely secure the firearm  
25 for the duration of the investigative stop. During a traffic  
26 stop, any passenger within the vehicle who is a licensee or a

1 non-resident carrying under subsection (e) of Section 40 of  
2 this Act must comply with the requirements of this subsection  
3 (h).

4 (h-1) If a licensee carrying a firearm or a non-resident  
5 carrying a firearm in a vehicle under subsection (e) of  
6 Section 40 of this Act is contacted by a law enforcement  
7 officer or emergency services personnel, the law enforcement  
8 officer or emergency services personnel may secure the firearm  
9 or direct that it be secured during the duration of the contact  
10 if the law enforcement officer or emergency services personnel  
11 determines that it is necessary for the safety of any person  
12 present, including the law enforcement officer or emergency  
13 services personnel. The licensee or nonresident shall submit  
14 to the order to secure the firearm. When the law enforcement  
15 officer or emergency services personnel have determined that  
16 the licensee or non-resident is not a threat to the safety of  
17 any person present, including the law enforcement officer or  
18 emergency services personnel, and if the licensee or  
19 non-resident is physically and mentally capable of possessing  
20 the firearm, the law enforcement officer or emergency services  
21 personnel shall return the firearm to the licensee or  
22 non-resident before releasing him or her from the scene and  
23 breaking contact. If the licensee or non-resident is  
24 transported for treatment to another location, the firearm  
25 shall be turned over to any peace officer. The peace officer  
26 shall provide a receipt which includes the make, model,



1 caliber, and serial number of the firearm.

2 (i) The Illinois State Police ~~Department~~ shall maintain a  
3 database of license applicants and licensees. The database  
4 shall be available to all federal, State, and local law  
5 enforcement agencies, State's Attorneys, the Attorney General,  
6 and authorized court personnel. Within 180 days after the  
7 effective date of this Act, the database shall be searchable  
8 and provide all information included in the application,  
9 including the applicant's previous addresses within the 10  
10 years prior to the license application and any information  
11 related to violations of this Act. No law enforcement agency,  
12 State's Attorney, Attorney General, or member or staff of the  
13 judiciary shall provide any information to a requester who is  
14 not entitled to it by law.

15 (j) No later than 10 days after receipt of a completed  
16 application, the Illinois State Police ~~Department~~ shall enter  
17 the relevant information about the applicant into the database  
18 under subsection (i) of this Section which is accessible by  
19 law enforcement agencies.

20 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,  
21 eff. 7-10-15.)

22 (430 ILCS 66/15)

23 Sec. 15. Objections by law enforcement agencies.

24 (a) Any law enforcement agency may submit an objection to  
25 a license applicant based upon a reasonable suspicion that the

1 applicant is a danger to himself or herself or others, or a  
2 threat to public safety. The objection shall be made by the  
3 chief law enforcement officer of the law enforcement agency,  
4 or his or her designee, and must include any information  
5 relevant to the objection. If a law enforcement agency submits  
6 an objection within 30 days after the entry of an applicant  
7 into the database, the Illinois State Police ~~Department~~ shall  
8 submit the objection and all information available to the  
9 Board under State and federal law related to the application  
10 to the Board within 10 days of completing all necessary  
11 background checks.

12 (b) If an applicant has 5 or more arrests for any reason,  
13 that have been entered into the Criminal History Records  
14 Information (CHRI) System, within the 7 years preceding the  
15 date of application for a license, or has 3 or more arrests  
16 within the 7 years preceding the date of application for a  
17 license for any combination of gang-related offenses, the  
18 Illinois State Police ~~Department~~ shall object and submit the  
19 applicant's arrest record to the extent the Board is allowed  
20 to receive that information under State and federal law, the  
21 application materials, and any additional information  
22 submitted by a law enforcement agency to the Board. For  
23 purposes of this subsection, "gang-related offense" is an  
24 offense described in Section 12-6.4, Section 24-1.8, Section  
25 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of  
26 subsection (a) of Section 12-6.2, paragraph (2) of subsection

1 (b) of Section 16-30, paragraph (2) of subsection (b) of  
2 Section 31-4, or item (iii) of paragraph (1.5) of subsection  
3 (i) of Section 48-1 of the Criminal Code of 2012.

4 (c) The referral of an objection under this Section to the  
5 Board shall toll the 90-day period for the Illinois State  
6 Police Department to issue or deny the applicant a license  
7 under subsection (e) of Section 10 of this Act, during the  
8 period of review and until the Board issues its decision.

9 (d) If no objection is made by a law enforcement agency or  
10 the Illinois State Police Department under this Section, the  
11 Illinois State Police Department shall process the application  
12 in accordance with this Act.

13 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

14 (430 ILCS 66/20)

15 Sec. 20. Concealed Carry Licensing Review Board.

16 (a) There is hereby created within the Illinois Department  
17 ~~of~~ State Police a Concealed Carry Licensing Review Board to  
18 consider any objection to an applicant's eligibility to obtain  
19 a license under this Act submitted by a law enforcement agency  
20 or the Illinois State Police Department under Section 15 of  
21 this Act. The Board shall consist of 7 commissioners to be  
22 appointed by the Governor, with the advice and consent of the  
23 Senate, with 3 commissioners residing within the First  
24 Judicial District and one commissioner residing within each of  
25 the 4 remaining Judicial Districts. No more than 4

1 commissioners shall be members of the same political party.  
2 The Governor shall designate one commissioner as the  
3 Chairperson. The Board shall consist of:

4 (1) one commissioner with at least 5 years of service  
5 as a federal judge;

6 (2) 2 commissioners with at least 5 years of  
7 experience serving as an attorney with the United States  
8 Department of Justice;

9 (3) 3 commissioners with at least 5 years of  
10 experience as a federal agent or employee with  
11 investigative experience or duties related to criminal  
12 justice under the United States Department of Justice,  
13 Drug Enforcement Administration, Department of Homeland  
14 Security, or Federal Bureau of Investigation; and

15 (4) one member with at least 5 years of experience as a  
16 licensed physician or clinical psychologist with expertise  
17 in the diagnosis and treatment of mental illness.

18 (b) The initial terms of the commissioners shall end on  
19 January 12, 2015. Thereafter, the commissioners shall hold  
20 office for 4 years, with terms expiring on the second Monday in  
21 January of the fourth year. Commissioners may be reappointed.  
22 Vacancies in the office of commissioner shall be filled in the  
23 same manner as the original appointment, for the remainder of  
24 the unexpired term. The Governor may remove a commissioner for  
25 incompetence, neglect of duty, malfeasance, or inability to  
26 serve. Commissioners shall receive compensation in an amount

1 equal to the compensation of members of the Executive Ethics  
2 Commission and may be reimbursed for reasonable expenses  
3 actually incurred in the performance of their Board duties,  
4 from funds appropriated for that purpose.

5 (c) The Board shall meet at the call of the chairperson as  
6 often as necessary to consider objections to applications for  
7 a license under this Act. If necessary to ensure the  
8 participation of a commissioner, the Board shall allow a  
9 commissioner to participate in a Board meeting by electronic  
10 communication. Any commissioner participating electronically  
11 shall be deemed present for purposes of establishing a quorum  
12 and voting.

13 (d) The Board shall adopt rules for the review of  
14 objections and the conduct of hearings. The Board shall  
15 maintain a record of its decisions and all materials  
16 considered in making its decisions. All Board decisions and  
17 voting records shall be kept confidential and all materials  
18 considered by the Board shall be exempt from inspection except  
19 upon order of a court.

20 (e) In considering an objection of a law enforcement  
21 agency or the Illinois State Police ~~Department~~, the Board  
22 shall review the materials received with the objection from  
23 the law enforcement agency or the Illinois State Police  
24 ~~Department~~. By a vote of at least 4 commissioners, the Board  
25 may request additional information from the law enforcement  
26 agency, Illinois State Police ~~Department~~, or the applicant, or

1 the testimony of the law enforcement agency, Illinois State  
2 Police Department, or the applicant. The Board may require  
3 that the applicant submit electronic fingerprints to the  
4 Illinois State Police Department for an updated background  
5 check where the Board determines it lacks sufficient  
6 information to determine eligibility. The Board may only  
7 consider information submitted by the Illinois State Police  
8 Department, a law enforcement agency, or the applicant. The  
9 Board shall review each objection and determine by a majority  
10 of commissioners whether an applicant is eligible for a  
11 license.

12 (f) The Board shall issue a decision within 30 days of  
13 receipt of the objection from the Illinois State Police  
14 Department. However, the Board need not issue a decision  
15 within 30 days if:

16 (1) the Board requests information from the applicant,  
17 including but not limited to electronic fingerprints to be  
18 submitted to the Illinois State Police Department, in  
19 accordance with subsection (e) of this Section, in which  
20 case the Board shall make a decision within 30 days of  
21 receipt of the required information from the applicant;

22 (2) the applicant agrees, in writing, to allow the  
23 Board additional time to consider an objection; or

24 (3) the Board notifies the applicant and the Illinois  
25 State Police Department that the Board needs an additional  
26 30 days to issue a decision.

1 (g) If the Board determines by a preponderance of the  
2 evidence that the applicant poses a danger to himself or  
3 herself or others, or is a threat to public safety, then the  
4 Board shall affirm the objection of the law enforcement agency  
5 or the Illinois State Police ~~Department~~ and shall notify the  
6 Illinois State Police ~~Department~~ that the applicant is  
7 ineligible for a license. If the Board does not determine by a  
8 preponderance of the evidence that the applicant poses a  
9 danger to himself or herself or others, or is a threat to  
10 public safety, then the Board shall notify the Illinois State  
11 Police ~~Department~~ that the applicant is eligible for a  
12 license.

13 (h) Meetings of the Board shall not be subject to the Open  
14 Meetings Act and records of the Board shall not be subject to  
15 the Freedom of Information Act.

16 (i) The Board shall report monthly to the Governor and the  
17 General Assembly on the number of objections received and  
18 provide details of the circumstances in which the Board has  
19 determined to deny licensure based on law enforcement or  
20 Illinois State Police ~~Department~~ objections under Section 15  
21 of this Act. The report shall not contain any identifying  
22 information about the applicants.

23 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

24 (430 ILCS 66/25)

25 Sec. 25. Qualifications for a license.

1           The Illinois State Police ~~Department~~ shall issue a license  
2 to an applicant completing an application in accordance with  
3 Section 30 of this Act if the person:

4           (1) is at least 21 years of age;

5           (2) has a currently valid Firearm Owner's  
6 Identification Card and at the time of application meets  
7 the requirements for the issuance of a Firearm Owner's  
8 Identification Card and is not prohibited under the  
9 Firearm Owners Identification Card Act or federal law from  
10 possessing or receiving a firearm;

11           (3) has not been convicted or found guilty in this  
12 State or in any other state of:

13           (A) a misdemeanor involving the use or threat of  
14 physical force or violence to any person within the 5  
15 years preceding the date of the license application;  
16 or

17           (B) 2 or more violations related to driving while  
18 under the influence of alcohol, other drug or drugs,  
19 intoxicating compound or compounds, or any combination  
20 thereof, within the 5 years preceding the date of the  
21 license application;

22           (4) is not the subject of a pending arrest warrant,  
23 prosecution, or proceeding for an offense or action that  
24 could lead to disqualification to own or possess a  
25 firearm;

26           (5) has not been in residential or court-ordered



1 treatment for alcoholism, alcohol detoxification, or drug  
2 treatment within the 5 years immediately preceding the  
3 date of the license application; and

4 (6) has completed firearms training and any education  
5 component required under Section 75 of this Act.

6 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

7 (430 ILCS 66/30)

8 Sec. 30. Contents of license application.

9 (a) The license application shall be in writing, under  
10 penalty of perjury, on a standard form adopted by the Illinois  
11 State Police Department and shall be accompanied by the  
12 documentation required in this Section and the applicable fee.  
13 Each application form shall include the following statement  
14 printed in bold type: "Warning: Entering false information on  
15 this form is punishable as perjury under Section 32-2 of the  
16 Criminal Code of 2012."

17 (b) The application shall contain the following:

18 (1) the applicant's name, current address, date and  
19 year of birth, place of birth, height, weight, hair color,  
20 eye color, maiden name or any other name the applicant has  
21 used or identified with, and any address where the  
22 applicant resided for more than 30 days within the 10  
23 years preceding the date of the license application;

24 (2) the applicant's valid driver's license number or  
25 valid state identification card number;

1           (3) a waiver of the applicant's privacy and  
2           confidentiality rights and privileges under all federal  
3           and state laws, including those limiting access to  
4           juvenile court, criminal justice, psychological, or  
5           psychiatric records or records relating to any  
6           institutionalization of the applicant, and an affirmative  
7           request that a person having custody of any of these  
8           records provide it or information concerning it to the  
9           Illinois State Police Department. The waiver only applies  
10          to records sought in connection with determining whether  
11          the applicant qualifies for a license to carry a concealed  
12          firearm under this Act, or whether the applicant remains  
13          in compliance with the Firearm Owners Identification Card  
14          Act;

15          (4) an affirmation that the applicant possesses a  
16          currently valid Firearm Owner's Identification Card and  
17          card number if possessed or notice the applicant is  
18          applying for a Firearm Owner's Identification Card in  
19          conjunction with the license application;

20          (5) an affirmation that the applicant has not been  
21          convicted or found guilty of:

22                  (A) a felony;

23                  (B) a misdemeanor involving the use or threat of  
24                  physical force or violence to any person within the 5  
25                  years preceding the date of the application; or

26                  (C) 2 or more violations related to driving while

1 under the influence of alcohol, other drug or drugs,  
2 intoxicating compound or compounds, or any combination  
3 thereof, within the 5 years preceding the date of the  
4 license application; and

5 (6) whether the applicant has failed a drug test for a  
6 drug for which the applicant did not have a prescription,  
7 within the previous year, and if so, the provider of the  
8 test, the specific substance involved, and the date of the  
9 test;

10 (7) written consent for the Illinois State Police  
11 ~~Department~~ to review and use the applicant's Illinois  
12 digital driver's license or Illinois identification card  
13 photograph and signature;

14 (8) a full set of fingerprints submitted to the  
15 Illinois State Police ~~Department~~ in electronic format,  
16 provided the Illinois State Police ~~Department~~ may accept  
17 an application submitted without a set of fingerprints in  
18 which case the Illinois State Police ~~Department~~ shall be  
19 granted 30 days in addition to the 90 days provided under  
20 subsection (e) of Section 10 of this Act to issue or deny a  
21 license;

22 (9) a head and shoulder color photograph in a size  
23 specified by the Illinois State Police ~~Department~~ taken  
24 within the 30 days preceding the date of the license  
25 application; and

26 (10) a photocopy of any certificates or other evidence

1 of compliance with the training requirements under this  
2 Act.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

4 (430 ILCS 66/35)

5 Sec. 35. Investigation of the applicant.

6 The Illinois State Police ~~Department~~ shall conduct a  
7 background check of the applicant to ensure compliance with  
8 the requirements of this Act and all federal, State, and local  
9 laws. The background check shall include a search of the  
10 following:

11 (1) the National Instant Criminal Background Check  
12 System of the Federal Bureau of Investigation;

13 (2) all available state and local criminal history  
14 record information files, including records of juvenile  
15 adjudications;

16 (3) all available federal, state, and local records  
17 regarding wanted persons;

18 (4) all available federal, state, and local records of  
19 domestic violence restraining and protective orders;

20 (5) the files of the Department of Human Services  
21 relating to mental health and developmental disabilities;  
22 and

23 (6) all other available records of a federal, state,  
24 or local agency or other public entity in any jurisdiction  
25 likely to contain information relevant to whether the

1 applicant is prohibited from purchasing, possessing, or  
2 carrying a firearm under federal, state, or local law.

3 Fingerprints collected under Section 30 shall be checked  
4 against the Illinois ~~Department of~~ State Police and Federal  
5 Bureau of Investigation criminal history record databases now  
6 and hereafter filed. The Illinois State Police ~~Department~~  
7 shall charge applicants a fee for conducting the criminal  
8 history records check, which shall be deposited in the State  
9 Police Services Fund and shall not exceed the actual cost of  
10 the records check.

11 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

12 (430 ILCS 66/40)

13 Sec. 40. Non-resident license applications.

14 (a) For the purposes of this Section, "non-resident" means  
15 a person who has not resided within this State for more than 30  
16 days and resides in another state or territory.

17 (b) The Illinois State Police ~~Department~~ shall by rule  
18 allow for non-resident license applications from any state or  
19 territory of the United States with laws related to firearm  
20 ownership, possession, and carrying, that are substantially  
21 similar to the requirements to obtain a license under this  
22 Act.

23 (c) A resident of a state or territory approved by the  
24 Illinois State Police ~~Department~~ under subsection (b) of this  
25 Section may apply for a non-resident license. The applicant

1 shall apply to the Illinois State Police ~~Department~~ and must  
2 meet all of the qualifications established in Section 25 of  
3 this Act, except for the Illinois residency requirement in  
4 item (xiv) of paragraph (2) of subsection (a) of Section 4 of  
5 the Firearm Owners Identification Card Act. The applicant  
6 shall submit:

7 (1) the application and documentation required under  
8 Section 30 of this Act and the applicable fee;

9 (2) a notarized document stating that the applicant:

10 (A) is eligible under federal law and the laws of  
11 his or her state or territory of residence to own or  
12 possess a firearm;

13 (B) if applicable, has a license or permit to  
14 carry a firearm or concealed firearm issued by his or  
15 her state or territory of residence and attach a copy  
16 of the license or permit to the application;

17 (C) understands Illinois laws pertaining to the  
18 possession and transport of firearms; and

19 (D) acknowledges that the applicant is subject to  
20 the jurisdiction of the Illinois State Police  
21 ~~Department~~ and Illinois courts for any violation of  
22 this Act;

23 (3) a photocopy of any certificates or other evidence  
24 of compliance with the training requirements under Section  
25 75 of this Act; and

26 (4) a head and shoulder color photograph in a size

1 specified by the Illinois State Police ~~Department~~ taken  
2 within the 30 days preceding the date of the application.

3 (d) In lieu of an Illinois driver's license or Illinois  
4 identification card, a non-resident applicant shall provide  
5 similar documentation from his or her state or territory of  
6 residence. In lieu of a valid Firearm Owner's Identification  
7 Card, the applicant shall submit documentation and information  
8 required by the Illinois State Police ~~Department~~ to obtain a  
9 Firearm Owner's Identification Card, including an affidavit  
10 that the non-resident meets the mental health standards to  
11 obtain a firearm under Illinois law, and the Illinois State  
12 Police ~~Department~~ shall ensure that the applicant would meet  
13 the eligibility criteria to obtain a Firearm Owner's  
14 Identification card if he or she was a resident of this State.

15 (e) Nothing in this Act shall prohibit a non-resident from  
16 transporting a concealed firearm within his or her vehicle in  
17 Illinois, if the concealed firearm remains within his or her  
18 vehicle and the non-resident:

19 (1) is not prohibited from owning or possessing a  
20 firearm under federal law;

21 (2) is eligible to carry a firearm in public under the  
22 laws of his or her state or territory of residence, as  
23 evidenced by the possession of a concealed carry license  
24 or permit issued by his or her state of residence, if  
25 applicable; and

26 (3) is not in possession of a license under this Act.

1           If the non-resident leaves his or her vehicle unattended,  
2 he or she shall store the firearm within a locked vehicle or  
3 locked container within the vehicle in accordance with  
4 subsection (b) of Section 65 of this Act.

5           (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,  
6 eff. 7-20-15.)

7           (430 ILCS 66/45)

8           Sec. 45. Civil immunity; Board, employees, and agents. The  
9 Board, Illinois State Police Department, local law enforcement  
10 agency, or the employees and agents of the Board, Illinois  
11 State Police Department, or local law enforcement agency  
12 participating in the licensing process under this Act shall  
13 not be held liable for damages in any civil action arising from  
14 alleged wrongful or improper granting, denying, renewing,  
15 revoking, suspending, or failing to grant, deny, renew,  
16 revoke, or suspend a license under this Act, except for  
17 willful or wanton misconduct.

18           (Source: P.A. 98-63, eff. 7-9-13.)

19           (430 ILCS 66/50)

20           Sec. 50. License renewal.

21           (a) This subsection (a) applies through the 180th day  
22 following the effective date of this amendatory Act of the  
23 101st General Assembly. Applications for renewal of a license  
24 shall be made to the Illinois State Police Department. A



1 license shall be renewed for a period of 5 years upon receipt  
2 of a completed renewal application, completion of 3 hours of  
3 training required under Section 75 of this Act, payment of the  
4 applicable renewal fee, and completion of an investigation  
5 under Section 35 of this Act. The renewal application shall  
6 contain the information required in Section 30 of this Act,  
7 except that the applicant need not resubmit a full set of  
8 fingerprints.

9 (b) This subsection (b) applies on and after the 181st day  
10 following the effective date of this amendatory Act of the  
11 101st General Assembly. Applications for renewal of a license  
12 shall be made to the Illinois State Police ~~Department~~. A  
13 license shall be renewed for a period of 5 years from the date  
14 of expiration on the applicant's current license upon the  
15 receipt of a completed renewal application, completion of 3  
16 hours of training required under Section 75 of this Act,  
17 payment of the applicable renewal fee, and completion of an  
18 investigation under Section 35 of this Act. The renewal  
19 application shall contain the information required in Section  
20 30 of this Act, except that the applicant need not resubmit a  
21 full set of fingerprints.

22 (Source: P.A. 101-80, eff. 7-12-19.)

23 (430 ILCS 66/55)

24 Sec. 55. Change of address or name; lost, destroyed, or  
25 stolen licenses.

1 (a) A licensee shall notify the Illinois State Police  
2 ~~Department~~ within 30 days of moving or changing residence or  
3 any change of name. The licensee shall submit the requisite  
4 fee and the Illinois State Police ~~Department~~ may require a  
5 notarized statement that the licensee has changed his or her  
6 residence or his or her name, including the prior and current  
7 address or name and the date the applicant moved or changed his  
8 or her name.

9 (b) A licensee shall notify the Illinois State Police  
10 ~~Department~~ within 10 days of discovering that a license has  
11 been lost, destroyed, or stolen. A lost, destroyed, or stolen  
12 license is invalid. To request a replacement license, the  
13 licensee shall submit:

14 (1) a notarized statement that the licensee no longer  
15 possesses the license, and that it was lost, destroyed, or  
16 stolen;

17 (2) if applicable, a copy of a police report stating  
18 that the license was stolen; and

19 (3) the requisite fee.

20 (c) A violation of this Section is a petty offense with a  
21 fine of \$150 which shall be deposited into the Mental Health  
22 Reporting Fund.

23 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

24 (430 ILCS 66/65)

25 Sec. 65. Prohibited areas.

1 (a) A licensee under this Act shall not knowingly carry a  
2 firearm on or into:

3 (1) Any building, real property, and parking area  
4 under the control of a public or private elementary or  
5 secondary school.

6 (2) Any building, real property, and parking area  
7 under the control of a pre-school or child care facility,  
8 including any room or portion of a building under the  
9 control of a pre-school or child care facility. Nothing in  
10 this paragraph shall prevent the operator of a child care  
11 facility in a family home from owning or possessing a  
12 firearm in the home or license under this Act, if no child  
13 under child care at the home is present in the home or the  
14 firearm in the home is stored in a locked container when a  
15 child under child care at the home is present in the home.

16 (3) Any building, parking area, or portion of a  
17 building under the control of an officer of the executive  
18 or legislative branch of government, provided that nothing  
19 in this paragraph shall prohibit a licensee from carrying  
20 a concealed firearm onto the real property, bikeway, or  
21 trail in a park regulated by the Department of Natural  
22 Resources or any other designated public hunting area or  
23 building where firearm possession is permitted as  
24 established by the Department of Natural Resources under  
25 Section 1.8 of the Wildlife Code.

26 (4) Any building designated for matters before a

1 circuit court, appellate court, or the Supreme Court, or  
2 any building or portion of a building under the control of  
3 the Supreme Court.

4 (5) Any building or portion of a building under the  
5 control of a unit of local government.

6 (6) Any building, real property, and parking area  
7 under the control of an adult or juvenile detention or  
8 correctional institution, prison, or jail.

9 (7) Any building, real property, and parking area  
10 under the control of a public or private hospital or  
11 hospital affiliate, mental health facility, or nursing  
12 home.

13 (8) Any bus, train, or form of transportation paid for  
14 in whole or in part with public funds, and any building,  
15 real property, and parking area under the control of a  
16 public transportation facility paid for in whole or in  
17 part with public funds.

18 (9) Any building, real property, and parking area  
19 under the control of an establishment that serves alcohol  
20 on its premises, if more than 50% of the establishment's  
21 gross receipts within the prior 3 months is from the sale  
22 of alcohol. The owner of an establishment who knowingly  
23 fails to prohibit concealed firearms on its premises as  
24 provided in this paragraph or who knowingly makes a false  
25 statement or record to avoid the prohibition on concealed  
26 firearms under this paragraph is subject to the penalty

1 under subsection (c-5) of Section 10-1 of the Liquor  
2 Control Act of 1934.

3 (10) Any public gathering or special event conducted  
4 on property open to the public that requires the issuance  
5 of a permit from the unit of local government, provided  
6 this prohibition shall not apply to a licensee who must  
7 walk through a public gathering in order to access his or  
8 her residence, place of business, or vehicle.

9 (11) Any building or real property that has been  
10 issued a Special Event Retailer's license as defined in  
11 Section 1-3.17.1 of the Liquor Control Act during the time  
12 designated for the sale of alcohol by the Special Event  
13 Retailer's license, or a Special use permit license as  
14 defined in subsection (q) of Section 5-1 of the Liquor  
15 Control Act during the time designated for the sale of  
16 alcohol by the Special use permit license.

17 (12) Any public playground.

18 (13) Any public park, athletic area, or athletic  
19 facility under the control of a municipality or park  
20 district, provided nothing in this Section shall prohibit  
21 a licensee from carrying a concealed firearm while on a  
22 trail or bikeway if only a portion of the trail or bikeway  
23 includes a public park.

24 (14) Any real property under the control of the Cook  
25 County Forest Preserve District.

26 (15) Any building, classroom, laboratory, medical

1 clinic, hospital, artistic venue, athletic venue,  
2 entertainment venue, officially recognized  
3 university-related organization property, whether owned or  
4 leased, and any real property, including parking areas,  
5 sidewalks, and common areas under the control of a public  
6 or private community college, college, or university.

7 (16) Any building, real property, or parking area  
8 under the control of a gaming facility licensed under the  
9 Illinois Gambling Act or the Illinois Horse Racing Act of  
10 1975, including an inter-track wagering location licensee.

11 (17) Any stadium, arena, or the real property or  
12 parking area under the control of a stadium, arena, or any  
13 collegiate or professional sporting event.

14 (18) Any building, real property, or parking area  
15 under the control of a public library.

16 (19) Any building, real property, or parking area  
17 under the control of an airport.

18 (20) Any building, real property, or parking area  
19 under the control of an amusement park.

20 (21) Any building, real property, or parking area  
21 under the control of a zoo or museum.

22 (22) Any street, driveway, parking area, property,  
23 building, or facility, owned, leased, controlled, or used  
24 by a nuclear energy, storage, weapons, or development site  
25 or facility regulated by the federal Nuclear Regulatory  
26 Commission. The licensee shall not under any circumstance

1 store a firearm or ammunition in his or her vehicle or in a  
2 compartment or container within a vehicle located anywhere  
3 in or on the street, driveway, parking area, property,  
4 building, or facility described in this paragraph.

5 (23) Any area where firearms are prohibited under  
6 federal law.

7 (a-5) Nothing in this Act shall prohibit a public or  
8 private community college, college, or university from:

9 (1) prohibiting persons from carrying a firearm within  
10 a vehicle owned, leased, or controlled by the college or  
11 university;

12 (2) developing resolutions, regulations, or policies  
13 regarding student, employee, or visitor misconduct and  
14 discipline, including suspension and expulsion;

15 (3) developing resolutions, regulations, or policies  
16 regarding the storage or maintenance of firearms, which  
17 must include designated areas where persons can park  
18 vehicles that carry firearms; and

19 (4) permitting the carrying or use of firearms for the  
20 purpose of instruction and curriculum of officially  
21 recognized programs, including but not limited to military  
22 science and law enforcement training programs, or in any  
23 designated area used for hunting purposes or target  
24 shooting.

25 (a-10) The owner of private real property of any type may  
26 prohibit the carrying of concealed firearms on the property

1 under his or her control. The owner must post a sign in  
2 accordance with subsection (d) of this Section indicating that  
3 firearms are prohibited on the property, unless the property  
4 is a private residence.

5 (b) Notwithstanding subsections (a), (a-5), and (a-10) of  
6 this Section except under paragraph (22) or (23) of subsection  
7 (a), any licensee prohibited from carrying a concealed firearm  
8 into the parking area of a prohibited location specified in  
9 subsection (a), (a-5), or (a-10) of this Section shall be  
10 permitted to carry a concealed firearm on or about his or her  
11 person within a vehicle into the parking area and may store a  
12 firearm or ammunition concealed in a case within a locked  
13 vehicle or locked container out of plain view within the  
14 vehicle in the parking area. A licensee may carry a concealed  
15 firearm in the immediate area surrounding his or her vehicle  
16 within a prohibited parking lot area only for the limited  
17 purpose of storing or retrieving a firearm within the  
18 vehicle's trunk. For purposes of this subsection, "case"  
19 includes a glove compartment or console that completely  
20 encloses the concealed firearm or ammunition, the trunk of the  
21 vehicle, or a firearm carrying box, shipping box, or other  
22 container.

23 (c) A licensee shall not be in violation of this Section  
24 while he or she is traveling along a public right of way that  
25 touches or crosses any of the premises under subsection (a),  
26 (a-5), or (a-10) of this Section if the concealed firearm is



1 carried on his or her person in accordance with the provisions  
2 of this Act or is being transported in a vehicle by the  
3 licensee in accordance with all other applicable provisions of  
4 law.

5 (d) Signs stating that the carrying of firearms is  
6 prohibited shall be clearly and conspicuously posted at the  
7 entrance of a building, premises, or real property specified  
8 in this Section as a prohibited area, unless the building or  
9 premises is a private residence. Signs shall be of a uniform  
10 design as established by the Illinois State Police ~~Department~~  
11 and shall be 4 inches by 6 inches in size. The Illinois State  
12 Police ~~Department~~ shall adopt rules for standardized signs to  
13 be used under this subsection.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (430 ILCS 66/70)

16 Sec. 70. Violations.

17 (a) A license issued or renewed under this Act shall be  
18 revoked if, at any time, the licensee is found to be ineligible  
19 for a license under this Act or the licensee no longer meets  
20 the eligibility requirements of the Firearm Owners  
21 Identification Card Act.

22 (b) A license shall be suspended if an order of  
23 protection, including an emergency order of protection,  
24 plenary order of protection, or interim order of protection  
25 under Article 112A of the Code of Criminal Procedure of 1963 or

1 under the Illinois Domestic Violence Act of 1986, or if a  
2 firearms restraining order, including an emergency firearms  
3 restraining order, under the Firearms Restraining Order Act,  
4 is issued against a licensee for the duration of the order, or  
5 if the Illinois State Police ~~Department~~ is made aware of a  
6 similar order issued against the licensee in any other  
7 jurisdiction. If an order of protection is issued against a  
8 licensee, the licensee shall surrender the license, as  
9 applicable, to the court at the time the order is entered or to  
10 the law enforcement agency or entity serving process at the  
11 time the licensee is served the order. The court, law  
12 enforcement agency, or entity responsible for serving the  
13 order of protection shall notify the Illinois State Police  
14 ~~Department~~ within 7 days and transmit the license to the  
15 Illinois State Police ~~Department~~.

16 (c) A license is invalid upon expiration of the license,  
17 unless the licensee has submitted an application to renew the  
18 license, and the applicant is otherwise eligible to possess a  
19 license under this Act.

20 (d) A licensee shall not carry a concealed firearm while  
21 under the influence of alcohol, other drug or drugs,  
22 intoxicating compound or combination of compounds, or any  
23 combination thereof, under the standards set forth in  
24 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

25 A licensee in violation of this subsection (d) shall be  
26 guilty of a Class A misdemeanor for a first or second violation

1 and a Class 4 felony for a third violation. The Illinois State  
2 Police Department may suspend a license for up to 6 months for  
3 a second violation and shall permanently revoke a license for  
4 a third violation.

5 (e) Except as otherwise provided, a licensee in violation  
6 of this Act shall be guilty of a Class B misdemeanor. A second  
7 or subsequent violation is a Class A misdemeanor. The Illinois  
8 State Police Department may suspend a license for up to 6  
9 months for a second violation and shall permanently revoke a  
10 license for 3 or more violations of Section 65 of this Act. Any  
11 person convicted of a violation under this Section shall pay a  
12 \$150 fee to be deposited into the Mental Health Reporting  
13 Fund, plus any applicable court costs or fees.

14 (f) A licensee convicted or found guilty of a violation of  
15 this Act who has a valid license and is otherwise eligible to  
16 carry a concealed firearm shall only be subject to the  
17 penalties under this Section and shall not be subject to the  
18 penalties under Section 21-6, paragraph (4), (8), or (10) of  
19 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)  
20 of paragraph (3) of subsection (a) of Section 24-1.6 of the  
21 Criminal Code of 2012. Except as otherwise provided in this  
22 subsection, nothing in this subsection prohibits the licensee  
23 from being subjected to penalties for violations other than  
24 those specified in this Act.

25 (g) A licensee whose license is revoked, suspended, or  
26 denied shall, within 48 hours of receiving notice of the

1 revocation, suspension, or denial, surrender his or her  
2 concealed carry license to the local law enforcement agency  
3 where the person resides. The local law enforcement agency  
4 shall provide the licensee a receipt and transmit the  
5 concealed carry license to the Illinois ~~Department of~~ State  
6 Police. If the licensee whose concealed carry license has been  
7 revoked, suspended, or denied fails to comply with the  
8 requirements of this subsection, the law enforcement agency  
9 where the person resides may petition the circuit court to  
10 issue a warrant to search for and seize the concealed carry  
11 license in the possession and under the custody or control of  
12 the licensee whose concealed carry license has been revoked,  
13 suspended, or denied. The observation of a concealed carry  
14 license in the possession of a person whose license has been  
15 revoked, suspended, or denied constitutes a sufficient basis  
16 for the arrest of that person for violation of this  
17 subsection. A violation of this subsection is a Class A  
18 misdemeanor.

19 (h) A license issued or renewed under this Act shall be  
20 revoked if, at any time, the licensee is found ineligible for a  
21 Firearm Owner's Identification Card, or the licensee no longer  
22 possesses a valid Firearm Owner's Identification Card. A  
23 licensee whose license is revoked under this subsection (h)  
24 shall surrender his or her concealed carry license as provided  
25 for in subsection (g) of this Section.

26 This subsection shall not apply to a person who has filed

1 an application with the Illinois State Police for renewal of a  
2 Firearm Owner's Identification Card and who is not otherwise  
3 ineligible to obtain a Firearm Owner's Identification Card.

4 (i) A certified firearms instructor who knowingly provides  
5 or offers to provide a false certification that an applicant  
6 has completed firearms training as required under this Act is  
7 guilty of a Class A misdemeanor. A person guilty of a violation  
8 of this subsection (i) is not eligible for court supervision.  
9 The Illinois State Police ~~Department~~ shall permanently revoke  
10 the firearms instructor certification of a person convicted  
11 under this subsection (i).

12 (Source: P.A. 100-607, eff. 1-1-19.)

13 (430 ILCS 66/75)

14 Sec. 75. Applicant firearm training.

15 (a) Within 60 days of the effective date of this Act, the  
16 Illinois State Police ~~Department~~ shall begin approval of  
17 firearm training courses and shall make a list of approved  
18 courses available on the Illinois State Police's ~~Department's~~  
19 website.

20 (b) An applicant for a new license shall provide proof of  
21 completion of a firearms training course or combination of  
22 courses approved by the Illinois State Police ~~Department~~ of at  
23 least 16 hours, which includes range qualification time under  
24 subsection (c) of this Section, that covers the following:

25 (1) firearm safety;

1 (2) the basic principles of marksmanship;

2 (3) care, cleaning, loading, and unloading of a  
3 concealable firearm;

4 (4) all applicable State and federal laws relating to  
5 the ownership, storage, carry, and transportation of a  
6 firearm; and

7 (5) instruction on the appropriate and lawful  
8 interaction with law enforcement while transporting or  
9 carrying a concealed firearm.

10 (c) An applicant for a new license shall provide proof of  
11 certification by a certified instructor that the applicant  
12 passed a live fire exercise with a concealable firearm  
13 consisting of:

14 (1) a minimum of 30 rounds; and

15 (2) 10 rounds from a distance of 5 yards; 10 rounds  
16 from a distance of 7 yards; and 10 rounds from a distance  
17 of 10 yards at a B-27 silhouette target approved by the  
18 Illinois State Police ~~Department~~.

19 (d) An applicant for renewal of a license shall provide  
20 proof of completion of a firearms training course or  
21 combination of courses approved by the Illinois State Police  
22 ~~Department~~ of at least 3 hours.

23 (e) A certificate of completion for an applicant's firearm  
24 training course shall not be issued to a student who:

25 (1) does not follow the orders of the certified  
26 firearms instructor;

1           (2) in the judgment of the certified instructor,  
2 handles a firearm in a manner that poses a danger to the  
3 student or to others; or

4           (3) during the range firing portion of testing fails  
5 to hit the target with 70% of the rounds fired.

6           (f) An instructor shall maintain a record of each  
7 student's performance for at least 5 years, and shall make all  
8 records available upon demand of authorized personnel of the  
9 Illinois State Police ~~Department~~.

10          (g) The Illinois State Police ~~Department~~ and certified  
11 firearms instructors shall recognize up to 8 hours of training  
12 already completed toward the 16 hour training requirement  
13 under this Section if the training course is submitted to and  
14 approved by the Illinois State Police ~~Department~~. Any  
15 remaining hours that the applicant completes must at least  
16 cover the classroom subject matter of paragraph (4) of  
17 subsection (b) of this Section, and the range qualification in  
18 subsection (c) of this Section.

19          (h) A person who has qualified to carry a firearm as an  
20 active law enforcement or corrections officer, who has  
21 successfully completed firearms training as required by his or  
22 her law enforcement agency and is authorized by his or her  
23 agency to carry a firearm; a person currently certified as a  
24 firearms instructor by this Act or by the Illinois Law  
25 Enforcement Training Standards Board; or a person who has  
26 completed the required training and has been issued a firearm

1 control card by the Department of Financial and Professional  
2 Regulation shall be exempt from the requirements of this  
3 Section.

4 (i) The Illinois State Police ~~Department~~ and certified  
5 firearms instructors shall recognize 8 hours of training as  
6 completed toward the 16 hour training requirement under this  
7 Section, if the applicant is an active, retired, or honorably  
8 discharged member of the United States Armed Forces. Any  
9 remaining hours that the applicant completes must at least  
10 cover the classroom subject matter of paragraph (4) of  
11 subsection (b) of this Section, and the range qualification in  
12 subsection (c) of this Section.

13 (j) The Illinois State Police ~~Department~~ and certified  
14 firearms instructors shall recognize up to 8 hours of training  
15 already completed toward the 16 hour training requirement  
16 under this Section if the training course is approved by the  
17 Illinois State Police ~~Department~~ and was completed in  
18 connection with the applicant's previous employment as a law  
19 enforcement or corrections officer. Any remaining hours that  
20 the applicant completes must at least cover the classroom  
21 subject matter of paragraph (4) of subsection (b) of this  
22 Section, and the range qualification in subsection (c) of this  
23 Section. A former law enforcement or corrections officer  
24 seeking credit under this subsection (j) shall provide  
25 evidence that he or she separated from employment in good  
26 standing from each law enforcement agency where he or she was



1 employed. An applicant who was discharged from a law  
2 enforcement agency for misconduct or disciplinary reasons is  
3 not eligible for credit under this subsection (j).

4 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

5 (430 ILCS 66/80)

6 Sec. 80. Certified firearms instructors.

7 (a) Within 60 days of the effective date of this Act, the  
8 Illinois State Police Department shall begin approval of  
9 certified firearms instructors and enter certified firearms  
10 instructors into an online registry on the Illinois State  
11 Police's Department's website.

12 (b) A person who is not a certified firearms instructor  
13 shall not teach applicant training courses or advertise or  
14 otherwise represent courses they teach as qualifying their  
15 students to meet the requirements to receive a license under  
16 this Act. Each violation of this subsection is a business  
17 offense with a fine of at least \$1,000 per violation.

18 (c) A person seeking to become a certified firearms  
19 instructor shall:

20 (1) be at least 21 years of age;

21 (2) be a legal resident of the United States; and

22 (3) meet the requirements of Section 25 of this Act,  
23 except for the Illinois residency requirement in item  
24 (xiv) of paragraph (2) of subsection (a) of Section 4 of  
25 the Firearm Owners Identification Card Act; and any

1 additional uniformly applied requirements established by  
2 the Illinois State Police ~~Department~~.

3 (d) A person seeking to become a certified firearms  
4 instructor, in addition to the requirements of subsection (c)  
5 of this Section, shall:

6 (1) possess a high school diploma or high school  
7 equivalency certificate; and

8 (2) have at least one of the following valid firearms  
9 instructor certifications:

10 (A) certification from a law enforcement agency;

11 (B) certification from a firearm instructor course  
12 offered by a State or federal governmental agency;

13 (C) certification from a firearm instructor  
14 qualification course offered by the Illinois Law  
15 Enforcement Training Standards Board; or

16 (D) certification from an entity approved by the  
17 Illinois State Police ~~Department~~ that offers firearm  
18 instructor education and training in the use and  
19 safety of firearms.

20 (e) A person may have his or her firearms instructor  
21 certification denied or revoked if he or she does not meet the  
22 requirements to obtain a license under this Act, provides  
23 false or misleading information to the Illinois State Police  
24 ~~Department~~, or has had a prior instructor certification  
25 revoked or denied by the Illinois State Police ~~Department~~.

26 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13;

1 98-718, eff. 1-1-15.)

2 (430 ILCS 66/87)

3 Sec. 87. Administrative and judicial review.

4 (a) Whenever an application for a concealed carry license  
5 is denied, whenever the Illinois State Police ~~Department~~ fails  
6 to act on an application within 90 days of its receipt, or  
7 whenever a license is revoked or suspended as provided in this  
8 Act, the aggrieved party may appeal to the Director for a  
9 hearing upon the denial, revocation, suspension, or failure to  
10 act on the application, unless the denial was made by the  
11 Concealed Carry Licensing Review Board, in which case the  
12 aggrieved party may petition the circuit court in writing in  
13 the county of his or her residence for a hearing upon the  
14 denial.

15 (b) All final administrative decisions of the Illinois  
16 State Police ~~Department~~ or the Concealed Carry Licensing  
17 Review Board under this Act shall be subject to judicial  
18 review under the provisions of the Administrative Review Law.  
19 The term "administrative decision" is defined as in Section  
20 3-101 of the Code of Civil Procedure.

21 (Source: P.A. 98-63, eff. 7-9-13.)

22 (430 ILCS 66/95)

23 Sec. 95. Procurement; rulemaking.

24 (a) The Illinois ~~Department~~ of State Police, in

1 consultation with and subject to the approval of the Chief  
2 Procurement Officer, may procure a single contract or multiple  
3 contracts to implement the provisions of this Act. A contract  
4 or contracts under this paragraph are not subject to the  
5 provisions of the Illinois Procurement Code, except for  
6 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of  
7 that Code, provided that the Chief Procurement Officer may, in  
8 writing with justification, waive any certification required  
9 under Article 50. This exemption shall be repealed one year  
10 from the effective date of this Act.

11 (b) The Illinois State Police ~~Department~~ shall adopt rules  
12 to implement the provisions of this Act. The Illinois State  
13 Police ~~Department~~ may adopt rules necessary to implement the  
14 provisions of this Act through the use of emergency rulemaking  
15 in accordance with Section 5-45 of the Illinois Administrative  
16 Procedure Act for a period not to exceed 180 days after the  
17 effective date of this Act.

18 (Source: P.A. 98-63, eff. 7-9-13.)

19 (430 ILCS 66/105)

20 Sec. 105. Duty of school administrator. It is the duty of  
21 the principal of a public elementary or secondary school, or  
22 his or her designee, and the chief administrative officer of a  
23 private elementary or secondary school or a public or private  
24 community college, college, or university, or his or her  
25 designee, to report to the Illinois ~~Department of~~ State Police

1 when a student is determined to pose a clear and present danger  
2 to himself, herself, or to others, within 24 hours of the  
3 determination as provided in Section 6-103.3 of the Mental  
4 Health and Developmental Disabilities Code. "Clear and present  
5 danger" has the meaning as provided in paragraph (2) of the  
6 definition of "clear and present danger" in Section 1.1 of the  
7 Firearm Owners Identification Card Act.

8 (Source: P.A. 98-63, eff. 7-9-13.)

9 Section 875. The Firearms Restraining Order Act is amended  
10 by changing Sections 35, 40, 50, 55, and 60 as follows:

11 (430 ILCS 67/35)

12 Sec. 35. Ex parte orders and emergency hearings.

13 (a) A petitioner may request an emergency firearms  
14 restraining order by filing an affidavit or verified pleading  
15 alleging that the respondent poses an immediate and present  
16 danger of causing personal injury to himself, herself, or  
17 another by having in his or her custody or control,  
18 purchasing, possessing, or receiving a firearm. The petition  
19 shall also describe the type and location of any firearm or  
20 firearms presently believed by the petitioner to be possessed  
21 or controlled by the respondent.

22 (b) If the respondent is alleged to pose an immediate and  
23 present danger of causing personal injury to an intimate  
24 partner, or an intimate partner is alleged to have been the

1 target of a threat or act of violence by the respondent, the  
2 petitioner shall make a good faith effort to provide notice to  
3 any and all intimate partners of the respondent. The notice  
4 must include that the petitioner intends to petition the court  
5 for an emergency firearms restraining order, and, if the  
6 petitioner is a law enforcement officer, referral to relevant  
7 domestic violence or stalking advocacy or counseling  
8 resources, if appropriate. The petitioner shall attest to  
9 having provided the notice in the filed affidavit or verified  
10 pleading. If, after making a good faith effort, the petitioner  
11 is unable to provide notice to any or all intimate partners,  
12 the affidavit or verified pleading should describe what  
13 efforts were made.

14 (c) Every person who files a petition for an emergency  
15 firearms restraining order, knowing the information provided  
16 to the court at any hearing or in the affidavit or verified  
17 pleading to be false, is guilty of perjury under Section 32-2  
18 of the Criminal Code of 2012.

19 (d) An emergency firearms restraining order shall be  
20 issued on an ex parte basis, that is, without notice to the  
21 respondent.

22 (e) An emergency hearing held on an ex parte basis shall be  
23 held the same day that the petition is filed or the next day  
24 that the court is in session.

25 (f) If a circuit or associate judge finds probable cause  
26 to believe that the respondent poses an immediate and present

1 danger of causing personal injury to himself, herself, or  
2 another by having in his or her custody or control,  
3 purchasing, possessing, or receiving a firearm, the circuit or  
4 associate judge shall issue an emergency order.

5 (f-5) If the court issues an emergency firearms  
6 restraining order, it shall, upon a finding of probable cause  
7 that the respondent possesses firearms, issue a search warrant  
8 directing a law enforcement agency to seize the respondent's  
9 firearms. The court may, as part of that warrant, direct the  
10 law enforcement agency to search the respondent's residence  
11 and other places where the court finds there is probable cause  
12 to believe he or she is likely to possess the firearms.

13 (g) An emergency firearms restraining order shall require:

14 (1) the respondent to refrain from having in his or  
15 her custody or control, purchasing, possessing, or  
16 receiving additional firearms for the duration of the  
17 order; and

18 (2) the respondent to turn over to the local law  
19 enforcement agency any Firearm Owner's Identification Card  
20 and concealed carry license in his or her possession. The  
21 local law enforcement agency shall immediately mail the  
22 card and concealed carry license to the Illinois  
23 ~~Department of~~ State Police Firearm Services Bureau for  
24 safekeeping. The firearm or firearms and Firearm Owner's  
25 Identification Card and concealed carry license, if  
26 unexpired, shall be returned to the respondent after the

1 firearms restraining order is terminated or expired.

2 (h) Except as otherwise provided in subsection (h-5) of  
3 this Section, upon expiration of the period of safekeeping, if  
4 the firearms or Firearm Owner's Identification Card and  
5 concealed carry license cannot be returned to the respondent  
6 because the respondent cannot be located, fails to respond to  
7 requests to retrieve the firearms, or is not lawfully eligible  
8 to possess a firearm, upon petition from the local law  
9 enforcement agency, the court may order the local law  
10 enforcement agency to destroy the firearms, use the firearms  
11 for training purposes, or use the firearms for any other  
12 application as deemed appropriate by the local law enforcement  
13 agency.

14 (h-5) A respondent whose Firearm Owner's Identification  
15 Card has been revoked or suspended may petition the court, if  
16 the petitioner is present in court or has notice of the  
17 respondent's petition, to transfer the respondent's firearm to  
18 a person who is lawfully able to possess the firearm if the  
19 person does not reside at the same address as the respondent.  
20 Notice of the petition shall be served upon the person  
21 protected by the emergency firearms restraining order. While  
22 the order is in effect, the transferee who receives the  
23 respondent's firearms must swear or affirm by affidavit that  
24 he or she shall not transfer the firearm to the respondent or  
25 to anyone residing in the same residence as the respondent.

26 (h-6) If a person other than the respondent claims title



1 to any firearms surrendered under this Section, he or she may  
2 petition the court, if the petitioner is present in court or  
3 has notice of the petition, to have the firearm returned to him  
4 or her. If the court determines that person to be the lawful  
5 owner of the firearm, the firearm shall be returned to him or  
6 her, provided that:

7 (1) the firearm is removed from the respondent's  
8 custody, control, or possession and the lawful owner  
9 agrees to store the firearm in a manner such that the  
10 respondent does not have access to or control of the  
11 firearm; and

12 (2) the firearm is not otherwise unlawfully possessed  
13 by the owner.

14 The person petitioning for the return of his or her  
15 firearm must swear or affirm by affidavit that he or she: (i)  
16 is the lawful owner of the firearm; (ii) shall not transfer the  
17 firearm to the respondent; and (iii) will store the firearm in  
18 a manner that the respondent does not have access to or control  
19 of the firearm.

20 (i) In accordance with subsection (e) of this Section, the  
21 court shall schedule a full hearing as soon as possible, but no  
22 longer than 14 days from the issuance of an ex parte firearms  
23 restraining order, to determine if a 6-month firearms  
24 restraining order shall be issued. The court may extend an ex  
25 parte order as needed, but not to exceed 14 days, to effectuate  
26 service of the order or if necessary to continue protection.

1 The court may extend the order for a greater length of time by  
2 mutual agreement of the parties.

3 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

4 (430 ILCS 67/40)

5 Sec. 40. Six-month orders.

6 (a) A petitioner may request a 6-month firearms  
7 restraining order by filing an affidavit or verified pleading  
8 alleging that the respondent poses a significant danger of  
9 causing personal injury to himself, herself, or another in the  
10 near future by having in his or her custody or control,  
11 purchasing, possessing, or receiving a firearm. The petition  
12 shall also describe the number, types, and locations of any  
13 firearms presently believed by the petitioner to be possessed  
14 or controlled by the respondent.

15 (b) If the respondent is alleged to pose a significant  
16 danger of causing personal injury to an intimate partner, or  
17 an intimate partner is alleged to have been the target of a  
18 threat or act of violence by the respondent, the petitioner  
19 shall make a good faith effort to provide notice to any and all  
20 intimate partners of the respondent. The notice must include  
21 that the petitioner intends to petition the court for a  
22 6-month firearms restraining order, and, if the petitioner is  
23 a law enforcement officer, referral to relevant domestic  
24 violence or stalking advocacy or counseling resources, if  
25 appropriate. The petitioner shall attest to having provided

1 the notice in the filed affidavit or verified pleading. If,  
2 after making a good faith effort, the petitioner is unable to  
3 provide notice to any or all intimate partners, the affidavit  
4 or verified pleading should describe what efforts were made.

5 (c) Every person who files a petition for a 6-month  
6 firearms restraining order, knowing the information provided  
7 to the court at any hearing or in the affidavit or verified  
8 pleading to be false, is guilty of perjury under Section 32-2  
9 of the Criminal Code of 2012.

10 (d) Upon receipt of a petition for a 6-month firearms  
11 restraining order, the court shall order a hearing within 30  
12 days.

13 (e) In determining whether to issue a firearms restraining  
14 order under this Section, the court shall consider evidence  
15 including, but not limited to, the following:

16 (1) The unlawful and reckless use, display, or  
17 brandishing of a firearm by the respondent.

18 (2) The history of use, attempted use, or threatened  
19 use of physical force by the respondent against another  
20 person.

21 (3) Any prior arrest of the respondent for a felony  
22 offense.

23 (4) Evidence of the abuse of controlled substances or  
24 alcohol by the respondent.

25 (5) A recent threat of violence or act of violence by  
26 the respondent directed toward himself, herself, or

1 another.

2 (6) A violation of an emergency order of protection  
3 issued under Section 217 of the Illinois Domestic Violence  
4 Act of 1986 or Section 112A-17 of the Code of Criminal  
5 Procedure of 1963 or of an order of protection issued  
6 under Section 214 of the Illinois Domestic Violence Act of  
7 1986 or Section 112A-14 of the Code of Criminal Procedure  
8 of 1963.

9 (7) A pattern of violent acts or violent threats,  
10 including, but not limited to, threats of violence or acts  
11 of violence by the respondent directed toward himself,  
12 herself, or another.

13 (f) At the hearing, the petitioner shall have the burden  
14 of proving, by clear and convincing evidence, that the  
15 respondent poses a significant danger of personal injury to  
16 himself, herself, or another by having in his or her custody or  
17 control, purchasing, possessing, or receiving a firearm.

18 (g) If the court finds that there is clear and convincing  
19 evidence to issue a firearms restraining order, the court  
20 shall issue a firearms restraining order that shall be in  
21 effect for 6 months subject to renewal under Section 45 of this  
22 Act or termination under that Section.

23 (g-5) If the court issues a 6-month firearms restraining  
24 order, it shall, upon a finding of probable cause that the  
25 respondent possesses firearms, issue a search warrant  
26 directing a law enforcement agency to seize the respondent's

1 firearms. The court may, as part of that warrant, direct the  
2 law enforcement agency to search the respondent's residence  
3 and other places where the court finds there is probable cause  
4 to believe he or she is likely to possess the firearms.

5 (h) A 6-month firearms restraining order shall require:

6 (1) the respondent to refrain from having in his or  
7 her custody or control, purchasing, possessing, or  
8 receiving additional firearms for the duration of the  
9 order; and

10 (2) the respondent to turn over to the local law  
11 enforcement agency any firearm or Firearm Owner's  
12 Identification Card and concealed carry license in his or  
13 her possession. The local law enforcement agency shall  
14 immediately mail the card and concealed carry license to  
15 the Illinois Department of State Police Firearm Services  
16 Bureau for safekeeping. The firearm or firearms and  
17 Firearm Owner's Identification Card and concealed carry  
18 license, if unexpired, shall be returned to the respondent  
19 after the firearms restraining order is terminated or  
20 expired.

21 (i) Except as otherwise provided in subsection (i-5) of  
22 this Section, upon expiration of the period of safekeeping, if  
23 the firearms or Firearm Owner's Identification Card cannot be  
24 returned to the respondent because the respondent cannot be  
25 located, fails to respond to requests to retrieve the  
26 firearms, or is not lawfully eligible to possess a firearm,

1 upon petition from the local law enforcement agency, the court  
2 may order the local law enforcement agency to destroy the  
3 firearms, use the firearms for training purposes, or use the  
4 firearms for any other application as deemed appropriate by  
5 the local law enforcement agency.

6 (i-5) A respondent whose Firearm Owner's Identification  
7 Card has been revoked or suspended may petition the court, if  
8 the petitioner is present in court or has notice of the  
9 respondent's petition, to transfer the respondent's firearm to  
10 a person who is lawfully able to possess the firearm if the  
11 person does not reside at the same address as the respondent.  
12 Notice of the petition shall be served upon the person  
13 protected by the emergency firearms restraining order. While  
14 the order is in effect, the transferee who receives the  
15 respondent's firearms must swear or affirm by affidavit that  
16 he or she shall not transfer the firearm to the respondent or  
17 to anyone residing in the same residence as the respondent.

18 (i-6) If a person other than the respondent claims title  
19 to any firearms surrendered under this Section, he or she may  
20 petition the court, if the petitioner is present in court or  
21 has notice of the petition, to have the firearm returned to him  
22 or her. If the court determines that person to be the lawful  
23 owner of the firearm, the firearm shall be returned to him or  
24 her, provided that:

25 (1) the firearm is removed from the respondent's  
26 custody, control, or possession and the lawful owner

1 agrees to store the firearm in a manner such that the  
2 respondent does not have access to or control of the  
3 firearm; and

4 (2) the firearm is not otherwise unlawfully possessed  
5 by the owner.

6 The person petitioning for the return of his or her  
7 firearm must swear or affirm by affidavit that he or she: (i)  
8 is the lawful owner of the firearm; (ii) shall not transfer the  
9 firearm to the respondent; and (iii) will store the firearm in  
10 a manner that the respondent does not have access to or control  
11 of the firearm.

12 (j) If the court does not issue a firearms restraining  
13 order at the hearing, the court shall dissolve any emergency  
14 firearms restraining order then in effect.

15 (k) When the court issues a firearms restraining order  
16 under this Section, the court shall inform the respondent that  
17 he or she is entitled to one hearing during the period of the  
18 order to request a termination of the order, under Section 45  
19 of this Act, and shall provide the respondent with a form to  
20 request a hearing.

21 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

22 (430 ILCS 67/50)

23 Sec. 50. Notice of orders.

24 (a) Entry and issuance. Upon issuance of any firearms  
25 restraining order, the clerk shall immediately, or on the next

1 court day if an emergency firearms restraining order is issued  
2 in accordance with Section 35 of this Act (emergency firearms  
3 restraining order): (i) enter the order on the record and file  
4 it in accordance with the circuit court procedures and (ii)  
5 provide a file stamped copy of the order to the respondent, if  
6 present, and to the petitioner.

7 (b) Filing with sheriff. The clerk of the issuing judge  
8 shall, or the petitioner may, on the same day that a firearms  
9 restraining order is issued, file a certified copy of that  
10 order with the sheriff or other law enforcement officials  
11 charged with maintaining Illinois ~~Department of~~ State Police  
12 records or charged with serving the order upon the respondent.  
13 If the order was issued in accordance with Section 35 of this  
14 Act (emergency firearms restraining order), the clerk shall,  
15 on the next court day, file a certified copy of the order with  
16 the sheriff or other law enforcement officials charged with  
17 maintaining Illinois ~~Department of~~ State Police records.

18 (c) Service by sheriff. Unless the respondent was present  
19 in court when the order was issued, the sheriff or other law  
20 enforcement official shall promptly serve that order upon the  
21 respondent and file proof of the service, in the manner  
22 provided for service of process in civil proceedings. Instead  
23 of serving the order upon the respondent, however, the  
24 sheriff, other law enforcement official, or other persons  
25 defined in Section 112A-22.10 of the Code of Criminal  
26 Procedure of 1963 may serve the respondent with a short form



1 notification as provided in that Section. If process has not  
2 yet been served upon the respondent, it shall be served with  
3 the order or short form notification if the service is made by  
4 the sheriff, or other law enforcement official.

5 (d) Any order renewing or terminating any firearms  
6 restraining order shall be promptly recorded, issued, and  
7 served as provided in this Section.

8 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

9 (430 ILCS 67/55)

10 Sec. 55. Data maintenance by law enforcement agencies.

11 (a) All sheriffs shall furnish to the Illinois Department  
12 ~~of~~ State Police, daily, in the form and detail the Department  
13 requires, copies of any recorded firearms restraining orders  
14 issued by the court, and any foreign orders of protection  
15 filed by the clerk of the court, and transmitted to the sheriff  
16 by the clerk of the court under Section 50. Each firearms  
17 restraining order shall be entered in the Law Enforcement  
18 Agencies Data System (LEADS) on the same day it is issued by  
19 the court. If an emergency firearms restraining order was  
20 issued in accordance with Section 35 of this Act, the order  
21 shall be entered in the Law Enforcement Agencies Data System  
22 (LEADS) as soon as possible after receipt from the clerk.

23 (b) The Illinois Department ~~of~~ State Police shall maintain  
24 a complete and systematic record and index of all valid and  
25 recorded firearms restraining orders issued or filed under

1 this Act. The data shall be used to inform all dispatchers and  
2 law enforcement officers at the scene of a violation of a  
3 firearms restraining order of the effective dates and terms of  
4 any recorded order of protection.

5 (c) The data, records, and transmittals required under  
6 this Section shall pertain to any valid emergency or 6-month  
7 firearms restraining order, whether issued in a civil or  
8 criminal proceeding or authorized under the laws of another  
9 state, tribe, or United States territory.

10 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 (430 ILCS 67/60)

12 Sec. 60. Filing of a firearms restraining order issued by  
13 another state.

14 (a) A person who has sought a firearms restraining order  
15 or similar order issued by the court of another state, tribe,  
16 or United States territory may file a certified copy of the  
17 firearms restraining order with the clerk of the court in a  
18 judicial circuit in which the person believes that enforcement  
19 may be necessary.

20 (b) The clerk shall:

21 (1) treat the foreign firearms restraining order in  
22 the same manner as a judgment of the circuit court for any  
23 county of this State in accordance with the provisions of  
24 the Uniform Enforcement of Foreign Judgments Act, except  
25 that the clerk shall not mail notice of the filing of the

1 foreign order to the respondent named in the order; and

2 (2) on the same day that a foreign firearms  
3 restraining order is filed, file a certified copy of that  
4 order with the sheriff or other law enforcement officials  
5 charged with maintaining Illinois ~~Department of~~ State  
6 Police records as set forth in Section 55 of this Act.

7 (c) Neither residence in this State nor filing of a  
8 foreign firearms restraining order shall be required for  
9 enforcement of the order by this State. Failure to file the  
10 foreign order shall not be an impediment to its treatment in  
11 all respects as an Illinois firearms restraining order.

12 (d) The clerk shall not charge a fee to file a foreign  
13 order of protection under this Section.

14 (Source: P.A. 100-607, eff. 1-1-19.)

15 Section 880. The Firearm Dealer License Certification Act  
16 is amended by changing Sections 5-5, 5-10, 5-15, 5-20, 5-30,  
17 5-35, 5-40, 5-45, 5-50, 5-55, 5-60, 5-70, 5-75, 5-85, 5-95,  
18 5-100, 5-105, 5-110, 5-115, and 5-120 as follows:

19 (430 ILCS 68/5-5)

20 Sec. 5-5. Definitions. In this Act:

21 "Certified licensee" means a licensee that has previously  
22 certified its license with the Illinois State Police  
23 ~~Department~~ under this Act.

24 ~~"Department" means the Department of State Police.~~

1 "Director" means the Director of the Illinois State  
2 Police.

3 "Entity" means any person, firm, corporation, group of  
4 individuals, or other legal entity.

5 "Inventory" means firearms in the possession of an  
6 individual or entity for the purpose of sale or transfer.

7 "License" means a Federal Firearms License authorizing a  
8 person or entity to engage in the business of dealing  
9 firearms.

10 "Licensee" means a person, firm, corporation, or other  
11 entity who has been given, and is currently in possession of, a  
12 valid Federal Firearms License.

13 "Retail location" means a store open to the public from  
14 which a certified licensee engages in the business of selling,  
15 transferring, or facilitating a sale or transfer of a firearm.  
16 For purposes of this Act, the World Shooting and Recreational  
17 Complex, a gun show, or a similar event at which a certified  
18 licensee engages in business from time to time is not a retail  
19 location.

20 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19;  
21 revised 9-12-19.)

22 (430 ILCS 68/5-10)

23 Sec. 5-10. Copy of Federal Firearms License filed with the  
24 Illinois State Police ~~Department~~. Each licensee shall file  
25 with the Illinois State Police ~~Department~~ a copy of its

1 license, together with a sworn affidavit indicating that the  
2 license presented is in fact its license and that the license  
3 is valid. The Illinois State Police ~~Department~~ may by rule  
4 create a process for checking the validity of the license, in  
5 lieu of requiring an affidavit. Upon receipt and review by the  
6 Illinois State Police ~~Department~~, the Illinois State Police  
7 ~~Department~~ shall issue a certificate of license to the  
8 licensee, allowing the licensee to conduct business within  
9 this State. The Illinois State Police ~~Department~~ shall issue  
10 an initial certificate of license within 30 days of receipt of  
11 the copy of license and sworn affidavit. If the Illinois State  
12 Police ~~Department~~ does not issue the certificate within 30  
13 days, the licensee shall operate as if a certificate has been  
14 granted unless and until a denial is issued by the Illinois  
15 State Police ~~Department~~.

16 (Source: P.A. 100-1178, eff. 1-18-19.)

17 (430 ILCS 68/5-15)

18 Sec. 5-15. Certification requirement.

19 (a) Beginning 180 days after the effective date of this  
20 Act, it is unlawful for a person or entity to engage in the  
21 business of selling, leasing, or otherwise transferring  
22 firearms without a valid certificate of license issued under  
23 this Act. In the event that a person or entity maintains  
24 multiple licenses to engage in different lines of business  
25 requiring different licenses at one location, then the

1 licenses shall be deemed one license for purposes of  
2 certification. In the event that a person or entity maintains  
3 multiple licenses to engage in business at multiple locations,  
4 under the same business name on the license or a different  
5 business name on the license, then each license and location  
6 must receive its own certification.

7 (b) It is unlawful for a person or entity without first  
8 being a certified licensee under this Act to act as if he or  
9 she is certified under this Act, to advertise, to assume to act  
10 as a certified licensee or to use a title implying that the  
11 person or entity is engaged in business as a certified  
12 licensee without a license certified under this Act.

13 (c) It is unlawful to obtain or attempt to obtain any  
14 certificate of license under this Act by material misstatement  
15 or fraudulent misrepresentation. Notwithstanding the  
16 provisions of Section 5-85, in addition to any penalty imposed  
17 under this Section, any certificate of license obtained under  
18 this Act due to material misstatement or fraudulent  
19 misrepresentation shall automatically be revoked.

20 (d) A person who violates any provision of this Section is  
21 guilty of a Class A misdemeanor for a first violation, and a  
22 Class 4 felony for a second or subsequent violation.

23 (e) In addition to any other penalty provided by law, any  
24 person or entity who violates any provision of this Section  
25 shall pay a civil penalty to the Illinois State Police  
26 ~~Department~~ in an amount not to exceed \$10,000 for each

1 offense, as determined by the Illinois State Police  
2 ~~Department~~. The civil penalty shall be assessed by the  
3 Illinois State Police ~~Department~~ after a hearing is held in  
4 accordance with Sections 5-95 and 5-100.

5 (f) The Illinois State Police ~~Department~~ has the authority  
6 and power to investigate any and all unlicensed activity  
7 requiring a license certified under this Act.

8 (g) The civil penalty shall be paid within 90 days after  
9 the effective date of the order imposing the civil penalty.  
10 The order shall constitute a judgment and may be filed and  
11 execution had thereon in the same manner as any judgment from  
12 any court of record.

13 (h) In the event the certification of a certified licensee  
14 is revoked, it shall be a violation of this Act for the revoked  
15 licensee to seek certification of a license held under a  
16 different business name, or to re-open as a certified licensee  
17 under another business name using the same license or as the  
18 same person or entity doing business under a different  
19 business name.

20 (i) The Illinois State Police ~~Department~~ shall require all  
21 of the following information from each applicant for  
22 certification under this Act:

23 (1) The name, full business address, and telephone  
24 number of the entity. The business address for the entity  
25 shall be the complete street address where firearms in the  
26 inventory of the entity are regularly stored, shall be

1 located within the State, and may not be a Post Office Box.

2 (2) All trade, business, or assumed names used by the  
3 certified licensee by and under which the certified  
4 licensee sells, transfers, or facilitates transfers of  
5 firearms.

6 (3) The type of ownership or operation, such as a  
7 partnership, corporation, or sole proprietorship.

8 (4) The name of the owner or operator of the  
9 dealership, including:

10 (A) if a person, then the name and address of  
11 record of the person;

12 (B) if a partnership, then the name and address of  
13 record of each partner and the name of the  
14 partnership;

15 (C) if a corporation, then the name, address of  
16 record, and title of each corporate officer and each  
17 owner of more than 5% of the corporation, the  
18 corporate names by and which the certified licensee  
19 sells, transfers, or facilitates transfers of  
20 firearms, and the name of the state of incorporation;  
21 and

22 (D) if a sole proprietorship, then the full name  
23 and address of record of the sole proprietor and the  
24 name of the business entity.

25 (Source: P.A. 100-1178, eff. 1-18-19.)



1 (430 ILCS 68/5-20)

2 Sec. 5-20. Additional licensee requirements.

3 (a) A certified licensee shall make a photo copy of a  
4 buyer's or transferee's valid photo identification card  
5 whenever a firearm sale transaction takes place. The photo  
6 copy shall be attached to the documentation detailing the  
7 record of sale.

8 (b) A certified licensee shall post in a conspicuous  
9 position on the premises where the licensee conducts business  
10 a sign that contains the following warning in block letters  
11 not less than one inch in height:

12 "With few exceptions enumerated in the Firearm Owners  
13 Identification Card Act, it is unlawful for you to:

14 (A) store or leave an unsecured firearm in a place  
15 where a child can obtain access to it;

16 (B) sell or transfer your firearm to someone else  
17 without receiving approval for the transfer from the  
18 Illinois Department of State Police, or

19 (C) fail to report the loss or theft of your  
20 firearm to local law enforcement within 72 hours."

21 This sign shall be created by the Illinois State Police  
22 ~~Department~~ and made available for printing or downloading from  
23 the Illinois State Police's Department's website.

24 (c) No retail location established after the effective  
25 date of this Act shall be located within 500 feet of any  
26 school, pre-school, or day care facility in existence at its

1 location before the retail location is established as measured  
2 from the nearest corner of the building holding the retail  
3 location to the corner of the school, pre-school, or day care  
4 facility building nearest the retail location at the time the  
5 retail location seeks licensure.

6 (Source: P.A. 100-1178, eff. 1-18-19.)

7 (430 ILCS 68/5-30)

8 Sec. 5-30. Training of certified licensees. Any certified  
9 licensee and any employee of a certified licensee who sells or  
10 transfers firearms shall receive at least 2 hours of training  
11 annually regarding legal requirements and responsible business  
12 practices as applicable to the sale or transfer of firearms.  
13 The Illinois State Police ~~Department~~ may adopt rules regarding  
14 continuing education for certified licensees related to legal  
15 requirements and responsible business practices regarding the  
16 sale or transfer of firearms.

17 (Source: P.A. 100-1178, eff. 1-18-19.)

18 (430 ILCS 68/5-35)

19 Sec. 5-35. Inspection of licensees' places of business.  
20 Licensees shall have their places of business open for  
21 inspection by the Illinois State Police ~~Department~~ and law  
22 enforcement during all hours of operation involving the  
23 selling, leasing, or otherwise transferring of firearms,  
24 provided that the Illinois State Police ~~Department~~ or law

1 enforcement may conduct no more than one unannounced  
2 inspection per business per year without good cause. During an  
3 inspection, licensees shall make all records, documents, and  
4 firearms accessible for inspection upon the request of the  
5 Illinois State Police ~~Department~~ or law enforcement agency.

6 (Source: P.A. 100-1178, eff. 1-18-19.)

7 (430 ILCS 68/5-40)

8 Sec. 5-40. Qualifications for operation.

9 (a) Each certified licensee shall submit with each  
10 application for certification or renewal an affidavit to the  
11 Illinois State Police ~~Department~~ stating that each owner,  
12 employee, or other agent of the certified licensee who sells  
13 or conducts transfers of firearms for the certified licensee  
14 is at least 21 years of age, has a currently valid Firearm  
15 Owner's Identification Card and, for a renewal, has completed  
16 the training required under Section 5-30. The affidavit must  
17 also contain the name and Firearm Owner's Identification Card  
18 number of each owner, employee, or other agent who sells or  
19 conducts transfers of firearms for the certified licensee. If  
20 an owner, employee, or other agent of the certified licensee  
21 is not otherwise a resident of this State, the certified  
22 licensee shall submit an affidavit stating that the owner,  
23 employee, or other agent has undergone a background check and  
24 is not prohibited from owning or possessing firearms.

25 (b) In addition to the affidavit required under subsection

1 (a), within 30 days of a new owner, employee, or other agent  
2 beginning selling or conducting transfers of firearms for the  
3 certified licensee, the certified licensee shall submit an  
4 affidavit to the Illinois State Police ~~Department~~ stating the  
5 date that the new owner, employee, or other agent began  
6 selling or conducting transfers of firearms for the certified  
7 licensee, and providing the information required in subsection  
8 (a) for that new owner, employee, or other agent.

9 (c) If a certified licensee has a license, certificate, or  
10 permit to sell, lease, transfer, purchase, or possess firearms  
11 issued by the federal government or the government of any  
12 state revoked or suspended for good cause within the preceding  
13 4 years, the Illinois State Police ~~Department~~ may consider  
14 revoking or suspending the certified licenses in this State.  
15 In making a determination of whether or not to revoke or  
16 suspend a certified license in this State, the Illinois State  
17 Police ~~Department~~ shall consider the number of retail  
18 locations the certified licensee or any related person or  
19 entity operates in this State or in other states under the same  
20 or different business names, and the severity of the  
21 infraction in the state in which a license was revoked or  
22 suspended.

23 (d) Applications and affidavits required under this  
24 Section are not subject to disclosure by the Illinois State  
25 Police ~~Department~~ under the Freedom of Information Act.

26 (Source: P.A. 100-1178, eff. 1-18-19.)

1 (430 ILCS 68/5-45)

2 Sec. 5-45. Issuance of subpoenas. The Illinois State  
3 Police Department may subpoena and bring before it any person  
4 or entity to take oral or written testimony or may compel the  
5 production of any books, papers, records, or any other  
6 documents that the Illinois State Police Department deems  
7 directly relevant or material to an investigation or hearing  
8 conducted by the Illinois State Police Department in the  
9 enforcement of this Act, with the same fees and in the same  
10 manner prescribed in civil cases in the courts of this State.  
11 The licensee may file an emergency motion with the Director or  
12 a hearing officer authorized by the Illinois State Police  
13 Department to quash a subpoena issued by the Illinois State  
14 Police Department. If the Director or hearing officer  
15 determines that the subpoena was issued without good cause,  
16 the Director or hearing officer may quash the subpoena.

17 (Source: P.A. 100-1178, eff. 1-18-19.)

18 (430 ILCS 68/5-50)

19 Sec. 5-50. Security system.

20 (a) On or before January 2, 2021, each certified licensee  
21 operating a retail location in this State must maintain a  
22 video security system and shall maintain video surveillance of  
23 critical areas of the business premises, including, but not  
24 limited to, all places where firearms in inventory are stored,

1 handled, sold, or transferred, and each entrance and exit. A  
2 video surveillance system of the certified licensee's retail  
3 location may not be installed in a bathroom and may not monitor  
4 inside the bathrooms located in the retail location. If a  
5 video security system is deemed inadequate by the Illinois  
6 State Police Department, the licensee shall have 30 days to  
7 correct the inadequacy. The Illinois State Police Department  
8 shall submit to the licensee a written statement describing  
9 the specific inadequacies.

10 (b) Each certified licensee operating a retail  
11 establishment in this State must post a sign in a conspicuous  
12 place at each entrance to the retail location that states in  
13 block letters not less than one inch in height: "THESE  
14 PREMISES ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE  
15 RECORDED.". This sign shall be created by the Illinois State  
16 Police Department and available for printing or downloading  
17 from the Illinois State Police's Department's website.

18 (c) On or before January 2, 2020, each certified licensee  
19 maintaining an inventory of firearms for sale or transfer must  
20 be connected to an alarm monitoring system or service that  
21 will notify its local law enforcement agency of an  
22 unauthorized intrusion into the premises of the licensee where  
23 the firearm inventory is maintained.

24 (Source: P.A. 100-1178, eff. 1-18-19.)

1           Sec. 5-55. Safe storage by certified licensees. In  
2 addition to adequate locks, exterior lighting, surveillance  
3 cameras, alarm systems, and other anti-theft measures and  
4 practices, a certified licensee maintaining a retail location  
5 shall develop a plan that addresses the safe storage of  
6 firearms and ammunition during retail hours and after closing.  
7 The certified licensee shall submit its safe storage plan to  
8 the Illinois State Police ~~Department~~ and the plan shall be  
9 deemed approved unless it is rejected by the Illinois State  
10 Police ~~Department~~. The Illinois State Police ~~Department~~ may  
11 reject the plan if it is inadequate, along with a written  
12 statement describing the specific inadequacies. The certified  
13 licensee shall submit a corrected plan to the Illinois State  
14 Police ~~Department~~ within 60 days of notice of an inadequate  
15 plan. In the event there are still problems with the corrected  
16 plan, the Illinois State Police ~~Department~~ shall note the  
17 specific inadequacies in writing and the certified licensee  
18 shall have 60 days from each notice of an inadequate plan to  
19 submit a corrected plan. The Illinois State Police ~~Department~~  
20 may reject the corrected plan if it is inadequate. A certified  
21 licensee may operate at all times that a plan is on file with  
22 the Illinois State Police ~~Department~~, and during times  
23 permitted by this Section to prepare and submit corrected  
24 plans. That any certified licensee has operated without an  
25 approved safe storage plan for more than 60 days shall be  
26 grounds for revocation of a certificate of license. The

1 Illinois State Police ~~Department~~ shall adopt rules regarding  
2 the adequacy of a safe storage plan. The rules shall take into  
3 account the various types and sizes of the entities involved,  
4 and shall comply with all relevant State and federal laws.  
5 Safe storage plans required under this Section are not subject  
6 to disclosure by the Illinois State Police ~~Department~~ under  
7 the Freedom of Information Act.

8 (Source: P.A. 100-1178, eff. 1-18-19.)

9 (430 ILCS 68/5-60)

10 Sec. 5-60. Statewide compliance standards. The Illinois  
11 State Police ~~Department~~ shall develop and implement by rule  
12 statewide training standards for assisting certified licensees  
13 in recognizing indicators that would lead a reasonable dealer  
14 to refuse sale of a firearm, including, but not limited to,  
15 indicators of a straw purchase.

16 (Source: P.A. 100-1178, eff. 1-18-19.)

17 (430 ILCS 68/5-70)

18 Sec. 5-70. Fees and fines deposited in the Firearm Dealer  
19 License Certification Fund. The Illinois State Police  
20 ~~Department~~ shall set and collect a fee for each licensee  
21 certifying under this Act. The fee may not exceed \$300 for a  
22 certified licensee operating without a retail location. The  
23 fee may not exceed \$1,500 for any certified licensee operating  
24 with a retail location. The Illinois State Police ~~Department~~



1 may not charge a certified licensee in this State, operating  
2 under the same or different business name, fees exceeding  
3 \$40,000 for the certification of multiple licenses. All fees  
4 and fines collected under this Act shall be deposited in the  
5 Firearm Dealer License Certification Fund which is created in  
6 the State treasury. Moneys in the Fund shall be used for  
7 implementation and administration of this Act.

8 (Source: P.A. 100-1178, eff. 1-18-19.)

9 (430 ILCS 68/5-75)

10 Sec. 5-75. Term of license. Each certification shall be  
11 valid for the term of the license being certified. A licensee  
12 shall certify each new or renewed license. However, the  
13 Illinois State Police Department ~~Department~~ is not required to renew a  
14 certification if a prior certification has been revoked or  
15 suspended.

16 (Source: P.A. 100-1178, eff. 1-18-19.)

17 (430 ILCS 68/5-85)

18 Sec. 5-85. Disciplinary sanctions.

19 (a) For violations of this Act not penalized under Section  
20 5-15, the Illinois State Police Department ~~Department~~ may refuse to renew  
21 or restore, or may reprimand, place on probation, suspend,  
22 revoke, or take other disciplinary or non-disciplinary action  
23 against any licensee, and may impose a fine commensurate with  
24 the severity of the violation not to exceed \$10,000 for each

1 violation for any of the following, consistent with the  
2 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901  
3 through 7903:

4 (1) Violations of this Act, or any law applicable to  
5 the sale or transfer of firearms.

6 (2) A pattern of practice or other behavior which  
7 demonstrates incapacity or incompetency to practice under  
8 this Act.

9 (3) Aiding or assisting another person in violating  
10 any provision of this Act or rules adopted under this Act.

11 (4) Failing, within 60 days, to provide information in  
12 response to a written request made by the Illinois State  
13 Police Department.

14 (5) Conviction of, plea of guilty to, or plea of nolo  
15 contendere to any crime that disqualifies the person from  
16 obtaining a valid Firearm Owner's Identification Card.

17 (6) Continued practice, although the person has become  
18 unfit to practice due to any of the following:

19 (A) Any circumstance that disqualifies the person  
20 from obtaining a valid Firearm Owner's Identification  
21 Card or concealed carry license.

22 (B) Habitual or excessive use or abuse of drugs  
23 defined in law as controlled substances, alcohol, or  
24 any other substance that results in the inability to  
25 practice with reasonable judgment, skill, or safety.

26 (7) Receiving, directly or indirectly, compensation

1 for any firearms sold or transferred illegally.

2 (8) Discipline by another United States jurisdiction,  
3 foreign nation, or governmental agency, if at least one of  
4 the grounds for the discipline is the same or  
5 substantially equivalent to those set forth in this Act.

6 (9) Violation of any disciplinary order imposed on a  
7 licensee by the Illinois State Police ~~Department~~.

8 (10) A finding by the Illinois State Police ~~Department~~  
9 that the licensee, after having his or her certified  
10 license placed on probationary status, has violated the  
11 terms of probation.

12 (11) A fraudulent or material misstatement in the  
13 completion of an affirmative obligation or inquiry by law  
14 enforcement.

15 (b) All fines imposed under this Section shall be paid  
16 within 90 days after the effective date of the final order  
17 imposing the fine.

18 (Source: P.A. 100-1178, eff. 1-18-19.)

19 (430 ILCS 68/5-95)

20 Sec. 5-95. Complaints; investigations; hearings.

21 (a) The Illinois State Police ~~Department~~ may investigate  
22 the actions of any applicant or of any person or persons  
23 holding or claiming to hold a license or registration under  
24 this Act.

25 (b) The Illinois State Police ~~Department~~ shall, before

1 disciplining a licensee under Section 5-85 or refusing to  
2 issue a certificate of license, at least 30 days before the  
3 date set for the hearing, (i) notify the accused in writing of  
4 the charges made and the time and place for the hearing on the  
5 charges, (ii) direct him or her to file a written answer to the  
6 charges under oath within 20 days after service, and (iii)  
7 inform the licensee that failure to answer will result in a  
8 default being entered against the licensee.

9 (c) At the time and place fixed in the notice, the Director  
10 or the hearing officer appointed by the Director shall proceed  
11 to hear the charges, and the parties or their counsel shall be  
12 accorded ample opportunity to present any pertinent  
13 statements, testimony, evidence, and arguments. The Director  
14 or hearing officer may continue the hearing from time to time.  
15 In case the person, after receiving the notice, fails to file  
16 an answer, his, her, or its license may, in the discretion of  
17 the Director, having first received the recommendation of the  
18 Director, be suspended, revoked, or placed on probationary  
19 status, or be subject to whatever disciplinary action the  
20 Director considers proper, including limiting the scope,  
21 nature, or extent of the person's business, or the imposition  
22 of a fine, without hearing, if the act or acts charged  
23 constitute sufficient grounds for that action under this Act.

24 (d) The written notice and any notice in the subsequent  
25 proceeding may be served by certified mail to the licensee's  
26 address of record.

1 (e) The Director has the authority to appoint any attorney  
2 licensed to practice law in this State to serve as the hearing  
3 officer in any action for refusal to issue, restore, or renew a  
4 license, or to discipline a licensee. The hearing officer has  
5 full authority to conduct the hearing.

6 (Source: P.A. 100-1178, eff. 1-18-19.)

7 (430 ILCS 68/5-100)

8 Sec. 5-100. Hearing; rehearing.

9 (a) The Director or the hearing officer authorized by the  
10 Illinois State Police ~~Department~~ shall hear evidence in  
11 support of the formal charges and evidence produced by the  
12 licensee. At the conclusion of the hearing, the Director shall  
13 prepare a written report of his or her findings of fact,  
14 conclusions of law, and recommendations. The report shall  
15 contain a finding of whether the accused person violated this  
16 Act or failed to comply with the conditions required in this  
17 Act.

18 (b) At the conclusion of the hearing, a copy of the  
19 Director's or hearing officer's report shall be served upon  
20 the licensee by the Illinois State Police ~~Department~~, either  
21 personally or as provided in this Act, for the service of a  
22 notice of hearing. Within 20 calendar days after service, the  
23 licensee may present to the Illinois State Police ~~Department~~ a  
24 motion in writing for a rehearing, which shall specify the  
25 particular grounds for rehearing. The Illinois State Police

1 ~~Department~~ may respond to the motion for rehearing within 20  
2 calendar days after its service on the Illinois State Police  
3 ~~Department~~. If no motion for rehearing is filed, then upon the  
4 expiration of the time specified for filing such a motion, or  
5 upon denial of a motion for rehearing, the Director may enter  
6 an order in accordance with his or her recommendations or the  
7 recommendations of the hearing officer. If the licensee orders  
8 from the reporting service and pays for a transcript of the  
9 record within the time for filing a motion for rehearing, the  
10 20-day period within which a motion may be filed shall  
11 commence upon the delivery of the transcript to the licensee.

12 (c) All proceedings under this Section are matters of  
13 public record and shall be preserved.

14 (d) The licensee may continue to operate during the course  
15 of an investigation or hearing, unless the Director finds that  
16 the public interest, safety, or welfare requires an emergency  
17 action.

18 (e) Upon the suspension or revocation of a certificate of  
19 license, the licensee shall surrender the certificate to the  
20 Illinois State Police ~~Department~~ and, upon failure to do so,  
21 the Illinois State Police ~~Department~~ shall seize the same.  
22 However, when the certification of a certified licensee is  
23 suspended, the certified licensee shall not operate as a  
24 certified licensee during the period in which the certificate  
25 is suspended and, if operating during that period, shall be  
26 operating in violation of subsection (a) of Section 5-15 of

1 this Act. A person who violates this Section is guilty of a  
2 Class A misdemeanor for a first violation, and a Class 4 felony  
3 for a second or subsequent violation. In addition to any other  
4 penalty provided by law, any person or entity who violates  
5 this Section shall pay a civil penalty to the Illinois State  
6 Police Department in an amount not to exceed \$2,500 for the  
7 first violation, and a fine not to exceed \$5,000 for a second  
8 or subsequent violation.

9 (Source: P.A. 100-1178, eff. 1-18-19.)

10 (430 ILCS 68/5-105)

11 Sec. 5-105. Restoration of certificate of license after  
12 disciplinary proceedings. At any time after the successful  
13 completion of a term of probation, suspension, or revocation  
14 of a certificate of license, the Illinois State Police  
15 ~~Department~~ may restore it to the licensee, unless, after an  
16 investigation and a hearing, the Director determines that  
17 restoration is not in the public interest. No person or entity  
18 whose certificate of license, card, or authority has been  
19 revoked as authorized in this Act may apply for restoration of  
20 that certificate of license, card, or authority until such  
21 time as provided for in the Civil Administrative Code of  
22 Illinois.

23 (Source: P.A. 100-1178, eff. 1-18-19.)

24 (430 ILCS 68/5-110)

1           Sec. 5-110. Administrative review. All final  
2 administrative decisions of the Illinois State Police  
3 ~~Department~~ are subject to judicial review under Article III of  
4 the Code of Civil Procedure. The term "administrative  
5 decision" is defined as in Section 3-101 of the Code of Civil  
6 Procedure. The proceedings for judicial review shall be  
7 commenced in the circuit court of the county in which the party  
8 applying for review resides, but if the party is not a resident  
9 of this State, the venue shall be in Sangamon County. The  
10 Illinois State Police ~~Department~~ shall not be required to  
11 certify any record to the court, or file any answer in court,  
12 or otherwise appear in any court in a judicial review  
13 proceeding, unless, and until, the Illinois State Police  
14 ~~Department~~ has received from the plaintiff payment of the  
15 costs of furnishing and certifying the record, which costs  
16 shall be determined by the Illinois State Police ~~Department~~.  
17 Exhibits shall be certified without cost. Failure on the part  
18 of the applicant or licensee to file a receipt in court is  
19 grounds for dismissal of the action.

20 (Source: P.A. 100-1178, eff. 1-18-19.)

21 (430 ILCS 68/5-115)

22 Sec. 5-115. Prima facie proof.

23 (a) An order or a certified copy thereof, over the seal of  
24 the Illinois State Police ~~Department~~ and purporting to be  
25 signed by the Director, is prima facie proof that the



1 signature is that of the Director, and the Director is  
2 qualified to act.

3 (b) A certified copy of a record of the Illinois State  
4 Police Department shall, without further proof, be admitted  
5 into evidence in any legal proceeding, and shall be prima  
6 facie correct and prima facie evidence of the information  
7 contained therein.

8 (Source: P.A. 100-1178, eff. 1-18-19.)

9 (430 ILCS 68/5-120)

10 Sec. 5-120. Federal agencies and investigations. Nothing  
11 in this Act shall be construed to interfere with any federal  
12 agency or any federal agency investigation. All Illinois State  
13 Police Department rules adopted under this Act shall comply  
14 with federal law. The Illinois State Police Department may as  
15 necessary coordinate efforts with relevant State and federal  
16 law enforcement agencies to enforce this Act.

17 (Source: P.A. 100-1178, eff. 1-18-19.)

18 Section 895. The Humane Euthanasia in Animal Shelters Act  
19 is amended by changing Sections 35 and 55 as follows:

20 (510 ILCS 72/35)

21 Sec. 35. Technician certification; duties.

22 (a) An applicant for certification as a euthanasia  
23 technician shall file an application with the Department and

1 shall:

2 (1) Be 18 years of age.

3 (2) Be of good moral character. In determining moral  
4 character under this Section, the Department may take into  
5 consideration whether the applicant has engaged in conduct  
6 or activities that would constitute grounds for discipline  
7 under this Act.

8 (3) Each applicant for certification as a euthanasia  
9 technician shall have his or her fingerprints submitted to  
10 the Illinois ~~Department of~~ State Police in an electronic  
11 format that complies with the form and manner for  
12 requesting and furnishing criminal history record  
13 information as prescribed by the Illinois ~~Department of~~  
14 State Police. These fingerprints shall be checked against  
15 the Illinois ~~Department of~~ State Police and Federal Bureau  
16 of Investigation criminal history record databases now and  
17 hereafter filed. The Illinois ~~Department of~~ State Police  
18 shall charge applicants a fee for conducting the criminal  
19 history records check, which shall be deposited in the  
20 State Police Services Fund and shall not exceed the actual  
21 cost of the records check. The Illinois ~~Department of~~  
22 State Police shall furnish, pursuant to positive  
23 identification, records of Illinois convictions to the  
24 Department.

25 (4) Hold a license or certification from the American  
26 Humane Association, the National Animal Control

1 Association, the Illinois Federation of Humane Societies,  
2 or the Humane Society of the United States issued within 3  
3 years preceding the date of application. Every 5 years a  
4 certified euthanasia technician must renew his or her  
5 certification with the Department. At the time of renewal,  
6 the technician must present proof that he or she attended  
7 a class or seminar, administered by the American Humane  
8 Association, the National Animal Control Association, the  
9 Illinois Federation of Humane Societies, or the Humane  
10 Society of the United States, that teaches techniques or  
11 guidelines, or both, for humane animal euthanasia.

12 (5) Pay the required fee.

13 (b) The duties of a euthanasia technician shall include  
14 but are not limited to:

15 (1) preparing animals for euthanasia and scanning each  
16 animal, prior to euthanasia, for microchips;

17 (2) accurately recording the dosages administered and  
18 the amount of drugs wasted;

19 (3) ordering supplies;

20 (4) maintaining the security of all controlled  
21 substances and drugs;

22 (5) humanely euthanizing animals via intravenous  
23 injection by hypodermic needle, intraperitoneal injection  
24 by hypodermic needle, or intracardiac injection only on  
25 comatose animals by hypodermic needle; and

26 (6) properly disposing of euthanized animals after

1 verification of death.

2 (c) A euthanasia technician employed by a euthanasia  
3 agency may perform euthanasia by the administration of a  
4 Schedule II or Schedule III nonnarcotic controlled substance.  
5 A euthanasia technician may not personally possess, order, or  
6 administer a controlled substance except as an agent of the  
7 euthanasia agency.

8 (d) Upon termination from a euthanasia agency, a  
9 euthanasia technician shall not perform animal euthanasia  
10 until he or she is employed by another certified euthanasia  
11 agency.

12 (e) A certified euthanasia technician or an instructor in  
13 an approved course does not engage in the practice of  
14 veterinary medicine when performing duties set forth in this  
15 Act.

16 (Source: P.A. 96-780, eff. 8-28-09.)

17 (510 ILCS 72/55)

18 Sec. 55. Endorsement. An applicant, who is a euthanasia  
19 technician registered or licensed under the laws of another  
20 state or territory of the United States that has requirements  
21 that are substantially similar to the requirements of this  
22 Act, may be granted certification as a euthanasia technician  
23 in this State without examination, upon presenting  
24 satisfactory proof to the Department that the applicant has  
25 been engaged in the practice of euthanasia for a period of not

1 less than one year and upon payment of the required fee. In  
2 addition, an applicant shall have his or her fingerprints  
3 submitted to the Illinois ~~Department of~~ State Police for  
4 purposes of a criminal history records check pursuant to  
5 clause (a) (3) of Section 35.

6 (Source: P.A. 92-449, eff. 1-1-02; 93-626, eff. 12-23-03.)

7 Section 900. The Wildlife Code is amended by changing  
8 Section 3.5 as follows:

9 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

10 Sec. 3.5. Penalties; probation.

11 (a) Any person who violates any of the provisions of  
12 Section 2.36a, including administrative rules, shall be guilty  
13 of a Class 3 felony, except as otherwise provided in  
14 subsection (b) of this Section and subsection (a) of Section  
15 2.36a.

16 (b) Whenever any person who has not previously been  
17 convicted of, or placed on probation or court supervision for,  
18 any offense under Section 1.22, 2.36, or 2.36a or subsection  
19 (i) or (cc) of Section 2.33, the court may, without entering a  
20 judgment and with the person's consent, sentence the person to  
21 probation for a violation of Section 2.36a.

22 (1) When a person is placed on probation, the court  
23 shall enter an order specifying a period of probation of  
24 24 months and shall defer further proceedings in the case

1           until the conclusion of the period or until the filing of a  
2           petition alleging violation of a term or condition of  
3           probation.

4           (2) The conditions of probation shall be that the  
5           person:

6                   (A) Not violate any criminal statute of any  
7                   jurisdiction.

8                   (B) Perform no less than 30 hours of community  
9                   service, provided community service is available in  
10                  the jurisdiction and is funded and approved by the  
11                  county board.

12          (3) The court may, in addition to other conditions:

13                   (A) Require that the person make a report to and  
14                   appear in person before or participate with the court  
15                   or courts, person, or social service agency as  
16                   directed by the court in the order of probation.

17                   (B) Require that the person pay a fine and costs.

18                   (C) Require that the person refrain from  
19                   possessing a firearm or other dangerous weapon.

20                   (D) Prohibit the person from associating with any  
21                   person who is actively engaged in any of the  
22                   activities regulated by the permits issued or  
23                   privileges granted by the Department of Natural  
24                   Resources.

25          (4) Upon violation of a term or condition of  
26          probation, the court may enter a judgment on its original

1 finding of guilt and proceed as otherwise provided.

2 (5) Upon fulfillment of the terms and conditions of  
3 probation, the court shall discharge the person and  
4 dismiss the proceedings against the person.

5 (6) A disposition of probation is considered to be a  
6 conviction for the purposes of imposing the conditions of  
7 probation, for appeal, and for administrative revocation  
8 and suspension of licenses and privileges; however,  
9 discharge and dismissal under this Section is not a  
10 conviction for purposes of disqualification or  
11 disabilities imposed by law upon conviction of a crime.

12 (7) Discharge and dismissal under this Section may  
13 occur only once with respect to any person.

14 (8) If a person is convicted of an offense under this  
15 Act within 5 years subsequent to a discharge and dismissal  
16 under this Section, the discharge and dismissal under this  
17 Section shall be admissible in the sentencing proceeding  
18 for that conviction as a factor in aggravation.

19 (9) The Circuit Clerk shall notify the Illinois  
20 ~~Department of~~ State Police of all persons convicted of or  
21 placed under probation for violations of Section 2.36a.

22 (c) Any person who violates any of the provisions of  
23 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,  
24 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),  
25 and (cc)), 2.33-1, 2.33a, 3.3, 3.4, 3.11 through 3.16, 3.19,  
26 3.20, 3.21 (except subsections (b), (c), (d), (e), (f), (f.5),

1 (g), (h), and (i)), 3.24, 3.25, and 3.26 (except subsection  
2 (f)), including administrative rules, shall be guilty of a  
3 Class B misdemeanor.

4 A person who violates Section 2.33b by using any computer  
5 software or service to remotely control a weapon that takes  
6 wildlife by remote operation is guilty of a Class B  
7 misdemeanor. A person who violates Section 2.33b by  
8 facilitating a violation of Section 2.33b, including an owner  
9 of land in which remote control hunting occurs, a computer  
10 programmer who designs a program or software to facilitate  
11 remote control hunting, or a person who provides weapons or  
12 equipment to facilitate remote control hunting, is guilty of a  
13 Class A misdemeanor.

14 Any person who violates any of the provisions of Sections  
15 1.22, 2.2a, 2.3, 2.4, 2.36 and 2.38, including administrative  
16 rules, shall be guilty of a Class A misdemeanor. Any second or  
17 subsequent violations of Sections 2.4 and 2.36 shall be a  
18 Class 4 felony.

19 Any person who violates any of the provisions of this Act,  
20 including administrative rules, during such period when his  
21 license, privileges, or permit is revoked or denied by virtue  
22 of Section 3.36, shall be guilty of a Class A misdemeanor.

23 Any person who violates subsection (g), (i), (o), (p),  
24 (y), or (cc) of Section 2.33 shall be guilty of a Class A  
25 misdemeanor and subject to a fine of no less than \$500 and no  
26 more than \$5,000 in addition to other statutory penalties. In



1 addition, the Department shall suspend the privileges, under  
2 this Act, of any person found guilty of violating Section  
3 2.33(cc) for a period of not less than one year.

4 Any person who violates any other of the provisions of  
5 this Act including administrative rules, unless otherwise  
6 stated, shall be guilty of a petty offense. Offenses committed  
7 by minors under the direct control or with the consent of a  
8 parent or guardian may subject the parent or guardian to the  
9 penalties prescribed in this Section.

10 In addition to any fines imposed pursuant to the  
11 provisions of this Section or as otherwise provided in this  
12 Act, any person found guilty of unlawfully taking or  
13 possessing any species protected by this Act, shall be  
14 assessed a civil penalty for such species in accordance with  
15 the values prescribed in Section 2.36a of this Act. This civil  
16 penalty shall be imposed by the Circuit Court for the county  
17 within which the offense was committed at the time of the  
18 conviction. All penalties provided for in this Section shall  
19 be remitted to the Department in accordance with the same  
20 provisions provided for in Section 1.18 of this Act.

21 (Source: P.A. 97-431, eff. 8-16-11.)

22 Section 910. The Public Private Agreements for the Illiana  
23 Expressway Act is amended by changing Section 115 as follows:

24 (605 ILCS 130/115)

1           Sec. 115. Additional powers of the Department with respect  
2 to the Illiana Expressway.

3           (a) The Department may exercise any powers provided under  
4 this Act in participation or cooperation with any governmental  
5 entity and enter into any contracts to facilitate that  
6 participation or cooperation. The Department shall cooperate  
7 with other governmental entities under this Act.

8           (b) The Department may make and enter into all contracts  
9 and agreements necessary or incidental to the performance of  
10 the Department's duties and the execution of the Department's  
11 powers under this Act. Except as otherwise required by law,  
12 these contracts or agreements are not subject to any approvals  
13 other than the approval of the Department, Governor, or  
14 federal agencies.

15           (c) The Department may pay the costs incurred under the  
16 public private agreement entered into under this Act from any  
17 funds available to the Department for the purpose of the  
18 Illiana Expressway under this Act or any other statute.

19           (d) The Department or other State agency may not take any  
20 action that would impair the public private agreement entered  
21 into under this Act, except as provided by law.

22           (e) The Department may enter into an agreement between and  
23 among the contractor, the Department, and the Illinois  
24 ~~Department of~~ State Police concerning the provision of law  
25 enforcement assistance with respect to the Illiana Expressway  
26 under this Act.

1           (f) The Department is authorized to enter into  
2 arrangements with the Illinois State Police related to costs  
3 incurred in providing law enforcement assistance under this  
4 Act.

5           (Source: P.A. 96-913, eff. 6-9-10.)

6           Section 915. The Railroad Police Act is amended by  
7 changing Section 2 as follows:

8           (610 ILCS 80/2) (from Ch. 114, par. 98)

9           Sec. 2. Conductors of all railroad trains, and the captain  
10 or master of any boat carrying passengers within the  
11 jurisdiction of this State, are vested with police powers  
12 while on duty on their respective trains and boats, and may  
13 wear an appropriate badge indicative of this authority.

14           In the policing of its properties any registered rail  
15 carrier, as defined in Section 18c-7201 of the Illinois  
16 Vehicle Code, may provide for the appointment and maintenance  
17 of a police force to aid and supplement the police forces of  
18 any municipality in the protection of its property and the  
19 protection of the persons and property of its passengers and  
20 employees, or in furtherance of the purposes for which the  
21 railroad was organized. While engaged in the conduct of their  
22 employment, the members of the railroad police force have and  
23 may exercise the same police powers conferred upon any peace  
24 officer employed by a law enforcement agency of this State,

1 including the authority to issue administrative citations in  
2 accordance with the provisions of county or municipal  
3 ordinances.

4 Any registered rail carrier that appoints and maintains a  
5 police force shall comply with the following requirements:

6 (1) Establish an internal policy that includes  
7 procedures to ensure objective oversight in addressing  
8 allegations of abuse of authority or other misconduct on  
9 the part of its police officers.

10 (2) Adopt appropriate policies and guidelines for  
11 employee investigations by police officers. These policies  
12 and guidelines shall provide for initiating employee  
13 investigations only under the following conditions:

14 (A) There is reason to believe criminal misconduct  
15 has occurred.

16 (B) In response to an employee accident.

17 (C) There is reason to believe that the interview  
18 of an employee could result in workplace violence.

19 (D) There is a legitimate concern for the personal  
20 safety of one or more employees.

21 These policies and guidelines shall provide for the  
22 right of an employee to request a representative to be  
23 present during any interview concerning a non-criminal  
24 matter.

25 (3) File copies of the policies and guidelines adopted  
26 under paragraphs (1) and (2) with the Illinois Law

1 Enforcement Training Standards Board, which shall make  
2 them available for public inspection. The Board shall  
3 review the policies and guidelines, and approve them if  
4 they comply with the Act.

5 (4) Appeal of a rail carrier's decision. A person  
6 adversely affected or aggrieved by a decision of a rail  
7 carrier's internal investigation under this Act may appeal  
8 the decision to the Illinois State Police. The appeal  
9 shall be filed no later than 90 days after the issuance of  
10 the decision. The Illinois State Police shall review the  
11 depth, completeness, and objectivity of the rail carrier's  
12 investigation, and may conduct its own investigation of  
13 the complaint. The Illinois State Police may uphold,  
14 overturn, or modify the rail carrier's decision by filing  
15 a report of its findings and recommendations with the  
16 Illinois Commerce Commission. Consistent with authority  
17 under Chapter 18C of the Illinois Vehicle Code and the  
18 Commission rules of practice, the Commission shall have  
19 the power to conduct evidentiary hearings, make findings,  
20 and issue and enforce orders, including sanctions under  
21 Section 18c-1704 of the Illinois Vehicle Code.

22 Rulemaking authority to implement this amendatory Act of  
23 the 95th General Assembly, if any, is conditioned on the rules  
24 being adopted in accordance with all provisions of the  
25 Illinois Administrative Procedure Act and all rules and  
26 procedures of the Joint Committee on Administrative Rules; any

1 purported rule not so adopted, for whatever reason, is  
2 unauthorized.

3 (Source: P.A. 98-791, eff. 7-25-14; 99-78, eff. 7-20-15.)

4 Section 920. The Military Emergency Aircraft Restriction  
5 Act is amended by changing Section 5 as follows:

6 (620 ILCS 10/5) (from Ch. 15 1/2, par. 183)

7 Sec. 5. Notice of the existence of a state of military  
8 emergency and of currently prevailing air traffic control  
9 requirements issued to the Department and to civil and  
10 military aviation facilities of this State over the Federal  
11 Interstate Airways Communications System and the State  
12 emergency fan-out system components of the Civil Air Defense  
13 Warning Net is sufficient to authorize the Department to  
14 control non-scheduled civil aircraft movement as provided in  
15 this Act.

16 The Department may utilize, to the extent of capacity, the  
17 radio network system of the Illinois State Police, county  
18 sheriffs' offices and municipal police departments in order to  
19 assure a reliable and adequate State fan-out communications  
20 system required for rapid dissemination of notices to airmen  
21 and civil aviation authorities respecting such aircraft  
22 movement control as may be required on the part of the  
23 Department and airport operators and managers during the  
24 existence of a state of military emergency.

1 (Source: P.A. 91-357, eff. 7-29-99.)

2 Section 930. The Public-Private Agreements for the South  
3 Suburban Airport Act is amended by changing Section 2-135 as  
4 follows:

5 (620 ILCS 75/2-135)

6 Sec. 2-135. Additional powers of the Department with  
7 respect to the South Suburban Airport.

8 (a) The Department may exercise any powers provided under  
9 this Act in participation or cooperation with any governmental  
10 entity and enter into any contracts to facilitate that  
11 participation or cooperation. The Department shall cooperate  
12 with other governmental entities under this Act.

13 (b) The Department may make and enter into all contracts  
14 and agreements necessary or incidental to the performance of  
15 the Department's duties and the execution of the Department's  
16 powers under this Act. Except as otherwise required by law,  
17 these contracts or agreements are not subject to any approvals  
18 other than the approval of the Department, Governor, or  
19 federal agencies and may contain any terms that are considered  
20 reasonable by the Department and not in conflict with any  
21 provisions of this Act or other statutes, rules, or laws.

22 (c) The Department may pay the costs incurred under the  
23 public-private agreement entered into under this Act from any  
24 funds available to the Department for the purpose of the South

1 Suburban Airport under this Act or any other statute.

2 (d) The Department and other State agencies shall not take  
3 any action that would impair the public-private agreement  
4 entered into under this Act, except as provided by law.

5 (e) The Department may enter into an agreement between and  
6 among the contractor, the Department, and the Illinois  
7 ~~Department of~~ State Police concerning the provision of law  
8 enforcement assistance with respect to the South Suburban  
9 Airport under this Act.

10 (f) The Department is authorized to enter into  
11 arrangements with the Illinois State Police related to costs  
12 incurred in providing law enforcement assistance under this  
13 Act.

14 (Source: P.A. 98-109, eff. 7-25-13.)

15 Section 935. The Illinois Vehicle Code is amended by  
16 changing Sections 1-129, 2-116, 2-119, 3-117.1, 3-405, 3-416,  
17 4-107, 4-109, 4-202, 4-203.5, 4-205, 4-206, 4-209, 4-302,  
18 5-102, 5-105, 5-401.2, 5-402.1, 6-106.1, 6-106.1a, 6-107.5,  
19 6-112, 6-402, 6-411, 6-508, 8-115, 11-212, 11-416, 11-501.01,  
20 11-501.2, 11-501.4-1, 11-501.5, 11-501.6, 11-501.8, 11-501.10,  
21 11-605.1, 11-907.1, 12-612, 13-109.1, 15-102, 15-112, 15-201,  
22 15-202, 15-203, 15-305, 16-102, 16-105, 18a-200, 18b-112,  
23 18c-1702, and 18c-4601 as follows:

24 (625 ILCS 5/1-129) (from Ch. 95 1/2, par. 1-129)



1           Sec. 1-129. Identification Number. The numbers and  
2 letters, if any, on a vehicle or essential part, affixed by its  
3 manufacturer, the Illinois Secretary of State or the Illinois  
4 ~~Department of~~ State Police for the purpose of identifying the  
5 vehicle or essential part, or which is required to be affixed  
6 to the vehicle or part by federal or state law.

7 (Source: P.A. 84-1302; 84-1304.)

8           (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

9           Sec. 2-116. Secretary of State Department of Police.

10          (a) The Secretary of State and the officers, inspectors,  
11 and investigators appointed by him shall cooperate with the  
12 Illinois State Police and the sheriffs and police in enforcing  
13 the laws regulating the operation of vehicles and the use of  
14 the highways.

15          (b) The Secretary of State may provide training and  
16 education for members of his office in traffic regulation, the  
17 promotion of traffic safety and the enforcement of laws vested  
18 in the Secretary of State for administration and enforcement  
19 regulating the operation of vehicles and the use of the  
20 highways.

21          (c) The Secretary of State may provide distinctive  
22 uniforms and badges for officers, inspectors and investigators  
23 employed in the administration of laws relating to the  
24 operation of vehicles and the use of the highways and vesting  
25 the administration and enforcement of such laws in the

1 Secretary of State.

2 (c-5) The Director of the Secretary of State Department of  
3 Police shall establish a program to allow a Secretary of State  
4 Police officer, inspector, or investigator who is honorably  
5 retiring in good standing to purchase either one or both of the  
6 following: (1) any Secretary of State Department of Police  
7 badge previously issued to that officer, inspector, or  
8 investigator; or (2) if the officer, inspector, or  
9 investigator has a currently valid Firearm Owner's  
10 Identification Card, the service firearm issued or previously  
11 issued to the officer, inspector, or investigator by the  
12 Secretary of State Department of Police. The cost of the  
13 firearm shall be the replacement value of the firearm and not  
14 the firearm's fair market value.

15 (d) The Secretary of State Department of Police is  
16 authorized to:

17 (1) investigate the origins, activities, persons, and  
18 incidents of crime and the ways and means, if any, to  
19 redress the victims of crimes, and study the impact, if  
20 any, of legislation relative to the criminal laws of this  
21 State related thereto and conduct any other investigations  
22 as may be provided by law;

23 (2) employ skilled experts, technicians,  
24 investigators, special agents, or otherwise specially  
25 qualified persons to aid in preventing or detecting crime,  
26 apprehending criminals, or preparing and presenting

1 evidence of violations of the criminal laws of the State;

2 (3) cooperate with the police of cities, villages, and  
3 incorporated towns, and with the police officers of any  
4 county, in enforcing the laws of the State and in making  
5 arrests;

6 (4) provide, as may be required by law, assistance to  
7 local law enforcement agencies through training,  
8 management, and consultant services for local law  
9 enforcement agencies, pertaining to law enforcement  
10 activities;

11 (5) exercise the rights, powers, and duties which have  
12 been vested in it by the Secretary of State Act and this  
13 Code; and

14 (6) enforce and administer any other laws in relation  
15 to law enforcement as may be vested in the Secretary of  
16 State Department of Police.

17 Persons within the Secretary of State Department of Police  
18 who exercise these powers are conservators of the peace and  
19 have all the powers possessed by policemen in municipalities  
20 and sheriffs, and may exercise these powers anywhere in the  
21 State in cooperation with local law enforcement officials.  
22 These persons may use false or fictitious names in the  
23 performance of their duties under this Section, upon approval  
24 of the Director of Police-Secretary of State, and shall not be  
25 subject to prosecution under the criminal laws for that use.

26 (e) The Secretary of State Department of Police may

1 charge, collect, and receive fees or moneys equivalent to the  
2 cost of providing its personnel, equipment, and services to  
3 governmental agencies when explicitly requested by a  
4 governmental agency and according to an intergovernmental  
5 agreement or memorandums of understanding as provided by this  
6 Section, including but not limited to fees or moneys  
7 equivalent to the cost of providing training to other  
8 governmental agencies on terms and conditions that in the  
9 judgment of the Director of Police-Secretary of State are in  
10 the best interest of the Secretary of State. All fees received  
11 by the Secretary of State Police Department under this Act  
12 shall be deposited in a special fund in the State Treasury to  
13 be known as the Secretary of State Police Services Fund. The  
14 money deposited in the Secretary of State Police Services Fund  
15 shall be appropriated to the Secretary of State Department of  
16 Police as provided for in subsection (g).

17 (f) The Secretary of State Department of Police may apply  
18 for grants or contracts and receive, expend, allocate, or  
19 disburse moneys made available by public or private entities,  
20 including, but not limited to, contracts, bequests, grants, or  
21 receiving equipment from corporations, foundations, or public  
22 or private institutions of higher learning.

23 (g) The Secretary of State Police Services Fund is hereby  
24 created as a special fund in the State Treasury. All moneys  
25 received under this Section by the Secretary of State  
26 Department of Police shall be deposited into the Secretary of

1 State Police Services Fund to be appropriated to the Secretary  
2 of State Department of Police for purposes as indicated by the  
3 grantor or contractor or, in the case of moneys bequeathed or  
4 granted for no specific purpose, for any purpose as deemed  
5 appropriate by the Director of Police-Secretary of State in  
6 administering the responsibilities of the Secretary of State  
7 Department of Police.

8 (Source: P.A. 100-931, eff. 8-17-18.)

9 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

10 Sec. 2-119. Disposition of fees and taxes.

11 (a) All moneys received from Salvage Certificates shall be  
12 deposited in the Common School Fund in the State Treasury.

13 (b) Of the money collected for each certificate of title,  
14 duplicate certificate of title, and corrected certificate of  
15 title:

16 (1) \$2.60 shall be deposited in the Park and  
17 Conservation Fund;

18 (2) \$0.65 shall be deposited in the Illinois Fisheries  
19 Management Fund;

20 (3) \$48 shall be disbursed under subsection (g) of  
21 this Section;

22 (4) \$4 shall be deposited into the Motor Vehicle  
23 License Plate Fund; and

24 (5) \$30 shall be deposited into the Capital Projects  
25 Fund.

1 All remaining moneys collected for certificates of title,  
2 and all moneys collected for filing of security interests,  
3 shall be deposited in the General Revenue Fund.

4 The \$20 collected for each delinquent vehicle registration  
5 renewal fee shall be deposited into the General Revenue Fund.

6 The moneys deposited in the Park and Conservation Fund  
7 under this Section shall be used for the acquisition and  
8 development of bike paths as provided for in Section 805-420  
9 of the Department of Natural Resources (Conservation) Law of  
10 the Civil Administrative Code of Illinois. The moneys  
11 deposited into the Park and Conservation Fund under this  
12 subsection shall not be subject to administrative charges or  
13 chargebacks, unless otherwise authorized by this Code.

14 If the balance in the Motor Vehicle License Plate Fund  
15 exceeds \$40,000,000 on the last day of a calendar month, then  
16 during the next calendar month, the \$4 that otherwise would be  
17 deposited in that fund shall instead be deposited into the  
18 Road Fund.

19 (c) All moneys collected for that portion of a driver's  
20 license fee designated for driver education under Section  
21 6-118 shall be placed in the Drivers Education Fund in the  
22 State Treasury.

23 (d) Of the moneys collected as a registration fee for each  
24 motorcycle, motor driven cycle, and moped, 27% shall be  
25 deposited in the Cycle Rider Safety Training Fund.

26 (e) (Blank).

1 (f) Of the total money collected for a commercial  
2 learner's permit (CLP) or original or renewal issuance of a  
3 commercial driver's license (CDL) pursuant to the Uniform  
4 Commercial Driver's License Act (UCDLA): (i) \$6 of the total  
5 fee for an original or renewal CDL, and \$6 of the total CLP fee  
6 when such permit is issued to any person holding a valid  
7 Illinois driver's license, shall be paid into the  
8 CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License  
9 Information System/American Association of Motor Vehicle  
10 Administrators network/National Motor Vehicle Title  
11 Information Service Trust Fund) and shall be used for the  
12 purposes provided in Section 6z-23 of the State Finance Act  
13 and (ii) \$20 of the total fee for an original or renewal CDL or  
14 CLP shall be paid into the Motor Carrier Safety Inspection  
15 Fund, which is hereby created as a special fund in the State  
16 Treasury, to be used by the Illinois ~~Department of~~ State  
17 Police, subject to appropriation, to hire additional officers  
18 to conduct motor carrier safety inspections pursuant to  
19 Chapter 18b of this Code.

20 (g) Of the moneys received by the Secretary of State as  
21 registration fees or taxes, certificates of title, duplicate  
22 certificates of title, corrected certificates of title, or as  
23 payment of any other fee under this Code, when those moneys are  
24 not otherwise distributed by this Code, 37% shall be deposited  
25 into the State Construction Account Fund, and 63% shall be  
26 deposited in the Road Fund. Moneys in the Road Fund shall be

1 used for the purposes provided in Section 8.3 of the State  
2 Finance Act.

3 (h) (Blank).

4 (i) (Blank).

5 (j) (Blank).

6 (k) There is created in the State Treasury a special fund  
7 to be known as the Secretary of State Special License Plate  
8 Fund. Money deposited into the Fund shall, subject to  
9 appropriation, be used by the Office of the Secretary of State  
10 (i) to help defray plate manufacturing and plate processing  
11 costs for the issuance and, when applicable, renewal of any  
12 new or existing registration plates authorized under this Code  
13 and (ii) for grants made by the Secretary of State to benefit  
14 Illinois Veterans Home libraries.

15 (l) The Motor Vehicle Review Board Fund is created as a  
16 special fund in the State Treasury. Moneys deposited into the  
17 Fund under paragraph (7) of subsection (b) of Section 5-101  
18 and Section 5-109 shall, subject to appropriation, be used by  
19 the Office of the Secretary of State to administer the Motor  
20 Vehicle Review Board, including without limitation payment of  
21 compensation and all necessary expenses incurred in  
22 administering the Motor Vehicle Review Board under the Motor  
23 Vehicle Franchise Act.

24 (m) Effective July 1, 1996, there is created in the State  
25 Treasury a special fund to be known as the Family  
26 Responsibility Fund. Moneys deposited into the Fund shall,



1 subject to appropriation, be used by the Office of the  
2 Secretary of State for the purpose of enforcing the Family  
3 Financial Responsibility Law.

4 (n) The Illinois Fire Fighters' Memorial Fund is created  
5 as a special fund in the State Treasury. Moneys deposited into  
6 the Fund shall, subject to appropriation, be used by the  
7 Office of the State Fire Marshal for construction of the  
8 Illinois Fire Fighters' Memorial to be located at the State  
9 Capitol grounds in Springfield, Illinois. Upon the completion  
10 of the Memorial, moneys in the Fund shall be used in accordance  
11 with Section 3-634.

12 (o) Of the money collected for each certificate of title  
13 for all-terrain vehicles and off-highway motorcycles, \$17  
14 shall be deposited into the Off-Highway Vehicle Trails Fund.

15 (p) For audits conducted on or after July 1, 2003 pursuant  
16 to Section 2-124(d) of this Code, 50% of the money collected as  
17 audit fees shall be deposited into the General Revenue Fund.

18 (Source: P.A. 98-176 (See Section 10 of P.A. 98-722 and  
19 Section 10 of P.A. 99-414 for the effective date of changes  
20 made by P.A. 98-176); 98-177, eff. 1-1-14; 98-756, eff.  
21 7-16-14; 99-127, eff. 1-1-16; 99-933, eff. 1-27-17.)

22 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

23 Sec. 3-117.1. When junking certificates or salvage  
24 certificates must be obtained.

25 (a) Except as provided in Chapter 4 and Section 3-117.3 of

1 this Code, a person who possesses a junk vehicle shall within  
2 15 days cause the certificate of title, salvage certificate,  
3 certificate of purchase, or a similarly acceptable  
4 out-of-state document of ownership to be surrendered to the  
5 Secretary of State along with an application for a junking  
6 certificate, except as provided in Section 3-117.2, whereupon  
7 the Secretary of State shall issue to such a person a junking  
8 certificate, which shall authorize the holder thereof to  
9 possess, transport, or, by an endorsement, transfer ownership  
10 in such junked vehicle, and a certificate of title shall not  
11 again be issued for such vehicle. The owner of a junk vehicle  
12 is not required to surrender the certificate of title under  
13 this subsection if (i) there is no lienholder on the  
14 certificate of title or (ii) the owner of the junk vehicle has  
15 a valid lien release from the lienholder releasing all  
16 interest in the vehicle and the owner applying for the junk  
17 certificate matches the current record on the certificate of  
18 title file for the vehicle.

19 A licensee who possesses a junk vehicle and a Certificate  
20 of Title, Salvage Certificate, Certificate of Purchase, or a  
21 similarly acceptable out-of-state document of ownership for  
22 such junk vehicle, may transport the junk vehicle to another  
23 licensee prior to applying for or obtaining a junking  
24 certificate, by executing a uniform invoice. The licensee  
25 transferor shall furnish a copy of the uniform invoice to the  
26 licensee transferee at the time of transfer. In any case, the

1 licensee transferor shall apply for a junking certificate in  
2 conformance with Section 3-117.1 of this Chapter. The  
3 following information shall be contained on a uniform invoice:

4 (1) The business name, address and dealer license  
5 number of the person disposing of the vehicle, junk  
6 vehicle or vehicle cowl;

7 (2) The name and address of the person acquiring the  
8 vehicle, junk vehicle or vehicle cowl, and if that person  
9 is a dealer, the Illinois or out-of-state dealer license  
10 number of that dealer;

11 (3) The date of the disposition of the vehicle, junk  
12 vehicle or vehicle cowl;

13 (4) The year, make, model, color and description of  
14 each vehicle, junk vehicle or vehicle cowl disposed of by  
15 such person;

16 (5) The manufacturer's vehicle identification number,  
17 Secretary of State identification number or Illinois  
18 ~~Department of State Police~~ number, for each vehicle, junk  
19 vehicle or vehicle cowl part disposed of by such person;

20 (6) The printed name and legible signature of the  
21 person or agent disposing of the vehicle, junk vehicle or  
22 vehicle cowl; and

23 (7) The printed name and legible signature of the  
24 person accepting delivery of the vehicle, junk vehicle or  
25 vehicle cowl.

26 The Secretary of State may certify a junking manifest in a

1 form prescribed by the Secretary of State that reflects those  
2 vehicles for which junking certificates have been applied or  
3 issued. A junking manifest may be issued to any person and it  
4 shall constitute evidence of ownership for the vehicle listed  
5 upon it. A junking manifest may be transferred only to a person  
6 licensed under Section 5-301 of this Code as a scrap  
7 processor. A junking manifest will allow the transportation of  
8 those vehicles to a scrap processor prior to receiving the  
9 junk certificate from the Secretary of State.

10 (b) An application for a salvage certificate shall be  
11 submitted to the Secretary of State in any of the following  
12 situations:

13 (1) When an insurance company makes a payment of  
14 damages on a total loss claim for a vehicle, the insurance  
15 company shall be deemed to be the owner of such vehicle and  
16 the vehicle shall be considered to be salvage except that  
17 ownership of (i) a vehicle that has incurred only hail  
18 damage that does not affect the operational safety of the  
19 vehicle or (ii) any vehicle 9 model years of age or older  
20 may, by agreement between the registered owner and the  
21 insurance company, be retained by the registered owner of  
22 such vehicle. The insurance company shall promptly deliver  
23 or mail within 20 days the certificate of title along with  
24 proper application and fee to the Secretary of State, and  
25 a salvage certificate shall be issued in the name of the  
26 insurance company. Notwithstanding the foregoing, an

1 insurer making payment of damages on a total loss claim  
2 for the theft of a vehicle shall not be required to apply  
3 for a salvage certificate unless the vehicle is recovered  
4 and has incurred damage that initially would have caused  
5 the vehicle to be declared a total loss by the insurer.

6 (1.1) When a vehicle of a self-insured company is to  
7 be sold in the State of Illinois and has sustained damaged  
8 by collision, fire, theft, rust corrosion, or other means  
9 so that the self-insured company determines the vehicle to  
10 be a total loss, or if the cost of repairing the damage,  
11 including labor, would be greater than 70% of its fair  
12 market value without that damage, the vehicle shall be  
13 considered salvage. The self-insured company shall  
14 promptly deliver the certificate of title along with  
15 proper application and fee to the Secretary of State, and  
16 a salvage certificate shall be issued in the name of the  
17 self-insured company. A self-insured company making  
18 payment of damages on a total loss claim for the theft of a  
19 vehicle may exchange the salvage certificate for a  
20 certificate of title if the vehicle is recovered without  
21 damage. In such a situation, the self-insured shall fill  
22 out and sign a form prescribed by the Secretary of State  
23 which contains an affirmation under penalty of perjury  
24 that the vehicle was recovered without damage and the  
25 Secretary of State may, by rule, require photographs to be  
26 submitted.

1           (2) When a vehicle the ownership of which has been  
2 transferred to any person through a certificate of  
3 purchase from acquisition of the vehicle at an auction,  
4 other dispositions as set forth in Sections 4-208 and  
5 4-209 of this Code, or a lien arising under Section  
6 18a-501 of this Code shall be deemed salvage or junk at the  
7 option of the purchaser. The person acquiring such vehicle  
8 in such manner shall promptly deliver or mail, within 20  
9 days after the acquisition of the vehicle, the certificate  
10 of purchase, the proper application and fee, and, if the  
11 vehicle is an abandoned mobile home under the Abandoned  
12 Mobile Home Act, a certification from a local law  
13 enforcement agency that the vehicle was purchased or  
14 acquired at a public sale under the Abandoned Mobile Home  
15 Act to the Secretary of State and a salvage certificate or  
16 junking certificate shall be issued in the name of that  
17 person. The salvage certificate or junking certificate  
18 issued by the Secretary of State under this Section shall  
19 be free of any lien that existed against the vehicle prior  
20 to the time the vehicle was acquired by the applicant  
21 under this Code.

22           (3) A vehicle which has been repossessed by a  
23 lienholder shall be considered to be salvage only when the  
24 repossessed vehicle, on the date of repossession by the  
25 lienholder, has sustained damage by collision, fire,  
26 theft, rust corrosion, or other means so that the cost of

1 repairing such damage, including labor, would be greater  
2 than 33 1/3% of its fair market value without such damage.  
3 If the lienholder determines that such vehicle is damaged  
4 in excess of 33 1/3% of such fair market value, the  
5 lienholder shall, before sale, transfer or assignment of  
6 the vehicle, make application for a salvage certificate,  
7 and shall submit with such application the proper fee and  
8 evidence of possession. If the facts required to be shown  
9 in subsection (f) of Section 3-114 are satisfied, the  
10 Secretary of State shall issue a salvage certificate in  
11 the name of the lienholder making the application. In any  
12 case wherein the vehicle repossessed is not damaged in  
13 excess of 33 1/3% of its fair market value, the lienholder  
14 shall comply with the requirements of subsections (f),  
15 (f-5), and (f-10) of Section 3-114, except that the  
16 affidavit of repossession made by or on behalf of the  
17 lienholder shall also contain an affirmation under penalty  
18 of perjury that the vehicle on the date of sale is not  
19 damaged in excess of 33 1/3% of its fair market value. If  
20 the facts required to be shown in subsection (f) of  
21 Section 3-114 are satisfied, the Secretary of State shall  
22 issue a certificate of title as set forth in Section 3-116  
23 of this Code. The Secretary of State may by rule or  
24 regulation require photographs to be submitted.

25 (4) A vehicle which is a part of a fleet of more than 5  
26 commercial vehicles registered in this State or any other

1 state or registered proportionately among several states  
2 shall be considered to be salvage when such vehicle has  
3 sustained damage by collision, fire, theft, rust,  
4 corrosion or similar means so that the cost of repairing  
5 such damage, including labor, would be greater than 33  
6 1/3% of the fair market value of the vehicle without such  
7 damage. If the owner of a fleet vehicle desires to sell,  
8 transfer, or assign his interest in such vehicle to a  
9 person within this State other than an insurance company  
10 licensed to do business within this State, and the owner  
11 determines that such vehicle, at the time of the proposed  
12 sale, transfer or assignment is damaged in excess of 33  
13 1/3% of its fair market value, the owner shall, before  
14 such sale, transfer or assignment, make application for a  
15 salvage certificate. The application shall contain with it  
16 evidence of possession of the vehicle. If the fleet  
17 vehicle at the time of its sale, transfer, or assignment  
18 is not damaged in excess of 33 1/3% of its fair market  
19 value, the owner shall so state in a written affirmation  
20 on a form prescribed by the Secretary of State by rule or  
21 regulation. The Secretary of State may by rule or  
22 regulation require photographs to be submitted. Upon sale,  
23 transfer or assignment of the fleet vehicle the owner  
24 shall mail the affirmation to the Secretary of State.

25 (5) A vehicle that has been submerged in water to the  
26 point that rising water has reached over the door sill and



1 has entered the passenger or trunk compartment is a "flood  
2 vehicle". A flood vehicle shall be considered to be  
3 salvage only if the vehicle has sustained damage so that  
4 the cost of repairing the damage, including labor, would  
5 be greater than 33 1/3% of the fair market value of the  
6 vehicle without that damage. The salvage certificate  
7 issued under this Section shall indicate the word "flood",  
8 and the word "flood" shall be conspicuously entered on  
9 subsequent titles for the vehicle. A person who possesses  
10 or acquires a flood vehicle that is not damaged in excess  
11 of 33 1/3% of its fair market value shall make application  
12 for title in accordance with Section 3-116 of this Code,  
13 designating the vehicle as "flood" in a manner prescribed  
14 by the Secretary of State. The certificate of title issued  
15 shall indicate the word "flood", and the word "flood"  
16 shall be conspicuously entered on subsequent titles for  
17 the vehicle.

18 (6) When any licensed rebuilder, repairer, new or used  
19 vehicle dealer, or remittance agent has submitted an  
20 application for title to a vehicle (other than an  
21 application for title to a rebuilt vehicle) that he or she  
22 knows or reasonably should have known to have sustained  
23 damages in excess of 33 1/3% of the vehicle's fair market  
24 value without that damage; provided, however, that any  
25 application for a salvage certificate for a vehicle  
26 recovered from theft and acquired from an insurance

1           company shall be made as required by paragraph (1) of this  
2           subsection (b).

3           (c) Any person who without authority acquires, sells,  
4           exchanges, gives away, transfers or destroys or offers to  
5           acquire, sell, exchange, give away, transfer or destroy the  
6           certificate of title to any vehicle which is a junk or salvage  
7           vehicle shall be guilty of a Class 3 felony.

8           (d) Except as provided under subsection (a), any person  
9           who knowingly fails to surrender to the Secretary of State a  
10          certificate of title, salvage certificate, certificate of  
11          purchase or a similarly acceptable out-of-state document of  
12          ownership as required under the provisions of this Section is  
13          guilty of a Class A misdemeanor for a first offense and a Class  
14          4 felony for a subsequent offense; except that a person  
15          licensed under this Code who violates paragraph (5) of  
16          subsection (b) of this Section is guilty of a business offense  
17          and shall be fined not less than \$1,000 nor more than \$5,000  
18          for a first offense and is guilty of a Class 4 felony for a  
19          second or subsequent violation.

20          (e) Any vehicle which is salvage or junk may not be driven  
21          or operated on roads and highways within this State. A  
22          violation of this subsection is a Class A misdemeanor. A  
23          salvage vehicle displaying valid special plates issued under  
24          Section 3-601(b) of this Code, which is being driven to or from  
25          an inspection conducted under Section 3-308 of this Code, is  
26          exempt from the provisions of this subsection. A salvage

1 vehicle for which a short term permit has been issued under  
2 Section 3-307 of this Code is exempt from the provisions of  
3 this subsection for the duration of the permit.

4 (Source: P.A. 100-104, eff. 11-9-17; 100-956, eff. 1-1-19;  
5 100-1083, eff. 1-1-19; 101-81, eff. 7-12-19.)

6 (625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)

7 Sec. 3-405. Application for registration.

8 (a) Every owner of a vehicle subject to registration under  
9 this Code shall make application to the Secretary of State for  
10 the registration of such vehicle upon the appropriate form or  
11 forms furnished by the Secretary. Every such application shall  
12 bear the signature of the owner written with pen and ink and  
13 contain:

14 1. The name, domicile address, as defined in Section  
15 1-115.5 of this Code, (except as otherwise provided in  
16 this paragraph 1), mail address of the owner or business  
17 address of the owner if a firm, association, or  
18 corporation, and, if available, email address of the  
19 owner. If the mailing address is a post office box number,  
20 the address listed on the driver license record may be  
21 used to verify residence. A police officer, a deputy  
22 sheriff, an elected sheriff, a law enforcement officer for  
23 the Illinois ~~Department~~ of State Police, a fire  
24 investigator, a state's attorney, an assistant state's  
25 attorney, a state's attorney special investigator, or a

1       judicial officer may elect to furnish the address of the  
2       headquarters of the governmental entity, police district,  
3       or business address where he or she works instead of his or  
4       her domicile address, in which case that address shall be  
5       deemed to be his or her domicile address for all purposes  
6       under this Chapter 3. The spouse and children of a person  
7       who may elect under this paragraph 1 to furnish the  
8       address of the headquarters of the government entity,  
9       police district, or business address where the person  
10      works instead of the person's domicile address may, if  
11      they reside with that person, also elect to furnish the  
12      address of the headquarters of the government entity,  
13      police district, or business address where the person  
14      works as their domicile address, in which case that  
15      address shall be deemed to be their domicile address for  
16      all purposes under this Chapter 3. In this paragraph 1:  
17      (A) "police officer" has the meaning ascribed to  
18      "policeman" in Section 10-3-1 of the Illinois Municipal  
19      Code; (B) "deputy sheriff" means a deputy sheriff  
20      appointed under Section 3-6008 of the Counties Code; (C)  
21      "elected sheriff" means a sheriff commissioned pursuant to  
22      Section 3-6001 of the Counties Code; (D) "fire  
23      investigator" means a person classified as a peace officer  
24      under the Peace Officer Fire Investigation Act; (E)  
25      "state's attorney", "assistant state's attorney", and  
26      "state's attorney special investigator" mean a state's

1 attorney, assistant state's attorney, and state's attorney  
2 special investigator commissioned or appointed under  
3 Division 3-9 of the Counties Code; and (F) "judicial  
4 officer" has the meaning ascribed to it in Section 1-10 of  
5 the Judicial Privacy Act.

6 2. A description of the vehicle, including such  
7 information as is required in an application for a  
8 certificate of title, determined under such standard  
9 rating as may be prescribed by the Secretary.

10 3. (Blank).

11 4. Such further information as may reasonably be  
12 required by the Secretary to enable him to determine  
13 whether the vehicle is lawfully entitled to registration  
14 and the owner entitled to a certificate of title.

15 5. An affirmation by the applicant that all  
16 information set forth is true and correct. If the  
17 application is for the registration of a motor vehicle,  
18 the applicant also shall affirm that the motor vehicle is  
19 insured as required by this Code, that such insurance will  
20 be maintained throughout the period for which the motor  
21 vehicle shall be registered, and that neither the owner,  
22 nor any person operating the motor vehicle with the  
23 owner's permission, shall operate the motor vehicle unless  
24 the required insurance is in effect. If the person signing  
25 the affirmation is not the sole owner of the vehicle, such  
26 person shall be deemed to have affirmed on behalf of all

1 the owners of the vehicle. If the person signing the  
2 affirmation is not an owner of the vehicle, such person  
3 shall be deemed to have affirmed on behalf of the owner or  
4 owners of the vehicle. The lack of signature on the  
5 application shall not in any manner exempt the owner or  
6 owners from any provisions, requirements or penalties of  
7 this Code.

8 (b) When such application refers to a new vehicle  
9 purchased from a dealer the application shall be accompanied  
10 by a Manufacturer's Statement of Origin from the dealer, and a  
11 statement showing any lien retained by the dealer.

12 (Source: P.A. 100-145, eff. 1-1-18.)

13 (625 ILCS 5/3-416) (from Ch. 95 1/2, par. 3-416)

14 Sec. 3-416. Notice of change of address or name.

15 (a) Whenever any person after making application for or  
16 obtaining the registration of a vehicle shall move from the  
17 address named in the application or shown upon a registration  
18 card such person shall within 10 days thereafter notify the  
19 Secretary of State of his or her old and new address.

20 (a-5) A police officer, a deputy sheriff, an elected  
21 sheriff, a law enforcement officer for the Illinois Department  
22 ~~of~~ State Police, or a fire investigator who, in accordance  
23 with Section 3-405, has furnished the address of the office of  
24 the headquarters of the governmental entity or police district  
25 where he or she works instead of his or her domicile address

1 shall, within 10 days after he or she is no longer employed by  
2 that governmental entity or police district as a police  
3 officer, a deputy sheriff, an elected sheriff, a law  
4 enforcement officer for the Illinois ~~Department of~~ State  
5 Police or a fire investigator, notify the Secretary of State  
6 of the old address and his or her new address. If, in  
7 accordance with Section 3-405, the spouse and children of a  
8 police officer, deputy sheriff, elected sheriff, law  
9 enforcement officer for the Illinois ~~Department of~~ State  
10 Police, or fire investigator have furnished the address of the  
11 office of the headquarters of the governmental entity or  
12 police district where the police officer, deputy sheriff,  
13 elected sheriff, law enforcement officer for the Illinois  
14 ~~Department of~~ State Police, or fire investigator works instead  
15 of their domicile address, the spouse and children shall  
16 notify the Secretary of State of their old address and new  
17 address within 10 days after the police officer, deputy  
18 sheriff, elected sheriff, law enforcement officer for the  
19 Illinois ~~Department of~~ State Police, or fire investigator is  
20 no longer employed by that governmental entity or police  
21 district as a police officer, deputy sheriff, elected sheriff,  
22 law enforcement officer for the Illinois ~~Department of~~ State  
23 Police, or fire investigator.

24 (b) Whenever the name of any person who has made  
25 application for or obtained the registration of a vehicle is  
26 thereafter changed by marriage or otherwise such person shall

1 within 10 days notify the Secretary of State of such former and  
2 new name.

3 (c) In either event, any such person may obtain a  
4 corrected registration card or certificate of title upon  
5 application and payment of the statutory fee.

6 (Source: P.A. 94-239, eff. 1-1-06; 95-207, eff. 1-1-08.)

7 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

8 Sec. 4-107. Stolen, converted, recovered and unclaimed  
9 vehicles.

10 (a) Every Sheriff, Superintendent of police, Chief of  
11 police or other police officer in command of any Police  
12 department in any City, Village or Town of the State, shall, by  
13 the fastest means of communications available to his law  
14 enforcement agency, immediately report to the Illinois State  
15 Police, in Springfield, Illinois, the theft or recovery of any  
16 stolen or converted vehicle within his district or  
17 jurisdiction. The report shall give the date of theft,  
18 description of the vehicle including color, year of  
19 manufacture, manufacturer's trade name, manufacturer's series  
20 name, body style, vehicle identification number and license  
21 registration number, including the state in which the license  
22 was issued and the year of issuance, together with the name,  
23 residence address, business address, and telephone number of  
24 the owner. The report shall be routed by the originating law  
25 enforcement agency through the Illinois State Police District



1 in which such agency is located.

2 (b) A registered owner or a lienholder may report the  
3 theft by conversion of a vehicle, to the Illinois State  
4 Police, or any other police department or Sheriff's office.  
5 Such report will be accepted as a report of theft and processed  
6 only if a formal complaint is on file and a warrant issued.

7 (c) An operator of a place of business for garaging,  
8 repairing, parking or storing vehicles for the public, in  
9 which a vehicle remains unclaimed, after being left for the  
10 purpose of garaging, repairing, parking or storage, for a  
11 period of 15 days, shall, within 5 days after the expiration of  
12 that period, report the vehicle as unclaimed to the municipal  
13 police when the vehicle is within the corporate limits of any  
14 City, Village or incorporated Town, or the County Sheriff, or  
15 State Police when the vehicle is outside the corporate limits  
16 of a City, Village or incorporated Town. This Section does not  
17 apply to any vehicle:

18 (1) removed to a place of storage by a law enforcement  
19 agency having jurisdiction, in accordance with Sections  
20 4-201 and 4-203 of this Act; or

21 (2) left under a garaging, repairing, parking, or  
22 storage order signed by the owner, lessor, or other  
23 legally entitled person.

24 Failure to comply with this Section will result in the  
25 forfeiture of storage fees for that vehicle involved.

26 (d) The Illinois State Police shall keep a complete record

1 of all reports filed under this Section of the Act. Upon  
2 receipt of such report, a careful search shall be made of the  
3 records of the office of the Illinois State Police, and where  
4 it is found that a vehicle reported recovered was stolen in a  
5 County, City, Village or Town other than the County, City,  
6 Village or Town in which it is recovered, the Illinois State  
7 Police shall immediately notify the Sheriff, Superintendent of  
8 police, Chief of police, or other police officer in command of  
9 the Sheriff's office or Police department of the County, City,  
10 Village or Town in which the vehicle was originally reported  
11 stolen, giving complete data as to the time and place of  
12 recovery.

13 (e) Notification of the theft or conversion of a vehicle  
14 will be furnished to the Secretary of State by the Illinois  
15 State Police. The Secretary of State shall place the proper  
16 information in the license registration and title registration  
17 files to indicate the theft or conversion of a motor vehicle or  
18 other vehicle. Notification of the recovery of a vehicle  
19 previously reported as a theft or a conversion will be  
20 furnished to the Secretary of State by the Illinois State  
21 Police. The Secretary of State shall remove the proper  
22 information from the license registration and title  
23 registration files that has previously indicated the theft or  
24 conversion of a vehicle. The Secretary of State shall suspend  
25 the registration of a vehicle upon receipt of a report from the  
26 Illinois State Police that such vehicle was stolen or

1 converted.

2 (f) When the Secretary of State receives an application  
3 for a certificate of title or an application for registration  
4 of a vehicle and it is determined from the records of the  
5 office of the Secretary of State that such vehicle has been  
6 reported stolen or converted, the Secretary of State shall  
7 immediately notify the Illinois State Police or the Secretary  
8 of State Department of Police and shall give the Illinois  
9 State Police or the Secretary of State Department of Police  
10 the name and address of the person or firm titling or  
11 registering the vehicle, together with all other information  
12 contained in the application submitted by such person or firm.  
13 If the Secretary of State Department of Police receives  
14 notification under this subsection (f), it shall conduct an  
15 investigation concerning the identity of the registered owner  
16 of the stolen or converted vehicle.

17 (g) During the usual course of business the manufacturer  
18 of any vehicle shall place an original manufacturer's vehicle  
19 identification number on all such vehicles manufactured and on  
20 any part of such vehicles requiring an identification number.

21 (h) Except provided in subsection (h-1), if a  
22 manufacturer's vehicle identification number is missing or has  
23 been removed, changed or mutilated on any vehicle, or any part  
24 of such vehicle requiring an identification number, the  
25 Illinois State Police or the Secretary of State Department of  
26 Police shall restore, restamp or reaffix the vehicle

1 identification number plate, or affix a new plate bearing the  
2 original manufacturer's vehicle identification number on each  
3 such vehicle and on all necessary parts of the vehicles. A  
4 vehicle identification number so affixed, restored, restamped,  
5 reaffixed or replaced is not falsified, altered or forged  
6 within the meaning of this Act.

7 (h-1) A person engaged in the repair or servicing of  
8 vehicles may reaffix a manufacturer's identification number  
9 plate on the same damaged vehicle from which it was originally  
10 removed, if the person reaffixes the original manufacturer's  
11 identification number plate in place of the identification  
12 number plate affixed on a new dashboard that has been  
13 installed in the vehicle. The person must notify the Secretary  
14 of State each time the original manufacturer's identification  
15 number plate is reaffixed on a vehicle. The person must keep a  
16 record indicating that the identification number plate affixed  
17 on the new dashboard has been removed and has been replaced by  
18 the manufacturer's identification number plate originally  
19 affixed on the vehicle. The person also must keep a record  
20 regarding the status and location of the identification number  
21 plate removed from the replacement dashboard. The Secretary  
22 shall adopt rules for implementing this subsection (h-1).

23 (h-2) The owner of a vehicle repaired under subsection  
24 (h-1) must, within 90 days of the date of the repairs, contact  
25 an officer of the Illinois State Police Vehicle Inspection  
26 Bureau and arrange for an inspection of the vehicle, by the

1 officer or the officer's designee, at a mutually agreed upon  
2 date and location.

3 (i) If a vehicle or part of any vehicle is found to have  
4 the manufacturer's identification number removed, altered,  
5 defaced or destroyed, the vehicle or part shall be seized by  
6 any law enforcement agency having jurisdiction and held for  
7 the purpose of identification. In the event that the  
8 manufacturer's identification number of a vehicle or part  
9 cannot be identified, the vehicle or part shall be considered  
10 contraband, and no right of property shall exist in any person  
11 owning, leasing or possessing such property, unless the person  
12 owning, leasing or possessing the vehicle or part acquired  
13 such without knowledge that the manufacturer's vehicle  
14 identification number has been removed, altered, defaced,  
15 falsified or destroyed.

16 Either the seizing law enforcement agency or the State's  
17 Attorney of the county where the seizure occurred may make an  
18 application for an order of forfeiture to the circuit court in  
19 the county of seizure. The application for forfeiture shall be  
20 independent from any prosecution arising out of the seizure  
21 and is not subject to any final determination of such  
22 prosecution. The circuit court shall issue an order forfeiting  
23 the property to the seizing law enforcement agency if the  
24 court finds that the property did not at the time of seizure  
25 possess a valid manufacturer's identification number and that  
26 the original manufacturer's identification number cannot be

1 ascertained. The seizing law enforcement agency may:

2 (1) retain the forfeited property for official use; or

3 (2) sell the forfeited property and distribute the  
4 proceeds in accordance with Section 4-211 of this Code, or  
5 dispose of the forfeited property in such manner as the  
6 law enforcement agency deems appropriate.

7 (i-1) If a motorcycle is seized under subsection (i), the  
8 motorcycle must be returned within 45 days of the date of  
9 seizure to the person from whom it was seized, unless (i)  
10 criminal charges are pending against that person or (ii) an  
11 application for an order of forfeiture has been submitted to  
12 the circuit in the county of seizure or (iii) the circuit court  
13 in the county of seizure has received from the seizing law  
14 enforcement agency and has granted a petition to extend, for a  
15 single 30 day period, the 45 days allowed for return of the  
16 motorcycle. Except as provided in subsection (i-2), a  
17 motorcycle returned to the person from whom it was seized must  
18 be returned in essentially the same condition it was in at the  
19 time of seizure.

20 (i-2) If any part or parts of a motorcycle seized under  
21 subsection (i) are found to be stolen and are removed, the  
22 seizing law enforcement agency is not required to replace the  
23 part or parts before returning the motorcycle to the person  
24 from whom it was seized.

25 (j) The Illinois State Police or the Secretary of State  
26 Department of Police shall notify the Secretary of State each

1 time a manufacturer's vehicle identification number is  
2 affixed, reattached, restored or restamped on any vehicle. The  
3 Secretary of State shall make the necessary changes or  
4 corrections in his records, after the proper applications and  
5 fees have been submitted, if applicable.

6 (k) Any vessel, vehicle or aircraft used with knowledge  
7 and consent of the owner in the commission of, or in the  
8 attempt to commit as defined in Section 8-4 of the Criminal  
9 Code of 2012, an offense prohibited by Section 4-103 of this  
10 Chapter, including transporting of a stolen vehicle or stolen  
11 vehicle parts, shall be seized by any law enforcement agency.  
12 The seizing law enforcement agency may:

13 (1) return the vehicle to its owner if such vehicle is  
14 stolen; or

15 (2) confiscate the vehicle and retain it for any  
16 purpose which the law enforcement agency deems  
17 appropriate; or

18 (3) sell the vehicle at a public sale or dispose of the  
19 vehicle in such other manner as the law enforcement agency  
20 deems appropriate.

21 If the vehicle is sold at public sale, the proceeds of the  
22 sale shall be paid to the law enforcement agency.

23 The law enforcement agency shall not retain, sell or  
24 dispose of a vehicle under paragraphs (2) or (3) of this  
25 subsection (k) except upon an order of forfeiture issued by  
26 the circuit court. The circuit court may issue such order of

1 forfeiture upon application of the law enforcement agency or  
2 State's Attorney of the county where the law enforcement  
3 agency has jurisdiction, or in the case of the Illinois  
4 ~~Department of~~ State Police or the Secretary of State, upon  
5 application of the Attorney General.

6 The court shall issue the order if the owner of the vehicle  
7 has been convicted of transporting stolen vehicles or stolen  
8 vehicle parts and the evidence establishes that the owner's  
9 vehicle has been used in the commission of such offense.

10 The provisions of subsection (k) of this Section shall not  
11 apply to any vessel, vehicle or aircraft, which has been  
12 leased, rented or loaned by its owner, if the owner did not  
13 have knowledge of and consent to the use of the vessel, vehicle  
14 or aircraft in the commission of, or in an attempt to commit,  
15 an offense prohibited by Section 4-103 of this Chapter.

16 (Source: P.A. 100-956, eff. 1-1-19.)

17 (625 ILCS 5/4-109)

18 Sec. 4-109. Motor Vehicle Theft Prevention Program. The  
19 Secretary of State, in conjunction with the Motor Vehicle  
20 Theft Prevention and Insurance Verification Council, is hereby  
21 authorized to establish and operate a Motor Vehicle Theft  
22 Prevention Program as follows:

23 (a) Voluntary program participation.

24 (b) The registered owner of a motor vehicle interested in  
25 participating in the program shall sign an informed consent



1 agreement designed by the Secretary of State under subsection  
2 (e) of this Section indicating that the motor vehicle  
3 registered to him is not normally operated between the hours  
4 of 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be  
5 submitted to the Secretary of State for processing.

6 (c) Upon processing the form, the Secretary of State shall  
7 issue to the registered owner a decal. The registered owner  
8 shall affix the decal in a conspicuous place on his motor  
9 vehicle as prescribed by the Secretary of State.

10 (d) Whenever any law enforcement officer shall see a motor  
11 vehicle displaying a decal issued under the provisions of  
12 subsection (c) of this Section being operated upon the public  
13 highways of this State between the hours of 1:00 a.m. and 5:00  
14 a.m., the officer is authorized to stop that motor vehicle and  
15 to request the driver to produce a valid driver's license and  
16 motor vehicle registration card if required to be carried in  
17 the vehicle. Whenever the operator of a motor vehicle  
18 displaying a decal is unable to produce the documentation set  
19 forth in this Section, the police officer shall investigate  
20 further to determine if the person operating the motor vehicle  
21 is the registered owner or has the authorization of the owner  
22 to operate the vehicle.

23 (e) The Secretary of State, in consultation with the  
24 Director of the Illinois ~~Department of~~ State Police and Motor  
25 Vehicle Theft Prevention and Insurance Verification Council,  
26 shall design the manner and form of the informed consent

1 agreement required under subsection (b) of this Section and  
2 the decal required under subsection (c) of this Section.

3 (f) The Secretary of State shall provide for the recording  
4 of registered owners of motor vehicles who participate in the  
5 program. The records shall be available to all law enforcement  
6 departments, agencies, and forces. The Secretary of State  
7 shall cooperate with and assist all law enforcement officers  
8 and other agencies in tracing or examining any questionable  
9 motor vehicles in order to determine the ownership of the  
10 motor vehicles.

11 (g) A fee not to exceed \$10 may be charged for the informed  
12 consent form and decal provided under this Section. The fee,  
13 if any, shall be set by the Motor Vehicle Theft Prevention and  
14 Insurance Verification Council and shall be collected by the  
15 Secretary of State and deposited into the Motor Vehicle Theft  
16 Prevention and Insurance Verification Trust Fund.

17 (h) The Secretary of State, in consultation with the  
18 Director of the Illinois ~~Department of~~ State Police and the  
19 Motor Vehicle Theft Prevention and Insurance Verification  
20 Council shall promulgate rules and regulations to effectuate  
21 the purposes of this Section.

22 (Source: P.A. 100-373, eff. 1-1-18.)

23 (625 ILCS 5/4-202) (from Ch. 95 1/2, par. 4-202)

24 Sec. 4-202. Abandoned, lost, stolen or unclaimed vehicle  
25 notification to law enforcement agencies.

1           When an abandoned, lost, stolen or unclaimed vehicle comes  
2 into the temporary possession or custody of a person in this  
3 State, not the owner of the vehicle, such person shall  
4 immediately notify the municipal police when the vehicle is  
5 within the corporate limits of any city, village or town  
6 having a duly authorized police department, or the State  
7 Police or the county sheriff when the vehicle is outside the  
8 corporate limits of a city, village or town. Upon receipt of  
9 such notification, the municipal police, Illinois State Police  
10 or county sheriff will authorize a towing service to remove  
11 and take possession of the abandoned, lost, stolen or  
12 unclaimed vehicle. The towing service will safely keep the  
13 towed vehicle and its contents, maintain a record of the tow as  
14 set forth in Section 4-204 for law enforcement agencies, until  
15 the vehicle is claimed by the owner or any other person legally  
16 entitled to possession thereof or until it is disposed of as  
17 provided in this Chapter.

18           (Source: P.A. 78-858.)

19           (625 ILCS 5/4-203.5)

20           Sec. 4-203.5. Tow rotation list.

21           (a) Each law enforcement agency whose duties include the  
22 patrol of highways in this State shall maintain a tow rotation  
23 list which shall be used by law enforcement officers  
24 authorizing the tow of a vehicle within the jurisdiction of  
25 the law enforcement agency. To ensure adequate response time,

1 a law enforcement agency may maintain multiple tow rotation  
2 lists, with each tow rotation list covering tows authorized in  
3 different geographic locations within the jurisdiction of the  
4 law enforcement agency. A towing service may be included on  
5 more than one tow rotation list.

6 (b) Any towing service operating within the jurisdiction  
7 of a law enforcement agency may submit an application in a form  
8 and manner prescribed by the law enforcement agency for  
9 inclusion on the law enforcement agency's tow rotation list.  
10 The towing service does not need to be located within the  
11 jurisdiction of the law enforcement agency. To be included on  
12 a tow rotation list the towing service must meet the following  
13 requirements:

14 (1) possess a license permitting the towing service to  
15 operate in every unit of local government in the law  
16 enforcement agency's jurisdiction that requires a license  
17 for the operation of a towing service;

18 (2) if required by the law enforcement agency for  
19 inclusion on that law enforcement agency's tow rotation  
20 list, each owner of the towing service and each person  
21 operating a vehicle on behalf of the towing service shall  
22 submit his or her fingerprints to the Illinois Department  
23 ~~of~~ State Police in the form and manner prescribed by the  
24 Illinois Department ~~of~~ State Police. These fingerprints  
25 should be transmitted through a live scan fingerprint  
26 vendor licensed by the Department of Financial and

1 Professional Regulation. These fingerprints shall be  
2 checked against the fingerprint records now and hereafter  
3 filed in the Illinois ~~Department of~~ State Police and  
4 Federal Bureau of Investigation criminal history records  
5 databases. The Illinois ~~Department of~~ State Police shall  
6 charge a fee for conducting the criminal history record  
7 check, which shall be deposited in the State Police  
8 Services Fund and shall not exceed the actual cost of the  
9 State and national criminal history record check. The  
10 Illinois ~~Department of~~ State Police shall furnish,  
11 pursuant to positive identification, all Illinois  
12 conviction information to the law enforcement agency  
13 maintaining the tow rotation list and shall forward the  
14 national criminal history record information to the law  
15 enforcement agency maintaining the tow rotation list. A  
16 person may not own a towing service or operate a vehicle on  
17 behalf of a towing service included on a tow rotation list  
18 if that person has been convicted during the 5 years  
19 preceding the application of a criminal offense involving  
20 one or more of the following:

21 (A) bodily injury or attempt to inflict bodily  
22 injury to another person;

23 (B) theft of property or attempted theft of  
24 property; or

25 (C) sexual assault or attempted sexual assault of  
26 any kind;

1           (3) each person operating a vehicle on behalf of the  
2           towing service must be classified for the type of towing  
3           operation he or she shall be performing and the vehicle he  
4           or she shall be operating;

5           (4) possess and maintain the following insurance in  
6           addition to any other insurance required by law:

7                   (A) comprehensive automobile liability insurance  
8                   with a minimum combined single limit coverage of  
9                   \$1,000,000;

10                   (B) commercial general liability insurance with  
11                   limits of not less than \$1,000,000 per occurrence,  
12                   \$100,000 minimum garage keepers legal liability  
13                   insurance, and \$100,000 minimum on-hook coverage or  
14                   cargo insurance; and

15                   (C) a worker's compensation policy covering every  
16                   person operating a tow truck on behalf of the towing  
17                   service, if required under current law;

18           (5) possess a secure parking lot used for short-term  
19           vehicle storage after a vehicle is towed that is open  
20           during business hours and is equipped with security  
21           features as required by the law enforcement agency;

22           (6) utilize only vehicles that possess a valid vehicle  
23           registration, display a valid Illinois license plate in  
24           accordance with Section 5-202 of this Code, and comply  
25           with the weight requirements of this Code;

26           (7) every person operating a towing or recovery

1 vehicle on behalf of the towing service must have  
2 completed a Traffic Incident Management Training Program  
3 approved by the Department of Transportation;

4 (8) hold a valid authority issued to it by the  
5 Illinois Commerce Commission;

6 (9) comply with all other applicable federal, State,  
7 and local laws; and

8 (10) comply with any additional requirements the  
9 applicable law enforcement agency deems necessary.

10 The law enforcement agency may select which towing  
11 services meeting the requirements of this subsection (b) shall  
12 be included on a tow rotation list. The law enforcement agency  
13 may choose to have only one towing service on its tow rotation  
14 list. Complaints regarding the process for inclusion on a tow  
15 rotation list or the use of a tow rotation list may be referred  
16 in writing to the head of the law enforcement agency  
17 administering that tow rotation list. The head of the law  
18 enforcement agency shall make the final determination as to  
19 which qualified towing services shall be included on a tow  
20 rotation list, and shall not be held liable for the exclusion  
21 of any towing service from a tow rotation list.

22 (c) Whenever a law enforcement officer initiates a tow of  
23 a vehicle, the officer shall contact his or her law  
24 enforcement agency and inform the agency that a tow has been  
25 authorized. The law enforcement agency shall then select a  
26 towing service from the law enforcement agency's tow rotation

1 list corresponding to the geographical area where the tow was  
2 authorized, and shall contact that towing service directly by  
3 phone, computer, or similar means. Towing services shall be  
4 contacted in the order listed on the appropriate tow rotation  
5 list, at which point the towing service shall be placed at the  
6 end of that tow rotation list. In the event a listed towing  
7 service is not available, the next listed towing service on  
8 that tow rotation list shall be contacted.

9 (d) A law enforcement agency may deviate from the order  
10 listed on a tow rotation list if the towing service next on  
11 that tow rotation list is, in the judgment of the authorizing  
12 officer or the law enforcement agency making the selection,  
13 incapable of or not properly equipped for handling a specific  
14 task related to the tow that requires special skills or  
15 equipment. A deviation from the order listed on the tow  
16 rotation list for this reason shall not cause a loss of  
17 rotation turn by the towing service determined to be incapable  
18 or not properly equipped for handling the request.

19 (e) In the event of an emergency a law enforcement officer  
20 or agency, taking into account the safety and location of the  
21 situation, may deviate from the order of the tow rotation list  
22 and obtain towing service from any source deemed appropriate.

23 (f) If the owner or operator of a disabled vehicle is  
24 present at the scene of the disabled vehicle, is not under  
25 arrest, and does not abandon his or her vehicle, and in the law  
26 enforcement officer's opinion the disabled vehicle is not



1 impeding or obstructing traffic, illegally parked, or posing a  
2 security or safety risk, the law enforcement officer shall  
3 allow the owner of the vehicle to specify a towing service to  
4 relocate the disabled vehicle. If the owner chooses not to  
5 specify a towing service, the law enforcement agency shall  
6 select a towing service for the vehicle as provided in  
7 subsection (c) of this Section.

8 (g) If a tow operator is present or arrives where a tow is  
9 needed and it has not been requested by the law enforcement  
10 agency or the owner or operator, the law enforcement officer,  
11 unless acting under Section 11-1431 of this Code, shall advise  
12 the tow operator to leave the scene.

13 (h) Nothing contained in this Section shall apply to a law  
14 enforcement agency having jurisdiction solely over a  
15 municipality with a population over 1,000,000.

16 (Source: P.A. 99-438, eff. 1-1-16.)

17 (625 ILCS 5/4-205) (from Ch. 95 1/2, par. 4-205)

18 Sec. 4-205. Record searches.

19 (a) When a law enforcement agency authorizing the  
20 impounding of a vehicle does not know the identity of the  
21 registered owner, lienholder or other legally entitled person,  
22 that law enforcement agency will cause the vehicle  
23 registration records of the State of Illinois to be searched  
24 by the Secretary of State for the purpose of obtaining the  
25 required ownership information.

1           (b) The law enforcement agency authorizing the impounding  
2 of a vehicle will cause the stolen motor vehicle files of the  
3 Illinois State Police to be searched by a directed  
4 communication to the Illinois State Police for stolen or  
5 wanted information on the vehicle. When the Illinois State  
6 Police files are searched with negative results, the  
7 information contained in the National Crime Information Center  
8 (NCIC) files will be searched by the Illinois State Police.  
9 The information determined from these record searches will be  
10 returned to the requesting law enforcement agency for that  
11 agency's use in sending a notification by certified mail to  
12 the registered owner, lienholder and other legally entitled  
13 persons advising where the vehicle is held, requesting a  
14 disposition be made and setting forth public sale information.  
15 Notification shall be sent no later than 10 business days  
16 after the date the law enforcement agency impounds or  
17 authorizes the impounding of a vehicle, provided that if the  
18 law enforcement agency is unable to determine the identity of  
19 the registered owner, lienholder or other person legally  
20 entitled to ownership of the impounded vehicle within a 10  
21 business day period after impoundment, then notification shall  
22 be sent no later than 2 days after the date the identity of the  
23 registered owner, lienholder or other person legally entitled  
24 to ownership of the impounded vehicle is determined.  
25 Exceptions to a notification by certified mail to the  
26 registered owner, lienholder and other legally entitled

1 persons are set forth in Section 4-209 of this Code.

2 (c) When ownership information is needed for a towing  
3 service to give notification as required under this Code, the  
4 towing service may cause the vehicle registration records of  
5 the State of Illinois to be searched by the Secretary of State,  
6 and in such case, the towing service also shall give notice to  
7 all lienholders of record within the time period required for  
8 such other notices.

9 The written request of a towing service, in the form and  
10 containing the information prescribed by the Secretary of  
11 State by rule, may be transmitted to the Secretary of State in  
12 person, by U.S. mail or other delivery service, by facsimile  
13 transmission, or by other means the Secretary of State deems  
14 acceptable.

15 The Secretary of State shall provide the required  
16 information, or a statement that the information was not found  
17 in the vehicle registration records of the State, by U.S. mail  
18 or other delivery service, facsimile transmission, as  
19 requested by the towing service, or by other means acceptable  
20 to the Secretary of State.

21 (d) The Secretary of State may prescribe standards and  
22 procedures for submission of requests for record searches and  
23 replies via computer link.

24 (e) Fees for services provided under this Section shall be  
25 in amounts prescribed by the Secretary of State under Section  
26 3-821.1 of this Code. Payment may be made by the towing service

1 using cash, any commonly accepted credit card, or any other  
2 means of payment deemed acceptable by the Secretary of State.

3 (Source: P.A. 95-838, eff. 8-15-08.)

4 (625 ILCS 5/4-206) (from Ch. 95 1/2, par. 4-206)

5 Sec. 4-206. Identifying and tracing of vehicle ownership  
6 by Illinois State Police. When the registered owner,  
7 lienholder or other person legally entitled to the possession  
8 of a vehicle cannot be identified from the registration files  
9 of this State or from the registration files of a foreign  
10 state, if applicable, the law enforcement agency having  
11 custody of the vehicle shall notify the Illinois State Police,  
12 for the purpose of identifying the vehicle owner or other  
13 person legally entitled to the possession of the vehicle. The  
14 information obtained by the Illinois State Police will be  
15 immediately forwarded to the law enforcement agency having  
16 custody of the vehicle for notification purposes as set forth  
17 in Section 4-205 of this Code.

18 (Source: P.A. 82-363.)

19 (625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)

20 Sec. 4-209. Disposal of unclaimed vehicles more than 7  
21 years of age; disposal of abandoned or unclaimed vehicles  
22 without notice.

23 (a) When the identity of the registered owner, lienholder,  
24 or other legally entitled persons of an abandoned, lost, or

1 unclaimed vehicle of 7 years of age or newer cannot be  
2 determined by any means provided for in this Chapter, the  
3 vehicle may be sold as provided in Section 4-208 without  
4 notice to any person whose identity cannot be determined.

5 (b) When an abandoned vehicle of more than 7 years of age  
6 is impounded as specified by this Chapter, or when any such  
7 vehicle is towed at the request or with the consent of the  
8 owner or operator and is subsequently abandoned, it will be  
9 kept in custody or storage for a minimum of 10 days for the  
10 purpose of determining the identity of the registered owner,  
11 lienholder, or other legally entitled persons and contacting  
12 the registered owner, lienholder, or other legally entitled  
13 persons by the U. S. Mail, public service or in person for a  
14 determination of disposition; and, an examination of the  
15 Illinois State Police stolen vehicle files for theft and  
16 wanted information. At the expiration of the 10 day period,  
17 without the benefit of disposition information being received  
18 from the registered owner, lienholder, or other legally  
19 entitled persons, the vehicle may be disposed of in either of  
20 the following ways:

21 (1) The law enforcement agency having jurisdiction  
22 will authorize the disposal of the vehicle as junk or  
23 salvage.

24 (2) The towing service may sell the vehicle in the  
25 manner provided in Section 4-208 of this Code, provided  
26 that this paragraph (2) shall not apply to vehicles towed

1 by order or authorization of a law enforcement agency.

2 (c) A vehicle classified as an antique vehicle,  
3 expanded-use antique vehicle, custom vehicle, or street rod  
4 may however be sold to a person desiring to restore it.

5 (Source: P.A. 97-412, eff. 1-1-12.)

6 (625 ILCS 5/4-302) (from Ch. 95 1/2, par. 4-302)

7 Sec. 4-302. Vehicle Recycling Board. There is hereby  
8 created the Vehicle Recycling Board of the State of Illinois  
9 composed of the Secretary of Transportation, the Director of  
10 the Illinois State Police, the Director of Public Health, the  
11 Director of the Environmental Protection Agency, ~~the~~  
12 ~~Superintendent of State Troopers~~ or their designated  
13 representatives. The Governor shall designate the Chairman and  
14 Secretary of the Board.

15 The Board shall appoint an advisory committee, of no less  
16 than 10 members, to include an official representative of the  
17 Office of the Secretary of State as designated by the  
18 Secretary; and other appropriate representatives from such  
19 sources as: statewide associations of city, county and  
20 township governing bodies; knowledgeable successful leaders  
21 from the auto recycling private sector; the State associations  
22 of chiefs of police, county sheriffs, police officers; and  
23 State agencies having a direct or indirect relationship with  
24 vehicle recycling.

25 (Source: P.A. 84-25.)

1 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

2 Sec. 5-102. Used vehicle dealers must be licensed.

3 (a) No person, other than a licensed new vehicle dealer,  
4 shall engage in the business of selling or dealing in, on  
5 consignment or otherwise, 5 or more used vehicles of any make  
6 during the year (except house trailers as authorized by  
7 paragraph (j) of this Section and rebuilt salvage vehicles  
8 sold by their rebuilders to persons licensed under this  
9 Chapter), or act as an intermediary, agent or broker for any  
10 licensed dealer or vehicle purchaser (other than as a  
11 salesperson) or represent or advertise that he is so engaged  
12 or intends to so engage in such business unless licensed to do  
13 so by the Secretary of State under the provisions of this  
14 Section.

15 (b) An application for a used vehicle dealer's license  
16 shall be filed with the Secretary of State, duly verified by  
17 oath, in such form as the Secretary of State may by rule or  
18 regulation prescribe and shall contain:

19 1. The name and type of business organization  
20 established and additional places of business, if any, in  
21 this State.

22 2. If the applicant is a corporation, a list of its  
23 officers, directors, and shareholders having a ten percent  
24 or greater ownership interest in the corporation, setting  
25 forth the residence address of each; if the applicant is a

1       sole proprietorship, a partnership, an unincorporated  
2       association, a trust, or any similar form of business  
3       organization, the names and residence address of the  
4       proprietor or of each partner, member, officer, director,  
5       trustee or manager.

6             3. A statement that the applicant has been approved  
7       for registration under the Retailers' Occupation Tax Act  
8       by the Department of Revenue. However, this requirement  
9       does not apply to a dealer who is already licensed  
10      hereunder with the Secretary of State, and who is merely  
11      applying for a renewal of his license. As evidence of this  
12      fact, the application shall be accompanied by a  
13      certification from the Department of Revenue showing that  
14      the Department has approved the applicant for registration  
15      under the Retailers' Occupation Tax Act.

16            4. A statement that the applicant has complied with  
17      the appropriate liability insurance requirement. A  
18      Certificate of Insurance in a solvent company authorized  
19      to do business in the State of Illinois shall be included  
20      with each application covering each location at which he  
21      proposes to act as a used vehicle dealer. The policy must  
22      provide liability coverage in the minimum amounts of  
23      \$100,000 for bodily injury to, or death of, any person,  
24      \$300,000 for bodily injury to, or death of, two or more  
25      persons in any one accident, and \$50,000 for damage to  
26      property. Such policy shall expire not sooner than



1 December 31 of the year for which the license was issued or  
2 renewed. The expiration of the insurance policy shall not  
3 terminate the liability under the policy arising during  
4 the period for which the policy was filed. Trailer and  
5 mobile home dealers are exempt from this requirement.

6 If the permitted user has a liability insurance policy  
7 that provides automobile liability insurance coverage of  
8 at least \$100,000 for bodily injury to or the death of any  
9 person, \$300,000 for bodily injury to or the death of any 2  
10 or more persons in any one accident, and \$50,000 for  
11 damage to property, then the permitted user's insurer  
12 shall be the primary insurer and the dealer's insurer  
13 shall be the secondary insurer. If the permitted user does  
14 not have a liability insurance policy that provides  
15 automobile liability insurance coverage of at least  
16 \$100,000 for bodily injury to or the death of any person,  
17 \$300,000 for bodily injury to or the death of any 2 or more  
18 persons in any one accident, and \$50,000 for damage to  
19 property, or does not have any insurance at all, then the  
20 dealer's insurer shall be the primary insurer and the  
21 permitted user's insurer shall be the secondary insurer.

22 When a permitted user is "test driving" a used vehicle  
23 dealer's automobile, the used vehicle dealer's insurance  
24 shall be primary and the permitted user's insurance shall  
25 be secondary.

26 As used in this paragraph 4, a "permitted user" is a

1 person who, with the permission of the used vehicle dealer  
2 or an employee of the used vehicle dealer, drives a  
3 vehicle owned and held for sale or lease by the used  
4 vehicle dealer which the person is considering to purchase  
5 or lease, in order to evaluate the performance,  
6 reliability, or condition of the vehicle. The term  
7 "permitted user" also includes a person who, with the  
8 permission of the used vehicle dealer, drives a vehicle  
9 owned or held for sale or lease by the used vehicle dealer  
10 for loaner purposes while the user's vehicle is being  
11 repaired or evaluated.

12 As used in this paragraph 4, "test driving" occurs  
13 when a permitted user who, with the permission of the used  
14 vehicle dealer or an employee of the used vehicle dealer,  
15 drives a vehicle owned and held for sale or lease by a used  
16 vehicle dealer that the person is considering to purchase  
17 or lease, in order to evaluate the performance,  
18 reliability, or condition of the vehicle.

19 As used in this paragraph 4, "loaner purposes" means  
20 when a person who, with the permission of the used vehicle  
21 dealer, drives a vehicle owned or held for sale or lease by  
22 the used vehicle dealer while the user's vehicle is being  
23 repaired or evaluated.

24 5. An application for a used vehicle dealer's license  
25 shall be accompanied by the following license fees:

26 (A) \$1,000 for applicant's established place of

1 business, and \$50 for each additional place of  
2 business, if any, to which the application pertains;  
3 however, if the application is made after June 15 of  
4 any year, the license fee shall be \$500 for  
5 applicant's established place of business plus \$25 for  
6 each additional place of business, if any, to which  
7 the application pertains. License fees shall be  
8 returnable only in the event that the application is  
9 denied by the Secretary of State. Of the money  
10 received by the Secretary of State as license fees  
11 under this subparagraph (A) for the 2004 licensing  
12 year and thereafter, 95% shall be deposited into the  
13 General Revenue Fund.

14 (B) Except for dealers selling 25 or fewer  
15 automobiles or as provided in subsection (h) of  
16 Section 5-102.7 of this Code, an Annual Dealer  
17 Recovery Fund Fee in the amount of \$500 for the  
18 applicant's established place of business, and \$50 for  
19 each additional place of business, if any, to which  
20 the application pertains; but if the application is  
21 made after June 15 of any year, the fee shall be \$250  
22 for the applicant's established place of business plus  
23 \$25 for each additional place of business, if any, to  
24 which the application pertains. For a license renewal  
25 application, the fee shall be based on the amount of  
26 automobiles sold in the past year according to the

1 following formula:

2 (1) \$0 for dealers selling 25 or less  
3 automobiles;

4 (2) \$150 for dealers selling more than 25 but  
5 less than 200 automobiles;

6 (3) \$300 for dealers selling 200 or more  
7 automobiles but less than 300 automobiles; and

8 (4) \$500 for dealers selling 300 or more  
9 automobiles.

10 License fees shall be returnable only in the event  
11 that the application is denied by the Secretary of  
12 State. Moneys received under this subparagraph (B)  
13 shall be deposited into the Dealer Recovery Trust  
14 Fund.

15 6. A statement that the applicant's officers,  
16 directors, shareholders having a 10% or greater ownership  
17 interest therein, proprietor, partner, member, officer,  
18 director, trustee, manager or other principals in the  
19 business have not committed in the past 3 years any one  
20 violation as determined in any civil, criminal or  
21 administrative proceedings of any one of the following  
22 Acts:

23 (A) The Anti-Theft Laws of the Illinois Vehicle  
24 Code;

25 (B) The Certificate of Title Laws of the Illinois  
26 Vehicle Code;

1 (C) The Offenses against Registration and  
2 Certificates of Title Laws of the Illinois Vehicle  
3 Code;

4 (D) The Dealers, Transporters, Wreckers and  
5 Rebuilders Laws of the Illinois Vehicle Code;

6 (E) Section 21-2 of the Illinois Criminal Code of  
7 1961 or the Criminal Code of 2012, Criminal Trespass  
8 to Vehicles; or

9 (F) The Retailers' Occupation Tax Act.

10 7. A statement that the applicant's officers,  
11 directors, shareholders having a 10% or greater ownership  
12 interest therein, proprietor, partner, member, officer,  
13 director, trustee, manager or other principals in the  
14 business have not committed in any calendar year 3 or more  
15 violations, as determined in any civil or criminal or  
16 administrative proceedings, of any one or more of the  
17 following Acts:

18 (A) The Consumer Finance Act;

19 (B) The Consumer Installment Loan Act;

20 (C) The Retail Installment Sales Act;

21 (D) The Motor Vehicle Retail Installment Sales  
22 Act;

23 (E) The Interest Act;

24 (F) The Illinois Wage Assignment Act;

25 (G) Part 8 of Article XII of the Code of Civil  
26 Procedure; or

1           (H) The Consumer Fraud and Deceptive Business  
2 Practices Act.

3           7.5. A statement that, within 10 years of application,  
4 each officer, director, shareholder having a 10% or  
5 greater ownership interest therein, proprietor, partner,  
6 member, officer, director, trustee, manager, or other  
7 principal in the business of the applicant has not  
8 committed, as determined in any civil, criminal, or  
9 administrative proceeding, in any calendar year one or  
10 more forcible felonies under the Criminal Code of 1961 or  
11 the Criminal Code of 2012, or a violation of either or both  
12 Article 16 or 17 of the Criminal Code of 1961 or a  
13 violation of either or both Article 16 or 17 of the  
14 Criminal Code of 2012, Article 29B of the Criminal Code of  
15 1961 or the Criminal Code of 2012, or a similar  
16 out-of-state offense. For the purposes of this paragraph,  
17 "forcible felony" has the meaning provided in Section 2-8  
18 of the Criminal Code of 2012.

19           8. A bond or Certificate of Deposit in the amount of  
20 \$50,000 for each location at which the applicant intends  
21 to act as a used vehicle dealer. The bond shall be for the  
22 term of the license, or its renewal, for which application  
23 is made, and shall expire not sooner than December 31 of  
24 the year for which the license was issued or renewed. The  
25 bond shall run to the People of the State of Illinois, with  
26 surety by a bonding or insurance company authorized to do

1 business in this State. It shall be conditioned upon the  
2 proper transmittal of all title and registration fees and  
3 taxes (excluding taxes under the Retailers' Occupation Tax  
4 Act) accepted by the applicant as a used vehicle dealer.

5 9. Such other information concerning the business of  
6 the applicant as the Secretary of State may by rule or  
7 regulation prescribe.

8 10. A statement that the applicant understands Chapter  
9 1 through Chapter 5 of this Code.

10 11. A copy of the certification from the prelicensing  
11 education program.

12 (c) Any change which renders no longer accurate any  
13 information contained in any application for a used vehicle  
14 dealer's license shall be amended within 30 days after the  
15 occurrence of each change on such form as the Secretary of  
16 State may prescribe by rule or regulation, accompanied by an  
17 amendatory fee of \$2.

18 (d) Anything in this Chapter to the contrary  
19 notwithstanding, no person shall be licensed as a used vehicle  
20 dealer unless such person maintains an established place of  
21 business as defined in this Chapter.

22 (e) The Secretary of State shall, within a reasonable time  
23 after receipt, examine an application submitted to him under  
24 this Section. Unless the Secretary makes a determination that  
25 the application submitted to him does not conform to this  
26 Section or that grounds exist for a denial of the application

1 under Section 5-501 of this Chapter, he must grant the  
2 applicant an original used vehicle dealer's license in writing  
3 for his established place of business and a supplemental  
4 license in writing for each additional place of business in  
5 such form as he may prescribe by rule or regulation which shall  
6 include the following:

7 1. The name of the person licensed;

8 2. If a corporation, the name and address of its  
9 officers or if a sole proprietorship, a partnership, an  
10 unincorporated association or any similar form of business  
11 organization, the name and address of the proprietor or of  
12 each partner, member, officer, director, trustee or  
13 manager;

14 3. In case of an original license, the established  
15 place of business of the licensee;

16 4. In the case of a supplemental license, the  
17 established place of business of the licensee and the  
18 additional place of business to which such supplemental  
19 license pertains.

20 (f) The appropriate instrument evidencing the license or a  
21 certified copy thereof, provided by the Secretary of State  
22 shall be kept posted, conspicuously, in the established place  
23 of business of the licensee and in each additional place of  
24 business, if any, maintained by such licensee.

25 (g) Except as provided in subsection (h) of this Section,  
26 all used vehicle dealer's licenses granted under this Section



1 expire by operation of law on December 31 of the calendar year  
2 for which they are granted unless sooner revoked or cancelled  
3 under Section 5-501 of this Chapter.

4 (h) A used vehicle dealer's license may be renewed upon  
5 application and payment of the fee required herein, and  
6 submission of proof of coverage by an approved bond under the  
7 "Retailers' Occupation Tax Act" or proof that applicant is not  
8 subject to such bonding requirements, as in the case of an  
9 original license, but in case an application for the renewal  
10 of an effective license is made during the month of December,  
11 the effective license shall remain in force until the  
12 application for renewal is granted or denied by the Secretary  
13 of State.

14 (i) All persons licensed as a used vehicle dealer are  
15 required to furnish each purchaser of a motor vehicle:

16 1. A certificate of title properly assigned to the  
17 purchaser;

18 2. A statement verified under oath that all  
19 identifying numbers on the vehicle agree with those on the  
20 certificate of title;

21 3. A bill of sale properly executed on behalf of such  
22 person;

23 4. A copy of the Uniform Invoice-transaction reporting  
24 return referred to in Section 5-402 of this Chapter;

25 5. In the case of a rebuilt vehicle, a copy of the  
26 Disclosure of Rebuilt Vehicle Status; and

1           6. In the case of a vehicle for which the warranty has  
2           been reinstated, a copy of the warranty.

3           (j) A real estate broker holding a valid certificate of  
4           registration issued pursuant to "The Real Estate Brokers and  
5           Salesmen License Act" may engage in the business of selling or  
6           dealing in house trailers not his own without being licensed  
7           as a used vehicle dealer under this Section; however such  
8           broker shall maintain a record of the transaction including  
9           the following:

- 10           (1) the name and address of the buyer and seller,  
11           (2) the date of sale,  
12           (3) a description of the mobile home, including the  
13           vehicle identification number, make, model, and year, and  
14           (4) the Illinois certificate of title number.

15           The foregoing records shall be available for inspection by  
16           any officer of the Secretary of State's Office at any  
17           reasonable hour.

18           (k) Except at the time of sale or repossession of the  
19           vehicle, no person licensed as a used vehicle dealer may issue  
20           any other person a newly created key to a vehicle unless the  
21           used vehicle dealer makes a color photocopy or electronic scan  
22           of the driver's license or State identification card of the  
23           person requesting or obtaining the newly created key. The used  
24           vehicle dealer must retain the photocopy or scan for 30 days.

25           A used vehicle dealer who violates this subsection (k) is  
26           guilty of a petty offense. Violation of this subsection (k) is

1 not cause to suspend, revoke, cancel, or deny renewal of the  
2 used vehicle dealer's license.

3 (1) Used vehicle dealers licensed under this Section shall  
4 provide the Secretary of State a register for the sale at  
5 auction of each salvage or junk certificate vehicle. Each  
6 register shall include the following information:

7 1. The year, make, model, style and color of the  
8 vehicle;

9 2. The vehicle's manufacturer's identification number  
10 or, if applicable, the Secretary of State or Illinois  
11 ~~Department of State~~ Police identification number;

12 3. The date of acquisition of the vehicle;

13 4. The name and address of the person from whom the  
14 vehicle was acquired;

15 5. The name and address of the person to whom any  
16 vehicle was disposed, the person's Illinois license number  
17 or if the person is an out-of-state salvage vehicle buyer,  
18 the license number from the state or jurisdiction where  
19 the buyer is licensed; and

20 6. The purchase price of the vehicle.

21 The register shall be submitted to the Secretary of State  
22 via written or electronic means within 10 calendar days from  
23 the date of the auction.

24 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;  
25 101-505, eff. 1-1-20.)

1 (625 ILCS 5/5-105) (from Ch. 95 1/2, par. 5-105)

2 Sec. 5-105. Investigation of licensee required. Every  
3 person seeking a license under Chapter 5 of this Act, as part  
4 of the application process, authorizes an investigation to  
5 determine if the applicant has ever been convicted of a crime  
6 and if so, the disposition of those convictions. This  
7 authorization shall indicate the scope of the inquiry and the  
8 agencies which may be contacted. Upon this authorization the  
9 Secretary of State may request and receive information and  
10 assistance from any Federal, State or local governmental  
11 agency as part of the authorized investigation. The Illinois  
12 ~~Department of~~ State Police shall provide information  
13 concerning any criminal convictions and their disposition  
14 brought against the applicant upon request of the Secretary of  
15 State when the request is made in the form and manner required  
16 by the Illinois ~~Department of~~ State Police. The information  
17 derived from this investigation, including the source of this  
18 information, and any conclusions or recommendations derived  
19 from this information by the Secretary of State shall be  
20 provided to the applicant or his designee. Upon request to the  
21 Secretary of State prior to any final action by the Secretary  
22 of State on the application, no information obtained from such  
23 investigation may be placed in any automated information  
24 system. Any criminal convictions and their disposition  
25 information obtained by the Secretary of State shall be  
26 confidential and may not be transmitted outside the Office of

1 the Secretary of State, except as required herein, and may not  
2 be transmitted to anyone within the Office of the Secretary of  
3 State except as needed for the purpose of evaluating the  
4 application. All criminal convictions and their disposition  
5 and information obtained by the Division of Investigation  
6 shall be destroyed no later than 60 days after the Division of  
7 Investigation has made a final ruling on the application, and  
8 all rights of appeal have expired and pending appeals have  
9 been completed. The only physical identity materials which the  
10 applicant can be required to provide the Secretary of State  
11 are photographs or fingerprints. Only information and  
12 standards which bear a reasonable and rational relation to the  
13 performance of a licensee shall be used by the Secretary of  
14 State. The Secretary of State shall adopt rules and  
15 regulations for the administration of this Section. Any  
16 employee of the Secretary of State who gives or causes to be  
17 given away any confidential information concerning any  
18 criminal convictions and their disposition of an applicant  
19 shall be guilty of a Class A misdemeanor.

20 (Source: P.A. 84-25.)

21 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

22 Sec. 5-401.2. Licensees required to keep records and make  
23 inspections.

24 (a) Every person licensed or required to be licensed under  
25 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, 5-301, or

1 5-302 of this Code, shall, with the exception of scrap  
2 processors, maintain for 3 years, in a form as the Secretary of  
3 State may by rule or regulation prescribe, at his established  
4 place of business, additional place of business, or principal  
5 place of business if licensed under Section 5-302, the  
6 following records relating to the acquisition or disposition  
7 of vehicles and their essential parts possessed in this State,  
8 brought into this State from another state, territory or  
9 country, or sold or transferred to another person in this  
10 State or in another state, territory, or country.

11 (1) The following records pertaining to new or used  
12 vehicles shall be kept:

13 (A) the year, make, model, style and color of the  
14 vehicle;

15 (B) the vehicle's manufacturer's identification  
16 number or, if applicable, the Secretary of State or  
17 Illinois ~~Department of~~ State Police identification  
18 number;

19 (C) the date of acquisition of the vehicle;

20 (D) the name and address of the person from whom  
21 the vehicle was acquired and, if that person is a  
22 dealer, the Illinois or out-of-state dealer license  
23 number of such person;

24 (E) the signature of the person making the  
25 inspection of a used vehicle as required under  
26 subsection (d) of this Section, if applicable;

1 (F) the purchase price of the vehicle, if  
2 applicable;

3 (G) the date of the disposition of the vehicle;

4 (H) the name and address of the person to whom any  
5 vehicle was disposed, and if that person is a dealer,  
6 the Illinois or out-of-State dealer's license number  
7 of that dealer;

8 (I) the uniform invoice number reflecting the  
9 disposition of the vehicle, if applicable; and

10 (J) The sale price of the vehicle, if applicable.

11 (2) (A) The following records pertaining to used  
12 essential parts other than quarter panels and  
13 transmissions of vehicles of the first division shall be  
14 kept:

15 (i) the year, make, model, color and type of such  
16 part;

17 (ii) the vehicle's manufacturer's identification  
18 number, derivative number, or, if applicable, the  
19 Secretary of State or Illinois ~~Department of State~~  
20 Police identification number of such part;

21 (iii) the date of the acquisition of each part;

22 (iv) the name and address of the person from whom  
23 the part was acquired and, if that person is a dealer,  
24 the Illinois or out-of-state dealer license number of  
25 such person; if the essential part being acquired is  
26 from a person other than a dealer, the licensee shall

1           verify and record that person's identity by recording  
2           the identification numbers from at least two sources  
3           of identification, one of which shall be a drivers  
4           license or State identification card;

5           (v) the uniform invoice number or out-of-state  
6           bill of sale number reflecting the acquisition of such  
7           part;

8           (vi) the stock number assigned to the essential  
9           part by the licensee, if applicable;

10          (vii) the date of the disposition of such part;

11          (viii) the name and address of the person to whom  
12          such part was disposed of and, if that person is a  
13          dealer, the Illinois or out-of-state dealer license  
14          number of that person;

15          (ix) the uniform invoice number reflecting the  
16          disposition of such part.

17          (B) Inspections of all essential parts shall be  
18          conducted in accordance with Section 5-402.1.

19          (C) A separate entry containing all of the information  
20          required to be recorded in subparagraph (A) of paragraph  
21          (2) of subsection (a) of this Section shall be made for  
22          each separate essential part. Separate entries shall be  
23          made regardless of whether the part was a large purchase  
24          acquisition. In addition, a separate entry shall be made  
25          for each part acquired for immediate sale or transfer, or  
26          for placement into the overall inventory or stock to be



1 disposed of at a later time, or for use on a vehicle to be  
2 materially altered by the licensee, or acquired for any  
3 other purpose or reason. Failure to make a separate entry  
4 for each essential part acquired or disposed of, or a  
5 failure to record any of the specific information required  
6 to be recorded concerning the acquisition or disposition  
7 of each essential part as set forth in subparagraph (A) of  
8 paragraph (2) of subsection (a) shall constitute a failure  
9 to keep records.

10 (D) The vehicle's manufacturer's identification number  
11 or Secretary of State or Illinois ~~Department of~~ State  
12 Police identification number for the essential part shall  
13 be ascertained and recorded even if such part is acquired  
14 from a person or dealer located in a State, territory, or  
15 country which does not require that such information be  
16 recorded. If the vehicle's manufacturer's identification  
17 number or Secretary of State or Illinois ~~Department of~~  
18 State Police identification number for an essential part  
19 cannot be obtained, that part shall not be acquired by the  
20 licensee or any of his agents or employees. If such part or  
21 parts were physically acquired by the licensee or any of  
22 his agents or employees while the licensee or agent or  
23 employee was outside this State, that licensee or agent or  
24 employee was outside the State, that licensee, agent or  
25 employee shall not bring such essential part into this  
26 State or cause it to be brought into this State. The

1 acquisition or disposition of an essential part by a  
2 licensee without the recording of the vehicle  
3 identification number or Secretary of State identification  
4 number for such part or the transportation into the State  
5 by the licensee or his agent or employee of such part or  
6 parts shall constitute a failure to keep records.

7 (E) The records of essential parts required to be kept  
8 by this Section shall apply to all hulks, chassis, frames  
9 or cowls, regardless of the age of those essential parts.  
10 The records required to be kept by this Section for  
11 essential parts other than hulks, chassis, frames or  
12 cowls, shall apply only to those essential parts which are  
13 6 model years of age or newer. In determining the model  
14 year of such an essential part it may be presumed that the  
15 identification number of the vehicle from which the  
16 essential part came or the identification number affixed  
17 to the essential part itself acquired by the licensee  
18 denotes the model year of that essential part. This  
19 presumption, however, shall not apply if the gross  
20 appearance of the essential part does not correspond to  
21 the year, make or model of either the identification  
22 number of the vehicle from which the essential part is  
23 alleged to have come or the identification number which is  
24 affixed to the essential part itself. To determine whether  
25 an essential part is 6 years of age or newer within this  
26 paragraph, the model year of the essential part shall be

1 subtracted from the calendar year in which the essential  
2 part is acquired or disposed of by the licensee. If the  
3 remainder is 6 or less, the record of the acquisition or  
4 disposition of that essential part shall be kept as  
5 required by this Section.

6 (F) The requirements of paragraph (2) of subsection  
7 (a) of this Section shall not apply to the disposition of  
8 an essential part other than a cowl which has been damaged  
9 or altered to a state in which it can no longer be returned  
10 to a usable condition and which is being sold or  
11 transferred to a scrap processor or for delivery to a  
12 scrap processor.

13 (3) the following records for vehicles on which junking  
14 certificates are obtained shall be kept:

15 (A) the year, make, model, style and color of the  
16 vehicle;

17 (B) the vehicle's manufacturer's identification number  
18 or, if applicable, the Secretary of State or Illinois  
19 ~~Department of State Police~~ identification number;

20 (C) the date the vehicle was acquired;

21 (D) the name and address of the person from whom the  
22 vehicle was acquired and, if that person is a dealer, the  
23 Illinois or out-of-state dealer license number of that  
24 person;

25 (E) the certificate of title number or salvage  
26 certificate number for the vehicle, if applicable;

1 (F) the junking certificate number obtained by the  
2 licensee; this entry shall be recorded at the close of  
3 business of the fifth business day after receiving the  
4 junking certificate;

5 (G) the name and address of the person to whom the  
6 junking certificate has been assigned, if applicable, and  
7 if that person is a dealer, the Illinois or out-of-state  
8 dealer license number of that dealer;

9 (H) if the vehicle or any part of the vehicle is  
10 dismantled for its parts to be disposed of in any way, or  
11 if such parts are to be used by the licensee to materially  
12 alter a vehicle, those essential parts shall be recorded  
13 and the entries required by paragraph (2) of subsection  
14 (a) shall be made.

15 (4) The following records for rebuilt vehicles shall be  
16 kept:

17 (A) the year, make, model, style and color of the  
18 vehicle;

19 (B) the vehicle's manufacturer's identification number  
20 of the vehicle or, if applicable, the Secretary of State  
21 or Illinois ~~Department of~~ State Police identification  
22 number;

23 (C) the date the vehicle was acquired;

24 (D) the name and address of the person from whom the  
25 vehicle was acquired, and if that person is a dealer, the  
26 Illinois or out-of-state dealer license number of that

1 person;

2 (E) the salvage certificate number for the vehicle;

3 (F) the newly issued certificate of title number for  
4 the vehicle;

5 (G) the date of disposition of the vehicle;

6 (H) the name and address of the person to whom the  
7 vehicle was disposed, and if a dealer, the Illinois or  
8 out-of-state dealer license number of that dealer;

9 (I) The sale price of the vehicle.

10 (a-1) A person licensed or required to be licensed under  
11 Section 5-101 or Section 5-102 of this Code who issues  
12 temporary registration permits as permitted by this Code and  
13 by rule must electronically file the registration with the  
14 Secretary and must maintain records of the registration in the  
15 manner prescribed by the Secretary.

16 (b) A failure to make separate entries for each vehicle  
17 acquired, disposed of, or assigned, or a failure to record any  
18 of the specific information required to be recorded concerning  
19 the acquisition or disposition of each vehicle as set forth in  
20 paragraphs (1), (3) and (4) of subsection (a) shall constitute  
21 a failure to keep records.

22 (c) All entries relating to the acquisition of a vehicle  
23 or essential part required by subsection (a) of this Section  
24 shall be recorded no later than the close of business on the  
25 seventh calendar day following such acquisition. All entries  
26 relating to the disposition of a vehicle or an essential part

1 shall be made at the time of such disposition. If the vehicle  
2 or essential part was disposed of on the same day as its  
3 acquisition or the day thereafter, the entries relating to the  
4 acquisition of the vehicle or essential part shall be made at  
5 the time of the disposition of the vehicle or essential part.  
6 Failure to make the entries required in or at the times  
7 prescribed by this subsection following the acquisition or  
8 disposition of such vehicle or essential part shall constitute  
9 a failure to keep records.

10 (d) Every person licensed or required to be licensed  
11 shall, before accepting delivery of a used vehicle, inspect  
12 the vehicle to determine whether the manufacturer's public  
13 vehicle identification number has been defaced, destroyed,  
14 falsified, removed, altered, or tampered with in any way. If  
15 the person making the inspection determines that the  
16 manufacturer's public vehicle identification number has been  
17 altered, removed, defaced, destroyed, falsified or tampered  
18 with he shall not acquire that vehicle but instead shall  
19 promptly notify law enforcement authorities of his finding.

20 (e) The information required to be kept in subsection (a)  
21 of this Section shall be kept in a manner prescribed by rule or  
22 regulation of the Secretary of State.

23 (f) Every person licensed or required to be licensed shall  
24 have in his possession a separate certificate of title,  
25 salvage certificate, junking certificate, certificate of  
26 purchase, uniform invoice, out-of-state bill of sale or other

1 acceptable documentary evidence of his right to the possession  
2 of every vehicle or essential part.

3 (g) Every person licensed or required to be licensed as a  
4 transporter under Section 5-201 shall maintain for 3 years, in  
5 such form as the Secretary of State may by rule or regulation  
6 prescribe, at his principal place of business a record of  
7 every vehicle transported by him, including numbers of or  
8 other marks of identification thereof, the names and addresses  
9 of persons from whom and to whom the vehicle was delivered and  
10 the dates of delivery.

11 (h) No later than 15 days prior to going out of business,  
12 selling the business, or transferring the ownership of the  
13 business, the licensee shall notify the Secretary of State  
14 that he is going out of business or that he is transferring the  
15 ownership of the business. Failure to notify under this  
16 paragraph shall constitute a failure to keep records.

17 (i) (Blank).

18 (j) A person who knowingly fails to comply with the  
19 provisions of this Section or knowingly fails to obey,  
20 observe, or comply with any order of the Secretary or any law  
21 enforcement agency issued in accordance with this Section is  
22 guilty of a Class B misdemeanor for the first violation and a  
23 Class A misdemeanor for the second and subsequent violations.  
24 Each violation constitutes a separate and distinct offense and  
25 a separate count may be brought in the same indictment or  
26 information for each vehicle or each essential part of a

1 vehicle for which a record was not kept as required by this  
2 Section.

3 (k) Any person convicted of failing to keep the records  
4 required by this Section with intent to conceal the identity  
5 or origin of a vehicle or its essential parts or with intent to  
6 defraud the public in the transfer or sale of vehicles or their  
7 essential parts is guilty of a Class 2 felony. Each violation  
8 constitutes a separate and distinct offense and a separate  
9 count may be brought in the same indictment or information for  
10 each vehicle or essential part of a vehicle for which a record  
11 was not kept as required by this Section.

12 (l) A person may not be criminally charged with or  
13 convicted of both a knowing failure to comply with this  
14 Section and a knowing failure to comply with any order, if both  
15 offenses involve the same record keeping violation.

16 (m) The Secretary shall adopt rules necessary for  
17 implementation of this Section, which may include the  
18 imposition of administrative fines.

19 (Source: P.A. 101-505, eff. 1-1-20.)

20 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

21 Sec. 5-402.1. Use of Secretary of State Uniform Invoice  
22 for Essential Parts.

23 (a) Except for scrap processors, every person licensed or  
24 required to be licensed under Section 5-101, 5-101.1, 5-102,  
25 5-102.8, or 5-301 of this Code shall issue, in a form the



1 Secretary of State may by rule or regulation prescribe, a  
2 Uniform Invoice, which may also act as a bill of sale, made out  
3 in triplicate with respect to each transaction in which he  
4 disposes of an essential part other than quarter panels and  
5 transmissions of vehicles of the first division. Such Invoice  
6 shall be made out at the time of the disposition of the  
7 essential part. If the licensee disposes of several essential  
8 parts in the same transaction, the licensee may issue one  
9 Uniform Invoice covering all essential parts disposed of in  
10 that transaction.

11 (b) The following information shall be contained on the  
12 Uniform Invoice:

13 (1) the business name, address and dealer license  
14 number of the person disposing of the essential part;

15 (2) the name and address of the person acquiring the  
16 essential part, and if that person is a dealer, the  
17 Illinois or out-of-state dealer license number of that  
18 dealer;

19 (3) the date of the disposition of the essential part;

20 (4) the year, make, model, color and description of  
21 each essential part disposed of by the person;

22 (5) the manufacturer's vehicle identification number,  
23 Secretary of State identification number or Illinois  
24 ~~Department of State~~ Police identification number, for each  
25 essential part disposed of by the person;

26 (6) the printed name and legible signature of the

1 person or agent disposing of the essential part; and

2 (7) if the person is a dealer the printed name and  
3 legible signature of the dealer or his agent or employee  
4 accepting delivery of the essential part.

5 (c) Except for scrap processors, and except as set forth  
6 in subsection (d) of this Section, whenever a person licensed  
7 or required to be licensed by Section 5-101, 5-101.1, 5-102,  
8 or 5-301 accepts delivery of an essential part, other than  
9 quarter panels and transmissions of vehicles of the first  
10 division, that person shall, at the time of the acceptance or  
11 delivery, comply with the following procedures:

12 (1) Before acquiring or accepting delivery of any  
13 essential part, the licensee or his authorized agent or  
14 employee shall inspect the part to determine whether the  
15 vehicle identification number, Secretary of State  
16 identification number, Illinois ~~Department of~~ State Police  
17 identification number, or identification plate or sticker  
18 attached to or stamped on any part being acquired or  
19 delivered has been removed, falsified, altered, defaced,  
20 destroyed, or tampered with. If the licensee or his agent  
21 or employee determines that the vehicle identification  
22 number, Secretary of State identification number, Illinois  
23 ~~Department of~~ State Police identification number,  
24 identification plate or identification sticker containing  
25 an identification number, or Federal Certificate label of  
26 an essential part has been removed, falsified, altered,

1 defaced, destroyed or tampered with, the licensee or agent  
2 shall not accept or receive that part.

3 If that part was physically acquired by or delivered  
4 to a licensee or his agent or employee while that  
5 licensee, agent or employee was outside this State, that  
6 licensee or agent or employee shall not bring that  
7 essential part into this State or cause it to be brought  
8 into this State.

9 (2) If the person disposing of or delivering the  
10 essential part to the licensee is a licensed in-state or  
11 out-of-state dealer, the licensee or his agent or  
12 employee, after inspecting the essential part as required  
13 by paragraph (1) of this subsection (c), shall examine the  
14 Uniform Invoice, or bill of sale, as the case may be, to  
15 ensure that it contains all the information required to be  
16 provided by persons disposing of essential parts as set  
17 forth in subsection (b) of this Section. If the Uniform  
18 Invoice or bill of sale does not contain all the  
19 information required to be listed by subsection (b) of  
20 this Section, the dealer disposing of or delivering such  
21 part or his agent or employee shall record such additional  
22 information or other needed modifications on the Uniform  
23 Invoice or bill of sale or, if needed, an attachment  
24 thereto. The dealer or his agent or employee delivering  
25 the essential part shall initial all additions or  
26 modifications to the Uniform Invoice or bill of sale and

1 legibly print his name at the bottom of each document  
2 containing his initials. If the transaction involves a  
3 bill of sale rather than a Uniform Invoice, the licensee  
4 or his agent or employee accepting delivery of or  
5 acquiring the essential part shall affix his printed name  
6 and legible signature on the space on the bill of sale  
7 provided for his signature or, if no space is provided, on  
8 the back of the bill of sale. If the dealer or his agent or  
9 employee disposing of or delivering the essential part  
10 cannot or does not provide all the information required by  
11 subsection (b) of this Section, the licensee or his agent  
12 or employee shall not accept or receive any essential part  
13 for which that required information is not provided. If  
14 such essential part for which the information required is  
15 not fully provided was physically acquired while the  
16 licensee or his agent or employee was outside this State,  
17 the licensee or his agent or employee shall not bring that  
18 essential part into this State or cause it to be brought  
19 into this State.

20 (3) If the person disposing of the essential part is  
21 not a licensed dealer, the licensee or his agent or  
22 employee shall, after inspecting the essential part as  
23 required by paragraph (1) of subsection (c) of this  
24 Section verify the identity of the person disposing of the  
25 essential part by examining 2 sources of identification,  
26 one of which shall be either a driver's license or state

1 identification card. The licensee or his agent or employee  
2 shall then prepare a Uniform Invoice listing all the  
3 information required to be provided by subsection (b) of  
4 this Section. In the space on the Uniform Invoice provided  
5 for the dealer license number of the person disposing of  
6 the part, the licensee or his agent or employee shall list  
7 the numbers taken from the documents of identification  
8 provided by the person disposing of the part. The person  
9 disposing of the part shall affix his printed name and  
10 legible signature on the space on the Uniform Invoice  
11 provided for the person disposing of the essential part  
12 and the licensee or his agent or employee acquiring the  
13 part shall affix his printed name and legible signature on  
14 the space provided on the Uniform Invoice for the person  
15 acquiring the essential part. If the person disposing of  
16 the essential part cannot or does not provide all the  
17 information required to be provided by this paragraph, or  
18 does not present 2 satisfactory forms of identification,  
19 the licensee or his agent or employee shall not acquire  
20 that essential part.

21 (d) If an essential part other than quarter panels and  
22 transmissions of vehicles of the first division was delivered  
23 by a licensed commercial delivery service delivering such part  
24 on behalf of a licensed dealer, the person required to comply  
25 with subsection (c) of this Section may conduct the inspection  
26 of that part required by paragraph (1) of subsection (c) and

1 examination of the Uniform Invoice or bill of sale required by  
2 paragraph (2) of subsection (c) of this Section immediately  
3 after the acceptance of the part.

4 (1) If the inspection of the essential part pursuant  
5 to paragraph (1) of subsection (c) reveals that the  
6 vehicle identification number, Secretary of State  
7 identification number, Illinois ~~Department of~~ State Police  
8 identification number, identification plate or sticker  
9 containing an identification number, or Federal  
10 Certificate label of an essential part has been removed,  
11 falsified, altered, defaced, destroyed or tampered with,  
12 the licensee or his agent shall immediately record such  
13 fact on the Uniform Invoice or bill of sale, assign the  
14 part an inventory or stock number, place such inventory or  
15 stock number on both the essential part and the Uniform  
16 Invoice or bill of sale, and record the date of the  
17 inspection of the part on the Uniform Invoice or bill of  
18 sale. The licensee shall, within 7 days of such  
19 inspection, return such part to the dealer from whom it  
20 was acquired.

21 (2) If the examination of the Uniform Invoice or bill  
22 of sale pursuant to paragraph (2) of subsection (c)  
23 reveals that any of the information required to be listed  
24 by subsection (b) of this Section is missing, the licensee  
25 or person required to be licensed shall immediately assign  
26 a stock or inventory number to such part, place such stock

1 or inventory number on both the essential part and the  
2 Uniform Invoice or bill of sale, and record the date of  
3 examination on the Uniform Invoice or bill of sale. The  
4 licensee or person required to be licensed shall acquire  
5 the information missing from the Uniform Invoice or bill  
6 of sale within 7 days of the examination of such Uniform  
7 Invoice or bill of sale. Such information may be received  
8 by telephone conversation with the dealer from whom the  
9 part was acquired. If the dealer provides the missing  
10 information the licensee shall record such information on  
11 the Uniform Invoice or bill of sale along with the name of  
12 the person providing the information. If the dealer does  
13 not provide the required information within the  
14 aforementioned 7 day period, the licensee shall return the  
15 part to that dealer.

16 (e) Except for scrap processors, all persons licensed or  
17 required to be licensed who acquire or dispose of essential  
18 parts other than quarter panels and transmissions of vehicles  
19 of the first division shall retain a copy of the Uniform  
20 Invoice required to be made by subsections (a), (b) and (c) of  
21 this Section for a period of 3 years.

22 (f) Except for scrap processors, any person licensed or  
23 required to be licensed under Sections 5-101, 5-102 or 5-301  
24 who knowingly fails to record on a Uniform Invoice any of the  
25 information or entries required to be recorded by subsections  
26 (a), (b) and (c) of this Section, or who knowingly places false

1 entries or other misleading information on such Uniform  
2 Invoice, or who knowingly fails to retain for 3 years a copy of  
3 a Uniform Invoice reflecting transactions required to be  
4 recorded by subsections (a), (b) and (c) of this Section, or  
5 who knowingly acquires or disposes of essential parts without  
6 receiving, issuing, or executing a Uniform Invoice reflecting  
7 that transaction as required by subsections (a), (b) and (c)  
8 of this Section, or who brings or causes to be brought into  
9 this State essential parts for which the information required  
10 to be recorded on a Uniform Invoice is not recorded as  
11 prohibited by subsection (c) of this Section, or who knowingly  
12 fails to comply with the provisions of this Section in any  
13 other manner shall be guilty of a Class 2 felony. Each  
14 violation shall constitute a separate and distinct offense and  
15 a separate count may be brought in the same indictment or  
16 information for each essential part for which a record was not  
17 kept as required by this Section or for which the person failed  
18 to comply with other provisions of this Section.

19 (g) The records required to be kept by this Section may be  
20 examined by a person or persons making a lawful inspection of  
21 the licensee's premises pursuant to Section 5-403.

22 (h) The records required to be kept by this Section shall  
23 be retained by the licensee at his principal place of business  
24 for a period of 7 years.

25 (i) The requirements of this Section shall not apply to  
26 the disposition of an essential part other than a cowl which



1 has been damaged or altered to a state in which it can no  
2 longer be returned to a usable condition and which is being  
3 sold or transferred to a scrap processor or for delivery to a  
4 scrap processor.

5 (Source: P.A. 101-505, eff. 1-1-20.)

6 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements  
10 of the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Illinois ~~Department of~~ State Police to conduct  
18 fingerprint based criminal background checks on current and  
19 future information available in the state system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. Applicants who have completed the  
22 fingerprinting requirements shall not be subjected to the  
23 fingerprinting process when applying for subsequent permits or  
24 submitting proof of successful completion of the annual  
25 refresher course. Individuals who on July 1, 1995 (the

1 effective date of Public Act 88-612) possess a valid school  
2 bus driver permit that has been previously issued by the  
3 appropriate Regional School Superintendent are not subject to  
4 the fingerprinting provisions of this Section as long as the  
5 permit remains valid and does not lapse. The applicant shall  
6 be required to pay all related application and fingerprinting  
7 fees as established by rule including, but not limited to, the  
8 amounts established by the Illinois ~~Department of~~ State Police  
9 and the Federal Bureau of Investigation to process fingerprint  
10 based criminal background investigations. All fees paid for  
11 fingerprint processing services under this Section shall be  
12 deposited into the State Police Services Fund for the cost  
13 incurred in processing the fingerprint based criminal  
14 background investigations. All other fees paid under this  
15 Section shall be deposited into the Road Fund for the purpose  
16 of defraying the costs of the Secretary of State in  
17 administering this Section. All applicants must:

- 18 1. be 21 years of age or older;
- 19 2. possess a valid and properly classified driver's  
20 license issued by the Secretary of State;
- 21 3. possess a valid driver's license, which has not  
22 been revoked, suspended, or canceled for 3 years  
23 immediately prior to the date of application, or have not  
24 had his or her commercial motor vehicle driving privileges  
25 disqualified within the 3 years immediately prior to the  
26 date of application;

1           4. successfully pass a written test, administered by  
2           the Secretary of State, on school bus operation, school  
3           bus safety, and special traffic laws relating to school  
4           buses and submit to a review of the applicant's driving  
5           habits by the Secretary of State at the time the written  
6           test is given;

7           5. demonstrate ability to exercise reasonable care in  
8           the operation of school buses in accordance with rules  
9           promulgated by the Secretary of State;

10          6. demonstrate physical fitness to operate school  
11          buses by submitting the results of a medical examination,  
12          including tests for drug use for each applicant not  
13          subject to such testing pursuant to federal law, conducted  
14          by a licensed physician, a licensed advanced practice  
15          registered nurse, or a licensed physician assistant within  
16          90 days of the date of application according to standards  
17          promulgated by the Secretary of State;

18          7. affirm under penalties of perjury that he or she  
19          has not made a false statement or knowingly concealed a  
20          material fact in any application for permit;

21          8. have completed an initial classroom course,  
22          including first aid procedures, in school bus driver  
23          safety as promulgated by the Secretary of State; and after  
24          satisfactory completion of said initial course an annual  
25          refresher course; such courses and the agency or  
26          organization conducting such courses shall be approved by

1 the Secretary of State; failure to complete the annual  
2 refresher course, shall result in cancellation of the  
3 permit until such course is completed;

4 9. not have been under an order of court supervision  
5 for or convicted of 2 or more serious traffic offenses, as  
6 defined by rule, within one year prior to the date of  
7 application that may endanger the life or safety of any of  
8 the driver's passengers within the duration of the permit  
9 period;

10 10. not have been under an order of court supervision  
11 for or convicted of reckless driving, aggravated reckless  
12 driving, driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or  
14 any combination thereof, or reckless homicide resulting  
15 from the operation of a motor vehicle within 3 years of the  
16 date of application;

17 11. not have been convicted of committing or  
18 attempting to commit any one or more of the following  
19 offenses: (i) those offenses defined in Sections 8-1,  
20 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
21 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
23 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
24 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
25 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,  
26 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,

1 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-4,  
2 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,  
3 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6, 12-6.2, 12-7.1,  
4 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,  
5 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5,  
6 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1,  
7 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
8 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
9 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1,  
10 33A-2, and 33D-1, in subsection (A), clauses (a) and (b),  
11 of Section 24-3, and those offenses contained in Article  
12 29D of the Criminal Code of 1961 or the Criminal Code of  
13 2012; (ii) those offenses defined in the Cannabis Control  
14 Act except those offenses defined in subsections (a) and  
15 (b) of Section 4, and subsection (a) of Section 5 of the  
16 Cannabis Control Act; (iii) those offenses defined in the  
17 Illinois Controlled Substances Act; (iv) those offenses  
18 defined in the Methamphetamine Control and Community  
19 Protection Act; and (v) any offense committed or attempted  
20 in any other state or against the laws of the United  
21 States, which if committed or attempted in this State  
22 would be punishable as one or more of the foregoing  
23 offenses; (vi) the offenses defined in Section 4.1 and 5.1  
24 of the Wrongs to Children Act or Section 11-9.1A of the  
25 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
26 those offenses defined in Section 6-16 of the Liquor

1 Control Act of 1934; and (viii) those offenses defined in  
2 the Methamphetamine Precursor Control Act;

3 12. not have been repeatedly involved as a driver in  
4 motor vehicle collisions or been repeatedly convicted of  
5 offenses against laws and ordinances regulating the  
6 movement of traffic, to a degree which indicates lack of  
7 ability to exercise ordinary and reasonable care in the  
8 safe operation of a motor vehicle or disrespect for the  
9 traffic laws and the safety of other persons upon the  
10 highway;

11 13. not have, through the unlawful operation of a  
12 motor vehicle, caused an accident resulting in the death  
13 of any person;

14 14. not have, within the last 5 years, been adjudged  
15 to be afflicted with or suffering from any mental  
16 disability or disease;

17 15. consent, in writing, to the release of results of  
18 reasonable suspicion drug and alcohol testing under  
19 Section 6-106.1c of this Code by the employer of the  
20 applicant to the Secretary of State; and

21 16. not have been convicted of committing or  
22 attempting to commit within the last 20 years: (i) an  
23 offense defined in subsection (c) of Section 4, subsection  
24 (b) of Section 5, and subsection (a) of Section 8 of the  
25 Cannabis Control Act; or (ii) any offenses in any other  
26 state or against the laws of the United States that, if

1 committed or attempted in this State, would be punishable  
2 as one or more of the foregoing offenses.

3 (b) A school bus driver permit shall be valid for a period  
4 specified by the Secretary of State as set forth by rule. It  
5 shall be renewable upon compliance with subsection (a) of this  
6 Section.

7 (c) A school bus driver permit shall contain the holder's  
8 driver's license number, legal name, residence address, zip  
9 code, and date of birth, a brief description of the holder and  
10 a space for signature. The Secretary of State may require a  
11 suitable photograph of the holder.

12 (d) The employer shall be responsible for conducting a  
13 pre-employment interview with prospective school bus driver  
14 candidates, distributing school bus driver applications and  
15 medical forms to be completed by the applicant, and submitting  
16 the applicant's fingerprint cards to the Illinois Department  
17 ~~of~~ State Police that are required for the criminal background  
18 investigations. The employer shall certify in writing to the  
19 Secretary of State that all pre-employment conditions have  
20 been successfully completed including the successful  
21 completion of an Illinois specific criminal background  
22 investigation through the Illinois Department ~~of~~ State Police  
23 and the submission of necessary fingerprints to the Federal  
24 Bureau of Investigation for criminal history information  
25 available through the Federal Bureau of Investigation system.  
26 The applicant shall present the certification to the Secretary

1 of State at the time of submitting the school bus driver permit  
2 application.

3 (e) Permits shall initially be provisional upon receiving  
4 certification from the employer that all pre-employment  
5 conditions have been successfully completed, and upon  
6 successful completion of all training and examination  
7 requirements for the classification of the vehicle to be  
8 operated, the Secretary of State shall provisionally issue a  
9 School Bus Driver Permit. The permit shall remain in a  
10 provisional status pending the completion of the Federal  
11 Bureau of Investigation's criminal background investigation  
12 based upon fingerprinting specimens submitted to the Federal  
13 Bureau of Investigation by the Illinois ~~Department of~~ State  
14 Police. The Federal Bureau of Investigation shall report the  
15 findings directly to the Secretary of State. The Secretary of  
16 State shall remove the bus driver permit from provisional  
17 status upon the applicant's successful completion of the  
18 Federal Bureau of Investigation's criminal background  
19 investigation.

20 (f) A school bus driver permit holder shall notify the  
21 employer and the Secretary of State if he or she is issued an  
22 order of court supervision for or convicted in another state  
23 of an offense that would make him or her ineligible for a  
24 permit under subsection (a) of this Section. The written  
25 notification shall be made within 5 days of the entry of the  
26 order of court supervision or conviction. Failure of the



1 permit holder to provide the notification is punishable as a  
2 petty offense for a first violation and a Class B misdemeanor  
3 for a second or subsequent violation.

4 (g) Cancellation; suspension; notice and procedure.

5 (1) The Secretary of State shall cancel a school bus  
6 driver permit of an applicant whose criminal background  
7 investigation discloses that he or she is not in  
8 compliance with the provisions of subsection (a) of this  
9 Section.

10 (2) The Secretary of State shall cancel a school bus  
11 driver permit when he or she receives notice that the  
12 permit holder fails to comply with any provision of this  
13 Section or any rule promulgated for the administration of  
14 this Section.

15 (3) The Secretary of State shall cancel a school bus  
16 driver permit if the permit holder's restricted commercial  
17 or commercial driving privileges are withdrawn or  
18 otherwise invalidated.

19 (4) The Secretary of State may not issue a school bus  
20 driver permit for a period of 3 years to an applicant who  
21 fails to obtain a negative result on a drug test as  
22 required in item 6 of subsection (a) of this Section or  
23 under federal law.

24 (5) The Secretary of State shall forthwith suspend a  
25 school bus driver permit for a period of 3 years upon  
26 receiving notice that the holder has failed to obtain a

1 negative result on a drug test as required in item 6 of  
2 subsection (a) of this Section or under federal law.

3 (6) The Secretary of State shall suspend a school bus  
4 driver permit for a period of 3 years upon receiving  
5 notice from the employer that the holder failed to perform  
6 the inspection procedure set forth in subsection (a) or  
7 (b) of Section 12-816 of this Code.

8 (7) The Secretary of State shall suspend a school bus  
9 driver permit for a period of 3 years upon receiving  
10 notice from the employer that the holder refused to submit  
11 to an alcohol or drug test as required by Section 6-106.1c  
12 or has submitted to a test required by that Section which  
13 disclosed an alcohol concentration of more than 0.00 or  
14 disclosed a positive result on a National Institute on  
15 Drug Abuse five-drug panel, utilizing federal standards  
16 set forth in 49 CFR 40.87.

17 The Secretary of State shall notify the State  
18 Superintendent of Education and the permit holder's  
19 prospective or current employer that the applicant has (1) has  
20 failed a criminal background investigation or (2) is no longer  
21 eligible for a school bus driver permit; and of the related  
22 cancellation of the applicant's provisional school bus driver  
23 permit. The cancellation shall remain in effect pending the  
24 outcome of a hearing pursuant to Section 2-118 of this Code.  
25 The scope of the hearing shall be limited to the issuance  
26 criteria contained in subsection (a) of this Section. A

1 petition requesting a hearing shall be submitted to the  
2 Secretary of State and shall contain the reason the individual  
3 feels he or she is entitled to a school bus driver permit. The  
4 permit holder's employer shall notify in writing to the  
5 Secretary of State that the employer has certified the removal  
6 of the offending school bus driver from service prior to the  
7 start of that school bus driver's next workshift. An employing  
8 school board that fails to remove the offending school bus  
9 driver from service is subject to the penalties defined in  
10 Section 3-14.23 of the School Code. A school bus contractor  
11 who violates a provision of this Section is subject to the  
12 penalties defined in Section 6-106.11.

13 All valid school bus driver permits issued under this  
14 Section prior to January 1, 1995, shall remain effective until  
15 their expiration date unless otherwise invalidated.

16 (h) When a school bus driver permit holder who is a service  
17 member is called to active duty, the employer of the permit  
18 holder shall notify the Secretary of State, within 30 days of  
19 notification from the permit holder, that the permit holder  
20 has been called to active duty. Upon notification pursuant to  
21 this subsection, (i) the Secretary of State shall characterize  
22 the permit as inactive until a permit holder renews the permit  
23 as provided in subsection (i) of this Section, and (ii) if a  
24 permit holder fails to comply with the requirements of this  
25 Section while called to active duty, the Secretary of State  
26 shall not characterize the permit as invalid.

1 (i) A school bus driver permit holder who is a service  
2 member returning from active duty must, within 90 days, renew  
3 a permit characterized as inactive pursuant to subsection (h)  
4 of this Section by complying with the renewal requirements of  
5 subsection (b) of this Section.

6 (j) For purposes of subsections (h) and (i) of this  
7 Section:

8 "Active duty" means active duty pursuant to an executive  
9 order of the President of the United States, an act of the  
10 Congress of the United States, or an order of the Governor.

11 "Service member" means a member of the Armed Services or  
12 reserve forces of the United States or a member of the Illinois  
13 National Guard.

14 (k) A private carrier employer of a school bus driver  
15 permit holder, having satisfied the employer requirements of  
16 this Section, shall be held to a standard of ordinary care for  
17 intentional acts committed in the course of employment by the  
18 bus driver permit holder. This subsection (k) shall in no way  
19 limit the liability of the private carrier employer for  
20 violation of any provision of this Section or for the  
21 negligent hiring or retention of a school bus driver permit  
22 holder.

23 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

24 (625 ILCS 5/6-106.1a)

25 Sec. 6-106.1a. Cancellation of school bus driver permit;

1 trace of alcohol.

2 (a) A person who has been issued a school bus driver permit  
3 by the Secretary of State in accordance with Section 6-106.1  
4 of this Code and who drives or is in actual physical control of  
5 a school bus or any other vehicle owned or operated by or for a  
6 public or private school, or a school operated by a religious  
7 institution, when the vehicle is being used over a regularly  
8 scheduled route for the transportation of persons enrolled as  
9 students in grade 12 or below, in connection with any activity  
10 of the entities listed, upon the public highways of this State  
11 shall be deemed to have given consent to a chemical test or  
12 tests of blood, breath, other bodily substance, or urine for  
13 the purpose of determining the alcohol content of the person's  
14 blood if arrested, as evidenced by the issuance of a Uniform  
15 Traffic Ticket for any violation of this Code or a similar  
16 provision of a local ordinance, if a police officer has  
17 probable cause to believe that the driver has consumed any  
18 amount of an alcoholic beverage based upon evidence of the  
19 driver's physical condition or other first hand knowledge of  
20 the police officer. The test or tests shall be administered at  
21 the direction of the arresting officer. The law enforcement  
22 agency employing the officer shall designate which of the  
23 aforesaid tests shall be administered. A urine or other bodily  
24 substance test may be administered even after a blood or  
25 breath test or both has been administered.

26 (b) A person who is dead, unconscious, or who is otherwise

1 in a condition rendering that person incapable of refusal,  
2 shall be deemed not to have withdrawn the consent provided by  
3 paragraph (a) of this Section and the test or tests may be  
4 administered subject to the following provisions:

5 (1) Chemical analysis of the person's blood, urine,  
6 breath, or other bodily substance, to be considered valid  
7 under the provisions of this Section, shall have been  
8 performed according to standards promulgated by the  
9 Illinois ~~Department of~~ State Police by an individual  
10 possessing a valid permit issued by the Illinois  
11 ~~Department of~~ State Police for this purpose. The Director  
12 of the Illinois State Police is authorized to approve  
13 satisfactory techniques or methods, to ascertain the  
14 qualifications and competence of individuals to conduct  
15 analyses, to issue permits that shall be subject to  
16 termination or revocation at the direction of the Illinois  
17 ~~Department of~~ State Police, and to certify the accuracy of  
18 breath testing equipment. The Illinois ~~Department of~~ State  
19 Police shall prescribe rules as necessary.

20 (2) When a person submits to a blood test at the  
21 request of a law enforcement officer under the provisions  
22 of this Section, only a physician authorized to practice  
23 medicine, a licensed physician assistant, a licensed  
24 advanced practice registered nurse, a registered nurse, or  
25 other qualified person trained in venipuncture and acting  
26 under the direction of a licensed physician may withdraw

1 blood for the purpose of determining the alcohol content.  
2 This limitation does not apply to the taking of breath,  
3 other bodily substance, or urine specimens.

4 (3) The person tested may have a physician, qualified  
5 technician, chemist, registered nurse, or other qualified  
6 person of his or her own choosing administer a chemical  
7 test or tests in addition to any test or tests  
8 administered at the direction of a law enforcement  
9 officer. The test administered at the request of the  
10 person may be admissible into evidence at a hearing  
11 conducted in accordance with Section 2-118 of this Code.  
12 The failure or inability to obtain an additional test by a  
13 person shall not preclude the consideration of the  
14 previously performed chemical test.

15 (4) Upon a request of the person who submits to a  
16 chemical test or tests at the request of a law enforcement  
17 officer, full information concerning the test or tests  
18 shall be made available to the person or that person's  
19 attorney by the requesting law enforcement agency within  
20 72 hours of receipt of the test result.

21 (5) Alcohol concentration means either grams of  
22 alcohol per 100 milliliters of blood or grams of alcohol  
23 per 210 liters of breath.

24 (6) If a driver is receiving medical treatment as a  
25 result of a motor vehicle accident, a physician licensed  
26 to practice medicine, licensed physician assistant,

1 licensed advanced practice registered nurse, registered  
2 nurse, or other qualified person trained in venipuncture  
3 and acting under the direction of a licensed physician  
4 shall withdraw blood for testing purposes to ascertain the  
5 presence of alcohol upon the specific request of a law  
6 enforcement officer. However, that testing shall not be  
7 performed until, in the opinion of the medical personnel  
8 on scene, the withdrawal can be made without interfering  
9 with or endangering the well-being of the patient.

10 (c) A person requested to submit to a test as provided in  
11 this Section shall be warned by the law enforcement officer  
12 requesting the test that a refusal to submit to the test, or  
13 submission to the test resulting in an alcohol concentration  
14 of more than 0.00, may result in the loss of that person's  
15 privilege to possess a school bus driver permit. The loss of  
16 the individual's privilege to possess a school bus driver  
17 permit shall be imposed in accordance with Section 6-106.1b of  
18 this Code. A person requested to submit to a test under this  
19 Section shall also acknowledge, in writing, receipt of the  
20 warning required under this subsection (c). If the person  
21 refuses to acknowledge receipt of the warning, the law  
22 enforcement officer shall make a written notation on the  
23 warning that the person refused to sign the warning. A  
24 person's refusal to sign the warning shall not be evidence  
25 that the person was not read the warning.

26 (d) If the person refuses testing or submits to a test that



1 discloses an alcohol concentration of more than 0.00, the law  
2 enforcement officer shall immediately submit a sworn report to  
3 the Secretary of State on a form prescribed by the Secretary of  
4 State certifying that the test or tests were requested under  
5 subsection (a) and the person refused to submit to a test or  
6 tests or submitted to testing which disclosed an alcohol  
7 concentration of more than 0.00. The law enforcement officer  
8 shall submit the same sworn report when a person who has been  
9 issued a school bus driver permit and who was operating a  
10 school bus or any other vehicle owned or operated by or for a  
11 public or private school, or a school operated by a religious  
12 institution, when the vehicle is being used over a regularly  
13 scheduled route for the transportation of persons enrolled as  
14 students in grade 12 or below, in connection with any activity  
15 of the entities listed, submits to testing under Section  
16 11-501.1 of this Code and the testing discloses an alcohol  
17 concentration of more than 0.00 and less than the alcohol  
18 concentration at which driving or being in actual physical  
19 control of a motor vehicle is prohibited under paragraph (1)  
20 of subsection (a) of Section 11-501.

21 Upon receipt of the sworn report of a law enforcement  
22 officer, the Secretary of State shall enter the school bus  
23 driver permit sanction on the individual's driving record and  
24 the sanction shall be effective on the 46th day following the  
25 date notice of the sanction was given to the person.

26 The law enforcement officer submitting the sworn report

1 shall serve immediate notice of this school bus driver permit  
2 sanction on the person and the sanction shall be effective on  
3 the 46th day following the date notice was given.

4 In cases where the blood alcohol concentration of more  
5 than 0.00 is established by a subsequent analysis of blood,  
6 other bodily substance, or urine, the police officer or  
7 arresting agency shall give notice as provided in this Section  
8 or by deposit in the United States mail of that notice in an  
9 envelope with postage prepaid and addressed to that person at  
10 his or her last known address and the loss of the school bus  
11 driver permit shall be effective on the 46th day following the  
12 date notice was given.

13 Upon receipt of the sworn report of a law enforcement  
14 officer, the Secretary of State shall also give notice of the  
15 school bus driver permit sanction to the driver and the  
16 driver's current employer by mailing a notice of the effective  
17 date of the sanction to the individual. However, shall the  
18 sworn report be defective by not containing sufficient  
19 information or be completed in error, the notice of the school  
20 bus driver permit sanction may not be mailed to the person or  
21 his current employer or entered to the driving record, but  
22 rather the sworn report shall be returned to the issuing law  
23 enforcement agency.

24 (e) A driver may contest this school bus driver permit  
25 sanction by requesting an administrative hearing with the  
26 Secretary of State in accordance with Section 2-118 of this

1 Code. An individual whose blood alcohol concentration is shown  
2 to be more than 0.00 is not subject to this Section if he or  
3 she consumed alcohol in the performance of a religious service  
4 or ceremony. An individual whose blood alcohol concentration  
5 is shown to be more than 0.00 shall not be subject to this  
6 Section if the individual's blood alcohol concentration  
7 resulted only from ingestion of the prescribed or recommended  
8 dosage of medicine that contained alcohol. The petition for  
9 that hearing shall not stay or delay the effective date of the  
10 impending suspension. The scope of this hearing shall be  
11 limited to the issues of:

12 (1) whether the police officer had probable cause to  
13 believe that the person was driving or in actual physical  
14 control of a school bus or any other vehicle owned or  
15 operated by or for a public or private school, or a school  
16 operated by a religious institution, when the vehicle is  
17 being used over a regularly scheduled route for the  
18 transportation of persons enrolled as students in grade 12  
19 or below, in connection with any activity of the entities  
20 listed, upon the public highways of the State and the  
21 police officer had reason to believe that the person was  
22 in violation of any provision of this Code or a similar  
23 provision of a local ordinance; and

24 (2) whether the person was issued a Uniform Traffic  
25 Ticket for any violation of this Code or a similar  
26 provision of a local ordinance; and

1           (3) whether the police officer had probable cause to  
2 believe that the driver had consumed any amount of an  
3 alcoholic beverage based upon the driver's physical  
4 actions or other first-hand knowledge of the police  
5 officer; and

6           (4) whether the person, after being advised by the  
7 officer that the privilege to possess a school bus driver  
8 permit would be canceled if the person refused to submit  
9 to and complete the test or tests, did refuse to submit to  
10 or complete the test or tests to determine the person's  
11 alcohol concentration; and

12           (5) whether the person, after being advised by the  
13 officer that the privileges to possess a school bus driver  
14 permit would be canceled if the person submits to a  
15 chemical test or tests and the test or tests disclose an  
16 alcohol concentration of more than 0.00 and the person did  
17 submit to and complete the test or tests that determined  
18 an alcohol concentration of more than 0.00; and

19           (6) whether the test result of an alcohol  
20 concentration of more than 0.00 was based upon the  
21 person's consumption of alcohol in the performance of a  
22 religious service or ceremony; and

23           (7) whether the test result of an alcohol  
24 concentration of more than 0.00 was based upon the  
25 person's consumption of alcohol through ingestion of the  
26 prescribed or recommended dosage of medicine.

1           The Secretary of State may adopt administrative rules  
2 setting forth circumstances under which the holder of a school  
3 bus driver permit is not required to appear in person at the  
4 hearing.

5           Provided that the petitioner may subpoena the officer, the  
6 hearing may be conducted upon a review of the law enforcement  
7 officer's own official reports. Failure of the officer to  
8 answer the subpoena shall be grounds for a continuance if, in  
9 the hearing officer's discretion, the continuance is  
10 appropriate. At the conclusion of the hearing held under  
11 Section 2-118 of this Code, the Secretary of State may  
12 rescind, continue, or modify the school bus driver permit  
13 sanction.

14           (f) The results of any chemical testing performed in  
15 accordance with subsection (a) of this Section are not  
16 admissible in any civil or criminal proceeding, except that  
17 the results of the testing may be considered at a hearing held  
18 under Section 2-118 of this Code. However, the results of the  
19 testing may not be used to impose driver's license sanctions  
20 under Section 11-501.1 of this Code. A law enforcement officer  
21 may, however, pursue a statutory summary suspension or  
22 revocation of driving privileges under Section 11-501.1 of  
23 this Code if other physical evidence or first hand knowledge  
24 forms the basis of that suspension or revocation.

25           (g) This Section applies only to drivers who have been  
26 issued a school bus driver permit in accordance with Section

1 6-106.1 of this Code at the time of the issuance of the Uniform  
2 Traffic Ticket for a violation of this Code or a similar  
3 provision of a local ordinance, and a chemical test request is  
4 made under this Section.

5 (h) The action of the Secretary of State in suspending,  
6 revoking, canceling, or denying any license, permit,  
7 registration, or certificate of title shall be subject to  
8 judicial review in the Circuit Court of Sangamon County or in  
9 the Circuit Court of Cook County, and the provisions of the  
10 Administrative Review Law and its rules are hereby adopted and  
11 shall apply to and govern every action for the judicial review  
12 of final acts or decisions of the Secretary of State under this  
13 Section.

14 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;  
15 100-513, eff. 1-1-18.)

16 (625 ILCS 5/6-107.5)

17 Sec. 6-107.5. Adult Driver Education Course.

18 (a) The Secretary shall establish by rule the curriculum  
19 and designate the materials to be used in an adult driver  
20 education course. The course shall be at least 6 hours in  
21 length and shall include instruction on traffic laws; highway  
22 signs, signals, and markings that regulate, warn, or direct  
23 traffic; and issues commonly associated with motor vehicle  
24 accidents including poor decision-making, risk taking,  
25 impaired driving, distraction, speed, failure to use a safety

1 belt, driving at night, failure to yield the right-of-way,  
2 texting while driving, using wireless communication devices,  
3 and alcohol and drug awareness. The curriculum shall not  
4 require the operation of a motor vehicle.

5 (b) The Secretary shall certify course providers. The  
6 requirements to be a certified course provider, the process  
7 for applying for certification, and the procedure for  
8 decertifying a course provider shall be established by rule.

9 (b-5) In order to qualify for certification as an adult  
10 driver education course provider, each applicant must  
11 authorize an investigation that includes a fingerprint-based  
12 background check to determine if the applicant has ever been  
13 convicted of a criminal offense and, if so, the disposition of  
14 any conviction. This authorization shall indicate the scope of  
15 the inquiry and the agencies that may be contacted. Upon  
16 receiving this authorization, the Secretary of State may  
17 request and receive information and assistance from any  
18 federal, State, or local governmental agency as part of the  
19 authorized investigation. Each applicant shall submit his or  
20 her fingerprints to the Illinois ~~Department of~~ State Police in  
21 the form and manner prescribed by the Illinois ~~Department of~~  
22 State Police. These fingerprints shall be checked against  
23 fingerprint records now and hereafter filed in the Illinois  
24 ~~Department of~~ State Police and Federal Bureau of Investigation  
25 criminal history record databases. The Illinois ~~Department of~~  
26 State Police shall charge applicants a fee for conducting the

1 criminal history record check, which shall be deposited into  
2 the State Police Services Fund and shall not exceed the actual  
3 cost of the State and national criminal history record check.  
4 The Illinois ~~Department~~ of State Police shall furnish,  
5 pursuant to positive identification, records of Illinois  
6 criminal convictions to the Secretary and shall forward the  
7 national criminal history record information to the Secretary.  
8 Applicants shall pay any other fingerprint-related fees.  
9 Unless otherwise prohibited by law, the information derived  
10 from the investigation, including the source of the  
11 information and any conclusions or recommendations derived  
12 from the information by the Secretary of State, shall be  
13 provided to the applicant upon request to the Secretary of  
14 State prior to any final action by the Secretary of State on  
15 the application. Any criminal conviction information obtained  
16 by the Secretary of State shall be confidential and may not be  
17 transmitted outside the Office of the Secretary of State,  
18 except as required by this subsection (b-5), and may not be  
19 transmitted to anyone within the Office of the Secretary of  
20 State except as needed for the purpose of evaluating the  
21 applicant. At any administrative hearing held under Section  
22 2-118 of this Code relating to the denial, cancellation,  
23 suspension, or revocation of certification of an adult driver  
24 education course provider, the Secretary of State may utilize  
25 at that hearing any criminal history, criminal conviction, and  
26 disposition information obtained under this subsection (b-5).



1 The information obtained from the investigation may be  
2 maintained by the Secretary of State or any agency to which the  
3 information was transmitted. Only information and standards  
4 which bear a reasonable and rational relation to the  
5 performance of providing adult driver education shall be used  
6 by the Secretary of State. Any employee of the Secretary of  
7 State who gives or causes to be given away any confidential  
8 information concerning any criminal convictions or disposition  
9 of criminal convictions of an applicant shall be guilty of a  
10 Class A misdemeanor unless release of the information is  
11 authorized by this Section.

12 (c) The Secretary may permit a course provider to offer  
13 the course online, if the Secretary is satisfied the course  
14 provider has established adequate procedures for verifying:

15 (1) the identity of the person taking the course  
16 online; and

17 (2) the person completes the entire course.

18 (d) The Secretary shall establish a method of electronic  
19 verification of a student's successful completion of the  
20 course.

21 (e) The fee charged by the course provider must bear a  
22 reasonable relationship to the cost of the course. The  
23 Secretary shall post on the Secretary of State's website a  
24 list of approved course providers, the fees charged by the  
25 providers, and contact information for each provider.

26 (f) In addition to any other fee charged by the course

1 provider, the course provider shall collect a fee of \$5 from  
2 each student to offset the costs incurred by the Secretary in  
3 administering this program. The \$5 shall be submitted to the  
4 Secretary within 14 days of the day on which it was collected.  
5 All such fees received by the Secretary shall be deposited in  
6 the Secretary of State Driver Services Administration Fund.

7 (Source: P.A. 98-167, eff. 7-1-14; 98-876, eff. 1-1-15.)

8 (625 ILCS 5/6-112) (from Ch. 95 1/2, par. 6-112)

9 Sec. 6-112. License and Permits to be carried and  
10 exhibited on demand. Every licensee or permittee shall have  
11 his drivers license or permit in his immediate possession at  
12 all times when operating a motor vehicle and, for the purpose  
13 of indicating compliance with this requirement, shall display  
14 such license or permit if it is in his possession upon demand  
15 made, when in uniform or displaying a badge or other sign of  
16 authority, by a member of the Illinois State Police, a sheriff  
17 or other police officer or designated agent of the Secretary  
18 of State. However, no person charged with violating this  
19 Section shall be convicted if he produces in court  
20 satisfactory evidence that a drivers license was theretofore  
21 ~~theretofor~~ issued to him and was valid at the time of his  
22 arrest.

23 For the purposes of this Section, "display" means the  
24 manual surrender of his license certificate into the hands of  
25 the demanding officer for his inspection thereof.

1 (Source: P.A. 76-1749.)

2 (625 ILCS 5/6-402) (from Ch. 95 1/2, par. 6-402)

3 Sec. 6-402. Qualifications of driver training schools. In  
4 order to qualify for a license to operate a driver training  
5 school, each applicant must:

6 (a) be of good moral character;

7 (b) be at least 21 years of age;

8 (c) maintain an established place of business open to  
9 the public which meets the requirements of Section 6-403  
10 through 6-407;

11 (d) maintain bodily injury and property damage  
12 liability insurance on motor vehicles while used in  
13 driving instruction, insuring the liability of the driving  
14 school, the driving instructors and any person taking  
15 instruction in at least the following amounts: \$50,000 for  
16 bodily injury to or death of one person in any one accident  
17 and, subject to said limit for one person, \$100,000 for  
18 bodily injury to or death of 2 or more persons in any one  
19 accident and the amount of \$10,000 for damage to property  
20 of others in any one accident. Evidence of such insurance  
21 coverage in the form of a certificate from the insurance  
22 carrier shall be filed with the Secretary of State, and  
23 such certificate shall stipulate that the insurance shall  
24 not be cancelled except upon 10 days prior written notice  
25 to the Secretary of State. The decal showing evidence of

1 insurance shall be affixed to the windshield of the  
2 vehicle;

3 (e) provide a continuous surety company bond in the  
4 principal sum of \$10,000 for a non-accredited school,  
5 \$40,000 for a CDL or teenage accredited school, \$60,000  
6 for a CDL accredited and teenage accredited school,  
7 \$50,000 for a CDL or teenage accredited school with 3 or  
8 more licensed branches, \$70,000 for a CDL accredited and  
9 teenage accredited school with 3 or more licensed branches  
10 for the protection of the contractual rights of students  
11 in such form as will meet with the approval of the  
12 Secretary of State and written by a company authorized to  
13 do business in this State. However, the aggregate  
14 liability of the surety for all breaches of the condition  
15 of the bond in no event shall exceed the principal sum of  
16 \$10,000 for a non-accredited school, \$40,000 for a CDL or  
17 teenage accredited school, \$60,000 for a CDL accredited  
18 and teenage accredited school, \$50,000 for a CDL or  
19 teenage accredited school with 3 or more licensed  
20 branches, \$70,000 for a CDL accredited and teenage  
21 accredited school with 3 or more licensed branches. The  
22 surety on any such bond may cancel such bond on giving 30  
23 days notice thereof in writing to the Secretary of State  
24 and shall be relieved of liability for any breach of any  
25 conditions of the bond which occurs after the effective  
26 date of cancellation;

1 (f) have the equipment necessary to the giving of  
2 proper instruction in the operation of motor vehicles;

3 (g) have and use a business telephone listing for all  
4 business purposes;

5 (h) pay to the Secretary of State an application fee  
6 of \$500 and \$50 for each branch application; and

7 (i) authorize an investigation to include a  
8 fingerprint based background check to determine if the  
9 applicant has ever been convicted of a crime and if so, the  
10 disposition of those convictions. The authorization shall  
11 indicate the scope of the inquiry and the agencies that  
12 may be contacted. Upon this authorization, the Secretary  
13 of State may request and receive information and  
14 assistance from any federal, State, or local governmental  
15 agency as part of the authorized investigation. Each  
16 applicant shall have his or her fingerprints submitted to  
17 the Illinois ~~Department of~~ State Police in the form and  
18 manner prescribed by the Illinois ~~Department of~~ State  
19 Police. The fingerprints shall be checked against the  
20 Illinois ~~Department of~~ State Police and Federal Bureau of  
21 Investigation criminal history record information  
22 databases. The Illinois ~~Department of~~ State Police shall  
23 charge a fee for conducting the criminal history records  
24 check, which shall be deposited in the State Police  
25 Services Fund and shall not exceed the actual cost of the  
26 records check. The applicant shall be required to pay all

1 related fingerprint fees including, but not limited to,  
2 the amounts established by the Illinois ~~Department of~~  
3 State Police and the Federal Bureau of Investigation to  
4 process fingerprint based criminal background  
5 investigations. The Illinois ~~Department of~~ State Police  
6 shall provide information concerning any criminal  
7 convictions and disposition of criminal convictions  
8 brought against the applicant upon request of the  
9 Secretary of State provided that the request is made in  
10 the form and manner required by the Illinois ~~Department of~~  
11 ~~the~~ State Police. Unless otherwise prohibited by law, the  
12 information derived from the investigation including the  
13 source of the information and any conclusions or  
14 recommendations derived from the information by the  
15 Secretary of State shall be provided to the applicant, or  
16 his designee, upon request to the Secretary of State,  
17 prior to any final action by the Secretary of State on the  
18 application. Any criminal convictions and disposition  
19 information obtained by the Secretary of State shall be  
20 confidential and may not be transmitted outside the Office  
21 of the Secretary of State, except as required herein, and  
22 may not be transmitted to anyone within the Office of the  
23 Secretary of State except as needed for the purpose of  
24 evaluating the applicant. At any administrative hearing  
25 held under Section 2-118 of this Code relating to the  
26 denial, cancellation, suspension, or revocation of a

1 driver training school license, the Secretary of State is  
2 authorized to utilize at that hearing any criminal  
3 histories, criminal convictions, and disposition  
4 information obtained under this Section. The information  
5 obtained from the investigation may be maintained by the  
6 Secretary of State or any agency to which the information  
7 was transmitted. Only information and standards, which  
8 bear a reasonable and rational relation to the performance  
9 of a driver training school owner, shall be used by the  
10 Secretary of State. Any employee of the Secretary of State  
11 who gives or causes to be given away any confidential  
12 information concerning any criminal charges or disposition  
13 of criminal charges of an applicant shall be guilty of a  
14 Class A misdemeanor, unless release of the information is  
15 authorized by this Section.

16 No license shall be issued under this Section to a person  
17 who is a spouse, offspring, sibling, parent, grandparent,  
18 grandchild, uncle or aunt, nephew or niece, cousin, or in-law  
19 of the person whose license to do business at that location has  
20 been revoked or denied or to a person who was an officer or  
21 employee of a business firm that has had its license revoked or  
22 denied, unless the Secretary of State is satisfied the  
23 application was submitted in good faith and not for the  
24 purpose or effect of defeating the intent of this Code.

25 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;  
26 96-1062, eff. 7-14-10; 97-333, eff. 8-12-11; 97-835, eff.

1 7-20-12.)

2 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

3 Sec. 6-411. Qualifications of Driver Training Instructors.

4 In order to qualify for a license as an instructor for a  
5 driving school, an applicant must:

6 (a) Be of good moral character;

7 (b) Authorize an investigation to include a  
8 fingerprint based background check to determine if the  
9 applicant has ever been convicted of a crime and if so, the  
10 disposition of those convictions; this authorization shall  
11 indicate the scope of the inquiry and the agencies which  
12 may be contacted. Upon this authorization the Secretary of  
13 State may request and receive information and assistance  
14 from any federal, state or local governmental agency as  
15 part of the authorized investigation. Each applicant shall  
16 submit his or her fingerprints to the Illinois Department  
17 ~~of State Police~~ in the form and manner prescribed by the  
18 Illinois Department ~~of State Police~~. These fingerprints  
19 shall be checked against the fingerprint records now and  
20 hereafter filed in the Illinois Department ~~of State Police~~  
21 and Federal Bureau of Investigation criminal history  
22 records databases. The Illinois Department ~~of State Police~~  
23 shall charge a fee for conducting the criminal history  
24 records check, which shall be deposited in the State  
25 Police Services Fund and shall not exceed the actual cost



1 of the records check. The applicant shall be required to  
2 pay all related fingerprint fees including, but not  
3 limited to, the amounts established by the Illinois  
4 ~~Department of~~ State Police and the Federal Bureau of  
5 Investigation to process fingerprint based criminal  
6 background investigations. The Illinois ~~Department of~~  
7 State Police shall provide information concerning any  
8 criminal convictions, and their disposition, brought  
9 against the applicant upon request of the Secretary of  
10 State when the request is made in the form and manner  
11 required by the Illinois ~~Department of~~ State Police.  
12 Unless otherwise prohibited by law, the information  
13 derived from this investigation including the source of  
14 this information, and any conclusions or recommendations  
15 derived from this information by the Secretary of State  
16 shall be provided to the applicant, or his designee, upon  
17 request to the Secretary of State, prior to any final  
18 action by the Secretary of State on the application. At  
19 any administrative hearing held under Section 2-118 of  
20 this Code relating to the denial, cancellation,  
21 suspension, or revocation of a driver training school  
22 license, the Secretary of State is authorized to utilize  
23 at that hearing any criminal histories, criminal  
24 convictions, and disposition information obtained under  
25 this Section. Any criminal convictions and their  
26 disposition information obtained by the Secretary of State

1 shall be confidential and may not be transmitted outside  
2 the Office of the Secretary of State, except as required  
3 herein, and may not be transmitted to anyone within the  
4 Office of the Secretary of State except as needed for the  
5 purpose of evaluating the applicant. The information  
6 obtained from this investigation may be maintained by the  
7 Secretary of State or any agency to which such information  
8 was transmitted. Only information and standards which bear  
9 a reasonable and rational relation to the performance of a  
10 driver training instructor shall be used by the Secretary  
11 of State. Any employee of the Secretary of State who gives  
12 or causes to be given away any confidential information  
13 concerning any criminal charges and their disposition of  
14 an applicant shall be guilty of a Class A misdemeanor  
15 unless release of such information is authorized by this  
16 Section;

17 (c) Pass such examination as the Secretary of State  
18 shall require on (1) traffic laws, (2) safe driving  
19 practices, (3) operation of motor vehicles, and (4)  
20 qualifications of teacher;

21 (d) Be physically able to operate safely a motor  
22 vehicle and to train others in the operation of motor  
23 vehicles. An instructors license application must be  
24 accompanied by a medical examination report completed by a  
25 competent physician licensed to practice in the State of  
26 Illinois;

1 (e) Hold a valid Illinois drivers license;

2 (f) Have graduated from an accredited high school  
3 after at least 4 years of high school education or the  
4 equivalent; and

5 (g) Pay to the Secretary of State an application and  
6 license fee of \$70.

7 If a driver training school class room instructor teaches  
8 an approved driver education course, as defined in Section  
9 1-103 of this Code, to students under 18 years of age, he or  
10 she shall furnish to the Secretary of State a certificate  
11 issued by the State Board of Education that the said  
12 instructor is qualified and meets the minimum educational  
13 standards for teaching driver education courses in the local  
14 public or parochial school systems, except that no State Board  
15 of Education certification shall be required of any instructor  
16 who teaches exclusively in a commercial driving school. On and  
17 after July 1, 1986, the existing rules and regulations of the  
18 State Board of Education concerning commercial driving schools  
19 shall continue to remain in effect but shall be administered  
20 by the Secretary of State until such time as the Secretary of  
21 State shall amend or repeal the rules in accordance with the  
22 Illinois Administrative Procedure Act. Upon request, the  
23 Secretary of State shall issue a certificate of completion to  
24 a student under 18 years of age who has completed an approved  
25 driver education course at a commercial driving school.

26 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10;

1 97-835, eff. 7-20-12.)

2 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

3 Sec. 6-508. Commercial Driver's License (CDL) -  
4 qualification standards.

5 (a) Testing.

6 (1) General. No person shall be issued an original or  
7 renewal CDL unless that person is domiciled in this State  
8 or is applying for a non-domiciled CDL under Sections  
9 6-509 and 6-510 of this Code. The Secretary shall cause to  
10 be administered such tests as the Secretary deems  
11 necessary to meet the requirements of 49 C.F.R. Part 383,  
12 subparts F, G, H, and J.

13 (1.5) Effective July 1, 2014, no person shall be  
14 issued an original CDL or an upgraded CDL that requires a  
15 skills test unless that person has held a CLP, for a  
16 minimum of 14 calendar days, for the classification of  
17 vehicle and endorsement, if any, for which the person is  
18 seeking a CDL.

19 (2) Third party testing. The Secretary of State may  
20 authorize a "third party tester", pursuant to 49 C.F.R.  
21 383.75 and 49 C.F.R. 384.228 and 384.229, to administer  
22 the skills test or tests specified by the Federal Motor  
23 Carrier Safety Administration pursuant to the Commercial  
24 Motor Vehicle Safety Act of 1986 and any appropriate  
25 federal rule.

1           (3) (i) Effective February 7, 2020, unless the person  
2           is exempted by 49 CFR 380.603, no person shall be issued an  
3           original (first time issuance) CDL, an upgraded CDL or a  
4           school bus (S), passenger (P), or hazardous Materials (H)  
5           endorsement unless the person has successfully completed  
6           entry-level driver training (ELDT) taught by a training  
7           provider listed on the federal Training Provider Registry.

8           (ii) Persons who obtain a CLP before February 7, 2020  
9           are not required to complete ELDT if the person obtains a  
10          CDL before the CLP or renewed CLP expires.

11          (iii) Except for persons seeking the H endorsement,  
12          persons must complete the theory and behind-the-wheel  
13          (range and public road) portions of ELDT within one year  
14          of completing the first portion.

15          (iv) The Secretary shall adopt rules to implement this  
16          subsection.

17          (b) Waiver of Skills Test. The Secretary of State may  
18          waive the skills test specified in this Section for a driver  
19          applicant for a commercial driver license who meets the  
20          requirements of 49 C.F.R. 383.77. The Secretary of State shall  
21          waive the skills tests specified in this Section for a driver  
22          applicant who has military commercial motor vehicle  
23          experience, subject to the requirements of 49 C.F.R. 383.77.

24          (b-1) No person shall be issued a CDL unless the person  
25          certifies to the Secretary one of the following types of  
26          driving operations in which he or she will be engaged:

- 1 (1) non-excepted interstate;
- 2 (2) non-excepted intrastate;
- 3 (3) excepted interstate; or
- 4 (4) excepted intrastate.

5 (b-2) (Blank).

6 (c) Limitations on issuance of a CDL. A CDL shall not be  
7 issued to a person while the person is subject to a  
8 disqualification from driving a commercial motor vehicle, or  
9 unless otherwise permitted by this Code, while the person's  
10 driver's license is suspended, revoked or cancelled in any  
11 state, or any territory or province of Canada; nor may a CLP or  
12 CDL be issued to a person who has a CLP or CDL issued by any  
13 other state, or foreign jurisdiction, nor may a CDL be issued  
14 to a person who has an Illinois CLP unless the person first  
15 surrenders all of these licenses or permits. However, a person  
16 may hold an Illinois CLP and an Illinois CDL providing the CLP  
17 is necessary to train or practice for an endorsement or  
18 vehicle classification not present on the current CDL. No CDL  
19 shall be issued to or renewed for a person who does not meet  
20 the requirement of 49 CFR 391.41(b)(11). The requirement may  
21 be met with the aid of a hearing aid.

22 (c-1) The Secretary may issue a CDL with a school bus  
23 driver endorsement to allow a person to drive the type of bus  
24 described in subsection (d-5) of Section 6-104 of this Code.  
25 The CDL with a school bus driver endorsement may be issued only  
26 to a person meeting the following requirements:

1 (1) the person has submitted his or her fingerprints  
2 to the Illinois ~~Department of~~ State Police in the form and  
3 manner prescribed by the Illinois ~~Department of~~ State  
4 Police. These fingerprints shall be checked against the  
5 fingerprint records now and hereafter filed in the  
6 Illinois ~~Department of~~ State Police and Federal Bureau of  
7 Investigation criminal history records databases;

8 (2) the person has passed a written test, administered  
9 by the Secretary of State, on charter bus operation,  
10 charter bus safety, and certain special traffic laws  
11 relating to school buses determined by the Secretary of  
12 State to be relevant to charter buses, and submitted to a  
13 review of the driver applicant's driving habits by the  
14 Secretary of State at the time the written test is given;

15 (3) the person has demonstrated physical fitness to  
16 operate school buses by submitting the results of a  
17 medical examination, including tests for drug use; and

18 (4) the person has not been convicted of committing or  
19 attempting to commit any one or more of the following  
20 offenses: (i) those offenses defined in Sections 8-1.2,  
21 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
22 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
23 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
24 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
25 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
26 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
2 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
3 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
4 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
5 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
6 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,  
7 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5,  
8 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
9 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,  
10 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in  
11 subsection (b) of Section 8-1, and in subdivisions (a)(1),  
12 (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1)  
13 of Section 12-3.05, and in subsection (a) and subsection  
14 (b), clause (1), of Section 12-4, and in subsection (A),  
15 clauses (a) and (b), of Section 24-3, and those offenses  
16 contained in Article 29D of the Criminal Code of 1961 or  
17 the Criminal Code of 2012; (ii) those offenses defined in  
18 the Cannabis Control Act except those offenses defined in  
19 subsections (a) and (b) of Section 4, and subsection (a)  
20 of Section 5 of the Cannabis Control Act; (iii) those  
21 offenses defined in the Illinois Controlled Substances  
22 Act; (iv) those offenses defined in the Methamphetamine  
23 Control and Community Protection Act; (v) any offense  
24 committed or attempted in any other state or against the  
25 laws of the United States, which if committed or attempted  
26 in this State would be punishable as one or more of the



1           foregoing offenses; (vi) the offenses defined in Sections  
2           4.1 and 5.1 of the Wrongs to Children Act or Section  
3           11-9.1A of the Criminal Code of 1961 or the Criminal Code  
4           of 2012; (vii) those offenses defined in Section 6-16 of  
5           the Liquor Control Act of 1934; and (viii) those offenses  
6           defined in the Methamphetamine Precursor Control Act.

7           The Illinois ~~Department of~~ State Police shall charge a fee  
8           for conducting the criminal history records check, which shall  
9           be deposited into the State Police Services Fund and may not  
10          exceed the actual cost of the records check.

11          (c-2) The Secretary shall issue a CDL with a school bus  
12          endorsement to allow a person to drive a school bus as defined  
13          in this Section. The CDL shall be issued according to the  
14          requirements outlined in 49 C.F.R. 383. A person may not  
15          operate a school bus as defined in this Section without a  
16          school bus endorsement. The Secretary of State may adopt rules  
17          consistent with Federal guidelines to implement this  
18          subsection (c-2).

19          (d) (Blank).

20          (Source: P.A. 101-185, eff. 1-1-20.)

21          (625 ILCS 5/8-115) (from Ch. 95 1/2, par. 8-115)

22          Sec. 8-115. Display of certificate-Enforcement. The  
23          certificate issued pursuant to Section 8-114 shall be  
24          displayed upon a window of the motor vehicle for which it was  
25          issued, in such manner as to be visible to the passengers

1 carried therein. This Section and Section 8-114 shall be  
2 enforced by the Illinois State Police, the Secretary of State,  
3 and other police officers.

4 (Source: P.A. 82-433.)

5 (625 ILCS 5/11-212)

6 Sec. 11-212. Traffic and pedestrian stop statistical  
7 study.

8 (a) Whenever a State or local law enforcement officer  
9 issues a uniform traffic citation or warning citation for an  
10 alleged violation of the Illinois Vehicle Code, he or she  
11 shall record at least the following:

12 (1) the name, address, gender, and the officer's  
13 subjective determination of the race of the person  
14 stopped; the person's race shall be selected from the  
15 following list: American Indian or Alaska Native, Asian,  
16 Black or African American, Hispanic or Latino, Native  
17 Hawaiian or Other Pacific Islander, or White;

18 (2) the alleged traffic violation that led to the stop  
19 of the motorist;

20 (3) the make and year of the vehicle stopped;

21 (4) the date and time of the stop, beginning when the  
22 vehicle was stopped and ending when the driver is free to  
23 leave or taken into physical custody;

24 (5) the location of the traffic stop;

25 (5.5) whether or not a consent search contemporaneous

1 to the stop was requested of the vehicle, driver,  
2 passenger, or passengers; and, if so, whether consent was  
3 given or denied;

4 (6) whether or not a search contemporaneous to the  
5 stop was conducted of the vehicle, driver, passenger, or  
6 passengers; and, if so, whether it was with consent or by  
7 other means;

8 (6.2) whether or not a police dog performed a sniff of  
9 the vehicle; and, if so, whether or not the dog alerted to  
10 the presence of contraband; and, if so, whether or not an  
11 officer searched the vehicle; and, if so, whether or not  
12 contraband was discovered; and, if so, the type and amount  
13 of contraband;

14 (6.5) whether or not contraband was found during a  
15 search; and, if so, the type and amount of contraband  
16 seized; and

17 (7) the name and badge number of the issuing officer.

18 (b) Whenever a State or local law enforcement officer  
19 stops a motorist for an alleged violation of the Illinois  
20 Vehicle Code and does not issue a uniform traffic citation or  
21 warning citation for an alleged violation of the Illinois  
22 Vehicle Code, he or she shall complete a uniform stop card,  
23 which includes field contact cards, or any other existing form  
24 currently used by law enforcement containing information  
25 required pursuant to this Act, that records at least the  
26 following:

1           (1) the name, address, gender, and the officer's  
2 subjective determination of the race of the person  
3 stopped; the person's race shall be selected from the  
4 following list: American Indian or Alaska Native, Asian,  
5 Black or African American, Hispanic or Latino, Native  
6 Hawaiian or Other Pacific Islander, or White;

7           (2) the reason that led to the stop of the motorist;

8           (3) the make and year of the vehicle stopped;

9           (4) the date and time of the stop, beginning when the  
10 vehicle was stopped and ending when the driver is free to  
11 leave or taken into physical custody;

12           (5) the location of the traffic stop;

13           (5.5) whether or not a consent search contemporaneous  
14 to the stop was requested of the vehicle, driver,  
15 passenger, or passengers; and, if so, whether consent was  
16 given or denied;

17           (6) whether or not a search contemporaneous to the  
18 stop was conducted of the vehicle, driver, passenger, or  
19 passengers; and, if so, whether it was with consent or by  
20 other means;

21           (6.2) whether or not a police dog performed a sniff of  
22 the vehicle; and, if so, whether or not the dog alerted to  
23 the presence of contraband; and, if so, whether or not an  
24 officer searched the vehicle; and, if so, whether or not  
25 contraband was discovered; and, if so, the type and amount  
26 of contraband;

1           (6.5) whether or not contraband was found during a  
2           search; and, if so, the type and amount of contraband  
3           seized; and

4           (7) the name and badge number of the issuing officer.

5           (b-5) For purposes of this subsection (b-5), "detention"  
6           means all frisks, searches, summons, and arrests. Whenever a  
7           law enforcement officer subjects a pedestrian to detention in  
8           a public place, he or she shall complete a uniform pedestrian  
9           stop card, which includes any existing form currently used by  
10          law enforcement containing all the information required under  
11          this Section, that records at least the following:

12           (1) the gender, and the officer's subjective  
13          determination of the race of the person stopped; the  
14          person's race shall be selected from the following list:  
15          American Indian or Alaska Native, Asian, Black or African  
16          American, Hispanic or Latino, Native Hawaiian or Other  
17          Pacific Islander, or White;

18           (2) all the alleged reasons that led to the stop of the  
19          person;

20           (3) the date and time of the stop;

21           (4) the location of the stop;

22           (5) whether or not a protective pat down or frisk was  
23          conducted of the person; and, if so, all the alleged  
24          reasons that led to the protective pat down or frisk, and  
25          whether it was with consent or by other means;

26           (6) whether or not contraband was found during the

1 protective pat down or frisk; and, if so, the type and  
2 amount of contraband seized;

3 (7) whether or not a search beyond a protective pat  
4 down or frisk was conducted of the person or his or her  
5 effects; and, if so, all the alleged reasons that led to  
6 the search, and whether it was with consent or by other  
7 means;

8 (8) whether or not contraband was found during the  
9 search beyond a protective pat down or frisk; and, if so,  
10 the type and amount of contraband seized;

11 (9) the disposition of the stop, such as a warning, a  
12 ticket, a summons, or an arrest;

13 (10) if a summons or ticket was issued, or an arrest  
14 made, a record of the violations, offenses, or crimes  
15 alleged or charged; and

16 (11) the name and badge number of the officer who  
17 conducted the detention.

18 This subsection (b-5) does not apply to searches or  
19 inspections for compliance authorized under the Fish and  
20 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,  
21 or searches or inspections during routine security screenings  
22 at facilities or events.

23 (c) The Illinois Department of Transportation shall  
24 provide a standardized law enforcement data compilation form  
25 on its website.

26 (d) Every law enforcement agency shall, by March 1 with

1 regard to data collected during July through December of the  
2 previous calendar year and by August 1 with regard to data  
3 collected during January through June of the current calendar  
4 year, compile the data described in subsections (a), (b), and  
5 (b-5) on the standardized law enforcement data compilation  
6 form provided by the Illinois Department of Transportation and  
7 transmit the data to the Department.

8 (e) The Illinois Department of Transportation shall  
9 analyze the data provided by law enforcement agencies required  
10 by this Section and submit a report of the previous year's  
11 findings to the Governor, the General Assembly, the Racial  
12 Profiling Prevention and Data Oversight Board, and each law  
13 enforcement agency no later than July 1 of each year. The  
14 Illinois Department of Transportation may contract with an  
15 outside entity for the analysis of the data provided. In  
16 analyzing the data collected under this Section, the analyzing  
17 entity shall scrutinize the data for evidence of statistically  
18 significant aberrations. The following list, which is  
19 illustrative, and not exclusive, contains examples of areas in  
20 which statistically significant aberrations may be found:

21 (1) The percentage of minority drivers, passengers, or  
22 pedestrians being stopped in a given area is substantially  
23 higher than the proportion of the overall population in or  
24 traveling through the area that the minority constitutes.

25 (2) A substantial number of false stops including  
26 stops not resulting in the issuance of a traffic ticket or

1 the making of an arrest.

2 (3) A disparity between the proportion of citations  
3 issued to minorities and proportion of minorities in the  
4 population.

5 (4) A disparity among the officers of the same law  
6 enforcement agency with regard to the number of minority  
7 drivers, passengers, or pedestrians being stopped in a  
8 given area.

9 (5) A disparity between the frequency of searches  
10 performed on minority drivers or pedestrians and the  
11 frequency of searches performed on non-minority drivers or  
12 pedestrians.

13 (f) Any law enforcement officer identification information  
14 and driver or pedestrian identification information that is  
15 compiled by any law enforcement agency or the Illinois  
16 Department of Transportation pursuant to this Act for the  
17 purposes of fulfilling the requirements of this Section shall  
18 be confidential and exempt from public inspection and copying,  
19 as provided under Section 7 of the Freedom of Information Act,  
20 and the information shall not be transmitted to anyone except  
21 as needed to comply with this Section. This Section shall not  
22 exempt those materials that, prior to the effective date of  
23 this amendatory Act of the 93rd General Assembly, were  
24 available under the Freedom of Information Act. This  
25 subsection (f) shall not preclude law enforcement agencies  
26 from reviewing data to perform internal reviews.



1 (g) Funding to implement this Section shall come from  
2 federal highway safety funds available to Illinois, as  
3 directed by the Governor.

4 (h) The Illinois Criminal Justice Information Authority,  
5 in consultation with law enforcement agencies, officials, and  
6 organizations, including Illinois chiefs of police, the  
7 Illinois Department of State Police, the Illinois Sheriffs  
8 Association, and the Chicago Police Department, and community  
9 groups and other experts, shall undertake a study to determine  
10 the best use of technology to collect, compile, and analyze  
11 the traffic stop statistical study data required by this  
12 Section. The Department shall report its findings and  
13 recommendations to the Governor and the General Assembly by  
14 March 1, 2022.

15 (h-1) The Traffic and Pedestrian Stop Data Use and  
16 Collection Task Force is hereby created.

17 (1) The Task Force shall undertake a study to  
18 determine the best use of technology to collect, compile,  
19 and analyze the traffic stop statistical study data  
20 required by this Section.

21 (2) The Task Force shall be an independent Task Force  
22 under the Illinois Criminal Justice Information Authority  
23 for administrative purposes, and shall consist of the  
24 following members:

25 (A) 2 academics or researchers who have studied  
26 issues related to traffic or pedestrian stop data

1 collection and have education or expertise in  
2 statistics;

3 (B) one professor from an Illinois university who  
4 specializes in policing and racial equity;

5 (C) one representative from the Illinois State  
6 Police;

7 (D) one representative from the Chicago Police  
8 Department;

9 (E) one representative from the Illinois Chiefs of  
10 Police;

11 (F) one representative from the Illinois Sheriffs  
12 Association;

13 (G) one representative from the Chicago Fraternal  
14 Order of Police;

15 (H) one representative from the Illinois Fraternal  
16 Order of Police;

17 (I) the Executive Director of the American Civil  
18 Liberties Union of Illinois, or his or her designee;  
19 and

20 (J) 5 representatives from different community  
21 organizations who specialize in civil or human rights,  
22 policing, or criminal justice reform work, and that  
23 represent a range of minority interests or different  
24 parts of the State.

25 (3) The Illinois Criminal Justice Information  
26 Authority may consult, contract, work in conjunction with,

1 and obtain any information from any individual, agency,  
2 association, or research institution deemed appropriate by  
3 the Authority.

4 (4) The Task Force shall report its findings and  
5 recommendations to the Governor and the General Assembly  
6 by March 1, 2022 and every 3 years after.

7 (h-5) For purposes of this Section:

8 (1) "American Indian or Alaska Native" means a person  
9 having origins in any of the original peoples of North and  
10 South America, including Central America, and who  
11 maintains tribal affiliation or community attachment.

12 (2) "Asian" means a person having origins in any of  
13 the original peoples of the Far East, Southeast Asia, or  
14 the Indian subcontinent, including, but not limited to,  
15 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
16 the Philippine Islands, Thailand, and Vietnam.

17 (2.5) "Badge" means an officer's department issued  
18 identification number associated with his or her position  
19 as a police officer with that department.

20 (3) "Black or African American" means a person having  
21 origins in any of the black racial groups of Africa. Terms  
22 such as "Haitian" or "Negro" can be used in addition to  
23 "Black or African American".

24 (4) "Hispanic or Latino" means a person of Cuban,  
25 Mexican, Puerto Rican, South or Central American, or other  
26 Spanish culture or origin, regardless of race.

1           (5) "Native Hawaiian or Other Pacific Islander" means  
2           a person having origins in any of the original peoples of  
3           Hawaii, Guam, Samoa, or other Pacific Islands.

4           (6) "White" means a person having origins in any of  
5           the original peoples of Europe, the Middle East, or North  
6           Africa.

7           (i) (Blank).

8           (Source: P.A. 101-24, eff. 6-21-19.)

9           (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

10          Sec. 11-416. Furnishing copies - Fees. The Illinois  
11 ~~Department of~~ State Police may furnish copies of an Illinois  
12 State Police Traffic Accident Report that has been  
13 investigated by the Illinois State Police and shall be paid a  
14 fee of \$5 for each such copy, or in the case of an accident  
15 which was investigated by an accident reconstruction officer  
16 or accident reconstruction team, a fee of \$20 shall be paid.  
17 These fees shall be deposited into the State Police Services  
18 Fund.

19          Other State law enforcement agencies or law enforcement  
20 agencies of local authorities may furnish copies of traffic  
21 accident reports prepared by such agencies and may receive a  
22 fee not to exceed \$5 for each copy or in the case of an  
23 accident which was investigated by an accident reconstruction  
24 officer or accident reconstruction team, the State or local  
25 law enforcement agency may receive a fee not to exceed \$20.

1 Any written accident report required or requested to be  
2 furnished the Administrator shall be provided without cost or  
3 fee charges authorized under this Section or any other  
4 provision of law.

5 (Source: P.A. 101-571, eff. 8-23-19.)

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final  
9 sentencing or an order for supervision, for an offense based  
10 upon an arrest for a violation of Section 11-501 or a similar  
11 provision of a local ordinance, individuals shall be required  
12 to undergo a professional evaluation to determine if an  
13 alcohol, drug, or intoxicating compound abuse problem exists  
14 and the extent of the problem, and undergo the imposition of  
15 treatment as appropriate. Programs conducting these  
16 evaluations shall be licensed by the Department of Human  
17 Services. The cost of any professional evaluation shall be  
18 paid for by the individual required to undergo the  
19 professional evaluation.

20 (b) Any person who is found guilty of or pleads guilty to  
21 violating Section 11-501, including any person receiving a  
22 disposition of court supervision for violating that Section,  
23 may be required by the Court to attend a victim impact panel  
24 offered by, or under contract with, a county State's  
25 Attorney's office, a probation and court services department,

1 Mothers Against Drunk Driving, or the Alliance Against  
2 Intoxicated Motorists. All costs generated by the victim  
3 impact panel shall be paid from fees collected from the  
4 offender or as may be determined by the court.

5 (c) (Blank).

6 (d) The Secretary of State shall revoke the driving  
7 privileges of any person convicted under Section 11-501 or a  
8 similar provision of a local ordinance.

9 (e) The Secretary of State shall require the use of  
10 ignition interlock devices for a period not less than 5 years  
11 on all vehicles owned by a person who has been convicted of a  
12 second or subsequent offense of Section 11-501 or a similar  
13 provision of a local ordinance. The person must pay to the  
14 Secretary of State DUI Administration Fund an amount not to  
15 exceed \$30 for each month that he or she uses the device. The  
16 Secretary shall establish by rule and regulation the  
17 procedures for certification and use of the interlock system,  
18 the amount of the fee, and the procedures, terms, and  
19 conditions relating to these fees. During the time period in  
20 which a person is required to install an ignition interlock  
21 device under this subsection (e), that person shall only  
22 operate vehicles in which ignition interlock devices have been  
23 installed, except as allowed by subdivision (c)(5) or (d)(5)  
24 of Section 6-205 of this Code.

25 (f) (Blank).

26 (g) The Secretary of State Police DUI Fund is created as a

1 special fund in the State treasury and, subject to  
2 appropriation, shall be used for enforcement and prevention of  
3 driving while under the influence of alcohol, other drug or  
4 drugs, intoxicating compound or compounds or any combination  
5 thereof, as defined by Section 11-501 of this Code, including,  
6 but not limited to, the purchase of law enforcement equipment  
7 and commodities to assist in the prevention of alcohol-related  
8 criminal violence throughout the State; police officer  
9 training and education in areas related to alcohol-related  
10 crime, including, but not limited to, DUI training; and police  
11 officer salaries, including, but not limited to, salaries for  
12 hire back funding for safety checkpoints, saturation patrols,  
13 and liquor store sting operations.

14 (h) Whenever an individual is sentenced for an offense  
15 based upon an arrest for a violation of Section 11-501 or a  
16 similar provision of a local ordinance, and the professional  
17 evaluation recommends remedial or rehabilitative treatment or  
18 education, neither the treatment nor the education shall be  
19 the sole disposition and either or both may be imposed only in  
20 conjunction with another disposition. The court shall monitor  
21 compliance with any remedial education or treatment  
22 recommendations contained in the professional evaluation.  
23 Programs conducting alcohol or other drug evaluation or  
24 remedial education must be licensed by the Department of Human  
25 Services. If the individual is not a resident of Illinois,  
26 however, the court may accept an alcohol or other drug

1 evaluation or remedial education program in the individual's  
2 state of residence. Programs providing treatment must be  
3 licensed under existing applicable alcoholism and drug  
4 treatment licensure standards.

5 (i) (Blank).

6 (j) A person that is subject to a chemical test or tests of  
7 blood under subsection (a) of Section 11-501.1 or subdivision  
8 (c)(2) of Section 11-501.2 of this Code, whether or not that  
9 person consents to testing, shall be liable for the expense up  
10 to \$500 for blood withdrawal by a physician authorized to  
11 practice medicine, a licensed physician assistant, a licensed  
12 advanced practice registered nurse, a registered nurse, a  
13 trained phlebotomist, a licensed paramedic, or a qualified  
14 person other than a police officer approved by the Illinois  
15 ~~Department of~~ State Police to withdraw blood, who responds,  
16 whether at a law enforcement facility or a health care  
17 facility, to a police department request for the drawing of  
18 blood based upon refusal of the person to submit to a lawfully  
19 requested breath test or probable cause exists to believe the  
20 test would disclose the ingestion, consumption, or use of  
21 drugs or intoxicating compounds if:

22 (1) the person is found guilty of violating Section  
23 11-501 of this Code or a similar provision of a local  
24 ordinance; or

25 (2) the person pleads guilty to or stipulates to facts  
26 supporting a violation of Section 11-503 of this Code or a



1 similar provision of a local ordinance when the plea or  
2 stipulation was the result of a plea agreement in which  
3 the person was originally charged with violating Section  
4 11-501 of this Code or a similar local ordinance.

5 (Source: P.A. 100-513, eff. 1-1-18; 100-987, eff. 7-1-19;  
6 101-81, eff. 7-12-19.)

7 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

8 Sec. 11-501.2. Chemical and other tests.

9 (a) Upon the trial of any civil or criminal action or  
10 proceeding arising out of an arrest for an offense as defined  
11 in Section 11-501 or a similar local ordinance or proceedings  
12 pursuant to Section 2-118.1, evidence of the concentration of  
13 alcohol, other drug or drugs, or intoxicating compound or  
14 compounds, or any combination thereof in a person's blood or  
15 breath at the time alleged, as determined by analysis of the  
16 person's blood, urine, breath, or other bodily substance,  
17 shall be admissible. Where such test is made the following  
18 provisions shall apply:

19 1. Chemical analyses of the person's blood, urine,  
20 breath, or other bodily substance to be considered valid  
21 under the provisions of this Section shall have been  
22 performed according to standards promulgated by the  
23 Illinois ~~Department of~~ State Police by a licensed  
24 physician, registered nurse, trained phlebotomist,  
25 licensed paramedic, or other individual possessing a valid

1 permit issued by that Department for this purpose. The  
2 Director of the Illinois State Police is authorized to  
3 approve satisfactory techniques or methods, to ascertain  
4 the qualifications and competence of individuals to  
5 conduct such analyses, to issue permits which shall be  
6 subject to termination or revocation at the discretion of  
7 that Department and to certify the accuracy of breath  
8 testing equipment. The Illinois ~~Department of~~ State Police  
9 shall prescribe regulations as necessary to implement this  
10 Section.

11 2. When a person in this State shall submit to a blood  
12 test at the request of a law enforcement officer under the  
13 provisions of Section 11-501.1, only a physician  
14 authorized to practice medicine, a licensed physician  
15 assistant, a licensed advanced practice registered nurse,  
16 a registered nurse, trained phlebotomist, or licensed  
17 paramedic, or other qualified person approved by the  
18 Illinois ~~Department of~~ State Police may withdraw blood for  
19 the purpose of determining the alcohol, drug, or alcohol  
20 and drug content therein. This limitation shall not apply  
21 to the taking of breath, other bodily substance, or urine  
22 specimens.

23 When a blood test of a person who has been taken to an  
24 adjoining state for medical treatment is requested by an  
25 Illinois law enforcement officer, the blood may be  
26 withdrawn only by a physician authorized to practice

1 medicine in the adjoining state, a licensed physician  
2 assistant, a licensed advanced practice registered nurse,  
3 a registered nurse, a trained phlebotomist acting under  
4 the direction of the physician, or licensed paramedic. The  
5 law enforcement officer requesting the test shall take  
6 custody of the blood sample, and the blood sample shall be  
7 analyzed by a laboratory certified by the Illinois  
8 ~~Department of~~ State Police for that purpose.

9 3. The person tested may have a physician, or a  
10 qualified technician, chemist, registered nurse, or other  
11 qualified person of their own choosing administer a  
12 chemical test or tests in addition to any administered at  
13 the direction of a law enforcement officer. The failure or  
14 inability to obtain an additional test by a person shall  
15 not preclude the admission of evidence relating to the  
16 test or tests taken at the direction of a law enforcement  
17 officer.

18 4. Upon the request of the person who shall submit to a  
19 chemical test or tests at the request of a law enforcement  
20 officer, full information concerning the test or tests  
21 shall be made available to the person or such person's  
22 attorney.

23 5. Alcohol concentration shall mean either grams of  
24 alcohol per 100 milliliters of blood or grams of alcohol  
25 per 210 liters of breath.

26 6. Tetrahydrocannabinol concentration means either 5

1 nanograms or more of delta-9-tetrahydrocannabinol per  
2 milliliter of whole blood or 10 nanograms or more of  
3 delta-9-tetrahydrocannabinol per milliliter of other  
4 bodily substance.

5 (a-5) Law enforcement officials may use validated roadside  
6 chemical tests or standardized field sobriety tests approved  
7 by the National Highway Traffic Safety Administration when  
8 conducting investigations of a violation of Section 11-501 or  
9 similar local ordinance by drivers suspected of driving under  
10 the influence of cannabis. The General Assembly finds that (i)  
11 validated roadside chemical tests are effective means to  
12 determine if a person is under the influence of cannabis and  
13 (ii) standardized field sobriety tests approved by the  
14 National Highway Traffic Safety Administration are divided  
15 attention tasks that are intended to determine if a person is  
16 under the influence of cannabis. The purpose of these tests is  
17 to determine the effect of the use of cannabis on a person's  
18 capacity to think and act with ordinary care and therefore  
19 operate a motor vehicle safely. Therefore, the results of  
20 these validated roadside chemical tests and standardized field  
21 sobriety tests, appropriately administered, shall be  
22 admissible in the trial of any civil or criminal action or  
23 proceeding arising out of an arrest for a cannabis-related  
24 offense as defined in Section 11-501 or a similar local  
25 ordinance or proceedings under Section 2-118.1 or 2-118.2.  
26 Where a test is made the following provisions shall apply:

1           1. The person tested may have a physician, or a  
2           qualified technician, chemist, registered nurse, or other  
3           qualified person of their own choosing administer a  
4           chemical test or tests in addition to the standardized  
5           field sobriety test or tests administered at the direction  
6           of a law enforcement officer. The failure or inability to  
7           obtain an additional test by a person does not preclude  
8           the admission of evidence relating to the test or tests  
9           taken at the direction of a law enforcement officer.

10          2. Upon the request of the person who shall submit to  
11          validated roadside chemical tests or a standardized field  
12          sobriety test or tests at the request of a law enforcement  
13          officer, full information concerning the test or tests  
14          shall be made available to the person or the person's  
15          attorney.

16          3. At the trial of any civil or criminal action or  
17          proceeding arising out of an arrest for an offense as  
18          defined in Section 11-501 or a similar local ordinance or  
19          proceedings under Section 2-118.1 or 2-118.2 in which the  
20          results of these validated roadside chemical tests or  
21          standardized field sobriety tests are admitted, the person  
22          may present and the trier of fact may consider evidence  
23          that the person lacked the physical capacity to perform  
24          the validated roadside chemical tests or standardized  
25          field sobriety tests.

26          (b) Upon the trial of any civil or criminal action or

1 proceeding arising out of acts alleged to have been committed  
2 by any person while driving or in actual physical control of a  
3 vehicle while under the influence of alcohol, the  
4 concentration of alcohol in the person's blood or breath at  
5 the time alleged as shown by analysis of the person's blood,  
6 urine, breath, or other bodily substance shall give rise to  
7 the following presumptions:

8 1. If there was at that time an alcohol concentration  
9 of 0.05 or less, it shall be presumed that the person was  
10 not under the influence of alcohol.

11 2. If there was at that time an alcohol concentration  
12 in excess of 0.05 but less than 0.08, such facts shall not  
13 give rise to any presumption that the person was or was not  
14 under the influence of alcohol, but such fact may be  
15 considered with other competent evidence in determining  
16 whether the person was under the influence of alcohol.

17 3. If there was at that time an alcohol concentration  
18 of 0.08 or more, it shall be presumed that the person was  
19 under the influence of alcohol.

20 4. The foregoing provisions of this Section shall not  
21 be construed as limiting the introduction of any other  
22 relevant evidence bearing upon the question whether the  
23 person was under the influence of alcohol.

24 (b-5) Upon the trial of any civil or criminal action or  
25 proceeding arising out of acts alleged to have been committed  
26 by any person while driving or in actual physical control of a

1 vehicle while under the influence of alcohol, other drug or  
2 drugs, intoxicating compound or compounds or any combination  
3 thereof, the concentration of cannabis in the person's whole  
4 blood or other bodily substance at the time alleged as shown by  
5 analysis of the person's blood or other bodily substance shall  
6 give rise to the following presumptions:

7 1. If there was a tetrahydrocannabinol concentration  
8 of 5 nanograms or more in whole blood or 10 nanograms or  
9 more in an other bodily substance as defined in this  
10 Section, it shall be presumed that the person was under  
11 the influence of cannabis.

12 2. If there was at that time a tetrahydrocannabinol  
13 concentration of less than 5 nanograms in whole blood or  
14 less than 10 nanograms in an other bodily substance, such  
15 facts shall not give rise to any presumption that the  
16 person was or was not under the influence of cannabis, but  
17 such fact may be considered with other competent evidence  
18 in determining whether the person was under the influence  
19 of cannabis.

20 (c) 1. If a person under arrest refuses to submit to a  
21 chemical test under the provisions of Section 11-501.1,  
22 evidence of refusal shall be admissible in any civil or  
23 criminal action or proceeding arising out of acts alleged to  
24 have been committed while the person under the influence of  
25 alcohol, other drug or drugs, or intoxicating compound or  
26 compounds, or any combination thereof was driving or in actual

1 physical control of a motor vehicle.

2 2. Notwithstanding any ability to refuse under this Code  
3 to submit to these tests or any ability to revoke the implied  
4 consent to these tests, if a law enforcement officer has  
5 probable cause to believe that a motor vehicle driven by or in  
6 actual physical control of a person under the influence of  
7 alcohol, other drug or drugs, or intoxicating compound or  
8 compounds, or any combination thereof has caused the death or  
9 personal injury to another, the law enforcement officer shall  
10 request, and that person shall submit, upon the request of a  
11 law enforcement officer, to a chemical test or tests of his or  
12 her blood, breath, other bodily substance, or urine for the  
13 purpose of determining the alcohol content thereof or the  
14 presence of any other drug or combination of both.

15 This provision does not affect the applicability of or  
16 imposition of driver's license sanctions under Section  
17 11-501.1 of this Code.

18 3. For purposes of this Section, a personal injury  
19 includes any Type A injury as indicated on the traffic  
20 accident report completed by a law enforcement officer that  
21 requires immediate professional attention in either a doctor's  
22 office or a medical facility. A Type A injury includes severe  
23 bleeding wounds, distorted extremities, and injuries that  
24 require the injured party to be carried from the scene.

25 (d) If a person refuses validated roadside chemical tests  
26 or standardized field sobriety tests under Section 11-501.9 of



1 this Code, evidence of refusal shall be admissible in any  
2 civil or criminal action or proceeding arising out of acts  
3 committed while the person was driving or in actual physical  
4 control of a vehicle and alleged to have been impaired by the  
5 use of cannabis.

6 (e) Illinois ~~Department of~~ State Police compliance with  
7 the changes in this amendatory Act of the 99th General  
8 Assembly concerning testing of other bodily substances and  
9 tetrahydrocannabinol concentration by Illinois ~~Department of~~  
10 State Police laboratories is subject to appropriation and  
11 until the Illinois ~~Department of~~ State Police adopt standards  
12 and completion validation. Any laboratories that test for the  
13 presence of cannabis or other drugs under this Article, the  
14 Snowmobile Registration and Safety Act, or the Boat  
15 Registration and Safety Act must comply with ISO/IEC  
16 17025:2005.

17 (Source: P.A. 100-513, eff. 1-1-18; 101-27, eff. 6-25-19.)

18 (625 ILCS 5/11-501.4-1)

19 Sec. 11-501.4-1. Reporting of test results of blood, other  
20 bodily substance, or urine conducted in the regular course of  
21 providing emergency medical treatment.

22 (a) Notwithstanding any other provision of law, the  
23 results of blood, other bodily substance, or urine tests  
24 performed for the purpose of determining the content of  
25 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof, in an individual's  
2 blood, other bodily substance, or urine conducted upon persons  
3 receiving medical treatment in a hospital emergency room for  
4 injuries resulting from a motor vehicle accident shall be  
5 disclosed to the Illinois ~~Department of~~ State Police or local  
6 law enforcement agencies of jurisdiction, upon request. Such  
7 blood, other bodily substance, or urine tests are admissible  
8 in evidence as a business record exception to the hearsay rule  
9 only in prosecutions for any violation of Section 11-501 of  
10 this Code or a similar provision of a local ordinance, or in  
11 prosecutions for reckless homicide brought under the Criminal  
12 Code of 1961 or the Criminal Code of 2012.

13 (b) The confidentiality provisions of law pertaining to  
14 medical records and medical treatment shall not be applicable  
15 with regard to tests performed upon an individual's blood,  
16 other bodily substance, or urine under the provisions of  
17 subsection (a) of this Section. No person shall be liable for  
18 civil damages or professional discipline as a result of the  
19 disclosure or reporting of the tests or the evidentiary use of  
20 an individual's blood, other bodily substance, or urine test  
21 results under this Section or Section 11-501.4 or as a result  
22 of that person's testimony made available under this Section  
23 or Section 11-501.4, except for willful or wanton misconduct.

24 (Source: P.A. 99-697, eff. 7-29-16.)

25 (625 ILCS 5/11-501.5) (from Ch. 95 1/2, par. 11-501.5)

1           Sec. 11-501.5. Preliminary Breath Screening Test.

2           (a) If a law enforcement officer has reasonable suspicion  
3 to believe that a person is violating or has violated Section  
4 11-501 or a similar provision of a local ordinance, the  
5 officer, prior to an arrest, may request the person to provide  
6 a sample of his or her breath for a preliminary breath  
7 screening test using a portable device approved by the  
8 Illinois Department of State Police. The person may refuse the  
9 test. The results of this preliminary breath screening test  
10 may be used by the law enforcement officer for the purpose of  
11 assisting with the determination of whether to require a  
12 chemical test as authorized under Sections 11-501.1 and  
13 11-501.2, and the appropriate type of test to request. Any  
14 chemical test authorized under Sections 11-501.1 and 11-501.2  
15 may be requested by the officer regardless of the result of the  
16 preliminary breath screening test, if probable cause for an  
17 arrest exists. The result of a preliminary breath screening  
18 test may be used by the defendant as evidence in any  
19 administrative or court proceeding involving a violation of  
20 Section 11-501 or 11-501.1.

21           (b) The Illinois Department of State Police shall create a  
22 pilot program to establish the effectiveness of pupillometer  
23 technology (the measurement of the pupil's reaction to light)  
24 as a noninvasive technique to detect and measure possible  
25 impairment of any person who drives or is in actual physical  
26 control of a motor vehicle resulting from the suspected usage

1 of alcohol, other drug or drugs, intoxicating compound or  
2 compounds or any combination thereof. This technology shall  
3 also be used to detect fatigue levels of the operator of a  
4 Commercial Motor Vehicle as defined in Section 6-500(6),  
5 pursuant to Section 18b-105 (Part 395-Hours of Service of  
6 Drivers) of the Illinois Vehicle Code. A State Police officer  
7 may request that the operator of a commercial motor vehicle  
8 have his or her eyes examined or tested with a pupillometer  
9 device. The person may refuse the examination or test. The  
10 State Police officer shall have the device readily available  
11 to limit undue delays.

12 If a State Police officer has reasonable suspicion to  
13 believe that a person is violating or has violated Section  
14 11-501, the officer may use the pupillometer technology, when  
15 available. The officer, prior to an arrest, may request the  
16 person to have his or her eyes examined or tested with a  
17 pupillometer device. The person may refuse the examination or  
18 test. The results of this examination or test may be used by  
19 the officer for the purpose of assisting with the  
20 determination of whether to require a chemical test as  
21 authorized under Sections 11-501.1 and 11-501.2 and the  
22 appropriate type of test to request. Any chemical test  
23 authorized under Sections 11-501.1 and 11-501.2 may be  
24 requested by the officer regardless of the result of the  
25 pupillometer examination or test, if probable cause for an  
26 arrest exists. The result of the examination or test may be

1 used by the defendant as evidence in any administrative or  
2 court proceeding involving a violation of 11-501 or 11-501.1.

3 The pilot program shall last for a period of 18 months and  
4 involve the testing of 15 pupillometer devices. Within 90 days  
5 of the completion of the pilot project, the Illinois  
6 ~~Department of~~ State Police shall file a report with the  
7 President of the Senate and Speaker of the House evaluating  
8 the project.

9 (Source: P.A. 91-828, eff. 1-1-01; 91-881, eff. 6-30-00;  
10 92-16, eff. 6-28-01.)

11 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

12 Sec. 11-501.6. Driver involvement in personal injury or  
13 fatal motor vehicle accident; chemical test.

14 (a) Any person who drives or is in actual control of a  
15 motor vehicle upon the public highways of this State and who  
16 has been involved in a personal injury or fatal motor vehicle  
17 accident, shall be deemed to have given consent to a breath  
18 test using a portable device as approved by the Illinois  
19 ~~Department of~~ State Police or to a chemical test or tests of  
20 blood, breath, other bodily substance, or urine for the  
21 purpose of determining the content of alcohol, other drug or  
22 drugs, or intoxicating compound or compounds of such person's  
23 blood if arrested as evidenced by the issuance of a Uniform  
24 Traffic Ticket for any violation of the Illinois Vehicle Code  
25 or a similar provision of a local ordinance, with the

1 exception of equipment violations contained in Chapter 12 of  
2 this Code, or similar provisions of local ordinances. The test  
3 or tests shall be administered at the direction of the  
4 arresting officer. The law enforcement agency employing the  
5 officer shall designate which of the aforesaid tests shall be  
6 administered. Up to 2 additional tests of urine or other  
7 bodily substance may be administered even after a blood or  
8 breath test or both has been administered. Compliance with  
9 this Section does not relieve such person from the  
10 requirements of Section 11-501.1 of this Code.

11 (b) Any person who is dead, unconscious or who is  
12 otherwise in a condition rendering such person incapable of  
13 refusal shall be deemed not to have withdrawn the consent  
14 provided by subsection (a) of this Section. In addition, if a  
15 driver of a vehicle is receiving medical treatment as a result  
16 of a motor vehicle accident, any physician licensed to  
17 practice medicine, licensed physician assistant, licensed  
18 advanced practice registered nurse, registered nurse or a  
19 phlebotomist acting under the direction of a licensed  
20 physician shall withdraw blood for testing purposes to  
21 ascertain the presence of alcohol, other drug or drugs, or  
22 intoxicating compound or compounds, upon the specific request  
23 of a law enforcement officer. However, no such testing shall  
24 be performed until, in the opinion of the medical personnel on  
25 scene, the withdrawal can be made without interfering with or  
26 endangering the well-being of the patient.

1 (c) A person requested to submit to a test as provided  
2 above shall be warned by the law enforcement officer  
3 requesting the test that a refusal to submit to the test, or  
4 submission to the test resulting in an alcohol concentration  
5 of 0.08 or more, or testing discloses the presence of cannabis  
6 as listed in the Cannabis Control Act with a  
7 tetrahydrocannabinol concentration as defined in paragraph 6  
8 of subsection (a) of Section 11-501.2 of this Code, or any  
9 amount of a drug, substance, or intoxicating compound  
10 resulting from the unlawful use or consumption of a controlled  
11 substance listed in the Illinois Controlled Substances Act, an  
12 intoxicating compound listed in the Use of Intoxicating  
13 Compounds Act, or methamphetamine as listed in the  
14 Methamphetamine Control and Community Protection Act as  
15 detected in such person's blood, other bodily substance, or  
16 urine, may result in the suspension of such person's privilege  
17 to operate a motor vehicle. If the person is also a CDL holder,  
18 he or she shall be warned by the law enforcement officer  
19 requesting the test that a refusal to submit to the test, or  
20 submission to the test resulting in an alcohol concentration  
21 of 0.08 or more, or any amount of a drug, substance, or  
22 intoxicating compound resulting from the unlawful use or  
23 consumption of cannabis, as covered by the Cannabis Control  
24 Act, a controlled substance listed in the Illinois Controlled  
25 Substances Act, an intoxicating compound listed in the Use of  
26 Intoxicating Compounds Act, or methamphetamine as listed in

1 the Methamphetamine Control and Community Protection Act as  
2 detected in the person's blood, other bodily substance, or  
3 urine, may result in the disqualification of the person's  
4 privilege to operate a commercial motor vehicle, as provided  
5 in Section 6-514 of this Code. The length of the suspension  
6 shall be the same as outlined in Section 6-208.1 of this Code  
7 regarding statutory summary suspensions.

8 A person requested to submit to a test shall also  
9 acknowledge, in writing, receipt of the warning required under  
10 this Section. If the person refuses to acknowledge receipt of  
11 the warning, the law enforcement officer shall make a written  
12 notation on the warning that the person refused to sign the  
13 warning. A person's refusal to sign the warning shall not be  
14 evidence that the person was not read the warning.

15 (d) If the person refuses testing or submits to a test  
16 which discloses an alcohol concentration of 0.08 or more, the  
17 presence of cannabis as listed in the Cannabis Control Act  
18 with a tetrahydrocannabinol concentration as defined in  
19 paragraph 6 of subsection (a) of Section 11-501.2 of this  
20 Code, or any amount of a drug, substance, or intoxicating  
21 compound in such person's blood or urine resulting from the  
22 unlawful use or consumption of a controlled substance listed  
23 in the Illinois Controlled Substances Act, an intoxicating  
24 compound listed in the Use of Intoxicating Compounds Act, or  
25 methamphetamine as listed in the Methamphetamine Control and  
26 Community Protection Act, the law enforcement officer shall



1 immediately submit a sworn report to the Secretary of State on  
2 a form prescribed by the Secretary, certifying that the test  
3 or tests were requested under subsection (a) and the person  
4 refused to submit to a test or tests or submitted to testing  
5 which disclosed an alcohol concentration of 0.08 or more, the  
6 presence of cannabis as listed in the Cannabis Control Act  
7 with a tetrahydrocannabinol concentration as defined in  
8 paragraph 6 of subsection (a) of Section 11-501.2 of this  
9 Code, or any amount of a drug, substance, or intoxicating  
10 compound in such person's blood, other bodily substance, or  
11 urine, resulting from the unlawful use or consumption of a  
12 controlled substance listed in the Illinois Controlled  
13 Substances Act, an intoxicating compound listed in the Use of  
14 Intoxicating Compounds Act, or methamphetamine as listed in  
15 the Methamphetamine Control and Community Protection Act. If  
16 the person is also a CDL holder and refuses testing or submits  
17 to a test which discloses an alcohol concentration of 0.08 or  
18 more, or any amount of a drug, substance, or intoxicating  
19 compound in the person's blood, other bodily substance, or  
20 urine resulting from the unlawful use or consumption of  
21 cannabis listed in the Cannabis Control Act, a controlled  
22 substance listed in the Illinois Controlled Substances Act, an  
23 intoxicating compound listed in the Use of Intoxicating  
24 Compounds Act, or methamphetamine as listed in the  
25 Methamphetamine Control and Community Protection Act, the law  
26 enforcement officer shall immediately submit a sworn report to

1 the Secretary of State on a form prescribed by the Secretary,  
2 certifying that the test or tests were requested under  
3 subsection (a) and the person refused to submit to a test or  
4 tests or submitted to testing which disclosed an alcohol  
5 concentration of 0.08 or more, or any amount of a drug,  
6 substance, or intoxicating compound in such person's blood,  
7 other bodily substance, or urine, resulting from the unlawful  
8 use or consumption of cannabis listed in the Cannabis Control  
9 Act, a controlled substance listed in the Illinois Controlled  
10 Substances Act, an intoxicating compound listed in the Use of  
11 Intoxicating Compounds Act, or methamphetamine as listed in  
12 the Methamphetamine Control and Community Protection Act.

13       Upon receipt of the sworn report of a law enforcement  
14 officer, the Secretary shall enter the suspension and  
15 disqualification to the individual's driving record and the  
16 suspension and disqualification shall be effective on the 46th  
17 day following the date notice of the suspension was given to  
18 the person.

19       The law enforcement officer submitting the sworn report  
20 shall serve immediate notice of this suspension on the person  
21 and such suspension and disqualification shall be effective on  
22 the 46th day following the date notice was given.

23       In cases involving a person who is not a CDL holder where  
24 the blood alcohol concentration of 0.08 or more, or blood  
25 testing discloses the presence of cannabis as listed in the  
26 Cannabis Control Act with a tetrahydrocannabinol concentration

1 as defined in paragraph 6 of subsection (a) of Section  
2 11-501.2 of this Code, or any amount of a drug, substance, or  
3 intoxicating compound resulting from the unlawful use or  
4 consumption of a controlled substance listed in the Illinois  
5 Controlled Substances Act, an intoxicating compound listed in  
6 the Use of Intoxicating Compounds Act, or methamphetamine as  
7 listed in the Methamphetamine Control and Community Protection  
8 Act, is established by a subsequent analysis of blood, other  
9 bodily substance, or urine collected at the time of arrest,  
10 the arresting officer shall give notice as provided in this  
11 Section or by deposit in the United States mail of such notice  
12 in an envelope with postage prepaid and addressed to such  
13 person at his or her address as shown on the Uniform Traffic  
14 Ticket and the suspension shall be effective on the 46th day  
15 following the date notice was given.

16 In cases involving a person who is a CDL holder where the  
17 blood alcohol concentration of 0.08 or more, or any amount of a  
18 drug, substance, or intoxicating compound resulting from the  
19 unlawful use or consumption of cannabis as listed in the  
20 Cannabis Control Act, a controlled substance listed in the  
21 Illinois Controlled Substances Act, an intoxicating compound  
22 listed in the Use of Intoxicating Compounds Act, or  
23 methamphetamine as listed in the Methamphetamine Control and  
24 Community Protection Act, is established by a subsequent  
25 analysis of blood, other bodily substance, or urine collected  
26 at the time of arrest, the arresting officer shall give notice

1 as provided in this Section or by deposit in the United States  
2 mail of such notice in an envelope with postage prepaid and  
3 addressed to the person at his or her address as shown on the  
4 Uniform Traffic Ticket and the suspension and disqualification  
5 shall be effective on the 46th day following the date notice  
6 was given.

7 Upon receipt of the sworn report of a law enforcement  
8 officer, the Secretary shall also give notice of the  
9 suspension and disqualification to the driver by mailing a  
10 notice of the effective date of the suspension and  
11 disqualification to the individual. However, should the sworn  
12 report be defective by not containing sufficient information  
13 or be completed in error, the notice of the suspension and  
14 disqualification shall not be mailed to the person or entered  
15 to the driving record, but rather the sworn report shall be  
16 returned to the issuing law enforcement agency.

17 (e) A driver may contest this suspension of his or her  
18 driving privileges and disqualification of his or her CDL  
19 privileges by requesting an administrative hearing with the  
20 Secretary in accordance with Section 2-118 of this Code. At  
21 the conclusion of a hearing held under Section 2-118 of this  
22 Code, the Secretary may rescind, continue, or modify the  
23 orders of suspension and disqualification. If the Secretary  
24 does not rescind the orders of suspension and  
25 disqualification, a restricted driving permit may be granted  
26 by the Secretary upon application being made and good cause

1 shown. A restricted driving permit may be granted to relieve  
2 undue hardship to allow driving for employment, educational,  
3 and medical purposes as outlined in Section 6-206 of this  
4 Code. The provisions of Section 6-206 of this Code shall  
5 apply. In accordance with 49 C.F.R. 384, the Secretary of  
6 State may not issue a restricted driving permit for the  
7 operation of a commercial motor vehicle to a person holding a  
8 CDL whose driving privileges have been suspended, revoked,  
9 cancelled, or disqualified.

10 (f) (Blank).

11 (g) For the purposes of this Section, a personal injury  
12 shall include any type A injury as indicated on the traffic  
13 accident report completed by a law enforcement officer that  
14 requires immediate professional attention in either a doctor's  
15 office or a medical facility. A type A injury shall include  
16 severely bleeding wounds, distorted extremities, and injuries  
17 that require the injured party to be carried from the scene.

18 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;  
19 100-513, eff. 1-1-18.)

20 (625 ILCS 5/11-501.8)

21 Sec. 11-501.8. Suspension of driver's license; persons  
22 under age 21.

23 (a) A person who is less than 21 years of age and who  
24 drives or is in actual physical control of a motor vehicle upon  
25 the public highways of this State shall be deemed to have given

1 consent to a chemical test or tests of blood, breath, other  
2 bodily substance, or urine for the purpose of determining the  
3 alcohol content of the person's blood if arrested, as  
4 evidenced by the issuance of a Uniform Traffic Ticket for any  
5 violation of the Illinois Vehicle Code or a similar provision  
6 of a local ordinance, if a police officer has probable cause to  
7 believe that the driver has consumed any amount of an  
8 alcoholic beverage based upon evidence of the driver's  
9 physical condition or other first hand knowledge of the police  
10 officer. The test or tests shall be administered at the  
11 direction of the arresting officer. The law enforcement agency  
12 employing the officer shall designate which of the aforesaid  
13 tests shall be administered. Up to 2 additional tests of urine  
14 or other bodily substance may be administered even after a  
15 blood or breath test or both has been administered.

16 (b) A person who is dead, unconscious, or who is otherwise  
17 in a condition rendering that person incapable of refusal,  
18 shall be deemed not to have withdrawn the consent provided by  
19 paragraph (a) of this Section and the test or tests may be  
20 administered subject to the following provisions:

21 (i) Chemical analysis of the person's blood, urine,  
22 breath, or other bodily substance, to be considered valid  
23 under the provisions of this Section, shall have been  
24 performed according to standards promulgated by the  
25 Illinois ~~Department of~~ State Police by an individual  
26 possessing a valid permit issued by that Department for

1           this purpose. The Director of the Illinois State Police is  
2           authorized to approve satisfactory techniques or methods,  
3           to ascertain the qualifications and competence of  
4           individuals to conduct analyses, to issue permits that  
5           shall be subject to termination or revocation at the  
6           direction of that Department, and to certify the accuracy  
7           of breath testing equipment. The Illinois ~~Department of~~  
8           State Police shall prescribe regulations as necessary.

9           (ii) When a person submits to a blood test at the  
10          request of a law enforcement officer under the provisions  
11          of this Section, only a physician authorized to practice  
12          medicine, a licensed physician assistant, a licensed  
13          advanced practice registered nurse, a registered nurse, or  
14          other qualified person trained in venipuncture and acting  
15          under the direction of a licensed physician may withdraw  
16          blood for the purpose of determining the alcohol content  
17          therein. This limitation does not apply to the taking of  
18          breath, other bodily substance, or urine specimens.

19          (iii) The person tested may have a physician,  
20          qualified technician, chemist, registered nurse, or other  
21          qualified person of his or her own choosing administer a  
22          chemical test or tests in addition to any test or tests  
23          administered at the direction of a law enforcement  
24          officer. The failure or inability to obtain an additional  
25          test by a person shall not preclude the consideration of  
26          the previously performed chemical test.

1           (iv) Upon a request of the person who submits to a  
2 chemical test or tests at the request of a law enforcement  
3 officer, full information concerning the test or tests  
4 shall be made available to the person or that person's  
5 attorney.

6           (v) Alcohol concentration means either grams of  
7 alcohol per 100 milliliters of blood or grams of alcohol  
8 per 210 liters of breath.

9           (vi) If a driver is receiving medical treatment as a  
10 result of a motor vehicle accident, a physician licensed  
11 to practice medicine, licensed physician assistant,  
12 licensed advanced practice registered nurse, registered  
13 nurse, or other qualified person trained in venipuncture  
14 and acting under the direction of a licensed physician  
15 shall withdraw blood for testing purposes to ascertain the  
16 presence of alcohol upon the specific request of a law  
17 enforcement officer. However, that testing shall not be  
18 performed until, in the opinion of the medical personnel  
19 on scene, the withdrawal can be made without interfering  
20 with or endangering the well-being of the patient.

21           (c) A person requested to submit to a test as provided  
22 above shall be warned by the law enforcement officer  
23 requesting the test that a refusal to submit to the test, or  
24 submission to the test resulting in an alcohol concentration  
25 of more than 0.00, may result in the loss of that person's  
26 privilege to operate a motor vehicle and may result in the



1 disqualification of the person's privilege to operate a  
2 commercial motor vehicle, as provided in Section 6-514 of this  
3 Code, if the person is a CDL holder. The loss of driving  
4 privileges shall be imposed in accordance with Section 6-208.2  
5 of this Code.

6 A person requested to submit to a test shall also  
7 acknowledge, in writing, receipt of the warning required under  
8 this Section. If the person refuses to acknowledge receipt of  
9 the warning, the law enforcement officer shall make a written  
10 notation on the warning that the person refused to sign the  
11 warning. A person's refusal to sign the warning shall not be  
12 evidence that the person was not read the warning.

13 (d) If the person refuses testing or submits to a test that  
14 discloses an alcohol concentration of more than 0.00, the law  
15 enforcement officer shall immediately submit a sworn report to  
16 the Secretary of State on a form prescribed by the Secretary of  
17 State, certifying that the test or tests were requested under  
18 subsection (a) and the person refused to submit to a test or  
19 tests or submitted to testing which disclosed an alcohol  
20 concentration of more than 0.00. The law enforcement officer  
21 shall submit the same sworn report when a person under the age  
22 of 21 submits to testing under Section 11-501.1 of this Code  
23 and the testing discloses an alcohol concentration of more  
24 than 0.00 and less than 0.08.

25 Upon receipt of the sworn report of a law enforcement  
26 officer, the Secretary of State shall enter the suspension and

1 disqualification on the individual's driving record and the  
2 suspension and disqualification shall be effective on the 46th  
3 day following the date notice of the suspension was given to  
4 the person. If this suspension is the individual's first  
5 driver's license suspension under this Section, reports  
6 received by the Secretary of State under this Section shall,  
7 except during the time the suspension is in effect, be  
8 privileged information and for use only by the courts, police  
9 officers, prosecuting authorities, the Secretary of State, or  
10 the individual personally, unless the person is a CDL holder,  
11 is operating a commercial motor vehicle or vehicle required to  
12 be placarded for hazardous materials, in which case the  
13 suspension shall not be privileged. Reports received by the  
14 Secretary of State under this Section shall also be made  
15 available to the parent or guardian of a person under the age  
16 of 18 years that holds an instruction permit or a graduated  
17 driver's license, regardless of whether the suspension is in  
18 effect.

19 The law enforcement officer submitting the sworn report  
20 shall serve immediate notice of this suspension on the person  
21 and the suspension and disqualification shall be effective on  
22 the 46th day following the date notice was given.

23 In cases where the blood alcohol concentration of more  
24 than 0.00 is established by a subsequent analysis of blood,  
25 other bodily substance, or urine, the police officer or  
26 arresting agency shall give notice as provided in this Section

1 or by deposit in the United States mail of that notice in an  
2 envelope with postage prepaid and addressed to that person at  
3 his last known address and the loss of driving privileges  
4 shall be effective on the 46th day following the date notice  
5 was given.

6 Upon receipt of the sworn report of a law enforcement  
7 officer, the Secretary of State shall also give notice of the  
8 suspension and disqualification to the driver by mailing a  
9 notice of the effective date of the suspension and  
10 disqualification to the individual. However, should the sworn  
11 report be defective by not containing sufficient information  
12 or be completed in error, the notice of the suspension and  
13 disqualification shall not be mailed to the person or entered  
14 to the driving record, but rather the sworn report shall be  
15 returned to the issuing law enforcement agency.

16 (e) A driver may contest this suspension and  
17 disqualification by requesting an administrative hearing with  
18 the Secretary of State in accordance with Section 2-118 of  
19 this Code. An individual whose blood alcohol concentration is  
20 shown to be more than 0.00 is not subject to this Section if he  
21 or she consumed alcohol in the performance of a religious  
22 service or ceremony. An individual whose blood alcohol  
23 concentration is shown to be more than 0.00 shall not be  
24 subject to this Section if the individual's blood alcohol  
25 concentration resulted only from ingestion of the prescribed  
26 or recommended dosage of medicine that contained alcohol. The

1 petition for that hearing shall not stay or delay the  
2 effective date of the impending suspension. The scope of this  
3 hearing shall be limited to the issues of:

4 (1) whether the police officer had probable cause to  
5 believe that the person was driving or in actual physical  
6 control of a motor vehicle upon the public highways of the  
7 State and the police officer had reason to believe that  
8 the person was in violation of any provision of the  
9 Illinois Vehicle Code or a similar provision of a local  
10 ordinance; and

11 (2) whether the person was issued a Uniform Traffic  
12 Ticket for any violation of the Illinois Vehicle Code or a  
13 similar provision of a local ordinance; and

14 (3) whether the police officer had probable cause to  
15 believe that the driver had consumed any amount of an  
16 alcoholic beverage based upon the driver's physical  
17 actions or other first-hand knowledge of the police  
18 officer; and

19 (4) whether the person, after being advised by the  
20 officer that the privilege to operate a motor vehicle  
21 would be suspended if the person refused to submit to and  
22 complete the test or tests, did refuse to submit to or  
23 complete the test or tests to determine the person's  
24 alcohol concentration; and

25 (5) whether the person, after being advised by the  
26 officer that the privileges to operate a motor vehicle

1 would be suspended if the person submits to a chemical  
2 test or tests and the test or tests disclose an alcohol  
3 concentration of more than 0.00, did submit to and  
4 complete the test or tests that determined an alcohol  
5 concentration of more than 0.00; and

6 (6) whether the test result of an alcohol  
7 concentration of more than 0.00 was based upon the  
8 person's consumption of alcohol in the performance of a  
9 religious service or ceremony; and

10 (7) whether the test result of an alcohol  
11 concentration of more than 0.00 was based upon the  
12 person's consumption of alcohol through ingestion of the  
13 prescribed or recommended dosage of medicine.

14 At the conclusion of the hearing held under Section 2-118  
15 of this Code, the Secretary of State may rescind, continue, or  
16 modify the suspension and disqualification. If the Secretary  
17 of State does not rescind the suspension and disqualification,  
18 a restricted driving permit may be granted by the Secretary of  
19 State upon application being made and good cause shown. A  
20 restricted driving permit may be granted to relieve undue  
21 hardship by allowing driving for employment, educational, and  
22 medical purposes as outlined in item (3) of part (c) of Section  
23 6-206 of this Code. The provisions of item (3) of part (c) of  
24 Section 6-206 of this Code and of subsection (f) of that  
25 Section shall apply. The Secretary of State shall promulgate  
26 rules providing for participation in an alcohol education and

1 awareness program or activity, a drug education and awareness  
2 program or activity, or both as a condition to the issuance of  
3 a restricted driving permit for suspensions imposed under this  
4 Section.

5 (f) The results of any chemical testing performed in  
6 accordance with subsection (a) of this Section are not  
7 admissible in any civil or criminal proceeding, except that  
8 the results of the testing may be considered at a hearing held  
9 under Section 2-118 of this Code. However, the results of the  
10 testing may not be used to impose driver's license sanctions  
11 under Section 11-501.1 of this Code. A law enforcement officer  
12 may, however, pursue a statutory summary suspension or  
13 revocation of driving privileges under Section 11-501.1 of  
14 this Code if other physical evidence or first hand knowledge  
15 forms the basis of that suspension or revocation.

16 (g) This Section applies only to drivers who are under age  
17 21 at the time of the issuance of a Uniform Traffic Ticket for  
18 a violation of the Illinois Vehicle Code or a similar  
19 provision of a local ordinance, and a chemical test request is  
20 made under this Section.

21 (h) The action of the Secretary of State in suspending,  
22 revoking, cancelling, or disqualifying any license or permit  
23 shall be subject to judicial review in the Circuit Court of  
24 Sangamon County or in the Circuit Court of Cook County, and the  
25 provisions of the Administrative Review Law and its rules are  
26 hereby adopted and shall apply to and govern every action for

1 the judicial review of final acts or decisions of the  
2 Secretary of State under this Section.

3 (Source: P.A. 99-467, eff. 1-1-16; 99-697, eff. 7-29-16;  
4 100-513, eff. 1-1-18.)

5 (625 ILCS 5/11-501.10)

6 (Section scheduled to be repealed on July 1, 2021)

7 Sec. 11-501.10. DUI Cannabis Task Force.

8 (a) The DUI Cannabis Task Force is hereby created to study  
9 the issue of driving under the influence of cannabis. The Task  
10 Force shall consist of the following members:

11 (1) The Director of the Illinois State Police, or his  
12 or her designee, who shall serve as chair;

13 (2) The Secretary of State, or his or her designee;

14 (3) The President of the Illinois State's Attorneys  
15 Association, or his or her designee;

16 (4) The President of the Illinois Association of  
17 Criminal Defense Lawyers, or his or her designee;

18 (5) One member appointed by the Speaker of the House  
19 of Representatives;

20 (6) One member appointed by the Minority Leader of the  
21 House of Representatives;

22 (7) One member appointed by the President of the  
23 Senate;

24 (8) One member appointed by the Minority Leader of the  
25 Senate;

1 (9) One member of an organization dedicated to end  
2 drunk driving and drugged driving;

3 (10) The president of a statewide bar association,  
4 appointed by the Governor;

5 (11) One member of a statewide organization  
6 representing civil and constitutional rights, appointed by  
7 the Governor;

8 (12) One member of a statewide association  
9 representing chiefs of police, appointed by the Governor;  
10 and

11 (13) One member of a statewide association  
12 representing sheriffs, appointed by the Governor.

13 (b) The members of the Task Force shall serve without  
14 compensation.

15 (c) The Task Force shall examine best practices in the  
16 area of driving under the influence of cannabis enforcement,  
17 including examining emerging technology in roadside testing.

18 (d) The Task Force shall meet no fewer than 3 times and  
19 shall present its report and recommendations on improvements  
20 to enforcement of driving under the influence of cannabis, in  
21 electronic format, to the Governor and the General Assembly no  
22 later than July 1, 2020.

23 (e) The Illinois ~~Department of~~ State Police shall provide  
24 administrative support to the Task Force as needed. The  
25 Sentencing Policy Advisory Council shall provide data on  
26 driving under the influence of cannabis offenses and other



1 data to the Task Force as needed.

2 (f) This Section is repealed on July 1, 2021.

3 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

4 (625 ILCS 5/11-605.1)

5 Sec. 11-605.1. Special limit while traveling through a  
6 highway construction or maintenance speed zone.

7 (a) A person may not operate a motor vehicle in a  
8 construction or maintenance speed zone at a speed in excess of  
9 the posted speed limit when workers are present.

10 (a-5) A person may not operate a motor vehicle in a  
11 construction or maintenance speed zone at a speed in excess of  
12 the posted speed limit when workers are not present.

13 (b) Nothing in this Chapter prohibits the use of  
14 electronic speed-detecting devices within 500 feet of signs  
15 within a construction or maintenance speed zone indicating the  
16 zone, as defined in this Section, nor shall evidence obtained  
17 by use of those devices be inadmissible in any prosecution for  
18 speeding, provided the use of the device shall apply only to  
19 the enforcement of the speed limit in the construction or  
20 maintenance speed zone.

21 (c) As used in this Section, a "construction or  
22 maintenance speed zone" is an area in which the Department,  
23 Toll Highway Authority, or local agency has posted signage  
24 advising drivers that a construction or maintenance speed zone  
25 is being approached, or in which the Department, Authority, or

1 local agency has posted a lower speed limit with a highway  
2 construction or maintenance speed zone special speed limit  
3 sign after determining that the preexisting established speed  
4 limit through a highway construction or maintenance project is  
5 greater than is reasonable or safe with respect to the  
6 conditions expected to exist in the construction or  
7 maintenance speed zone.

8 If it is determined that the preexisting established speed  
9 limit is safe with respect to the conditions expected to exist  
10 in the construction or maintenance speed zone, additional  
11 speed limit signs which conform to the requirements of this  
12 subsection (c) shall be posted.

13 Highway construction or maintenance speed zone special  
14 speed limit signs shall be of a design approved by the  
15 Department. The signs must give proper due warning that a  
16 construction or maintenance speed zone is being approached and  
17 must indicate the maximum speed limit in effect. The signs  
18 also must state the amount of the minimum fine for a violation.

19 (d) Except as provided under subsection (d-5), a person  
20 who violates this Section is guilty of a petty offense.  
21 Violations of this Section are punishable with a minimum fine  
22 of \$250 for the first violation and a minimum fine of \$750 for  
23 the second or subsequent violation.

24 (d-5) A person committing a violation of this Section is  
25 guilty of aggravated special speed limit while traveling  
26 through a highway construction or maintenance speed zone when

1 he or she drives a motor vehicle at a speed that is:

2 (1) 26 miles per hour or more but less than 35 miles  
3 per hour in excess of the applicable special speed limit  
4 established under this Section or a similar provision of a  
5 local ordinance and is guilty of a Class B misdemeanor; or

6 (2) 35 miles per hour or more in excess of the  
7 applicable special speed limit established under this  
8 Section or a similar provision of a local ordinance and is  
9 guilty of a Class A misdemeanor.

10 (e) (Blank).

11 (e-5) The Illinois ~~Department of~~ State Police and the  
12 local county police department have concurrent jurisdiction  
13 over any violation of this Section that occurs on an  
14 interstate highway.

15 (f) The Transportation Safety Highway Hire-back Fund,  
16 which was created by Public Act 92-619, shall continue to be a  
17 special fund in the State treasury. Subject to appropriation  
18 by the General Assembly and approval by the Secretary, the  
19 Secretary of Transportation shall use all moneys in the  
20 Transportation Safety Highway Hire-back Fund to hire off-duty  
21 Illinois ~~Department of~~ State Police officers to monitor  
22 construction or maintenance zones.

23 (f-5) Each county shall create a Transportation Safety  
24 Highway Hire-back Fund. The county shall use the moneys in its  
25 Transportation Safety Highway Hire-back Fund to hire off-duty  
26 county police officers to monitor construction or maintenance

1 zones in that county on highways other than interstate  
2 highways. The county, in its discretion, may also use a  
3 portion of the moneys in its Transportation Safety Highway  
4 Hire-back Fund to purchase equipment for county law  
5 enforcement and fund the production of materials to educate  
6 drivers on construction zone safe driving habits.

7 (g) For a second or subsequent violation of this Section  
8 within 2 years of the date of the previous violation, the  
9 Secretary of State shall suspend the driver's license of the  
10 violator for a period of 90 days. This suspension shall only be  
11 imposed if the current violation of this Section and at least  
12 one prior violation of this Section occurred during a period  
13 when workers were present in the construction or maintenance  
14 zone.

15 (Source: P.A. 99-212, eff. 1-1-16; 99-280, eff. 1-1-16;  
16 99-642, eff. 7-28-16; 100-987, eff. 7-1-19.)

17 (625 ILCS 5/11-907.1)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 11-907.1. Move Over Task Force.

20 (a) The Move Over Task Force is created to study the issue  
21 of violations of Sections 11-907, 11-907.5, and 11-908 with  
22 particular attention to the causes of violations and ways to  
23 protect law enforcement and emergency responders.

24 (b) The membership of the Task Force shall consist of the  
25 following members:

1           (1) the Director of the Illinois State Police or his  
2 or her designee, who shall serve as chair;

3           (2) the Governor or his or her designee;

4           (3) the Secretary of State or his or her designee;

5           (4) the Secretary of Transportation or his or her  
6 designee;

7           (5) the Director of the Illinois Toll Highway  
8 Authority or his or her designee;

9           (6) the President of the Illinois State's Attorneys  
10 Association or his or her designee;

11           (7) the President of the Illinois Association of  
12 Chiefs of Police or his or her designee;

13           (8) the President of the Illinois Sheriffs'  
14 Association or his or her designee;

15           (9) the President of the Illinois Fraternal Order of  
16 Police or his or her designee;

17           (10) the President of the Associated Fire Fighters of  
18 Illinois or his or her designee;

19           (11) one member appointed by the Speaker of the House  
20 of Representatives;

21           (12) one member appointed by the Minority Leader of  
22 the House of Representatives;

23           (13) one member appointed by the President of the  
24 Senate;

25           (14) one member appointed by the Minority Leader of  
26 the Senate; and

1 (15) the following persons appointed by the Governor:

2 (A) 2 representatives of different statewide  
3 trucking associations;

4 (B) one representative of a Chicago area motor  
5 club;

6 (C) one representative of a Chicago area transit  
7 safety alliance;

8 (D) one representative of a statewide press  
9 association;

10 (E) one representative of a statewide broadcast  
11 association;

12 (F) one representative of a statewide towing  
13 organization;

14 (G) the chief of police of a municipality with a  
15 population under 25,000;

16 (H) one representative of a statewide organization  
17 representing chiefs of police; and

18 (I) one representative of the solid waste  
19 management industry; and

20 (J) one representative from a bona fide labor  
21 organization representing certified road flaggers and  
22 other road construction workers.

23 (c) The members of the Task Force shall serve without  
24 compensation.

25 (d) The Task Force shall meet no fewer than 3 times and  
26 shall present its report and recommendations, including

1 legislative recommendations, if any, on how to better enforce  
2 Scott's Law and prevent fatalities on Illinois roadways to the  
3 General Assembly no later than January 1, 2021.

4 (e) The Illinois ~~Department of~~ State Police shall provide  
5 administrative support to the Task Force as needed.

6 (f) This Section is repealed on January 1, 2022.

7 (Source: P.A. 101-174, eff. 1-1-20; 101-606, eff. 12-13-19.)

8 (625 ILCS 5/12-612)

9 Sec. 12-612. False or secret compartment in a vehicle.

10 (a) Offenses. It is unlawful for any person:

11 (1) to own or operate with criminal intent any vehicle  
12 he or she knows to contain a false or secret compartment  
13 that is used or has been used to conceal a firearm as  
14 prohibited by paragraph (a)(4) of Section 24-1 or  
15 paragraph (a)(1) of Section 24-1.6 of the Criminal Code of  
16 2012, or controlled substance as prohibited by the  
17 Illinois Controlled Substances Act or the Methamphetamine  
18 Control and Community Protection Act; or

19 (2) to install, create, build, or fabricate in any  
20 vehicle a false or secret compartment knowing that another  
21 person intends to use the compartment to conceal a firearm  
22 as prohibited by paragraph (a)(4) of Section 24-1 of the  
23 Criminal Code of 2012, or controlled substance as  
24 prohibited by the Illinois Controlled Substances Act or  
25 the Methamphetamine Control and Community Protection Act.

1 (b) Definitions. For purposes of this Section:

2 (1) "False or secret compartment" means an enclosure  
3 integrated into a vehicle that is a modification of the  
4 vehicle as built by the original manufacturer.

5 (2) "Vehicle" means any of the following vehicles  
6 without regard to whether the vehicles are private or  
7 commercial, including, but not limited to, cars, trucks,  
8 buses, aircraft, and watercraft.

9 (c) Forfeiture. Any vehicle containing a false or secret  
10 compartment used in violation of this Section, as well as any  
11 items within that compartment, shall be subject to seizure by  
12 the Illinois ~~Department of~~ State Police or by any municipal or  
13 other local law enforcement agency within whose jurisdiction  
14 that property is found as provided in Sections 36-1 and 36-2 of  
15 the Criminal Code of 2012 (~~720 ILCS 5/36-1 and 5/36-2~~). The  
16 removal of the false or secret compartment from the vehicle,  
17 or the promise to do so, shall not be the basis for a defense  
18 to forfeiture of the motor vehicle under Section 36-2 of the  
19 Criminal Code of 2012 and shall not be the basis for the court  
20 to release the vehicle to the owner.

21 (d) Sentence. A violation of this Section is a Class 4  
22 felony. The sentence imposed for violation of this Section  
23 shall be served consecutively to any other sentence imposed in  
24 connection with the firearm, controlled substance, or other  
25 contraband concealed in the false or secret compartment.

26 (e) For purposes of this Section, a new owner is not



1 responsible for any conduct that occurred or knowledge of  
2 conduct that occurred prior to transfer of title.

3 (Source: P.A. 96-202, eff. 1-1-10; 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/13-109.1)

5 Sec. 13-109.1. Annual emission inspection tests;  
6 standards; penalties; funds.

7 (a) For each diesel powered vehicle that (i) is registered  
8 for a gross weight of more than 16,000 pounds, (ii) is  
9 registered within an affected area, and (iii) is a 2 year or  
10 older model year, an annual emission inspection test shall be  
11 conducted at an official testing station certified by the  
12 Illinois Department of Transportation to perform diesel  
13 emission inspections pursuant to the standards set forth in  
14 subsection (b) of this Section. This annual emission  
15 inspection test may be conducted in conjunction with a  
16 semi-annual safety test.

17 (a-5) (Blank).

18 (b) Diesel emission inspections conducted under this  
19 Chapter 13 shall be conducted in accordance with the Society  
20 of Automotive Engineers Recommended Practice J1667  
21 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel  
22 Powered Vehicles" and the cutpoint standards set forth in the  
23 United States Environmental Protection Agency guidance  
24 document "Guidance to States on Smoke Opacity Cutpoints to be  
25 used with the SAE J1667 In-Use Smoke Test Procedure". Those

1 procedures and standards, as now in effect, are made a part of  
2 this Code, in the same manner as though they were set out in  
3 full in this Code.

4 Notwithstanding the above cutpoint standards, for motor  
5 vehicles that are model years 1973 and older, until December  
6 31, 2002, the level of peak smoke opacity shall not exceed 70  
7 percent. Beginning January 1, 2003, for motor vehicles that  
8 are model years 1973 and older, the level of peak smoke opacity  
9 shall not exceed 55 percent.

10 (c) If the annual emission inspection under subsection (a)  
11 reveals that the vehicle is not in compliance with the diesel  
12 emission standards set forth in subsection (b) of this  
13 Section, the operator of the official testing station shall  
14 issue a warning notice requiring correction of the violation.  
15 The correction shall be made and the vehicle submitted to an  
16 emissions retest at an official testing station certified by  
17 the Department to perform diesel emission inspections within  
18 30 days from the issuance of the warning notice requiring  
19 correction of the violation.

20 If, within 30 days from the issuance of the warning  
21 notice, the vehicle is not in compliance with the diesel  
22 emission standards set forth in subsection (b) as determined  
23 by an emissions retest at an official testing station, the  
24 operator of the official testing station or the Department  
25 shall place the vehicle out-of-service in accordance with the  
26 rules promulgated by the Department. Operating a vehicle that

1 has been placed out-of-service under this subsection (c) is a  
2 petty offense punishable by a \$1,000 fine. The vehicle must  
3 pass a diesel emission inspection at an official testing  
4 station before it is again placed in service. The Secretary of  
5 State, Illinois ~~Department of~~ State Police, and other law  
6 enforcement officers shall enforce this Section. No emergency  
7 vehicle, as defined in Section 1-105, may be placed  
8 out-of-service pursuant to this Section.

9 The Department or an official testing station may issue a  
10 certificate of waiver subsequent to a reinspection of a  
11 vehicle that failed the emissions inspection. Certificate of  
12 waiver shall be issued upon determination that documented  
13 proof demonstrates that emissions repair costs for the  
14 noncompliant vehicle of at least \$3,000 have been spent in an  
15 effort to achieve compliance with the emission standards set  
16 forth in subsection (b). The Department of Transportation  
17 shall adopt rules for the implementation of this subsection  
18 including standards of documented proof as well as the  
19 criteria by which a waiver shall be granted.

20 (c-5) (Blank).

21 (d) (Blank).

22 (Source: P.A. 100-700, eff. 8-3-18.)

23 (625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

24 Sec. 15-102. Width of vehicles.

25 (a) On Class III and non-designated State and local

1 highways, the total outside width of any vehicle or load  
2 thereon shall not exceed 8 feet 6 inches.

3 (b) Except during those times when, due to insufficient  
4 light or unfavorable atmospheric conditions, persons and  
5 vehicles on the highway are not clearly discernible at a  
6 distance of 1000 feet, the following vehicles may exceed the 8  
7 feet 6 inch limitation during the period from a half hour  
8 before sunrise to a half hour after sunset:

9 (1) Loads of hay, straw or other similar farm products  
10 provided that the load is not more than 12 feet wide.

11 (2) Implements of husbandry being transported on  
12 another vehicle and the transporting vehicle while loaded.

13 The following requirements apply to the transportation  
14 on another vehicle of an implement of husbandry wider than  
15 8 feet 6 inches on the National System of Interstate and  
16 Defense Highways or other highways in the system of State  
17 highways:

18 (A) The driver of a vehicle transporting an  
19 implement of husbandry that exceeds 8 feet 6 inches in  
20 width shall obey all traffic laws and shall check the  
21 roadways prior to making a movement in order to ensure  
22 that adequate clearance is available for the movement.  
23 It is prima facie evidence that the driver of a vehicle  
24 transporting an implement of husbandry has failed to  
25 check the roadway prior to making a movement if the  
26 vehicle is involved in a collision with a bridge,

1           overpass, fixed structure, or properly placed traffic  
2           control device or if the vehicle blocks traffic due to  
3           its inability to proceed because of a bridge,  
4           overpass, fixed structure, or properly placed traffic  
5           control device.

6           (B) Flags shall be displayed so as to wave freely  
7           at the extremities of overwidth objects and at the  
8           extreme ends of all protrusions, projections, and  
9           overhangs. All flags shall be clean, bright red flags  
10          with no advertising, wording, emblem, or insignia  
11          inscribed upon them and at least 18 inches square.

12          (C) "OVERSIZE LOAD" signs are mandatory on the  
13          front and rear of all vehicles with loads over 10 feet  
14          wide. These signs must have 12-inch high black letters  
15          with a 2-inch stroke on a yellow sign that is 7 feet  
16          wide by 18 inches high.

17          (D) One civilian escort vehicle is required for a  
18          load that exceeds 14 feet 6 inches in width and 2  
19          civilian escort vehicles are required for a load that  
20          exceeds 16 feet in width on the National System of  
21          Interstate and Defense Highways or other highways in  
22          the system of State highways.

23          (E) The requirements for a civilian escort vehicle  
24          and driver are as follows:

25                  (1) The civilian escort vehicle shall be a  
26                  vehicle not exceeding a gross vehicle weight

1 rating of 26,000 pounds that is designed to afford  
2 clear and unobstructed vision to both front and  
3 rear.

4 (2) The escort vehicle driver must be properly  
5 licensed to operate the vehicle.

6 (3) While in use, the escort vehicle must be  
7 equipped with illuminated rotating, oscillating,  
8 or flashing amber lights or flashing amber strobe  
9 lights mounted on top that are of sufficient  
10 intensity to be visible at 500 feet in normal  
11 sunlight.

12 (4) "OVERSIZE LOAD" signs are mandatory on all  
13 escort vehicles. The sign on an escort vehicle  
14 shall have 8-inch high black letters on a yellow  
15 sign that is 5 feet wide by 12 inches high.

16 (5) When only one escort vehicle is required  
17 and it is operating on a two-lane highway, the  
18 escort vehicle shall travel approximately 300 feet  
19 ahead of the load. The rotating, oscillating, or  
20 flashing lights or flashing amber strobe lights  
21 and an "OVERSIZE LOAD" sign shall be displayed on  
22 the escort vehicle and shall be visible from the  
23 front. When only one escort vehicle is required  
24 and it is operating on a multilane divided  
25 highway, the escort vehicle shall travel  
26 approximately 300 feet behind the load and the

1 sign and lights shall be visible from the rear.

2 (6) When 2 escort vehicles are required, one  
3 escort shall travel approximately 300 feet ahead  
4 of the load and the second escort shall travel  
5 approximately 300 feet behind the load. The  
6 rotating, oscillating, or flashing lights or  
7 flashing amber strobe lights and an "OVERSIZE  
8 LOAD" sign shall be displayed on the escort  
9 vehicles and shall be visible from the front on  
10 the lead escort and from the rear on the trailing  
11 escort.

12 (7) When traveling within the corporate limits  
13 of a municipality, the escort vehicle shall  
14 maintain a reasonable and proper distance from the  
15 oversize load, consistent with existing traffic  
16 conditions.

17 (8) A separate escort shall be provided for  
18 each load hauled.

19 (9) The driver of an escort vehicle shall obey  
20 all traffic laws.

21 (10) The escort vehicle must be in safe  
22 operational condition.

23 (11) The driver of the escort vehicle must be  
24 in radio contact with the driver of the vehicle  
25 carrying the oversize load.

26 (F) A transport vehicle while under load of more

1 than 8 feet 6 inches in width must be equipped with an  
2 illuminated rotating, oscillating, or flashing amber  
3 light or lights or a flashing amber strobe light or  
4 lights mounted on the top of the cab that are of  
5 sufficient intensity to be visible at 500 feet in  
6 normal sunlight. If the load on the transport vehicle  
7 blocks the visibility of the amber lighting from the  
8 rear of the vehicle, the vehicle must also be equipped  
9 with an illuminated rotating, oscillating, or flashing  
10 amber light or lights or a flashing amber strobe light  
11 or lights mounted on the rear of the load that are of  
12 sufficient intensity to be visible at 500 feet in  
13 normal sunlight.

14 (G) When a flashing amber light is required on the  
15 transport vehicle under load and it is operating on a  
16 two-lane highway, the transport vehicle shall display  
17 to the rear at least one rotating, oscillating, or  
18 flashing light or a flashing amber strobe light and an  
19 "OVERSIZE LOAD" sign. When a flashing amber light is  
20 required on the transport vehicle under load and it is  
21 operating on a multilane divided highway, the sign and  
22 light shall be visible from the rear.

23 (H) Maximum speed shall be 45 miles per hour on all  
24 such moves or 5 miles per hour above the posted minimum  
25 speed limit, whichever is greater, but the vehicle  
26 shall not at any time exceed the posted maximum speed



1 limit.

2 (3) Portable buildings designed and used for  
3 agricultural and livestock raising operations that are not  
4 more than 14 feet wide and with not more than a 1 foot  
5 overhang along the left side of the hauling vehicle.  
6 However, the buildings shall not be transported more than  
7 10 miles and not on any route that is part of the National  
8 System of Interstate and Defense Highways.

9 All buildings when being transported shall display at  
10 least 2 red cloth flags, not less than 12 inches square,  
11 mounted as high as practicable on the left and right side of  
12 the building.

13 An Illinois A State Police escort shall be required if it  
14 is necessary for this load to use part of the left lane when  
15 crossing any 2 laned State highway bridge.

16 (c) Vehicles propelled by electric power obtained from  
17 overhead trolley wires operated wholly within the corporate  
18 limits of a municipality are also exempt from the width  
19 limitation.

20 (d) (Blank).

21 (d-1) A recreational vehicle, as defined in Section 1-169,  
22 may exceed 8 feet 6 inches in width if:

23 (1) the excess width is attributable to appurtenances  
24 that extend 6 inches or less beyond either side of the body  
25 of the vehicle; and

26 (2) the roadway on which the vehicle is traveling has

1 marked lanes for vehicular traffic that are at least 11  
2 feet in width.

3 As used in this subsection (d-1) and in subsection (d-2),  
4 the term appurtenance includes (i) a retracted awning and its  
5 support hardware and (ii) any appendage that is intended to be  
6 an integral part of a recreational ~~recreation~~ vehicle.

7 (d-2) A recreational vehicle that exceeds 8 feet 6 inches  
8 in width as provided in subsection (d-1) may travel any  
9 roadway of the State if the vehicle is being operated between a  
10 roadway permitted under subsection (d-1) and:

11 (1) the location where the recreational ~~recreation~~  
12 vehicle is garaged;

13 (2) the destination of the recreational ~~recreation~~  
14 vehicle; or

15 (3) a facility for food, fuel, repair, services, or  
16 rest.

17 (e) A vehicle and load traveling upon the National System  
18 of Interstate and Defense Highways or any other highway in the  
19 system of State highways that has been designated as a Class I  
20 or Class II highway by the Department, or any street or highway  
21 designated by local authorities, may have a total outside  
22 width of 8 feet 6 inches, provided that certain safety devices  
23 that the Department determines as necessary for the safe and  
24 efficient operation of motor vehicles shall not be included in  
25 the calculation of width.

26 Section 5-35 of the Illinois Administrative Procedure Act

1 relating to procedures for rulemaking shall not apply to the  
2 designation of highways under this paragraph (e).

3 (f) Mirrors required by Section 12-502 of this Code and  
4 other safety devices identified by the Department may project  
5 up to 14 inches beyond each side of a bus and up to 6 inches  
6 beyond each side of any other vehicle, and that projection  
7 shall not be deemed a violation of the width restrictions of  
8 this Section.

9 (g) Any person who is convicted of violating this Section  
10 is subject to the penalty as provided in paragraph (b) of  
11 Section 15-113.

12 (Source: P.A. 100-830, eff. 1-1-19.)

13 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

14 Sec. 15-112. Officers to weigh vehicles and require  
15 removal of excess loads.

16 (a) Any police officer having reason to believe that the  
17 weight of a vehicle and load is unlawful shall require the  
18 driver to stop and submit to a weighing of the same either by  
19 means of a portable or stationary scales that have been tested  
20 and approved at a frequency prescribed by the Illinois  
21 Department of Agriculture, or for those scales operated by the  
22 State, when such tests are requested by the Illinois  
23 ~~Department of~~ State Police, whichever is more frequent. If  
24 such scales are not available at the place where such vehicle  
25 is stopped, the police officer shall require that such vehicle

1 be driven to the nearest available scale that has been tested  
2 and approved pursuant to this Section by the Illinois  
3 Department of Agriculture. Notwithstanding any provisions of  
4 the Weights and Measures Act or the United States Department  
5 of Commerce NIST handbook 44, multi or single draft weighing  
6 is an acceptable method of weighing by law enforcement for  
7 determining a violation of Chapter 3 or 15 of this Code. Law  
8 enforcement is exempt from the requirements of commercial  
9 weighing established in NIST handbook 44.

10 Within 18 months after the effective date of this  
11 amendatory Act of the 91st General Assembly, all municipal and  
12 county officers, technicians, and employees who set up and  
13 operate portable scales for wheel load or axle load or both and  
14 issue citations based on the use of portable scales for wheel  
15 load or axle load or both and who have not successfully  
16 completed initial classroom and field training regarding the  
17 set up and operation of portable scales, shall attend and  
18 successfully complete initial classroom and field training  
19 administered by the Illinois Law Enforcement Training  
20 Standards Board.

21 (b) Whenever an officer, upon weighing a vehicle and the  
22 load, determines that the weight is unlawful, such officer  
23 shall require the driver to stop the vehicle in a suitable  
24 place and remain standing until such portion of the load is  
25 removed as may be necessary to reduce the weight of the vehicle  
26 to the limit permitted under this Chapter, or to the limit

1 permitted under the terms of a permit issued pursuant to  
2 Sections 15-301 through 15-318 and shall forthwith arrest the  
3 driver or owner. All material so unloaded shall be cared for by  
4 the owner or operator of the vehicle at the risk of such owner  
5 or operator; however, whenever a 3 or 4 axle vehicle with a  
6 tandem axle dimension greater than 72 inches, but less than 96  
7 inches and registered as a Special Hauling Vehicle is  
8 transporting asphalt or concrete in the plastic state that  
9 exceeds axle weight or gross weight limits by less than 4,000  
10 pounds, the owner or operator of the vehicle shall accept the  
11 arrest ticket or tickets for the alleged violations under this  
12 Section and proceed without shifting or reducing the load  
13 being transported or may shift or reduce the load under the  
14 provisions of subsection (d) or (e) of this Section, when  
15 applicable. Any fine imposed following an overweight violation  
16 by a vehicle registered as a Special Hauling Vehicle  
17 transporting asphalt or concrete in the plastic state shall be  
18 paid as provided in subsection 4 of paragraph (a) of Section  
19 16-105 of this Code.

20 (c) The Department of Transportation may, at the request  
21 of the Illinois ~~Department of~~ State Police, erect appropriate  
22 regulatory signs on any State highway directing second  
23 division vehicles to a scale. The Department of Transportation  
24 may also, at the direction of any State Police officer, erect  
25 portable regulating signs on any highway directing second  
26 division vehicles to a portable scale. Every such vehicle,

1 pursuant to such sign, shall stop and be weighed.

2 (d) Whenever any axle load of a vehicle exceeds the axle or  
3 tandem axle weight limits permitted by paragraph (a) of  
4 Section 15-111 by 2000 pounds or less, the owner or operator of  
5 the vehicle must shift or remove the excess so as to comply  
6 with paragraph (a) of Section 15-111. No overweight arrest  
7 ticket shall be issued to the owner or operator of the vehicle  
8 by any officer if the excess weight is shifted or removed as  
9 required by this paragraph.

10 (e) Whenever the gross weight of a vehicle with a  
11 registered gross weight of 77,000 pounds or less exceeds the  
12 weight limits of paragraph (a) of Section 15-111 of this  
13 Chapter by 2000 pounds or less, the owner or operator of the  
14 vehicle must remove the excess. Whenever the gross weight of a  
15 vehicle with a registered gross weight over 77,000 pounds or  
16 more exceeds the weight limits of paragraph (a) of Section  
17 15-111 by 1,000 pounds or less or 2,000 pounds or less if  
18 weighed on wheel load weighers, the owner or operator of the  
19 vehicle must remove the excess. In either case no arrest  
20 ticket for any overweight violation of this Code shall be  
21 issued to the owner or operator of the vehicle by any officer  
22 if the excess weight is removed as required by this paragraph.  
23 A person who has been granted a special permit under Section  
24 15-301 of this Code shall not be granted a tolerance on wheel  
25 load weighers.

26 (e-5) Auxiliary power or idle reduction unit (APU) weight.

1           (1) A vehicle with a fully functional APU shall be  
2 allowed an additional 550 pounds or the certified unit  
3 weight, whichever is less. The additional pounds may be  
4 allowed in gross, axles, or bridge formula weight limits  
5 above the legal weight limits except when overweight on an  
6 axle or axles of the towed unit or units in combination.  
7 This tolerance shall be given in addition to the limits in  
8 subsection (d) of this Section.

9           (2) An operator of a vehicle equipped with an APU  
10 shall carry written certification showing the weight of  
11 the APU, which shall be displayed upon the request of any  
12 law enforcement officer.

13           (3) The operator may be required to demonstrate or  
14 certify that the APU is fully functional at all times.

15           (4) This allowance may not be granted above the weight  
16 limits specified on any loads permitted under Section  
17 15-301 of this Code.

18           (f) Whenever an axle load of a vehicle exceeds axle weight  
19 limits allowed by the provisions of a permit an arrest ticket  
20 shall be issued, but the owner or operator of the vehicle may  
21 shift the load so as to comply with the provisions of the  
22 permit. Where such shifting of a load to comply with the permit  
23 is accomplished, the owner or operator of the vehicle may then  
24 proceed.

25           (g) Any driver of a vehicle who refuses to stop and submit  
26 his vehicle and load to weighing after being directed to do so

1 by an officer or removes or causes the removal of the load or  
2 part of it prior to weighing is guilty of a business offense  
3 and shall be fined not less than \$500 nor more than \$2,000.

4 (Source: P.A. 99-717, eff. 8-5-16.)

5 (625 ILCS 5/15-201) (from Ch. 95 1/2, par. 15-201)

6 Sec. 15-201. Vehicles exceeding prescribed weight limits -  
7 Preventing use of highway by. The Illinois ~~Department of State~~  
8 Police is directed to institute and maintain a program  
9 designed to prevent the use of public highways by vehicles  
10 which exceed the maximum weights allowed by Section 15-111 of  
11 this Act or which exceeds the maximum weights allowed as  
12 evidenced by the license plates attached to such vehicle and  
13 which license is required by this Act.

14 (Source: P.A. 84-25.)

15 (625 ILCS 5/15-202) (from Ch. 95 1/2, par. 15-202)

16 Sec. 15-202. Enforcement.

17 Such program shall make provision for an intensive  
18 campaign by the Illinois State Police to apprehend any  
19 violators of the acts above mentioned, and at all times to  
20 maintain a vigilant watch for possible violators of such acts.

21 (Source: P.A. 77-506.)

22 (625 ILCS 5/15-203) (from Ch. 95 1/2, par. 15-203)

23 Sec. 15-203. Records of violations. The Illinois



1 ~~Department of~~ State Police shall maintain records of the  
 2 number of violators of such acts apprehended and the number of  
 3 convictions obtained. A resume of such records shall be  
 4 included in the Department's annual report to the Governor;  
 5 and the Department shall also present such resume to each  
 6 regular session of the General Assembly.

7 The requirement for reporting to the General Assembly  
 8 shall be satisfied by filing copies of the report as required  
 9 by Section 3.1 of the General Assembly Organization Act, and  
 10 filing such additional copies with the State Government Report  
 11 Distribution Center for the General Assembly as is required  
 12 under paragraph (t) of Section 7 of the State Library Act.

13 (Source: P.A. 100-1148, eff. 12-10-18.)

14 (625 ILCS 5/15-305) (from Ch. 95 1/2, par. 15-305)

15 Sec. 15-305. Fees for legal weight but overdimension  
 16 vehicles, combinations, and loads, other than house trailer  
 17 combinations. Fees for special permits to move overdimension  
 18 vehicles, combinations, and loads, other than house trailer  
 19 combinations, shall be paid by the applicant to the Department  
 20 at the following rates:

21		90 Day	Annual
22		Limited	Limited
23	Single	Continuous	Continuous
24	Trip	Operation	Operation

1	(a) Overall width of 10 feet		
2	or less, overall height of 14		
3	feet 6 inches or less, and		
4	overall length of 70		
5	feet or less		\$100.00      \$400.00
6	For the first 90 miles	\$12.00	
7	From 90 miles to 180 miles	15.00	
8	From 180 miles to 270 miles	18.00	
9	For more than 270 miles	\$21.00	
10	(b) Overall width of 12 feet		
11	or less, overall height of 14		
12	feet 6 inches or less, and		
13	overall length		
14	of 85 feet or less		\$150.00      \$600.00
15	For the first 90 miles	\$15.00	
16	From 90 miles to 180 miles	\$20.00	
17	From 180 miles to 270 miles	\$25.00	
18	For more than 270 miles	\$30.00	
19	(c) Overall width of 14 feet		
20	or less, overall height of 15		
21	feet or less, and overall		
22	length of 100 feet or less		
23			
24		Single Trip	
25		Only	
26	For the first 90 miles	\$25.00	

1	From 90 miles to 180 miles	\$30.00
2	From 180 miles to 270 miles	\$35.00
3	For more than 270 miles	\$40.00

4 (d) Overall width of 18 feet  
5 or less (authorized only  
6 under special conditions and  
7 for limited distances),  
8 overall height of 16 feet or  
9 less, and overall length of  
10 120 feet or less

11

12 Single Trip  
13 Only

14	For the first 90 miles	\$30.00
15	From 90 miles to 180 miles	\$40.00
16	From 180 miles to 270 miles	\$50.00
17	For more than 270 miles	\$60.00

18 (e) Overall width of more  
19 than 18 feet (authorized only  
20 under special conditions and  
21 for limited distances),  
22 overall height more than 16  
23 feet, and overall length more  
24 than 120 feet

25

26 Single Trip

1		Only
2	For the first 90 miles	\$50.00
3	From 90 miles to 180 miles	\$75.00
4	From 180 miles to 270 miles	\$100.00
5	For more than 270 miles	\$125.00

6       Permits issued under this Section shall be for a vehicle,  
7 or vehicle combination and load not exceeding legal weights;  
8 and, in the case of the limited continuous operation, shall be  
9 for the same vehicle, vehicle combination or like load.

10       Escort requirements shall be as prescribed in the  
11 Department's rules and regulations. Fees for the Illinois  
12 State Police vehicle escort, when required, shall be in  
13 addition to the permit fees.

14       (Source: P.A. 89-219, eff. 1-1-96.)

15       (625 ILCS 5/16-102) (from Ch. 95 1/2, par. 16-102)

16       Sec. 16-102. Arrests - Investigations - Prosecutions.

17       (a) The Illinois State Police shall patrol the public  
18 highways and make arrests for violation of the provisions of  
19 this Act.

20       (b) The Secretary of State, through the investigators  
21 provided for in this Act shall investigate and report  
22 violations of the provisions of this Act in relation to the  
23 equipment and operation of vehicles as provided for in Section  
24 2-115 and for such purposes these investigators have and may  
25 exercise throughout the State all of the powers of police

1 officers.

2 (c) The State's Attorney of the county in which the  
3 violation occurs shall prosecute all violations except when  
4 the violation occurs within the corporate limits of a  
5 municipality, the municipal attorney may prosecute if written  
6 permission to do so is obtained from the State's Attorney.

7 (d) The State's Attorney of the county in which the  
8 violation occurs may not grant to the municipal attorney  
9 permission to prosecute if the offense charged is a felony  
10 under Section 11-501 of this Code. The municipality may,  
11 however, charge an offender with a municipal misdemeanor  
12 offense if the State's Attorney rejects or denies felony  
13 charges for the conduct that comprises the charge.

14 (Source: P.A. 94-111, eff. 1-1-06; 94-740, eff. 5-8-06.)

15 (625 ILCS 5/16-105) (from Ch. 95 1/2, par. 16-105)

16 Sec. 16-105. Disposition of fines and forfeitures.

17 (a) Except as provided in Section 15-113 of this Act and  
18 except those amounts subject to disbursement by the circuit  
19 clerk under the Criminal and Traffic Assessment Act, fines and  
20 penalties recovered under the provisions of Chapters 3 through  
21 17 and 18b inclusive of this Code shall be paid and used as  
22 follows:

23 1. For offenses committed upon a highway within the  
24 limits of a city, village, or incorporated town or under  
25 the jurisdiction of any park district, to the treasurer of

1 the particular city, village, incorporated town or park  
2 district, if the violator was arrested by the authorities  
3 of the city, village, incorporated town or park district,  
4 provided the police officers and officials of cities,  
5 villages, incorporated towns and park districts shall  
6 seasonably prosecute for all fines and penalties under  
7 this Code. If the violation is prosecuted by the  
8 authorities of the county, any fines or penalties  
9 recovered shall be paid to the county treasurer, except  
10 that fines and penalties recovered from violations  
11 arrested by the Illinois State Police shall be remitted to  
12 the State Police Law Enforcement Administration Fund.  
13 Provided further that if the violator was arrested by the  
14 Illinois State Police, fines and penalties recovered under  
15 the provisions of paragraph (a) of Section 15-113 of this  
16 Code or paragraph (e) of Section 15-316 of this Code shall  
17 be paid over to the Illinois ~~Department of~~ State Police  
18 which shall thereupon remit the amount of the fines and  
19 penalties so received to the State Treasurer who shall  
20 deposit the amount so remitted in the special fund in the  
21 State treasury known as the Road Fund except that if the  
22 violation is prosecuted by the State's Attorney, 10% of  
23 the fine or penalty recovered shall be paid to the State's  
24 Attorney as a fee of his office and the balance shall be  
25 paid over to the Illinois ~~Department of~~ State Police for  
26 remittance to and deposit by the State Treasurer as

1           hereinabove provided.

2           2. Except as provided in paragraph 4, for offenses  
3 committed upon any highway outside the limits of a city,  
4 village, incorporated town or park district, to the county  
5 treasurer of the county where the offense was committed  
6 except if such offense was committed on a highway  
7 maintained by or under the supervision of a township,  
8 township district, or a road district to the Treasurer  
9 thereof for deposit in the road and bridge fund of such  
10 township or other district, except that fines and  
11 penalties recovered from violations arrested by the  
12 Illinois State Police shall be remitted to the State  
13 Police Law Enforcement Administration Fund; provided, that  
14 fines and penalties recovered under the provisions of  
15 paragraph (a) of Section 15-113, paragraph (d) of Section  
16 3-401, or paragraph (e) of Section 15-316 of this Code  
17 shall be paid over to the Illinois ~~Department of~~ State  
18 Police which shall thereupon remit the amount of the fines  
19 and penalties so received to the State Treasurer who shall  
20 deposit the amount so remitted in the special fund in the  
21 State treasury known as the Road Fund except that if the  
22 violation is prosecuted by the State's Attorney, 10% of  
23 the fine or penalty recovered shall be paid to the State's  
24 Attorney as a fee of his office and the balance shall be  
25 paid over to the Illinois ~~Department of~~ State Police for  
26 remittance to and deposit by the State Treasurer as

1           hereinabove provided.

2           3. Notwithstanding subsections 1 and 2 of this  
3 paragraph, for violations of overweight and overload  
4 limits found in Sections 15-101 through 15-203 of this  
5 Code, which are committed upon the highways belonging to  
6 the Illinois State Toll Highway Authority, fines and  
7 penalties shall be paid over to the Illinois State Toll  
8 Highway Authority for deposit with the State Treasurer  
9 into that special fund known as the Illinois State Toll  
10 Highway Authority Fund, except that if the violation is  
11 prosecuted by the State's Attorney, 10% of the fine or  
12 penalty recovered shall be paid to the State's Attorney as  
13 a fee of his office and the balance shall be paid over to  
14 the Illinois State Toll Highway Authority for remittance  
15 to and deposit by the State Treasurer as hereinabove  
16 provided.

17           4. With regard to violations of overweight and  
18 overload limits found in Sections 15-101 through 15-203 of  
19 this Code committed by operators of vehicles registered as  
20 Special Hauling Vehicles, for offenses committed upon a  
21 highway within the limits of a city, village, or  
22 incorporated town or under the jurisdiction of any park  
23 district, all fines and penalties shall be paid over or  
24 retained as required in paragraph 1. However, with regard  
25 to the above offenses committed by operators of vehicles  
26 registered as Special Hauling Vehicles upon any highway



1 outside the limits of a city, village, incorporated town  
2 or park district, fines and penalties shall be paid over  
3 or retained by the entity having jurisdiction over the  
4 road or highway upon which the offense occurred, except  
5 that if the violation is prosecuted by the State's  
6 Attorney, 10% of the fine or penalty recovered shall be  
7 paid to the State's Attorney as a fee of his office.

8 (b) Failure, refusal or neglect on the part of any  
9 judicial or other officer or employee receiving or having  
10 custody of any such fine or forfeiture either before or after a  
11 deposit with the proper official as defined in paragraph (a)  
12 of this Section, shall constitute misconduct in office and  
13 shall be grounds for removal therefrom.

14 (Source: P.A. 100-987, eff. 7-1-19.)

15 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

16 Sec. 18a-200. General powers and duties of Commission. The  
17 Commission shall:

18 (1) Regulate commercial vehicle relocators and their  
19 employees or agents in accordance with this Chapter and to  
20 that end may establish reasonable requirements with respect to  
21 proper service and practices relating thereto;

22 (2) Require the maintenance of uniform systems of  
23 accounts, records and the preservation thereof;

24 (3) Require that all drivers and other personnel used in  
25 relocation be employees of a licensed relocater;

1 (4) Regulate equipment leasing to and by relocators;

2 (5) Adopt reasonable and proper rules covering the  
3 exercise of powers conferred upon it by this Chapter, and  
4 reasonable rules governing investigations, hearings and  
5 proceedings under this Chapter;

6 (6) Set reasonable rates for the commercial towing or  
7 removal of trespassing vehicles from private property. The  
8 rates shall not exceed the mean average of the 5 highest rates  
9 for police tows within the territory to which this Chapter  
10 applies that are performed under Sections 4-201 and 4-214 of  
11 this Code and that are of record at hearing; provided that the  
12 Commission shall not re-calculate the maximum specified herein  
13 if the order containing the previous calculation was entered  
14 within one calendar year of the date on which the new order is  
15 entered. Set reasonable rates for the storage, for periods in  
16 excess of 24 hours, of the vehicles in connection with the  
17 towing or removal; however, no relocater shall impose charges  
18 for storage for the first 24 hours after towing or removal. Set  
19 reasonable rates for other services provided by relocators,  
20 provided that the rates shall not be charged to the owner or  
21 operator of a relocated vehicle. Any fee charged by a  
22 relocater for the use of a credit card that is used to pay for  
23 any service rendered by the relocater shall be included in the  
24 total amount that shall not exceed the maximum reasonable rate  
25 established by the Commission. The Commission shall require a  
26 relocater to refund any amount charged in excess of the

1 reasonable rate established by the Commission, including any  
2 fee for the use of a credit card;

3 (7) Investigate and maintain current files of the criminal  
4 records, if any, of all relocators and their employees and of  
5 all applicants for relocator's license, operator's licenses  
6 and dispatcher's licenses. If the Commission determines that  
7 an applicant for a license issued under this Chapter will be  
8 subjected to a criminal history records check, the applicant  
9 shall submit his or her fingerprints to the Illinois  
10 ~~Department of~~ State Police in the form and manner prescribed  
11 by the Illinois ~~Department of~~ State Police. These fingerprints  
12 shall be checked against the Illinois ~~Department of~~ State  
13 Police and Federal Bureau of Investigation criminal history  
14 record information databases now and hereafter filed. The  
15 Illinois ~~Department of~~ State Police shall charge the applicant  
16 a fee for conducting the criminal history records check, which  
17 shall be deposited in the State Police Services Fund and shall  
18 not exceed the actual cost of the records check. The Illinois  
19 ~~Department of~~ State Police shall furnish pursuant to positive  
20 identification, records of conviction to the Commission;

21 (8) Issue relocator's licenses, dispatcher's employment  
22 permits, and operator's employment permits in accordance with  
23 Article IV of this Chapter;

24 (9) Establish fitness standards for applicants seeking  
25 relocator licensees and holders of relocator licenses;

26 (10) Upon verified complaint in writing by any person,

1 organization or body politic, or upon its own initiative may,  
2 investigate whether any commercial vehicle relocator,  
3 operator, dispatcher, or person otherwise required to comply  
4 with any provision of this Chapter or any rule promulgated  
5 hereunder, has failed to comply with any provision or rule;

6 (11) Whenever the Commission receives notice from the  
7 Secretary of State that any domestic or foreign corporation  
8 regulated under this Chapter has not paid a franchise tax,  
9 license fee or penalty required under the Business Corporation  
10 Act of 1983, institute proceedings for the revocation of the  
11 license or right to engage in any business required under this  
12 Chapter or the suspension thereof until such time as the  
13 delinquent franchise tax, license fee or penalty is paid.

14 (Source: P.A. 93-418, eff. 1-1-04.)

15 (625 ILCS 5/18b-112)

16 Sec. 18b-112. Intermodal trailer, chassis, and safety.

17 (a) Definitions. For purposes of this Section:

18 ~~"Department" means the Department of State Police.~~

19 "Equipment interchange agreement" means a written document  
20 executed by the intermodal equipment provider and operator at  
21 the time the equipment is interchanged by the provider to the  
22 operator.

23 "Equipment provider" is the owner of an intermodal  
24 trailer, chassis, or container. This includes any forwarding  
25 company, water carrier, steamship line, railroad, vehicle

1 equipment leasing company, and their subsidiary or affiliated  
2 companies owning the equipment.

3 "Federal motor carrier safety regulations" means  
4 regulations promulgated by the United States Department of  
5 Transportation governing the condition and maintenance of  
6 commercial motor vehicles contained in Title 49 of the United  
7 States Code of Federal Regulations on the day of enactment of  
8 this Act or as amended or revised by the United States  
9 Department of Transportation thereafter.

10 "Interchange" means the act of providing a vehicle to a  
11 motor carrier by an equipment provider for the purpose of  
12 transporting the vehicle for loading or unloading by another  
13 party or the repositioning of the vehicle for the benefit of  
14 the equipment provider. "Interchange" does not include the  
15 leasing of the vehicle by a motor carrier from an  
16 owner-operator pursuant to subpart B of Part 376 of Title 49 of  
17 the Code of Federal Regulations or the leasing of a vehicle to  
18 a motor carrier for use in the motor carrier's over-the-road  
19 freight hauling operations.

20 "Operator" means a motor carrier or driver of a commercial  
21 motor vehicle.

22 "Vehicle" means an intermodal trailer, chassis, or  
23 container.

24 (b) Responsibility of equipment provider. An equipment  
25 provider shall not interchange or offer for interchange a  
26 vehicle with an operator for use on a highway which vehicle is

1 in violation of the requirements contained in the federal  
2 motor carrier safety regulations. It is the responsibility of  
3 the equipment provider to inspect and, if a vehicle at the time  
4 of inspection does not comply with all federal motor carrier  
5 safety regulation requirements, perform the necessary repairs  
6 on, all vehicles prior to interchange or offering for  
7 interchange.

8 (c) Duty of inspection by the operator. Before  
9 interchanging a vehicle with an operator, an equipment  
10 provider must provide the operator the opportunity and  
11 facilities to perform a visual inspection of the equipment.  
12 The operator must determine if it complies with the provisions  
13 of the federal motor carrier safety regulation capable of  
14 being determined from an inspection. If the operator  
15 determines that the vehicle does not comply with the  
16 provisions of the federal motor carrier safety regulations,  
17 the equipment provider shall immediately perform the necessary  
18 repairs to the vehicle so that it complies with the federal  
19 motor carrier safety regulations or shall immediately provide  
20 the operator with another vehicle.

21 (d) Presumption of defect prior to interchange.

22 (1) If as a result of a roadside inspection by the  
23 Illinois State Police Department, any of the defects  
24 listed in paragraph (2) are discovered, a rebuttable  
25 presumption existed at the time of the interchange. If a  
26 summons or complaint is issued to the operator, the

1 operator may seek relief pursuant to paragraph (3).

2 (2) A rebuttable presumption exists that the following  
3 defects were present at the time of the interchange:

4 (A) There is a defect with the brake drum when:

5 (I) the drum cracks;

6 (II) the lining is loose or missing; or

7 (III) the lining is saturated with oil.

8 (B) There is a defect of inoperative brakes when:

9 (I) there is no movement of any components;

10 (II) there are missing, broken, or loose  
11 components; or

12 (III) there are mismatched components.

13 (C) There is a defect with the air lines and tubing  
14 when:

15 (I) there is a bulge and swelling;

16 (II) there is an audible air leak; or

17 (III) there are air lines broken, cracked, or  
18 crimped.

19 (D) There is a defect with the reservoir tank when  
20 there is any separation of original attachment points.

21 (E) There is a defect with the frames when:

22 (I) there is any cracked, loose, sagging, or  
23 broken frame members which measure one and  
24 one-half inch in web or one inch or longer in  
25 bottom flange or any crack extending from web  
26 radius into bottom flange; or

1 (II) there is any condition which causes  
2 moving parts to come in contact with the frame.

3 (F) There is an electrical defect when wires are  
4 chaffed.

5 (G) There is a defect with the wheel assembly  
6 when:

7 (I) there is low or no oil;

8 (II) there is oil leakage on brake components;

9 (III) there are lug nuts that are loose or  
10 missing; or

11 (IV) the wheel bearings are not properly  
12 maintained.

13 (H) There is a defect with the tires when:

14 (I) there is improper inflation;

15 (II) there is tire separation from the casing;

16 or

17 (III) there are exposed plys or belting  
18 material.

19 (I) There is defect with rim cracks when:

20 (I) there is any circumferential crack, except  
21 a manufactured crack; or

22 (II) there is a lock or side ring cracked,  
23 bent, broken, sprung, improperly seated, or  
24 mismatched.

25 (J) There is a defect with the suspension when:

26 (I) there are spring assembly leaves broken,



1 missing, or separated; or

2 (II) there are spring hanger, u-bolts, or axle  
3 positioning components cracked, broken loose, or  
4 missing.

5 (K) There is a defect with the chassis locking  
6 pins when there is any twist lock or fitting for  
7 securement that is sprung, broken, or improperly  
8 latched.

9 (3) If an operator receives a citation for a violation  
10 due to a defect in any equipment specified in subsection  
11 (d)(2), the equipment provider shall reimburse the  
12 operator for any:

13 (A) fines and costs, including court costs and  
14 reasonable attorneys fees, incurred as a result of the  
15 citation; and

16 (B) costs incurred by the operator to repair the  
17 defects specified in the citation, including any  
18 towing costs incurred.

19 The equipment provider shall reimburse the operator  
20 within 30 days of the final court action. If the equipment  
21 provider fails to reimburse the operator within 30 days,  
22 the operator has a civil cause of action against the  
23 equipment provider.

24 (e) Fines and penalties. Any person violating the  
25 provisions of this Section shall be fined no less than \$50 and  
26 no more than \$500 for each violation.

1 (f) Obligation of motor carrier. Nothing in this Section  
2 is intended to eliminate the responsibility and obligation of  
3 a motor carrier and operator to maintain and operate vehicles  
4 in accordance with the federal motor carrier safety  
5 regulations and applicable State and local laws and  
6 regulations.

7 (g) This Section shall not be applied, construed, or  
8 implemented in any manner inconsistent with, or in conflict  
9 with, any provision of the federal motor carrier safety  
10 regulations.

11 (Source: P.A. 91-662, eff. 7-1-00.)

12 (625 ILCS 5/18c-1702) (from Ch. 95 1/2, par. 18c-1702)

13 Sec. 18c-1702. Responsibility for Enforcement. It shall be  
14 the duty of the Commission and of the Illinois State Police and  
15 the Secretary of State to conduct investigations, make  
16 arrests, and take any other action necessary for the  
17 enforcement of this Chapter.

18 (Source: P.A. 84-796.)

19 (625 ILCS 5/18c-4601) (from Ch. 95 1/2, par. 18c-4601)

20 Sec. 18c-4601. Cab Card and Identifier to be Carried and  
21 Displayed in Each Vehicle.

22 (1) General Provisions.

23 (a) Carrying Requirement. Each motor vehicle used in  
24 for-hire transportation upon the public roads of this State

1 shall carry a current cab card together with an identifier  
2 issued by or under authority of the Commission. If the carrier  
3 is an intrastate motor carrier of property, the prescribed  
4 intrastate cab card and identifier shall be required; if the  
5 carrier is an interstate motor carrier of property, the  
6 prescribed interstate cab card and identifier shall be  
7 required.

8 (b) Execution and Presentation Requirement. Such cab card  
9 shall be properly executed by the carrier. The cab card, with  
10 an identifier affixed or printed thereon, shall be carried in  
11 the vehicle for which it was executed. The cab card and  
12 identifier shall be presented upon request to any authorized  
13 employee of the Commission or the Illinois State Police or  
14 Secretary of State.

15 (c) Deadlines for Execution, Carrying, and Presentation.  
16 Cab cards and identifiers shall be executed, carried, and  
17 presented no earlier than December 1 of the calendar year  
18 preceding the calendar year for which fees are owing, and no  
19 later than February 1 of the calendar year for which fees are  
20 owing, unless otherwise provided in Commission regulations and  
21 orders.

22 (2) Interstate Compensated Intercorporate Hauling and  
23 Single-Source Leasing. The provisions of subsection (1) of  
24 this Section apply to motor vehicles used in interstate  
25 compensated intercorporate hauling or which are leased, with  
26 drivers, to private carriers for use in interstate commerce,

1 as well as to other motor vehicles used in for-hire  
2 transportation upon the public roads of this State. However,  
3 the Commission may:

4 (a) Exempt such carriers from the requirements of this  
5 Article;

6 (b) Subject any exemption to such reasonable terms and  
7 conditions as the Commission deems necessary to effectuate the  
8 purposes of this Chapter; and

9 (c) Revoke any exemption granted hereunder if it deems  
10 revocation necessary to effectuate the purposes of this  
11 Chapter.

12 (Source: P.A. 85-553.)

13 Section 940. The Automated Traffic Control Systems in  
14 Highway Construction or Maintenance Zones Act is amended by  
15 changing Sections 10 and 25 as follows:

16 (625 ILCS 7/10)

17 Sec. 10. Establishment of automated control systems. The  
18 Illinois ~~Department of~~ State Police may establish an automated  
19 traffic control system in any construction or maintenance zone  
20 established by the Department of Transportation or the  
21 Illinois State Toll Highway Authority. An automated traffic  
22 control system may operate only during those periods when  
23 workers are present in the construction or maintenance zone.  
24 In any prosecution based upon evidence obtained through an

1 automated traffic control system established under this Act,  
2 the State must prove that one or more workers were present in  
3 the construction or maintenance zone when the violation  
4 occurred.

5 (Source: P.A. 93-947, eff. 8-19-04; 94-757, eff. 5-12-06;  
6 94-814, eff. 1-1-07.)

7 (625 ILCS 7/25)

8 Sec. 25. Limitations on the use of automated traffic  
9 enforcement systems.

10 (a) The Illinois ~~Department of~~ State Police must conduct a  
11 public information campaign to inform drivers about the use of  
12 automated traffic control systems in highway construction or  
13 maintenance zones before establishing any of those systems.  
14 The Illinois ~~Department of~~ State Police shall adopt rules for  
15 implementing this subsection (a).

16 (b) Signs indicating that speeds are enforced by automated  
17 traffic control systems must be clearly posted in the areas  
18 where the systems are in use.

19 (c) Operation of automated traffic control systems is  
20 limited to areas where road construction or maintenance is  
21 occurring.

22 (d) Photographs obtained in this manner may only be used  
23 as evidence in relation to a violation of Section 11-605.1 of  
24 the Illinois Vehicle Code for which the photograph is taken.  
25 The photographs are available only to the owner of the

1 vehicle, the offender and the offender's attorney, the  
2 judiciary, the local State's Attorney, and law enforcement  
3 officials.

4 (e) If the driver of the vehicle cannot be identified  
5 through the photograph, the owner is not liable for the fine,  
6 and the citation may not be counted against the driving record  
7 of the owner. If the driver can be identified, the driver is  
8 liable for the fine, and the violation is counted against his  
9 or her driving record.

10 (Source: P.A. 93-947, eff. 8-19-04.)

11 Section 945. The Child Passenger Protection Act is amended  
12 by changing Section 7 as follows:

13 (625 ILCS 25/7) (from Ch. 95 1/2, par. 1107)

14 Sec. 7. Arrests - Prosecutions. The Illinois State Police  
15 shall patrol the public highways and make arrests for a  
16 violation of this Act. Police officers shall make arrests for  
17 violations of this Act occurring upon the highway within the  
18 limits of a county, city, village, or unincorporated town or  
19 park district.

20 The State's Attorney of the county in which the violation  
21 of this Act occurs shall prosecute all violations except when  
22 the violation occurs within the corporate limits of a  
23 municipality, the municipal attorney may prosecute if written  
24 permission to do so is obtained from the State's Attorney.

1           The provisions of this Act shall not apply to a child  
2 passenger with a physical disability of such a nature as to  
3 prevent appropriate restraint in a seat, provided that the  
4 disability is duly certified by a physician who shall state  
5 the nature of the disability, as well as the reason the  
6 restraint is inappropriate. No physician shall be liable, and  
7 no cause of action may be brought for personal injuries  
8 resulting from the exercise of good faith judgment in making  
9 certifications under this provision.

10       (Source: P.A. 88-685, eff. 1-24-95.)

11           Section 950. The Boat Registration and Safety Act is  
12 amended by changing Sections 3A-6, 3C-2, 3C-5, 3C-9, 5-16b,  
13 5-16c, 5-22, and 6-1 as follows:

14           (625 ILCS 45/3A-6) (from Ch. 95 1/2, par. 313A-6)

15           Sec. 3A-6. Stolen and recovered watercraft.

16           (a) Every sheriff, superintendent of police, chief of  
17 police or other police officer in command of any police  
18 department in any city, village or town of the State shall, by  
19 the fastest means of communications available to his or her  
20 law enforcement agency, immediately report to the Illinois  
21 ~~Department of~~ State Police the theft or recovery of any stolen  
22 or converted watercraft within his or her district or  
23 jurisdiction. The report shall give the date of theft,  
24 description of the watercraft including color, manufacturer's

1 trade name, manufacturer's series name, identification number  
2 and registration number, including the state in which the  
3 registration number was issued, together with the name,  
4 residence address, business address, and telephone number of  
5 the owner. The report shall be routed by the originating law  
6 enforcement agency through the Illinois State Police in a form  
7 and manner prescribed by the Illinois ~~Department of~~ State  
8 Police.

9 (b) A registered owner or a lienholder may report the  
10 theft by conversion of a watercraft to the Illinois ~~Department~~  
11 ~~of~~ State Police or any other police department or sheriff's  
12 office. The report will be accepted as a report of theft and  
13 processed only if a formal complaint is on file and a warrant  
14 issued.

15 (c) The Illinois ~~Department of~~ State Police shall keep a  
16 complete record of all reports filed under this Section. Upon  
17 receipt of the report, a careful search shall be made of the  
18 records of the Illinois ~~Department of~~ State Police, and where  
19 it is found that a watercraft reported recovered was stolen in  
20 a county, city, village or town other than the county, city,  
21 village or town in which it is recovered, the recovering  
22 agency shall notify the reporting agency of the recovery in a  
23 form and manner prescribed by the Illinois ~~Department of~~ State  
24 Police.

25 (d) Notification of the theft of a watercraft will be  
26 furnished to the Department of Natural Resources by the



1 Illinois ~~Department of~~ State Police. The Department of Natural  
2 Resources shall place the proper information in the title  
3 registration files and in the certificate of number files to  
4 indicate the theft of a watercraft. Notification of the  
5 recovery of a watercraft previously reported as a theft or a  
6 conversion will be furnished to the Department of Natural  
7 Resources by the Illinois ~~Department of~~ State Police. The  
8 Department of Natural Resources shall remove the proper  
9 information from the certificate of number and title  
10 registration files that has previously indicated the theft of  
11 a watercraft. The Department of Natural Resources shall  
12 suspend the certificate of number of a watercraft upon receipt  
13 of a report that the watercraft was stolen.

14 (e) When the Department of Natural Resources receives an  
15 application for a certificate of title or an application for a  
16 certificate of number of a watercraft and it is determined  
17 from the records that the watercraft has been reported stolen,  
18 the Department of Natural Resources, Division of Law  
19 Enforcement, shall immediately notify the Illinois State  
20 Police and shall give the Illinois State Police the name and  
21 address of the person or firm titling or registering the  
22 watercraft, together with all other information contained in  
23 the application submitted by the person or firm.

24 (Source: P.A. 89-445, eff. 2-7-96.)

1           Sec. 3C-2. Notification to law enforcement agencies. When  
2 an abandoned, lost, stolen or unclaimed watercraft comes into  
3 the temporary possession or custody of a person in this State,  
4 not the owner of the watercraft, such person shall immediately  
5 notify the municipal police when the watercraft is within the  
6 corporate limits of any city, village or town having a duly  
7 authorized police department, or the Illinois State Police,  
8 Conservation Police or the county sheriff when the watercraft  
9 is outside the corporate limits of a city, village or town.  
10 Upon receipt of such notification, the municipal police, State  
11 Police, Conservation Police, or county sheriff will authorize  
12 a towing service to remove and take possession of the  
13 abandoned, lost, stolen or unclaimed watercraft. The towing  
14 service will safely keep the towed watercraft and its  
15 contents, and maintain a record of the tow as set forth in  
16 Section 3C-4 for law enforcement agencies, until the  
17 watercraft is claimed by the owner or any other person legally  
18 entitled to possession thereof or until it is disposed of as  
19 provided in this Article.

20           (Source: P.A. 84-646.)

21           (625 ILCS 45/3C-5) (from Ch. 95 1/2, par. 313C-5)

22           Sec. 3C-5. Record searches. When a law enforcement agency  
23 authorizing the impounding of a watercraft does not know the  
24 identity of the registered owner, lienholder or other legally  
25 entitled person, that law enforcement agency will cause the

1 watercraft registration records of the State of Illinois to be  
2 searched by the Department of Natural Resources for the  
3 purpose of obtaining the required ownership information. The  
4 law enforcement agency authorizing the impounding of a  
5 watercraft will cause the stolen watercraft files of the  
6 Illinois State Police to be searched by a directed  
7 communication to the Illinois State Police for stolen or  
8 wanted information on the watercraft. When the Illinois State  
9 Police files are searched with negative results, the  
10 information contained in the National Crime Information Center  
11 (NCIC) files will be searched by the Illinois State Police.  
12 The information determined from these record searches will be  
13 returned to the requesting law enforcement agency for that  
14 agency's use in sending a notification by certified mail to  
15 the registered owner, lienholder and other legally entitled  
16 persons advising where the watercraft is held, requesting that  
17 a disposition be made and setting forth public sale  
18 information. Notification shall be sent no later than 10 days  
19 after the date the law enforcement agency impounds or  
20 authorizes the impounding of a watercraft, provided that if  
21 the law enforcement agency is unable to determine the identity  
22 of the registered owner, lienholder or other person legally  
23 entitled to ownership of the impounded watercraft within a 10  
24 day period after impoundment, then notification shall be sent  
25 no later than 2 days after the date the identity of the  
26 registered owner, lienholder or other person legally entitled

1 to ownership of the impounded watercraft is determined.  
2 Exceptions to a notification by certified mail to the  
3 registered owner, lienholder and other legally entitled  
4 persons are set forth in Section 3C-9.

5 (Source: P.A. 89-445, eff. 2-7-96.)

6 (625 ILCS 45/3C-9) (from Ch. 95 1/2, par. 313C-9)

7 Sec. 3C-9. Disposal of unclaimed watercraft without  
8 notice.

9 (a) When the identity of the registered owner, lienholder  
10 and other person legally entitled to the possession of an  
11 abandoned, lost or unclaimed watercraft of 7 years of age or  
12 newer cannot be determined by any means provided for in this  
13 Article, the watercraft may be sold as provided in Section  
14 3C-8 without notice to any person whose identity cannot be  
15 determined.

16 (b) When an abandoned watercraft of more than 7 years of  
17 age is impounded as specified by this Article, it will be kept  
18 in custody for a minimum of 10 days for the purpose of  
19 determining the identity of the registered owner and  
20 lienholder, contacting the registered owner and lienholder for  
21 a determination of disposition, and an examination of the  
22 Illinois State Police stolen watercraft files for the theft  
23 and wanted information. At the expiration of the 10 day  
24 period, if disposition information has not been received from  
25 the registered owner or the lienholder, the law enforcement

1 agency having jurisdiction will authorize the disposal of the  
2 watercraft as junk.

3 However, if, in the opinion of the police officer  
4 processing the watercraft, it has a value of \$200 or more and  
5 can be restored to safe operating condition, the law  
6 enforcement agency may authorize its purchase for salvage and  
7 the Department of Natural Resources may issue a certificate of  
8 title. A watercraft classified as a historical watercraft may  
9 be sold to a person desiring to restore it.

10 (Source: P.A. 89-445, eff. 2-7-96.)

11 (625 ILCS 45/5-16b) (from Ch. 95 1/2, par. 315-11b)

12 Sec. 5-16b. Preliminary breath screening test. If a law  
13 enforcement officer has reasonable suspicion to believe that a  
14 person is violating or has violated Section 5-16 or a similar  
15 provision of a local ordinance, the officer, prior to an  
16 arrest, may request the person to provide a sample of his or  
17 her breath for a preliminary breath screening test using a  
18 portable device approved by the Illinois ~~Department of~~ State  
19 Police. The results of this preliminary breath screening test  
20 may be used by the law enforcement officer for the purpose of  
21 assisting with the determination of whether to require a  
22 chemical test as authorized under Section 5-16 and the  
23 appropriate type of test to request. Any chemical test  
24 authorized under Section 5-16 may be requested by the officer  
25 regardless of the result of the preliminary breath screening

1 test if probable cause for an arrest exists. The result of a  
2 preliminary breath screening test may be used by the defendant  
3 as evidence in any administrative or court proceeding  
4 involving a violation of Section 5-16.

5 (Source: P.A. 90-215, eff. 1-1-98; 91-828, eff. 1-1-01.)

6 (625 ILCS 45/5-16c)

7 Sec. 5-16c. Operator involvement in personal injury or  
8 fatal boating accident; chemical tests.

9 (a) Any person who operates or is in actual physical  
10 control of a motorboat within this State and who has been  
11 involved in a personal injury or fatal boating accident shall  
12 be deemed to have given consent to a breath test using a  
13 portable device as approved by the Illinois Department ~~of~~  
14 State Police or to a chemical test or tests of blood, breath,  
15 other bodily substance, or urine for the purpose of  
16 determining the content of alcohol, other drug or drugs, or  
17 intoxicating compound or compounds of the person's blood if  
18 arrested as evidenced by the issuance of a uniform citation  
19 for a violation of the Boat Registration and Safety Act or a  
20 similar provision of a local ordinance, with the exception of  
21 equipment violations contained in Article IV of this Act or  
22 similar provisions of local ordinances. The test or tests  
23 shall be administered at the direction of the arresting  
24 officer. The law enforcement agency employing the officer  
25 shall designate which of the aforesaid tests shall be

1 administered. Up to 2 additional tests of urine or other  
2 bodily substance may be administered even after a blood or  
3 breath test or both has been administered. Compliance with  
4 this Section does not relieve the person from the requirements  
5 of any other Section of this Act.

6 (b) Any person who is dead, unconscious, or who is  
7 otherwise in a condition rendering that person incapable of  
8 refusal shall be deemed not to have withdrawn the consent  
9 provided by subsection (a) of this Section. In addition, if an  
10 operator of a motorboat is receiving medical treatment as a  
11 result of a boating accident, any physician licensed to  
12 practice medicine, licensed physician assistant, licensed  
13 advanced practice registered nurse, registered nurse, or a  
14 phlebotomist acting under the direction of a licensed  
15 physician shall withdraw blood for testing purposes to  
16 ascertain the presence of alcohol, other drug or drugs, or  
17 intoxicating compound or compounds, upon the specific request  
18 of a law enforcement officer. However, this testing shall not  
19 be performed until, in the opinion of the medical personnel on  
20 scene, the withdrawal can be made without interfering with or  
21 endangering the well-being of the patient.

22 (c) A person who is a CDL holder requested to submit to a  
23 test under subsection (a) of this Section shall be warned by  
24 the law enforcement officer requesting the test that a refusal  
25 to submit to the test, or submission to the test resulting in  
26 an alcohol concentration of 0.08 or more, or any amount of a

1 drug, substance, or intoxicating compound resulting from the  
2 unlawful use or consumption of cannabis listed in the Cannabis  
3 Control Act, a controlled substance listed in the Illinois  
4 Controlled Substances Act, an intoxicating compound listed in  
5 the Use of Intoxicating Compounds Act, or methamphetamine as  
6 listed in the Methamphetamine Control and Community Protection  
7 Act as detected in the person's blood, other bodily substance,  
8 or urine, may result in the suspension of the person's  
9 privilege to operate a motor vehicle and may result in the  
10 disqualification of the person's privilege to operate a  
11 commercial motor vehicle, as provided in Section 6-514 of the  
12 Illinois Vehicle Code. A person who is not a CDL holder  
13 requested to submit to a test under subsection (a) of this  
14 Section shall be warned by the law enforcement officer  
15 requesting the test that a refusal to submit to the test, or  
16 submission to the test resulting in an alcohol concentration  
17 of 0.08 or more, a tetrahydrocannabinol concentration in the  
18 person's whole blood or other bodily substance as defined in  
19 paragraph 6 of subsection (a) of Section 11-501.2 of the  
20 Illinois Vehicle Code, or any amount of a drug, substance, or  
21 intoxicating compound resulting from the unlawful use or  
22 consumption of a controlled substance listed in the Illinois  
23 Controlled Substances Act, an intoxicating compound listed in  
24 the Use of Intoxicating Compounds Act, or methamphetamine as  
25 listed in the Methamphetamine Control and Community Protection  
26 Act as detected in the person's blood, other bodily substance,



1 or urine, may result in the suspension of the person's  
2 privilege to operate a motor vehicle. The length of the  
3 suspension shall be the same as outlined in Section 6-208.1 of  
4 the Illinois Vehicle Code regarding statutory summary  
5 suspensions.

6 (d) If the person is a CDL holder and refuses testing or  
7 submits to a test which discloses an alcohol concentration of  
8 0.08 or more, or any amount of a drug, substance, or  
9 intoxicating compound in the person's blood, other bodily  
10 substance, or urine resulting from the unlawful use or  
11 consumption of cannabis listed in the Cannabis Control Act, a  
12 controlled substance listed in the Illinois Controlled  
13 Substances Act, an intoxicating compound listed in the Use of  
14 Intoxicating Compounds Act, or methamphetamine as listed in  
15 the Methamphetamine Control and Community Protection Act, the  
16 law enforcement officer shall immediately submit a sworn  
17 report to the Secretary of State on a form prescribed by the  
18 Secretary of State, certifying that the test or tests were  
19 requested under subsection (a) of this Section and the person  
20 refused to submit to a test or tests or submitted to testing  
21 which disclosed an alcohol concentration of 0.08 or more, or  
22 any amount of a drug, substance, or intoxicating compound in  
23 the person's blood, other bodily substance, or urine,  
24 resulting from the unlawful use or consumption of cannabis  
25 listed in the Cannabis Control Act, a controlled substance  
26 listed in the Illinois Controlled Substances Act, an

1 intoxicating compound listed in the Use of Intoxicating  
2 Compounds Act, or methamphetamine as listed in the  
3 Methamphetamine Control and Community Protection Act. If the  
4 person is not a CDL holder and refuses testing or submits to a  
5 test which discloses an alcohol concentration of 0.08 or more,  
6 a tetrahydrocannabinol concentration in the person's whole  
7 blood or other bodily substance as defined in paragraph 6 of  
8 subsection (a) of Section 11-501.2 of the Illinois Vehicle  
9 Code, or any amount of a drug, substance, or intoxicating  
10 compound in the person's blood, other bodily substance, or  
11 urine resulting from the unlawful use or consumption of a  
12 controlled substance listed in the Illinois Controlled  
13 Substances Act, an intoxicating compound listed in the Use of  
14 Intoxicating Compounds Act, or methamphetamine as listed in  
15 the Methamphetamine Control and Community Protection Act, the  
16 law enforcement officer shall immediately submit a sworn  
17 report to the Secretary of State on a form prescribed by the  
18 Secretary of State, certifying that the test or tests were  
19 requested under subsection (a) of this Section and the person  
20 refused to submit to a test or tests or submitted to testing  
21 which disclosed an alcohol concentration of 0.08 or more, a  
22 tetrahydrocannabinol concentration in the person's whole blood  
23 or other bodily substance as defined in paragraph 6 of  
24 subsection (a) of Section 11-501.2 of the Illinois Vehicle  
25 Code, or any amount of a drug, substance, or intoxicating  
26 compound in the person's blood or urine, resulting from the

1 unlawful use or consumption of a controlled substance listed  
2 in the Illinois Controlled Substances Act, an intoxicating  
3 compound listed in the Use of Intoxicating Compounds Act, or  
4 methamphetamine as listed in the Methamphetamine Control and  
5 Community Protection Act.

6       Upon receipt of the sworn report of a law enforcement  
7 officer, the Secretary of State shall enter the suspension and  
8 disqualification to the person's driving record and the  
9 suspension and disqualification shall be effective on the 46th  
10 day following the date notice of the suspension was given to  
11 the person.

12       The law enforcement officer submitting the sworn report  
13 shall serve immediate notice of this suspension on the person  
14 and this suspension and disqualification shall be effective on  
15 the 46th day following the date notice was given.

16       In cases involving a person who is a CDL holder where the  
17 blood alcohol concentration of 0.08 or more, or any amount of a  
18 drug, substance, or intoxicating compound resulting from the  
19 unlawful use or consumption of cannabis listed in the Cannabis  
20 Control Act, a controlled substance listed in the Illinois  
21 Controlled Substances Act, an intoxicating compound listed in  
22 the Use of Intoxicating Compounds Act, or methamphetamine as  
23 listed in the Methamphetamine Control and Community Protection  
24 Act, is established by a subsequent analysis of blood, other  
25 bodily substance, or urine collected at the time of arrest,  
26 the arresting officer shall give notice as provided in this

1 Section or by deposit in the United States mail of this notice  
2 in an envelope with postage prepaid and addressed to the  
3 person at his or her address as shown on the uniform citation  
4 and the suspension and disqualification shall be effective on  
5 the 46th day following the date notice was given. In cases  
6 involving a person who is not a CDL holder where the blood  
7 alcohol concentration of 0.08 or more, a tetrahydrocannabinol  
8 concentration in the person's whole blood or other bodily  
9 substance as defined in paragraph 6 of subsection (a) of  
10 Section 11-501.2 of the Illinois Vehicle Code, or any amount  
11 of a drug, substance, or intoxicating compound resulting from  
12 the unlawful use or consumption of a controlled substance  
13 listed in the Illinois Controlled Substances Act, an  
14 intoxicating compound listed in the Use of Intoxicating  
15 Compounds Act, or methamphetamine as listed in the  
16 Methamphetamine Control and Community Protection Act, is  
17 established by a subsequent analysis of blood, other bodily  
18 substance, or urine collected at the time of arrest, the  
19 arresting officer shall give notice as provided in this  
20 Section or by deposit in the United States mail of this notice  
21 in an envelope with postage prepaid and addressed to the  
22 person at his or her address as shown on the uniform citation  
23 and the suspension shall be effective on the 46th day  
24 following the date notice was given.

25 Upon receipt of the sworn report of a law enforcement  
26 officer, the Secretary of State shall also give notice of the

1 suspension and disqualification to the person by mailing a  
2 notice of the effective date of the suspension and  
3 disqualification to the person. However, should the sworn  
4 report be defective by not containing sufficient information  
5 or be completed in error, the notice of the suspension and  
6 disqualification shall not be mailed to the person or entered  
7 to the driving record, but rather the sworn report shall be  
8 returned to the issuing law enforcement agency.

9 (e) A person may contest this suspension of his or her  
10 driving privileges and disqualification of his or her CDL  
11 privileges by requesting an administrative hearing with the  
12 Secretary of State in accordance with Section 2-118 of the  
13 Illinois Vehicle Code. At the conclusion of a hearing held  
14 under Section 2-118 of the Illinois Vehicle Code, the  
15 Secretary of State may rescind, continue, or modify the orders  
16 of suspension and disqualification. If the Secretary of State  
17 does not rescind the orders of suspension and  
18 disqualification, a restricted driving permit may be granted  
19 by the Secretary of State upon application being made and good  
20 cause shown. A restricted driving permit may be granted to  
21 relieve undue hardship to allow driving for employment,  
22 educational, and medical purposes as outlined in Section 6-206  
23 of the Illinois Vehicle Code. The provisions of Section 6-206  
24 of the Illinois Vehicle Code shall apply. In accordance with  
25 49 C.F.R. 384, the Secretary of State may not issue a  
26 restricted driving permit for the operation of a commercial

1 motor vehicle to a person holding a CDL whose driving  
2 privileges have been suspended, revoked, cancelled, or  
3 disqualified.

4 (f) For the purposes of this Section, a personal injury  
5 shall include any type A injury as indicated on the accident  
6 report completed by a law enforcement officer that requires  
7 immediate professional attention in a doctor's office or a  
8 medical facility. A type A injury shall include severely  
9 bleeding wounds, distorted extremities, and injuries that  
10 require the injured party to be carried from the scene.

11 (Source: P.A. 99-697, eff. 7-29-16; 100-513, eff. 1-1-18.)

12 (625 ILCS 45/5-22)

13 Sec. 5-22. Operation of watercraft upon the approach of an  
14 authorized emergency watercraft.

15 (a) As used in this Section, "authorized emergency  
16 watercraft" includes any watercraft operated by the Illinois  
17 Department of Natural Resources Police, the Illinois  
18 ~~Department of State Police~~, a county sheriff, a local law  
19 enforcement agency, a fire department, a provider of emergency  
20 medical services, or the United States Coast Guard, equipped  
21 with alternately flashing red, blue, red and white, red and  
22 blue, or red in combination with white or blue lights, while  
23 engaged in official duties. Any authorized emergency  
24 watercraft must be clearly emblazoned with markings  
25 identifying it as a watercraft operated by the qualifying

1 agency.

2 (b) Upon the immediate approach of an authorized emergency  
3 watercraft making use of rotating or flashing visual signals  
4 and lawfully making use of a visual signal, the operator of  
5 every other watercraft shall yield the right-of-way and shall  
6 immediately reduce the speed of the watercraft, so as not to  
7 create a wake, and shall yield way to the emergency  
8 watercraft, moving to the right to permit the safe passage of  
9 the emergency watercraft, and shall stop and remain in that  
10 position until the authorized emergency watercraft has passed,  
11 unless otherwise directed by a police officer.

12 (c) Upon approaching a stationary authorized emergency  
13 watercraft, when the authorized emergency watercraft is giving  
14 a signal by displaying rotating or alternately flashing red,  
15 blue, red and white, red and blue, or red in combination with  
16 white or blue lights, a person operating an approaching  
17 watercraft shall proceed with due caution at no-wake speed and  
18 yield the right-of-way by moving safely away from that  
19 authorized emergency watercraft, proceeding with due caution  
20 at a no-wake speed with due regard to safety and water  
21 conditions, maintaining no-wake speed until sufficiently away  
22 from the emergency watercraft so as not to create a wake that  
23 would otherwise rock or otherwise disturb the authorized  
24 emergency watercraft.

25 (d) This Section shall not operate to relieve the operator  
26 of an authorized emergency watercraft from the duty to operate

1 that watercraft with due regard for the safety of all persons  
2 using the waterway.

3 (e) A person who violates this Section commits a business  
4 offense punishable by a fine of not less than \$100 or more than  
5 \$10,000. It is a factor in aggravation if the person committed  
6 the offense while in violation of Section 5-16 of this Act.

7 (f) If a violation of this Section results in damage to the  
8 property of another person, in addition to any other penalty  
9 imposed, the person's watercraft operating privileges shall be  
10 suspended for a fixed period of not less than 90 days and not  
11 more than one year.

12 (g) If a violation of this Section results in injury to  
13 another person, in addition to any other penalty imposed, the  
14 person's watercraft operating privileges shall be suspended  
15 for a fixed period of not less than 180 days and not more than  
16 2 years.

17 (h) If a violation of subsection (c) of this Section  
18 results in great bodily harm or permanent disability or  
19 disfigurement to, or the death of, another person, in addition  
20 to any other penalty imposed, the person's watercraft  
21 operating privileges shall be suspended for 2 years.

22 (i) The Department of Natural Resources shall, upon  
23 receiving a record of a judgment entered against a person  
24 under this Section:

25 (1) suspend the person's watercraft operating  
26 privileges for the mandatory period; or



1           (2) extend the period of an existing suspension by the  
2           appropriate mandatory period.

3           (Source: P.A. 98-102, eff. 7-22-13.)

4           (625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

5           Sec. 6-1. Collisions, accidents, and casualties; reports.

6           A. The operator of a vessel involved in a collision,  
7           accident, or other casualty, so far as he can without serious  
8           danger to his own vessel, crew, passengers and guests, if any,  
9           shall render to other persons affected by the collision,  
10          accident, or other casualty assistance as may be practicable  
11          and as may be necessary in order to save them from or minimize  
12          any danger caused by the collision, accident, or other  
13          casualty, and also shall give his name, address, and  
14          identification of his vessel to any person injured and to the  
15          owner of any property damaged in the collision, accident, or  
16          other casualty.

17          If the collision, accident, or other casualty has resulted  
18          in the death of or personal injury to any person, failure to  
19          comply with this subsection A is a Class A misdemeanor.

20          A-1. Any person who has failed to stop or to comply with  
21          the requirements of subsection A must, as soon as possible but  
22          in no case later than one hour after the collision, accident,  
23          or other casualty, or, if hospitalized and incapacitated from  
24          reporting at any time during that period, as soon as possible  
25          but in no case later than one hour after being discharged from

1 the hospital, report the date, place, and approximate time of  
2 the collision, accident, or other casualty, the watercraft  
3 operator's name and address, the identification number of the  
4 watercraft, if any, and the names of all other occupants of the  
5 watercraft, at a police station or sheriff's office near the  
6 location where the collision, accident, or other casualty  
7 occurred. A report made as required under this subsection A-1  
8 may not be used, directly or indirectly, as a basis for the  
9 prosecution of any violation of subsection A.

10 As used in this Section, personal injury means any injury  
11 requiring treatment beyond first aid.

12 Any person failing to comply with this subsection A-1 is  
13 guilty of a Class 4 felony if the collision, accident, or other  
14 casualty does not result in the death of any person. Any person  
15 failing to comply with this subsection A-1 when the collision,  
16 accident, or other casualty results in the death of any person  
17 is guilty of a Class 2 felony, for which the person, if  
18 sentenced to a term of imprisonment, shall be sentenced to a  
19 term of not less than 3 years and not more than 14 years.

20 B. In the case of collision, accident, or other casualty  
21 involving a vessel, the operator, if the collision, accident,  
22 or other casualty results in death or injury to a person or  
23 damage to property in excess of \$2000, or there is a complete  
24 loss of the vessel, shall file with the Department a full  
25 description of the collision, accident, or other casualty,  
26 including information as the Department may by regulation

1 require. Reports of the accidents must be filed with the  
2 Department on a Department Accident Report form within 5 days.

3 C. Reports of accidents resulting in personal injury,  
4 where a person sustains an injury requiring medical attention  
5 beyond first aid, must be filed with the Department on a  
6 Department Accident Report form within 5 days. Accidents that  
7 result in loss of life shall be reported to the Department on a  
8 Department form within 48 hours.

9 D. All required accident reports and supplemental reports  
10 are without prejudice to the individual reporting, and are for  
11 the confidential use of the Department, except that the  
12 Department may disclose the identity of a person involved in  
13 an accident when the identity is not otherwise known or when  
14 the person denies his presence at the accident. No report to  
15 the Department may be used as evidence in any trial, civil or  
16 criminal, arising out of an accident, except that the  
17 Department must furnish upon demand of any person who has or  
18 claims to have made a report or upon demand of any court a  
19 certificate showing that a specified accident report has or  
20 has not been made to the Department solely to prove a  
21 compliance or a failure to comply with the requirements that a  
22 report be made to the Department.

23 E. (1) Every coroner or medical examiner shall on or  
24 before the 10th day of each month report in writing to the  
25 Department the circumstances surrounding the death of any  
26 person that has occurred as the result of a boating

1 accident within the examiner's jurisdiction during the  
2 preceding calendar month.

3 (2) Within 6 hours after a death resulting from a  
4 boating accident, but in any case not more than 12 hours  
5 after the occurrence of the boating accident, a blood  
6 specimen of at least 10 cc shall be withdrawn from the body  
7 of the decedent by the coroner or medical examiner or by a  
8 qualified person at the direction of the physician. All  
9 morticians shall obtain a release from the coroner or  
10 medical examiner prior to proceeding with embalming any  
11 body coming under the scope of this Section. The blood so  
12 drawn shall be forwarded to a laboratory approved by the  
13 Illinois Department of State Police for analysis of the  
14 alcoholic content of the blood specimen. The coroner or  
15 medical examiner causing the blood to be withdrawn shall  
16 be notified of the results of each analysis made and shall  
17 forward the results of each analysis to the Department.  
18 The Department shall keep a record of all examinations to  
19 be used for statistical purposes only. The cumulative  
20 results of the examinations, without identifying the  
21 individuals involved, shall be disseminated and made  
22 public by the Department.

23 (Source: P.A. 93-782, eff. 1-1-05; 94-214, eff. 1-1-06.)

24 Section 955. The Public-Private Partnerships for  
25 Transportation Act is amended by changing Section 70 as

1 follows:

2 (630 ILCS 5/70)

3 Sec. 70. Additional powers of transportation agencies with  
4 respect to transportation projects.

5 (a) Each transportation agency may exercise any powers  
6 provided under this Act in participation or cooperation with  
7 any governmental entity and enter into any contracts to  
8 facilitate that participation or cooperation without  
9 compliance with any other statute. Each transportation agency  
10 shall cooperate with each other and with other governmental  
11 entities in carrying out transportation projects under this  
12 Act.

13 (b) Each transportation agency may make and enter into all  
14 contracts and agreements necessary or incidental to the  
15 performance of the transportation agency's duties and the  
16 execution of the transportation agency's powers under this  
17 Act. Except as otherwise required by law, these contracts or  
18 agreements are not subject to any approvals other than the  
19 approval of the transportation agency and may be for any term  
20 of years and contain any terms that are considered reasonable  
21 by the transportation agency.

22 (c) Each transportation agency may pay the costs incurred  
23 under a public-private agreement entered into under this Act  
24 from any funds available to the transportation agency under  
25 this Act or any other statute.

1 (d) A transportation agency or other State agency may not  
2 take any action that would impair a public-private agreement  
3 entered into under this Act.

4 (e) Each transportation agency may enter into an agreement  
5 between and among the contractor, the transportation agency,  
6 and the Illinois ~~Department of~~ State Police concerning the  
7 provision of law enforcement assistance with respect to a  
8 transportation project that is the subject of a public-private  
9 agreement under this Act.

10 (f) Each transportation agency is authorized to enter into  
11 arrangements with the Illinois ~~Department of~~ State Police  
12 related to costs incurred in providing law enforcement  
13 assistance under this Act.

14 (Source: P.A. 97-502, eff. 8-23-11.)

15 Section 965. The Clerks of Courts Act is amended by  
16 changing Section 27.3b-1 as follows:

17 (705 ILCS 105/27.3b-1)

18 Sec. 27.3b-1. Minimum fines; disbursement of fines.

19 (a) Unless otherwise specified by law, the minimum fine  
20 for a conviction or supervision disposition on a minor traffic  
21 offense is \$25 and the minimum fine for a conviction,  
22 supervision disposition, or violation based upon a plea of  
23 guilty or finding of guilt for any other offense is \$75. If the  
24 court finds that the fine would impose an undue burden on the

1 victim, the court may reduce or waive the fine. In this  
2 subsection (a), "victim" shall not be construed to include the  
3 defendant.

4 (b) Unless otherwise specified by law, all fines imposed  
5 on a misdemeanor offense, other than a traffic, conservation,  
6 or driving under the influence offense, or on a felony offense  
7 shall be disbursed within 60 days after receipt by the circuit  
8 clerk to the county treasurer for deposit into the county's  
9 General Fund. Unless otherwise specified by law, all fines  
10 imposed on an ordinance offense or a misdemeanor traffic,  
11 misdemeanor conservation, or misdemeanor driving under the  
12 influence offense shall be disbursed within 60 days after  
13 receipt by the circuit clerk to the treasurer of the unit of  
14 government of the arresting agency. If the arresting agency is  
15 the office of the sheriff, the county treasurer shall deposit  
16 the portion into a fund to support the law enforcement  
17 operations of the office of the sheriff. If the arresting  
18 agency is a State agency, the State Treasurer shall deposit  
19 the portion as follows:

20 (1) if the arresting agency is the Illinois Department  
21 ~~of~~ State Police, into the State Police Law Enforcement  
22 Administration Fund;

23 (2) if the arresting agency is the Department of  
24 Natural Resources, into the Conservation Police Operations  
25 Assistance Fund;

26 (3) if the arresting agency is the Secretary of State,

1 into the Secretary of State Police Services Fund; and  
2 (4) if the arresting agency is the Illinois Commerce  
3 Commission, into the Transportation Regulatory Fund.  
4 (Source: P.A. 100-987, eff. 7-1-19; 101-636, eff. 6-10-20.)

5 Section 970. The Criminal and Traffic Assessment Act is  
6 amended by changing Sections 10-5 and 15-70 as follows:

7 (705 ILCS 135/10-5)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 10-5. Funds.

10 (a) All money collected by the Clerk of the Circuit Court  
11 under Article 15 of this Act shall be remitted as directed in  
12 Article 15 of this Act to the county treasurer, to the State  
13 Treasurer, and to the treasurers of the units of local  
14 government. If an amount payable to any of the treasurers is  
15 less than \$10, the clerk may postpone remitting the money  
16 until \$10 has accrued or by the end of fiscal year. The  
17 treasurers shall deposit the money as indicated in the  
18 schedules, except, in a county with a population of over  
19 3,000,000, money remitted to the county treasurer shall be  
20 subject to appropriation by the county board. Any amount  
21 retained by the Clerk of the Circuit Court in a county with a  
22 population of over 3,000,000 shall be subject to appropriation  
23 by the county board.

24 (b) The county treasurer or the treasurer of the unit of



1 local government may create the funds indicated in paragraphs  
2 (1) through (5), (9), and (16) of subsection (d) of this  
3 Section, if not already in existence. If a county or unit of  
4 local government has not instituted, and does not plan to  
5 institute a program that uses a particular fund, the treasurer  
6 need not create the fund and may instead deposit the money  
7 intended for the fund into the general fund of the county or  
8 unit of local government for use in financing the court  
9 system.

10 (c) If the arresting agency is a State agency, the  
11 arresting agency portion shall be remitted by the clerk of  
12 court to the State Treasurer who shall deposit the portion as  
13 follows:

14 (1) if the arresting agency is the Illinois Department  
15 ~~of~~ State Police, into the State Police Law Enforcement  
16 Administration Fund;

17 (2) if the arresting agency is the Department of  
18 Natural Resources, into the Conservation Police Operations  
19 Assistance Fund;

20 (3) if the arresting agency is the Secretary of State,  
21 into the Secretary of State Police Services Fund; and

22 (4) if the arresting agency is the Illinois Commerce  
23 Commission, into the Transportation Regulatory Fund.

24 (d) Fund descriptions and provisions:

25 (1) The Court Automation Fund is to defray the  
26 expense, borne by the county, of establishing and

1 maintaining automated record keeping systems in the Office  
2 of the Clerk of the Circuit Court. The money shall be  
3 remitted monthly by the clerk to the county treasurer and  
4 identified as funds for the Circuit Court Clerk. The fund  
5 shall be audited by the county auditor, and the board  
6 shall make expenditures from the fund in payment of any  
7 costs related to the automation of court records including  
8 hardware, software, research and development costs, and  
9 personnel costs related to the foregoing, provided that  
10 the expenditure is approved by the clerk of the court and  
11 by the chief judge of the circuit court or his or her  
12 designee.

13 (2) The Document Storage Fund is to defray the  
14 expense, borne by the county, of establishing and  
15 maintaining a document storage system and converting the  
16 records of the circuit court clerk to electronic or  
17 micrographic storage. The money shall be remitted monthly  
18 by the clerk to the county treasurer and identified as  
19 funds for the circuit court clerk. The fund shall be  
20 audited by the county auditor, and the board shall make  
21 expenditure from the fund in payment of any cost related  
22 to the storage of court records, including hardware,  
23 software, research and development costs, and personnel  
24 costs related to the foregoing, provided that the  
25 expenditure is approved by the clerk of the court.

26 (3) The Circuit Clerk Operations and Administration

1 Fund may be used to defray the expenses incurred for  
2 collection and disbursement of the various assessment  
3 schedules. The money shall be remitted monthly by the  
4 clerk to the county treasurer and identified as funds for  
5 the circuit court clerk.

6 (4) The State's Attorney Records Automation Fund is to  
7 defray the expense of establishing and maintaining  
8 automated record keeping systems in the offices of the  
9 State's Attorney. The money shall be remitted monthly by  
10 the clerk to the county treasurer for deposit into the  
11 State's Attorney Records Automation Fund. Expenditures  
12 from this fund may be made by the State's Attorney for  
13 hardware, software, and research and development related  
14 to automated record keeping systems.

15 (5) The Public Defender Records Automation Fund is to  
16 defray the expense of establishing and maintaining  
17 automated record keeping systems in the offices of the  
18 Public Defender. The money shall be remitted monthly by  
19 the clerk to the county treasurer for deposit into the  
20 Public Defender Records Automation Fund. Expenditures from  
21 this fund may be made by the Public Defender for hardware,  
22 software, and research and development related to  
23 automated record keeping systems.

24 (6) The DUI Fund shall be used for enforcement and  
25 prevention of driving while under the influence of  
26 alcohol, other drug or drugs, intoxicating compound or

1 compounds or any combination thereof, as defined by  
2 Section 11-501 of the Illinois Vehicle Code, including,  
3 but not limited to, the purchase of law enforcement  
4 equipment and commodities that will assist in the  
5 prevention of alcohol-related criminal violence throughout  
6 the State; police officer training and education in areas  
7 related to alcohol-related crime, including, but not  
8 limited to, DUI training; and police officer salaries,  
9 including, but not limited to, salaries for hire-back  
10 funding for safety checkpoints, saturation patrols, and  
11 liquor store sting operations. Any moneys shall be used to  
12 purchase law enforcement equipment that will assist in the  
13 prevention of alcohol-related criminal violence throughout  
14 the State. The money shall be remitted monthly by the  
15 clerk to the State or local treasurer for deposit as  
16 provided by law.

17 (7) The Trauma Center Fund shall be distributed as  
18 provided under Section 3.225 of the Emergency Medical  
19 Services (EMS) Systems Act.

20 (8) The Probation and Court Services Fund is to be  
21 expended as described in Section 15.1 of the Probation and  
22 Probation Officers Act.

23 (9) The Circuit Court Clerk Electronic Citation Fund  
24 shall have the Circuit Court Clerk as the custodian, ex  
25 officio, of the Fund and shall be used to perform the  
26 duties required by the office for establishing and

1 maintaining electronic citations. The Fund shall be  
2 audited by the county's auditor.

3 (10) The Drug Treatment Fund is a special fund in the  
4 State treasury. Moneys in the Fund shall be expended as  
5 provided in Section 411.2 of the Illinois Controlled  
6 Substances Act.

7 (11) The Violent Crime Victims Assistance Fund is a  
8 special fund in the State treasury to provide moneys for  
9 the grants to be awarded under the Violent Crime Victims  
10 Assistance Act.

11 (12) The Criminal Justice Information Projects Fund  
12 shall be appropriated to and administered by the Illinois  
13 Criminal Justice Information Authority for distribution to  
14 fund Illinois ~~Department of~~ State Police drug task forces  
15 and Metropolitan Enforcement Groups, for the costs  
16 associated with making grants from the Prescription Pill  
17 and Drug Disposal Fund, for undertaking criminal justice  
18 information projects, and for the operating and other  
19 expenses of the Authority incidental to those criminal  
20 justice information projects. The moneys deposited into  
21 the Criminal Justice Information Projects Fund under  
22 Sections 15-15 and 15-35 of this Act shall be appropriated  
23 to and administered by the Illinois Criminal Justice  
24 Information Authority for distribution to fund Illinois  
25 ~~Department of~~ State Police drug task forces and  
26 Metropolitan Enforcement Groups by dividing the funds

1           equally by the total number of Illinois ~~Department of~~  
2           State Police drug task forces and Illinois Metropolitan  
3           Enforcement Groups.

4           (13) The Sexual Assault Services Fund shall be  
5           appropriated to the Department of Public Health. Upon  
6           appropriation of moneys from the Sexual Assault Services  
7           Fund, the Department of Public Health shall make grants of  
8           these moneys to sexual assault organizations with whom the  
9           Department has contracts for the purpose of providing  
10          community-based services to victims of sexual assault.  
11          Grants are in addition to, and are not substitutes for,  
12          other grants authorized and made by the Department.

13          (14) The County Jail Medical Costs Fund is to help  
14          defray the costs outlined in Section 17 of the County Jail  
15          Act. Moneys in the Fund shall be used solely for  
16          reimbursement to the county of costs for medical expenses  
17          and administration of the Fund.

18          (15) The Prisoner Review Board Vehicle and Equipment  
19          Fund is a special fund in the State treasury. The Prisoner  
20          Review Board shall, subject to appropriation by the  
21          General Assembly and approval by the Secretary, use all  
22          moneys in the Prisoner Review Board Vehicle and Equipment  
23          Fund for the purchase and operation of vehicles and  
24          equipment.

25          (16) In each county in which a Children's Advocacy  
26          Center provides services, a Child Advocacy Center Fund is

1 specifically for the operation and administration of the  
2 Children's Advocacy Center, from which the county board  
3 shall make grants to support the activities and services  
4 of the Children's Advocacy Center within that county.

5 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;  
6 101-636, eff. 6-10-20.)

7 (705 ILCS 135/15-70)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 15-70. Conditional assessments. In addition to  
10 payments under one of the Schedule of Assessments 1 through 13  
11 of this Act, the court shall also order payment of any of the  
12 following conditional assessment amounts for each sentenced  
13 violation in the case to which a conditional assessment is  
14 applicable, which shall be collected and remitted by the Clerk  
15 of the Circuit Court as provided in this Section:

16 (1) arson, residential arson, or aggravated arson,  
17 \$500 per conviction to the State Treasurer for deposit  
18 into the Fire Prevention Fund;

19 (2) child pornography under Section 11-20.1 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012, \$500  
21 per conviction, unless more than one agency is responsible  
22 for the arrest in which case the amount shall be remitted  
23 to each unit of government equally:

24 (A) if the arresting agency is an agency of a unit  
25 of local government, \$500 to the treasurer of the unit

1 of local government for deposit into the unit of local  
2 government's General Fund, except that if the Illinois  
3 ~~Department~~ of State Police provides digital or  
4 electronic forensic examination assistance, or both,  
5 to the arresting agency then \$100 to the State  
6 Treasurer for deposit into the State Crime Laboratory  
7 Fund; or

8 (B) if the arresting agency is the Illinois  
9 ~~Department~~ of State Police, \$500 to the State  
10 Treasurer for deposit into the State Crime Laboratory  
11 Fund;

12 (3) crime laboratory drug analysis for a drug-related  
13 offense involving possession or delivery of cannabis or  
14 possession or delivery of a controlled substance as  
15 defined in the Cannabis Control Act, the Illinois  
16 Controlled Substances Act, or the Methamphetamine Control  
17 and Community Protection Act, \$100 reimbursement for  
18 laboratory analysis, as set forth in subsection (f) of  
19 Section 5-9-1.4 of the Unified Code of Corrections;

20 (4) DNA analysis, \$250 on each conviction in which it  
21 was used to the State Treasurer for deposit into the State  
22 Offender DNA Identification System Fund as set forth in  
23 Section 5-4-3 of the Unified Code of Corrections;

24 (5) DUI analysis, \$150 on each sentenced violation in  
25 which it was used as set forth in subsection (f) of Section  
26 5-9-1.9 of the Unified Code of Corrections;



1           (6) drug-related offense involving possession or  
2 delivery of cannabis or possession or delivery of a  
3 controlled substance, other than methamphetamine, as  
4 defined in the Cannabis Control Act or the Illinois  
5 Controlled Substances Act, an amount not less than the  
6 full street value of the cannabis or controlled substance  
7 seized for each conviction to be disbursed as follows:

8           (A) 12.5% of the street value assessment shall be  
9 paid into the Youth Drug Abuse Prevention Fund, to be  
10 used by the Department of Human Services for the  
11 funding of programs and services for drug-abuse  
12 treatment, and prevention and education services;

13           (B) 37.5% to the county in which the charge was  
14 prosecuted, to be deposited into the county General  
15 Fund;

16           (C) 50% to the treasurer of the arresting law  
17 enforcement agency of the municipality or county, or  
18 to the State Treasurer if the arresting agency was a  
19 state agency;

20           (D) if the arrest was made in combination with  
21 multiple law enforcement agencies, the clerk shall  
22 equitably allocate the portion in subparagraph (C) of  
23 this paragraph (6) among the law enforcement agencies  
24 involved in the arrest;

25           (6.5) Kane County or Will County, in felony,  
26 misdemeanor, local or county ordinance, traffic, or

1 conservation cases, up to \$30 as set by the county board  
2 under Section 5-1101.3 of the Counties Code upon the entry  
3 of a judgment of conviction, an order of supervision, or a  
4 sentence of probation without entry of judgment under  
5 Section 10 of the Cannabis Control Act, Section 410 of the  
6 Illinois Controlled Substances Act, Section 70 of the  
7 Methamphetamine Control and Community Protection Act,  
8 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of  
9 the Criminal Code of 1961 or the Criminal Code of 2012,  
10 Section 10-102 of the Illinois Alcoholism and Other Drug  
11 Dependency Act, or Section 10 of the Steroid Control Act;  
12 except in local or county ordinance, traffic, and  
13 conservation cases, if fines are paid in full without a  
14 court appearance, then the assessment shall not be imposed  
15 or collected. Distribution of assessments collected under  
16 this paragraph (6.5) shall be as provided in Section  
17 5-1101.3 of the Counties Code;

18 (7) methamphetamine-related offense involving  
19 possession or delivery of methamphetamine or any salt of  
20 an optical isomer of methamphetamine or possession of a  
21 methamphetamine manufacturing material as set forth in  
22 Section 10 of the Methamphetamine Control and Community  
23 Protection Act with the intent to manufacture a substance  
24 containing methamphetamine or salt of an optical isomer of  
25 methamphetamine, an amount not less than the full street  
26 value of the methamphetamine or salt of an optical isomer

1 of methamphetamine or methamphetamine manufacturing  
2 materials seized for each conviction to be disbursed as  
3 follows:

4 (A) 12.5% of the street value assessment shall be  
5 paid into the Youth Drug Abuse Prevention Fund, to be  
6 used by the Department of Human Services for the  
7 funding of programs and services for drug-abuse  
8 treatment, and prevention and education services;

9 (B) 37.5% to the county in which the charge was  
10 prosecuted, to be deposited into the county General  
11 Fund;

12 (C) 50% to the treasurer of the arresting law  
13 enforcement agency of the municipality or county, or  
14 to the State Treasurer if the arresting agency was a  
15 state agency;

16 (D) if the arrest was made in combination with  
17 multiple law enforcement agencies, the clerk shall  
18 equitably allocate the portion in subparagraph (C) of  
19 this paragraph (6) among the law enforcement agencies  
20 involved in the arrest;

21 (8) order of protection violation under Section 12-3.4  
22 of the Criminal Code of 2012, \$200 for each conviction to  
23 the county treasurer for deposit into the Probation and  
24 Court Services Fund for implementation of a domestic  
25 violence surveillance program and any other assessments or  
26 fees imposed under Section 5-9-1.16 of the Unified Code of

1 Corrections;

2 (9) order of protection violation, \$25 for each  
3 violation to the State Treasurer, for deposit into the  
4 Domestic Violence Abuser Services Fund;

5 (10) prosecution by the State's Attorney of a:

6 (A) petty or business offense, \$4 to the county  
7 treasurer of which \$2 deposited into the State's  
8 Attorney Records Automation Fund and \$2 into the  
9 Public Defender Records Automation Fund;

10 (B) conservation or traffic offense, \$2 to the  
11 county treasurer for deposit into the State's Attorney  
12 Records Automation Fund;

13 (11) speeding in a construction zone violation, \$250  
14 to the State Treasurer for deposit into the Transportation  
15 Safety Highway Hire-back Fund, unless (i) the violation  
16 occurred on a highway other than an interstate highway and  
17 (ii) a county police officer wrote the ticket for the  
18 violation, in which case to the county treasurer for  
19 deposit into that county's Transportation Safety Highway  
20 Hire-back Fund;

21 (12) supervision disposition on an offense under the  
22 Illinois Vehicle Code or similar provision of a local  
23 ordinance, 50 cents, unless waived by the court, into the  
24 Prisoner Review Board Vehicle and Equipment Fund;

25 (13) victim and offender are family or household  
26 members as defined in Section 103 of the Illinois Domestic

1 Violence Act of 1986 and offender pleads guilty or no  
2 contest to or is convicted of murder, voluntary  
3 manslaughter, involuntary manslaughter, burglary,  
4 residential burglary, criminal trespass to residence,  
5 criminal trespass to vehicle, criminal trespass to land,  
6 criminal damage to property, telephone harassment,  
7 kidnapping, aggravated kidnaping, unlawful restraint,  
8 forcible detention, child abduction, indecent solicitation  
9 of a child, sexual relations between siblings,  
10 exploitation of a child, child pornography, assault,  
11 aggravated assault, battery, aggravated battery, heinous  
12 battery, aggravated battery of a child, domestic battery,  
13 reckless conduct, intimidation, criminal sexual assault,  
14 predatory criminal sexual assault of a child, aggravated  
15 criminal sexual assault, criminal sexual abuse, aggravated  
16 criminal sexual abuse, violation of an order of  
17 protection, disorderly conduct, endangering the life or  
18 health of a child, child abandonment, contributing to  
19 dependency or neglect of child, or cruelty to children and  
20 others, \$200 for each sentenced violation to the State  
21 Treasurer for deposit as follows: (i) for sexual assault,  
22 as defined in Section 5-9-1.7 of the Unified Code of  
23 Corrections, when the offender and victim are family  
24 members, one-half to the Domestic Violence Shelter and  
25 Service Fund, and one-half to the Sexual Assault Services  
26 Fund; (ii) for the remaining offenses to the Domestic

1 Violence Shelter and Service Fund;

2 (14) violation of Section 11-501 of the Illinois  
3 Vehicle Code, Section 5-7 of the Snowmobile Registration  
4 and Safety Act, Section 5-16 of the Boat Registration and  
5 Safety Act, or a similar provision, whose operation of a  
6 motor vehicle, snowmobile, or watercraft while in  
7 violation of Section 11-501, Section 5-7 of the Snowmobile  
8 Registration and Safety Act, Section 5-16 of the Boat  
9 Registration and Safety Act, or a similar provision  
10 proximately caused an incident resulting in an appropriate  
11 emergency response, \$1,000 maximum to the public agency  
12 that provided an emergency response related to the  
13 person's violation, and if more than one agency responded,  
14 the amount payable to public agencies shall be shared  
15 equally;

16 (15) violation of Section 401, 407, or 407.2 of the  
17 Illinois Controlled Substances Act that proximately caused  
18 any incident resulting in an appropriate drug-related  
19 emergency response, \$1,000 as reimbursement for the  
20 emergency response to the law enforcement agency that made  
21 the arrest, and if more than one agency is responsible for  
22 the arrest, the amount payable to law enforcement agencies  
23 shall be shared equally;

24 (16) violation of reckless driving, aggravated  
25 reckless driving, or driving 26 miles per hour or more in  
26 excess of the speed limit that triggered an emergency

1 response, \$1,000 maximum reimbursement for the emergency  
2 response to be distributed in its entirety to a public  
3 agency that provided an emergency response related to the  
4 person's violation, and if more than one agency responded,  
5 the amount payable to public agencies shall be shared  
6 equally;

7 (17) violation based upon each plea of guilty,  
8 stipulation of facts, or finding of guilt resulting in a  
9 judgment of conviction or order of supervision for an  
10 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of  
11 the Criminal Code of 2012 that results in the imposition  
12 of a fine, to be distributed as follows:

13 (A) \$50 to the county treasurer for deposit into  
14 the Circuit Court Clerk Operation and Administrative  
15 Fund to cover the costs in administering this  
16 paragraph (17);

17 (B) \$300 to the State Treasurer who shall deposit  
18 the portion as follows:

19 (i) if the arresting or investigating agency  
20 is the Illinois ~~Department of~~ State Police, into  
21 the State Police Law Enforcement Administration  
22 Fund;

23 (ii) if the arresting or investigating agency  
24 is the Department of Natural Resources, into the  
25 Conservation Police Operations Assistance Fund;

26 (iii) if the arresting or investigating agency

1 is the Secretary of State, into the Secretary of  
2 State Police Services Fund;

3 (iv) if the arresting or investigating agency  
4 is the Illinois Commerce Commission, into the  
5 Transportation Regulatory Fund; or

6 (v) if more than one of the State agencies in  
7 this subparagraph (B) is the arresting or  
8 investigating agency, then equal shares with the  
9 shares deposited as provided in the applicable  
10 items (i) through (iv) of this subparagraph (B);  
11 and

12 (C) the remainder for deposit into the Specialized  
13 Services for Survivors of Human Trafficking Fund;

14 (18) weapons violation under Section 24-1.1, 24-1.2,  
15 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012, \$100 for each conviction to the State Treasurer  
17 for deposit into the Trauma Center Fund; and

18 (19) violation of subsection (c) of Section 11-907 of  
19 the Illinois Vehicle Code, \$250 to the State Treasurer for  
20 deposit into the Scott's Law Fund, unless a county or  
21 municipal police officer wrote the ticket for the  
22 violation, in which case to the county treasurer for  
23 deposit into that county's or municipality's  
24 Transportation Safety Highway Hire-back Fund to be used as  
25 provided in subsection (j) of Section 11-907 of the  
26 Illinois Vehicle Code.



1 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;  
2 101-173, eff. 1-1-20; 101-636, eff. 6-10-20.)

3 Section 975. The Juvenile Court Act of 1987 is amended by  
4 changing Sections 1-3, 1-7, 1-8, 2-21, 2-25, 3-26, 4-23,  
5 5-105, 5-301, 5-305, 5-730, 5-901, and 5-915 as follows:

6 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

7 Sec. 1-3. Definitions. Terms used in this Act, unless the  
8 context otherwise requires, have the following meanings  
9 ascribed to them:

10 (1) "Adjudicatory hearing" means a hearing to determine  
11 whether the allegations of a petition under Section 2-13, 3-15  
12 or 4-12 that a minor under 18 years of age is abused, neglected  
13 or dependent, or requires authoritative intervention, or  
14 addicted, respectively, are supported by a preponderance of  
15 the evidence or whether the allegations of a petition under  
16 Section 5-520 that a minor is delinquent are proved beyond a  
17 reasonable doubt.

18 (2) "Adult" means a person 21 years of age or older.

19 (3) "Agency" means a public or private child care facility  
20 legally authorized or licensed by this State for placement or  
21 institutional care or for both placement and institutional  
22 care.

23 (4) "Association" means any organization, public or  
24 private, engaged in welfare functions which include services

1 to or on behalf of children but does not include "agency" as  
2 herein defined.

3 (4.05) Whenever a "best interest" determination is  
4 required, the following factors shall be considered in the  
5 context of the child's age and developmental needs:

6 (a) the physical safety and welfare of the child,  
7 including food, shelter, health, and clothing;

8 (b) the development of the child's identity;

9 (c) the child's background and ties, including  
10 familial, cultural, and religious;

11 (d) the child's sense of attachments, including:

12 (i) where the child actually feels love,  
13 attachment, and a sense of being valued (as opposed to  
14 where adults believe the child should feel such love,  
15 attachment, and a sense of being valued);

16 (ii) the child's sense of security;

17 (iii) the child's sense of familiarity;

18 (iv) continuity of affection for the child;

19 (v) the least disruptive placement alternative for  
20 the child;

21 (e) the child's wishes and long-term goals;

22 (f) the child's community ties, including church,  
23 school, and friends;

24 (g) the child's need for permanence which includes the  
25 child's need for stability and continuity of relationships  
26 with parent figures and with siblings and other relatives;

1 (h) the uniqueness of every family and child;

2 (i) the risks attendant to entering and being in  
3 substitute care; and

4 (j) the preferences of the persons available to care  
5 for the child.

6 (4.1) "Chronic truant" shall have the definition ascribed  
7 to it in Section 26-2a of the School Code.

8 (5) "Court" means the circuit court in a session or  
9 division assigned to hear proceedings under this Act.

10 (6) "Dispositional hearing" means a hearing to determine  
11 whether a minor should be adjudged to be a ward of the court,  
12 and to determine what order of disposition should be made in  
13 respect to a minor adjudged to be a ward of the court.

14 (6.5) "Dissemination" or "disseminate" means to publish,  
15 produce, print, manufacture, distribute, sell, lease, exhibit,  
16 broadcast, display, transmit, or otherwise share information  
17 in any format so as to make the information accessible to  
18 others.

19 (7) "Emancipated minor" means any minor 16 years of age or  
20 over who has been completely or partially emancipated under  
21 the Emancipation of Minors Act or under this Act.

22 (7.03) "Expunge" means to physically destroy the records  
23 and to obliterate the minor's name from any official index,  
24 public record, or electronic database.

25 (7.05) "Foster parent" includes a relative caregiver  
26 selected by the Department of Children and Family Services to

1 provide care for the minor.

2 (8) "Guardianship of the person" of a minor means the duty  
3 and authority to act in the best interests of the minor,  
4 subject to residual parental rights and responsibilities, to  
5 make important decisions in matters having a permanent effect  
6 on the life and development of the minor and to be concerned  
7 with his or her general welfare. It includes but is not  
8 necessarily limited to:

9 (a) the authority to consent to marriage, to  
10 enlistment in the armed forces of the United States, or to  
11 a major medical, psychiatric, and surgical treatment; to  
12 represent the minor in legal actions; and to make other  
13 decisions of substantial legal significance concerning the  
14 minor;

15 (b) the authority and duty of reasonable visitation,  
16 except to the extent that these have been limited in the  
17 best interests of the minor by court order;

18 (c) the rights and responsibilities of legal custody  
19 except where legal custody has been vested in another  
20 person or agency; and

21 (d) the power to consent to the adoption of the minor,  
22 but only if expressly conferred on the guardian in  
23 accordance with Section 2-29, 3-30, or 4-27.

24 (8.1) "Juvenile court record" includes, but is not limited  
25 to:

26 (a) all documents filed in or maintained by the

1 juvenile court pertaining to a specific incident,  
2 proceeding, or individual;

3 (b) all documents relating to a specific incident,  
4 proceeding, or individual made available to or maintained  
5 by probation officers;

6 (c) all documents, video or audio tapes, photographs,  
7 and exhibits admitted into evidence at juvenile court  
8 hearings; or

9 (d) all documents, transcripts, records, reports, or  
10 other evidence prepared by, maintained by, or released by  
11 any municipal, county, or State agency or department, in  
12 any format, if indicating involvement with the juvenile  
13 court relating to a specific incident, proceeding, or  
14 individual.

15 (8.2) "Juvenile law enforcement record" includes records  
16 of arrest, station adjustments, fingerprints, probation  
17 adjustments, the issuance of a notice to appear, or any other  
18 records or documents maintained by any law enforcement agency  
19 relating to a minor suspected of committing an offense, and  
20 records maintained by a law enforcement agency that identifies  
21 a juvenile as a suspect in committing an offense, but does not  
22 include records identifying a juvenile as a victim, witness,  
23 or missing juvenile and any records created, maintained, or  
24 used for purposes of referral to programs relating to  
25 diversion as defined in subsection (6) of Section 5-105.

26 (9) "Legal custody" means the relationship created by an

1 order of court in the best interests of the minor which imposes  
2 on the custodian the responsibility of physical possession of  
3 a minor and the duty to protect, train and discipline him and  
4 to provide him with food, shelter, education and ordinary  
5 medical care, except as these are limited by residual parental  
6 rights and responsibilities and the rights and  
7 responsibilities of the guardian of the person, if any.

8 (9.1) "Mentally capable adult relative" means a person 21  
9 years of age or older who is not suffering from a mental  
10 illness that prevents him or her from providing the care  
11 necessary to safeguard the physical safety and welfare of a  
12 minor who is left in that person's care by the parent or  
13 parents or other person responsible for the minor's welfare.

14 (10) "Minor" means a person under the age of 21 years  
15 subject to this Act.

16 (11) "Parent" means a father or mother of a child and  
17 includes any adoptive parent. It also includes a person (i)  
18 whose parentage is presumed or has been established under the  
19 law of this or another jurisdiction or (ii) who has registered  
20 with the Putative Father Registry in accordance with Section  
21 12.1 of the Adoption Act and whose paternity has not been ruled  
22 out under the law of this or another jurisdiction. It does not  
23 include a parent whose rights in respect to the minor have been  
24 terminated in any manner provided by law. It does not include a  
25 person who has been or could be determined to be a parent under  
26 the Illinois Parentage Act of 1984 or the Illinois Parentage

1 Act of 2015, or similar parentage law in any other state, if  
2 that person has been convicted of or pled nolo contendere to a  
3 crime that resulted in the conception of the child under  
4 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
5 12-14.1, subsection (a) or (b) (but not subsection (c)) of  
6 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
7 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
9 statute in another jurisdiction unless upon motion of any  
10 party, other than the offender, to the juvenile court  
11 proceedings the court finds it is in the child's best interest  
12 to deem the offender a parent for purposes of the juvenile  
13 court proceedings.

14 (11.1) "Permanency goal" means a goal set by the court as  
15 defined in subdivision (2) of Section 2-28.

16 (11.2) "Permanency hearing" means a hearing to set the  
17 permanency goal and to review and determine (i) the  
18 appropriateness of the services contained in the plan and  
19 whether those services have been provided, (ii) whether  
20 reasonable efforts have been made by all the parties to the  
21 service plan to achieve the goal, and (iii) whether the plan  
22 and goal have been achieved.

23 (12) "Petition" means the petition provided for in Section  
24 2-13, 3-15, 4-12 or 5-520, including any supplemental  
25 petitions thereunder in Section 3-15, 4-12 or 5-520.

26 (12.1) "Physically capable adult relative" means a person

1 21 years of age or older who does not have a severe physical  
2 disability or medical condition, or is not suffering from  
3 alcoholism or drug addiction, that prevents him or her from  
4 providing the care necessary to safeguard the physical safety  
5 and welfare of a minor who is left in that person's care by the  
6 parent or parents or other person responsible for the minor's  
7 welfare.

8 (12.2) "Post Permanency Sibling Contact Agreement" has the  
9 meaning ascribed to the term in Section 7.4 of the Children and  
10 Family Services Act.

11 (12.3) "Residential treatment center" means a licensed  
12 setting that provides 24-hour care to children in a group home  
13 or institution, including a facility licensed as a child care  
14 institution under Section 2.06 of the Child Care Act of 1969, a  
15 licensed group home under Section 2.16 of the Child Care Act of  
16 1969, a secure child care facility as defined in paragraph  
17 (18) of this Section, or any similar facility in another  
18 state. "Residential treatment center" does not include a  
19 relative foster home or a licensed foster family home.

20 (13) "Residual parental rights and responsibilities" means  
21 those rights and responsibilities remaining with the parent  
22 after the transfer of legal custody or guardianship of the  
23 person, including, but not necessarily limited to, the right  
24 to reasonable visitation (which may be limited by the court in  
25 the best interests of the minor as provided in subsection  
26 (8) (b) of this Section), the right to consent to adoption, the



1 right to determine the minor's religious affiliation, and the  
2 responsibility for his support.

3 (14) "Shelter" means the temporary care of a minor in  
4 physically unrestricting facilities pending court disposition  
5 or execution of court order for placement.

6 (14.05) "Shelter placement" means a temporary or emergency  
7 placement for a minor, including an emergency foster home  
8 placement.

9 (14.1) "Sibling Contact Support Plan" has the meaning  
10 ascribed to the term in Section 7.4 of the Children and Family  
11 Services Act.

12 (14.2) "Significant event report" means a written document  
13 describing an occurrence or event beyond the customary  
14 operations, routines, or relationships in the Department of  
15 Children of Family Services, a child care facility, or other  
16 entity that is licensed or regulated by the Department of  
17 Children of Family Services or that provides services for the  
18 Department of Children of Family Services under a grant,  
19 contract, or purchase of service agreement; involving children  
20 or youth, employees, foster parents, or relative caregivers;  
21 allegations of abuse or neglect or any other incident raising  
22 a concern about the well-being of a minor under the  
23 jurisdiction of the court under Article II of the Juvenile  
24 Court Act; incidents involving damage to property, allegations  
25 of criminal activity, misconduct, or other occurrences  
26 affecting the operations of the Department of Children of

1 Family Services or a child care facility; any incident that  
2 could have media impact; and unusual incidents as defined by  
3 Department of Children and Family Services rule.

4 (15) "Station adjustment" means the informal handling of  
5 an alleged offender by a juvenile police officer.

6 (16) "Ward of the court" means a minor who is so adjudged  
7 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
8 requisite jurisdictional facts, and thus is subject to the  
9 dispositional powers of the court under this Act.

10 (17) "Juvenile police officer" means a sworn police  
11 officer who has completed a Basic Recruit Training Course, has  
12 been assigned to the position of juvenile police officer by  
13 his or her chief law enforcement officer and has completed the  
14 necessary juvenile officers training as prescribed by the  
15 Illinois Law Enforcement Training Standards Board, or in the  
16 case of a State police officer, juvenile officer training  
17 approved by the Director of the Illinois ~~Department of State~~  
18 Police.

19 (18) "Secure child care facility" means any child care  
20 facility licensed by the Department of Children and Family  
21 Services to provide secure living arrangements for children  
22 under 18 years of age who are subject to placement in  
23 facilities under the Children and Family Services Act and who  
24 are not subject to placement in facilities for whom standards  
25 are established by the Department of Corrections under Section  
26 3-15-2 of the Unified Code of Corrections. "Secure child care

1 facility" also means a facility that is designed and operated  
2 to ensure that all entrances and exits from the facility, a  
3 building, or a distinct part of the building are under the  
4 exclusive control of the staff of the facility, whether or not  
5 the child has the freedom of movement within the perimeter of  
6 the facility, building, or distinct part of the building.

7 (Source: P.A. 99-85, eff. 1-1-16; 100-136, eff. 8-8-17;  
8 100-229, eff. 1-1-18; 100-689, eff. 1-1-19; 100-863, eff.  
9 8-14-18; 100-1162, eff. 12-20-18.)

10 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

11 Sec. 1-7. Confidentiality of juvenile law enforcement and  
12 municipal ordinance violation records.

13 (A) All juvenile law enforcement records which have not  
14 been expunged are confidential and may never be disclosed to  
15 the general public or otherwise made widely available.  
16 Juvenile law enforcement records may be obtained only under  
17 this Section and Section 1-8 and Part 9 of Article V of this  
18 Act, when their use is needed for good cause and with an order  
19 from the juvenile court, as required by those not authorized  
20 to retain them. Inspection, copying, and disclosure of  
21 juvenile law enforcement records maintained by law enforcement  
22 agencies or records of municipal ordinance violations  
23 maintained by any State, local, or municipal agency that  
24 relate to a minor who has been investigated, arrested, or  
25 taken into custody before his or her 18th birthday shall be

1 restricted to the following:

2 (0.05) The minor who is the subject of the juvenile  
3 law enforcement record, his or her parents, guardian, and  
4 counsel.

5 (0.10) Judges of the circuit court and members of the  
6 staff of the court designated by the judge.

7 (0.15) An administrative adjudication hearing officer  
8 or members of the staff designated to assist in the  
9 administrative adjudication process.

10 (1) Any local, State, or federal law enforcement  
11 officers or designated law enforcement staff of any  
12 jurisdiction or agency when necessary for the discharge of  
13 their official duties during the investigation or  
14 prosecution of a crime or relating to a minor who has been  
15 adjudicated delinquent and there has been a previous  
16 finding that the act which constitutes the previous  
17 offense was committed in furtherance of criminal  
18 activities by a criminal street gang, or, when necessary  
19 for the discharge of its official duties in connection  
20 with a particular investigation of the conduct of a law  
21 enforcement officer, an independent agency or its staff  
22 created by ordinance and charged by a unit of local  
23 government with the duty of investigating the conduct of  
24 law enforcement officers. For purposes of this Section,  
25 "criminal street gang" has the meaning ascribed to it in  
26 Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (2) Prosecutors, public defenders, probation officers,  
3 social workers, or other individuals assigned by the court  
4 to conduct a pre-adjudication or pre-disposition  
5 investigation, and individuals responsible for supervising  
6 or providing temporary or permanent care and custody for  
7 minors under the order of the juvenile court, when  
8 essential to performing their responsibilities.

9 (3) Federal, State, or local prosecutors, public  
10 defenders, probation officers, and designated staff:

11 (a) in the course of a trial when institution of  
12 criminal proceedings has been permitted or required  
13 under Section 5-805;

14 (b) when institution of criminal proceedings has  
15 been permitted or required under Section 5-805 and the  
16 minor is the subject of a proceeding to determine the  
17 amount of bail;

18 (c) when criminal proceedings have been permitted  
19 or required under Section 5-805 and the minor is the  
20 subject of a pre-trial investigation, pre-sentence  
21 investigation, fitness hearing, or proceedings on an  
22 application for probation; or

23 (d) in the course of prosecution or administrative  
24 adjudication of a violation of a traffic, boating, or  
25 fish and game law, or a county or municipal ordinance.

26 (4) Adult and Juvenile Prisoner Review Board.

1 (5) Authorized military personnel.

2 (5.5) Employees of the federal government authorized  
3 by law.

4 (6) Persons engaged in bona fide research, with the  
5 permission of the Presiding Judge and the chief executive  
6 of the respective law enforcement agency; provided that  
7 publication of such research results in no disclosure of a  
8 minor's identity and protects the confidentiality of the  
9 minor's record.

10 (7) Department of Children and Family Services child  
11 protection investigators acting in their official  
12 capacity.

13 (8) The appropriate school official only if the agency  
14 or officer believes that there is an imminent threat of  
15 physical harm to students, school personnel, or others who  
16 are present in the school or on school grounds.

17 (A) Inspection and copying shall be limited to  
18 juvenile law enforcement records transmitted to the  
19 appropriate school official or officials whom the  
20 school has determined to have a legitimate educational  
21 or safety interest by a local law enforcement agency  
22 under a reciprocal reporting system established and  
23 maintained between the school district and the local  
24 law enforcement agency under Section 10-20.14 of the  
25 School Code concerning a minor enrolled in a school  
26 within the school district who has been arrested or

1 taken into custody for any of the following offenses:

2 (i) any violation of Article 24 of the  
3 Criminal Code of 1961 or the Criminal Code of  
4 2012;

5 (ii) a violation of the Illinois Controlled  
6 Substances Act;

7 (iii) a violation of the Cannabis Control Act;

8 (iv) a forcible felony as defined in Section  
9 2-8 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012;

11 (v) a violation of the Methamphetamine Control  
12 and Community Protection Act;

13 (vi) a violation of Section 1-2 of the  
14 Harassing and Obscene Communications Act;

15 (vii) a violation of the Hazing Act; or

16 (viii) a violation of Section 12-1, 12-2,  
17 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
18 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
19 Criminal Code of 1961 or the Criminal Code of  
20 2012.

21 The information derived from the juvenile law  
22 enforcement records shall be kept separate from and  
23 shall not become a part of the official school record  
24 of that child and shall not be a public record. The  
25 information shall be used solely by the appropriate  
26 school official or officials whom the school has

1           determined to have a legitimate educational or safety  
2           interest to aid in the proper rehabilitation of the  
3           child and to protect the safety of students and  
4           employees in the school. If the designated law  
5           enforcement and school officials deem it to be in the  
6           best interest of the minor, the student may be  
7           referred to in-school or community-based social  
8           services if those services are available.  
9           "Rehabilitation services" may include interventions by  
10          school support personnel, evaluation for eligibility  
11          for special education, referrals to community-based  
12          agencies such as youth services, behavioral healthcare  
13          service providers, drug and alcohol prevention or  
14          treatment programs, and other interventions as deemed  
15          appropriate for the student.

16                 (B) Any information provided to appropriate school  
17          officials whom the school has determined to have a  
18          legitimate educational or safety interest by local law  
19          enforcement officials about a minor who is the subject  
20          of a current police investigation that is directly  
21          related to school safety shall consist of oral  
22          information only, and not written juvenile law  
23          enforcement records, and shall be used solely by the  
24          appropriate school official or officials to protect  
25          the safety of students and employees in the school and  
26          aid in the proper rehabilitation of the child. The



1 information derived orally from the local law  
2 enforcement officials shall be kept separate from and  
3 shall not become a part of the official school record  
4 of the child and shall not be a public record. This  
5 limitation on the use of information about a minor who  
6 is the subject of a current police investigation shall  
7 in no way limit the use of this information by  
8 prosecutors in pursuing criminal charges arising out  
9 of the information disclosed during a police  
10 investigation of the minor. For purposes of this  
11 paragraph, "investigation" means an official  
12 systematic inquiry by a law enforcement agency into  
13 actual or suspected criminal activity.

14 (9) Mental health professionals on behalf of the  
15 Department of Corrections or the Department of Human  
16 Services or prosecutors who are evaluating, prosecuting,  
17 or investigating a potential or actual petition brought  
18 under the Sexually Violent Persons Commitment Act relating  
19 to a person who is the subject of juvenile law enforcement  
20 records or the respondent to a petition brought under the  
21 Sexually Violent Persons Commitment Act who is the subject  
22 of the juvenile law enforcement records sought. Any  
23 juvenile law enforcement records and any information  
24 obtained from those juvenile law enforcement records under  
25 this paragraph (9) may be used only in sexually violent  
26 persons commitment proceedings.

1           (10) The president of a park district. Inspection and  
2 copying shall be limited to juvenile law enforcement  
3 records transmitted to the president of the park district  
4 by the Illinois ~~Department of~~ State Police under Section  
5 8-23 of the Park District Code or Section 16a-5 of the  
6 Chicago Park District Act concerning a person who is  
7 seeking employment with that park district and who has  
8 been adjudicated a juvenile delinquent for any of the  
9 offenses listed in subsection (c) of Section 8-23 of the  
10 Park District Code or subsection (c) of Section 16a-5 of  
11 the Chicago Park District Act.

12           (11) Persons managing and designated to participate in  
13 a court diversion program as designated in subsection (6)  
14 of Section 5-105.

15           (12) The Public Access Counselor of the Office of the  
16 Attorney General, when reviewing juvenile law enforcement  
17 records under its powers and duties under the Freedom of  
18 Information Act.

19           (13) Collection agencies, contracted or otherwise  
20 engaged by a governmental entity, to collect any debts due  
21 and owing to the governmental entity.

22           (B)(1) Except as provided in paragraph (2), no law  
23 enforcement officer or other person or agency may knowingly  
24 transmit to the Department of Corrections, the Illinois  
25 ~~Department of~~ State Police, or ~~to~~ the Federal Bureau of  
26 Investigation any fingerprint or photograph relating to a

1 minor who has been arrested or taken into custody before his or  
2 her 18th birthday, unless the court in proceedings under this  
3 Act authorizes the transmission or enters an order under  
4 Section 5-805 permitting or requiring the institution of  
5 criminal proceedings.

6 (2) Law enforcement officers or other persons or agencies  
7 shall transmit to the Illinois ~~Department of~~ State Police  
8 copies of fingerprints and descriptions of all minors who have  
9 been arrested or taken into custody before their 18th birthday  
10 for the offense of unlawful use of weapons under Article 24 of  
11 the Criminal Code of 1961 or the Criminal Code of 2012, a Class  
12 X or Class 1 felony, a forcible felony as defined in Section  
13 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
14 or a Class 2 or greater felony under the Cannabis Control Act,  
15 the Illinois Controlled Substances Act, the Methamphetamine  
16 Control and Community Protection Act, or Chapter 4 of the  
17 Illinois Vehicle Code, pursuant to Section 5 of the Criminal  
18 Identification Act. Information reported to the Department  
19 pursuant to this Section may be maintained with records that  
20 the Department files pursuant to Section 2.1 of the Criminal  
21 Identification Act. Nothing in this Act prohibits a law  
22 enforcement agency from fingerprinting a minor taken into  
23 custody or arrested before his or her 18th birthday for an  
24 offense other than those listed in this paragraph (2).

25 (C) The records of law enforcement officers, or of an  
26 independent agency created by ordinance and charged by a unit

1 of local government with the duty of investigating the conduct  
2 of law enforcement officers, concerning all minors under 18  
3 years of age must be maintained separate from the records of  
4 arrests and may not be open to public inspection or their  
5 contents disclosed to the public. For purposes of obtaining  
6 documents under this Section, a civil subpoena is not an order  
7 of the court.

8 (1) In cases where the law enforcement, or independent  
9 agency, records concern a pending juvenile court case, the  
10 party seeking to inspect the records shall provide actual  
11 notice to the attorney or guardian ad litem of the minor  
12 whose records are sought.

13 (2) In cases where the records concern a juvenile  
14 court case that is no longer pending, the party seeking to  
15 inspect the records shall provide actual notice to the  
16 minor or the minor's parent or legal guardian, and the  
17 matter shall be referred to the chief judge presiding over  
18 matters pursuant to this Act.

19 (3) In determining whether the records should be  
20 available for inspection, the court shall consider the  
21 minor's interest in confidentiality and rehabilitation  
22 over the moving party's interest in obtaining the  
23 information. Any records obtained in violation of this  
24 subsection (C) shall not be admissible in any criminal or  
25 civil proceeding, or operate to disqualify a minor from  
26 subsequently holding public office or securing employment,

1 or operate as a forfeiture of any public benefit, right,  
2 privilege, or right to receive any license granted by  
3 public authority.

4 (D) Nothing contained in subsection (C) of this Section  
5 shall prohibit the inspection or disclosure to victims and  
6 witnesses of photographs contained in the records of law  
7 enforcement agencies when the inspection and disclosure is  
8 conducted in the presence of a law enforcement officer for the  
9 purpose of the identification or apprehension of any person  
10 subject to the provisions of this Act or for the investigation  
11 or prosecution of any crime.

12 (E) Law enforcement officers, and personnel of an  
13 independent agency created by ordinance and charged by a unit  
14 of local government with the duty of investigating the conduct  
15 of law enforcement officers, may not disclose the identity of  
16 any minor in releasing information to the general public as to  
17 the arrest, investigation or disposition of any case involving  
18 a minor.

19 (F) Nothing contained in this Section shall prohibit law  
20 enforcement agencies from communicating with each other by  
21 letter, memorandum, teletype, or intelligence alert bulletin  
22 or other means the identity or other relevant information  
23 pertaining to a person under 18 years of age if there are  
24 reasonable grounds to believe that the person poses a real and  
25 present danger to the safety of the public or law enforcement  
26 officers. The information provided under this subsection (F)

1 shall remain confidential and shall not be publicly disclosed,  
2 except as otherwise allowed by law.

3 (G) Nothing in this Section shall prohibit the right of a  
4 Civil Service Commission or appointing authority of any  
5 federal government, state, county or municipality examining  
6 the character and fitness of an applicant for employment with  
7 a law enforcement agency, correctional institution, or fire  
8 department from obtaining and examining the records of any law  
9 enforcement agency relating to any record of the applicant  
10 having been arrested or taken into custody before the  
11 applicant's 18th birthday.

12 (G-5) Information identifying victims and alleged victims  
13 of sex offenses shall not be disclosed or open to the public  
14 under any circumstances. Nothing in this Section shall  
15 prohibit the victim or alleged victim of any sex offense from  
16 voluntarily disclosing his or her own identity.

17 (H) The changes made to this Section by Public Act 98-61  
18 apply to law enforcement records of a minor who has been  
19 arrested or taken into custody on or after January 1, 2014 (the  
20 effective date of Public Act 98-61).

21 (H-5) Nothing in this Section shall require any court or  
22 adjudicative proceeding for traffic, boating, fish and game  
23 law, or municipal and county ordinance violations to be closed  
24 to the public.

25 (I) Willful violation of this Section is a Class C  
26 misdemeanor and each violation is subject to a fine of \$1,000.

1 This subsection (I) shall not apply to the person who is the  
2 subject of the record.

3 (J) A person convicted of violating this Section is liable  
4 for damages in the amount of \$1,000 or actual damages,  
5 whichever is greater.

6 (Source: P.A. 99-298, eff. 8-6-15; 100-285, eff. 1-1-18;  
7 100-720, eff. 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff.  
8 12-20-18.)

9 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

10 Sec. 1-8. Confidentiality and accessibility of juvenile  
11 court records.

12 (A) A juvenile adjudication shall never be considered a  
13 conviction nor shall an adjudicated individual be considered a  
14 criminal. Unless expressly allowed by law, a juvenile  
15 adjudication shall not operate to impose upon the individual  
16 any of the civil disabilities ordinarily imposed by or  
17 resulting from conviction. Unless expressly allowed by law,  
18 adjudications shall not prejudice or disqualify the individual  
19 in any civil service application or appointment, from holding  
20 public office, or from receiving any license granted by public  
21 authority. All juvenile court records which have not been  
22 expunged are sealed and may never be disclosed to the general  
23 public or otherwise made widely available. Sealed juvenile  
24 court records may be obtained only under this Section and  
25 Section 1-7 and Part 9 of Article V of this Act, when their use

1 is needed for good cause and with an order from the juvenile  
2 court. Inspection and copying of juvenile court records  
3 relating to a minor who is the subject of a proceeding under  
4 this Act shall be restricted to the following:

5 (1) The minor who is the subject of record, his or her  
6 parents, guardian, and counsel.

7 (2) Law enforcement officers and law enforcement  
8 agencies when such information is essential to executing  
9 an arrest or search warrant or other compulsory process,  
10 or to conducting an ongoing investigation or relating to a  
11 minor who has been adjudicated delinquent and there has  
12 been a previous finding that the act which constitutes the  
13 previous offense was committed in furtherance of criminal  
14 activities by a criminal street gang.

15 Before July 1, 1994, for the purposes of this Section,  
16 "criminal street gang" means any ongoing organization,  
17 association, or group of 3 or more persons, whether formal  
18 or informal, having as one of its primary activities the  
19 commission of one or more criminal acts and that has a  
20 common name or common identifying sign, symbol or specific  
21 color apparel displayed, and whose members individually or  
22 collectively engage in or have engaged in a pattern of  
23 criminal activity.

24 Beginning July 1, 1994, for purposes of this Section,  
25 "criminal street gang" has the meaning ascribed to it in  
26 Section 10 of the Illinois Streetgang Terrorism Omnibus



1 Prevention Act.

2 (3) Judges, hearing officers, prosecutors, public  
3 defenders, probation officers, social workers, or other  
4 individuals assigned by the court to conduct a  
5 pre-adjudication or pre-disposition investigation, and  
6 individuals responsible for supervising or providing  
7 temporary or permanent care and custody for minors under  
8 the order of the juvenile court when essential to  
9 performing their responsibilities.

10 (4) Judges, federal, State, and local prosecutors,  
11 public defenders, probation officers, and designated  
12 staff:

13 (a) in the course of a trial when institution of  
14 criminal proceedings has been permitted or required  
15 under Section 5-805;

16 (b) when criminal proceedings have been permitted  
17 or required under Section 5-805 and a minor is the  
18 subject of a proceeding to determine the amount of  
19 bail;

20 (c) when criminal proceedings have been permitted  
21 or required under Section 5-805 and a minor is the  
22 subject of a pre-trial investigation, pre-sentence  
23 investigation or fitness hearing, or proceedings on an  
24 application for probation; or

25 (d) when a minor becomes 18 years of age or older,  
26 and is the subject of criminal proceedings, including

1 a hearing to determine the amount of bail, a pre-trial  
2 investigation, a pre-sentence investigation, a fitness  
3 hearing, or proceedings on an application for  
4 probation.

5 (5) Adult and Juvenile Prisoner Review Boards.

6 (6) Authorized military personnel.

7 (6.5) Employees of the federal government authorized  
8 by law.

9 (7) Victims, their subrogees and legal  
10 representatives; however, such persons shall have access  
11 only to the name and address of the minor and information  
12 pertaining to the disposition or alternative adjustment  
13 plan of the juvenile court.

14 (8) Persons engaged in bona fide research, with the  
15 permission of the presiding judge of the juvenile court  
16 and the chief executive of the agency that prepared the  
17 particular records; provided that publication of such  
18 research results in no disclosure of a minor's identity  
19 and protects the confidentiality of the record.

20 (9) The Secretary of State to whom the Clerk of the  
21 Court shall report the disposition of all cases, as  
22 required in Section 6-204 of the Illinois Vehicle Code.  
23 However, information reported relative to these offenses  
24 shall be privileged and available only to the Secretary of  
25 State, courts, and police officers.

26 (10) The administrator of a bonafide substance abuse

1 student assistance program with the permission of the  
2 presiding judge of the juvenile court.

3 (11) Mental health professionals on behalf of the  
4 Department of Corrections or the Department of Human  
5 Services or prosecutors who are evaluating, prosecuting,  
6 or investigating a potential or actual petition brought  
7 under the Sexually Violent Persons Commitment Act relating  
8 to a person who is the subject of juvenile court records or  
9 the respondent to a petition brought under the Sexually  
10 Violent Persons Commitment Act, who is the subject of  
11 juvenile court records sought. Any records and any  
12 information obtained from those records under this  
13 paragraph (11) may be used only in sexually violent  
14 persons commitment proceedings.

15 (12) Collection agencies, contracted or otherwise  
16 engaged by a governmental entity, to collect any debts due  
17 and owing to the governmental entity.

18 (A-1) Findings and exclusions of paternity entered in  
19 proceedings occurring under Article II of this Act shall be  
20 disclosed, in a manner and form approved by the Presiding  
21 Judge of the Juvenile Court, to the Department of Healthcare  
22 and Family Services when necessary to discharge the duties of  
23 the Department of Healthcare and Family Services under Article  
24 X of the Illinois Public Aid Code.

25 (B) A minor who is the victim in a juvenile proceeding  
26 shall be provided the same confidentiality regarding

1 disclosure of identity as the minor who is the subject of  
2 record.

3 (C)(0.1) In cases where the records concern a pending  
4 juvenile court case, the requesting party seeking to inspect  
5 the juvenile court records shall provide actual notice to the  
6 attorney or guardian ad litem of the minor whose records are  
7 sought.

8 (0.2) In cases where the juvenile court records concern a  
9 juvenile court case that is no longer pending, the requesting  
10 party seeking to inspect the juvenile court records shall  
11 provide actual notice to the minor or the minor's parent or  
12 legal guardian, and the matter shall be referred to the chief  
13 judge presiding over matters pursuant to this Act.

14 (0.3) In determining whether juvenile court records should  
15 be made available for inspection and whether inspection should  
16 be limited to certain parts of the file, the court shall  
17 consider the minor's interest in confidentiality and  
18 rehabilitation over the requesting party's interest in  
19 obtaining the information. The State's Attorney, the minor,  
20 and the minor's parents, guardian, and counsel shall at all  
21 times have the right to examine court files and records.

22 (0.4) Any records obtained in violation of this Section  
23 shall not be admissible in any criminal or civil proceeding,  
24 or operate to disqualify a minor from subsequently holding  
25 public office, or operate as a forfeiture of any public  
26 benefit, right, privilege, or right to receive any license

1 granted by public authority.

2 (D) Pending or following any adjudication of delinquency  
3 for any offense defined in Sections 11-1.20 through 11-1.60 or  
4 12-13 through 12-16 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, the victim of any such offense shall  
6 receive the rights set out in Sections 4 and 6 of the Bill of  
7 Rights for Victims and Witnesses of Violent Crime Act; and the  
8 juvenile who is the subject of the adjudication,  
9 notwithstanding any other provision of this Act, shall be  
10 treated as an adult for the purpose of affording such rights to  
11 the victim.

12 (E) Nothing in this Section shall affect the right of a  
13 Civil Service Commission or appointing authority of the  
14 federal government, or any state, county, or municipality  
15 examining the character and fitness of an applicant for  
16 employment with a law enforcement agency, correctional  
17 institution, or fire department to ascertain whether that  
18 applicant was ever adjudicated to be a delinquent minor and,  
19 if so, to examine the records of disposition or evidence which  
20 were made in proceedings under this Act.

21 (F) Following any adjudication of delinquency for a crime  
22 which would be a felony if committed by an adult, or following  
23 any adjudication of delinquency for a violation of Section  
24 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012, the State's Attorney shall ascertain  
26 whether the minor respondent is enrolled in school and, if so,

1 shall provide a copy of the dispositional order to the  
2 principal or chief administrative officer of the school.  
3 Access to the dispositional order shall be limited to the  
4 principal or chief administrative officer of the school and  
5 any guidance counselor designated by him or her.

6 (G) Nothing contained in this Act prevents the sharing or  
7 disclosure of information or records relating or pertaining to  
8 juveniles subject to the provisions of the Serious Habitual  
9 Offender Comprehensive Action Program when that information is  
10 used to assist in the early identification and treatment of  
11 habitual juvenile offenders.

12 (H) When a court hearing a proceeding under Article II of  
13 this Act becomes aware that an earlier proceeding under  
14 Article II had been heard in a different county, that court  
15 shall request, and the court in which the earlier proceedings  
16 were initiated shall transmit, an authenticated copy of the  
17 juvenile court record, including all documents, petitions, and  
18 orders filed and the minute orders, transcript of proceedings,  
19 and docket entries of the court.

20 (I) The Clerk of the Circuit Court shall report to the  
21 Illinois Department of State Police, in the form and manner  
22 required by the Illinois Department of State Police, the final  
23 disposition of each minor who has been arrested or taken into  
24 custody before his or her 18th birthday for those offenses  
25 required to be reported under Section 5 of the Criminal  
26 Identification Act. Information reported to the Department

1 under this Section may be maintained with records that the  
2 Department files under Section 2.1 of the Criminal  
3 Identification Act.

4 (J) The changes made to this Section by Public Act 98-61  
5 apply to juvenile law enforcement records of a minor who has  
6 been arrested or taken into custody on or after January 1, 2014  
7 (the effective date of Public Act 98-61).

8 (K) Willful violation of this Section is a Class C  
9 misdemeanor and each violation is subject to a fine of \$1,000.  
10 This subsection (K) shall not apply to the person who is the  
11 subject of the record.

12 (L) A person convicted of violating this Section is liable  
13 for damages in the amount of \$1,000 or actual damages,  
14 whichever is greater.

15 (Source: P.A. 100-285, eff. 1-1-18; 100-720, eff. 8-3-18;  
16 100-1162, eff. 12-20-18.)

17 (705 ILCS 405/2-21) (from Ch. 37, par. 802-21)

18 Sec. 2-21. Findings and adjudication.

19 (1) The court shall state for the record the manner in  
20 which the parties received service of process and shall note  
21 whether the return or returns of service, postal return  
22 receipt or receipts for notice by certified mail, or  
23 certificate or certificates of publication have been filed in  
24 the court record. The court shall enter any appropriate orders  
25 of default against any parent who has been properly served in

1 any manner and fails to appear.

2 No further service of process as defined in Sections 2-15  
3 and 2-16 is required in any subsequent proceeding for a parent  
4 who was properly served in any manner, except as required by  
5 Supreme Court Rule 11.

6 The caseworker shall testify about the diligent search  
7 conducted for the parent.

8 After hearing the evidence the court shall determine  
9 whether or not the minor is abused, neglected, or dependent.  
10 If it finds that the minor is not such a person, the court  
11 shall order the petition dismissed and the minor discharged.  
12 The court's determination of whether the minor is abused,  
13 neglected, or dependent shall be stated in writing with the  
14 factual basis supporting that determination.

15 If the court finds that the minor is abused, neglected, or  
16 dependent, the court shall then determine and put in writing  
17 the factual basis supporting that determination, and specify,  
18 to the extent possible, the acts or omissions or both of each  
19 parent, guardian, or legal custodian that form the basis of  
20 the court's findings. That finding shall appear in the order  
21 of the court.

22 If the court finds that the child has been abused,  
23 neglected or dependent, the court shall admonish the parents  
24 that they must cooperate with the Department of Children and  
25 Family Services, comply with the terms of the service plan,  
26 and correct the conditions that require the child to be in



1 care, or risk termination of parental rights.

2 If the court determines that a person has inflicted  
3 physical or sexual abuse upon a minor, the court shall report  
4 that determination to the Illinois ~~Department of~~ State Police,  
5 which shall include that information in its report to the  
6 President of the school board for a school district that  
7 requests a criminal history records check of that person, or  
8 the regional superintendent of schools who requests a check of  
9 that person, as required under Section 10-21.9 or 34-18.5 of  
10 the School Code.

11 (2) If, pursuant to subsection (1) of this Section, the  
12 court determines and puts in writing the factual basis  
13 supporting the determination that the minor is either abused  
14 or neglected or dependent, the court shall then set a time not  
15 later than 30 days after the entry of the finding for a  
16 dispositional hearing (unless an earlier date is required  
17 pursuant to Section 2-13.1) to be conducted under Section 2-22  
18 at which hearing the court shall determine whether it is  
19 consistent with the health, safety and best interests of the  
20 minor and the public that he be made a ward of the court. To  
21 assist the court in making this and other determinations at  
22 the dispositional hearing, the court may order that an  
23 investigation be conducted and a dispositional report be  
24 prepared concerning the minor's physical and mental history  
25 and condition, family situation and background, economic  
26 status, education, occupation, history of delinquency or

1 criminality, personal habits, and any other information that  
2 may be helpful to the court. The dispositional hearing may be  
3 continued once for a period not to exceed 30 days if the court  
4 finds that such continuance is necessary to complete the  
5 dispositional report.

6 (3) The time limits of this Section may be waived only by  
7 consent of all parties and approval by the court, as  
8 determined to be consistent with the health, safety and best  
9 interests of the minor.

10 (4) For all cases adjudicated prior to July 1, 1991, for  
11 which no dispositional hearing has been held prior to that  
12 date, a dispositional hearing under Section 2-22 shall be held  
13 within 90 days of July 1, 1991.

14 (5) The court may terminate the parental rights of a  
15 parent at the initial dispositional hearing if all of the  
16 following conditions are met:

17 (i) the original or amended petition contains a  
18 request for termination of parental rights and appointment  
19 of a guardian with power to consent to adoption; and

20 (ii) the court has found by a preponderance of  
21 evidence, introduced or stipulated to at an adjudicatory  
22 hearing, that the child comes under the jurisdiction of  
23 the court as an abused, neglected, or dependent minor  
24 under Section 2-18; and

25 (iii) the court finds, on the basis of clear and  
26 convincing evidence admitted at the adjudicatory hearing

1 that the parent is an unfit person under subdivision D of  
2 Section 1 of the Adoption Act; and

3 (iv) the court determines in accordance with the rules  
4 of evidence for dispositional proceedings, that:

5 (A) it is in the best interest of the minor and  
6 public that the child be made a ward of the court;

7 (A-5) reasonable efforts under subsection (1-1) of  
8 Section 5 of the Children and Family Services Act are  
9 inappropriate or such efforts were made and were  
10 unsuccessful; and

11 (B) termination of parental rights and appointment  
12 of a guardian with power to consent to adoption is in  
13 the best interest of the child pursuant to Section  
14 2-29.

15 (Source: P.A. 93-909, eff. 8-12-04.)

16 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

17 Sec. 2-25. Order of protection.

18 (1) The court may make an order of protection in  
19 assistance of or as a condition of any other order authorized  
20 by this Act. The order of protection shall be based on the  
21 health, safety and best interests of the minor and may set  
22 forth reasonable conditions of behavior to be observed for a  
23 specified period. Such an order may require a person:

24 (a) to stay away from the home or the minor;

25 (b) to permit a parent to visit the minor at stated

1 periods;

2 (c) to abstain from offensive conduct against the  
3 minor, his parent or any person to whom custody of the  
4 minor is awarded;

5 (d) to give proper attention to the care of the home;

6 (e) to cooperate in good faith with an agency to which  
7 custody of a minor is entrusted by the court or with an  
8 agency or association to which the minor is referred by  
9 the court;

10 (f) to prohibit and prevent any contact whatsoever  
11 with the respondent minor by a specified individual or  
12 individuals who are alleged in either a criminal or  
13 juvenile proceeding to have caused injury to a respondent  
14 minor or a sibling of a respondent minor;

15 (g) to refrain from acts of commission or omission  
16 that tend to make the home not a proper place for the  
17 minor;

18 (h) to refrain from contacting the minor and the  
19 foster parents in any manner that is not specified in  
20 writing in the case plan.

21 (2) The court shall enter an order of protection to  
22 prohibit and prevent any contact between a respondent minor or  
23 a sibling of a respondent minor and any person named in a  
24 petition seeking an order of protection who has been convicted  
25 of heinous battery or aggravated battery under subdivision  
26 (a)(2) of Section 12-3.05, aggravated battery of a child or

1 aggravated battery under subdivision (b)(1) of Section  
2 12-3.05, criminal sexual assault, aggravated criminal sexual  
3 assault, predatory criminal sexual assault of a child,  
4 criminal sexual abuse, or aggravated criminal sexual abuse as  
5 described in the Criminal Code of 1961 or the Criminal Code of  
6 2012, or has been convicted of an offense that resulted in the  
7 death of a child, or has violated a previous order of  
8 protection under this Section.

9 (3) When the court issues an order of protection against  
10 any person as provided by this Section, the court shall direct  
11 a copy of such order to the Sheriff of that county. The Sheriff  
12 shall furnish a copy of the order of protection to the Illinois  
13 ~~Department of~~ State Police within 24 hours of receipt, in the  
14 form and manner required by the Department. The Illinois  
15 ~~Department of~~ State Police shall maintain a complete record  
16 and index of such orders of protection and make this data  
17 available to all local law enforcement agencies.

18 (4) After notice and opportunity for hearing afforded to a  
19 person subject to an order of protection, the order may be  
20 modified or extended for a further specified period or both or  
21 may be terminated if the court finds that the health, safety,  
22 and best interests of the minor and the public will be served  
23 thereby.

24 (5) An order of protection may be sought at any time during  
25 the course of any proceeding conducted pursuant to this Act if  
26 such an order is consistent with the health, safety, and best

1 interests of the minor. Any person against whom an order of  
2 protection is sought may retain counsel to represent him at a  
3 hearing, and has rights to be present at the hearing, to be  
4 informed prior to the hearing in writing of the contents of the  
5 petition seeking a protective order and of the date, place and  
6 time of such hearing, and to cross examine witnesses called by  
7 the petitioner and to present witnesses and argument in  
8 opposition to the relief sought in the petition.

9 (6) Diligent efforts shall be made by the petitioner to  
10 serve any person or persons against whom any order of  
11 protection is sought with written notice of the contents of  
12 the petition seeking a protective order and of the date, place  
13 and time at which the hearing on the petition is to be held.  
14 When a protective order is being sought in conjunction with a  
15 temporary custody hearing, if the court finds that the person  
16 against whom the protective order is being sought has been  
17 notified of the hearing or that diligent efforts have been  
18 made to notify such person, the court may conduct a hearing. If  
19 a protective order is sought at any time other than in  
20 conjunction with a temporary custody hearing, the court may  
21 not conduct a hearing on the petition in the absence of the  
22 person against whom the order is sought unless the petitioner  
23 has notified such person by personal service at least 3 days  
24 before the hearing or has sent written notice by first class  
25 mail to such person's last known address at least 5 days before  
26 the hearing.

1           (7) A person against whom an order of protection is being  
2 sought who is neither a parent, guardian, legal custodian or  
3 responsible relative as described in Section 1-5 is not a  
4 party or respondent as defined in that Section and shall not be  
5 entitled to the rights provided therein. Such person does not  
6 have a right to appointed counsel or to be present at any  
7 hearing other than the hearing in which the order of  
8 protection is being sought or a hearing directly pertaining to  
9 that order. Unless the court orders otherwise, such person  
10 does not have a right to inspect the court file.

11           (8) All protective orders entered under this Section shall  
12 be in writing. Unless the person against whom the order was  
13 obtained was present in court when the order was issued, the  
14 sheriff, other law enforcement official or special process  
15 server shall promptly serve that order upon that person and  
16 file proof of such service, in the manner provided for service  
17 of process in civil proceedings. The person against whom the  
18 protective order was obtained may seek a modification of the  
19 order by filing a written motion to modify the order within 7  
20 days after actual receipt by the person of a copy of the order.  
21 Any modification of the order granted by the court must be  
22 determined to be consistent with the best interests of the  
23 minor.

24           (9) If a petition is filed charging a violation of a  
25 condition contained in the protective order and if the court  
26 determines that this violation is of a critical service

1 necessary to the safety and welfare of the minor, the court may  
2 proceed to findings and an order for temporary custody.

3 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
4 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
5 1-1-13; 97-1150, eff. 1-25-13.)

6 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

7 Sec. 3-26. Order of protection.

8 (1) The court may make an order of protection in  
9 assistance of or as a condition of any other order authorized  
10 by this Act. The order of protection may set forth reasonable  
11 conditions of behavior to be observed for a specified period.  
12 Such an order may require a person:

13 (a) To stay away from the home or the minor;

14 (b) To permit a parent to visit the minor at stated  
15 periods;

16 (c) To abstain from offensive conduct against the  
17 minor, his parent or any person to whom custody of the  
18 minor is awarded;

19 (d) To give proper attention to the care of the home;

20 (e) To cooperate in good faith with an agency to which  
21 custody of a minor is entrusted by the court or with an  
22 agency or association to which the minor is referred by  
23 the court;

24 (f) To prohibit and prevent any contact whatsoever  
25 with the respondent minor by a specified individual or



1 individuals who are alleged in either a criminal or  
2 juvenile proceeding to have caused injury to a respondent  
3 minor or a sibling of a respondent minor;

4 (g) To refrain from acts of commission or omission  
5 that tend to make the home not a proper place for the  
6 minor.

7 (2) The court shall enter an order of protection to  
8 prohibit and prevent any contact between a respondent minor or  
9 a sibling of a respondent minor and any person named in a  
10 petition seeking an order of protection who has been convicted  
11 of heinous battery or aggravated battery under subdivision  
12 (a)(2) of Section 12-3.05, aggravated battery of a child or  
13 aggravated battery under subdivision (b)(1) of Section  
14 12-3.05, criminal sexual assault, aggravated criminal sexual  
15 assault, predatory criminal sexual assault of a child,  
16 criminal sexual abuse, or aggravated criminal sexual abuse as  
17 described in the Criminal Code of 1961 or the Criminal Code of  
18 2012, or has been convicted of an offense that resulted in the  
19 death of a child, or has violated a previous order of  
20 protection under this Section.

21 (3) When the court issues an order of protection against  
22 any person as provided by this Section, the court shall direct  
23 a copy of such order to the Sheriff of that county. The Sheriff  
24 shall furnish a copy of the order of protection to the Illinois  
25 ~~Department of~~ State Police within 24 hours of receipt, in the  
26 form and manner required by the Department. The Illinois

1 ~~Department of~~ State Police shall maintain a complete record  
2 and index of such orders of protection and make this data  
3 available to all local law enforcement agencies.

4 (4) After notice and opportunity for hearing afforded to a  
5 person subject to an order of protection, the order may be  
6 modified or extended for a further specified period or both or  
7 may be terminated if the court finds that the best interests of  
8 the minor and the public will be served thereby.

9 (5) An order of protection may be sought at any time during  
10 the course of any proceeding conducted pursuant to this Act.  
11 Any person against whom an order of protection is sought may  
12 retain counsel to represent him at a hearing, and has rights to  
13 be present at the hearing, to be informed prior to the hearing  
14 in writing of the contents of the petition seeking a  
15 protective order and of the date, place and time of such  
16 hearing, and to cross examine witnesses called by the  
17 petitioner and to present witnesses and argument in opposition  
18 to the relief sought in the petition.

19 (6) Diligent efforts shall be made by the petitioner to  
20 serve any person or persons against whom any order of  
21 protection is sought with written notice of the contents of  
22 the petition seeking a protective order and of the date, place  
23 and time at which the hearing on the petition is to be held.  
24 When a protective order is being sought in conjunction with a  
25 shelter care hearing, if the court finds that the person  
26 against whom the protective order is being sought has been

1 notified of the hearing or that diligent efforts have been  
2 made to notify such person, the court may conduct a hearing. If  
3 a protective order is sought at any time other than in  
4 conjunction with a shelter care hearing, the court may not  
5 conduct a hearing on the petition in the absence of the person  
6 against whom the order is sought unless the petitioner has  
7 notified such person by personal service at least 3 days  
8 before the hearing or has sent written notice by first class  
9 mail to such person's last known address at least 5 days before  
10 the hearing.

11 (7) A person against whom an order of protection is being  
12 sought who is neither a parent, guardian, legal custodian or  
13 responsible relative as described in Section 1-5 is not a  
14 party or respondent as defined in that Section and shall not be  
15 entitled to the rights provided therein. Such person does not  
16 have a right to appointed counsel or to be present at any  
17 hearing other than the hearing in which the order of  
18 protection is being sought or a hearing directly pertaining to  
19 that order. Unless the court orders otherwise, such person  
20 does not have a right to inspect the court file.

21 (8) All protective orders entered under this Section shall  
22 be in writing. Unless the person against whom the order was  
23 obtained was present in court when the order was issued, the  
24 sheriff, other law enforcement official or special process  
25 server shall promptly serve that order upon that person and  
26 file proof of such service, in the manner provided for service

1 of process in civil proceedings. The person against whom the  
2 protective order was obtained may seek a modification of the  
3 order by filing a written motion to modify the order within 7  
4 days after actual receipt by the person of a copy of the order.  
5 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;  
6 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
7 1-1-13; 97-1150, eff. 1-25-13.)

8 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

9 Sec. 4-23. Order of protection.

10 (1) The court may make an order of protection in  
11 assistance of or as a condition of any other order authorized  
12 by this Act. The order of protection may set forth reasonable  
13 conditions of behavior to be observed for a specified period.  
14 Such an order may require a person:

15 (a) To stay away from the home or the minor;

16 (b) To permit a parent to visit the minor at stated  
17 periods;

18 (c) To abstain from offensive conduct against the  
19 minor, his parent or any person to whom custody of the  
20 minor is awarded;

21 (d) To give proper attention to the care of the home;

22 (e) To cooperate in good faith with an agency to which  
23 custody of a minor is entrusted by the court or with an  
24 agency or association to which the minor is referred by  
25 the court;

1           (f) To prohibit and prevent any contact whatsoever  
2           with the respondent minor by a specified individual or  
3           individuals who are alleged in either a criminal or  
4           juvenile proceeding to have caused injury to a respondent  
5           minor or a sibling of a respondent minor;

6           (g) To refrain from acts of commission or omission  
7           that tend to make the home not a proper place for the  
8           minor.

9           (2) The court shall enter an order of protection to  
10          prohibit and prevent any contact between a respondent minor or  
11          a sibling of a respondent minor and any person named in a  
12          petition seeking an order of protection who has been convicted  
13          of heinous battery or aggravated battery under subdivision  
14          (a) (2) of Section 12-3.05, aggravated battery of a child or  
15          aggravated battery under subdivision (b) (1) of Section  
16          12-3.05, criminal sexual assault, aggravated criminal sexual  
17          assault, predatory criminal sexual assault of a child,  
18          criminal sexual abuse, or aggravated criminal sexual abuse as  
19          described in the Criminal Code of 1961 or the Criminal Code of  
20          2012, or has been convicted of an offense that resulted in the  
21          death of a child, or has violated a previous order of  
22          protection under this Section.

23          (3) When the court issues an order of protection against  
24          any person as provided by this Section, the court shall direct  
25          a copy of such order to the Sheriff of that county. The Sheriff  
26          shall furnish a copy of the order of protection to the Illinois

1 ~~Department of~~ State Police within 24 hours of receipt, in the  
2 form and manner required by the Department. The Illinois  
3 ~~Department of~~ State Police shall maintain a complete record  
4 and index of such orders of protection and make this data  
5 available to all local law enforcement agencies.

6 (4) After notice and opportunity for hearing afforded to a  
7 person subject to an order of protection, the order may be  
8 modified or extended for a further specified period or both or  
9 may be terminated if the court finds that the best interests of  
10 the minor and the public will be served thereby.

11 (5) An order of protection may be sought at any time during  
12 the course of any proceeding conducted pursuant to this Act.  
13 Any person against whom an order of protection is sought may  
14 retain counsel to represent him at a hearing, and has rights to  
15 be present at the hearing, to be informed prior to the hearing  
16 in writing of the contents of the petition seeking a  
17 protective order and of the date, place and time of such  
18 hearing, and to cross examine witnesses called by the  
19 petitioner and to present witnesses and argument in opposition  
20 to the relief sought in the petition.

21 (6) Diligent efforts shall be made by the petitioner to  
22 serve any person or persons against whom any order of  
23 protection is sought with written notice of the contents of  
24 the petition seeking a protective order and of the date, place  
25 and time at which the hearing on the petition is to be held.  
26 When a protective order is being sought in conjunction with a

1 shelter care hearing, if the court finds that the person  
2 against whom the protective order is being sought has been  
3 notified of the hearing or that diligent efforts have been  
4 made to notify such person, the court may conduct a hearing. If  
5 a protective order is sought at any time other than in  
6 conjunction with a shelter care hearing, the court may not  
7 conduct a hearing on the petition in the absence of the person  
8 against whom the order is sought unless the petitioner has  
9 notified such person by personal service at least 3 days  
10 before the hearing or has sent written notice by first class  
11 mail to such person's last known address at least 5 days before  
12 the hearing.

13 (7) A person against whom an order of protection is being  
14 sought who is neither a parent, guardian, legal custodian or  
15 responsible relative as described in Section 1-5 is not a  
16 party or respondent as defined in that Section and shall not be  
17 entitled to the rights provided therein. Such person does not  
18 have a right to appointed counsel or to be present at any  
19 hearing other than the hearing in which the order of  
20 protection is being sought or a hearing directly pertaining to  
21 that order. Unless the court orders otherwise, such person  
22 does not have a right to inspect the court file.

23 (8) All protective orders entered under this Section shall  
24 be in writing. Unless the person against whom the order was  
25 obtained was present in court when the order was issued, the  
26 sheriff, other law enforcement official or special process

1 server shall promptly serve that order upon that person and  
2 file proof of such service, in the manner provided for service  
3 of process in civil proceedings. The person against whom the  
4 protective order was obtained may seek a modification of the  
5 order by filing a written motion to modify the order within 7  
6 days after actual receipt by the person of a copy of the order.  
7 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
8 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
9 1-1-13; 97-1150, eff. 1-25-13.)

10 (705 ILCS 405/5-105)

11 Sec. 5-105. Definitions. As used in this Article:

12 (1) "Aftercare release" means the conditional and  
13 revocable release of an adjudicated delinquent juvenile  
14 committed to the Department of Juvenile Justice under the  
15 supervision of the Department of Juvenile Justice.

16 (1.5) "Court" means the circuit court in a session or  
17 division assigned to hear proceedings under this Act, and  
18 includes the term Juvenile Court.

19 (2) "Community service" means uncompensated labor for  
20 a community service agency as hereinafter defined.

21 (2.5) "Community service agency" means a  
22 not-for-profit organization, community organization,  
23 church, charitable organization, individual, public  
24 office, or other public body whose purpose is to enhance  
25 the physical or mental health of a delinquent minor or to



1 rehabilitate the minor, or to improve the environmental  
2 quality or social welfare of the community which agrees to  
3 accept community service from juvenile delinquents and to  
4 report on the progress of the community service to the  
5 State's Attorney pursuant to an agreement or to the court  
6 or to any agency designated by the court or to the  
7 authorized diversion program that has referred the  
8 delinquent minor for community service.

9 (3) "Delinquent minor" means any minor who prior to  
10 his or her 18th birthday has violated or attempted to  
11 violate, regardless of where the act occurred, any  
12 federal, State, county or municipal law or ordinance.

13 (4) "Department" means the Department of Human  
14 Services unless specifically referenced as another  
15 department.

16 (5) "Detention" means the temporary care of a minor  
17 who is alleged to be or has been adjudicated delinquent  
18 and who requires secure custody for the minor's own  
19 protection or the community's protection in a facility  
20 designed to physically restrict the minor's movements,  
21 pending disposition by the court or execution of an order  
22 of the court for placement or commitment. Design features  
23 that physically restrict movement include, but are not  
24 limited to, locked rooms and the secure handcuffing of a  
25 minor to a rail or other stationary object. In addition,  
26 "detention" includes the court ordered care of an alleged

1 or adjudicated delinquent minor who requires secure  
2 custody pursuant to Section 5-125 of this Act.

3 (6) "Diversion" means the referral of a juvenile,  
4 without court intervention, into a program that provides  
5 services designed to educate the juvenile and develop a  
6 productive and responsible approach to living in the  
7 community.

8 (7) "Juvenile detention home" means a public facility  
9 with specially trained staff that conforms to the county  
10 juvenile detention standards adopted by the Department of  
11 Juvenile Justice.

12 (8) "Juvenile justice continuum" means a set of  
13 delinquency prevention programs and services designed for  
14 the purpose of preventing or reducing delinquent acts,  
15 including criminal activity by youth gangs, as well as  
16 intervention, rehabilitation, and prevention services  
17 targeted at minors who have committed delinquent acts, and  
18 minors who have previously been committed to residential  
19 treatment programs for delinquents. The term includes  
20 children-in-need-of-services and  
21 families-in-need-of-services programs; aftercare and  
22 reentry services; substance abuse and mental health  
23 programs; community service programs; community service  
24 work programs; and alternative-dispute resolution programs  
25 serving youth-at-risk of delinquency and their families,  
26 whether offered or delivered by State or local

1 governmental entities, public or private for-profit or  
2 not-for-profit organizations, or religious or charitable  
3 organizations. This term would also encompass any program  
4 or service consistent with the purpose of those programs  
5 and services enumerated in this subsection.

6 (9) "Juvenile police officer" means a sworn police  
7 officer who has completed a Basic Recruit Training Course,  
8 has been assigned to the position of juvenile police  
9 officer by his or her chief law enforcement officer and  
10 has completed the necessary juvenile officers training as  
11 prescribed by the Illinois Law Enforcement Training  
12 Standards Board, or in the case of a State police officer,  
13 juvenile officer training approved by the Director of the  
14 Illinois State Police.

15 (10) "Minor" means a person under the age of 21 years  
16 subject to this Act.

17 (11) "Non-secure custody" means confinement where the  
18 minor is not physically restricted by being placed in a  
19 locked cell or room, by being handcuffed to a rail or other  
20 stationary object, or by other means. Non-secure custody  
21 may include, but is not limited to, electronic monitoring,  
22 foster home placement, home confinement, group home  
23 placement, or physical restriction of movement or activity  
24 solely through facility staff.

25 (12) "Public or community service" means uncompensated  
26 labor for a not-for-profit organization or public body

1       whose purpose is to enhance physical or mental stability  
2       of the offender, environmental quality or the social  
3       welfare and which agrees to accept public or community  
4       service from offenders and to report on the progress of  
5       the offender and the public or community service to the  
6       court or to the authorized diversion program that has  
7       referred the offender for public or community service.  
8       "Public or community service" does not include blood  
9       donation or assignment to labor at a blood bank. For the  
10      purposes of this Act, "blood bank" has the meaning  
11      ascribed to the term in Section 2-124 of the Illinois  
12      Clinical Laboratory and Blood Bank Act.

13           (13) "Sentencing hearing" means a hearing to determine  
14      whether a minor should be adjudged a ward of the court, and  
15      to determine what sentence should be imposed on the minor.  
16      It is the intent of the General Assembly that the term  
17      "sentencing hearing" replace the term "dispositional  
18      hearing" and be synonymous with that definition as it was  
19      used in the Juvenile Court Act of 1987.

20           (14) "Shelter" means the temporary care of a minor in  
21      physically unrestricting facilities pending court  
22      disposition or execution of court order for placement.

23           (15) "Site" means a not-for-profit organization,  
24      public body, church, charitable organization, or  
25      individual agreeing to accept community service from  
26      offenders and to report on the progress of ordered or

1 required public or community service to the court or to  
2 the authorized diversion program that has referred the  
3 offender for public or community service.

4 (16) "Station adjustment" means the informal or formal  
5 handling of an alleged offender by a juvenile police  
6 officer.

7 (17) "Trial" means a hearing to determine whether the  
8 allegations of a petition under Section 5-520 that a minor  
9 is delinquent are proved beyond a reasonable doubt. It is  
10 the intent of the General Assembly that the term "trial"  
11 replace the term "adjudicatory hearing" and be synonymous  
12 with that definition as it was used in the Juvenile Court  
13 Act of 1987.

14 The changes made to this Section by Public Act 98-61 apply  
15 to violations or attempted violations committed on or after  
16 January 1, 2014 (the effective date of Public Act 98-61).

17 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; 98-685,  
18 eff. 1-1-15; 98-756, eff. 7-16-14; 98-824, eff. 1-1-15; 99-78,  
19 eff. 7-20-15.)

20 (705 ILCS 405/5-301)

21 Sec. 5-301. Station adjustments. A minor arrested for any  
22 offense or a violation of a condition of previous station  
23 adjustment may receive a station adjustment for that arrest as  
24 provided herein. In deciding whether to impose a station  
25 adjustment, either informal or formal, a juvenile police

1 officer shall consider the following factors:

2 (A) The seriousness of the alleged offense.

3 (B) The prior history of delinquency of the minor.

4 (C) The age of the minor.

5 (D) The culpability of the minor in committing the  
6 alleged offense.

7 (E) Whether the offense was committed in an aggressive  
8 or premeditated manner.

9 (F) Whether the minor used or possessed a deadly  
10 weapon when committing the alleged offenses.

11 (1) Informal station adjustment.

12 (a) An informal station adjustment is defined as a  
13 procedure when a juvenile police officer determines that  
14 there is probable cause to believe that the minor has  
15 committed an offense.

16 (b) A minor shall receive no more than 3 informal  
17 station adjustments statewide for a misdemeanor offense  
18 within 3 years without prior approval from the State's  
19 Attorney's Office.

20 (c) A minor shall receive no more than 3 informal  
21 station adjustments statewide for a felony offense within  
22 3 years without prior approval from the State's Attorney's  
23 Office.

24 (d) A minor shall receive a combined total of no more  
25 than 5 informal station adjustments statewide during his  
26 or her minority.

1 (e) The juvenile police officer may make reasonable  
2 conditions of an informal station adjustment which may  
3 include but are not limited to:

4 (i) Curfew.

5 (ii) Conditions restricting entry into designated  
6 geographical areas.

7 (iii) No contact with specified persons.

8 (iv) School attendance.

9 (v) Performing up to 25 hours of community service  
10 work.

11 (vi) Community mediation.

12 (vii) Teen court or a peer court.

13 (viii) Restitution limited to 90 days.

14 (f) If the minor refuses or fails to abide by the  
15 conditions of an informal station adjustment, the juvenile  
16 police officer may impose a formal station adjustment or  
17 refer the matter to the State's Attorney's Office.

18 (g) An informal station adjustment does not constitute  
19 an adjudication of delinquency or a criminal conviction.  
20 Beginning January 1, 2000, a record shall be maintained  
21 with the Illinois ~~Department of~~ State Police for informal  
22 station adjustments for offenses that would be a felony if  
23 committed by an adult, and may be maintained if the  
24 offense would be a misdemeanor.

25 (2) Formal station adjustment.

26 (a) A formal station adjustment is defined as a

1 procedure when a juvenile police officer determines that  
2 there is probable cause to believe the minor has committed  
3 an offense and an admission by the minor of involvement in  
4 the offense.

5 (b) The minor and parent, guardian, or legal custodian  
6 must agree in writing to the formal station adjustment and  
7 must be advised of the consequences of violation of any  
8 term of the agreement.

9 (c) The minor and parent, guardian or legal custodian  
10 shall be provided a copy of the signed agreement of the  
11 formal station adjustment. The agreement shall include:

12 (i) The offense which formed the basis of the  
13 formal station adjustment.

14 (ii) An acknowledgment that the terms of the  
15 formal station adjustment and the consequences for  
16 violation have been explained.

17 (iii) An acknowledgment that the formal station  
18 adjustments record may be expunged under Section 5-915  
19 of this Act.

20 (iv) An acknowledgment ~~acknowledgement~~ that the  
21 minor understands that his or her admission of  
22 involvement in the offense may be admitted into  
23 evidence in future court hearings.

24 (v) A statement that all parties understand the  
25 terms and conditions of formal station adjustment and  
26 agree to the formal station adjustment process.



1 (d) Conditions of the formal station adjustment may  
2 include, but are not limited to:

3 (i) The time shall not exceed 120 days.

4 (ii) The minor shall not violate any laws.

5 (iii) The juvenile police officer may require the  
6 minor to comply with additional conditions for the  
7 formal station adjustment which may include but are  
8 not limited to:

9 (a) Attending school.

10 (b) Abiding by a set curfew.

11 (c) Payment of restitution.

12 (d) Refraining from possessing a firearm or  
13 other weapon.

14 (e) Reporting to a police officer at  
15 designated times and places, including reporting  
16 and verification that the minor is at home at  
17 designated hours.

18 (f) Performing up to 25 hours of community  
19 service work.

20 (g) Refraining from entering designated  
21 geographical areas.

22 (h) Participating in community mediation.

23 (i) Participating in teen court or peer court.

24 (j) Refraining from contact with specified  
25 persons.

26 (e) A formal station adjustment does not constitute an

1 adjudication of delinquency or a criminal conviction.  
2 Beginning January 1, 2000, a record shall be maintained  
3 with the Illinois ~~Department of~~ State Police for formal  
4 station adjustments.

5 (f) A minor or the minor's parent, guardian, or legal  
6 custodian, or both the minor and the minor's parent,  
7 guardian, or legal custodian, may refuse a formal station  
8 adjustment and have the matter referred for court action  
9 or other appropriate action.

10 (g) A minor or the minor's parent, guardian, or legal  
11 custodian, or both the minor and the minor's parent,  
12 guardian, or legal custodian, may within 30 days of the  
13 commencement of the formal station adjustment revoke their  
14 consent and have the matter referred for court action or  
15 other appropriate action. This revocation must be in  
16 writing and personally served upon the police officer or  
17 his or her supervisor.

18 (h) The admission of the minor as to involvement in  
19 the offense shall be admissible at further court hearings  
20 as long as the statement would be admissible under the  
21 rules of evidence.

22 (i) If the minor violates any term or condition of the  
23 formal station adjustment the juvenile police officer  
24 shall provide written notice of violation to the minor and  
25 the minor's parent, guardian, or legal custodian. After  
26 consultation with the minor and the minor's parent,

1 guardian, or legal custodian, the juvenile police officer  
2 may take any of the following steps upon violation:

3 (i) Warn the minor of consequences of continued  
4 violations and continue the formal station adjustment.

5 (ii) Extend the period of the formal station  
6 adjustment up to a total of 180 days.

7 (iii) Extend the hours of community service work  
8 up to a total of 40 hours.

9 (iv) Terminate the formal station adjustment  
10 unsatisfactorily and take no other action.

11 (v) Terminate the formal station adjustment  
12 unsatisfactorily and refer the matter to the juvenile  
13 court.

14 (j) A minor shall receive no more than 2 formal  
15 station adjustments statewide for a felony offense without  
16 the State's Attorney's approval within a 3 year period.

17 (k) A minor shall receive no more than 3 formal  
18 station adjustments statewide for a misdemeanor offense  
19 without the State's Attorney's approval within a 3 year  
20 period.

21 (l) The total for formal station adjustments statewide  
22 within the period of minority may not exceed 4 without the  
23 State's Attorney's approval.

24 (m) If the minor is arrested in a jurisdiction where  
25 the minor does not reside, the formal station adjustment  
26 may be transferred to the jurisdiction where the minor

1 does reside upon written agreement of that jurisdiction to  
2 monitor the formal station adjustment.

3 (3) Beginning January 1, 2000, the juvenile police officer  
4 making a station adjustment shall assure that information  
5 about any offense which would constitute a felony if committed  
6 by an adult and may assure that information about a  
7 misdemeanor is transmitted to the Illinois ~~Department of State~~  
8 Police.

9 (4) The total number of station adjustments, both formal  
10 and informal, shall not exceed 9 without the State's  
11 Attorney's approval for any minor arrested anywhere in the  
12 State.

13 (Source: P.A. 99-78, eff. 7-20-15.)

14 (705 ILCS 405/5-305)

15 Sec. 5-305. Probation adjustment.

16 (1) The court may authorize the probation officer to  
17 confer in a preliminary conference with a minor who is alleged  
18 to have committed an offense, his or her parent, guardian or  
19 legal custodian, the victim, the juvenile police officer, the  
20 State's Attorney, and other interested persons concerning the  
21 advisability of filing a petition under Section 5-520, with a  
22 view to adjusting suitable cases without the filing of a  
23 petition as provided for in this Article, the probation  
24 officer should schedule a conference promptly except when the  
25 State's Attorney insists on court action or when the minor has

1 indicated that he or she will demand a judicial hearing and  
2 will not comply with a probation adjustment.

3 (1-b) In any case of a minor who is in custody, the holding  
4 of a probation adjustment conference does not operate to  
5 prolong temporary custody beyond the period permitted by  
6 Section 5-415.

7 (2) This Section does not authorize any probation officer  
8 to compel any person to appear at any conference, produce any  
9 papers, or visit any place.

10 (3) No statement made during a preliminary conference in  
11 regard to the offense that is the subject of the conference may  
12 be admitted into evidence at an adjudicatory hearing or at any  
13 proceeding against the minor under the criminal laws of this  
14 State prior to his or her conviction under those laws.

15 (4) When a probation adjustment is appropriate, the  
16 probation officer shall promptly formulate a written,  
17 non-judicial adjustment plan following the initial conference.

18 (5) Non-judicial probation adjustment plans include but  
19 are not limited to the following:

20 (a) up to 6 months informal supervision within the  
21 family;

22 (b) up to 12 months informal supervision with a  
23 probation officer involved which may include any  
24 conditions of probation provided in Section 5-715;

25 (c) up to 6 months informal supervision with release  
26 to a person other than a parent;

1 (d) referral to special educational, counseling, or  
2 other rehabilitative social or educational programs;

3 (e) referral to residential treatment programs;

4 (f) participation in a public or community service  
5 program or activity; and

6 (g) any other appropriate action with the consent of  
7 the minor and a parent.

8 (6) The factors to be considered by the probation officer  
9 in formulating a non-judicial probation adjustment plan shall  
10 be the same as those limited in subsection (4) of Section  
11 5-405.

12 (7) Beginning January 1, 2000, the probation officer who  
13 imposes a probation adjustment plan shall assure that  
14 information about an offense which would constitute a felony  
15 if committed by an adult, and may assure that information  
16 about a misdemeanor offense, is transmitted to the Illinois  
17 ~~Department of~~ State Police.

18 (8) If the minor fails to comply with any term or condition  
19 of the non-judicial probation adjustment, the matter shall be  
20 referred to the State's Attorney for determination of whether  
21 a petition under this Article shall be filed.

22 (Source: P.A. 98-892, eff. 1-1-15.)

23 (705 ILCS 405/5-730)

24 Sec. 5-730. Order of protection.

25 (1) The court may make an order of protection in

1 assistance of or as a condition of any other order authorized  
2 by this Act. The order of protection may set forth reasonable  
3 conditions of behavior to be observed for a specified period.  
4 The order may require a person:

5 (a) to stay away from the home or the minor;

6 (b) to permit a parent to visit the minor at stated  
7 periods;

8 (c) to abstain from offensive conduct against the  
9 minor, his or her parent or any person to whom custody of  
10 the minor is awarded;

11 (d) to give proper attention to the care of the home;

12 (e) to cooperate in good faith with an agency to which  
13 custody of a minor is entrusted by the court or with an  
14 agency or association to which the minor is referred by  
15 the court;

16 (f) to prohibit and prevent any contact whatsoever  
17 with the respondent minor by a specified individual or  
18 individuals who are alleged in either a criminal or  
19 juvenile proceeding to have caused injury to a respondent  
20 minor or a sibling of a respondent minor;

21 (g) to refrain from acts of commission or omission  
22 that tend to make the home not a proper place for the  
23 minor.

24 (2) The court shall enter an order of protection to  
25 prohibit and prevent any contact between a respondent minor or  
26 a sibling of a respondent minor and any person named in a

1 petition seeking an order of protection who has been convicted  
2 of heinous battery or aggravated battery under subdivision  
3 (a)(2) of Section 12-3.05, aggravated battery of a child or  
4 aggravated battery under subdivision (b)(1) of Section  
5 12-3.05, criminal sexual assault, aggravated criminal sexual  
6 assault, predatory criminal sexual assault of a child,  
7 criminal sexual abuse, or aggravated criminal sexual abuse as  
8 described in the Criminal Code of 1961 or the Criminal Code of  
9 2012, or has been convicted of an offense that resulted in the  
10 death of a child, or has violated a previous order of  
11 protection under this Section.

12 (3) When the court issues an order of protection against  
13 any person as provided by this Section, the court shall direct  
14 a copy of such order to the sheriff of that county. The sheriff  
15 shall furnish a copy of the order of protection to the Illinois  
16 ~~Department of~~ State Police within 24 hours of receipt, in the  
17 form and manner required by the Department. The Illinois  
18 ~~Department of~~ State Police shall maintain a complete record  
19 and index of the orders of protection and make this data  
20 available to all local law enforcement agencies.

21 (4) After notice and opportunity for hearing afforded to a  
22 person subject to an order of protection, the order may be  
23 modified or extended for a further specified period or both or  
24 may be terminated if the court finds that the best interests of  
25 the minor and the public will be served by the modification,  
26 extension, or termination.



1           (5) An order of protection may be sought at any time during  
2 the course of any proceeding conducted under this Act. Any  
3 person against whom an order of protection is sought may  
4 retain counsel to represent him or her at a hearing, and has  
5 rights to be present at the hearing, to be informed prior to  
6 the hearing in writing of the contents of the petition seeking  
7 a protective order and of the date, place, and time of the  
8 hearing, and to cross-examine witnesses called by the  
9 petitioner and to present witnesses and argument in opposition  
10 to the relief sought in the petition.

11           (6) Diligent efforts shall be made by the petitioner to  
12 serve any person or persons against whom any order of  
13 protection is sought with written notice of the contents of  
14 the petition seeking a protective order and of the date, place  
15 and time at which the hearing on the petition is to be held.  
16 When a protective order is being sought in conjunction with a  
17 shelter care or detention hearing, if the court finds that the  
18 person against whom the protective order is being sought has  
19 been notified of the hearing or that diligent efforts have  
20 been made to notify the person, the court may conduct a  
21 hearing. If a protective order is sought at any time other than  
22 in conjunction with a shelter care or detention hearing, the  
23 court may not conduct a hearing on the petition in the absence  
24 of the person against whom the order is sought unless the  
25 petitioner has notified the person by personal service at  
26 least 3 days before the hearing or has sent written notice by

1 first class mail to the person's last known address at least 5  
2 days before the hearing.

3 (7) A person against whom an order of protection is being  
4 sought who is neither a parent, guardian, or legal custodian  
5 or responsible relative as described in Section 1-5 of this  
6 Act or is not a party or respondent as defined in that Section  
7 shall not be entitled to the rights provided in that Section.  
8 The person does not have a right to appointed counsel or to be  
9 present at any hearing other than the hearing in which the  
10 order of protection is being sought or a hearing directly  
11 pertaining to that order. Unless the court orders otherwise,  
12 the person does not have a right to inspect the court file.

13 (8) All protective orders entered under this Section shall  
14 be in writing. Unless the person against whom the order was  
15 obtained was present in court when the order was issued, the  
16 sheriff, other law enforcement official, or special process  
17 server shall promptly serve that order upon that person and  
18 file proof of that service, in the manner provided for service  
19 of process in civil proceedings. The person against whom the  
20 protective order was obtained may seek a modification of the  
21 order by filing a written motion to modify the order within 7  
22 days after actual receipt by the person of a copy of the order.  
23 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
24 96-1551, Article 2, Section 1030, eff. 7-1-11; 97-1109, eff.  
25 1-1-13; 97-1150, eff. 1-25-13.)

1 (705 ILCS 405/5-901)

2 Sec. 5-901. Court file.

3 (1) The Court file with respect to proceedings under this  
4 Article shall consist of the petitions, pleadings, victim  
5 impact statements, process, service of process, orders, writs  
6 and docket entries reflecting hearings held and judgments and  
7 decrees entered by the court. The court file shall be kept  
8 separate from other records of the court.

9 (a) The file, including information identifying the  
10 victim or alleged victim of any sex offense, shall be  
11 disclosed only to the following parties when necessary for  
12 discharge of their official duties:

13 (i) A judge of the circuit court and members of the  
14 staff of the court designated by the judge;

15 (ii) Parties to the proceedings and their  
16 attorneys;

17 (iii) Victims and their attorneys, except in cases  
18 of multiple victims of sex offenses in which case the  
19 information identifying the nonrequesting victims  
20 shall be redacted;

21 (iv) Probation officers, law enforcement officers  
22 or prosecutors or their staff;

23 (v) Adult and juvenile Prisoner Review Boards.

24 (b) The Court file redacted to remove any information  
25 identifying the victim or alleged victim of any sex  
26 offense shall be disclosed only to the following parties

1 when necessary for discharge of their official duties:

2 (i) Authorized military personnel;

3 (ii) Persons engaged in bona fide research, with  
4 the permission of the judge of the juvenile court and  
5 the chief executive of the agency that prepared the  
6 particular recording: provided that publication of  
7 such research results in no disclosure of a minor's  
8 identity and protects the confidentiality of the  
9 record;

10 (iii) The Secretary of State to whom the Clerk of  
11 the Court shall report the disposition of all cases,  
12 as required in Section 6-204 or Section 6-205.1 of the  
13 Illinois Vehicle Code. However, information reported  
14 relative to these offenses shall be privileged and  
15 available only to the Secretary of State, courts, and  
16 police officers;

17 (iv) The administrator of a bonafide substance  
18 abuse student assistance program with the permission  
19 of the presiding judge of the juvenile court;

20 (v) Any individual, or any public or private  
21 agency or institution, having custody of the juvenile  
22 under court order or providing educational, medical or  
23 mental health services to the juvenile or a  
24 court-approved advocate for the juvenile or any  
25 placement provider or potential placement provider as  
26 determined by the court.

1           (3) A minor who is the victim or alleged victim in a  
2 juvenile proceeding shall be provided the same confidentiality  
3 regarding disclosure of identity as the minor who is the  
4 subject of record. Information identifying victims and alleged  
5 victims of sex offenses, shall not be disclosed or open to  
6 public inspection under any circumstances. Nothing in this  
7 Section shall prohibit the victim or alleged victim of any sex  
8 offense from voluntarily disclosing his or her identity.

9           (4) Relevant information, reports and records shall be  
10 made available to the Department of Juvenile Justice when a  
11 juvenile offender has been placed in the custody of the  
12 Department of Juvenile Justice.

13           (5) Except as otherwise provided in this subsection (5),  
14 juvenile court records shall not be made available to the  
15 general public but may be inspected by representatives of  
16 agencies, associations and news media or other properly  
17 interested persons by general or special order of the court.  
18 The State's Attorney, the minor, his or her parents, guardian  
19 and counsel shall at all times have the right to examine court  
20 files and records.

21           (a) The court shall allow the general public to have  
22 access to the name, address, and offense of a minor who is  
23 adjudicated a delinquent minor under this Act under either  
24 of the following circumstances:

25                   (i) The adjudication of delinquency was based upon  
26                   the minor's commission of first degree murder, attempt

1 to commit first degree murder, aggravated criminal  
2 sexual assault, or criminal sexual assault; or

3 (ii) The court has made a finding that the minor  
4 was at least 13 years of age at the time the act was  
5 committed and the adjudication of delinquency was  
6 based upon the minor's commission of: (A) an act in  
7 furtherance of the commission of a felony as a member  
8 of or on behalf of a criminal street gang, (B) an act  
9 involving the use of a firearm in the commission of a  
10 felony, (C) an act that would be a Class X felony  
11 offense under or the minor's second or subsequent  
12 Class 2 or greater felony offense under the Cannabis  
13 Control Act if committed by an adult, (D) an act that  
14 would be a second or subsequent offense under Section  
15 402 of the Illinois Controlled Substances Act if  
16 committed by an adult, (E) an act that would be an  
17 offense under Section 401 of the Illinois Controlled  
18 Substances Act if committed by an adult, or (F) an act  
19 that would be an offense under the Methamphetamine  
20 Control and Community Protection Act if committed by  
21 an adult.

22 (b) The court shall allow the general public to have  
23 access to the name, address, and offense of a minor who is  
24 at least 13 years of age at the time the offense is  
25 committed and who is convicted, in criminal proceedings  
26 permitted or required under Section 5-805, under either of

1 the following circumstances:

2 (i) The minor has been convicted of first degree  
3 murder, attempt to commit first degree murder,  
4 aggravated criminal sexual assault, or criminal sexual  
5 assault,

6 (ii) The court has made a finding that the minor  
7 was at least 13 years of age at the time the offense  
8 was committed and the conviction was based upon the  
9 minor's commission of: (A) an offense in furtherance  
10 of the commission of a felony as a member of or on  
11 behalf of a criminal street gang, (B) an offense  
12 involving the use of a firearm in the commission of a  
13 felony, (C) a Class X felony offense under the  
14 Cannabis Control Act or a second or subsequent Class 2  
15 or greater felony offense under the Cannabis Control  
16 Act, (D) a second or subsequent offense under Section  
17 402 of the Illinois Controlled Substances Act, (E) an  
18 offense under Section 401 of the Illinois Controlled  
19 Substances Act, or (F) an offense under the  
20 Methamphetamine Control and Community Protection Act.

21 (6) Nothing in this Section shall be construed to limit  
22 the use of an ~~a~~ adjudication of delinquency as evidence in any  
23 juvenile or criminal proceeding, where it would otherwise be  
24 admissible under the rules of evidence, including but not  
25 limited to, use as impeachment evidence against any witness,  
26 including the minor if he or she testifies.

1           (7) Nothing in this Section shall affect the right of a  
2 Civil Service Commission or appointing authority examining the  
3 character and fitness of an applicant for a position as a law  
4 enforcement officer to ascertain whether that applicant was  
5 ever adjudicated to be a delinquent minor and, if so, to  
6 examine the records or evidence which were made in proceedings  
7 under this Act.

8           (8) Following any adjudication of delinquency for a crime  
9 which would be a felony if committed by an adult, or following  
10 any adjudication of delinquency for a violation of Section  
11 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, the State's Attorney shall ascertain  
13 whether the minor respondent is enrolled in school and, if so,  
14 shall provide a copy of the sentencing order to the principal  
15 or chief administrative officer of the school. Access to such  
16 juvenile records shall be limited to the principal or chief  
17 administrative officer of the school and any guidance  
18 counselor designated by him or her.

19           (9) Nothing contained in this Act prevents the sharing or  
20 disclosure of information or records relating or pertaining to  
21 juveniles subject to the provisions of the Serious Habitual  
22 Offender Comprehensive Action Program when that information is  
23 used to assist in the early identification and treatment of  
24 habitual juvenile offenders.

25           (11) The Clerk of the Circuit Court shall report to the  
26 Illinois ~~Department of~~ State Police, in the form and manner



1 required by the Illinois ~~Department of~~ State Police, the final  
2 disposition of each minor who has been arrested or taken into  
3 custody before his or her 18th birthday for those offenses  
4 required to be reported under Section 5 of the Criminal  
5 Identification Act. Information reported to the Department  
6 under this Section may be maintained with records that the  
7 Department files under Section 2.1 of the Criminal  
8 Identification Act.

9 (12) Information or records may be disclosed to the  
10 general public when the court is conducting hearings under  
11 Section 5-805 or 5-810.

12 (13) The changes made to this Section by Public Act 98-61  
13 apply to juvenile court records of a minor who has been  
14 arrested or taken into custody on or after January 1, 2014 (the  
15 effective date of Public Act 98-61).

16 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;  
17 98-756, eff. 7-16-14.)

18 (705 ILCS 405/5-915)

19 Sec. 5-915. Expungement of juvenile law enforcement and  
20 juvenile court records.

21 (0.05) (Blank).

22 (0.1) (a) The Illinois ~~Department of~~ State Police and all  
23 law enforcement agencies within the State shall automatically  
24 expunge, on or before January 1 of each year, all juvenile law  
25 enforcement records relating to events occurring before an

1 individual's 18th birthday if:

2 (1) one year or more has elapsed since the date of the  
3 arrest or law enforcement interaction documented in the  
4 records;

5 (2) no petition for delinquency or criminal charges  
6 were filed with the clerk of the circuit court relating to  
7 the arrest or law enforcement interaction documented in  
8 the records; and

9 (3) 6 months have elapsed since the date of the arrest  
10 without an additional subsequent arrest or filing of a  
11 petition for delinquency or criminal charges whether  
12 related or not to the arrest or law enforcement  
13 interaction documented in the records.

14 (b) If the law enforcement agency is unable to verify  
15 satisfaction of conditions (2) and (3) of this subsection  
16 (0.1), records that satisfy condition (1) of this subsection  
17 (0.1) shall be automatically expunged if the records relate to  
18 an offense that if committed by an adult would not be an  
19 offense classified as a Class 2 felony or higher, an offense  
20 under Article 11 of the Criminal Code of 1961 or Criminal Code  
21 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,  
22 12-15, or 12-16 of the Criminal Code of 1961.

23 (0.15) If a juvenile law enforcement record meets  
24 paragraph (a) of subsection (0.1) of this Section, a juvenile  
25 law enforcement record created:

26 (1) prior to January 1, 2018, but on or after January

1           1, 2013 shall be automatically expunged prior to January  
2           1, 2020;

3           (2) prior to January 1, 2013, but on or after January  
4           1, 2000, shall be automatically expunged prior to January  
5           1, 2023; and

6           (3) prior to January 1, 2000 shall not be subject to  
7           the automatic expungement provisions of this Act.

8           Nothing in this subsection (0.15) shall be construed to  
9           restrict or modify an individual's right to have his or her  
10          juvenile law enforcement records expunged except as otherwise  
11          may be provided in this Act.

12          (0.2) (a) Upon dismissal of a petition alleging  
13          delinquency or upon a finding of not delinquent, the  
14          successful termination of an order of supervision, or the  
15          successful termination of an adjudication for an offense which  
16          would be a Class B misdemeanor, Class C misdemeanor, or a petty  
17          or business offense if committed by an adult, the court shall  
18          automatically order the expungement of the juvenile court  
19          records and juvenile law enforcement records. The clerk shall  
20          deliver a certified copy of the expungement order to the  
21          Illinois Department of State Police and the arresting agency.  
22          Upon request, the State's Attorney shall furnish the name of  
23          the arresting agency. The expungement shall be completed  
24          within 60 business days after the receipt of the expungement  
25          order.

26          (b) If the chief law enforcement officer of the agency, or

1 his or her designee, certifies in writing that certain  
2 information is needed for a pending investigation involving  
3 the commission of a felony, that information, and information  
4 identifying the juvenile, may be retained until the statute of  
5 limitations for the felony has run. If the chief law  
6 enforcement officer of the agency, or his or her designee,  
7 certifies in writing that certain information is needed with  
8 respect to an internal investigation of any law enforcement  
9 office, that information and information identifying the  
10 juvenile may be retained within an intelligence file until the  
11 investigation is terminated or the disciplinary action,  
12 including appeals, has been completed, whichever is later.  
13 Retention of a portion of a juvenile's law enforcement record  
14 does not disqualify the remainder of his or her record from  
15 immediate automatic expungement.

16 (0.3) (a) Upon an adjudication of delinquency based on any  
17 offense except a disqualified offense, the juvenile court  
18 shall automatically order the expungement of the juvenile  
19 court and law enforcement records 2 years after the juvenile's  
20 case was closed if no delinquency or criminal proceeding is  
21 pending and the person has had no subsequent delinquency  
22 adjudication or criminal conviction. The clerk shall deliver a  
23 certified copy of the expungement order to the Illinois  
24 ~~Department of~~ State Police and the arresting agency. Upon  
25 request, the State's Attorney shall furnish the name of the  
26 arresting agency. The expungement shall be completed within 60

1 business days after the receipt of the expungement order. In  
2 this subsection (0.3), "disqualified offense" means any of the  
3 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,  
4 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,  
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
6 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,  
7 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,  
8 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,  
9 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,  
10 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal  
11 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)  
12 of subsection (a) of Section 11-14.4, subsection (a-5) of  
13 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)  
14 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,  
15 paragraph (1) or (2) of subsection (a) of Section 12-7.4,  
16 subparagraph (i) of paragraph (1) of subsection (a) of Section  
17 12-9, subparagraph (H) of paragraph (3) of subsection (a) of  
18 Section 24-1.6, paragraph (1) of subsection (a) of Section  
19 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code  
20 of 2012.

21 (b) If the chief law enforcement officer of the agency, or  
22 his or her designee, certifies in writing that certain  
23 information is needed for a pending investigation involving  
24 the commission of a felony, that information, and information  
25 identifying the juvenile, may be retained in an intelligence  
26 file until the investigation is terminated or for one

1 additional year, whichever is sooner. Retention of a portion  
2 of a juvenile's juvenile law enforcement record does not  
3 disqualify the remainder of his or her record from immediate  
4 automatic expungement.

5 (0.4) Automatic expungement for the purposes of this  
6 Section shall not require law enforcement agencies to  
7 obliterate or otherwise destroy juvenile law enforcement  
8 records that would otherwise need to be automatically expunged  
9 under this Act, except after 2 years following the subject  
10 arrest for purposes of use in civil litigation against a  
11 governmental entity or its law enforcement agency or personnel  
12 which created, maintained, or used the records. However, l these  
13 juvenile law enforcement records shall be considered expunged  
14 for all other purposes during this period and the offense,  
15 which the records or files concern, shall be treated as if it  
16 never occurred as required under Section 5-923.

17 (0.5) Subsection (0.1) or (0.2) of this Section does not  
18 apply to violations of traffic, boating, fish and game laws,  
19 or county or municipal ordinances.

20 (0.6) Juvenile law enforcement records of a plaintiff who  
21 has filed civil litigation against the governmental entity or  
22 its law enforcement agency or personnel that created,  
23 maintained, or used the records, or juvenile law enforcement  
24 records that contain information related to the allegations  
25 set forth in the civil litigation may not be expunged until  
26 after 2 years have elapsed after the conclusion of the

1 lawsuit, including any appeal.

2 (0.7) Officer-worn body camera recordings shall not be  
3 automatically expunged except as otherwise authorized by the  
4 Law Enforcement Officer-Worn Body Camera Act.

5 (1) Whenever a person has been arrested, charged, or  
6 adjudicated delinquent for an incident occurring before his or  
7 her 18th birthday that if committed by an adult would be an  
8 offense, and that person's juvenile law enforcement and  
9 juvenile court records are not eligible for automatic  
10 expungement under subsection (0.1), (0.2), or (0.3), the  
11 person may petition the court at any time for expungement of  
12 juvenile law enforcement records and juvenile court records  
13 relating to the incident and, upon termination of all juvenile  
14 court proceedings relating to that incident, the court shall  
15 order the expungement of all records in the possession of the  
16 Illinois Department of State Police, the clerk of the circuit  
17 court, and law enforcement agencies relating to the incident,  
18 but only in any of the following circumstances:

19 (a) the minor was arrested and no petition for  
20 delinquency was filed with the clerk of the circuit court;

21 (a-5) the minor was charged with an offense and the  
22 petition or petitions were dismissed without a finding of  
23 delinquency;

24 (b) the minor was charged with an offense and was  
25 found not delinquent of that offense;

26 (c) the minor was placed under supervision under

1 Section 5-615, and the order of supervision has since been  
2 successfully terminated; or

3 (d) the minor was adjudicated for an offense which  
4 would be a Class B misdemeanor, Class C misdemeanor, or a  
5 petty or business offense if committed by an adult.

6 (1.5) The Illinois ~~Department of~~ State Police shall allow  
7 a person to use the Access and Review process, established in  
8 the Illinois ~~Department of~~ State Police, for verifying that  
9 his or her juvenile law enforcement records relating to  
10 incidents occurring before his or her 18th birthday eligible  
11 under this Act have been expunged.

12 (1.6) (Blank).

13 (1.7) (Blank).

14 (1.8) (Blank).

15 (2) Any person whose delinquency adjudications are not  
16 eligible for automatic expungement under subsection (0.3) of  
17 this Section may petition the court to expunge all juvenile  
18 law enforcement records relating to any incidents occurring  
19 before his or her 18th birthday which did not result in  
20 proceedings in criminal court and all juvenile court records  
21 with respect to any adjudications except those based upon  
22 first degree murder or an offense under Article 11 of the  
23 Criminal Code of 2012 if the person is required to register  
24 under the Sex Offender Registration Act at the time he or she  
25 petitions the court for expungement; provided that: ~~(a)~~  
26 ~~(blank); or (b)~~ 2 years have elapsed since all juvenile court



1 proceedings relating to him or her have been terminated and  
2 his or her commitment to the Department of Juvenile Justice  
3 under this Act has been terminated.

4 (2.5) If a minor is arrested and no petition for  
5 delinquency is filed with the clerk of the circuit court at the  
6 time the minor is released from custody, the youth officer, if  
7 applicable, or other designated person from the arresting  
8 agency, shall notify verbally and in writing to the minor or  
9 the minor's parents or guardians that the minor shall have an  
10 arrest record and shall provide the minor and the minor's  
11 parents or guardians with an expungement information packet,  
12 information regarding this State's expungement laws including  
13 a petition to expunge juvenile law enforcement and juvenile  
14 court records obtained from the clerk of the circuit court.

15 (2.6) If a minor is referred to court, then, at the time of  
16 sentencing, ~~or~~ dismissal of the case, or successful completion  
17 of supervision, the judge shall inform the delinquent minor of  
18 his or her rights regarding expungement and the clerk of the  
19 circuit court shall provide an expungement information packet  
20 to the minor, written in plain language, including information  
21 regarding this State's expungement laws and a petition for  
22 expungement, a sample of a completed petition, expungement  
23 instructions that shall include information informing the  
24 minor that (i) once the case is expunged, it shall be treated  
25 as if it never occurred, (ii) he or she may apply to have  
26 petition fees waived, (iii) once he or she obtains an

1 expungement, he or she may not be required to disclose that he  
2 or she had a juvenile law enforcement or juvenile court  
3 record, and (iv) if petitioning he or she may file the petition  
4 on his or her own or with the assistance of an attorney. The  
5 failure of the judge to inform the delinquent minor of his or  
6 her right to petition for expungement as provided by law does  
7 not create a substantive right, nor is that failure grounds  
8 for: (i) a reversal of an adjudication of delinquency;~~it~~ (ii) a  
9 new trial; or (iii) an appeal.

10 (2.7) (Blank).

11 (2.8) (Blank).

12 (3) (Blank).

13 (3.1) (Blank).

14 (3.2) (Blank).

15 (3.3) (Blank).

16 (4) (Blank).

17 (5) (Blank).

18 (5.5) Whether or not expunged, records eligible for  
19 automatic expungement under subdivision (0.1) (a), (0.2) (a), or  
20 (0.3) (a) may be treated as expunged by the individual subject  
21 to the records.

22 (6) (Blank).

23 (6.5) The Illinois ~~Department of~~ State Police or any  
24 employee of the Illinois State Police ~~Department~~ shall be  
25 immune from civil or criminal liability for failure to expunge  
26 any records of arrest that are subject to expungement under

1 this Section because of inability to verify a record. Nothing  
2 in this Section shall create Illinois ~~Department of~~ State  
3 Police liability or responsibility for the expungement of  
4 juvenile law enforcement records it does not possess.

5 (7) (Blank).

6 (7.5) (Blank).

7 (8) ~~(a) (Blank).~~ ~~(b) (Blank).~~ ~~(c)~~ The expungement of  
8 juvenile law enforcement or juvenile court records under  
9 subsection (0.1), (0.2), or (0.3) of this Section shall be  
10 funded by appropriation by the General Assembly for that  
11 purpose.

12 (9) (Blank).

13 (10) (Blank).

14 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;  
15 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.  
16 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,  
17 eff. 12-20-18; revised 7-16-19.)

18 Section 980. The Criminal Code of 2012 is amended by  
19 changing Sections 3-7, 12-38, 12C-15, 14-3, 17-6.3, 24-1,  
20 24-1.1, 24-3, 24-3B, 24-6, 24-8, 24.8-5, 28-5, 29B-0.5, 29B-3,  
21 29B-4, 29B-12, 29B-20, 29B-25, 29B-26, 32-2, 32-8, 33-2,  
22 33-3.1, 33-3.2, 36-1.1, 36-1.3, 36-2.2, and 36-7 as follows:

23 (720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

24 Sec. 3-7. Periods excluded from limitation.

1           (a) The period within which a prosecution must be  
2 commenced does not include any period in which:

3           (1) the defendant is not usually and publicly resident  
4 within this State; or

5           (2) the defendant is a public officer and the offense  
6 charged is theft of public funds while in public office;  
7 or

8           (3) a prosecution is pending against the defendant for  
9 the same conduct, even if the indictment or information  
10 which commences the prosecution is quashed or the  
11 proceedings thereon are set aside, or are reversed on  
12 appeal; or

13           (4) a proceeding or an appeal from a proceeding  
14 relating to the quashing or enforcement of a Grand Jury  
15 subpoena issued in connection with an investigation of a  
16 violation of a criminal law of this State is pending.  
17 However, the period within which a prosecution must be  
18 commenced includes any period in which the State brings a  
19 proceeding or an appeal from a proceeding specified in  
20 this paragraph (4); or

21           (5) a material witness is placed on active military  
22 duty or leave. In this paragraph (5), "material witness"  
23 includes, but is not limited to, the arresting officer,  
24 occurrence witness, or the alleged victim of the offense;  
25 or

26           (6) the victim of unlawful force or threat of imminent

1           bodily harm to obtain information or a confession is  
2           incarcerated, and the victim's incarceration, in whole or  
3           in part, is a consequence of the unlawful force or  
4           threats; or

5           (7) the sexual assault evidence is collected and  
6           submitted to the Illinois ~~Department of~~ State Police until  
7           the completion of the analysis of the submitted evidence.

8           (a-5) The prosecution shall not be required to prove at  
9           trial facts establishing periods excluded from the general  
10          limitations in Section 3-5 of this Code when the facts  
11          supporting periods being excluded from the general limitations  
12          are properly pled in the charging document. Any challenge  
13          relating to periods of exclusion as defined in this Section  
14          shall be exclusively conducted under Section 114-1 of the Code  
15          of Criminal Procedure of 1963.

16          (b) For the purposes of this Section:

17                 "Completion of the analysis of the submitted evidence"  
18                 means analysis of the collected evidence and conducting of  
19                 laboratory tests and the comparison of the collected  
20                 evidence with the genetic marker grouping analysis  
21                 information maintained by the Illinois ~~Department of~~ State  
22                 Police under Section 5-4-3 of the Unified Code of  
23                 Corrections and with the information contained in the  
24                 Federal Bureau of Investigation's National DNA database.

25                 "Sexual assault" has the meaning ascribed to it in  
26                 Section 1a of the Sexual Assault Survivors Emergency

1 Treatment Act.

2 "Sexual assault evidence" has the meaning ascribed to  
3 it in Section 5 of the Sexual Assault Evidence Submission  
4 Act.

5 (Source: P.A. 99-252, eff. 1-1-16; 100-434, eff. 1-1-18.)

6 (720 ILCS 5/12-38)

7 Sec. 12-38. Restrictions on purchase or acquisition of  
8 corrosive or caustic acid.

9 (a) A person seeking to purchase a substance which is  
10 regulated by Title 16 CFR Section 1500.129 of the Federal  
11 Caustic Poison Act and is required to contain the words  
12 "causes severe burns" as the affirmative statement of  
13 principal hazard on its label, must prior to taking  
14 possession:

15 (1) provide a valid driver's license or other  
16 government-issued identification showing the person's  
17 name, date of birth, and photograph; and

18 (2) sign a log documenting the name and address of the  
19 person, date and time of the transaction, and the brand,  
20 product name and net weight of the item.

21 (b) Exemption. The requirements of subsection (a) do not  
22 apply to batteries or household products. For the purposes of  
23 this Section, "household product" means any product which is  
24 customarily produced or distributed for sale for consumption  
25 or use, or customarily stored, by individuals in or about the

1 household, including, but not limited to, products which are  
2 customarily produced and distributed for use in or about a  
3 household as a cleaning agent, drain cleaner, pesticide,  
4 epoxy, paint, stain, or similar substance.

5 (c) Rules and Regulations. The Illinois ~~Department of~~  
6 State Police shall have the authority to promulgate rules for  
7 the implementation and enforcement of this Section.

8 (d) Sentence. Any violation of this Section is a business  
9 offense for which a fine not exceeding \$150 for the first  
10 violation, \$500 for the second violation, or \$1,500 for the  
11 third and subsequent violations within a 12-month period shall  
12 be imposed.

13 (e) Preemption. The regulation of the purchase or  
14 acquisition, or both, of a caustic or corrosive substance and  
15 any registry regarding the sale or possession, or both, of a  
16 caustic or corrosive substance is an exclusive power and  
17 function of the State. A home rule unit may not regulate the  
18 purchase or acquisition of caustic or corrosive substances and  
19 any ordinance or local law contrary to this Section is  
20 declared void. This is a denial and limitation of home rule  
21 powers and functions under subsection (h) of Section 6 of  
22 Article VII of the Illinois Constitution.

23 (Source: P.A. 97-565, eff. 1-1-12; 97-929, eff. 8-10-12.)

24 (720 ILCS 5/12C-15) (was 720 ILCS 5/12-22)

25 Sec. 12C-15. Child abandonment or endangerment; probation.

1           (a) Whenever a parent of a child as determined by the court  
2 on the facts before it, pleads guilty to or is found guilty of,  
3 with respect to his or her child, child abandonment under  
4 Section 12C-10 of this Article or endangering the life or  
5 health of a child under Section 12C-5 of this Article, the  
6 court may, without entering a judgment of guilt and with the  
7 consent of the person, defer further proceedings and place the  
8 person upon probation upon the reasonable terms and conditions  
9 as the court may require. At least one term of the probation  
10 shall require the person to cooperate with the Department of  
11 Children and Family Services at the times and in the programs  
12 that the Department of Children and Family Services may  
13 require.

14           (b) Upon fulfillment of the terms and conditions imposed  
15 under subsection (a), the court shall discharge the person and  
16 dismiss the proceedings. Discharge and dismissal under this  
17 Section shall be without court adjudication of guilt and shall  
18 not be considered a conviction for purposes of  
19 disqualification or disabilities imposed by law upon  
20 conviction of a crime. However, a record of the disposition  
21 shall be reported by the clerk of the circuit court to the  
22 Illinois Department of State Police under Section 2.1 of the  
23 Criminal Identification Act, and the record shall be  
24 maintained and provided to any civil authority in connection  
25 with a determination of whether the person is an acceptable  
26 candidate for the care, custody and supervision of children.



1 (c) Discharge and dismissal under this Section may occur  
2 only once.

3 (d) Probation under this Section may not be for a period of  
4 less than 2 years.

5 (e) If the child dies of the injuries alleged, this  
6 Section shall be inapplicable.

7 (Source: P.A. 97-1109, eff. 1-1-13.)

8 (720 ILCS 5/14-3)

9 Sec. 14-3. Exemptions. The following activities shall be  
10 exempt from the provisions of this Article:

11 (a) Listening to radio, wireless electronic  
12 communications, and television communications of any sort  
13 where the same are publicly made;

14 (b) Hearing conversation when heard by employees of  
15 any common carrier by wire incidental to the normal course  
16 of their employment in the operation, maintenance or  
17 repair of the equipment of such common carrier by wire so  
18 long as no information obtained thereby is used or  
19 divulged by the hearer;

20 (c) Any broadcast by radio, television or otherwise  
21 whether it be a broadcast or recorded for the purpose of  
22 later broadcasts of any function where the public is in  
23 attendance and the conversations are overheard incidental  
24 to the main purpose for which such broadcasts are then  
25 being made;

1           (d) Recording or listening with the aid of any device  
2           to any emergency communication made in the normal course  
3           of operations by any federal, state or local law  
4           enforcement agency or institutions dealing in emergency  
5           services, including, but not limited to, hospitals,  
6           clinics, ambulance services, fire fighting agencies, any  
7           public utility, emergency repair facility, civilian  
8           defense establishment or military installation;

9           (e) Recording the proceedings of any meeting required  
10          to be open by the Open Meetings Act, as amended;

11          (f) Recording or listening with the aid of any device  
12          to incoming telephone calls of phone lines publicly listed  
13          or advertised as consumer "hotlines" by manufacturers or  
14          retailers of food and drug products. Such recordings must  
15          be destroyed, erased or turned over to local law  
16          enforcement authorities within 24 hours from the time of  
17          such recording and shall not be otherwise disseminated.  
18          Failure on the part of the individual or business  
19          operating any such recording or listening device to comply  
20          with the requirements of this subsection shall eliminate  
21          any civil or criminal immunity conferred upon that  
22          individual or business by the operation of this Section;

23          (g) With prior notification to the State's Attorney of  
24          the county in which it is to occur, recording or listening  
25          with the aid of any device to any conversation where a law  
26          enforcement officer, or any person acting at the direction

1 of law enforcement, is a party to the conversation and has  
2 consented to it being intercepted or recorded under  
3 circumstances where the use of the device is necessary for  
4 the protection of the law enforcement officer or any  
5 person acting at the direction of law enforcement, in the  
6 course of an investigation of a forcible felony, a felony  
7 offense of involuntary servitude, involuntary sexual  
8 servitude of a minor, or trafficking in persons under  
9 Section 10-9 of this Code, an offense involving  
10 prostitution, solicitation of a sexual act, or pandering,  
11 a felony violation of the Illinois Controlled Substances  
12 Act, a felony violation of the Cannabis Control Act, a  
13 felony violation of the Methamphetamine Control and  
14 Community Protection Act, any "streetgang related" or  
15 "gang-related" felony as those terms are defined in the  
16 Illinois Streetgang Terrorism Omnibus Prevention Act, or  
17 any felony offense involving any weapon listed in  
18 paragraphs (1) through (11) of subsection (a) of Section  
19 24-1 of this Code. Any recording or evidence derived as  
20 the result of this exemption shall be inadmissible in any  
21 proceeding, criminal, civil or administrative, except (i)  
22 where a party to the conversation suffers great bodily  
23 injury or is killed during such conversation, or (ii) when  
24 used as direct impeachment of a witness concerning matters  
25 contained in the interception or recording. The Director  
26 of the Illinois ~~Department of~~ State Police shall issue

1 regulations as are necessary concerning the use of  
2 devices, retention of tape recordings, and reports  
3 regarding their use;

4 (g-5) (Blank);

5 (g-6) With approval of the State's Attorney of the  
6 county in which it is to occur, recording or listening  
7 with the aid of any device to any conversation where a law  
8 enforcement officer, or any person acting at the direction  
9 of law enforcement, is a party to the conversation and has  
10 consented to it being intercepted or recorded in the  
11 course of an investigation of child pornography,  
12 aggravated child pornography, indecent solicitation of a  
13 child, luring of a minor, sexual exploitation of a child,  
14 aggravated criminal sexual abuse in which the victim of  
15 the offense was at the time of the commission of the  
16 offense under 18 years of age, or criminal sexual abuse by  
17 force or threat of force in which the victim of the offense  
18 was at the time of the commission of the offense under 18  
19 years of age. In all such cases, an application for an  
20 order approving the previous or continuing use of an  
21 eavesdropping device must be made within 48 hours of the  
22 commencement of such use. In the absence of such an order,  
23 or upon its denial, any continuing use shall immediately  
24 terminate. The Director of the Illinois State Police shall  
25 issue rules as are necessary concerning the use of  
26 devices, retention of recordings, and reports regarding

1 their use. Any recording or evidence obtained or derived  
2 in the course of an investigation of child pornography,  
3 aggravated child pornography, indecent solicitation of a  
4 child, luring of a minor, sexual exploitation of a child,  
5 aggravated criminal sexual abuse in which the victim of  
6 the offense was at the time of the commission of the  
7 offense under 18 years of age, or criminal sexual abuse by  
8 force or threat of force in which the victim of the offense  
9 was at the time of the commission of the offense under 18  
10 years of age shall, upon motion of the State's Attorney or  
11 Attorney General prosecuting any case involving child  
12 pornography, aggravated child pornography, indecent  
13 solicitation of a child, luring of a minor, sexual  
14 exploitation of a child, aggravated criminal sexual abuse  
15 in which the victim of the offense was at the time of the  
16 commission of the offense under 18 years of age, or  
17 criminal sexual abuse by force or threat of force in which  
18 the victim of the offense was at the time of the commission  
19 of the offense under 18 years of age be reviewed in camera  
20 with notice to all parties present by the court presiding  
21 over the criminal case, and, if ruled by the court to be  
22 relevant and otherwise admissible, it shall be admissible  
23 at the trial of the criminal case. Absent such a ruling,  
24 any such recording or evidence shall not be admissible at  
25 the trial of the criminal case;

26 (h) Recordings made simultaneously with the use of an

1 in-car video camera recording of an oral conversation  
2 between a uniformed peace officer, who has identified his  
3 or her office, and a person in the presence of the peace  
4 officer whenever (i) an officer assigned a patrol vehicle  
5 is conducting an enforcement stop; or (ii) patrol vehicle  
6 emergency lights are activated or would otherwise be  
7 activated if not for the need to conceal the presence of  
8 law enforcement.

9 For the purposes of this subsection (h), "enforcement  
10 stop" means an action by a law enforcement officer in  
11 relation to enforcement and investigation duties,  
12 including but not limited to, traffic stops, pedestrian  
13 stops, abandoned vehicle contacts, motorist assists,  
14 commercial motor vehicle stops, roadside safety checks,  
15 requests for identification, or responses to requests for  
16 emergency assistance;

17 (h-5) Recordings of utterances made by a person while  
18 in the presence of a uniformed peace officer and while an  
19 occupant of a police vehicle including, but not limited  
20 to, (i) recordings made simultaneously with the use of an  
21 in-car video camera and (ii) recordings made in the  
22 presence of the peace officer utilizing video or audio  
23 systems, or both, authorized by the law enforcement  
24 agency;

25 (h-10) Recordings made simultaneously with a video  
26 camera recording during the use of a taser or similar

1           weapon or device by a peace officer if the weapon or device  
2           is equipped with such camera;

3           (h-15) Recordings made under subsection (h), (h-5), or  
4           (h-10) shall be retained by the law enforcement agency  
5           that employs the peace officer who made the recordings for  
6           a storage period of 90 days, unless the recordings are  
7           made as a part of an arrest or the recordings are deemed  
8           evidence in any criminal, civil, or administrative  
9           proceeding and then the recordings must only be destroyed  
10          upon a final disposition and an order from the court.  
11          Under no circumstances shall any recording be altered or  
12          erased prior to the expiration of the designated storage  
13          period. Upon completion of the storage period, the  
14          recording medium may be erased and reissued for  
15          operational use;

16          (i) Recording of a conversation made by or at the  
17          request of a person, not a law enforcement officer or  
18          agent of a law enforcement officer, who is a party to the  
19          conversation, under reasonable suspicion that another  
20          party to the conversation is committing, is about to  
21          commit, or has committed a criminal offense against the  
22          person or a member of his or her immediate household, and  
23          there is reason to believe that evidence of the criminal  
24          offense may be obtained by the recording;

25          (j) The use of a telephone monitoring device by either  
26          (1) a corporation or other business entity engaged in

1 marketing or opinion research or (2) a corporation or  
2 other business entity engaged in telephone solicitation,  
3 as defined in this subsection, to record or listen to oral  
4 telephone solicitation conversations or marketing or  
5 opinion research conversations by an employee of the  
6 corporation or other business entity when:

7 (i) the monitoring is used for the purpose of  
8 service quality control of marketing or opinion  
9 research or telephone solicitation, the education or  
10 training of employees or contractors engaged in  
11 marketing or opinion research or telephone  
12 solicitation, or internal research related to  
13 marketing or opinion research or telephone  
14 solicitation; and

15 (ii) the monitoring is used with the consent of at  
16 least one person who is an active party to the  
17 marketing or opinion research conversation or  
18 telephone solicitation conversation being monitored.

19 No communication or conversation or any part, portion,  
20 or aspect of the communication or conversation made,  
21 acquired, or obtained, directly or indirectly, under this  
22 exemption (j), may be, directly or indirectly, furnished  
23 to any law enforcement officer, agency, or official for  
24 any purpose or used in any inquiry or investigation, or  
25 used, directly or indirectly, in any administrative,  
26 judicial, or other proceeding, or divulged to any third



1 party.

2 When recording or listening authorized by this  
3 subsection (j) on telephone lines used for marketing or  
4 opinion research or telephone solicitation purposes  
5 results in recording or listening to a conversation that  
6 does not relate to marketing or opinion research or  
7 telephone solicitation; the person recording or listening  
8 shall, immediately upon determining that the conversation  
9 does not relate to marketing or opinion research or  
10 telephone solicitation, terminate the recording or  
11 listening and destroy any such recording as soon as is  
12 practicable.

13 Business entities that use a telephone monitoring or  
14 telephone recording system pursuant to this exemption (j)  
15 shall provide current and prospective employees with  
16 notice that the monitoring or recordings may occur during  
17 the course of their employment. The notice shall include  
18 prominent signage notification within the workplace.

19 Business entities that use a telephone monitoring or  
20 telephone recording system pursuant to this exemption (j)  
21 shall provide their employees or agents with access to  
22 personal-only telephone lines which may be pay telephones,  
23 that are not subject to telephone monitoring or telephone  
24 recording.

25 For the purposes of this subsection (j), "telephone  
26 solicitation" means a communication through the use of a

1 telephone by live operators:

2 (i) soliciting the sale of goods or services;

3 (ii) receiving orders for the sale of goods or  
4 services;

5 (iii) assisting in the use of goods or services;

6 or

7 (iv) engaging in the solicitation, administration,  
8 or collection of bank or retail credit accounts.

9 For the purposes of this subsection (j), "marketing or  
10 opinion research" means a marketing or opinion research  
11 interview conducted by a live telephone interviewer  
12 engaged by a corporation or other business entity whose  
13 principal business is the design, conduct, and analysis of  
14 polls and surveys measuring the opinions, attitudes, and  
15 responses of respondents toward products and services, or  
16 social or political issues, or both;

17 (k) Electronic recordings, including but not limited  
18 to, a motion picture, videotape, digital, or other visual  
19 or audio recording, made of a custodial interrogation of  
20 an individual at a police station or other place of  
21 detention by a law enforcement officer under Section  
22 5-401.5 of the Juvenile Court Act of 1987 or Section  
23 103-2.1 of the Code of Criminal Procedure of 1963;

24 (l) Recording the interview or statement of any person  
25 when the person knows that the interview is being  
26 conducted by a law enforcement officer or prosecutor and

1 the interview takes place at a police station that is  
2 currently participating in the Custodial Interview Pilot  
3 Program established under the Illinois Criminal Justice  
4 Information Act;

5 (m) An electronic recording, including but not limited  
6 to, a motion picture, videotape, digital, or other visual  
7 or audio recording, made of the interior of a school bus  
8 while the school bus is being used in the transportation  
9 of students to and from school and school-sponsored  
10 activities, when the school board has adopted a policy  
11 authorizing such recording, notice of such recording  
12 policy is included in student handbooks and other  
13 documents including the policies of the school, notice of  
14 the policy regarding recording is provided to parents of  
15 students, and notice of such recording is clearly posted  
16 on the door of and inside the school bus.

17 Recordings made pursuant to this subsection (m) shall  
18 be confidential records and may only be used by school  
19 officials (or their designees) and law enforcement  
20 personnel for investigations, school disciplinary actions  
21 and hearings, proceedings under the Juvenile Court Act of  
22 1987, and criminal prosecutions, related to incidents  
23 occurring in or around the school bus;

24 (n) Recording or listening to an audio transmission  
25 from a microphone placed by a person under the authority  
26 of a law enforcement agency inside a bait car surveillance

1 vehicle while simultaneously capturing a photographic or  
2 video image;

3 (o) The use of an eavesdropping camera or audio device  
4 during an ongoing hostage or barricade situation by a law  
5 enforcement officer or individual acting on behalf of a  
6 law enforcement officer when the use of such device is  
7 necessary to protect the safety of the general public,  
8 hostages, or law enforcement officers or anyone acting on  
9 their behalf;

10 (p) Recording or listening with the aid of any device  
11 to incoming telephone calls of phone lines publicly listed  
12 or advertised as the "CPS Violence Prevention Hotline",  
13 but only where the notice of recording is given at the  
14 beginning of each call as required by Section 34-21.8 of  
15 the School Code. The recordings may be retained only by  
16 the Chicago Police Department or other law enforcement  
17 authorities, and shall not be otherwise retained or  
18 disseminated;

19 (q) (1) With prior request to and written or verbal  
20 approval of the State's Attorney of the county in which  
21 the conversation is anticipated to occur, recording or  
22 listening with the aid of an eavesdropping device to a  
23 conversation in which a law enforcement officer, or any  
24 person acting at the direction of a law enforcement  
25 officer, is a party to the conversation and has consented  
26 to the conversation being intercepted or recorded in the

1 course of an investigation of a qualified offense. The  
2 State's Attorney may grant this approval only after  
3 determining that reasonable cause exists to believe that  
4 inculpatory conversations concerning a qualified offense  
5 will occur with a specified individual or individuals  
6 within a designated period of time.

7 (2) Request for approval. To invoke the exception  
8 contained in this subsection (q), a law enforcement  
9 officer shall make a request for approval to the  
10 appropriate State's Attorney. The request may be written  
11 or verbal; however, a written memorialization of the  
12 request must be made by the State's Attorney. This request  
13 for approval shall include whatever information is deemed  
14 necessary by the State's Attorney but shall include, at a  
15 minimum, the following information about each specified  
16 individual whom the law enforcement officer believes will  
17 commit a qualified offense:

18 (A) his or her full or partial name, nickname or  
19 alias;

20 (B) a physical description; or

21 (C) failing either (A) or (B) of this paragraph  
22 (2), any other supporting information known to the law  
23 enforcement officer at the time of the request that  
24 gives rise to reasonable cause to believe that the  
25 specified individual will participate in an  
26 inculpatory conversation concerning a qualified

1 offense.

2 (3) Limitations on approval. Each written approval by  
3 the State's Attorney under this subsection (q) shall be  
4 limited to:

5 (A) a recording or interception conducted by a  
6 specified law enforcement officer or person acting at  
7 the direction of a law enforcement officer;

8 (B) recording or intercepting conversations with  
9 the individuals specified in the request for approval,  
10 provided that the verbal approval shall be deemed to  
11 include the recording or intercepting of conversations  
12 with other individuals, unknown to the law enforcement  
13 officer at the time of the request for approval, who  
14 are acting in conjunction with or as co-conspirators  
15 with the individuals specified in the request for  
16 approval in the commission of a qualified offense;

17 (C) a reasonable period of time but in no event  
18 longer than 24 consecutive hours;

19 (D) the written request for approval, if  
20 applicable, or the written memorialization must be  
21 filed, along with the written approval, with the  
22 circuit clerk of the jurisdiction on the next business  
23 day following the expiration of the authorized period  
24 of time, and shall be subject to review by the Chief  
25 Judge or his or her designee as deemed appropriate by  
26 the court.

1           (3.5) The written memorialization of the request for  
2 approval and the written approval by the State's Attorney  
3 may be in any format, including via facsimile, email, or  
4 otherwise, so long as it is capable of being filed with the  
5 circuit clerk.

6           (3.10) Beginning March 1, 2015, each State's Attorney  
7 shall annually submit a report to the General Assembly  
8 disclosing:

9           (A) the number of requests for each qualified  
10 offense for approval under this subsection; and

11           (B) the number of approvals for each qualified  
12 offense given by the State's Attorney.

13           (4) Admissibility of evidence. No part of the contents  
14 of any wire, electronic, or oral communication that has  
15 been recorded or intercepted as a result of this exception  
16 may be received in evidence in any trial, hearing, or  
17 other proceeding in or before any court, grand jury,  
18 department, officer, agency, regulatory body, legislative  
19 committee, or other authority of this State, or a  
20 political subdivision of the State, other than in a  
21 prosecution of:

22           (A) the qualified offense for which approval was  
23 given to record or intercept a conversation under this  
24 subsection (q);

25           (B) a forcible felony committed directly in the  
26 course of the investigation of the qualified offense

1           for which approval was given to record or intercept a  
2           conversation under this subsection (q); or

3           (C) any other forcible felony committed while the  
4           recording or interception was approved in accordance  
5           with this subsection (q), but for this specific  
6           category of prosecutions, only if the law enforcement  
7           officer or person acting at the direction of a law  
8           enforcement officer who has consented to the  
9           conversation being intercepted or recorded suffers  
10          great bodily injury or is killed during the commission  
11          of the charged forcible felony.

12          (5) Compliance with the provisions of this subsection  
13          is a prerequisite to the admissibility in evidence of any  
14          part of the contents of any wire, electronic or oral  
15          communication that has been intercepted as a result of  
16          this exception, but nothing in this subsection shall be  
17          deemed to prevent a court from otherwise excluding the  
18          evidence on any other ground recognized by State or  
19          federal law, nor shall anything in this subsection be  
20          deemed to prevent a court from independently reviewing the  
21          admissibility of the evidence for compliance with the  
22          Fourth Amendment to the U.S. Constitution or with Article  
23          I, Section 6 of the Illinois Constitution.

24          (6) Use of recordings or intercepts unrelated to  
25          qualified offenses. Whenever any private conversation or  
26          private electronic communication has been recorded or



1 intercepted as a result of this exception that is not  
2 related to an offense for which the recording or intercept  
3 is admissible under paragraph (4) of this subsection (q),  
4 no part of the contents of the communication and evidence  
5 derived from the communication may be received in evidence  
6 in any trial, hearing, or other proceeding in or before  
7 any court, grand jury, department, officer, agency,  
8 regulatory body, legislative committee, or other authority  
9 of this State, or a political subdivision of the State,  
10 nor may it be publicly disclosed in any way.

11 (6.5) The Illinois ~~Department of~~ State Police shall  
12 adopt rules as are necessary concerning the use of  
13 devices, retention of recordings, and reports regarding  
14 their use under this subsection (q).

15 (7) Definitions. For the purposes of this subsection  
16 (q) only:

17 "Forcible felony" includes and is limited to those  
18 offenses contained in Section 2-8 of the Criminal Code  
19 of 1961 as of the effective date of this amendatory Act  
20 of the 97th General Assembly, and only as those  
21 offenses have been defined by law or judicial  
22 interpretation as of that date.

23 "Qualified offense" means and is limited to:

24 (A) a felony violation of the Cannabis Control  
25 Act, the Illinois Controlled Substances Act, or  
26 the Methamphetamine Control and Community

1 Protection Act, except for violations of:  
2 (i) Section 4 of the Cannabis Control Act;  
3 (ii) Section 402 of the Illinois  
4 Controlled Substances Act; and  
5 (iii) Section 60 of the Methamphetamine  
6 Control and Community Protection Act; and  
7 (B) first degree murder, solicitation of  
8 murder for hire, predatory criminal sexual assault  
9 of a child, criminal sexual assault, aggravated  
10 criminal sexual assault, aggravated arson,  
11 kidnapping, aggravated kidnapping, child  
12 abduction, trafficking in persons, involuntary  
13 servitude, involuntary sexual servitude of a  
14 minor, or gunrunning.

15 "State's Attorney" includes and is limited to the  
16 State's Attorney or an assistant State's Attorney  
17 designated by the State's Attorney to provide verbal  
18 approval to record or intercept conversations under  
19 this subsection (q).

20 (8) Sunset. This subsection (q) is inoperative on and  
21 after January 1, 2023. No conversations intercepted  
22 pursuant to this subsection (q), while operative, shall be  
23 inadmissible in a court of law by virtue of the  
24 inoperability of this subsection (q) on January 1, 2023.

25 (9) Recordings, records, and custody. Any private  
26 conversation or private electronic communication

1 intercepted by a law enforcement officer or a person  
2 acting at the direction of law enforcement shall, if  
3 practicable, be recorded in such a way as will protect the  
4 recording from editing or other alteration. Any and all  
5 original recordings made under this subsection (q) shall  
6 be inventoried without unnecessary delay pursuant to the  
7 law enforcement agency's policies for inventorying  
8 evidence. The original recordings shall not be destroyed  
9 except upon an order of a court of competent jurisdiction;  
10 and

11 (r) Electronic recordings, including but not limited  
12 to, motion picture, videotape, digital, or other visual or  
13 audio recording, made of a lineup under Section 107A-2 of  
14 the Code of Criminal Procedure of 1963.

15 (Source: P.A. 100-572, eff. 12-29-17; 101-80, eff. 7-12-19.)

16 (720 ILCS 5/17-6.3)

17 Sec. 17-6.3. WIC fraud.

18 (a) For the purposes of this Section, the Special  
19 Supplemental Food Program for Women, Infants and Children  
20 administered by the Illinois Department of Public Health or  
21 Department of Human Services shall be referred to as "WIC".

22 (b) A person commits WIC fraud if he or she knowingly (i)  
23 uses, acquires, possesses, or transfers WIC Food Instruments  
24 or authorizations to participate in WIC in any manner not  
25 authorized by law or the rules of the Illinois Department of

1 Public Health or Department of Human Services or (ii) uses,  
2 acquires, possesses, or transfers altered WIC Food Instruments  
3 or authorizations to participate in WIC.

4 (c) Administrative malfeasance.

5 (1) A person commits administrative malfeasance if he  
6 or she knowingly or recklessly misappropriates, misuses,  
7 or unlawfully withholds or converts to his or her own use  
8 or to the use of another any public funds made available  
9 for WIC.

10 (2) An official or employee of the State or a unit of  
11 local government who knowingly aids, abets, assists, or  
12 participates in a known violation of this Section is  
13 subject to disciplinary proceedings under the rules of the  
14 applicable State agency or unit of local government.

15 (d) Unauthorized possession of identification document. A  
16 person commits unauthorized possession of an identification  
17 document if he or she knowingly possesses, with intent to  
18 commit a misdemeanor or felony, another person's  
19 identification document issued by the Illinois Department of  
20 Public Health or Department of Human Services. For purposes of  
21 this Section, "identification document" includes, but is not  
22 limited to, an authorization to participate in WIC or a card or  
23 other document that identifies a person as being entitled to  
24 WIC benefits.

25 (e) Penalties.

26 (1) If an individual, firm, corporation, association,

1 agency, institution, or other legal entity is found by a  
2 court to have engaged in an act, practice, or course of  
3 conduct declared unlawful under subsection (a), (b), or  
4 (c) of this Section and:

5 (A) the total amount of money involved in the  
6 violation, including the monetary value of the WIC  
7 Food Instruments and the value of commodities, is less  
8 than \$150, the violation is a Class A misdemeanor; a  
9 second or subsequent violation is a Class 4 felony;

10 (B) the total amount of money involved in the  
11 violation, including the monetary value of the WIC  
12 Food Instruments and the value of commodities, is \$150  
13 or more but less than \$1,000, the violation is a Class  
14 4 felony; a second or subsequent violation is a Class 3  
15 felony;

16 (C) the total amount of money involved in the  
17 violation, including the monetary value of the WIC  
18 Food Instruments and the value of commodities, is  
19 \$1,000 or more but less than \$5,000, the violation is a  
20 Class 3 felony; a second or subsequent violation is a  
21 Class 2 felony;

22 (D) the total amount of money involved in the  
23 violation, including the monetary value of the WIC  
24 Food Instruments and the value of commodities, is  
25 \$5,000 or more but less than \$10,000, the violation is  
26 a Class 2 felony; a second or subsequent violation is a

1 Class 1 felony; or

2 (E) the total amount of money involved in the  
3 violation, including the monetary value of the WIC  
4 Food Instruments and the value of commodities, is  
5 \$10,000 or more, the violation is a Class 1 felony and  
6 the defendant shall be permanently ineligible to  
7 participate in WIC.

8 (2) A violation of subsection (d) is a Class 4 felony.

9 (3) The State's Attorney of the county in which the  
10 violation of this Section occurred or the Attorney General  
11 shall bring actions arising under this Section in the name  
12 of the People of the State of Illinois.

13 (4) For purposes of determining the classification of  
14 an offense under this subsection (e), all of the money  
15 received as a result of the unlawful act, practice, or  
16 course of conduct, including the value of any WIC Food  
17 Instruments and the value of commodities, shall be  
18 aggregated.

19 (f) Seizure and forfeiture of property.

20 (1) A person who commits a felony violation of this  
21 Section is subject to the property forfeiture provisions  
22 set forth in Article 124B of the Code of Criminal  
23 Procedure of 1963.

24 (2) Property subject to forfeiture under this  
25 subsection (f) may be seized by the Director of the  
26 Illinois State Police or any local law enforcement agency

1           upon process or seizure warrant issued by any court having  
2           jurisdiction over the property. The Director or a local  
3           law enforcement agency may seize property under this  
4           subsection (f) without process under any of the following  
5           circumstances:

6                   (A) If the seizure is incident to inspection under  
7                   an administrative inspection warrant.

8                   (B) If the property subject to seizure has been  
9                   the subject of a prior judgment in favor of the State  
10                  in a criminal proceeding or in an injunction or  
11                  forfeiture proceeding under Article 124B of the Code  
12                  of Criminal Procedure of 1963.

13                  (C) If there is probable cause to believe that the  
14                  property is directly or indirectly dangerous to health  
15                  or safety.

16                  (D) If there is probable cause to believe that the  
17                  property is subject to forfeiture under this  
18                  subsection (f) and Article 124B of the Code of  
19                  Criminal Procedure of 1963 and the property is seized  
20                  under circumstances in which a warrantless seizure or  
21                  arrest would be reasonable.

22                  (E) In accordance with the Code of Criminal  
23                  Procedure of 1963.

24           (g) Future participation as WIC vendor. A person who has  
25           been convicted of a felony violation of this Section is  
26           prohibited from participating as a WIC vendor for a minimum

1 period of 3 years following conviction and until the total  
2 amount of money involved in the violation, including the value  
3 of WIC Food Instruments and the value of commodities, is  
4 repaid to WIC. This prohibition shall extend to any person  
5 with management responsibility in a firm, corporation,  
6 association, agency, institution, or other legal entity that  
7 has been convicted of a violation of this Section and to an  
8 officer or person owning, directly or indirectly, 5% or more  
9 of the shares of stock or other evidences of ownership in a  
10 corporate vendor.

11 (Source: P.A. 96-1551, eff. 7-1-11.)

12 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

13 Sec. 24-1. Unlawful use of weapons.

14 (a) A person commits the offense of unlawful use of  
15 weapons when he knowingly:

16 (1) Sells, manufactures, purchases, possesses or  
17 carries any bludgeon, black-jack, slung-shot, sand-club,  
18 sand-bag, metal knuckles or other knuckle weapon  
19 regardless of its composition, throwing star, or any  
20 knife, commonly referred to as a switchblade knife, which  
21 has a blade that opens automatically by hand pressure  
22 applied to a button, spring or other device in the handle  
23 of the knife, or a ballistic knife, which is a device that  
24 propels a knifelike blade as a projectile by means of a  
25 coil spring, elastic material or compressed gas; or



1           (2) Carries or possesses with intent to use the same  
2 unlawfully against another, a dagger, dirk, billy,  
3 dangerous knife, razor, stiletto, broken bottle or other  
4 piece of glass, stun gun or taser or any other dangerous or  
5 deadly weapon or instrument of like character; or

6           (2.5) Carries or possesses with intent to use the same  
7 unlawfully against another, any firearm in a church,  
8 synagogue, mosque, or other building, structure, or place  
9 used for religious worship; or

10          (3) Carries on or about his person or in any vehicle, a  
11 tear gas gun projector or bomb or any object containing  
12 noxious liquid gas or substance, other than an object  
13 containing a non-lethal noxious liquid gas or substance  
14 designed solely for personal defense carried by a person  
15 18 years of age or older; or

16          (4) Carries or possesses in any vehicle or concealed  
17 on or about his person except when on his land or in his  
18 own abode, legal dwelling, or fixed place of business, or  
19 on the land or in the legal dwelling of another person as  
20 an invitee with that person's permission, any pistol,  
21 revolver, stun gun or taser or other firearm, except that  
22 this subsection (a) (4) does not apply to or affect  
23 transportation of weapons that meet one of the following  
24 conditions:

25           (i) are broken down in a non-functioning state; or

26           (ii) are not immediately accessible; or

1 (iii) are unloaded and enclosed in a case, firearm  
2 carrying box, shipping box, or other container by a  
3 person who has been issued a currently valid Firearm  
4 Owner's Identification Card; or

5 (iv) are carried or possessed in accordance with  
6 the Firearm Concealed Carry Act by a person who has  
7 been issued a currently valid license under the  
8 Firearm Concealed Carry Act; or

9 (5) Sets a spring gun; or

10 (6) Possesses any device or attachment of any kind  
11 designed, used or intended for use in silencing the report  
12 of any firearm; or

13 (7) Sells, manufactures, purchases, possesses or  
14 carries:

15 (i) a machine gun, which shall be defined for the  
16 purposes of this subsection as any weapon, which  
17 shoots, is designed to shoot, or can be readily  
18 restored to shoot, automatically more than one shot  
19 without manually reloading by a single function of the  
20 trigger, including the frame or receiver of any such  
21 weapon, or sells, manufactures, purchases, possesses,  
22 or carries any combination of parts designed or  
23 intended for use in converting any weapon into a  
24 machine gun, or any combination or parts from which a  
25 machine gun can be assembled if such parts are in the  
26 possession or under the control of a person;

1           (ii) any rifle having one or more barrels less  
2           than 16 inches in length or a shotgun having one or  
3           more barrels less than 18 inches in length or any  
4           weapon made from a rifle or shotgun, whether by  
5           alteration, modification, or otherwise, if such a  
6           weapon as modified has an overall length of less than  
7           26 inches; or

8           (iii) any bomb, bomb-shell, grenade, bottle or  
9           other container containing an explosive substance of  
10          over one-quarter ounce for like purposes, such as, but  
11          not limited to, black powder bombs and Molotov  
12          cocktails or artillery projectiles; or

13          (8) Carries or possesses any firearm, stun gun or  
14          taser or other deadly weapon in any place which is  
15          licensed to sell intoxicating beverages, or at any public  
16          gathering held pursuant to a license issued by any  
17          governmental body or any public gathering at which an  
18          admission is charged, excluding a place where a showing,  
19          demonstration or lecture involving the exhibition of  
20          unloaded firearms is conducted.

21          This subsection (a) (8) does not apply to any auction  
22          or raffle of a firearm held pursuant to a license or permit  
23          issued by a governmental body, nor does it apply to  
24          persons engaged in firearm safety training courses; or

25          (9) Carries or possesses in a vehicle or on or about  
26          his or her person any pistol, revolver, stun gun or taser

1 or firearm or ballistic knife, when he or she is hooded,  
2 robed or masked in such manner as to conceal his or her  
3 identity; or

4 (10) Carries or possesses on or about his or her  
5 person, upon any public street, alley, or other public  
6 lands within the corporate limits of a city, village, or  
7 incorporated town, except when an invitee thereon or  
8 therein, for the purpose of the display of such weapon or  
9 the lawful commerce in weapons, or except when on his land  
10 or in his or her own abode, legal dwelling, or fixed place  
11 of business, or on the land or in the legal dwelling of  
12 another person as an invitee with that person's  
13 permission, any pistol, revolver, stun gun, or taser or  
14 other firearm, except that this subsection (a) (10) does  
15 not apply to or affect transportation of weapons that meet  
16 one of the following conditions:

17 (i) are broken down in a non-functioning state; or

18 (ii) are not immediately accessible; or

19 (iii) are unloaded and enclosed in a case, firearm  
20 carrying box, shipping box, or other container by a  
21 person who has been issued a currently valid Firearm  
22 Owner's Identification Card; or

23 (iv) are carried or possessed in accordance with  
24 the Firearm Concealed Carry Act by a person who has  
25 been issued a currently valid license under the  
26 Firearm Concealed Carry Act.

1           A "stun gun or taser", as used in this paragraph (a)  
2 means (i) any device which is powered by electrical  
3 charging units, such as, batteries, and which fires one or  
4 several barbs attached to a length of wire and which, upon  
5 hitting a human, can send out a current capable of  
6 disrupting the person's nervous system in such a manner as  
7 to render him incapable of normal functioning or (ii) any  
8 device which is powered by electrical charging units, such  
9 as batteries, and which, upon contact with a human or  
10 clothing worn by a human, can send out current capable of  
11 disrupting the person's nervous system in such a manner as  
12 to render him incapable of normal functioning; or

13           (11) Sells, manufactures, or purchases any explosive  
14 bullet. For purposes of this paragraph (a) "explosive  
15 bullet" means the projectile portion of an ammunition  
16 cartridge which contains or carries an explosive charge  
17 which will explode upon contact with the flesh of a human  
18 or an animal. "Cartridge" means a tubular metal case  
19 having a projectile affixed at the front thereof and a cap  
20 or primer at the rear end thereof, with the propellant  
21 contained in such tube between the projectile and the cap;  
22 or

23           (12) (Blank); or

24           (13) Carries or possesses on or about his or her  
25 person while in a building occupied by a unit of  
26 government, a billy club, other weapon of like character,

1 or other instrument of like character intended for use as  
2 a weapon. For the purposes of this Section, "billy club"  
3 means a short stick or club commonly carried by police  
4 officers which is either telescopic or constructed of a  
5 solid piece of wood or other man-made material.

6 (b) Sentence. A person convicted of a violation of  
7 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
8 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
9 Class A misdemeanor. A person convicted of a violation of  
10 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;  
11 a person convicted of a violation of subsection 24-1(a)(6) or  
12 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
13 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
14 Class 2 felony and shall be sentenced to a term of imprisonment  
15 of not less than 3 years and not more than 7 years, unless the  
16 weapon is possessed in the passenger compartment of a motor  
17 vehicle as defined in Section 1-146 of the Illinois Vehicle  
18 Code, or on the person, while the weapon is loaded, in which  
19 case it shall be a Class X felony. A person convicted of a  
20 second or subsequent violation of subsection 24-1(a)(4),  
21 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
22 felony. A person convicted of a violation of subsection  
23 24-1(a)(2.5) commits a Class 2 felony. The possession of each  
24 weapon in violation of this Section constitutes a single and  
25 separate violation.

26 (c) Violations in specific places.

1           (1) A person who violates subsection 24-1(a)(6) or  
2           24-1(a)(7) in any school, regardless of the time of day or  
3           the time of year, in residential property owned, operated  
4           or managed by a public housing agency or leased by a public  
5           housing agency as part of a scattered site or mixed-income  
6           development, in a public park, in a courthouse, on the  
7           real property comprising any school, regardless of the  
8           time of day or the time of year, on residential property  
9           owned, operated or managed by a public housing agency or  
10          leased by a public housing agency as part of a scattered  
11          site or mixed-income development, on the real property  
12          comprising any public park, on the real property  
13          comprising any courthouse, in any conveyance owned, leased  
14          or contracted by a school to transport students to or from  
15          school or a school related activity, in any conveyance  
16          owned, leased, or contracted by a public transportation  
17          agency, or on any public way within 1,000 feet of the real  
18          property comprising any school, public park, courthouse,  
19          public transportation facility, or residential property  
20          owned, operated, or managed by a public housing agency or  
21          leased by a public housing agency as part of a scattered  
22          site or mixed-income development commits a Class 2 felony  
23          and shall be sentenced to a term of imprisonment of not  
24          less than 3 years and not more than 7 years.

25          (1.5) A person who violates subsection 24-1(a)(4),  
26          24-1(a)(9), or 24-1(a)(10) in any school, regardless of

1 the time of day or the time of year, in residential  
2 property owned, operated, or managed by a public housing  
3 agency or leased by a public housing agency as part of a  
4 scattered site or mixed-income development, in a public  
5 park, in a courthouse, on the real property comprising any  
6 school, regardless of the time of day or the time of year,  
7 on residential property owned, operated, or managed by a  
8 public housing agency or leased by a public housing agency  
9 as part of a scattered site or mixed-income development,  
10 on the real property comprising any public park, on the  
11 real property comprising any courthouse, in any conveyance  
12 owned, leased, or contracted by a school to transport  
13 students to or from school or a school related activity,  
14 in any conveyance owned, leased, or contracted by a public  
15 transportation agency, or on any public way within 1,000  
16 feet of the real property comprising any school, public  
17 park, courthouse, public transportation facility, or  
18 residential property owned, operated, or managed by a  
19 public housing agency or leased by a public housing agency  
20 as part of a scattered site or mixed-income development  
21 commits a Class 3 felony.

22 (2) A person who violates subsection 24-1(a)(1),  
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
24 time of day or the time of year, in residential property  
25 owned, operated or managed by a public housing agency or  
26 leased by a public housing agency as part of a scattered



1 site or mixed-income development, in a public park, in a  
2 courthouse, on the real property comprising any school,  
3 regardless of the time of day or the time of year, on  
4 residential property owned, operated or managed by a  
5 public housing agency or leased by a public housing agency  
6 as part of a scattered site or mixed-income development,  
7 on the real property comprising any public park, on the  
8 real property comprising any courthouse, in any conveyance  
9 owned, leased or contracted by a school to transport  
10 students to or from school or a school related activity,  
11 in any conveyance owned, leased, or contracted by a public  
12 transportation agency, or on any public way within 1,000  
13 feet of the real property comprising any school, public  
14 park, courthouse, public transportation facility, or  
15 residential property owned, operated, or managed by a  
16 public housing agency or leased by a public housing agency  
17 as part of a scattered site or mixed-income development  
18 commits a Class 4 felony. "Courthouse" means any building  
19 that is used by the Circuit, Appellate, or Supreme Court  
20 of this State for the conduct of official business.

21 (3) Paragraphs (1), (1.5), and (2) of this subsection  
22 (c) shall not apply to law enforcement officers or  
23 security officers of such school, college, or university  
24 or to students carrying or possessing firearms for use in  
25 training courses, parades, hunting, target shooting on  
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded  
2 enclosed in a suitable case, box, or transportation  
3 package.

4 (4) For the purposes of this subsection (c), "school"  
5 means any public or private elementary or secondary  
6 school, community college, college, or university.

7 (5) For the purposes of this subsection (c), "public  
8 transportation agency" means a public or private agency  
9 that provides for the transportation or conveyance of  
10 persons by means available to the general public, except  
11 for transportation by automobiles not used for conveyance  
12 of the general public as passengers; and "public  
13 transportation facility" means a terminal or other place  
14 where one may obtain public transportation.

15 (d) The presence in an automobile other than a public  
16 omnibus of any weapon, instrument or substance referred to in  
17 subsection (a)(7) is prima facie evidence that it is in the  
18 possession of, and is being carried by, all persons occupying  
19 such automobile at the time such weapon, instrument or  
20 substance is found, except under the following circumstances:  
21 (i) if such weapon, instrument or instrumentality is found  
22 upon the person of one of the occupants therein; or (ii) if  
23 such weapon, instrument or substance is found in an automobile  
24 operated for hire by a duly licensed driver in the due, lawful  
25 and proper pursuit of his or her trade, then such presumption  
26 shall not apply to the driver.

1 (e) Exemptions.

2 (1) Crossbows, Common or Compound bows and Underwater  
3 Spearguns are exempted from the definition of ballistic  
4 knife as defined in paragraph (1) of subsection (a) of  
5 this Section.

6 (2) The provision of paragraph (1) of subsection (a)  
7 of this Section prohibiting the sale, manufacture,  
8 purchase, possession, or carrying of any knife, commonly  
9 referred to as a switchblade knife, which has a blade that  
10 opens automatically by hand pressure applied to a button,  
11 spring or other device in the handle of the knife, does not  
12 apply to a person who possesses a currently valid Firearm  
13 Owner's Identification Card previously issued in his or  
14 her name by the Illinois ~~Department of~~ State Police or to a  
15 person or an entity engaged in the business of selling or  
16 manufacturing switchblade knives.

17 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

18 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

19 Sec. 24-1.1. Unlawful use or possession of weapons by  
20 felons or persons in the custody of the Department of  
21 Corrections facilities.

22 (a) It is unlawful for a person to knowingly possess on or  
23 about his person or on his land or in his own abode or fixed  
24 place of business any weapon prohibited under Section 24-1 of  
25 this Act or any firearm or any firearm ammunition if the person

1 has been convicted of a felony under the laws of this State or  
2 any other jurisdiction. This Section shall not apply if the  
3 person has been granted relief by the Director of the Illinois  
4 ~~Department of~~ State Police under Section 10 of the Firearm  
5 Owners Identification Card Act.

6 (b) It is unlawful for any person confined in a penal  
7 institution, which is a facility of the Illinois Department of  
8 Corrections, to possess any weapon prohibited under Section  
9 24-1 of this Code or any firearm or firearm ammunition,  
10 regardless of the intent with which he possesses it.

11 (c) It shall be an affirmative defense to a violation of  
12 subsection (b), that such possession was specifically  
13 authorized by rule, regulation, or directive of the Illinois  
14 Department of Corrections or order issued pursuant thereto.

15 (d) The defense of necessity is not available to a person  
16 who is charged with a violation of subsection (b) of this  
17 Section.

18 (e) Sentence. Violation of this Section by a person not  
19 confined in a penal institution shall be a Class 3 felony for  
20 which the person shall be sentenced to no less than 2 years and  
21 no more than 10 years. A second or subsequent violation of this  
22 Section shall be a Class 2 felony for which the person shall be  
23 sentenced to a term of imprisonment of not less than 3 years  
24 and not more than 14 years, except as provided for in Section  
25 5-4.5-110 of the Unified Code of Corrections. Violation of  
26 this Section by a person not confined in a penal institution

1 who has been convicted of a forcible felony, a felony  
2 violation of Article 24 of this Code or of the Firearm Owners  
3 Identification Card Act, stalking or aggravated stalking, or a  
4 Class 2 or greater felony under the Illinois Controlled  
5 Substances Act, the Cannabis Control Act, or the  
6 Methamphetamine Control and Community Protection Act is a  
7 Class 2 felony for which the person shall be sentenced to not  
8 less than 3 years and not more than 14 years, except as  
9 provided for in Section 5-4.5-110 of the Unified Code of  
10 Corrections. Violation of this Section by a person who is on  
11 parole or mandatory supervised release is a Class 2 felony for  
12 which the person shall be sentenced to not less than 3 years  
13 and not more than 14 years, except as provided for in Section  
14 5-4.5-110 of the Unified Code of Corrections. Violation of  
15 this Section by a person not confined in a penal institution is  
16 a Class X felony when the firearm possessed is a machine gun.  
17 Any person who violates this Section while confined in a penal  
18 institution, which is a facility of the Illinois Department of  
19 Corrections, is guilty of a Class 1 felony, if he possesses any  
20 weapon prohibited under Section 24-1 of this Code regardless  
21 of the intent with which he possesses it, a Class X felony if  
22 he possesses any firearm, firearm ammunition or explosive, and  
23 a Class X felony for which the offender shall be sentenced to  
24 not less than 12 years and not more than 50 years when the  
25 firearm possessed is a machine gun. A violation of this  
26 Section while wearing or in possession of body armor as

1 defined in Section 33F-1 is a Class X felony punishable by a  
2 term of imprisonment of not less than 10 years and not more  
3 than 40 years. The possession of each firearm or firearm  
4 ammunition in violation of this Section constitutes a single  
5 and separate violation.

6 (Source: P.A. 100-3, eff. 1-1-18.)

7 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

8 Sec. 24-3. Unlawful sale or delivery of firearms.

9 (A) A person commits the offense of unlawful sale or  
10 delivery of firearms when he or she knowingly does any of the  
11 following:

12 (a) Sells or gives any firearm of a size which may be  
13 concealed upon the person to any person under 18 years of  
14 age.

15 (b) Sells or gives any firearm to a person under 21  
16 years of age who has been convicted of a misdemeanor other  
17 than a traffic offense or adjudged delinquent.

18 (c) Sells or gives any firearm to any narcotic addict.

19 (d) Sells or gives any firearm to any person who has  
20 been convicted of a felony under the laws of this or any  
21 other jurisdiction.

22 (e) Sells or gives any firearm to any person who has  
23 been a patient in a mental institution within the past 5  
24 years. In this subsection (e):

25 "Mental institution" means any hospital,

1 institution, clinic, evaluation facility, mental  
2 health center, or part thereof, which is used  
3 primarily for the care or treatment of persons with  
4 mental illness.

5 "Patient in a mental institution" means the person  
6 was admitted, either voluntarily or involuntarily, to  
7 a mental institution for mental health treatment,  
8 unless the treatment was voluntary and solely for an  
9 alcohol abuse disorder and no other secondary  
10 substance abuse disorder or mental illness.

11 (f) Sells or gives any firearms to any person who is a  
12 person with an intellectual disability.

13 (g) Delivers any firearm, incidental to a sale,  
14 without withholding delivery of the firearm for at least  
15 72 hours after application for its purchase has been made,  
16 or delivers a stun gun or taser, incidental to a sale,  
17 without withholding delivery of the stun gun or taser for  
18 at least 24 hours after application for its purchase has  
19 been made. However, this paragraph (g) does not apply to:

20 (1) the sale of a firearm to a law enforcement officer if  
21 the seller of the firearm knows that the person to whom he  
22 or she is selling the firearm is a law enforcement officer  
23 or the sale of a firearm to a person who desires to  
24 purchase a firearm for use in promoting the public  
25 interest incident to his or her employment as a bank  
26 guard, armed truck guard, or other similar employment; (2)

1 a mail order sale of a firearm from a federally licensed  
2 firearms dealer to a nonresident of Illinois under which  
3 the firearm is mailed to a federally licensed firearms  
4 dealer outside the boundaries of Illinois; (3) (blank);  
5 (4) the sale of a firearm to a dealer licensed as a federal  
6 firearms dealer under Section 923 of the federal Gun  
7 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
8 sale of any rifle, shotgun, or other long gun to a resident  
9 registered competitor or attendee or non-resident  
10 registered competitor or attendee by any dealer licensed  
11 as a federal firearms dealer under Section 923 of the  
12 federal Gun Control Act of 1968 at competitive shooting  
13 events held at the World Shooting Complex sanctioned by a  
14 national governing body. For purposes of transfers or  
15 sales under subparagraph (5) of this paragraph (g), the  
16 Department of Natural Resources shall give notice to the  
17 Illinois ~~Department of~~ State Police at least 30 calendar  
18 days prior to any competitive shooting events at the World  
19 Shooting Complex sanctioned by a national governing body.  
20 The notification shall be made on a form prescribed by the  
21 Illinois ~~Department of~~ State Police. The sanctioning body  
22 shall provide a list of all registered competitors and  
23 attendees at least 24 hours before the events to the  
24 Illinois ~~Department of~~ State Police. Any changes to the  
25 list of registered competitors and attendees shall be  
26 forwarded to the Illinois ~~Department of~~ State Police as



1 soon as practicable. The Illinois ~~Department of~~ State  
2 Police must destroy the list of registered competitors and  
3 attendees no later than 30 days after the date of the  
4 event. Nothing in this paragraph (g) relieves a federally  
5 licensed firearm dealer from the requirements of  
6 conducting a NICS background check through the Illinois  
7 Point of Contact under 18 U.S.C. 922(t). For purposes of  
8 this paragraph (g), "application" means when the buyer and  
9 seller reach an agreement to purchase a firearm. For  
10 purposes of this paragraph (g), "national governing body"  
11 means a group of persons who adopt rules and formulate  
12 policy on behalf of a national firearm sporting  
13 organization.

14 (h) While holding any license as a dealer, importer,  
15 manufacturer or pawnbroker under the federal Gun Control  
16 Act of 1968, manufactures, sells or delivers to any  
17 unlicensed person a handgun having a barrel, slide, frame  
18 or receiver which is a die casting of zinc alloy or any  
19 other nonhomogeneous metal which will melt or deform at a  
20 temperature of less than 800 degrees Fahrenheit. For  
21 purposes of this paragraph, (1) "firearm" is defined as in  
22 the Firearm Owners Identification Card Act; and (2)  
23 "handgun" is defined as a firearm designed to be held and  
24 fired by the use of a single hand, and includes a  
25 combination of parts from which such a firearm can be  
26 assembled.

1           (i) Sells or gives a firearm of any size to any person  
2 under 18 years of age who does not possess a valid Firearm  
3 Owner's Identification Card.

4           (j) Sells or gives a firearm while engaged in the  
5 business of selling firearms at wholesale or retail  
6 without being licensed as a federal firearms dealer under  
7 Section 923 of the federal Gun Control Act of 1968 (18  
8 U.S.C. 923). In this paragraph (j):

9           A person "engaged in the business" means a person who  
10 devotes time, attention, and labor to engaging in the  
11 activity as a regular course of trade or business with the  
12 principal objective of livelihood and profit, but does not  
13 include a person who makes occasional repairs of firearms  
14 or who occasionally fits special barrels, stocks, or  
15 trigger mechanisms to firearms.

16           "With the principal objective of livelihood and  
17 profit" means that the intent underlying the sale or  
18 disposition of firearms is predominantly one of obtaining  
19 livelihood and pecuniary gain, as opposed to other  
20 intents, such as improving or liquidating a personal  
21 firearms collection; however, proof of profit shall not be  
22 required as to a person who engages in the regular and  
23 repetitive purchase and disposition of firearms for  
24 criminal purposes or terrorism.

25           (k) Sells or transfers ownership of a firearm to a  
26 person who does not display to the seller or transferor of

1 the firearm either: (1) a currently valid Firearm Owner's  
2 Identification Card that has previously been issued in the  
3 transferee's name by the Illinois ~~Department of~~ State  
4 Police under the provisions of the Firearm Owners  
5 Identification Card Act; or (2) a currently valid license  
6 to carry a concealed firearm that has previously been  
7 issued in the transferee's name by the Illinois ~~Department~~  
8 ~~of~~ State Police under the Firearm Concealed Carry Act.  
9 This paragraph (k) does not apply to the transfer of a  
10 firearm to a person who is exempt from the requirement of  
11 possessing a Firearm Owner's Identification Card under  
12 Section 2 of the Firearm Owners Identification Card Act.  
13 For the purposes of this Section, a currently valid  
14 Firearm Owner's Identification Card means (i) a Firearm  
15 Owner's Identification Card that has not expired or (ii)  
16 an approval number issued in accordance with subsection  
17 (a-10) of subsection 3 or Section 3.1 of the Firearm  
18 Owners Identification Card Act shall be proof that the  
19 Firearm Owner's Identification Card was valid.

20 (1) In addition to the other requirements of this  
21 paragraph (k), all persons who are not federally  
22 licensed firearms dealers must also have complied with  
23 subsection (a-10) of Section 3 of the Firearm Owners  
24 Identification Card Act by determining the validity of  
25 a purchaser's Firearm Owner's Identification Card.

26 (2) All sellers or transferors who have complied

1 with the requirements of subparagraph (1) of this  
2 paragraph (k) shall not be liable for damages in any  
3 civil action arising from the use or misuse by the  
4 transferee of the firearm transferred, except for  
5 willful or wanton misconduct on the part of the seller  
6 or transferor.

7 (1) Not being entitled to the possession of a firearm,  
8 delivers the firearm, knowing it to have been stolen or  
9 converted. It may be inferred that a person who possesses  
10 a firearm with knowledge that its serial number has been  
11 removed or altered has knowledge that the firearm is  
12 stolen or converted.

13 (B) Paragraph (h) of subsection (A) does not include  
14 firearms sold within 6 months after enactment of Public Act  
15 78-355 (approved August 21, 1973, effective October 1, 1973),  
16 nor is any firearm legally owned or possessed by any citizen or  
17 purchased by any citizen within 6 months after the enactment  
18 of Public Act 78-355 subject to confiscation or seizure under  
19 the provisions of that Public Act. Nothing in Public Act  
20 78-355 shall be construed to prohibit the gift or trade of any  
21 firearm if that firearm was legally held or acquired within 6  
22 months after the enactment of that Public Act.

23 (C) Sentence.

24 (1) Any person convicted of unlawful sale or delivery  
25 of firearms in violation of paragraph (c), (e), (f), (g),  
26 or (h) of subsection (A) commits a Class 4 felony.

1           (2) Any person convicted of unlawful sale or delivery  
2 of firearms in violation of paragraph (b) or (i) of  
3 subsection (A) commits a Class 3 felony.

4           (3) Any person convicted of unlawful sale or delivery  
5 of firearms in violation of paragraph (a) of subsection  
6 (A) commits a Class 2 felony.

7           (4) Any person convicted of unlawful sale or delivery  
8 of firearms in violation of paragraph (a), (b), or (i) of  
9 subsection (A) in any school, on the real property  
10 comprising a school, within 1,000 feet of the real  
11 property comprising a school, at a school related  
12 activity, or on or within 1,000 feet of any conveyance  
13 owned, leased, or contracted by a school or school  
14 district to transport students to or from school or a  
15 school related activity, regardless of the time of day or  
16 time of year at which the offense was committed, commits a  
17 Class 1 felony. Any person convicted of a second or  
18 subsequent violation of unlawful sale or delivery of  
19 firearms in violation of paragraph (a), (b), or (i) of  
20 subsection (A) in any school, on the real property  
21 comprising a school, within 1,000 feet of the real  
22 property comprising a school, at a school related  
23 activity, or on or within 1,000 feet of any conveyance  
24 owned, leased, or contracted by a school or school  
25 district to transport students to or from school or a  
26 school related activity, regardless of the time of day or

1 time of year at which the offense was committed, commits a  
2 Class 1 felony for which the sentence shall be a term of  
3 imprisonment of no less than 5 years and no more than 15  
4 years.

5 (5) Any person convicted of unlawful sale or delivery  
6 of firearms in violation of paragraph (a) or (i) of  
7 subsection (A) in residential property owned, operated, or  
8 managed by a public housing agency or leased by a public  
9 housing agency as part of a scattered site or mixed-income  
10 development, in a public park, in a courthouse, on  
11 residential property owned, operated, or managed by a  
12 public housing agency or leased by a public housing agency  
13 as part of a scattered site or mixed-income development,  
14 on the real property comprising any public park, on the  
15 real property comprising any courthouse, or on any public  
16 way within 1,000 feet of the real property comprising any  
17 public park, courthouse, or residential property owned,  
18 operated, or managed by a public housing agency or leased  
19 by a public housing agency as part of a scattered site or  
20 mixed-income development commits a Class 2 felony.

21 (6) Any person convicted of unlawful sale or delivery  
22 of firearms in violation of paragraph (j) of subsection  
23 (A) commits a Class A misdemeanor. A second or subsequent  
24 violation is a Class 4 felony.

25 (7) Any person convicted of unlawful sale or delivery  
26 of firearms in violation of paragraph (k) of subsection

1 (A) commits a Class 4 felony, except that a violation of  
2 subparagraph (1) of paragraph (k) of subsection (A) shall  
3 not be punishable as a crime or petty offense. A third or  
4 subsequent conviction for a violation of paragraph (k) of  
5 subsection (A) is a Class 1 felony.

6 (8) A person 18 years of age or older convicted of  
7 unlawful sale or delivery of firearms in violation of  
8 paragraph (a) or (i) of subsection (A), when the firearm  
9 that was sold or given to another person under 18 years of  
10 age was used in the commission of or attempt to commit a  
11 forcible felony, shall be fined or imprisoned, or both,  
12 not to exceed the maximum provided for the most serious  
13 forcible felony so committed or attempted by the person  
14 under 18 years of age who was sold or given the firearm.

15 (9) Any person convicted of unlawful sale or delivery  
16 of firearms in violation of paragraph (d) of subsection  
17 (A) commits a Class 3 felony.

18 (10) Any person convicted of unlawful sale or delivery  
19 of firearms in violation of paragraph (1) of subsection  
20 (A) commits a Class 2 felony if the delivery is of one  
21 firearm. Any person convicted of unlawful sale or delivery  
22 of firearms in violation of paragraph (1) of subsection  
23 (A) commits a Class 1 felony if the delivery is of not less  
24 than 2 and not more than 5 firearms at the same time or  
25 within a one year period. Any person convicted of unlawful  
26 sale or delivery of firearms in violation of paragraph (1)

1 of subsection (A) commits a Class X felony for which he or  
2 she shall be sentenced to a term of imprisonment of not  
3 less than 6 years and not more than 30 years if the  
4 delivery is of not less than 6 and not more than 10  
5 firearms at the same time or within a 2 year period. Any  
6 person convicted of unlawful sale or delivery of firearms  
7 in violation of paragraph (1) of subsection (A) commits a  
8 Class X felony for which he or she shall be sentenced to a  
9 term of imprisonment of not less than 6 years and not more  
10 than 40 years if the delivery is of not less than 11 and  
11 not more than 20 firearms at the same time or within a 3  
12 year period. Any person convicted of unlawful sale or  
13 delivery of firearms in violation of paragraph (1) of  
14 subsection (A) commits a Class X felony for which he or she  
15 shall be sentenced to a term of imprisonment of not less  
16 than 6 years and not more than 50 years if the delivery is  
17 of not less than 21 and not more than 30 firearms at the  
18 same time or within a 4 year period. Any person convicted  
19 of unlawful sale or delivery of firearms in violation of  
20 paragraph (1) of subsection (A) commits a Class X felony  
21 for which he or she shall be sentenced to a term of  
22 imprisonment of not less than 6 years and not more than 60  
23 years if the delivery is of 31 or more firearms at the same  
24 time or within a 5 year period.

25 (D) For purposes of this Section:

26 "School" means a public or private elementary or secondary



1 school, community college, college, or university.

2 "School related activity" means any sporting, social,  
3 academic, or other activity for which students' attendance or  
4 participation is sponsored, organized, or funded in whole or  
5 in part by a school or school district.

6 (E) A prosecution for a violation of paragraph (k) of  
7 subsection (A) of this Section may be commenced within 6 years  
8 after the commission of the offense. A prosecution for a  
9 violation of this Section other than paragraph (g) of  
10 subsection (A) of this Section may be commenced within 5 years  
11 after the commission of the offense defined in the particular  
12 paragraph.

13 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
14 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

15 (720 ILCS 5/24-3B)

16 Sec. 24-3B. Firearms trafficking.

17 (a) A person commits firearms trafficking when he or she  
18 has not been issued a currently valid Firearm Owner's  
19 Identification Card and knowingly:

20 (1) brings, or causes to be brought, into this State,  
21 a firearm or firearm ammunition for the purpose of sale,  
22 delivery, or transfer to any other person or with the  
23 intent to sell, deliver, or transfer the firearm or  
24 firearm ammunition to any other person; or

25 (2) brings, or causes to be brought, into this State,

1 a firearm and firearm ammunition for the purpose of sale,  
2 delivery, or transfer to any other person or with the  
3 intent to sell, deliver, or transfer the firearm and  
4 firearm ammunition to any other person.

5 (a-5) This Section does not apply to:

6 (1) a person exempt under Section 2 of the Firearm  
7 Owners Identification Card Act from the requirement of  
8 having possession of a Firearm Owner's Identification Card  
9 previously issued in his or her name by the Illinois  
10 ~~Department of~~ State Police in order to acquire or possess  
11 a firearm or firearm ammunition;

12 (2) a common carrier under subsection (i) of Section  
13 24-2 of this Code; or

14 (3) a non-resident who may lawfully possess a firearm  
15 in his or her resident state.

16 (b) Sentence.

17 (1) Firearms trafficking is a Class 1 felony for which  
18 the person, if sentenced to a term of imprisonment, shall  
19 be sentenced to not less than 4 years and not more than 20  
20 years.

21 (2) Firearms trafficking by a person who has been  
22 previously convicted of firearms trafficking, gunrunning,  
23 or a felony offense for the unlawful sale, delivery, or  
24 transfer of a firearm or firearm ammunition in this State  
25 or another jurisdiction is a Class X felony.

26 (Source: P.A. 99-885, eff. 8-23-16.)

1 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

2 Sec. 24-6. Confiscation and disposition of weapons.

3 (a) Upon conviction of an offense in which a weapon was  
4 used or possessed by the offender, any weapon seized shall be  
5 confiscated by the trial court.

6 (b) Any stolen weapon so confiscated, when no longer  
7 needed for evidentiary purposes, shall be returned to the  
8 person entitled to possession, if known. After the disposition  
9 of a criminal case or in any criminal case where a final  
10 judgment in the case was not entered due to the death of the  
11 defendant, and when a confiscated weapon is no longer needed  
12 for evidentiary purposes, and when in due course no legitimate  
13 claim has been made for the weapon, the court may transfer the  
14 weapon to the sheriff of the county who may proceed to destroy  
15 it, or may in its discretion order the weapon preserved as  
16 property of the governmental body whose police agency seized  
17 the weapon, or may in its discretion order the weapon to be  
18 transferred to the Illinois ~~Department of~~ State Police for use  
19 by the crime laboratory system, for training purposes, or for  
20 any other application as deemed appropriate by the Department.  
21 If, after the disposition of a criminal case, a need still  
22 exists for the use of the confiscated weapon for evidentiary  
23 purposes, the court may transfer the weapon to the custody of  
24 the State Department of Corrections for preservation. The  
25 court may not order the transfer of the weapon to any private

1 individual or private organization other than to return a  
2 stolen weapon to its rightful owner.

3 The provisions of this Section shall not apply to  
4 violations of the Fish and Aquatic Life Code or the Wildlife  
5 Code. Confiscation of weapons for Fish and Aquatic Life Code  
6 and Wildlife Code violations shall be only as provided in  
7 those Codes.

8 (c) Any mental hospital that admits a person as an  
9 inpatient pursuant to any of the provisions of the Mental  
10 Health and Developmental Disabilities Code shall confiscate  
11 any firearms in the possession of that person at the time of  
12 admission, or at any time the firearms are discovered in the  
13 person's possession during the course of hospitalization. The  
14 hospital shall, as soon as possible following confiscation,  
15 transfer custody of the firearms to the appropriate law  
16 enforcement agency. The hospital shall give written notice to  
17 the person from whom the firearm was confiscated of the  
18 identity and address of the law enforcement agency to which it  
19 has given the firearm.

20 The law enforcement agency shall maintain possession of  
21 any firearm it obtains pursuant to this subsection for a  
22 minimum of 90 days. Thereafter, the firearm may be disposed of  
23 pursuant to the provisions of subsection (b) of this Section.

24 (Source: P.A. 91-696, eff. 4-13-00.)

25 (720 ILCS 5/24-8)

1           Sec. 24-8. Firearm tracing.

2           (a) Upon recovering a firearm from the possession of  
3 anyone who is not permitted by federal or State law to possess  
4 a firearm, a local law enforcement agency shall use the best  
5 available information, including a firearms trace when  
6 necessary, to determine how and from whom the person gained  
7 possession of the firearm. Upon recovering a firearm that was  
8 used in the commission of any offense classified as a felony or  
9 upon recovering a firearm that appears to have been lost,  
10 mislaid, stolen, or otherwise unclaimed, a local law  
11 enforcement agency shall use the best available information,  
12 including a firearms trace when necessary, to determine prior  
13 ownership of the firearm.

14           (b) Local law enforcement shall, when appropriate, use the  
15 National Tracing Center of the Federal Bureau of Alcohol,  
16 Tobacco and Firearms in complying with subsection (a) of this  
17 Section.

18           (c) Local law enforcement agencies shall use the Illinois  
19 ~~Department of~~ State Police Law Enforcement Agencies Data  
20 System (LEADS) Gun File to enter all stolen, seized, or  
21 recovered firearms as prescribed by LEADS regulations and  
22 policies.

23           (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

24           (720 ILCS 5/24.8-5)

25           Sec. 24.8-5. Sentence. A violation of this Article is a

1 petty offense. The Illinois State Police or any sheriff or  
2 police officer shall seize, take, remove or cause to be  
3 removed at the expense of the owner, any air rifle sold or used  
4 in any manner in violation of this Article.

5 (Source: P.A. 97-1108, eff. 1-1-13.)

6 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

7 Sec. 28-5. Seizure of gambling devices and gambling funds.

8 (a) Every device designed for gambling which is incapable  
9 of lawful use or every device used unlawfully for gambling  
10 shall be considered a "gambling device", and shall be subject  
11 to seizure, confiscation and destruction by the Illinois  
12 ~~Department of~~ State Police or by any municipal, or other local  
13 authority, within whose jurisdiction the same may be found. As  
14 used in this Section, a "gambling device" includes any slot  
15 machine, and includes any machine or device constructed for  
16 the reception of money or other thing of value and so  
17 constructed as to return, or to cause someone to return, on  
18 chance to the player thereof money, property or a right to  
19 receive money or property. With the exception of any device  
20 designed for gambling which is incapable of lawful use, no  
21 gambling device shall be forfeited or destroyed unless an  
22 individual with a property interest in said device knows of  
23 the unlawful use of the device.

24 (b) Every gambling device shall be seized and forfeited to  
25 the county wherein such seizure occurs. Any money or other

1 thing of value integrally related to acts of gambling shall be  
2 seized and forfeited to the county wherein such seizure  
3 occurs.

4 (c) If, within 60 days after any seizure pursuant to  
5 subparagraph (b) of this Section, a person having any property  
6 interest in the seized property is charged with an offense,  
7 the court which renders judgment upon such charge shall,  
8 within 30 days after such judgment, conduct a forfeiture  
9 hearing to determine whether such property was a gambling  
10 device at the time of seizure. Such hearing shall be commenced  
11 by a written petition by the State, including material  
12 allegations of fact, the name and address of every person  
13 determined by the State to have any property interest in the  
14 seized property, a representation that written notice of the  
15 date, time and place of such hearing has been mailed to every  
16 such person by certified mail at least 10 days before such  
17 date, and a request for forfeiture. Every such person may  
18 appear as a party and present evidence at such hearing. The  
19 quantum of proof required shall be a preponderance of the  
20 evidence, and the burden of proof shall be on the State. If the  
21 court determines that the seized property was a gambling  
22 device at the time of seizure, an order of forfeiture and  
23 disposition of the seized property shall be entered: a  
24 gambling device shall be received by the State's Attorney, who  
25 shall effect its destruction, except that valuable parts  
26 thereof may be liquidated and the resultant money shall be

1 deposited in the general fund of the county wherein such  
2 seizure occurred; money and other things of value shall be  
3 received by the State's Attorney and, upon liquidation, shall  
4 be deposited in the general fund of the county wherein such  
5 seizure occurred. However, in the event that a defendant  
6 raises the defense that the seized slot machine is an antique  
7 slot machine described in subparagraph (b) (7) of Section 28-1  
8 of this Code and therefore he is exempt from the charge of a  
9 gambling activity participant, the seized antique slot machine  
10 shall not be destroyed or otherwise altered until a final  
11 determination is made by the Court as to whether it is such an  
12 antique slot machine. Upon a final determination by the Court  
13 of this question in favor of the defendant, such slot machine  
14 shall be immediately returned to the defendant. Such order of  
15 forfeiture and disposition shall, for the purposes of appeal,  
16 be a final order and judgment in a civil proceeding.

17 (d) If a seizure pursuant to subparagraph (b) of this  
18 Section is not followed by a charge pursuant to subparagraph  
19 (c) of this Section, or if the prosecution of such charge is  
20 permanently terminated or indefinitely discontinued without  
21 any judgment of conviction or acquittal (1) the State's  
22 Attorney shall commence an in rem proceeding for the  
23 forfeiture and destruction of a gambling device, or for the  
24 forfeiture and deposit in the general fund of the county of any  
25 seized money or other things of value, or both, in the circuit  
26 court and (2) any person having any property interest in such



1 seized gambling device, money or other thing of value may  
2 commence separate civil proceedings in the manner provided by  
3 law.

4 (e) Any gambling device displayed for sale to a riverboat  
5 gambling operation, casino gambling operation, or organization  
6 gaming facility or used to train occupational licensees of a  
7 riverboat gambling operation, casino gambling operation, or  
8 organization gaming facility as authorized under the Illinois  
9 Gambling Act is exempt from seizure under this Section.

10 (f) Any gambling equipment, devices, and supplies provided  
11 by a licensed supplier in accordance with the Illinois  
12 Gambling Act which are removed from a riverboat, casino, or  
13 organization gaming facility for repair are exempt from  
14 seizure under this Section.

15 (g) The following video gaming terminals are exempt from  
16 seizure under this Section:

17 (1) Video gaming terminals for sale to a licensed  
18 distributor or operator under the Video Gaming Act.

19 (2) Video gaming terminals used to train licensed  
20 technicians or licensed terminal handlers.

21 (3) Video gaming terminals that are removed from a  
22 licensed establishment, licensed truck stop establishment,  
23 licensed large truck stop establishment, licensed  
24 fraternal establishment, or licensed veterans  
25 establishment for repair.

26 (h) Property seized or forfeited under this Section is

1 subject to reporting under the Seizure and Forfeiture  
2 Reporting Act.

3 (i) Any sports lottery terminals provided by a central  
4 system provider that are removed from a lottery retailer for  
5 repair under the Sports Wagering Act are exempt from seizure  
6 under this Section.

7 (Source: P.A. 100-512, eff. 7-1-18; 101-31, Article 25,  
8 Section 25-915, eff. 6-28-19; 101-31, Article 35, Section  
9 35-80, eff. 6-28-19; revised 7-12-19.)

10 (720 ILCS 5/29B-0.5)

11 Sec. 29B-0.5. Definitions. In this Article:

12 "Conduct" or "conducts" includes, in addition to its  
13 ordinary meaning, initiating, concluding, or participating in  
14 initiating or concluding a transaction.

15 "Criminally derived property" means: (1) any property,  
16 real or personal, constituting or derived from proceeds  
17 obtained, directly or indirectly, from activity that  
18 constitutes a felony under State, federal, or foreign law; or  
19 (2) any property represented to be property constituting or  
20 derived from proceeds obtained, directly or indirectly, from  
21 activity that constitutes a felony under State, federal, or  
22 foreign law.

23 ~~"Department" means the Department of State Police of this~~  
24 ~~State or its successor agency.~~

25 "Director" means the Director of the Illinois State Police

1 or his or her designated agents.

2 "Financial institution" means any bank; savings and loan  
3 association; trust company; agency or branch of a foreign bank  
4 in the United States; currency exchange; credit union;  
5 mortgage banking institution; pawnbroker; loan or finance  
6 company; operator of a credit card system; issuer, redeemer,  
7 or cashier of travelers checks, checks, or money orders;  
8 dealer in precious metals, stones, or jewels; broker or dealer  
9 in securities or commodities; investment banker; or investment  
10 company.

11 "Financial transaction" means a purchase, sale, loan,  
12 pledge, gift, transfer, delivery, or other disposition  
13 utilizing criminally derived property, and with respect to  
14 financial institutions, includes a deposit, withdrawal,  
15 transfer between accounts, exchange of currency, loan,  
16 extension of credit, purchase or sale of any stock, bond,  
17 certificate of deposit or other monetary instrument, use of  
18 safe deposit box, or any other payment, transfer or delivery  
19 by, through, or to a financial institution. "Financial  
20 transaction" also means a transaction which without regard to  
21 whether the funds, monetary instruments, or real or personal  
22 property involved in the transaction are criminally derived,  
23 any transaction which in any way or degree: (1) involves the  
24 movement of funds by wire or any other means; (2) involves one  
25 or more monetary instruments; or (3) the transfer of title to  
26 any real or personal property. The receipt by an attorney of

1 bona fide fees for the purpose of legal representation is not a  
2 financial transaction for purposes of this Article.

3 "Form 4-64" means the Illinois State Police  
4 Notice/Inventory of Seized Property (Form 4-64).

5 "Knowing that the property involved in a financial  
6 transaction represents the proceeds of some form of unlawful  
7 activity" means that the person knew the property involved in  
8 the transaction represented proceeds from some form, though  
9 not necessarily which form, of activity that constitutes a  
10 felony under State, federal, or foreign law.

11 "Monetary instrument" means United States coins and  
12 currency; coins and currency of a foreign country; travelers  
13 checks; personal checks, bank checks, and money orders;  
14 investment securities; bearer negotiable instruments; bearer  
15 investment securities; or bearer securities and certificates  
16 of stock in a form that title passes upon delivery.

17 "Specified criminal activity" means any violation of  
18 Section 29D-15.1 and any violation of Article 29D of this  
19 Code.

20 "Transaction reporting requirement under State law" means  
21 any violation as defined under the Currency Reporting Act.

22 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

23 (720 ILCS 5/29B-3)

24 Sec. 29B-3. Duty to enforce this Article.

25 (a) It is the duty of the Illinois ~~Department of State~~

1 Police, and its agents, officers, and investigators, to  
2 enforce this Article, except those provisions otherwise  
3 specifically delegated, and to cooperate with all agencies  
4 charged with the enforcement of the laws of the United States,  
5 or of any state, relating to money laundering. Only an agent,  
6 officer, or investigator designated by the Director may be  
7 authorized in accordance with this Section to serve seizure  
8 notices, warrants, subpoenas, and summonses under the  
9 authority of this State.

10 (b) An agent, officer, investigator, or peace officer  
11 designated by the Director may: (1) make seizure of property  
12 under this Article; and (2) perform other law enforcement  
13 duties as the Director designates. It is the duty of all  
14 State's Attorneys to prosecute violations of this Article and  
15 institute legal proceedings as authorized under this Article.

16 (Source: P.A. 100-699, eff. 8-3-18.)

17 (720 ILCS 5/29B-4)

18 Sec. 29B-4. Protective orders and warrants for forfeiture  
19 purposes.

20 (a) Upon application of the State, the court may enter a  
21 restraining order or injunction, require the execution of a  
22 satisfactory performance bond, or take any other action to  
23 preserve the availability of property described in Section  
24 29B-5 of this Article for forfeiture under this Article:

25 (1) upon the filing of an indictment, information, or

1 complaint charging a violation of this Article for which  
2 forfeiture may be ordered under this Article and alleging  
3 that the property with respect to which the order is  
4 sought would be subject to forfeiture under this Article;  
5 or

6 (2) prior to the filing of the indictment,  
7 information, or complaint, if, after notice to persons  
8 appearing to have an interest in the property and  
9 opportunity for a hearing, the court determines that:

10 (A) there is probable cause to believe that the  
11 State will prevail on the issue of forfeiture and that  
12 failure to enter the order will result in the property  
13 being destroyed, removed from the jurisdiction of the  
14 court, or otherwise made unavailable for forfeiture;  
15 and

16 (B) the need to preserve the availability of the  
17 property through the entry of the requested order  
18 outweighs the hardship on any party against whom the  
19 order is to be entered.

20 Provided, however, that an order entered under  
21 paragraph (2) of this Section shall be effective for not  
22 more than 90 days, unless extended by the court for good  
23 cause shown or unless an indictment, information,  
24 complaint, or administrative notice has been filed.

25 (b) A temporary restraining order under this subsection  
26 (b) may be entered upon application of the State without

1 notice or opportunity for a hearing when an indictment,  
2 information, complaint, or administrative notice has not yet  
3 been filed with respect to the property, if the State  
4 demonstrates that there is probable cause to believe that the  
5 property with respect to which the order is sought would be  
6 subject to forfeiture under this Article and that provision of  
7 notice will jeopardize the availability of the property for  
8 forfeiture. The temporary order shall expire not more than 30  
9 days after the date on which it is entered, unless extended for  
10 good cause shown or unless the party against whom it is entered  
11 consents to an extension for a longer period. A hearing  
12 requested concerning an order entered under this subsection  
13 (b) shall be held at the earliest possible time and prior to  
14 the expiration of the temporary order.

15 (c) The court may receive and consider, at a hearing held  
16 under this Section, evidence and information that would be  
17 inadmissible under the Illinois rules of evidence.

18 (d) Under its authority to enter a pretrial restraining  
19 order under this Section, the court may order a defendant to  
20 repatriate any property that may be seized and forfeited and  
21 to deposit that property pending trial with the Illinois  
22 ~~Department of~~ State Police or another law enforcement agency  
23 designated by the Illinois ~~Department of~~ State Police. Failure  
24 to comply with an order under this Section is punishable as a  
25 civil or criminal contempt of court.

26 (e) The State may request the issuance of a warrant

1 authorizing the seizure of property described in Section 29B-5  
2 of this Article in the same manner as provided for a search  
3 warrant. If the court determines that there is probable cause  
4 to believe that the property to be seized would be subject to  
5 forfeiture, the court shall issue a warrant authorizing the  
6 seizure of that property.

7 (Source: P.A. 100-699, eff. 8-3-18.)

8 (720 ILCS 5/29B-12)

9 Sec. 29B-12. Non-judicial forfeiture. If non-real  
10 property that exceeds \$20,000 in value excluding the value of  
11 any conveyance, or if real property is seized under the  
12 provisions of this Article, the State's Attorney shall  
13 institute judicial in rem forfeiture proceedings as described  
14 in Section 29B-13 of this Article within 28 days from receipt  
15 of notice of seizure from the seizing agency under Section  
16 29B-8 of this Article. However, if non-real property that does  
17 not exceed \$20,000 in value excluding the value of any  
18 conveyance is seized, the following procedure shall be used:

19 (1) If, after review of the facts surrounding the  
20 seizure, the State's Attorney is of the opinion that the  
21 seized property is subject to forfeiture, then, within 28  
22 days after the receipt of notice of seizure from the  
23 seizing agency, the State's Attorney shall cause notice of  
24 pending forfeiture to be given to the owner of the  
25 property and all known interest holders of the property in



1           accordance with Section 29B-10 of this Article.

2           (2) The notice of pending forfeiture shall include a  
3           description of the property, the estimated value of the  
4           property, the date and place of seizure, the conduct  
5           giving rise to forfeiture or the violation of law alleged,  
6           and a summary of procedures and procedural rights  
7           applicable to the forfeiture action.

8           (3) (A) Any person claiming an interest in property  
9           that is the subject of notice under paragraph (1) of this  
10          Section, must, in order to preserve any rights or claims  
11          to the property, within 45 days after the effective date  
12          of notice as described in Section 29B-10 of this Article,  
13          file a verified claim with the State's Attorney expressing  
14          his or her interest in the property. The claim shall set  
15          forth:

16                 (i) the caption of the proceedings as set forth on  
17                 the notice of pending forfeiture and the name of the  
18                 claimant;

19                 (ii) the address at which the claimant will accept  
20                 mail;

21                 (iii) the nature and extent of the claimant's  
22                 interest in the property;

23                 (iv) the date, identity of the transferor, and  
24                 circumstances of the claimant's acquisition of the  
25                 interest in the property;

26                 (v) the names and addresses of all other persons

1 known to have an interest in the property;

2 (vi) the specific provision of law relied on in  
3 asserting the property is not subject to forfeiture;

4 (vii) all essential facts supporting each  
5 assertion; and

6 (viii) the relief sought.

7 (B) If a claimant files the claim, then the State's  
8 Attorney shall institute judicial in rem forfeiture  
9 proceedings with the clerk of the court as described in  
10 Section 29B-13 of this Article within 28 days after  
11 receipt of the claim.

12 (4) If no claim is filed within the 28-day period as  
13 described in paragraph (3) of this Section, the State's  
14 Attorney shall declare the property forfeited and shall  
15 promptly notify the owner and all known interest holders  
16 of the property and the Director of the Illinois State  
17 Police of the declaration of forfeiture and the Director  
18 shall dispose of the property in accordance with law.

19 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

20 (720 ILCS 5/29B-20)

21 Sec. 29B-20. Settlement of claims. Notwithstanding other  
22 provisions of this Article, the State's Attorney and a  
23 claimant of seized property may enter into an agreed-upon  
24 settlement concerning the seized property in such an amount  
25 and upon such terms as are set out in writing in a settlement

1 agreement. All proceeds from a settlement agreement shall be  
2 tendered to the Illinois ~~Department of~~ State Police and  
3 distributed under Section 29B-26 of this Article.

4 (Source: P.A. 100-699, eff. 8-3-18.)

5 (720 ILCS 5/29B-25)

6 Sec. 29B-25. Return of property, damages, and costs.

7 (a) The law enforcement agency that holds custody of  
8 property seized for forfeiture shall deliver property ordered  
9 by the court to be returned or conveyed to the claimant within  
10 a reasonable time not to exceed 7 days, unless the order is  
11 stayed by the trial court or a reviewing court pending an  
12 appeal, motion to reconsider, or other reason.

13 (b) The law enforcement agency that holds custody of  
14 property is responsible for any damages, storage fees, and  
15 related costs applicable to property returned. The claimant  
16 shall not be subject to any charges by the State for storage of  
17 the property or expenses incurred in the preservation of the  
18 property. Charges for the towing of a conveyance shall be  
19 borne by the claimant unless the conveyance was towed for the  
20 sole reason of seizure for forfeiture. This Section does not  
21 prohibit the imposition of any fees or costs by a home rule  
22 unit of local government related to the impoundment of a  
23 conveyance under an ordinance enacted by the unit of  
24 government.

25 (c) A law enforcement agency shall not retain forfeited

1 property for its own use or transfer the property to any person  
2 or entity, except as provided under this Section. A law  
3 enforcement agency may apply in writing to the Director of the  
4 Illinois State Police to request that forfeited property be  
5 awarded to the agency for a specifically articulated official  
6 law enforcement use in an investigation. The Director shall  
7 provide a written justification in each instance detailing the  
8 reasons why the forfeited property was placed into official  
9 use and the justification shall be retained for a period of not  
10 less than 3 years.

11 (d) A claimant or a party interested in personal property  
12 contained within a seized conveyance may file a request with  
13 the State's Attorney in a non-judicial forfeiture action, or a  
14 motion with the court in a judicial forfeiture action for the  
15 return of any personal property contained within a conveyance  
16 that is seized under this Article. The return of personal  
17 property shall not be unreasonably withheld if the personal  
18 property is not mechanically or electrically coupled to the  
19 conveyance, needed for evidentiary purposes, or otherwise  
20 contraband. Any law enforcement agency that returns property  
21 under a court order under this Section shall not be liable to  
22 any person who claims ownership to the property if it is  
23 returned to an improper party.

24 (Source: P.A. 100-699, eff. 8-3-18.)

1           Sec. 29B-26. Distribution of proceeds. All moneys and the  
2 sale proceeds of all other property forfeited and seized under  
3 this Article shall be distributed as follows:

4           (1) 65% shall be distributed to the metropolitan  
5 enforcement group, local, municipal, county, or State law  
6 enforcement agency or agencies that conducted or  
7 participated in the investigation resulting in the  
8 forfeiture. The distribution shall bear a reasonable  
9 relationship to the degree of direct participation of the  
10 law enforcement agency in the effort resulting in the  
11 forfeiture, taking into account the total value of the  
12 property forfeited and the total law enforcement effort  
13 with respect to the violation of the law upon which the  
14 forfeiture is based. Amounts distributed to the agency or  
15 agencies shall be used for the enforcement of laws.

16           (2) (i) 12.5% shall be distributed to the Office of the  
17 State's Attorney of the county in which the prosecution  
18 resulting in the forfeiture was instituted, deposited in a  
19 special fund in the county treasury and appropriated to  
20 the State's Attorney for use in the enforcement of laws.  
21 In counties over 3,000,000 population, 25% shall be  
22 distributed to the Office of the State's Attorney for use  
23 in the enforcement of laws. If the prosecution is  
24 undertaken solely by the Attorney General, the portion  
25 provided under this subparagraph (i) shall be distributed  
26 to the Attorney General for use in the enforcement of

1 laws.

2 (ii) 12.5% shall be distributed to the Office of the  
3 State's Attorneys Appellate Prosecutor and deposited in  
4 the Narcotics Profit Forfeiture Fund of that office to be  
5 used for additional expenses incurred in the  
6 investigation, prosecution, and appeal of cases arising  
7 under laws. The Office of the State's Attorneys Appellate  
8 Prosecutor shall not receive distribution from cases  
9 brought in counties with over 3,000,000 population.

10 (3) 10% shall be retained by the Illinois ~~Department~~  
11 ~~of~~ State Police for expenses related to the administration  
12 and sale of seized and forfeited property.

13 Moneys and the sale proceeds distributed to the Illinois  
14 ~~Department of~~ State Police under this Article shall be  
15 deposited in the Money Laundering Asset Recovery Fund created  
16 in the State treasury and shall be used by the Illinois  
17 ~~Department of~~ State Police for State law enforcement purposes.  
18 All moneys and sale proceeds of property forfeited and seized  
19 under this Article and distributed according to this Section  
20 may also be used to purchase opioid antagonists as defined in  
21 Section 5-23 of the Substance Use Disorder Act.

22 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

23 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

24 Sec. 32-2. Perjury.

25 (a) A person commits perjury when, under oath or

1 affirmation, in a proceeding or in any other matter where by  
2 law the oath or affirmation is required, he or she makes a  
3 false statement, material to the issue or point in question,  
4 knowing the statement is false.

5 (b) Proof of Falsity.

6 An indictment or information for perjury alleging that the  
7 offender, under oath, has knowingly made contradictory  
8 statements, material to the issue or point in question, in the  
9 same or in different proceedings, where the oath or  
10 affirmation is required, need not specify which statement is  
11 false. At the trial, the prosecution need not establish which  
12 statement is false.

13 (c) Admission of Falsity.

14 Where the contradictory statements are made in the same  
15 continuous trial, an admission by the offender in that same  
16 continuous trial of the falsity of a contradictory statement  
17 shall bar prosecution therefor under any provisions of this  
18 Code.

19 (d) A person shall be exempt from prosecution under  
20 subsection (a) of this Section if he or she is a peace officer  
21 who uses a false or fictitious name in the enforcement of the  
22 criminal laws, and this use is approved in writing as provided  
23 in Section 10-1 of "The Liquor Control Act of 1934", as  
24 amended, Section 5 of "An Act in relation to the use of an  
25 assumed name in the conduct or transaction of business in this  
26 State", approved July 17, 1941, as amended, or Section

1 2605-200 of the Illinois ~~Department of~~ State Police Law.  
2 However, this exemption shall not apply to testimony in  
3 judicial proceedings where the identity of the peace officer  
4 is material to the issue, and he or she is ordered by the court  
5 to disclose his or her identity.

6 (e) Sentence.

7 Perjury is a Class 3 felony.

8 (Source: P.A. 97-1108, eff. 1-1-13.)

9 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

10 Sec. 32-8. Tampering with public records.

11 (a) A person commits tampering with public records when he  
12 or she knowingly, without lawful authority, and with the  
13 intent to defraud any party, public officer or entity, alters,  
14 destroys, defaces, removes or conceals any public record.

15 (b) (Blank).

16 (c) A judge, circuit clerk or clerk of court, public  
17 official or employee, court reporter, or other person commits  
18 tampering with public records when he or she knowingly,  
19 without lawful authority, and with the intent to defraud any  
20 party, public officer or entity, alters, destroys, defaces,  
21 removes, or conceals any public record received or held by any  
22 judge or by a clerk of any court.

23 (c-5) "Public record" expressly includes, but is not  
24 limited to, court records, or documents, evidence, or exhibits  
25 filed with the clerk of the court and which have become a part



1 of the official court record, pertaining to any civil or  
2 criminal proceeding in any court.

3 (d) Sentence. A violation of subsection (a) is a Class 4  
4 felony. A violation of subsection (c) is a Class 3 felony. Any  
5 person convicted under subsection (c) who at the time of the  
6 violation was responsible for making, keeping, storing, or  
7 reporting the record for which the tampering occurred:

8 (1) shall forfeit his or her public office or public  
9 employment, if any, and shall thereafter be ineligible for  
10 both State and local public office and public employment  
11 in this State for a period of 5 years after completion of  
12 any term of probation, conditional discharge, or  
13 incarceration in a penitentiary including the period of  
14 mandatory supervised release;

15 (2) shall forfeit all retirement, pension, and other  
16 benefits arising out of public office or public employment  
17 as may be determined by the court in accordance with the  
18 applicable provisions of the Illinois Pension Code;

19 (3) shall be subject to termination of any  
20 professional licensure or registration in this State as  
21 may be determined by the court in accordance with the  
22 provisions of the applicable professional licensing or  
23 registration laws;

24 (4) may be ordered by the court, after a hearing in  
25 accordance with applicable law and in addition to any  
26 other penalty or fine imposed by the court, to forfeit to

1 the State an amount equal to any financial gain or the  
2 value of any advantage realized by the person as a result  
3 of the offense; and

4 (5) may be ordered by the court, after a hearing in  
5 accordance with applicable law and in addition to any  
6 other penalty or fine imposed by the court, to pay  
7 restitution to the victim in an amount equal to any  
8 financial loss or the value of any advantage lost by the  
9 victim as a result of the offense.

10 For the purposes of this subsection (d), an offense under  
11 subsection (c) committed by a person holding public office or  
12 public employment shall be rebuttably presumed to relate to or  
13 arise out of or in connection with that public office or public  
14 employment.

15 (e) Any party litigant who believes a violation of this  
16 Section has occurred may seek the restoration of the court  
17 record as provided in the Court Records Restoration Act. Any  
18 order of the court denying the restoration of the court record  
19 may be appealed as any other civil judgment.

20 (f) When the sheriff or local law enforcement agency  
21 having jurisdiction declines to investigate, or inadequately  
22 investigates, the court or any interested party, shall notify  
23 the Illinois State Police of a suspected violation of  
24 subsection (a) or (c), who shall have the authority to  
25 investigate, and may investigate, the same, without regard to  
26 whether the local law enforcement agency has requested the

1 Illinois State Police to do so.

2 (g) If the State's Attorney having jurisdiction declines  
3 to prosecute a violation of subsection (a) or (c), the court or  
4 interested party shall notify the Attorney General of the  
5 refusal. The Attorney General shall, thereafter, have the  
6 authority to prosecute, and may prosecute, the violation,  
7 without a referral from the State's Attorney.

8 (h) Prosecution of a violation of subsection (c) shall be  
9 commenced within 3 years after the act constituting the  
10 violation is discovered or reasonably should have been  
11 discovered.

12 (Source: P.A. 96-1217, eff. 1-1-11; 96-1508, eff. 6-1-11;  
13 97-1108, eff. 1-1-13.)

14 (720 ILCS 5/33-2) (from Ch. 38, par. 33-2)

15 Sec. 33-2. Failure to report a bribe. Any public officer,  
16 public employee or juror who fails to report forthwith to the  
17 local State's Attorney, or in the case of a State employee to  
18 the Illinois ~~Department of~~ State Police, any offer made to him  
19 in violation of Section 33-1 commits a Class A misdemeanor.

20 In the case of a State employee, the making of such report  
21 to the Illinois ~~Department of~~ State Police shall discharge  
22 such employee from any further duty under this Section. Upon  
23 receiving any such report, the Illinois ~~Department of~~ State  
24 Police shall forthwith transmit a copy thereof to the  
25 appropriate State's Attorney.

1 (Source: P.A. 84-25.)

2 (720 ILCS 5/33-3.1)

3 Sec. 33-3.1. Solicitation misconduct (State government).

4 (a) An employee of an executive branch constitutional  
5 officer commits solicitation misconduct (State government)  
6 when, at any time, he or she knowingly solicits or receives  
7 contributions, as that term is defined in Section 9-1.4 of the  
8 Election Code, from a person engaged in a business or activity  
9 over which the person has regulatory authority.

10 (b) For the purpose of this Section, "employee of an  
11 executive branch constitutional officer" means a full-time or  
12 part-time salaried employee, full-time or part-time salaried  
13 appointee, or any contractual employee of any office, board,  
14 commission, agency, department, authority, administrative  
15 unit, or corporate outgrowth under the jurisdiction of an  
16 executive branch constitutional officer; and "regulatory  
17 authority" means having the responsibility to investigate,  
18 inspect, license, or enforce regulatory measures necessary to  
19 the requirements of any State or federal statute or regulation  
20 relating to the business or activity.

21 (c) An employee of an executive branch constitutional  
22 officer, including one who does not have regulatory authority,  
23 commits a violation of this Section if that employee knowingly  
24 acts in concert with an employee of an executive branch  
25 constitutional officer who does have regulatory authority to

1 solicit or receive contributions in violation of this Section.

2 (d) Solicitation misconduct (State government) is a Class  
3 A misdemeanor. An employee of an executive branch  
4 constitutional officer convicted of committing solicitation  
5 misconduct (State government) forfeits his or her employment.

6 (e) An employee of an executive branch constitutional  
7 officer who is discharged, demoted, suspended, threatened,  
8 harassed, or in any other manner discriminated against in the  
9 terms and conditions of employment because of lawful acts done  
10 by the employee or on behalf of the employee or others in  
11 furtherance of the enforcement of this Section shall be  
12 entitled to all relief necessary to make the employee whole.

13 (f) Any person who knowingly makes a false report of  
14 solicitation misconduct (State government) to the Illinois  
15 State Police, the Attorney General, a State's Attorney, or any  
16 law enforcement official is guilty of a Class C misdemeanor.

17 (Source: P.A. 92-853, eff. 8-28-02.)

18 (720 ILCS 5/33-3.2)

19 Sec. 33-3.2. Solicitation misconduct (local government).

20 (a) An employee of a chief executive officer of a local  
21 government commits solicitation misconduct (local government)  
22 when, at any time, he or she knowingly solicits or receives  
23 contributions, as that term is defined in Section 9-1.4 of the  
24 Election Code, from a person engaged in a business or activity  
25 over which the person has regulatory authority.

1           (b) For the purpose of this Section, "chief executive  
2 officer of a local government" means an executive officer of a  
3 county, township or municipal government or any administrative  
4 subdivision under jurisdiction of the county, township, or  
5 municipal government including but not limited to: chairman or  
6 president of a county board or commission, mayor or village  
7 president, township supervisor, county executive, municipal  
8 manager, assessor, auditor, clerk, coroner, recorder, sheriff  
9 or State's Attorney; "employee of a chief executive officer of  
10 a local government" means a full-time or part-time salaried  
11 employee, full-time or part-time salaried appointee, or any  
12 contractual employee of any office, board, commission, agency,  
13 department, authority, administrative unit, or corporate  
14 outgrowth under the jurisdiction of a chief executive officer  
15 of a local government; and "regulatory authority" means having  
16 the responsibility to investigate, inspect, license, or  
17 enforce regulatory measures necessary to the requirements of  
18 any State, local, or federal statute or regulation relating to  
19 the business or activity.

20           (c) An employee of a chief executive officer of a local  
21 government, including one who does not have regulatory  
22 authority, commits a violation of this Section if that  
23 employee knowingly acts in concert with an employee of a chief  
24 executive officer of a local government who does have  
25 regulatory authority to solicit or receive contributions in  
26 violation of this Section.

1           (d) Solicitation misconduct (local government) is a Class  
2 A misdemeanor. An employee of a chief executive officer of a  
3 local government convicted of committing solicitation  
4 misconduct (local government) forfeits his or her employment.

5           (e) An employee of a chief executive officer of a local  
6 government who is discharged, demoted, suspended, threatened,  
7 harassed, or in any other manner discriminated against in the  
8 terms and conditions of employment because of lawful acts done  
9 by the employee or on behalf of the employee or others in  
10 furtherance of the enforcement of this Section shall be  
11 entitled to all relief necessary to make the employee whole.

12           (f) Any person who knowingly makes a false report of  
13 solicitation misconduct (local government) to the Illinois  
14 State Police, the Attorney General, a State's Attorney, or any  
15 law enforcement official is guilty of a Class C misdemeanor.

16 (Source: P.A. 92-853, eff. 8-28-02.)

17 (720 ILCS 5/36-1.1)

18 Sec. 36-1.1. Seizure.

19           (a) Any property subject to forfeiture under this Article  
20 may be seized and impounded by the Director of the Illinois  
21 State Police or any peace officer upon process or seizure  
22 warrant issued by any court having jurisdiction over the  
23 property.

24           (b) Any property subject to forfeiture under this Article  
25 may be seized and impounded by the Director of the Illinois

1 State Police or any peace officer without process if there is  
2 probable cause to believe that the property is subject to  
3 forfeiture under Section 36-1 of this Article and the property  
4 is seized under circumstances in which a warrantless seizure  
5 or arrest would be reasonable.

6 (c) If the seized property is a conveyance, an  
7 investigation shall be made by the law enforcement agency as  
8 to any person whose right, title, interest, or lien is of  
9 record in the office of the agency or official in which title  
10 to or interest in the conveyance is required by law to be  
11 recorded.

12 (d) After seizure under this Section, notice shall be  
13 given to all known interest holders that forfeiture  
14 proceedings, including a preliminary review, may be instituted  
15 and the proceedings may be instituted under this Article.

16 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

17 (720 ILCS 5/36-1.3)

18 Sec. 36-1.3. Safekeeping of seized property pending  
19 disposition.

20 (a) Property seized under this Article is deemed to be in  
21 the custody of the Director of the Illinois State Police,  
22 subject only to the order and judgments of the circuit court  
23 having jurisdiction over the forfeiture proceedings and the  
24 decisions of the State's Attorney under this Article.

25 (b) If property is seized under this Article, the seizing



1 agency shall promptly conduct an inventory of the seized  
2 property and estimate the property's value and shall forward a  
3 copy of the inventory of seized property and the estimate of  
4 the property's value to the Director of the Illinois State  
5 Police. Upon receiving notice of seizure, the Director of the  
6 Illinois State Police may:

7 (1) place the property under seal;

8 (2) remove the property to a place designated by the  
9 Director of the Illinois State Police;

10 (3) keep the property in the possession of the seizing  
11 agency;

12 (4) remove the property to a storage area for  
13 safekeeping;

14 (5) place the property under constructive seizure by  
15 posting notice of pending forfeiture on it, by giving  
16 notice of pending forfeiture to its owners and interest  
17 holders, or by filing notice of pending forfeiture in any  
18 appropriate public record relating to the property; or

19 (6) provide for another agency or custodian, including  
20 an owner, secured party, or lienholder, to take custody of  
21 the property upon the terms and conditions set by the  
22 seizing agency.

23 (c) The seizing agency shall exercise ordinary care to  
24 protect the subject of the forfeiture from negligent loss,  
25 damage, or destruction.

26 (d) Property seized or forfeited under this Article is

1 subject to reporting under the Seizure and Forfeiture  
2 Reporting Act.

3 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;  
4 100-1163, eff. 12-20-18.)

5 (720 ILCS 5/36-2.2)

6 Sec. 36-2.2. Replevin prohibited; return of personal  
7 property inside seized conveyance.

8 (a) Property seized under this Article shall not be  
9 subject to replevin, but is deemed to be in the custody of the  
10 Director of the Illinois State Police, subject only to the  
11 order and judgments of the circuit court having jurisdiction  
12 over the forfeiture proceedings and the decisions of the  
13 State's Attorney.

14 (b) A claimant or a party interested in personal property  
15 contained within a seized conveyance may file a motion with  
16 the court in a judicial forfeiture action for the return of any  
17 personal property contained within a conveyance seized under  
18 this Article. The return of personal property shall not be  
19 unreasonably withheld if the personal property is not  
20 mechanically or electrically coupled to the conveyance, needed  
21 for evidentiary purposes, or otherwise contraband. A law  
22 enforcement agency that returns property under a court order  
23 under this Section shall not be liable to any person who claims  
24 ownership to the property if the property is returned to an  
25 improper party.

1 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

2 (720 ILCS 5/36-7)

3 Sec. 36-7. Distribution of proceeds; selling or retaining  
4 seized property prohibited.

5 (a) Except as otherwise provided in this Section, the  
6 court shall order that property forfeited under this Article  
7 be delivered to the Illinois ~~Department of~~ State Police within  
8 60 days.

9 (b) The Illinois ~~Department of~~ State Police or its  
10 designee shall dispose of all property at public auction and  
11 shall distribute the proceeds of the sale, together with any  
12 moneys forfeited or seized, under subsection (c) of this  
13 Section.

14 (c) All moneys and the sale proceeds of all other property  
15 forfeited and seized under this Act shall be distributed as  
16 follows:

17 (1) 65% shall be distributed to the drug task force,  
18 metropolitan enforcement group, local, municipal, county,  
19 or State law enforcement agency or agencies that conducted  
20 or participated in the investigation resulting in the  
21 forfeiture. The distribution shall bear a reasonable  
22 relationship to the degree of direct participation of the  
23 law enforcement agency in the effort resulting in the  
24 forfeiture, taking into account the total value of the  
25 property forfeited and the total law enforcement effort

1 with respect to the violation of the law upon which the  
2 forfeiture is based. Amounts distributed to the agency or  
3 agencies shall be used, at the discretion of the agency,  
4 for the enforcement of criminal laws; or for public  
5 education in the community or schools in the prevention or  
6 detection of the abuse of drugs or alcohol; or for  
7 security cameras used for the prevention or detection of  
8 violence, except that amounts distributed to the Secretary  
9 of State shall be deposited into the Secretary of State  
10 Evidence Fund to be used as provided in Section 2-115 of  
11 the Illinois Vehicle Code.

12 Any local, municipal, or county law enforcement agency  
13 entitled to receive a monetary distribution of forfeiture  
14 proceeds may share those forfeiture proceeds pursuant to  
15 the terms of an intergovernmental agreement with a  
16 municipality that has a population in excess of 20,000 if:

17 (A) the receiving agency has entered into an  
18 intergovernmental agreement with the municipality to  
19 provide police services;

20 (B) the intergovernmental agreement for police  
21 services provides for consideration in an amount of  
22 not less than \$1,000,000 per year;

23 (C) the seizure took place within the geographical  
24 limits of the municipality; and

25 (D) the funds are used only for the enforcement of  
26 criminal laws; for public education in the community

1           or schools in the prevention or detection of the abuse  
2           of drugs or alcohol; or for security cameras used for  
3           the prevention or detection of violence or the  
4           establishment of a municipal police force, including  
5           the training of officers, construction of a police  
6           station, the purchase of law enforcement equipment, or  
7           vehicles.

8           (2) 12.5% shall be distributed to the Office of the  
9           State's Attorney of the county in which the prosecution  
10          resulting in the forfeiture was instituted, deposited in a  
11          special fund in the county treasury and appropriated to  
12          the State's Attorney for use, at the discretion of the  
13          State's Attorney, in the enforcement of criminal laws; or  
14          for public education in the community or schools in the  
15          prevention or detection of the abuse of drugs or alcohol;  
16          or at the discretion of the State's Attorney, in addition  
17          to other authorized purposes, to make grants to local  
18          substance abuse treatment facilities and half-way houses.  
19          In counties over 3,000,000 population, 25% will be  
20          distributed to the Office of the State's Attorney for use,  
21          at the discretion of the State's Attorney, in the  
22          enforcement of criminal laws; or for public education in  
23          the community or schools in the prevention or detection of  
24          the abuse of drugs or alcohol; or at the discretion of the  
25          State's Attorney, in addition to other authorized  
26          purposes, to make grants to local substance abuse

1 treatment facilities and half-way houses. If the  
2 prosecution is undertaken solely by the Attorney General,  
3 the portion provided shall be distributed to the Attorney  
4 General for use in the enforcement of criminal laws  
5 governing cannabis and controlled substances or for public  
6 education in the community or schools in the prevention or  
7 detection of the abuse of drugs or alcohol.

8 12.5% shall be distributed to the Office of the  
9 State's Attorneys Appellate Prosecutor and shall be used  
10 at the discretion of the State's Attorneys Appellate  
11 Prosecutor for additional expenses incurred in the  
12 investigation, prosecution and appeal of cases arising in  
13 the enforcement of criminal laws; or for public education  
14 in the community or schools in the prevention or detection  
15 of the abuse of drugs or alcohol. The Office of the State's  
16 Attorneys Appellate Prosecutor shall not receive  
17 distribution from cases brought in counties with over  
18 3,000,000 population.

19 (3) 10% shall be retained by the Illinois Department  
20 ~~of~~ State Police for expenses related to the administration  
21 and sale of seized and forfeited property.

22 (d) A law enforcement agency shall not retain forfeited  
23 property for its own use or transfer the property to any person  
24 or entity, except as provided under this Section. A law  
25 enforcement agency may apply in writing to the Director of the  
26 Illinois State Police to request that forfeited property be

1 awarded to the agency for a specifically articulated official  
2 law enforcement use in an investigation. The Director of the  
3 Illinois State Police shall provide a written justification in  
4 each instance detailing the reasons why the forfeited property  
5 was placed into official use, and the justification shall be  
6 retained for a period of not less than 3 years.

7 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

8 Section 985. The Cannabis Control Act is amended by  
9 changing Sections 3, 4, 8, 10.2, 11, 15.2, 16.2, and 17 as  
10 follows:

11 (720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

12 Sec. 3. As used in this Act, unless the context otherwise  
13 requires:

14 (a) "Cannabis" includes marihuana, hashish and other  
15 substances which are identified as including any parts of the  
16 plant Cannabis Sativa, whether growing or not; the seeds  
17 thereof, the resin extracted from any part of such plant; and  
18 any compound, manufacture, salt, derivative, mixture, or  
19 preparation of such plant, its seeds, or resin, including  
20 tetrahydrocannabinol (THC) and all other cannabinal  
21 derivatives, including its naturally occurring or  
22 synthetically produced ingredients, whether produced directly  
23 or indirectly by extraction, or independently by means of  
24 chemical synthesis or by a combination of extraction and

1 chemical synthesis; but shall not include the mature stalks of  
2 such plant, fiber produced from such stalks, oil or cake made  
3 from the seeds of such plant, any other compound, manufacture,  
4 salt, derivative, mixture, or preparation of such mature  
5 stalks (except the resin extracted therefrom), fiber, oil or  
6 cake, or the sterilized seed of such plant which is incapable  
7 of germination.

8 (b) "Casual delivery" means the delivery of not more than  
9 10 grams of any substance containing cannabis without  
10 consideration.

11 (c) "Department" means the Illinois Department of Human  
12 Services (as successor to the Department of Alcoholism and  
13 Substance Abuse) or its successor agency.

14 (d) "Deliver" or "delivery" means the actual, constructive  
15 or attempted transfer of possession of cannabis, with or  
16 without consideration, whether or not there is an agency  
17 relationship.

18 (e) (Blank). ~~"Department of State Police" means the~~  
19 ~~Department of State Police of the State of Illinois or its~~  
20 ~~successor agency.~~

21 (f) "Director" means the Director of the Illinois  
22 ~~Department of State Police~~ or his designated agent.

23 (g) "Local authorities" means a duly organized State,  
24 county, or municipal peace unit or police force.

25 (h) "Manufacture" means the production, preparation,  
26 propagation, compounding, conversion or processing of



1 cannabis, either directly or indirectly, by extraction from  
2 substances of natural origin, or independently by means of  
3 chemical synthesis, or by a combination of extraction and  
4 chemical synthesis, and includes any packaging or repackaging  
5 of cannabis or labeling of its container, except that this  
6 term does not include the preparation, compounding, packaging,  
7 or labeling of cannabis as an incident to lawful research,  
8 teaching, or chemical analysis and not for sale.

9 (i) "Person" means any individual, corporation, government  
10 or governmental subdivision or agency, business trust, estate,  
11 trust, partnership or association, or any other entity.

12 (j) "Produce" or "production" means planting, cultivating,  
13 tending or harvesting.

14 (k) "State" includes the State of Illinois and any state,  
15 district, commonwealth, territory, insular possession thereof,  
16 and any area subject to the legal authority of the United  
17 States of America.

18 (l) "Subsequent offense" means an offense under this Act,  
19 the offender of which, prior to his conviction of the offense,  
20 has at any time been convicted under this Act or under any laws  
21 of the United States or of any state relating to cannabis, or  
22 any controlled substance as defined in the Illinois Controlled  
23 Substances Act.

24 (Source: P.A. 100-1091, eff. 8-26-18; 101-593, eff. 12-4-19.)

25 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

1           Sec. 4. Except as otherwise provided in the Cannabis  
2 Regulation and Tax Act and the Industrial Hemp Act, it is  
3 unlawful for any person knowingly to possess cannabis.

4           Any person who violates this Section with respect to:

5           (a) not more than 10 grams of any substance containing  
6 cannabis is guilty of a civil law violation punishable by  
7 a minimum fine of \$100 and a maximum fine of \$200. The  
8 proceeds of the fine shall be payable to the clerk of the  
9 circuit court. Within 30 days after the deposit of the  
10 fine, the clerk shall distribute the proceeds of the fine  
11 as follows:

12           (1) \$10 of the fine to the circuit clerk and \$10 of  
13 the fine to the law enforcement agency that issued the  
14 citation; the proceeds of each \$10 fine distributed to  
15 the circuit clerk and each \$10 fine distributed to the  
16 law enforcement agency that issued the citation for  
17 the violation shall be used to defer the cost of  
18 automatic expungements under paragraph (2.5) of  
19 subsection (a) of Section 5.2 of the Criminal  
20 Identification Act;

21           (2) \$15 to the county to fund drug addiction  
22 services;

23           (3) \$10 to the Office of the State's Attorneys  
24 Appellate Prosecutor for use in training programs;

25           (4) \$10 to the State's Attorney; and

26           (5) any remainder of the fine to the law

1 enforcement agency that issued the citation for the  
2 violation.

3 With respect to funds designated for the Illinois  
4 ~~Department of~~ State Police, the moneys shall be remitted  
5 by the circuit court clerk to the Illinois ~~Department of~~  
6 State Police within one month after receipt for deposit  
7 into the State Police Operations Assistance Fund. With  
8 respect to funds designated for the Department of Natural  
9 Resources, the Department of Natural Resources shall  
10 deposit the moneys into the Conservation Police Operations  
11 Assistance Fund;

12 (b) more than 10 grams but not more than 30 grams of  
13 any substance containing cannabis is guilty of a Class B  
14 misdemeanor;

15 (c) more than 30 grams but not more than 100 grams of  
16 any substance containing cannabis is guilty of a Class A  
17 misdemeanor; provided, that if any offense under this  
18 subsection (c) is a subsequent offense, the offender shall  
19 be guilty of a Class 4 felony;

20 (d) more than 100 grams but not more than 500 grams of  
21 any substance containing cannabis is guilty of a Class 4  
22 felony; provided that if any offense under this subsection  
23 (d) is a subsequent offense, the offender shall be guilty  
24 of a Class 3 felony;

25 (e) more than 500 grams but not more than 2,000 grams  
26 of any substance containing cannabis is guilty of a Class

1           3 felony;

2           (f) more than 2,000 grams but not more than 5,000  
3           grams of any substance containing cannabis is guilty of a  
4           Class 2 felony;

5           (g) more than 5,000 grams of any substance containing  
6           cannabis is guilty of a Class 1 felony.

7           (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

8           (720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

9           Sec. 8. Except as otherwise provided in the Cannabis  
10          Regulation and Tax Act and the Industrial Hemp Act, it is  
11          unlawful for any person knowingly to produce the Cannabis  
12          sativa plant or to possess such plants unless production or  
13          possession has been authorized pursuant to the provisions of  
14          Section 11 or 15.2 of the Act. Any person who violates this  
15          Section with respect to production or possession of:

16          (a) Not more than 5 plants is guilty of a civil  
17          violation punishable by a minimum fine of \$100 and a  
18          maximum fine of \$200. The proceeds of the fine are payable  
19          to the clerk of the circuit court. Within 30 days after the  
20          deposit of the fine, the clerk shall distribute the  
21          proceeds of the fine as follows:

22                  (1) \$10 of the fine to the circuit clerk and \$10 of  
23                  the fine to the law enforcement agency that issued the  
24                  citation; the proceeds of each \$10 fine distributed to  
25                  the circuit clerk and each \$10 fine distributed to the

1 law enforcement agency that issued the citation for  
2 the violation shall be used to defer the cost of  
3 automatic expungements under paragraph (2.5) of  
4 subsection (a) of Section 5.2 of the Criminal  
5 Identification Act;

6 (2) \$15 to the county to fund drug addiction  
7 services;

8 (3) \$10 to the Office of the State's Attorneys  
9 Appellate Prosecutor for use in training programs;

10 (4) \$10 to the State's Attorney; and

11 (5) any remainder of the fine to the law  
12 enforcement agency that issued the citation for the  
13 violation.

14 With respect to funds designated for the Illinois  
15 ~~Department of~~ State Police, the moneys shall be remitted  
16 by the circuit court clerk to the Illinois ~~Department of~~  
17 State Police within one month after receipt for deposit  
18 into the State Police Operations Assistance Fund. With  
19 respect to funds designated for the Department of Natural  
20 Resources, the Department of Natural Resources shall  
21 deposit the moneys into the Conservation Police Operations  
22 Assistance Fund.

23 (b) More than 5, but not more than 20 plants, is guilty  
24 of a Class 4 felony.

25 (c) More than 20, but not more than 50 plants, is  
26 guilty of a Class 3 felony.

1 (d) More than 50, but not more than 200 plants, is  
2 guilty of a Class 2 felony for which a fine not to exceed  
3 \$100,000 may be imposed and for which liability for the  
4 cost of conducting the investigation and eradicating such  
5 plants may be assessed. Compensation for expenses incurred  
6 in the enforcement of this provision shall be transmitted  
7 to and deposited in the treasurer's office at the level of  
8 government represented by the Illinois law enforcement  
9 agency whose officers or employees conducted the  
10 investigation or caused the arrest or arrests leading to  
11 the prosecution, to be subsequently made available to that  
12 law enforcement agency as expendable receipts for use in  
13 the enforcement of laws regulating controlled substances  
14 and cannabis. If such seizure was made by a combination of  
15 law enforcement personnel representing different levels of  
16 government, the court levying the assessment shall  
17 determine the allocation of such assessment. The proceeds  
18 of assessment awarded to the State treasury shall be  
19 deposited in a special fund known as the Drug Traffic  
20 Prevention Fund.

21 (e) More than 200 plants is guilty of a Class 1 felony  
22 for which a fine not to exceed \$100,000 may be imposed and  
23 for which liability for the cost of conducting the  
24 investigation and eradicating such plants may be assessed.  
25 Compensation for expenses incurred in the enforcement of  
26 this provision shall be transmitted to and deposited in

1 the treasurer's office at the level of government  
2 represented by the Illinois law enforcement agency whose  
3 officers or employees conducted the investigation or  
4 caused the arrest or arrests leading to the prosecution,  
5 to be subsequently made available to that law enforcement  
6 agency as expendable receipts for use in the enforcement  
7 of laws regulating controlled substances and cannabis. If  
8 such seizure was made by a combination of law enforcement  
9 personnel representing different levels of government, the  
10 court levying the assessment shall determine the  
11 allocation of such assessment. The proceeds of assessment  
12 awarded to the State treasury shall be deposited in a  
13 special fund known as the Drug Traffic Prevention Fund.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

15 (720 ILCS 550/10.2) (from Ch. 56 1/2, par. 710.2)

16 Sec. 10.2. (a) Twelve and one-half percent of all amounts  
17 collected as fines pursuant to the provisions of this Act  
18 shall be paid into the Youth Drug Abuse Prevention Fund, which  
19 is hereby created in the State treasury, to be used by the  
20 Department of Human Services for the funding of programs and  
21 services for drug-abuse treatment, and prevention and  
22 education services, for juveniles.

23 (b) Eighty-seven and one-half percent of the proceeds of  
24 all fines received under the provisions of this Act shall be  
25 transmitted to and deposited in the treasurer's office at the

1 level of government as follows:

2 (1) If such seizure was made by a combination of law  
3 enforcement personnel representing differing units of  
4 local government, the court levying the fine shall  
5 equitably allocate 50% of the fine among these units of  
6 local government and shall allocate 37 1/2% to the county  
7 general corporate fund. In the event that the seizure was  
8 made by law enforcement personnel representing a unit of  
9 local government from a municipality where the number of  
10 inhabitants exceeds 2 million in population, the court  
11 levying the fine shall allocate 87 1/2% of the fine to that  
12 unit of local government. If the seizure was made by a  
13 combination of law enforcement personnel representing  
14 differing units of local government, and at least one of  
15 those units represents a municipality where the number of  
16 inhabitants exceeds 2 million in population, the court  
17 shall equitably allocate 87 1/2% of the proceeds of the  
18 fines received among the differing units of local  
19 government.

20 (2) If such seizure was made by State law enforcement  
21 personnel, then the court shall allocate 37 1/2% to the  
22 State treasury and 50% to the county general corporate  
23 fund.

24 (3) If a State law enforcement agency in combination  
25 with a law enforcement agency or agencies of a unit or  
26 units of local government conducted the seizure, the court



1 shall equitably allocate 37 1/2% of the fines to or among  
2 the law enforcement agency or agencies of the unit or  
3 units of local government which conducted the seizure and  
4 shall allocate 50% to the county general corporate fund.

5 (c) The proceeds of all fines allocated to the law  
6 enforcement agency or agencies of the unit or units of local  
7 government pursuant to subsection (b) shall be made available  
8 to that law enforcement agency as expendable receipts for use  
9 in the enforcement of laws regulating controlled substances  
10 and cannabis. The proceeds of fines awarded to the State  
11 treasury shall be deposited in a special fund known as the Drug  
12 Traffic Prevention Fund, except that amounts distributed to  
13 the Secretary of State shall be deposited into the Secretary  
14 of State Evidence Fund to be used as provided in Section 2-115  
15 of the Illinois Vehicle Code. Monies from this fund may be used  
16 by the Illinois ~~Department of~~ State Police for use in the  
17 enforcement of laws regulating controlled substances and  
18 cannabis; to satisfy funding provisions of the  
19 Intergovernmental Drug Laws Enforcement Act; to defray costs  
20 and expenses associated with returning violators of this Act,  
21 the Illinois Controlled Substances Act, and the  
22 Methamphetamine Control and Community Protection Act only, as  
23 provided in such Acts, when punishment of the crime shall be  
24 confinement of the criminal in the penitentiary; and all other  
25 monies shall be paid into the general revenue fund in the State  
26 treasury.

1 (Source: P.A. 94-556, eff. 9-11-05.)

2 (720 ILCS 550/11) (from Ch. 56 1/2, par. 711)

3 Sec. 11. (a) The Department, with the written approval of  
4 the Illinois ~~Department of~~ State Police, may authorize the  
5 possession, production, manufacture and delivery of substances  
6 containing cannabis by persons engaged in research and when  
7 such authorization is requested by a physician licensed to  
8 practice medicine in all its branches, such authorization  
9 shall issue without unnecessary delay where the Department  
10 finds that such physician licensed to practice medicine in all  
11 its branches has certified that such possession, production,  
12 manufacture or delivery of such substance is necessary for the  
13 treatment of glaucoma, the side effects of chemotherapy or  
14 radiation therapy in cancer patients or such other procedure  
15 certified to be medically necessary; such authorization shall  
16 be, upon such terms and conditions as may be consistent with  
17 the public health and safety. To the extent of the applicable  
18 authorization, persons are exempt from prosecution in this  
19 State for possession, production, manufacture or delivery of  
20 cannabis.

21 (b) Persons registered under Federal law to conduct  
22 research with cannabis may conduct research with cannabis  
23 including, but not limited to treatment by a physician  
24 licensed to practice medicine in all its branches for  
25 glaucoma, the side effects of chemotherapy or radiation

1 therapy in cancer patients or such other procedure which is  
2 medically necessary within this State upon furnishing evidence  
3 of that Federal registration and notification of the scope and  
4 purpose of such research to the Department and to the Illinois  
5 ~~Department of~~ State Police of that Federal registration.

6 (c) Persons authorized to engage in research may be  
7 authorized by the Department to protect the privacy of  
8 individuals who are the subjects of such research by  
9 withholding from all persons not connected with the conduct of  
10 the research the names and other identifying characteristics  
11 of such individuals. Persons who are given this authorization  
12 shall not be compelled in any civil, criminal, administrative,  
13 legislative or other proceeding to identify the individuals  
14 who are the subjects of research for which the authorization  
15 was granted, except to the extent necessary to permit the  
16 Department to determine whether the research is being  
17 conducted in accordance with the authorization.

18 (Source: P.A. 84-25.)

19 (720 ILCS 550/15.2)

20 Sec. 15.2. Industrial hemp pilot program.

21 (a) Pursuant to Section 7606 of the federal Agricultural  
22 Act of 2014, an institution of higher education or the  
23 Department of Agriculture may grow or cultivate industrial  
24 hemp if:

25 (1) the industrial hemp is grown or cultivated for

1 purposes of research conducted under an agricultural pilot  
2 program or other agricultural or academic research;

3 (2) the pilot program studies the growth, cultivation,  
4 or marketing of industrial hemp; and

5 (3) any site used for the growing or cultivating of  
6 industrial hemp is certified by, and registered with, the  
7 Department of Agriculture.

8 (b) Before conducting industrial hemp research, an  
9 institution of higher education shall notify the Department of  
10 Agriculture and any local law enforcement agency in writing.

11 (c) The institution of higher education shall provide  
12 quarterly reports and an annual report to the Department of  
13 Agriculture on the research and the research program shall be  
14 subject to random inspection by the Department of Agriculture,  
15 the Illinois ~~Department of~~ State Police, or local law  
16 enforcement agencies. The institution of higher education  
17 shall submit the annual report to the Department of  
18 Agriculture on or before October 1.

19 (d) The Department of Agriculture may adopt rules to  
20 implement this Section. In order to provide for the  
21 expeditious and timely implementation of this Section, upon  
22 notification by an institution of higher education that the  
23 institution wishes to engage in the growth or cultivation of  
24 industrial hemp for agricultural research purposes, the  
25 Department of Agriculture may adopt emergency rules under  
26 Section 5-45 of the Illinois Administrative Procedure Act to

1 implement the provisions of this Section. If changes to the  
2 rules are required to comply with federal rules, the  
3 Department of Agriculture may adopt peremptory rules as  
4 necessary to comply with changes to corresponding federal  
5 rules. All other rules that the Department of Agriculture  
6 deems necessary to adopt in connection with this Section must  
7 proceed through the ordinary rule-making process. The adoption  
8 of emergency rules authorized by this Section shall be deemed  
9 to be necessary for the public interest, safety, and welfare.

10 The Department of Agriculture may determine, by rule, the  
11 duration of an institution of higher education's pilot program  
12 or industrial hemp research. If the institution of higher  
13 education has not completed its program within the timeframe  
14 established by rule, then the Department of Agriculture may  
15 grant an extension to the pilot program if unanticipated  
16 circumstances arose that impacted the program.

17 (e) As used in this Section:

18 "Industrial hemp" means cannabis sativa L. having no more  
19 than 0.3% total THC available, upon heating, or maximum  
20 delta-9 tetrahydrocannabinol content possible.

21 "Institution of higher education" means a State  
22 institution of higher education that offers a 4-year degree in  
23 agricultural science.

24 (Source: P.A. 98-1072, eff. 1-1-15; 99-78, eff. 7-20-15.)

25 (720 ILCS 550/16.2)

1           Sec. 16.2. Preservation of cannabis or cannabis sativa  
2 plants for laboratory testing.

3           (a) Before or after the trial in a prosecution for a  
4 violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law  
5 enforcement agency or an agent acting on behalf of the law  
6 enforcement agency must preserve, subject to a continuous  
7 chain of custody, not less than 6,001 grams of any substance  
8 containing cannabis and not less than 51 cannabis sativa  
9 plants with respect to the offenses enumerated in this  
10 subsection (a) and must maintain sufficient documentation to  
11 locate that evidence. Excess quantities with respect to the  
12 offenses enumerated in this subsection (a) cannot practicably  
13 be retained by a law enforcement agency because of its size,  
14 bulk, and physical character.

15           (b) The court may before trial transfer excess quantities  
16 of any substance containing cannabis or cannabis sativa plants  
17 with respect to a prosecution for any offense enumerated in  
18 subsection (a) to the sheriff of the county, or may in its  
19 discretion transfer such evidence to the Illinois Department  
20 ~~of~~ State Police, for destruction after notice is given to the  
21 defendant's attorney of record or to the defendant if the  
22 defendant is proceeding pro se.

23           (c) After a judgment of conviction is entered and the  
24 charged quantity is no longer needed for evidentiary purposes  
25 with respect to a prosecution for any offense enumerated in  
26 subsection (a), the court may transfer any substance

1 containing cannabis or cannabis sativa plants to the sheriff  
2 of the county, or may in its discretion transfer such evidence  
3 to the Illinois ~~Department of~~ State Police, for destruction  
4 after notice is given to the defendant's attorney of record or  
5 to the defendant if the defendant is proceeding pro se. No  
6 evidence shall be disposed of until 30 days after the judgment  
7 is entered, and if a notice of appeal is filed, no evidence  
8 shall be disposed of until the mandate has been received by the  
9 circuit court from the Appellate Court.

10 (Source: P.A. 94-180, eff. 7-12-05.)

11 (720 ILCS 550/17) (from Ch. 56 1/2, par. 717)

12 Sec. 17. It is hereby made the duty of the Illinois  
13 ~~Department of~~ State Police, all peace officers within the  
14 State and of all State's attorneys, to enforce all provisions  
15 of this Act and to cooperate with all agencies charged with the  
16 enforcement of the laws of the United States, of this State,  
17 and of all other states, relating to cannabis.

18 (Source: P.A. 84-25.)

19 Section 990. The Illinois Controlled Substances Act is  
20 amended by changing Section 102 as follows:

21 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

22 Sec. 102. Definitions. As used in this Act, unless the  
23 context otherwise requires:

1           (a) "Addict" means any person who habitually uses any  
2 drug, chemical, substance or dangerous drug other than alcohol  
3 so as to endanger the public morals, health, safety or welfare  
4 or who is so far addicted to the use of a dangerous drug or  
5 controlled substance other than alcohol as to have lost the  
6 power of self control with reference to his or her addiction.

7           (b) "Administer" means the direct application of a  
8 controlled substance, whether by injection, inhalation,  
9 ingestion, or any other means, to the body of a patient,  
10 research subject, or animal (as defined by the Humane  
11 Euthanasia in Animal Shelters Act) by:

12                 (1) a practitioner (or, in his or her presence, by his  
13 or her authorized agent),

14                 (2) the patient or research subject pursuant to an  
15 order, or

16                 (3) a euthanasia technician as defined by the Humane  
17 Euthanasia in Animal Shelters Act.

18           (c) "Agent" means an authorized person who acts on behalf  
19 of or at the direction of a manufacturer, distributor,  
20 dispenser, prescriber, or practitioner. It does not include a  
21 common or contract carrier, public warehouseman or employee of  
22 the carrier or warehouseman.

23           (c-1) "Anabolic Steroids" means any drug or hormonal  
24 substance, chemically and pharmacologically related to  
25 testosterone (other than estrogens, progestins,  
26 corticosteroids, and dehydroepiandrosterone), and includes:



- 1 (i) 3[beta],17-dihydroxy-5a-androstane,
- 2 (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane,
- 3 (iii) 5[alpha]-androstan-3,17-dione,
- 4 (iv) 1-androstenediol (3[beta],
- 5 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- 6 (v) 1-androstenediol (3[alpha],
- 7 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
- 8 (vi) 4-androstenediol
- 9 (3[beta],17[beta]-dihydroxy-androst-4-ene),
- 10 (vii) 5-androstenediol
- 11 (3[beta],17[beta]-dihydroxy-androst-5-ene),
- 12 (viii) 1-androstenedione
- 13 ([5alpha]-androst-1-en-3,17-dione),
- 14 (ix) 4-androstenedione
- 15 (androst-4-en-3,17-dione),
- 16 (x) 5-androstenedione
- 17 (androst-5-en-3,17-dione),
- 18 (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-
- 19 hydroxyandrost-4-en-3-one),
- 20 (xii) boldenone (17[beta]-hydroxyandrost-
- 21 1,4,-diene-3-one),
- 22 (xiii) boldione (androsta-1,4-
- 23 diene-3,17-dione),
- 24 (xiv) calusterone (7[beta],17[alpha]-dimethyl-17
- 25 [beta]-hydroxyandrost-4-en-3-one),
- 26 (xv) clostebol (4-chloro-17[beta]-

1 hydroxyandrost-4-en-3-one),  
2 (xvi) dehydrochloromethyltestosterone (4-chloro-  
3 17[beta]-hydroxy-17[alpha]-methyl-  
4 androst-1,4-dien-3-one),  
5 (xvii) desoxymethyltestosterone  
6 (17[alpha]-methyl-5[alpha]  
7 -androst-2-en-17[beta]-ol) (a.k.a., madol),  
8 (xviii) [delta]1-dihydrotestosterone (a.k.a.  
9 '1-testosterone') (17[beta]-hydroxy-  
10 5[alpha]-androst-1-en-3-one),  
11 (xix) 4-dihydrotestosterone (17[beta]-hydroxy-  
12 androstan-3-one),  
13 (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-  
14 5[alpha]-androstan-3-one),  
15 (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-  
16 hydroxyestr-4-ene),  
17 (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-  
18 1[beta],17[beta]-dihydroxyandrost-4-en-3-one),  
19 (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],  
20 17[beta]-dihydroxyandrost-1,4-dien-3-one),  
21 (xxiv) furazabol (17[alpha]-methyl-17[beta]-  
22 hydroxyandrostan[2,3-c]-furazan),  
23 (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one,  
24 (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-  
25 androst-4-en-3-one),  
26 (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-

1 dihydroxy-estr-4-en-3-one),  
2 (xxviii) mestanolone (17[alpha]-methyl-17[beta]-  
3 hydroxy-5-androstan-3-one),  
4 (xxix) mesterolone (1-methyl-17[beta]-hydroxy-  
5 [5a]-androstan-3-one),  
6 (xxx) methandienone (17[alpha]-methyl-17[beta]-  
7 hydroxyandrost-1,4-dien-3-one),  
8 (xxxii) methandriol (17[alpha]-methyl-3[beta],17[beta]-  
9 dihydroxyandrost-5-ene),  
10 (xxxiii) methenolone (1-methyl-17[beta]-hydroxy-  
11 5[alpha]-androst-1-en-3-one),  
12 (xxxiv) 17[alpha]-methyl-3[beta], 17[beta]-  
13 dihydroxy-5a-androstane,  
14 (xxxv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy  
15 -5a-androstane,  
16 (xxxvi) 17[alpha]-methyl-3[beta],17[beta]-  
17 dihydroxyandrost-4-ene),  
18 (xxxvii) 17[alpha]-methyl-4-hydroxynandrolone (17[alpha]-  
19 methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one),  
20 (xxxviii) methyldienolone (17[alpha]-methyl-17[beta]-  
21 hydroxyestra-4,9(10)-dien-3-one),  
22 (xxxix) methyltrienolone (17[alpha]-methyl-17[beta]-  
23 hydroxyestra-4,9-11-trien-3-one),  
24 (xl) methyltestosterone (17[alpha]-methyl-17[beta]-  
25 hydroxyandrost-4-en-3-one),  
26 (xli) mibolerone (7[alpha],17a-dimethyl-17[beta]-

1 hydroxyestr-4-en-3-one),  
2 (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone  
3 (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-  
4 androst-1-en-3-one) (a.k.a. '17-[alpha]-methyl-  
5 1-testosterone'),  
6 (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one),  
7 (xliii) 19-nor-4-androstenediol (3[beta], 17[beta]-  
8 dihydroxyestr-4-ene),  
9 (xliv) 19-nor-4-androstenediol (3[alpha], 17[beta]-  
10 dihydroxyestr-4-ene),  
11 (xlv) 19-nor-5-androstenediol (3[beta], 17[beta]-  
12 dihydroxyestr-5-ene),  
13 (xlvi) 19-nor-5-androstenediol (3[alpha], 17[beta]-  
14 dihydroxyestr-5-ene),  
15 (xlvii) 19-nor-4,9(10)-androstadienedione  
16 (estra-4,9(10)-diene-3,17-dione),  
17 (xlviii) 19-nor-4-androstenedione (estr-4-  
18 en-3,17-dione),  
19 (xlix) 19-nor-5-androstenedione (estr-5-  
20 en-3,17-dione),  
21 (l) norbolethone (13[beta], 17a-diethyl-17[beta]-  
22 hydroxygon-4-en-3-one),  
23 (li) norclostebol (4-chloro-17[beta]-  
24 hydroxyestr-4-en-3-one),  
25 (lii) norethandrolone (17[alpha]-ethyl-17[beta]-  
26 hydroxyestr-4-en-3-one),

- 1 (liii) normethandrolone (17[alpha]-methyl-17[beta]-  
2 hydroxyestr-4-en-3-one),  
3 (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-  
4 2-oxa-5[alpha]-androstan-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]-androstan-3-one),  
9 (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-  
10 (5[alpha]-androst-2-eno[3,2-c]-pyrazole),  
11 (lviii) stenbolone (17[beta]-hydroxy-2-methyl-  
12 (5[alpha]-androst-1-en-3-one),  
13 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
14 secoandrosta-1,4-dien-17-oic  
15 acid lactone),  
16 (lx) testosterone (17[beta]-hydroxyandrost-  
17 4-en-3-one),  
18 (lxi) tetrahydrogestrinone (13[beta], 17[alpha]-  
19 diethyl-17[beta]-hydroxygon-  
20 4,9,11-trien-3-one),  
21 (lxii) trenbolone (17[beta]-hydroxyestr-4,9,  
22 11-trien-3-one).

23 Any person who is otherwise lawfully in possession of an  
24 anabolic steroid, or who otherwise lawfully manufactures,  
25 distributes, dispenses, delivers, or possesses with intent to  
26 deliver an anabolic steroid, which anabolic steroid is

1 expressly intended for and lawfully allowed to be administered  
2 through implants to livestock or other nonhuman species, and  
3 which is approved by the Secretary of Health and Human  
4 Services for such administration, and which the person intends  
5 to administer or have administered through such implants,  
6 shall not be considered to be in unauthorized possession or to  
7 unlawfully manufacture, distribute, dispense, deliver, or  
8 possess with intent to deliver such anabolic steroid for  
9 purposes of this Act.

10 (d) "Administration" means the Drug Enforcement  
11 Administration, United States Department of Justice, or its  
12 successor agency.

13 (d-5) "Clinical Director, Prescription Monitoring Program"  
14 means a Department of Human Services administrative employee  
15 licensed to either prescribe or dispense controlled substances  
16 who shall run the clinical aspects of the Department of Human  
17 Services Prescription Monitoring Program and its Prescription  
18 Information Library.

19 (d-10) "Compounding" means the preparation and mixing of  
20 components, excluding flavorings, (1) as the result of a  
21 prescriber's prescription drug order or initiative based on  
22 the prescriber-patient-pharmacist relationship in the course  
23 of professional practice or (2) for the purpose of, or  
24 incident to, research, teaching, or chemical analysis and not  
25 for sale or dispensing. "Compounding" includes the preparation  
26 of drugs or devices in anticipation of receiving prescription

1 drug orders based on routine, regularly observed dispensing  
2 patterns. Commercially available products may be compounded  
3 for dispensing to individual patients only if both of the  
4 following conditions are met: (i) the commercial product is  
5 not reasonably available from normal distribution channels in  
6 a timely manner to meet the patient's needs and (ii) the  
7 prescribing practitioner has requested that the drug be  
8 compounded.

9 (e) "Control" means to add a drug or other substance, or  
10 immediate precursor, to a Schedule whether by transfer from  
11 another Schedule or otherwise.

12 (f) "Controlled Substance" means (i) a drug, substance,  
13 immediate precursor, or synthetic drug in the Schedules of  
14 Article II of this Act or (ii) a drug or other substance, or  
15 immediate precursor, designated as a controlled substance by  
16 the Department through administrative rule. The term does not  
17 include distilled spirits, wine, malt beverages, or tobacco,  
18 as those terms are defined or used in the Liquor Control Act of  
19 1934 and the Tobacco Products Tax Act of 1995.

20 (f-5) "Controlled substance analog" means a substance:

21 (1) the chemical structure of which is substantially  
22 similar to the chemical structure of a controlled  
23 substance in Schedule I or II;

24 (2) which has a stimulant, depressant, or  
25 hallucinogenic effect on the central nervous system that  
26 is substantially similar to or greater than the stimulant,

1 depressant, or hallucinogenic effect on the central  
2 nervous system of a controlled substance in Schedule I or  
3 II; or

4 (3) with respect to a particular person, which such  
5 person represents or intends to have a stimulant,  
6 depressant, or hallucinogenic effect on the central  
7 nervous system that is substantially similar to or greater  
8 than the stimulant, depressant, or hallucinogenic effect  
9 on the central nervous system of a controlled substance in  
10 Schedule I or II.

11 (g) "Counterfeit substance" means a controlled substance,  
12 which, or the container or labeling of which, without  
13 authorization bears the trademark, trade name, or other  
14 identifying mark, imprint, number or device, or any likeness  
15 thereof, of a manufacturer, distributor, or dispenser other  
16 than the person who in fact manufactured, distributed, or  
17 dispensed the substance.

18 (h) "Deliver" or "delivery" means the actual, constructive  
19 or attempted transfer of possession of a controlled substance,  
20 with or without consideration, whether or not there is an  
21 agency relationship.

22 (i) "Department" means the Illinois Department of Human  
23 Services (as successor to the Department of Alcoholism and  
24 Substance Abuse) or its successor agency.

25 (j) (Blank).

26 (k) "Department of Corrections" means the Department of



1 Corrections of the State of Illinois or its successor agency.

2 (l) "Department of Financial and Professional Regulation"  
3 means the Department of Financial and Professional Regulation  
4 of the State of Illinois or its successor agency.

5 (m) "Depressant" means any drug that (i) causes an overall  
6 depression of central nervous system functions, (ii) causes  
7 impaired consciousness and awareness, and (iii) can be  
8 habit-forming or lead to a substance abuse problem, including  
9 but not limited to alcohol, cannabis and its active principles  
10 and their analogs, benzodiazepines and their analogs,  
11 barbiturates and their analogs, opioids (natural and  
12 synthetic) and their analogs, and chloral hydrate and similar  
13 sedative hypnotics.

14 (n) (Blank).

15 (o) "Director" means the Director of the Illinois State  
16 Police or his or her designated agents.

17 (p) "Dispense" means to deliver a controlled substance to  
18 an ultimate user or research subject by or pursuant to the  
19 lawful order of a prescriber, including the prescribing,  
20 administering, packaging, labeling, or compounding necessary  
21 to prepare the substance for that delivery.

22 (q) "Dispenser" means a practitioner who dispenses.

23 (r) "Distribute" means to deliver, other than by  
24 administering or dispensing, a controlled substance.

25 (s) "Distributor" means a person who distributes.

26 (t) "Drug" means (1) substances recognized as drugs in the

1 official United States Pharmacopoeia, Official Homeopathic  
2 Pharmacopoeia of the United States, or official National  
3 Formulary, or any supplement to any of them; (2) substances  
4 intended for use in diagnosis, cure, mitigation, treatment, or  
5 prevention of disease in man or animals; (3) substances (other  
6 than food) intended to affect the structure of any function of  
7 the body of man or animals and (4) substances intended for use  
8 as a component of any article specified in clause (1), (2), or  
9 (3) of this subsection. It does not include devices or their  
10 components, parts, or accessories.

11 (t-3) "Electronic health record" or "EHR" means an  
12 electronic record of health-related information on an  
13 individual that is created, gathered, managed, and consulted  
14 by authorized health care clinicians and staff.

15 (t-4) "Emergency medical services personnel" has the  
16 meaning ascribed to it in the Emergency Medical Services (EMS)  
17 Systems Act.

18 (t-5) "Euthanasia agency" means an entity certified by the  
19 Department of Financial and Professional Regulation for the  
20 purpose of animal euthanasia that holds an animal control  
21 facility license or animal shelter license under the Animal  
22 Welfare Act. A euthanasia agency is authorized to purchase,  
23 store, possess, and utilize Schedule II nonnarcotic and  
24 Schedule III nonnarcotic drugs for the sole purpose of animal  
25 euthanasia.

26 (t-10) "Euthanasia drugs" means Schedule II or Schedule

1 III substances (nonnarcotic controlled substances) that are  
2 used by a euthanasia agency for the purpose of animal  
3 euthanasia.

4 (u) "Good faith" means the prescribing or dispensing of a  
5 controlled substance by a practitioner in the regular course  
6 of professional treatment to or for any person who is under his  
7 or her treatment for a pathology or condition other than that  
8 individual's physical or psychological dependence upon or  
9 addiction to a controlled substance, except as provided  
10 herein: and application of the term to a pharmacist shall mean  
11 the dispensing of a controlled substance pursuant to the  
12 prescriber's order which in the professional judgment of the  
13 pharmacist is lawful. The pharmacist shall be guided by  
14 accepted professional standards including, but not limited to  
15 the following, in making the judgment:

16 (1) lack of consistency of prescriber-patient  
17 relationship,

18 (2) frequency of prescriptions for same drug by one  
19 prescriber for large numbers of patients,

20 (3) quantities beyond those normally prescribed,

21 (4) unusual dosages (recognizing that there may be  
22 clinical circumstances where more or less than the usual  
23 dose may be used legitimately),

24 (5) unusual geographic distances between patient,  
25 pharmacist and prescriber,

26 (6) consistent prescribing of habit-forming drugs.

1 (u-0.5) "Hallucinogen" means a drug that causes markedly  
2 altered sensory perception leading to hallucinations of any  
3 type.

4 (u-1) "Home infusion services" means services provided by  
5 a pharmacy in compounding solutions for direct administration  
6 to a patient in a private residence, long-term care facility,  
7 or hospice setting by means of parenteral, intravenous,  
8 intramuscular, subcutaneous, or intraspinal infusion.

9 (u-5) "Illinois State Police" means the Illinois State  
10 Police ~~of the State of Illinois~~, or its successor agency.

11 (v) "Immediate precursor" means a substance:

12 (1) which the Department has found to be and by rule  
13 designated as being a principal compound used, or produced  
14 primarily for use, in the manufacture of a controlled  
15 substance;

16 (2) which is an immediate chemical intermediary used  
17 or likely to be used in the manufacture of such controlled  
18 substance; and

19 (3) the control of which is necessary to prevent,  
20 curtail or limit the manufacture of such controlled  
21 substance.

22 (w) "Instructional activities" means the acts of teaching,  
23 educating or instructing by practitioners using controlled  
24 substances within educational facilities approved by the State  
25 Board of Education or its successor agency.

26 (x) "Local authorities" means a duly organized State,

1 County or Municipal peace unit or police force.

2 (y) "Look-alike substance" means a substance, other than a  
3 controlled substance which (1) by overall dosage unit  
4 appearance, including shape, color, size, markings or lack  
5 thereof, taste, consistency, or any other identifying physical  
6 characteristic of the substance, would lead a reasonable  
7 person to believe that the substance is a controlled  
8 substance, or (2) is expressly or impliedly represented to be  
9 a controlled substance or is distributed under circumstances  
10 which would lead a reasonable person to believe that the  
11 substance is a controlled substance. For the purpose of  
12 determining whether the representations made or the  
13 circumstances of the distribution would lead a reasonable  
14 person to believe the substance to be a controlled substance  
15 under this clause (2) of subsection (y), the court or other  
16 authority may consider the following factors in addition to  
17 any other factor that may be relevant:

18 (a) statements made by the owner or person in control  
19 of the substance concerning its nature, use or effect;

20 (b) statements made to the buyer or recipient that the  
21 substance may be resold for profit;

22 (c) whether the substance is packaged in a manner  
23 normally used for the illegal distribution of controlled  
24 substances;

25 (d) whether the distribution or attempted distribution  
26 included an exchange of or demand for money or other

1 property as consideration, and whether the amount of the  
2 consideration was substantially greater than the  
3 reasonable retail market value of the substance.

4 Clause (1) of this subsection (y) shall not apply to a  
5 noncontrolled substance in its finished dosage form that was  
6 initially introduced into commerce prior to the initial  
7 introduction into commerce of a controlled substance in its  
8 finished dosage form which it may substantially resemble.

9 Nothing in this subsection (y) prohibits the dispensing or  
10 distributing of noncontrolled substances by persons authorized  
11 to dispense and distribute controlled substances under this  
12 Act, provided that such action would be deemed to be carried  
13 out in good faith under subsection (u) if the substances  
14 involved were controlled substances.

15 Nothing in this subsection (y) or in this Act prohibits  
16 the manufacture, preparation, propagation, compounding,  
17 processing, packaging, advertising or distribution of a drug  
18 or drugs by any person registered pursuant to Section 510 of  
19 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

20 (y-1) "Mail-order pharmacy" means a pharmacy that is  
21 located in a state of the United States that delivers,  
22 dispenses or distributes, through the United States Postal  
23 Service or other common carrier, to Illinois residents, any  
24 substance which requires a prescription.

25 (z) "Manufacture" means the production, preparation,  
26 propagation, compounding, conversion or processing of a

1 controlled substance other than methamphetamine, either  
2 directly or indirectly, by extraction from substances of  
3 natural origin, or independently by means of chemical  
4 synthesis, or by a combination of extraction and chemical  
5 synthesis, and includes any packaging or repackaging of the  
6 substance or labeling of its container, except that this term  
7 does not include:

8 (1) by an ultimate user, the preparation or  
9 compounding of a controlled substance for his or her own  
10 use; or

11 (2) by a practitioner, or his or her authorized agent  
12 under his or her supervision, the preparation,  
13 compounding, packaging, or labeling of a controlled  
14 substance:

15 (a) as an incident to his or her administering or  
16 dispensing of a controlled substance in the course of  
17 his or her professional practice; or

18 (b) as an incident to lawful research, teaching or  
19 chemical analysis and not for sale.

20 (z-1) (Blank).

21 (z-5) "Medication shopping" means the conduct prohibited  
22 under subsection (a) of Section 314.5 of this Act.

23 (z-10) "Mid-level practitioner" means (i) a physician  
24 assistant who has been delegated authority to prescribe  
25 through a written delegation of authority by a physician  
26 licensed to practice medicine in all of its branches, in

1 accordance with Section 7.5 of the Physician Assistant  
2 Practice Act of 1987, (ii) an advanced practice registered  
3 nurse who has been delegated authority to prescribe through a  
4 written delegation of authority by a physician licensed to  
5 practice medicine in all of its branches or by a podiatric  
6 physician, in accordance with Section 65-40 of the Nurse  
7 Practice Act, (iii) an advanced practice registered nurse  
8 certified as a nurse practitioner, nurse midwife, or clinical  
9 nurse specialist who has been granted authority to prescribe  
10 by a hospital affiliate in accordance with Section 65-45 of  
11 the Nurse Practice Act, (iv) an animal euthanasia agency, or  
12 (v) a prescribing psychologist.

13 (aa) "Narcotic drug" means any of the following, whether  
14 produced directly or indirectly by extraction from substances  
15 of vegetable origin, or independently by means of chemical  
16 synthesis, or by a combination of extraction and chemical  
17 synthesis:

18 (1) opium, opiates, derivatives of opium and opiates,  
19 including their isomers, esters, ethers, salts, and salts  
20 of isomers, esters, and ethers, whenever the existence of  
21 such isomers, esters, ethers, and salts is possible within  
22 the specific chemical designation; however the term  
23 "narcotic drug" does not include the isoquinoline  
24 alkaloids of opium;

25 (2) (blank);

26 (3) opium poppy and poppy straw;



1           (4) coca leaves, except coca leaves and extracts of  
2           coca leaves from which substantially all of the cocaine  
3           and ecgonine, and their isomers, derivatives and salts,  
4           have been removed;

5           (5) cocaine, its salts, optical and geometric isomers,  
6           and salts of isomers;

7           (6) ecgonine, its derivatives, their salts, isomers,  
8           and salts of isomers;

9           (7) any compound, mixture, or preparation which  
10          contains any quantity of any of the substances referred to  
11          in subparagraphs (1) through (6).

12          (bb) "Nurse" means a registered nurse licensed under the  
13          Nurse Practice Act.

14          (cc) (Blank).

15          (dd) "Opiate" means any substance having an addiction  
16          forming or addiction sustaining liability similar to morphine  
17          or being capable of conversion into a drug having addiction  
18          forming or addiction sustaining liability.

19          (ee) "Opium poppy" means the plant of the species *Papaver*  
20          *somniferum* L., except its seeds.

21          (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
22          solution or other liquid form of medication intended for  
23          administration by mouth, but the term does not include a form  
24          of medication intended for buccal, sublingual, or transmucosal  
25          administration.

26          (ff) "Parole and Pardon Board" means the Parole and Pardon

1 Board of the State of Illinois or its successor agency.

2 (gg) "Person" means any individual, corporation,  
3 mail-order pharmacy, government or governmental subdivision or  
4 agency, business trust, estate, trust, partnership or  
5 association, or any other entity.

6 (hh) "Pharmacist" means any person who holds a license or  
7 certificate of registration as a registered pharmacist, a  
8 local registered pharmacist or a registered assistant  
9 pharmacist under the Pharmacy Practice Act.

10 (ii) "Pharmacy" means any store, ship or other place in  
11 which pharmacy is authorized to be practiced under the  
12 Pharmacy Practice Act.

13 (ii-5) "Pharmacy shopping" means the conduct prohibited  
14 under subsection (b) of Section 314.5 of this Act.

15 (ii-10) "Physician" (except when the context otherwise  
16 requires) means a person licensed to practice medicine in all  
17 of its branches.

18 (jj) "Poppy straw" means all parts, except the seeds, of  
19 the opium poppy, after mowing.

20 (kk) "Practitioner" means a physician licensed to practice  
21 medicine in all its branches, dentist, optometrist, podiatric  
22 physician, veterinarian, scientific investigator, pharmacist,  
23 physician assistant, advanced practice registered nurse,  
24 licensed practical nurse, registered nurse, emergency medical  
25 services personnel, hospital, laboratory, or pharmacy, or  
26 other person licensed, registered, or otherwise lawfully

1 permitted by the United States or this State to distribute,  
2 dispense, conduct research with respect to, administer or use  
3 in teaching or chemical analysis, a controlled substance in  
4 the course of professional practice or research.

5 (ll) "Pre-printed prescription" means a written  
6 prescription upon which the designated drug has been indicated  
7 prior to the time of issuance; the term does not mean a written  
8 prescription that is individually generated by machine or  
9 computer in the prescriber's office.

10 (mm) "Prescriber" means a physician licensed to practice  
11 medicine in all its branches, dentist, optometrist,  
12 prescribing psychologist licensed under Section 4.2 of the  
13 Clinical Psychologist Licensing Act with prescriptive  
14 authority delegated under Section 4.3 of the Clinical  
15 Psychologist Licensing Act, podiatric physician, or  
16 veterinarian who issues a prescription, a physician assistant  
17 who issues a prescription for a controlled substance in  
18 accordance with Section 303.05, a written delegation, and a  
19 written collaborative agreement required under Section 7.5 of  
20 the Physician Assistant Practice Act of 1987, an advanced  
21 practice registered nurse with prescriptive authority  
22 delegated under Section 65-40 of the Nurse Practice Act and in  
23 accordance with Section 303.05, a written delegation, and a  
24 written collaborative agreement under Section 65-35 of the  
25 Nurse Practice Act, an advanced practice registered nurse  
26 certified as a nurse practitioner, nurse midwife, or clinical

1 nurse specialist who has been granted authority to prescribe  
2 by a hospital affiliate in accordance with Section 65-45 of  
3 the Nurse Practice Act and in accordance with Section 303.05,  
4 or an advanced practice registered nurse certified as a nurse  
5 practitioner, nurse midwife, or clinical nurse specialist who  
6 has full practice authority pursuant to Section 65-43 of the  
7 Nurse Practice Act.

8 (nn) "Prescription" means a written, facsimile, or oral  
9 order, or an electronic order that complies with applicable  
10 federal requirements, of a physician licensed to practice  
11 medicine in all its branches, dentist, podiatric physician or  
12 veterinarian for any controlled substance, of an optometrist  
13 in accordance with Section 15.1 of the Illinois Optometric  
14 Practice Act of 1987, of a prescribing psychologist licensed  
15 under Section 4.2 of the Clinical Psychologist Licensing Act  
16 with prescriptive authority delegated under Section 4.3 of the  
17 Clinical Psychologist Licensing Act, of a physician assistant  
18 for a controlled substance in accordance with Section 303.05,  
19 a written delegation, and a written collaborative agreement  
20 required under Section 7.5 of the Physician Assistant Practice  
21 Act of 1987, of an advanced practice registered nurse with  
22 prescriptive authority delegated under Section 65-40 of the  
23 Nurse Practice Act who issues a prescription for a controlled  
24 substance in accordance with Section 303.05, a written  
25 delegation, and a written collaborative agreement under  
26 Section 65-35 of the Nurse Practice Act, of an advanced

1 practice registered nurse certified as a nurse practitioner,  
2 nurse midwife, or clinical nurse specialist who has been  
3 granted authority to prescribe by a hospital affiliate in  
4 accordance with Section 65-45 of the Nurse Practice Act and in  
5 accordance with Section 303.05 when required by law, or of an  
6 advanced practice registered nurse certified as a nurse  
7 practitioner, nurse midwife, or clinical nurse specialist who  
8 has full practice authority pursuant to Section 65-43 of the  
9 Nurse Practice Act.

10 (nn-5) "Prescription Information Library" (PIL) means an  
11 electronic library that contains reported controlled substance  
12 data.

13 (nn-10) "Prescription Monitoring Program" (PMP) means the  
14 entity that collects, tracks, and stores reported data on  
15 controlled substances and select drugs pursuant to Section  
16 316.

17 (oo) "Production" or "produce" means manufacture,  
18 planting, cultivating, growing, or harvesting of a controlled  
19 substance other than methamphetamine.

20 (pp) "Registrant" means every person who is required to  
21 register under Section 302 of this Act.

22 (qq) "Registry number" means the number assigned to each  
23 person authorized to handle controlled substances under the  
24 laws of the United States and of this State.

25 (qq-5) "Secretary" means, as the context requires, either  
26 the Secretary of the Department or the Secretary of the

1 Department of Financial and Professional Regulation, and the  
2 Secretary's designated agents.

3 (rr) "State" includes the State of Illinois and any state,  
4 district, commonwealth, territory, insular possession thereof,  
5 and any area subject to the legal authority of the United  
6 States of America.

7 (rr-5) "Stimulant" means any drug that (i) causes an  
8 overall excitation of central nervous system functions, (ii)  
9 causes impaired consciousness and awareness, and (iii) can be  
10 habit-forming or lead to a substance abuse problem, including  
11 but not limited to amphetamines and their analogs,  
12 methylphenidate and its analogs, cocaine, and phencyclidine  
13 and its analogs.

14 (rr-10) "Synthetic drug" includes, but is not limited to,  
15 any synthetic cannabinoids or piperazines or any synthetic  
16 cathinones as provided for in Schedule I.

17 (ss) "Ultimate user" means a person who lawfully possesses  
18 a controlled substance for his or her own use or for the use of  
19 a member of his or her household or for administering to an  
20 animal owned by him or her or by a member of his or her  
21 household.

22 (Source: P.A. 99-78, eff. 7-20-15; 99-173, eff. 7-29-15;  
23 99-371, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff.  
24 7-28-16; 100-280, eff. 1-1-18; 100-453, eff. 8-25-17; 100-513,  
25 eff. 1-1-18; 100-789, eff. 1-1-19; 100-863, eff. 8-14-18.)

1           Section 1000. The Methamphetamine Control and Community  
2 Protection Act is amended by changing Sections 10, 90, and 95  
3 as follows:

4           (720 ILCS 646/10)

5           Sec. 10. Definitions. As used in this Act:

6           "Anhydrous ammonia" has the meaning provided in subsection  
7 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

8           "Anhydrous ammonia equipment" means all items used to  
9 store, hold, contain, handle, transfer, transport, or apply  
10 anhydrous ammonia for lawful purposes.

11           "Booby trap" means any device designed to cause physical  
12 injury when triggered by an act of a person approaching,  
13 entering, or moving through a structure, a vehicle, or any  
14 location where methamphetamine has been manufactured, is being  
15 manufactured, or is intended to be manufactured.

16           "Deliver" or "delivery" has the meaning provided in  
17 subsection (h) of Section 102 of the Illinois Controlled  
18 Substances Act.

19           "Director" means the Director of the Illinois State Police  
20 or the Director's designated agents.

21           "Dispose" or "disposal" means to abandon, discharge,  
22 release, deposit, inject, dump, spill, leak, or place  
23 methamphetamine waste onto or into any land, water, or well of  
24 any type so that the waste has the potential to enter the  
25 environment, be emitted into the air, or be discharged into

1 the soil or any waters, including groundwater.

2 "Emergency response" means the act of collecting evidence  
3 from or securing a methamphetamine laboratory site,  
4 methamphetamine waste site or other methamphetamine-related  
5 site and cleaning up the site, whether these actions are  
6 performed by public entities or private contractors paid by  
7 public entities.

8 "Emergency service provider" means a local, State, or  
9 federal peace officer, firefighter, emergency medical  
10 technician-ambulance, emergency medical  
11 technician-intermediate, emergency medical  
12 technician-paramedic, ambulance driver, or other medical or  
13 first aid personnel rendering aid, or any agent or designee of  
14 the foregoing.

15 "Finished methamphetamine" means methamphetamine in a form  
16 commonly used for personal consumption.

17 "Firearm" has the meaning provided in Section 1.1 of the  
18 Firearm Owners Identification Card Act.

19 "Manufacture" means to produce, prepare, compound,  
20 convert, process, synthesize, concentrate, purify, separate,  
21 extract, or package any methamphetamine, methamphetamine  
22 precursor, methamphetamine manufacturing catalyst,  
23 methamphetamine manufacturing reagent, methamphetamine  
24 manufacturing solvent, or any substance containing any of the  
25 foregoing.

26 "Methamphetamine" means the chemical methamphetamine (a



1 Schedule II controlled substance under the Illinois Controlled  
2 Substances Act) or any salt, optical isomer, salt of optical  
3 isomer, or analog thereof, with the exception of  
4 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
5 scheduled substance with a separate listing under the Illinois  
6 Controlled Substances Act.

7 "Methamphetamine manufacturing catalyst" means any  
8 substance that has been used, is being used, or is intended to  
9 be used to activate, accelerate, extend, or improve a chemical  
10 reaction involved in the manufacture of methamphetamine.

11 "Methamphetamine manufacturing environment" means a  
12 structure or vehicle in which:

- 13 (1) methamphetamine is being or has been manufactured;  
14 (2) chemicals that are being used, have been used, or  
15 are intended to be used to manufacture methamphetamine are  
16 stored;  
17 (3) methamphetamine manufacturing materials that have  
18 been used to manufacture methamphetamine are stored; or  
19 (4) methamphetamine manufacturing waste is stored.

20 "Methamphetamine manufacturing material" means any  
21 methamphetamine precursor, substance containing any  
22 methamphetamine precursor, methamphetamine manufacturing  
23 catalyst, substance containing any methamphetamine  
24 manufacturing catalyst, methamphetamine manufacturing  
25 reagent, substance containing any methamphetamine  
26 manufacturing reagent, methamphetamine manufacturing solvent,

1 substance containing any methamphetamine manufacturing  
2 solvent, or any other chemical, substance, ingredient,  
3 equipment, apparatus, or item that is being used, has been  
4 used, or is intended to be used in the manufacture of  
5 methamphetamine.

6 "Methamphetamine manufacturing reagent" means any  
7 substance other than a methamphetamine manufacturing catalyst  
8 that has been used, is being used, or is intended to be used to  
9 react with and chemically alter any methamphetamine precursor.

10 "Methamphetamine manufacturing solvent" means any  
11 substance that has been used, is being used, or is intended to  
12 be used as a medium in which any methamphetamine precursor,  
13 methamphetamine manufacturing catalyst, methamphetamine  
14 manufacturing reagent, or any substance containing any of the  
15 foregoing is dissolved, diluted, or washed during any part of  
16 the methamphetamine manufacturing process.

17 "Methamphetamine manufacturing waste" means any chemical,  
18 substance, ingredient, equipment, apparatus, or item that is  
19 left over from, results from, or is produced by the process of  
20 manufacturing methamphetamine, other than finished  
21 methamphetamine.

22 "Methamphetamine precursor" means ephedrine,  
23 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
24 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
25 isomer, or salt of an optical isomer of any of these chemicals.

26 "Multi-unit dwelling" means a unified structure used or

1 intended for use as a habitation, home, or residence that  
2 contains 2 or more condominiums, apartments, hotel rooms,  
3 motel rooms, or other living units.

4 "Package" means an item marked for retail sale that is not  
5 designed to be further broken down or subdivided for the  
6 purpose of retail sale.

7 "Participate" or "participation" in the manufacture of  
8 methamphetamine means to produce, prepare, compound, convert,  
9 process, synthesize, concentrate, purify, separate, extract,  
10 or package any methamphetamine, methamphetamine precursor,  
11 methamphetamine manufacturing catalyst, methamphetamine  
12 manufacturing reagent, methamphetamine manufacturing solvent,  
13 or any substance containing any of the foregoing, or to assist  
14 in any of these actions, or to attempt to take any of these  
15 actions, regardless of whether this action or these actions  
16 result in the production of finished methamphetamine.

17 "Person with a disability" means a person who suffers from  
18 a permanent physical or mental impairment resulting from  
19 disease, injury, functional disorder, or congenital condition  
20 which renders the person incapable of adequately providing for  
21 his or her own health and personal care.

22 "Procure" means to purchase, steal, gather, or otherwise  
23 obtain, by legal or illegal means, or to cause another to take  
24 such action.

25 "Second or subsequent offense" means an offense under this  
26 Act committed by an offender who previously committed an

1 offense under this Act, the Illinois Controlled Substances  
2 Act, the Cannabis Control Act, or another Act of this State,  
3 another state, or the United States relating to  
4 methamphetamine, cannabis, or any other controlled substance.

5 "Standard dosage form", as used in relation to any  
6 methamphetamine precursor, means that the methamphetamine  
7 precursor is contained in a pill, tablet, capsule, caplet, gel  
8 cap, or liquid cap that has been manufactured by a lawful  
9 entity and contains a standard quantity of methamphetamine  
10 precursor.

11 "Unauthorized container", as used in relation to anhydrous  
12 ammonia, means any container that is not designed for the  
13 specific and sole purpose of holding, storing, transporting,  
14 or applying anhydrous ammonia. "Unauthorized container"  
15 includes, but is not limited to, any propane tank, fire  
16 extinguisher, oxygen cylinder, gasoline can, food or beverage  
17 cooler, or compressed gas cylinder used in dispensing fountain  
18 drinks. "Unauthorized container" does not encompass anhydrous  
19 ammonia manufacturing plants, refrigeration systems where  
20 anhydrous ammonia is used solely as a refrigerant, anhydrous  
21 ammonia transportation pipelines, anhydrous ammonia tankers,  
22 or anhydrous ammonia barges.

23 (Source: P.A. 97-434, eff. 1-1-12.)

24 (720 ILCS 646/90)

25 Sec. 90. Methamphetamine restitution.

1           (a) If a person commits a violation of this Act in a manner  
2 that requires an emergency response, the person shall be  
3 required to make restitution to all public entities involved  
4 in the emergency response, to cover the reasonable cost of  
5 their participation in the emergency response, including but  
6 not limited to regular and overtime costs incurred by local  
7 law enforcement agencies and private contractors paid by the  
8 public agencies in securing the site. The convicted person  
9 shall make this restitution in addition to any other fine or  
10 penalty required by law.

11           (b) Any restitution payments made under this Section shall  
12 be disbursed equitably by the circuit clerk in the following  
13 order:

14                 (1) first, to the agency responsible for the  
15 mitigation of the incident;

16                 (2) second, to the local agencies involved in the  
17 emergency response;

18                 (3) third, to the State agencies involved in the  
19 emergency response; and

20                 (4) fourth, to the federal agencies involved in the  
21 emergency response.

22           (c) In addition to any other penalties and liabilities, a  
23 person who is convicted of violating any Section of this Act,  
24 whose violation proximately caused any incident resulting in  
25 an appropriate emergency response, shall be assessed a fine of  
26 \$2,500, payable to the circuit clerk, who shall distribute the

1 money to the law enforcement agency responsible for the  
2 mitigation of the incident. If the person has been previously  
3 convicted of violating any Section of this Act, the fine shall  
4 be \$5,000 and the circuit clerk shall distribute the money to  
5 the law enforcement agency responsible for the mitigation of  
6 the incident. In the event that more than one agency is  
7 responsible for an arrest which does not require mitigation,  
8 the amount payable to law enforcement agencies shall be shared  
9 equally. Any moneys received by a law enforcement agency under  
10 this Section shall be used for law enforcement expenses.

11 Any moneys collected for the Illinois State Police shall  
12 be remitted to the State Treasurer and deposited into the  
13 State Police Operations Assistance Fund.

14 (Source: P.A. 100-987, eff. 7-1-19.)

15 (720 ILCS 646/95)

16 Sec. 95. Youth Drug Abuse Prevention Fund.

17 (a) Twelve and one-half percent of all amounts collected  
18 as fines pursuant to the provisions of this Article shall be  
19 paid into the Youth Drug Abuse Prevention Fund created by the  
20 Controlled Substances Act in the State treasury, to be used by  
21 the Department for the funding of programs and services for  
22 drug-abuse treatment, and prevention and education services,  
23 for juveniles.

24 (b) Eighty-seven and one-half percent of the proceeds of  
25 all fines received under the provisions of this Act shall be

1 transmitted to and deposited into the State treasury and  
2 distributed as follows:

3 (1) If such seizure was made by a combination of law  
4 enforcement personnel representing differing units of  
5 local government, the court levying the fine shall  
6 equitably allocate 50% of the fine among these units of  
7 local government and shall allocate 37.5% to the county  
8 general corporate fund. If the seizure was made by law  
9 enforcement personnel representing a unit of local  
10 government from a municipality where the number of  
11 inhabitants exceeds 2 million in population, the court  
12 levying the fine shall allocate 87.5% of the fine to that  
13 unit of local government. If the seizure was made by a  
14 combination of law enforcement personnel representing  
15 differing units of local government and if at least one of  
16 those units represents a municipality where the number of  
17 inhabitants exceeds 2 million in population, the court  
18 shall equitably allocate 87.5% of the proceeds of the  
19 fines received among the differing units of local  
20 government.

21 (2) If such seizure was made by State law enforcement  
22 personnel, then the court shall allocate 37.5% to the  
23 State treasury and 50% to the county general corporate  
24 fund.

25 (3) If a State law enforcement agency in combination  
26 with any law enforcement agency or agencies of a unit or

1 units of local government conducted the seizure, the court  
2 shall equitably allocate 37.5% of the fines to or among  
3 the law enforcement agency or agencies of the unit or  
4 units of local government that conducted the seizure and  
5 shall allocate 50% to the county general corporate fund.

6 (c) The proceeds of all fines allocated to the law  
7 enforcement agency or agencies of the unit or units of local  
8 government pursuant to subsection (b) shall be made available  
9 to that law enforcement agency as expendable receipts for use  
10 in the enforcement of laws regulating controlled substances  
11 and cannabis. The proceeds of fines awarded to the State  
12 treasury shall be deposited in a special fund known as the Drug  
13 Traffic Prevention Fund, except that amounts distributed to  
14 the Secretary of State shall be deposited into the Secretary  
15 of State Evidence Fund to be used as provided in Section 2-115  
16 of the Illinois Vehicle Code. Moneys from this Fund may be used  
17 by the Illinois ~~Department of~~ State Police for use in the  
18 enforcement of laws regulating controlled substances and  
19 cannabis; to satisfy funding provisions of the  
20 Intergovernmental Drug Laws Enforcement Act; to defray costs  
21 and expenses associated with returning violators of the  
22 Cannabis Control Act and this Act only, as provided in those  
23 Acts, when punishment of the crime shall be confinement of the  
24 criminal in the penitentiary; and all other moneys shall be  
25 paid into the General Revenue Fund in the State treasury.

26 (Source: P.A. 94-556, eff. 9-11-05.)



1           Section 1015. The Prevention of Tobacco Use by Minors and  
2           Sale and Distribution of Tobacco Products Act is amended by  
3           changing Section 1 as follows:

4           (720 ILCS 675/1) (from Ch. 23, par. 2357)

5           Sec. 1. Prohibition on sale of tobacco products,  
6           electronic cigarettes, and alternative nicotine products to  
7           persons under 21 years of age; prohibition on the distribution  
8           of tobacco product samples, electronic cigarette samples, and  
9           alternative nicotine product samples to any person; use of  
10          identification cards; vending machines; lunch wagons;  
11          out-of-package sales.

12          (a) No person under 21 years of age shall buy any tobacco  
13          product, electronic cigarette, or alternative nicotine  
14          product. No person shall sell, buy for, distribute samples of  
15          or furnish any tobacco product, electronic cigarette, or any  
16          alternative nicotine product to any person under 21 years of  
17          age.

18          (a-5) No person under 16 years of age may sell any tobacco  
19          product, electronic cigarette, or alternative nicotine product  
20          at a retail establishment selling tobacco products, electronic  
21          cigarettes, or alternative nicotine products. This subsection  
22          does not apply to a sales clerk in a family-owned business  
23          which can prove that the sales clerk is in fact a son or  
24          daughter of the owner.

1 (a-5.1) Before selling, offering for sale, giving, or  
2 furnishing a tobacco product, electronic cigarette, or  
3 alternative nicotine product to another person, the person  
4 selling, offering for sale, giving, or furnishing the tobacco  
5 product, electronic cigarette, or alternative nicotine product  
6 shall verify that the person is at least 21 years of age by:

7 (1) examining from any person that appears to be under  
8 30 years of age a government-issued photographic  
9 identification that establishes the person to be 21 years  
10 of age or older; or

11 (2) for sales of tobacco products, electronic  
12 cigarettes, or alternative nicotine products made through  
13 the Internet or other remote sales methods, performing an  
14 age verification through an independent, third party age  
15 verification service that compares information available  
16 from public records to the personal information entered by  
17 the person during the ordering process that establishes  
18 the person is 21 years of age or older.

19 (a-6) No person under 21 years of age in the furtherance or  
20 facilitation of obtaining any tobacco product, electronic  
21 cigarette, or alternative nicotine product shall display or  
22 use a false or forged identification card or transfer, alter,  
23 or deface an identification card.

24 (a-7) (Blank).

25 (a-8) A person shall not distribute without charge samples  
26 of any tobacco product to any other person, regardless of age,

1 except for smokeless tobacco in an adult-only facility.

2 This subsection (a-8) does not apply to the distribution  
3 of a tobacco product, electronic cigarette, or alternative  
4 nicotine product sample in any adult-only facility.

5 (a-9) For the purpose of this Section:

6 "Adult-only facility" means a facility or restricted  
7 area (whether open-air or enclosed) where the operator  
8 ensures or has a reasonable basis to believe (such as by  
9 checking identification as required under State law, or by  
10 checking the identification of any person appearing to be  
11 under the age of 30) that no person under legal age is  
12 present. A facility or restricted area need not be  
13 permanently restricted to persons under 21 years of age to  
14 constitute an adult-only facility, provided that the  
15 operator ensures or has a reasonable basis to believe that  
16 no person under 21 years of age is present during the event  
17 or time period in question.

18 "Alternative nicotine product" means a product or  
19 device not consisting of or containing tobacco that  
20 provides for the ingestion into the body of nicotine,  
21 whether by chewing, smoking, absorbing, dissolving,  
22 inhaling, snorting, sniffing, or by any other means.

23 "Alternative nicotine product" does not include:  
24 cigarettes as defined in Section 1 of the Cigarette Tax  
25 Act and tobacco products as defined in Section 10-5 of the  
26 Tobacco Products Tax Act of 1995; tobacco product and

1 electronic cigarette as defined in this Section; or any  
2 product approved by the United States Food and Drug  
3 Administration for sale as a tobacco cessation product, as  
4 a tobacco dependence product, or for other medical  
5 purposes, and is being marketed and sold solely for that  
6 approved purpose.

7 "Electronic cigarette" means:

8 (1) any device that employs a battery or other  
9 mechanism to heat a solution or substance to produce a  
10 vapor or aerosol intended for inhalation;

11 (2) any cartridge or container of a solution or  
12 substance intended to be used with or in the device or  
13 to refill the device; or

14 (3) any solution or substance, whether or not it  
15 contains nicotine intended for use in the device.

16 "Electronic cigarette" includes, but is not limited  
17 to, any electronic nicotine delivery system, electronic  
18 cigar, electronic cigarillo, electronic pipe, electronic  
19 hookah, vape pen, or similar product or device, and any  
20 components or parts that can be used to build the product  
21 or device. "Electronic cigarette" does not include:  
22 cigarettes as defined in Section 1 of the Cigarette Tax  
23 Act and tobacco products as defined in Section 10-5 of the  
24 Tobacco Products Tax Act of 1995; tobacco product and  
25 alternative nicotine product as defined in this Section;  
26 any product approved by the United States Food and Drug

1 Administration for sale as a tobacco cessation product, as  
2 a tobacco dependence product, or for other medical  
3 purposes, and is being marketed and sold solely for that  
4 approved purpose; any asthma inhaler prescribed by a  
5 physician for that condition and is being marketed and  
6 sold solely for that approved purpose; or any therapeutic  
7 product approved for use under the Compassionate Use of  
8 Medical Cannabis Pilot Program Act.

9 "Lunch wagon" means a mobile vehicle designed and  
10 constructed to transport food and from which food is sold  
11 to the general public.

12 "Nicotine" means any form of the chemical nicotine,  
13 including any salt or complex, regardless of whether the  
14 chemical is naturally or synthetically derived.

15 "Tobacco product" means any product containing or made  
16 from tobacco that is intended for human consumption,  
17 whether smoked, heated, chewed, absorbed, dissolved,  
18 inhaled, snorted, sniffed, or ingested by any other means,  
19 including, but not limited to, cigarettes, cigars, little  
20 cigars, chewing tobacco, pipe tobacco, snuff, snus, and  
21 any other smokeless tobacco product which contains tobacco  
22 that is finely cut, ground, powdered, or leaf and intended  
23 to be placed in the oral cavity. "Tobacco product"  
24 includes any component, part, or accessory of a tobacco  
25 product, whether or not sold separately. "Tobacco product"  
26 does not include: an electronic cigarette and alternative

1 nicotine product as defined in this Section; or any  
2 product that has been approved by the United States Food  
3 and Drug Administration for sale as a tobacco cessation  
4 product, as a tobacco dependence product, or for other  
5 medical purposes, and is being marketed and sold solely  
6 for that approved purpose.

7 (b) Tobacco products, electronic cigarettes, and  
8 alternative nicotine products may be sold through a vending  
9 machine only if such tobacco products, electronic cigarettes,  
10 and alternative nicotine products are not placed together with  
11 any non-tobacco product, other than matches, in the vending  
12 machine and the vending machine is in any of the following  
13 locations:

14 (1) (Blank).

15 (2) Places to which persons under 21 years of age are  
16 not permitted access at any time.

17 (3) Places where alcoholic beverages are sold and  
18 consumed on the premises and vending machine operation is  
19 under the direct supervision of the owner or manager.

20 (4) (Blank).

21 (5) (Blank).

22 (c) (Blank).

23 (d) The sale or distribution by any person of a tobacco  
24 product as defined in this Section, including but not limited  
25 to a single or loose cigarette, that is not contained within a  
26 sealed container, pack, or package as provided by the

1 manufacturer, which container, pack, or package bears the  
2 health warning required by federal law, is prohibited.

3 (e) It is not a violation of this Act for a person under 21  
4 years of age to purchase a tobacco product, electronic  
5 cigarette, or alternative nicotine product if the person under  
6 the age of 21 purchases or is given the tobacco product,  
7 electronic cigarette, or alternative nicotine product in any  
8 of its forms from a retail seller of tobacco products,  
9 electronic cigarettes, or alternative nicotine products or an  
10 employee of the retail seller pursuant to a plan or action to  
11 investigate, patrol, or otherwise conduct a "sting operation"  
12 or enforcement action against a retail seller of tobacco  
13 products, electronic cigarettes, or alternative nicotine  
14 products or a person employed by the retail seller of tobacco  
15 products, electronic cigarettes, or alternative nicotine  
16 products or on any premises authorized to sell tobacco  
17 products, electronic cigarettes, or alternative nicotine  
18 products to determine if tobacco products, electronic  
19 cigarettes, or alternative nicotine products are being sold or  
20 given to persons under 21 years of age if the "sting operation"  
21 or enforcement action is approved by, conducted by, or  
22 conducted on behalf of the Illinois ~~Department of~~ State  
23 Police, the county sheriff, a municipal police department, the  
24 Department of Revenue, the Department of Public Health, or a  
25 local health department. The results of any sting operation or  
26 enforcement action, including the name of the clerk, shall be

1 provided to the retail seller within 7 business days.

2 (Source: P.A. 101-2, eff. 7-1-19.)

3 Section 1020. The Code of Criminal Procedure of 1963 is  
4 amended by changing Sections 104-26, 107-4, 108A-11, 108B-1,  
5 108B-2, 108B-5, 108B-13, 108B-14, 110-7, 112A-11.1, 112A-11.2,  
6 112A-14, 112A-14.7, 112A-17.5, 112A-20, 112A-22, 112A-28,  
7 115-15, 116-3, 116-4, 116-5, 124B-605, 124B-705, 124B-710,  
8 124B-930, and 124B-935 as follows:

9 (725 ILCS 5/104-26) (from Ch. 38, par. 104-26)

10 Sec. 104-26. Disposition of Defendants suffering  
11 disabilities.

12 (a) A defendant convicted following a trial conducted  
13 under the provisions of Section 104-22 shall not be sentenced  
14 before a written presentence report of investigation is  
15 presented to and considered by the court. The presentence  
16 report shall be prepared pursuant to Sections 5-3-2, 5-3-3 and  
17 5-3-4 of the Unified Code of Corrections, as now or hereafter  
18 amended, and shall include a physical and mental examination  
19 unless the court finds that the reports of prior physical and  
20 mental examinations conducted pursuant to this Article are  
21 adequate and recent enough so that additional examinations  
22 would be unnecessary.

23 (b) A defendant convicted following a trial under Section  
24 104-22 shall not be subject to the death penalty.



1 (c) A defendant convicted following a trial under Section  
2 104-22 shall be sentenced according to the procedures and  
3 dispositions authorized under the Unified Code of Corrections,  
4 as now or hereafter amended, subject to the following  
5 provisions:

6 (1) The court shall not impose a sentence of  
7 imprisonment upon the offender if the court believes that  
8 because of his disability a sentence of imprisonment would  
9 not serve the ends of justice and the interests of society  
10 and the offender or that because of his disability a  
11 sentence of imprisonment would subject the offender to  
12 excessive hardship. In addition to any other conditions of  
13 a sentence of conditional discharge or probation the court  
14 may require that the offender undergo treatment  
15 appropriate to his mental or physical condition.

16 (2) After imposing a sentence of imprisonment upon an  
17 offender who has a mental disability, the court may remand  
18 him to the custody of the Department of Human Services and  
19 order a hearing to be conducted pursuant to the provisions  
20 of the Mental Health and Developmental Disabilities Code,  
21 as now or hereafter amended. If the offender is committed  
22 following such hearing, he shall be treated in the same  
23 manner as any other civilly committed patient for all  
24 purposes except as provided in this Section. If the  
25 defendant is not committed pursuant to such hearing, he  
26 shall be remanded to the sentencing court for disposition

1 according to the sentence imposed.

2 (3) If the court imposes a sentence of imprisonment  
3 upon an offender who has a mental disability but does not  
4 proceed under subparagraph (2) of paragraph (c) of this  
5 Section, it shall order the Department of Corrections to  
6 proceed pursuant to Section 3-8-5 of the Unified Code of  
7 Corrections, as now or hereafter amended.

8 (3.5) If the court imposes a sentence of imprisonment  
9 upon an offender who has a mental disability, the court  
10 shall direct the circuit court clerk to immediately notify  
11 the Illinois ~~Department of~~ State Police, Firearm Owner's  
12 Identification (FOID) Office, in a form and manner  
13 prescribed by the Illinois ~~Department of~~ State Police and  
14 shall forward a copy of the court order to the Department.

15 (4) If the court imposes a sentence of imprisonment  
16 upon an offender who has a physical disability, it may  
17 authorize the Department of Corrections to place the  
18 offender in a public or private facility which is able to  
19 provide care or treatment for the offender's disability  
20 and which agrees to do so.

21 (5) When an offender is placed with the Department of  
22 Human Services or another facility pursuant to  
23 subparagraph (2) or (4) of this paragraph (c), the  
24 Department or private facility shall not discharge or  
25 allow the offender to be at large in the community without  
26 prior approval of the court. If the defendant is placed in

1 the custody of the Department of Human Services, the  
2 defendant shall be placed in a secure setting unless the  
3 court determines that there are compelling reasons why  
4 such placement is not necessary. The offender shall accrue  
5 good time and shall be eligible for parole in the same  
6 manner as if he were serving his sentence within the  
7 Department of Corrections. When the offender no longer  
8 requires hospitalization, care, or treatment, the  
9 Department of Human Services or the facility shall  
10 transfer him, if his sentence has not expired, to the  
11 Department of Corrections. If an offender is transferred  
12 to the Department of Corrections, the Department of Human  
13 Services shall transfer to the Department of Corrections  
14 all related records pertaining to length of custody and  
15 treatment services provided during the time the offender  
16 was held.

17 (6) The Department of Corrections shall notify the  
18 Department of Human Services or a facility in which an  
19 offender has been placed pursuant to subparagraph (2) or  
20 (4) of paragraph (c) of this Section of the expiration of  
21 his sentence. Thereafter, an offender in the Department of  
22 Human Services shall continue to be treated pursuant to  
23 his commitment order and shall be considered a civilly  
24 committed patient for all purposes including discharge. An  
25 offender who is in a facility pursuant to subparagraph (4)  
26 of paragraph (c) of this Section shall be informed by the

1 facility of the expiration of his sentence, and shall  
2 either consent to the continuation of his care or  
3 treatment by the facility or shall be discharged.

4 (Source: P.A. 97-1131, eff. 1-1-13.)

5 (725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

6 Sec. 107-4. Arrest by peace officer from other  
7 jurisdiction.

8 (a) As used in this Section:

9 (1) "State" means any State of the United States and  
10 the District of Columbia.

11 (2) "Peace Officer" means any peace officer or member  
12 of any duly organized State, County, or Municipal peace  
13 unit, any police force of another State, the United States  
14 Department of Defense, or any police force whose members,  
15 by statute, are granted and authorized to exercise powers  
16 similar to those conferred upon any peace officer employed  
17 by a law enforcement agency of this State.

18 (3) "Fresh pursuit" means the immediate pursuit of a  
19 person who is endeavoring to avoid arrest.

20 (4) "Law enforcement agency" means a municipal police  
21 department or county sheriff's office of this State.

22 (a-3) Any peace officer employed by a law enforcement  
23 agency of this State may conduct temporary questioning  
24 pursuant to Section 107-14 of this Code and may make arrests in  
25 any jurisdiction within this State: (1) if the officer is

1 engaged in the investigation of criminal activity that  
2 occurred in the officer's primary jurisdiction and the  
3 temporary questioning or arrest relates to, arises from, or is  
4 conducted pursuant to that investigation; or (2) if the  
5 officer, while on duty as a peace officer, becomes personally  
6 aware of the immediate commission of a felony or misdemeanor  
7 violation of the laws of this State; or (3) if the officer,  
8 while on duty as a peace officer, is requested by an  
9 appropriate State or local law enforcement official to render  
10 aid or assistance to the requesting law enforcement agency  
11 that is outside the officer's primary jurisdiction; or (4) in  
12 accordance with Section 2605-580 of the Illinois ~~Department of~~  
13 State Police Law of the Civil Administrative Code of Illinois.  
14 While acting pursuant to this subsection, an officer has the  
15 same authority as within his or her own jurisdiction.

16 (a-7) The law enforcement agency of the county or  
17 municipality in which any arrest is made under this Section  
18 shall be immediately notified of the arrest.

19 (b) Any peace officer of another State who enters this  
20 State in fresh pursuit and continues within this State in  
21 fresh pursuit of a person in order to arrest him on the ground  
22 that he has committed an offense in the other State has the  
23 same authority to arrest and hold the person in custody as  
24 peace officers of this State have to arrest and hold a person  
25 in custody on the ground that he has committed an offense in  
26 this State.

1           (c) If an arrest is made in this State by a peace officer  
2 of another State in accordance with the provisions of this  
3 Section he shall without unnecessary delay take the person  
4 arrested before the circuit court of the county in which the  
5 arrest was made. Such court shall conduct a hearing for the  
6 purpose of determining the lawfulness of the arrest. If the  
7 court determines that the arrest was lawful it shall commit  
8 the person arrested, to await for a reasonable time the  
9 issuance of an extradition warrant by the Governor of this  
10 State, or admit him to bail for such purpose. If the court  
11 determines that the arrest was unlawful it shall discharge the  
12 person arrested.

13           (Source: P.A. 98-576, eff. 1-1-14.)

14           (725 ILCS 5/108A-11) (from Ch. 38, par. 108A-11)

15           Sec. 108A-11. Reports concerning use of eavesdropping  
16 devices.

17           (a) In January of each year the State's Attorney of each  
18 county in which eavesdropping devices were used pursuant to  
19 the provisions of this Article shall report to the Illinois  
20 ~~Department of~~ State Police the following with respect to each  
21 application for an order authorizing the use of an  
22 eavesdropping device, or an extension thereof, made during the  
23 preceding calendar year:

24                   (1) the fact that such an order, extension, or  
25                   subsequent approval of an emergency was applied for;

- 1 (2) the kind of order or extension applied for;
- 2 (3) a statement as to whether the order or extension
- 3 was granted as applied for was modified, or was denied;
- 4 (4) the period authorized by the order or extensions
- 5 in which an eavesdropping device could be used;
- 6 (5) the felony specified in the order extension or
- 7 denied application;
- 8 (6) the identity of the applying investigative or law
- 9 enforcement officer and agency making the application and
- 10 the State's Attorney authorizing the application; and
- 11 (7) the nature of the facilities from which or the
- 12 place where the eavesdropping device was to be used.

13 (b) Such report shall also include the following:

- 14 (1) a general description of the uses of eavesdropping
- 15 devices actually made under such order to overheard or
- 16 record conversations, including: (a) the approximate
- 17 nature and frequency of incriminating conversations
- 18 overheard, (b) the approximate nature and frequency of
- 19 other conversations overheard, (c) the approximate number
- 20 of persons whose conversations were overheard, and (d) the
- 21 approximate nature, amount, and cost of the manpower and
- 22 other resources used pursuant to the authorization to use
- 23 an eavesdropping device;
- 24 (2) the number of arrests resulting from authorized
- 25 uses of eavesdropping devices and the offenses for which
- 26 arrests were made;

1           (3) the number of trials resulting from such uses of  
2 eavesdropping devices;

3           (4) the number of motions to suppress made with  
4 respect to such uses, and the number granted or denied;  
5 and

6           (5) the number of convictions resulting from such uses  
7 and the offenses for which the convictions were obtained  
8 and a general assessment of the importance of the  
9 convictions.

10          (c) In April of each year, the Illinois ~~Department of~~  
11 State Police shall transmit to the General Assembly a report  
12 including information on the number of applications for orders  
13 authorizing the use of eavesdropping devices, the number of  
14 orders and extensions granted or denied during the preceding  
15 calendar year, and the convictions arising out of such uses.

16          The requirement for reporting to the General Assembly  
17 shall be satisfied by filing copies of the report as required  
18 by Section 3.1 of the General Assembly Organization Act, and  
19 filing such additional copies with the State Government Report  
20 Distribution Center for the General Assembly as is required  
21 under paragraph (t) of Section 7 of the State Library Act.

22          (Source: P.A. 100-1148, eff. 12-10-18.)

23           (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

24           Sec. 108B-1. Definitions. For the purpose of this Article:

25           (a) "Aggrieved person" means a person who was a party to



1 any intercepted private communication or any person against  
2 whom the intercept was directed.

3 (b) "Chief Judge" means, when referring to a judge  
4 authorized to receive application for, and to enter orders  
5 authorizing, interceptions of private communications, the  
6 Chief Judge of the Circuit Court wherein the application for  
7 order of interception is filed, or a Circuit Judge designated  
8 by the Chief Judge to enter these orders. In circuits other  
9 than the Cook County Circuit, "Chief Judge" also means, when  
10 referring to a judge authorized to receive application for,  
11 and to enter orders authorizing, interceptions of private  
12 communications, an Associate Judge authorized by Supreme Court  
13 Rule to try felony cases who is assigned by the Chief Judge to  
14 enter these orders. After assignment by the Chief Judge, an  
15 Associate Judge shall have plenary authority to issue orders  
16 without additional authorization for each specific application  
17 made to him by the State's Attorney until the time the  
18 Associate Judge's power is rescinded by the Chief Judge.

19 (c) "Communications common carrier" means any person  
20 engaged as a common carrier in the transmission of  
21 communications by wire or radio, not including radio  
22 broadcasting.

23 (d) "Contents" includes information obtained from a  
24 private communication concerning the existence, substance,  
25 purport or meaning of the communication, or the identity of a  
26 party of the communication.

1 (e) "Court of competent jurisdiction" means any circuit  
2 court.

3 (f) (Blank). ~~"Department" means Illinois Department of~~  
4 ~~State Police.~~

5 (g) "Director" means Director of the Illinois ~~Department~~  
6 ~~of~~ State Police.

7 (g-1) "Electronic communication" means any transfer of  
8 signs, signals, writing, images, sounds, data, or intelligence  
9 of any nature transmitted in whole or part by a wire, radio,  
10 pager, computer, or electromagnetic, photo electronic, or  
11 photo optical system where the sending and receiving parties  
12 intend the electronic communication to be private and the  
13 interception, recording, or transcription of the electronic  
14 communication is accomplished by a device in a surreptitious  
15 manner contrary to the provisions of this Article. "Electronic  
16 communication" does not include:

17 (1) any wire or oral communication; or

18 (2) any communication from a tracking device.

19 (h) "Electronic criminal surveillance device" or  
20 "eavesdropping device" means any device or apparatus, or  
21 computer program including an induction coil, that can be used  
22 to intercept private communication other than:

23 (1) Any telephone, telegraph or telecommunication  
24 instrument, equipment or facility, or any component of it,  
25 furnished to the subscriber or user by a communication  
26 common carrier in the ordinary course of its business, or

1 purchased by any person and being used by the subscriber,  
2 user or person in the ordinary course of his business, or  
3 being used by a communications common carrier in the  
4 ordinary course of its business, or by an investigative or  
5 law enforcement officer in the ordinary course of his  
6 duties; or

7 (2) A hearing aid or similar device being used to  
8 correct subnormal hearing to not better than normal.

9 (i) "Electronic criminal surveillance officer" means any  
10 law enforcement officer or retired law enforcement officer of  
11 the United States or of the State or political subdivision of  
12 it, or of another State, or of a political subdivision of it,  
13 who is certified by the Illinois ~~Department of~~ State Police to  
14 intercept private communications. A retired law enforcement  
15 officer may be certified by the Illinois State Police only to  
16 (i) prepare petitions for the authority to intercept private  
17 communications in accordance with the provisions of this Act;  
18 (ii) intercept and supervise the interception of private  
19 communications; (iii) handle, safeguard, and use evidence  
20 derived from such private communications; and (iv) operate and  
21 maintain equipment used to intercept private communications.

22 (j) "In-progress trace" means to determine the origin of a  
23 wire communication to a telephone or telegraph instrument,  
24 equipment or facility during the course of the communication.

25 (k) "Intercept" means the aural or other acquisition of  
26 the contents of any private communication through the use of

1 any electronic criminal surveillance device.

2 (l) "Journalist" means a person engaged in, connected  
3 with, or employed by news media, including newspapers,  
4 magazines, press associations, news agencies, wire services,  
5 radio, television or other similar media, for the purpose of  
6 gathering, processing, transmitting, compiling, editing or  
7 disseminating news for the general public.

8 (m) "Law enforcement agency" means any law enforcement  
9 agency of the United States, or the State or a political  
10 subdivision of it.

11 (n) "Oral communication" means human speech used to  
12 communicate by one party to another, in person, by wire  
13 communication or by any other means.

14 (o) "Private communication" means a wire, oral, or  
15 electronic communication uttered or transmitted by a person  
16 exhibiting an expectation that the communication is not  
17 subject to interception, under circumstances reasonably  
18 justifying the expectation. Circumstances that reasonably  
19 justify the expectation that a communication is not subject to  
20 interception include the use of a cordless telephone or  
21 cellular communication device.

22 (p) "Wire communication" means any human speech used to  
23 communicate by one party to another in whole or in part through  
24 the use of facilities for the transmission of communications  
25 by wire, cable or other like connection between the point of  
26 origin and the point of reception furnished or operated by a

1 communications common carrier.

2 (q) "Privileged communications" means a private  
3 communication between:

4 (1) a licensed and practicing physician and a patient  
5 within the scope of the profession of the physician;

6 (2) a licensed and practicing psychologist to a  
7 patient within the scope of the profession of the  
8 psychologist;

9 (3) a licensed and practicing attorney-at-law and a  
10 client within the scope of the profession of the lawyer;

11 (4) a practicing clergyman and a confidant within the  
12 scope of the profession of the clergyman;

13 (5) a practicing journalist within the scope of his  
14 profession;

15 (6) spouses within the scope of their marital  
16 relationship; or

17 (7) a licensed and practicing social worker to a  
18 client within the scope of the profession of the social  
19 worker.

20 (r) "Retired law enforcement officer" means a person: (1)  
21 who is a graduate of a police training institute or academy,  
22 who after graduating served for at least 15 consecutive years  
23 as a sworn, full-time peace officer qualified to carry  
24 firearms for any federal or State department or agency or for  
25 any unit of local government of Illinois; (2) who has retired  
26 as a local, State, or federal peace officer in a publicly

1 created peace officer retirement system; and (3) whose service  
2 in law enforcement was honorably terminated through retirement  
3 or disability and not as a result of discipline, suspension,  
4 or discharge.

5 (Source: P.A. 95-331, eff. 8-21-07.)

6 (725 ILCS 5/108B-2) (from Ch. 38, par. 108B-2)

7 Sec. 108B-2. Request for application for interception.

8 (a) A State's Attorney may apply for an order authorizing  
9 interception of private communications in accordance with the  
10 provisions of this Article.

11 (b) The head of a law enforcement agency, including, for  
12 purposes of this subsection, the acting head of such law  
13 enforcement agency if the head of such agency is absent or  
14 unable to serve, may request that a State's Attorney apply for  
15 an order authorizing interception of private communications in  
16 accordance with the provisions of this Article.

17 Upon request of a law enforcement agency, the Illinois  
18 State Police Department ~~Department~~ may provide technical assistance to  
19 such an agency which is authorized to conduct an interception.

20 (Source: P.A. 92-854, eff. 12-5-02.)

21 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

22 Sec. 108B-5. Requirements for order of interception.

23 (a) Upon consideration of an application, the chief judge  
24 may enter an ex parte order, as requested or as modified,

1 authorizing the interception of a private communication, if  
2 the chief judge determines on the basis of the application  
3 submitted by the applicant, that:

4 (1) There is probable cause for belief that (A) the  
5 person whose private communication is to be intercepted is  
6 committing, has committed, or is about to commit an  
7 offense enumerated in Section 108B-3, or (B) the  
8 facilities from which, or the place where, the private  
9 communication is to be intercepted, is, has been, or is  
10 about to be used in connection with the commission of the  
11 offense, or is leased to, listed in the name of, or  
12 commonly used by, the person; and

13 (2) There is probable cause for belief that a  
14 particular private communication concerning such offense  
15 may be obtained through the interception; and

16 (3) Normal investigative procedures with respect to  
17 the offense have been tried and have failed or reasonably  
18 appear to be unlikely to succeed if tried or too dangerous  
19 to employ; and

20 (4) The electronic criminal surveillance officers to  
21 be authorized to supervise the interception of the private  
22 communication have been certified by the Illinois State  
23 Police Department.

24 (b) In the case of an application, other than for an  
25 extension, for an order to intercept a communication of a  
26 person or on a wire communication facility that was the

1 subject of a previous order authorizing interception, the  
2 application shall be based upon new evidence or information  
3 different from and in addition to the evidence or information  
4 offered to support the prior order, regardless of whether the  
5 evidence was derived from prior interceptions or from other  
6 sources.

7 (c) The chief judge may authorize interception of a  
8 private communication anywhere in the judicial circuit. If the  
9 court authorizes the use of an eavesdropping device with  
10 respect to a vehicle, watercraft, or aircraft that is within  
11 the judicial circuit at the time the order is issued, the order  
12 may provide that the interception may continue anywhere within  
13 the State if the vehicle, watercraft, or aircraft leaves the  
14 judicial circuit.

15 (Source: P.A. 95-331, eff. 8-21-07.)

16 (725 ILCS 5/108B-13) (from Ch. 38, par. 108B-13)

17 Sec. 108B-13. Reports concerning use of eavesdropping  
18 devices.

19 (a) Within 30 days after the expiration of an order and  
20 each extension thereof authorizing an interception, or within  
21 30 days after the denial of an application or disapproval of an  
22 application subsequent to any alleged emergency situation, the  
23 State's Attorney shall report to the Illinois ~~Department of~~  
24 State Police the following:

25 (1) the fact that such an order, extension, or



- 1 subsequent approval of an emergency was applied for;
- 2 (2) the kind of order or extension applied for;
- 3 (3) a statement as to whether the order or extension  
4 was granted as applied for was modified, or was denied;
- 5 (4) the period authorized by the order or extensions  
6 in which an eavesdropping device could be used;
- 7 (5) the offense enumerated in Section 108B-3 which is  
8 specified in the order or extension or in the denied  
9 application;
- 10 (6) the identity of the applying electronic criminal  
11 surveillance officer and agency making the application and  
12 the State's Attorney authorizing the application; and
- 13 (7) the nature of the facilities from which or the  
14 place where the eavesdropping device was to be used.

15 (b) In January of each year the State's Attorney of each  
16 county in which an interception occurred pursuant to the  
17 provisions of this Article shall report to the Illinois  
18 ~~Department of State Police~~ the following:

- 19 (1) a general description of the uses of eavesdropping  
20 devices actually made under such order to overhear or  
21 record conversations, including: (a) the approximate  
22 nature and frequency of incriminating conversations  
23 overheard, (b) the approximate nature and frequency of  
24 other conversations overheard, (c) the approximate number  
25 of persons whose conversations were overheard, and (d) the  
26 approximate nature, amount, and cost of the manpower and

1 other resources used pursuant to the authorization to use  
2 an eavesdropping device;

3 (2) the number of arrests resulting from authorized  
4 uses of eavesdropping devices and the offenses for which  
5 arrests were made;

6 (3) the number of trials resulting from such uses of  
7 eavesdropping devices;

8 (4) the number of motions to suppress made with  
9 respect to such uses, and the number granted or denied;  
10 and

11 (5) the number of convictions resulting from such uses  
12 and the offenses for which the convictions were obtained  
13 and a general assessment of the importance of the  
14 convictions.

15 On or before March 1 of each year, the Director of the  
16 Illinois ~~Department of~~ State Police shall submit to the  
17 Governor a report of all intercepts as defined herein  
18 conducted pursuant to this Article and terminated during the  
19 preceding calendar year. Such report shall include:

20 (1) the reports of State's Attorneys forwarded to the  
21 Director as required in this Section;

22 (2) the number of Illinois State Police ~~Department~~  
23 personnel authorized to possess, install, or operate  
24 electronic, mechanical, or other devices;

25 (3) the number of Illinois State Police ~~Department~~ and  
26 other law enforcement personnel who participated or

1 engaged in the seizure of intercepts pursuant to this  
2 Article during the preceding calendar year;

3 (4) the number of electronic criminal surveillance  
4 officers trained by the Illinois State Police ~~Department~~;

5 (5) the total cost to the Illinois State Police  
6 ~~Department~~ of all activities and procedures relating to  
7 the seizure of intercepts during the preceding calendar  
8 year, including costs of equipment, manpower, and expenses  
9 incurred as compensation for use of facilities or  
10 technical assistance provided to or by the Illinois State  
11 Police ~~Department~~; and

12 (6) a summary of the use of eavesdropping devices  
13 pursuant to orders of interception including (a) the  
14 frequency of use in each county, (b) the frequency of use  
15 for each crime enumerated in Section 108B-3 of the Code of  
16 Criminal Procedure of 1963, as amended, (c) the type and  
17 frequency of eavesdropping device use, and (d) the  
18 frequency of use by each police department or law  
19 enforcement agency of this State.

20 (d) In April of each year, the Director of the Illinois  
21 ~~Department~~ of State Police and the Governor shall each  
22 transmit to the General Assembly reports including information  
23 on the number of applications for orders authorizing the use  
24 of eavesdropping devices, the number of orders and extensions  
25 granted or denied during the preceding calendar year, the  
26 convictions arising out of such uses, and a summary of the

1 information required by subsections (a) and (b) of this  
2 Section.

3 The requirement for reporting to the General Assembly  
4 shall be satisfied by filing copies of the report as required  
5 by Section 3.1 of the General Assembly Organization Act, and  
6 filing such additional copies with the State Government Report  
7 Distribution Center for the General Assembly as is required  
8 under paragraph (t) of Section 7 of the State Library Act.

9 (Source: P.A. 100-1148, eff. 12-10-18.)

10 (725 ILCS 5/108B-14) (from Ch. 38, par. 108B-14)

11 Sec. 108B-14. Training.

12 (a) The Director of the Illinois ~~Department of~~ State  
13 Police shall:

14 (1) Establish a course of training in the legal,  
15 practical, and technical aspects of the interception of  
16 private communications and related investigation and  
17 prosecution techniques;

18 (2) Issue regulations as he finds necessary for the  
19 training program;

20 (3) In cooperation with the Illinois Law Enforcement  
21 Training Standards Board, set minimum standards for  
22 certification and periodic recertification of electronic  
23 criminal surveillance officers as eligible to apply for  
24 orders authorizing the interception of private  
25 communications, to conduct the interceptions, and to use

1 the private communications or evidence derived from them  
2 in official proceedings; and

3 (4) In cooperation with the Illinois Law Enforcement  
4 Training Standards Board, revoke or suspend the  
5 certification of any electronic criminal surveillance  
6 officer who has violated any law relating to electronic  
7 criminal surveillance, or any of the guidelines  
8 established by the Illinois State Police Department for  
9 conducting electronic criminal surveillance.

10 (b) The Executive Director of the Illinois Law Enforcement  
11 Training Standards Board shall:

12 (1) Pursuant to the Illinois Police Training Act,  
13 review the course of training prescribed by the Illinois  
14 State Police Department for the purpose of certification  
15 relating to reimbursement of expenses incurred by local  
16 law enforcement agencies participating in the electronic  
17 criminal surveillance officer training process, and

18 (2) Assist the Illinois State Police Department in  
19 establishing minimum standards for certification and  
20 periodic recertification of electronic criminal  
21 surveillance officers as being eligible to apply for  
22 orders authorizing the interception of private  
23 communications, to conduct the interpretations, and to use  
24 the communications or evidence derived from them in  
25 official proceedings.

26 (Source: P.A. 92-854, eff. 12-5-02.)

1 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

2 Sec. 110-7. Deposit of bail security.

3 (a) The person for whom bail has been set shall execute the  
4 bail bond and deposit with the clerk of the court before which  
5 the proceeding is pending a sum of money equal to 10% of the  
6 bail, but in no event shall such deposit be less than \$25. The  
7 clerk of the court shall provide a space on each form for a  
8 person other than the accused who has provided the money for  
9 the posting of bail to so indicate and a space signed by an  
10 accused who has executed the bail bond indicating whether a  
11 person other than the accused has provided the money for the  
12 posting of bail. The form shall also include a written notice  
13 to such person who has provided the defendant with the money  
14 for the posting of bail indicating that the bail may be used to  
15 pay costs, attorney's fees, fines, or other purposes  
16 authorized by the court and if the defendant fails to comply  
17 with the conditions of the bail bond, the court shall enter an  
18 order declaring the bail to be forfeited. The written notice  
19 must be: (1) distinguishable from the surrounding text; (2) in  
20 bold type or underscored; and (3) in a type size at least 2  
21 points larger than the surrounding type. When a person for  
22 whom bail has been set is charged with an offense under the  
23 Illinois Controlled Substances Act or the Methamphetamine  
24 Control and Community Protection Act which is a Class X  
25 felony, or making a terrorist threat in violation of Section

1 29D-20 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 or an attempt to commit the offense of making a terrorist  
3 threat, the court may require the defendant to deposit a sum  
4 equal to 100% of the bail. Where any person is charged with a  
5 forcible felony while free on bail and is the subject of  
6 proceedings under Section 109-3 of this Code the judge  
7 conducting the preliminary examination may also conduct a  
8 hearing upon the application of the State pursuant to the  
9 provisions of Section 110-6 of this Code to increase or revoke  
10 the bail for that person's prior alleged offense.

11 (b) Upon depositing this sum and any bond fee authorized  
12 by law, the person shall be released from custody subject to  
13 the conditions of the bail bond.

14 (c) Once bail has been given and a charge is pending or is  
15 thereafter filed in or transferred to a court of competent  
16 jurisdiction the latter court shall continue the original bail  
17 in that court subject to the provisions of Section 110-6 of  
18 this Code.

19 (d) After conviction the court may order that the original  
20 bail stand as bail pending appeal or deny, increase or reduce  
21 bail subject to the provisions of Section 110-6.2.

22 (e) After the entry of an order by the trial court allowing  
23 or denying bail pending appeal either party may apply to the  
24 reviewing court having jurisdiction or to a justice thereof  
25 sitting in vacation for an order increasing or decreasing the  
26 amount of bail or allowing or denying bail pending appeal

1 subject to the provisions of Section 110-6.2.

2 (f) When the conditions of the bail bond have been  
3 performed and the accused has been discharged from all  
4 obligations in the cause the clerk of the court shall return to  
5 the accused or to the defendant's designee by an assignment  
6 executed at the time the bail amount is deposited, unless the  
7 court orders otherwise, 90% of the sum which had been  
8 deposited and shall retain as bail bond costs 10% of the amount  
9 deposited. However, in no event shall the amount retained by  
10 the clerk as bail bond costs be less than \$5. Notwithstanding  
11 the foregoing, in counties with a population of 3,000,000 or  
12 more, in no event shall the amount retained by the clerk as  
13 bail bond costs exceed \$100. Bail bond deposited by or on  
14 behalf of a defendant in one case may be used, in the court's  
15 discretion, to satisfy financial obligations of that same  
16 defendant incurred in a different case due to a fine, court  
17 costs, restitution or fees of the defendant's attorney of  
18 record. In counties with a population of 3,000,000 or more,  
19 the court shall not order bail bond deposited by or on behalf  
20 of a defendant in one case to be used to satisfy financial  
21 obligations of that same defendant in a different case until  
22 the bail bond is first used to satisfy court costs and  
23 attorney's fees in the case in which the bail bond has been  
24 deposited and any other unpaid child support obligations are  
25 satisfied. In counties with a population of less than  
26 3,000,000, the court shall not order bail bond deposited by or



1 on behalf of a defendant in one case to be used to satisfy  
2 financial obligations of that same defendant in a different  
3 case until the bail bond is first used to satisfy court costs  
4 in the case in which the bail bond has been deposited.

5 At the request of the defendant the court may order such  
6 90% of defendant's bail deposit, or whatever amount is  
7 repayable to defendant from such deposit, to be paid to  
8 defendant's attorney of record.

9 (g) If the accused does not comply with the conditions of  
10 the bail bond the court having jurisdiction shall enter an  
11 order declaring the bail to be forfeited. Notice of such order  
12 of forfeiture shall be mailed forthwith to the accused at his  
13 last known address. If the accused does not appear and  
14 surrender to the court having jurisdiction within 30 days from  
15 the date of the forfeiture or within such period satisfy the  
16 court that appearance and surrender by the accused is  
17 impossible and without his fault the court shall enter  
18 judgment for the State if the charge for which the bond was  
19 given was a felony or misdemeanor, or if the charge was  
20 quasi-criminal or traffic, judgment for the political  
21 subdivision of the State which prosecuted the case, against  
22 the accused for the amount of the bail and costs of the court  
23 proceedings; however, in counties with a population of less  
24 than 3,000,000, instead of the court entering a judgment for  
25 the full amount of the bond the court may, in its discretion,  
26 enter judgment for the cash deposit on the bond, less costs,

1 retain the deposit for further disposition or, if a cash bond  
2 was posted for failure to appear in a matter involving  
3 enforcement of child support or maintenance, the amount of the  
4 cash deposit on the bond, less outstanding costs, may be  
5 awarded to the person or entity to whom the child support or  
6 maintenance is due. The deposit made in accordance with  
7 paragraph (a) shall be applied to the payment of costs. If  
8 judgment is entered and any amount of such deposit remains  
9 after the payment of costs it shall be applied to payment of  
10 the judgment and transferred to the treasury of the municipal  
11 corporation wherein the bond was taken if the offense was a  
12 violation of any penal ordinance of a political subdivision of  
13 this State, or to the treasury of the county wherein the bond  
14 was taken if the offense was a violation of any penal statute  
15 of this State. The balance of the judgment may be enforced and  
16 collected in the same manner as a judgment entered in a civil  
17 action.

18 (h) After a judgment for a fine and court costs or either  
19 is entered in the prosecution of a cause in which a deposit had  
20 been made in accordance with paragraph (a) the balance of such  
21 deposit, after deduction of bail bond costs, shall be applied  
22 to the payment of the judgment.

23 (i) When a court appearance is required for an alleged  
24 violation of the Criminal Code of 1961, the Criminal Code of  
25 2012, the Illinois Vehicle Code, the Wildlife Code, the Fish  
26 and Aquatic Life Code, the Child Passenger Protection Act, or

1 a comparable offense of a unit of local government as  
2 specified in Supreme Court Rule 551, and if the accused does  
3 not appear in court on the date set for appearance or any date  
4 to which the case may be continued and the court issues an  
5 arrest warrant for the accused, based upon his or her failure  
6 to appear when having so previously been ordered to appear by  
7 the court, the accused upon his or her admission to bail shall  
8 be assessed by the court a fee of \$75. Payment of the fee shall  
9 be a condition of release unless otherwise ordered by the  
10 court. The fee shall be in addition to any bail that the  
11 accused is required to deposit for the offense for which the  
12 accused has been charged and may not be used for the payment of  
13 court costs or fines assessed for the offense. The clerk of the  
14 court shall remit \$70 of the fee assessed to the arresting  
15 agency who brings the offender in on the arrest warrant. If the  
16 Illinois ~~Department of~~ State Police is the arresting agency,  
17 \$70 of the fee assessed shall be remitted by the clerk of the  
18 court to the State Treasurer within one month after receipt  
19 for deposit into the State Police Operations Assistance Fund.  
20 The clerk of the court shall remit \$5 of the fee assessed to  
21 the Circuit Court Clerk Operation and Administrative Fund as  
22 provided in Section 27.3d of the Clerks of Courts Act.

23 (Source: P.A. 99-412, eff. 1-1-16.)

24 (725 ILCS 5/112A-11.1)

25 Sec. 112A-11.1. Procedure for determining whether certain

1 misdemeanor crimes are crimes of domestic violence for  
2 purposes of federal law.

3 (a) When a defendant has been charged with a violation of  
4 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012, the State  
6 may, at arraignment or no later than 45 days after  
7 arraignment, for the purpose of notification to the Illinois  
8 ~~Department of~~ State Police Firearm Owner's Identification Card  
9 Office, serve on the defendant and file with the court a notice  
10 alleging that conviction of the offense would subject the  
11 defendant to the prohibitions of 18 U.S.C. 922(g)(9) because  
12 of the relationship between the defendant and the alleged  
13 victim and the nature of the alleged offense.

14 (b) The notice shall include the name of the person  
15 alleged to be the victim of the crime and shall specify the  
16 nature of the alleged relationship as set forth in 18 U.S.C.  
17 921(a)(33)(A)(ii). It shall also specify the element of the  
18 charged offense which requires the use or attempted use of  
19 physical force, or the threatened use of a deadly weapon, as  
20 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
21 notice that the defendant is entitled to a hearing on the  
22 allegation contained in the notice and that if the allegation  
23 is sustained, that determination and conviction shall be  
24 reported to the Illinois ~~Department of~~ State Police Firearm  
25 Owner's Identification Card Office.

26 (c) After having been notified as provided in subsection

1 (b) of this Section, the defendant may stipulate or admit,  
2 orally on the record or in writing, that conviction of the  
3 offense would subject the defendant to the prohibitions of 18  
4 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
5 922(g)(9) shall be deemed established for purposes of Section  
6 112A-11.2. If the defendant denies the applicability of 18  
7 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
8 or stands mute with respect to that allegation, then the State  
9 shall bear the burden to prove beyond a reasonable doubt that  
10 the offense is one to which the prohibitions of 18 U.S.C.  
11 922(g)(9) apply. The court may consider reliable hearsay  
12 evidence submitted by either party provided that it is  
13 relevant to the determination of the allegation. Facts  
14 previously proven at trial or elicited at the time of entry of  
15 a plea of guilty shall be deemed established beyond a  
16 reasonable doubt and shall not be relitigated. At the  
17 conclusion of the hearing, or upon a stipulation or admission,  
18 as applicable, the court shall make a specific written  
19 determination with respect to the allegation.

20 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

21 (725 ILCS 5/112A-11.2)

22 Sec. 112A-11.2. Notification to the Illinois ~~Department of~~  
23 State Police Firearm Owner's Identification Card Office of  
24 determinations in certain misdemeanor cases. Upon judgment of  
25 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,

1 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012 when the defendant has been determined, under  
3 Section 112A-11.1, to be subject to the prohibitions of 18  
4 U.S.C. 922(g)(9), the circuit court clerk shall include  
5 notification and a copy of the written determination in a  
6 report of the conviction to the Illinois ~~Department of~~ State  
7 Police Firearm Owner's Identification Card Office to enable  
8 the office to report that determination to the Federal Bureau  
9 of Investigation and assist the Bureau in identifying persons  
10 prohibited from purchasing and possessing a firearm pursuant  
11 to the provisions of 18 U.S.C. 922.

12 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

14 Sec. 112A-14. Domestic violence order of protection;  
15 remedies.

16 (a) (Blank).

17 (b) The court may order any of the remedies listed in this  
18 subsection (b). The remedies listed in this subsection (b)  
19 shall be in addition to other civil or criminal remedies  
20 available to petitioner.

21 (1) Prohibition of abuse. Prohibit respondent's  
22 harassment, interference with personal liberty,  
23 intimidation of a dependent, physical abuse, or willful  
24 deprivation, as defined in this Article, if such abuse has  
25 occurred or otherwise appears likely to occur if not

1 prohibited.

2 (2) Grant of exclusive possession of residence.  
3 Prohibit respondent from entering or remaining in any  
4 residence, household, or premises of the petitioner,  
5 including one owned or leased by respondent, if petitioner  
6 has a right to occupancy thereof. The grant of exclusive  
7 possession of the residence, household, or premises shall  
8 not affect title to real property, nor shall the court be  
9 limited by the standard set forth in subsection (c-2) of  
10 Section 501 of the Illinois Marriage and Dissolution of  
11 Marriage Act.

12 (A) Right to occupancy. A party has a right to  
13 occupancy of a residence or household if it is solely  
14 or jointly owned or leased by that party, that party's  
15 spouse, a person with a legal duty to support that  
16 party or a minor child in that party's care, or by any  
17 person or entity other than the opposing party that  
18 authorizes that party's occupancy (e.g., a domestic  
19 violence shelter). Standards set forth in subparagraph  
20 (B) shall not preclude equitable relief.

21 (B) Presumption of hardships. If petitioner and  
22 respondent each has the right to occupancy of a  
23 residence or household, the court shall balance (i)  
24 the hardships to respondent and any minor child or  
25 dependent adult in respondent's care resulting from  
26 entry of this remedy with (ii) the hardships to

1 petitioner and any minor child or dependent adult in  
2 petitioner's care resulting from continued exposure to  
3 the risk of abuse (should petitioner remain at the  
4 residence or household) or from loss of possession of  
5 the residence or household (should petitioner leave to  
6 avoid the risk of abuse). When determining the balance  
7 of hardships, the court shall also take into account  
8 the accessibility of the residence or household.  
9 Hardships need not be balanced if respondent does not  
10 have a right to occupancy.

11 The balance of hardships is presumed to favor  
12 possession by petitioner unless the presumption is  
13 rebutted by a preponderance of the evidence, showing  
14 that the hardships to respondent substantially  
15 outweigh the hardships to petitioner and any minor  
16 child or dependent adult in petitioner's care. The  
17 court, on the request of petitioner or on its own  
18 motion, may order respondent to provide suitable,  
19 accessible, alternate housing for petitioner instead  
20 of excluding respondent from a mutual residence or  
21 household.

22 (3) Stay away order and additional prohibitions. Order  
23 respondent to stay away from petitioner or any other  
24 person protected by the domestic violence order of  
25 protection, or prohibit respondent from entering or  
26 remaining present at petitioner's school, place of



1 employment, or other specified places at times when  
2 petitioner is present, or both, if reasonable, given the  
3 balance of hardships. Hardships need not be balanced for  
4 the court to enter a stay away order or prohibit entry if  
5 respondent has no right to enter the premises.

6 (A) If a domestic violence order of protection  
7 grants petitioner exclusive possession of the  
8 residence, prohibits respondent from entering the  
9 residence, or orders respondent to stay away from  
10 petitioner or other protected persons, then the court  
11 may allow respondent access to the residence to remove  
12 items of clothing and personal adornment used  
13 exclusively by respondent, medications, and other  
14 items as the court directs. The right to access shall  
15 be exercised on only one occasion as the court directs  
16 and in the presence of an agreed-upon adult third  
17 party or law enforcement officer.

18 (B) When the petitioner and the respondent attend  
19 the same public, private, or non-public elementary,  
20 middle, or high school, the court when issuing a  
21 domestic violence order of protection and providing  
22 relief shall consider the severity of the act, any  
23 continuing physical danger or emotional distress to  
24 the petitioner, the educational rights guaranteed to  
25 the petitioner and respondent under federal and State  
26 law, the availability of a transfer of the respondent

1 to another school, a change of placement or a change of  
2 program of the respondent, the expense, difficulty,  
3 and educational disruption that would be caused by a  
4 transfer of the respondent to another school, and any  
5 other relevant facts of the case. The court may order  
6 that the respondent not attend the public, private, or  
7 non-public elementary, middle, or high school attended  
8 by the petitioner, order that the respondent accept a  
9 change of placement or change of program, as  
10 determined by the school district or private or  
11 non-public school, or place restrictions on the  
12 respondent's movements within the school attended by  
13 the petitioner. The respondent bears the burden of  
14 proving by a preponderance of the evidence that a  
15 transfer, change of placement, or change of program of  
16 the respondent is not available. The respondent also  
17 bears the burden of production with respect to the  
18 expense, difficulty, and educational disruption that  
19 would be caused by a transfer of the respondent to  
20 another school. A transfer, change of placement, or  
21 change of program is not unavailable to the respondent  
22 solely on the ground that the respondent does not  
23 agree with the school district's or private or  
24 non-public school's transfer, change of placement, or  
25 change of program or solely on the ground that the  
26 respondent fails or refuses to consent or otherwise

1 does not take an action required to effectuate a  
2 transfer, change of placement, or change of program.  
3 When a court orders a respondent to stay away from the  
4 public, private, or non-public school attended by the  
5 petitioner and the respondent requests a transfer to  
6 another attendance center within the respondent's  
7 school district or private or non-public school, the  
8 school district or private or non-public school shall  
9 have sole discretion to determine the attendance  
10 center to which the respondent is transferred. If the  
11 court order results in a transfer of the minor  
12 respondent to another attendance center, a change in  
13 the respondent's placement, or a change of the  
14 respondent's program, the parents, guardian, or legal  
15 custodian of the respondent is responsible for  
16 transportation and other costs associated with the  
17 transfer or change.

18 (C) The court may order the parents, guardian, or  
19 legal custodian of a minor respondent to take certain  
20 actions or to refrain from taking certain actions to  
21 ensure that the respondent complies with the order. If  
22 the court orders a transfer of the respondent to  
23 another school, the parents, guardian, or legal  
24 custodian of the respondent is responsible for  
25 transportation and other costs associated with the  
26 change of school by the respondent.

1           (4) Counseling. Require or recommend the respondent to  
2 undergo counseling for a specified duration with a social  
3 worker, psychologist, clinical psychologist,  
4 psychiatrist, family service agency, alcohol or substance  
5 abuse program, mental health center guidance counselor,  
6 agency providing services to elders, program designed for  
7 domestic violence abusers, or any other guidance service  
8 the court deems appropriate. The court may order the  
9 respondent in any intimate partner relationship to report  
10 to an Illinois Department of Human Services protocol  
11 approved partner abuse intervention program for an  
12 assessment and to follow all recommended treatment.

13           (5) Physical care and possession of the minor child.  
14 In order to protect the minor child from abuse, neglect,  
15 or unwarranted separation from the person who has been the  
16 minor child's primary caretaker, or to otherwise protect  
17 the well-being of the minor child, the court may do either  
18 or both of the following: (i) grant petitioner physical  
19 care or possession of the minor child, or both, or (ii)  
20 order respondent to return a minor child to, or not remove  
21 a minor child from, the physical care of a parent or person  
22 in loco parentis.

23           If the respondent is charged with abuse (as defined in  
24 Section 112A-3 of this Code) of a minor child, there shall  
25 be a rebuttable presumption that awarding physical care to  
26 respondent would not be in the minor child's best

1 interest.

2 (6) Temporary allocation of parental responsibilities  
3 and significant decision-making responsibilities. Award  
4 temporary significant decision-making responsibility to  
5 petitioner in accordance with this Section, the Illinois  
6 Marriage and Dissolution of Marriage Act, the Illinois  
7 Parentage Act of 2015, and this State's Uniform  
8 Child-Custody Jurisdiction and Enforcement Act.

9 If the respondent is charged with abuse (as defined in  
10 Section 112A-3 of this Code) of a minor child, there shall  
11 be a rebuttable presumption that awarding temporary  
12 significant decision-making responsibility to respondent  
13 would not be in the child's best interest.

14 (7) Parenting time. Determine the parenting time, if  
15 any, of respondent in any case in which the court awards  
16 physical care or temporary significant decision-making  
17 responsibility of a minor child to petitioner. The court  
18 shall restrict or deny respondent's parenting time with a  
19 minor child if the court finds that respondent has done or  
20 is likely to do any of the following:

21 (i) abuse or endanger the minor child during  
22 parenting time;

23 (ii) use the parenting time as an opportunity to  
24 abuse or harass petitioner or petitioner's family or  
25 household members;

26 (iii) improperly conceal or detain the minor

1 child; or

2 (iv) otherwise act in a manner that is not in the  
3 best interests of the minor child.

4 The court shall not be limited by the standards set  
5 forth in Section 603.10 of the Illinois Marriage and  
6 Dissolution of Marriage Act. If the court grants parenting  
7 time, the order shall specify dates and times for the  
8 parenting time to take place or other specific parameters  
9 or conditions that are appropriate. No order for parenting  
10 time shall refer merely to the term "reasonable parenting  
11 time". Petitioner may deny respondent access to the minor  
12 child if, when respondent arrives for parenting time,  
13 respondent is under the influence of drugs or alcohol and  
14 constitutes a threat to the safety and well-being of  
15 petitioner or petitioner's minor children or is behaving  
16 in a violent or abusive manner. If necessary to protect  
17 any member of petitioner's family or household from future  
18 abuse, respondent shall be prohibited from coming to  
19 petitioner's residence to meet the minor child for  
20 parenting time, and the petitioner and respondent shall  
21 submit to the court their recommendations for reasonable  
22 alternative arrangements for parenting time. A person may  
23 be approved to supervise parenting time only after filing  
24 an affidavit accepting that responsibility and  
25 acknowledging accountability to the court.

26 (8) Removal or concealment of minor child. Prohibit

1           respondent from removing a minor child from the State or  
2           concealing the child within the State.

3           (9) Order to appear. Order the respondent to appear in  
4           court, alone or with a minor child, to prevent abuse,  
5           neglect, removal or concealment of the child, to return  
6           the child to the custody or care of the petitioner, or to  
7           permit any court-ordered interview or examination of the  
8           child or the respondent.

9           (10) Possession of personal property. Grant petitioner  
10          exclusive possession of personal property and, if  
11          respondent has possession or control, direct respondent to  
12          promptly make it available to petitioner, if:

13                 (i) petitioner, but not respondent, owns the  
14                 property; or

15                 (ii) the petitioner and respondent own the  
16                 property jointly; sharing it would risk abuse of  
17                 petitioner by respondent or is impracticable; and the  
18                 balance of hardships favors temporary possession by  
19                 petitioner.

20          If petitioner's sole claim to ownership of the  
21          property is that it is marital property, the court may  
22          award petitioner temporary possession thereof under the  
23          standards of subparagraph (ii) of this paragraph only if a  
24          proper proceeding has been filed under the Illinois  
25          Marriage and Dissolution of Marriage Act, as now or  
26          hereafter amended.

1           No order under this provision shall affect title to  
2 property.

3           (11) Protection of property. Forbid the respondent  
4 from taking, transferring, encumbering, concealing,  
5 damaging, or otherwise disposing of any real or personal  
6 property, except as explicitly authorized by the court,  
7 if:

8           (i) petitioner, but not respondent, owns the  
9 property; or

10           (ii) the petitioner and respondent own the  
11 property jointly, and the balance of hardships favors  
12 granting this remedy.

13           If petitioner's sole claim to ownership of the  
14 property is that it is marital property, the court may  
15 grant petitioner relief under subparagraph (ii) of this  
16 paragraph only if a proper proceeding has been filed under  
17 the Illinois Marriage and Dissolution of Marriage Act, as  
18 now or hereafter amended.

19           The court may further prohibit respondent from  
20 improperly using the financial or other resources of an  
21 aged member of the family or household for the profit or  
22 advantage of respondent or of any other person.

23           (11.5) Protection of animals. Grant the petitioner the  
24 exclusive care, custody, or control of any animal owned,  
25 possessed, leased, kept, or held by either the petitioner  
26 or the respondent or a minor child residing in the



1 residence or household of either the petitioner or the  
2 respondent and order the respondent to stay away from the  
3 animal and forbid the respondent from taking,  
4 transferring, encumbering, concealing, harming, or  
5 otherwise disposing of the animal.

6 (12) Order for payment of support. Order respondent to  
7 pay temporary support for the petitioner or any child in  
8 the petitioner's care or over whom the petitioner has been  
9 allocated parental responsibility, when the respondent has  
10 a legal obligation to support that person, in accordance  
11 with the Illinois Marriage and Dissolution of Marriage  
12 Act, which shall govern, among other matters, the amount  
13 of support, payment through the clerk and withholding of  
14 income to secure payment. An order for child support may  
15 be granted to a petitioner with lawful physical care of a  
16 child, or an order or agreement for physical care of a  
17 child, prior to entry of an order allocating significant  
18 decision-making responsibility. Such a support order shall  
19 expire upon entry of a valid order allocating parental  
20 responsibility differently and vacating petitioner's  
21 significant decision-making responsibility unless  
22 otherwise provided in the order.

23 (13) Order for payment of losses. Order respondent to  
24 pay petitioner for losses suffered as a direct result of  
25 the abuse. Such losses shall include, but not be limited  
26 to, medical expenses, lost earnings or other support,

1 repair or replacement of property damaged or taken,  
2 reasonable attorney's fees, court costs, and moving or  
3 other travel expenses, including additional reasonable  
4 expenses for temporary shelter and restaurant meals.

5 (i) Losses affecting family needs. If a party is  
6 entitled to seek maintenance, child support, or  
7 property distribution from the other party under the  
8 Illinois Marriage and Dissolution of Marriage Act, as  
9 now or hereafter amended, the court may order  
10 respondent to reimburse petitioner's actual losses, to  
11 the extent that such reimbursement would be  
12 "appropriate temporary relief", as authorized by  
13 subsection (a) (3) of Section 501 of that Act.

14 (ii) Recovery of expenses. In the case of an  
15 improper concealment or removal of a minor child, the  
16 court may order respondent to pay the reasonable  
17 expenses incurred or to be incurred in the search for  
18 and recovery of the minor child, including, but not  
19 limited to, legal fees, court costs, private  
20 investigator fees, and travel costs.

21 (14) Prohibition of entry. Prohibit the respondent  
22 from entering or remaining in the residence or household  
23 while the respondent is under the influence of alcohol or  
24 drugs and constitutes a threat to the safety and  
25 well-being of the petitioner or the petitioner's children.

26 (14.5) Prohibition of firearm possession.

1           (A) A person who is subject to an existing  
2 domestic violence order of protection issued under  
3 this Code may not lawfully possess weapons under  
4 Section 8.2 of the Firearm Owners Identification Card  
5 Act.

6           (B) Any firearms in the possession of the  
7 respondent, except as provided in subparagraph (C) of  
8 this paragraph (14.5), shall be ordered by the court  
9 to be turned over to a person with a valid Firearm  
10 Owner's Identification Card for safekeeping. The court  
11 shall issue an order that the respondent's Firearm  
12 Owner's Identification Card be turned over to the  
13 local law enforcement agency, which in turn shall  
14 immediately mail the card to the Illinois Department  
15 ~~of~~ State Police Firearm Owner's Identification Card  
16 Office for safekeeping. The period of safekeeping  
17 shall be for the duration of the domestic violence  
18 order of protection. The firearm or firearms and  
19 Firearm Owner's Identification Card, if unexpired,  
20 shall at the respondent's request be returned to the  
21 respondent at expiration of the domestic violence  
22 order of protection.

23           (C) If the respondent is a peace officer as  
24 defined in Section 2-13 of the Criminal Code of 2012,  
25 the court shall order that any firearms used by the  
26 respondent in the performance of his or her duties as a

1 peace officer be surrendered to the chief law  
2 enforcement executive of the agency in which the  
3 respondent is employed, who shall retain the firearms  
4 for safekeeping for the duration of the domestic  
5 violence order of protection.

6 (D) Upon expiration of the period of safekeeping,  
7 if the firearms or Firearm Owner's Identification Card  
8 cannot be returned to respondent because respondent  
9 cannot be located, fails to respond to requests to  
10 retrieve the firearms, or is not lawfully eligible to  
11 possess a firearm, upon petition from the local law  
12 enforcement agency, the court may order the local law  
13 enforcement agency to destroy the firearms, use the  
14 firearms for training purposes, or for any other  
15 application as deemed appropriate by the local law  
16 enforcement agency; or that the firearms be turned  
17 over to a third party who is lawfully eligible to  
18 possess firearms, and who does not reside with  
19 respondent.

20 (15) Prohibition of access to records. If a domestic  
21 violence order of protection prohibits respondent from  
22 having contact with the minor child, or if petitioner's  
23 address is omitted under subsection (b) of Section 112A-5  
24 of this Code, or if necessary to prevent abuse or wrongful  
25 removal or concealment of a minor child, the order shall  
26 deny respondent access to, and prohibit respondent from

1 inspecting, obtaining, or attempting to inspect or obtain,  
2 school or any other records of the minor child who is in  
3 the care of petitioner.

4 (16) Order for payment of shelter services. Order  
5 respondent to reimburse a shelter providing temporary  
6 housing and counseling services to the petitioner for the  
7 cost of the services, as certified by the shelter and  
8 deemed reasonable by the court.

9 (17) Order for injunctive relief. Enter injunctive  
10 relief necessary or appropriate to prevent further abuse  
11 of a family or household member or to effectuate one of the  
12 granted remedies, if supported by the balance of  
13 hardships. If the harm to be prevented by the injunction  
14 is abuse or any other harm that one of the remedies listed  
15 in paragraphs (1) through (16) of this subsection is  
16 designed to prevent, no further evidence is necessary to  
17 establish that the harm is an irreparable injury.

18 (18) Telephone services.

19 (A) Unless a condition described in subparagraph  
20 (B) of this paragraph exists, the court may, upon  
21 request by the petitioner, order a wireless telephone  
22 service provider to transfer to the petitioner the  
23 right to continue to use a telephone number or numbers  
24 indicated by the petitioner and the financial  
25 responsibility associated with the number or numbers,  
26 as set forth in subparagraph (C) of this paragraph. In

1           this paragraph (18), the term "wireless telephone  
2           service provider" means a provider of commercial  
3           mobile service as defined in 47 U.S.C. 332. The  
4           petitioner may request the transfer of each telephone  
5           number that the petitioner, or a minor child in his or  
6           her custody, uses. The clerk of the court shall serve  
7           the order on the wireless telephone service provider's  
8           agent for service of process provided to the Illinois  
9           Commerce Commission. The order shall contain all of  
10          the following:

11                   (i) The name and billing telephone number of  
12                   the account holder including the name of the  
13                   wireless telephone service provider that serves  
14                   the account.

15                   (ii) Each telephone number that will be  
16                   transferred.

17                   (iii) A statement that the provider transfers  
18                   to the petitioner all financial responsibility for  
19                   and right to the use of any telephone number  
20                   transferred under this paragraph.

21           (B) A wireless telephone service provider shall  
22           terminate the respondent's use of, and shall transfer  
23           to the petitioner use of, the telephone number or  
24           numbers indicated in subparagraph (A) of this  
25           paragraph unless it notifies the petitioner, within 72  
26           hours after it receives the order, that one of the

1 following applies:

2 (i) The account holder named in the order has  
3 terminated the account.

4 (ii) A difference in network technology would  
5 prevent or impair the functionality of a device on  
6 a network if the transfer occurs.

7 (iii) The transfer would cause a geographic or  
8 other limitation on network or service provision  
9 to the petitioner.

10 (iv) Another technological or operational  
11 issue would prevent or impair the use of the  
12 telephone number if the transfer occurs.

13 (C) The petitioner assumes all financial  
14 responsibility for and right to the use of any  
15 telephone number transferred under this paragraph. In  
16 this paragraph, "financial responsibility" includes  
17 monthly service costs and costs associated with any  
18 mobile device associated with the number.

19 (D) A wireless telephone service provider may  
20 apply to the petitioner its routine and customary  
21 requirements for establishing an account or  
22 transferring a number, including requiring the  
23 petitioner to provide proof of identification,  
24 financial information, and customer preferences.

25 (E) Except for willful or wanton misconduct, a  
26 wireless telephone service provider is immune from

1 civil liability for its actions taken in compliance  
2 with a court order issued under this paragraph.

3 (F) All wireless service providers that provide  
4 services to residential customers shall provide to the  
5 Illinois Commerce Commission the name and address of  
6 an agent for service of orders entered under this  
7 paragraph (18). Any change in status of the registered  
8 agent must be reported to the Illinois Commerce  
9 Commission within 30 days of such change.

10 (G) The Illinois Commerce Commission shall  
11 maintain the list of registered agents for service for  
12 each wireless telephone service provider on the  
13 Commission's website. The Commission may consult with  
14 wireless telephone service providers and the Circuit  
15 Court Clerks on the manner in which this information  
16 is provided and displayed.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific remedy,  
19 other than payment of support, the court shall consider  
20 relevant factors, including, but not limited to, the  
21 following:

22 (i) the nature, frequency, severity, pattern, and  
23 consequences of the respondent's past abuse of the  
24 petitioner or any family or household member,  
25 including the concealment of his or her location in  
26 order to evade service of process or notice, and the



1           likelihood of danger of future abuse to petitioner or  
2           any member of petitioner's or respondent's family or  
3           household; and

4                   (ii) the danger that any minor child will be  
5           abused or neglected or improperly relocated from the  
6           jurisdiction, improperly concealed within the State,  
7           or improperly separated from the child's primary  
8           caretaker.

9           (2) In comparing relative hardships resulting to the  
10          parties from loss of possession of the family home, the  
11          court shall consider relevant factors, including, but not  
12          limited to, the following:

13                   (i) availability, accessibility, cost, safety,  
14          adequacy, location, and other characteristics of  
15          alternate housing for each party and any minor child  
16          or dependent adult in the party's care;

17                   (ii) the effect on the party's employment; and

18                   (iii) the effect on the relationship of the party,  
19          and any minor child or dependent adult in the party's  
20          care, to family, school, church, and community.

21          (3) Subject to the exceptions set forth in paragraph  
22          (4) of this subsection (c), the court shall make its  
23          findings in an official record or in writing, and shall at  
24          a minimum set forth the following:

25                   (i) That the court has considered the applicable  
26          relevant factors described in paragraphs (1) and (2)

1 of this subsection (c).

2 (ii) Whether the conduct or actions of respondent,  
3 unless prohibited, will likely cause irreparable harm  
4 or continued abuse.

5 (iii) Whether it is necessary to grant the  
6 requested relief in order to protect petitioner or  
7 other alleged abused persons.

8 (4) (Blank).

9 (5) Never married parties. No rights or  
10 responsibilities for a minor child born outside of  
11 marriage attach to a putative father until a father and  
12 child relationship has been established under the Illinois  
13 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
14 the Illinois Public Aid Code, Section 12 of the Vital  
15 Records Act, the Juvenile Court Act of 1987, the Probate  
16 Act of 1975, the Uniform Interstate Family Support Act,  
17 the Expedited Child Support Act of 1990, any judicial,  
18 administrative, or other act of another state or  
19 territory, any other statute of this State, or by any  
20 foreign nation establishing the father and child  
21 relationship, any other proceeding substantially in  
22 conformity with the federal Personal Responsibility and  
23 Work Opportunity Reconciliation Act of 1996, or when both  
24 parties appeared in open court or at an administrative  
25 hearing acknowledging under oath or admitting by  
26 affirmation the existence of a father and child

1 relationship. Absent such an adjudication, no putative  
2 father shall be granted temporary allocation of parental  
3 responsibilities, including parenting time with the minor  
4 child, or physical care and possession of the minor child,  
5 nor shall an order of payment for support of the minor  
6 child be entered.

7 (d) Balance of hardships; findings. If the court finds  
8 that the balance of hardships does not support the granting of  
9 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
10 subsection (b) of this Section, which may require such  
11 balancing, the court's findings shall so indicate and shall  
12 include a finding as to whether granting the remedy will  
13 result in hardship to respondent that would substantially  
14 outweigh the hardship to petitioner from denial of the remedy.  
15 The findings shall be an official record or in writing.

16 (e) Denial of remedies. Denial of any remedy shall not be  
17 based, in whole or in part, on evidence that:

18 (1) respondent has cause for any use of force, unless  
19 that cause satisfies the standards for justifiable use of  
20 force provided by Article 7 of the Criminal Code of 2012;

21 (2) respondent was voluntarily intoxicated;

22 (3) petitioner acted in self-defense or defense of  
23 another, provided that, if petitioner utilized force, such  
24 force was justifiable under Article 7 of the Criminal Code  
25 of 2012;

26 (4) petitioner did not act in self-defense or defense

1 of another;

2 (5) petitioner left the residence or household to  
3 avoid further abuse by respondent;

4 (6) petitioner did not leave the residence or  
5 household to avoid further abuse by respondent; or

6 (7) conduct by any family or household member excused  
7 the abuse by respondent, unless that same conduct would  
8 have excused such abuse if the parties had not been family  
9 or household members.

10 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;  
11 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.  
12 1-1-19; 101-81, eff. 7-12-19.)

13 (725 ILCS 5/112A-14.7)

14 Sec. 112A-14.7. Stalking no contact order; remedies.

15 (a) The court may order any of the remedies listed in this  
16 Section. The remedies listed in this Section shall be in  
17 addition to other civil or criminal remedies available to  
18 petitioner. A stalking no contact order shall order one or  
19 more of the following:

20 (1) prohibit the respondent from threatening to commit  
21 or committing stalking;

22 (2) order the respondent not to have any contact with  
23 the petitioner or a third person specifically named by the  
24 court;

25 (3) prohibit the respondent from knowingly coming

1 within, or knowingly remaining within a specified distance  
2 of the petitioner or the petitioner's residence, school,  
3 daycare, or place of employment, or any specified place  
4 frequented by the petitioner; however, the court may order  
5 the respondent to stay away from the respondent's own  
6 residence, school, or place of employment only if the  
7 respondent has been provided actual notice of the  
8 opportunity to appear and be heard on the petition;

9 (4) prohibit the respondent from possessing a Firearm  
10 Owners Identification Card, or possessing or buying  
11 firearms; and

12 (5) order other injunctive relief the court determines  
13 to be necessary to protect the petitioner or third party  
14 specifically named by the court.

15 (b) When the petitioner and the respondent attend the same  
16 public, private, or non-public elementary, middle, or high  
17 school, the court when issuing a stalking no contact order and  
18 providing relief shall consider the severity of the act, any  
19 continuing physical danger or emotional distress to the  
20 petitioner, the educational rights guaranteed to the  
21 petitioner and respondent under federal and State law, the  
22 availability of a transfer of the respondent to another  
23 school, a change of placement or a change of program of the  
24 respondent, the expense, difficulty, and educational  
25 disruption that would be caused by a transfer of the  
26 respondent to another school, and any other relevant facts of

1 the case. The court may order that the respondent not attend  
2 the public, private, or non-public elementary, middle, or high  
3 school attended by the petitioner, order that the respondent  
4 accept a change of placement or program, as determined by the  
5 school district or private or non-public school, or place  
6 restrictions on the respondent's movements within the school  
7 attended by the petitioner. The respondent bears the burden of  
8 proving by a preponderance of the evidence that a transfer,  
9 change of placement, or change of program of the respondent is  
10 not available. The respondent also bears the burden of  
11 production with respect to the expense, difficulty, and  
12 educational disruption that would be caused by a transfer of  
13 the respondent to another school. A transfer, change of  
14 placement, or change of program is not unavailable to the  
15 respondent solely on the ground that the respondent does not  
16 agree with the school district's or private or non-public  
17 school's transfer, change of placement, or change of program  
18 or solely on the ground that the respondent fails or refuses to  
19 consent to or otherwise does not take an action required to  
20 effectuate a transfer, change of placement, or change of  
21 program. When a court orders a respondent to stay away from the  
22 public, private, or non-public school attended by the  
23 petitioner and the respondent requests a transfer to another  
24 attendance center within the respondent's school district or  
25 private or non-public school, the school district or private  
26 or non-public school shall have sole discretion to determine

1 the attendance center to which the respondent is transferred.  
2 If the court order results in a transfer of the minor  
3 respondent to another attendance center, a change in the  
4 respondent's placement, or a change of the respondent's  
5 program, the parents, guardian, or legal custodian of the  
6 respondent is responsible for transportation and other costs  
7 associated with the transfer or change.

8 (c) The court may order the parents, guardian, or legal  
9 custodian of a minor respondent to take certain actions or to  
10 refrain from taking certain actions to ensure that the  
11 respondent complies with the order. If the court orders a  
12 transfer of the respondent to another school, the parents,  
13 guardian, or legal custodian of the respondent are responsible  
14 for transportation and other costs associated with the change  
15 of school by the respondent.

16 (d) The court shall not hold a school district or private  
17 or non-public school or any of its employees in civil or  
18 criminal contempt unless the school district or private or  
19 non-public school has been allowed to intervene.

20 (e) The court may hold the parents, guardian, or legal  
21 custodian of a minor respondent in civil or criminal contempt  
22 for a violation of any provision of any order entered under  
23 this Article for conduct of the minor respondent in violation  
24 of this Article if the parents, guardian, or legal custodian  
25 directed, encouraged, or assisted the respondent minor in the  
26 conduct.

1 (f) Monetary damages are not recoverable as a remedy.

2 (g) If the stalking no contact order prohibits the  
3 respondent from possessing a Firearm Owner's Identification  
4 Card, or possessing or buying firearms; the court shall  
5 confiscate the respondent's Firearm Owner's Identification  
6 Card and immediately return the card to the Illinois  
7 ~~Department of~~ State Police Firearm Owner's Identification Card  
8 Office.

9 (Source: P.A. 100-199, eff. 1-1-18.)

10 (725 ILCS 5/112A-17.5)

11 Sec. 112A-17.5. Ex parte protective orders.

12 (a) The petitioner may request expedited consideration of  
13 the petition for an ex parte protective order. The court shall  
14 consider the request on an expedited basis without requiring  
15 the respondent's presence or requiring notice to the  
16 respondent.

17 (b) Issuance of ex parte protective orders in cases  
18 involving domestic violence. An ex parte domestic violence  
19 order of protection shall be issued if petitioner satisfies  
20 the requirements of this subsection (b) for one or more of the  
21 requested remedies. For each remedy requested, petitioner  
22 shall establish that:

23 (1) the court has jurisdiction under Section 112A-9 of  
24 this Code;

25 (2) the requirements of subsection (a) of Section



1 112A-11.5 of this Code are satisfied; and

2 (3) there is good cause to grant the remedy,  
3 regardless of prior service of process or notice upon the  
4 respondent, because:

5 (A) for the remedy of prohibition of abuse  
6 described in paragraph (1) of subsection (b) of  
7 Section 112A-14 of this Code; stay away order and  
8 additional prohibitions described in paragraph (3) of  
9 subsection (b) of Section 112A-14 of this Code;  
10 removal or concealment of minor child described in  
11 paragraph (8) of subsection (b) of Section 112A-14 of  
12 this Code; order to appear described in paragraph (9)  
13 of subsection (b) of Section 112A-14 of this Code;  
14 physical care and possession of the minor child  
15 described in paragraph (5) of subsection (b) of  
16 Section 112A-14 of this Code; protection of property  
17 described in paragraph (11) of subsection (b) of  
18 Section 112A-14 of this Code; prohibition of entry  
19 described in paragraph (14) of subsection (b) of  
20 Section 112A-14 of this Code; prohibition of firearm  
21 possession described in paragraph (14.5) of subsection  
22 (b) of Section 112A-14 of this Code; prohibition of  
23 access to records described in paragraph (15) of  
24 subsection (b) of Section 112A-14 of this Code;  
25 injunctive relief described in paragraph (16) of  
26 subsection (b) of Section 112A-14 of this Code; and

1 telephone services described in paragraph (18) of  
2 subsection (b) of Section 112A-14 of this Code, the  
3 harm which that remedy is intended to prevent would be  
4 likely to occur if the respondent were given any prior  
5 notice, or greater notice than was actually given, of  
6 the petitioner's efforts to obtain judicial relief;

7 (B) for the remedy of grant of exclusive  
8 possession of residence described in paragraph (2) of  
9 subsection (b) of Section 112A-14 of this Code; the  
10 immediate danger of further abuse of the petitioner by  
11 the respondent, if the petitioner chooses or had  
12 chosen to remain in the residence or household while  
13 the respondent was given any prior notice or greater  
14 notice than was actually given of the petitioner's  
15 efforts to obtain judicial relief outweighs the  
16 hardships to the respondent of an emergency order  
17 granting the petitioner exclusive possession of the  
18 residence or household; and the remedy shall not be  
19 denied because the petitioner has or could obtain  
20 temporary shelter elsewhere while prior notice is  
21 given to the respondent, unless the hardship to the  
22 respondent from exclusion from the home substantially  
23 outweigh the hardship to the petitioner; or

24 (C) for the remedy of possession of personal  
25 property described in paragraph (10) of subsection (b)  
26 of Section 112A-14 of this Code; improper disposition

1 of the personal property would be likely to occur if  
2 the respondent were given any prior notice, or greater  
3 notice than was actually given, of the petitioner's  
4 efforts to obtain judicial relief or the petitioner  
5 has an immediate and pressing need for the possession  
6 of that property.

7 An ex parte domestic violence order of protection may not  
8 include the counseling, custody, or payment of support or  
9 monetary compensation remedies provided by paragraphs (4),  
10 (12), (13), and (16) of subsection (b) of Section 112A-14 of  
11 this Code.

12 (c) Issuance of ex parte civil no contact order in cases  
13 involving sexual offenses. An ex parte civil no contact order  
14 shall be issued if the petitioner establishes that:

15 (1) the court has jurisdiction under Section 112A-9 of  
16 this Code;

17 (2) the requirements of subsection (a) of Section  
18 112A-11.5 of this Code are satisfied; and

19 (3) there is good cause to grant the remedy,  
20 regardless of prior service of process or of notice upon  
21 the respondent, because the harm which that remedy is  
22 intended to prevent would be likely to occur if the  
23 respondent were given any prior notice, or greater notice  
24 than was actually given, of the petitioner's efforts to  
25 obtain judicial relief.

26 The court may order any of the remedies under Section

1 112A-14.5 of this Code.

2 (d) Issuance of ex parte stalking no contact order in  
3 cases involving stalking offenses. An ex parte stalking no  
4 contact order shall be issued if the petitioner establishes  
5 that:

6 (1) the court has jurisdiction under Section 112A-9 of  
7 this Code;

8 (2) the requirements of subsection (a) of Section  
9 112A-11.5 of this Code are satisfied; and

10 (3) there is good cause to grant the remedy,  
11 regardless of prior service of process or of notice upon  
12 the respondent, because the harm which that remedy is  
13 intended to prevent would be likely to occur if the  
14 respondent were given any prior notice, or greater notice  
15 than was actually given, of the petitioner's efforts to  
16 obtain judicial relief.

17 The court may order any of the remedies under Section  
18 112A-14.7 of this Code.

19 (e) Issuance of ex parte protective orders on court  
20 holidays and evenings.

21 When the court is unavailable at the close of business,  
22 the petitioner may file a petition for an ex parte protective  
23 order before any available circuit judge or associate judge  
24 who may grant relief under this Article. If the judge finds  
25 that petitioner has satisfied the prerequisites in subsection  
26 (b), (c), or (d) of this Section, the judge shall issue an ex

1 parte protective order.

2 The chief judge of the circuit court may designate for  
3 each county in the circuit at least one judge to be reasonably  
4 available to issue orally, by telephone, by facsimile, or  
5 otherwise, an ex parte protective order at all times, whether  
6 or not the court is in session.

7 The judge who issued the order under this Section shall  
8 promptly communicate or convey the order to the sheriff to  
9 facilitate the entry of the order into the Law Enforcement  
10 Agencies Data System by the Illinois ~~Department of~~ State  
11 Police under Section 112A-28 of this Code. Any order issued  
12 under this Section and any documentation in support of it  
13 shall be certified on the next court day to the appropriate  
14 court. The clerk of that court shall immediately assign a case  
15 number, file the petition, order, and other documents with the  
16 court and enter the order of record and file it with the  
17 sheriff for service under subsection (f) of this Section.  
18 Failure to comply with the requirements of this subsection (e)  
19 shall not affect the validity of the order.

20 (f) Service of ex parte protective order on respondent.

21 (1) If an ex parte protective order is entered at the  
22 time a summons or arrest warrant is issued for the  
23 criminal charge, the petition for the protective order,  
24 any supporting affidavits, if any, and the ex parte  
25 protective order that has been issued shall be served with  
26 the summons or arrest warrant. The enforcement of a

1 protective order under Section 112A-23 of this Code shall  
2 not be affected by the lack of service or delivery,  
3 provided the requirements of subsection (a) of Section  
4 112A-23 of this Code are otherwise met.

5 (2) If an ex parte protective order is entered after a  
6 summons or arrest warrant is issued and before the  
7 respondent makes an initial appearance in the criminal  
8 case, the summons shall be in the form prescribed by  
9 subsection (d) of Supreme Court Rule 101, except that it  
10 shall require respondent to answer or appear within 7 days  
11 and shall be accompanied by the petition for the  
12 protective order, any supporting affidavits, if any, and  
13 the ex parte protective order that has been issued.

14 (3) If an ex parte protective order is entered after  
15 the respondent has been served notice of a petition for a  
16 final protective order and the respondent has requested a  
17 continuance to respond to the petition, the ex parte  
18 protective order shall be served: (A) in open court if the  
19 respondent is present at the proceeding at which the order  
20 was entered; or (B) by summons in the form prescribed by  
21 subsection (d) of Supreme Court Rule 101.

22 (4) No fee shall be charged for service of summons.

23 (5) The summons shall be served by the sheriff or  
24 other law enforcement officer at the earliest time and  
25 shall take precedence over other summonses except those of  
26 a similar emergency nature. Special process servers may be

1 appointed at any time, and their designation shall not  
2 affect the responsibilities and authority of the sheriff  
3 or other official process servers. In a county with a  
4 population over 3,000,000, a special process server may  
5 not be appointed if an ex parte protective order grants  
6 the surrender of a child, the surrender of a firearm or  
7 Firearm Owner's Identification Card, or the exclusive  
8 possession of a shared residence. Process may be served in  
9 court.

10 (g) Upon 7 days' notice to the petitioner, or a shorter  
11 notice period as the court may prescribe, a respondent subject  
12 to an ex parte protective order may appear and petition the  
13 court to re-hear the petition. Any petition to re-hear shall  
14 be verified and shall allege the following:

15 (1) that respondent did not receive prior notice of  
16 the initial hearing in which the ex parte protective order  
17 was entered under Section 112A-17.5 of this Code; and

18 (2) that respondent had a meritorious defense to the  
19 order or any of its remedies or that the order or any of  
20 its remedies was not authorized under this Article.

21 The verified petition and affidavit shall set forth the  
22 evidence of the meritorious defense that will be presented at  
23 a hearing. If the court finds that the evidence presented at  
24 the hearing on the petition establishes a meritorious defense  
25 by a preponderance of the evidence, the court may decide to  
26 vacate the protective order or modify the remedies.

1 (h) If the ex parte protective order granted petitioner  
2 exclusive possession of the residence and the petition of  
3 respondent seeks to re-open or vacate that grant, the court  
4 shall set a date for hearing within 14 days on all issues  
5 relating to exclusive possession. Under no circumstances shall  
6 a court continue a hearing concerning exclusive possession  
7 beyond the 14th day except by agreement of the petitioner and  
8 the respondent. Other issues raised by the pleadings may be  
9 consolidated for the hearing if the petitioner, the  
10 respondent, and the court do not object.

11 (i) Duration of ex parte protective order. An ex parte  
12 order shall remain in effect until the court considers the  
13 request for a final protective order after notice has been  
14 served on the respondent or a default final protective order  
15 is entered, whichever occurs first. If a court date is  
16 scheduled for the issuance of a default protective order and  
17 the petitioner fails to personally appear or appear through  
18 counsel or the prosecuting attorney, the petition shall be  
19 dismissed and the ex parte order terminated.

20 (Source: P.A. 100-597, eff. 6-29-18.)

21 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

22 Sec. 112A-20. Duration and extension of final protective  
23 orders.

24 (a) (Blank).

25 (b) A final protective order shall remain in effect as



1 follows:

2 (1) if entered during pre-trial release, until  
3 disposition, withdrawal, or dismissal of the underlying  
4 charge; if, however, the case is continued as an  
5 independent cause of action, the order's duration may be  
6 for a fixed period of time not to exceed 2 years;

7 (2) if in effect in conjunction with a bond forfeiture  
8 warrant, until final disposition or an additional period  
9 of time not exceeding 2 years; no domestic violence order  
10 of protection, however, shall be terminated by a dismissal  
11 that is accompanied by the issuance of a bond forfeiture  
12 warrant;

13 (3) until 2 years after the expiration of any  
14 supervision, conditional discharge, probation, periodic  
15 imprisonment, parole, aftercare release, or mandatory  
16 supervised release for domestic violence orders of  
17 protection and civil no contact orders; or

18 (4) until 2 years after the date set by the court for  
19 expiration of any sentence of imprisonment and subsequent  
20 parole, aftercare release, or mandatory supervised release  
21 for domestic violence orders of protection and civil no  
22 contact orders; and

23 (5) permanent for a stalking no contact order if a  
24 judgment of conviction for stalking is entered.

25 (c) Computation of time. The duration of a domestic  
26 violence order of protection shall not be reduced by the

1 duration of any prior domestic violence order of protection.

2 (d) Law enforcement records. When a protective order  
3 expires upon the occurrence of a specified event, rather than  
4 upon a specified date as provided in subsection (b), no  
5 expiration date shall be entered in Illinois ~~Department of~~  
6 State Police records. To remove the protective order from  
7 those records, either the petitioner or the respondent shall  
8 request the clerk of the court to file a certified copy of an  
9 order stating that the specified event has occurred or that  
10 the protective order has been vacated or modified with the  
11 sheriff, and the sheriff shall direct that law enforcement  
12 records shall be promptly corrected in accordance with the  
13 filed order.

14 (e) Extension of Orders. Any domestic violence order of  
15 protection or civil no contact order that expires 2 years  
16 after the expiration of the defendant's sentence under  
17 paragraph (2), (3), or (4) of subsection (b) of Section  
18 112A-20 of this Article may be extended one or more times, as  
19 required. The petitioner, petitioner's counsel, or the State's  
20 Attorney on the petitioner's behalf shall file the motion for  
21 an extension of the final protective order in the criminal  
22 case and serve the motion in accordance with Supreme Court  
23 Rules 11 and 12. The court shall transfer the motion to the  
24 appropriate court or division for consideration under  
25 subsection (e) of Section 220 of the Illinois Domestic  
26 Violence Act of 1986, subsection (c) of Section 216 of the

1 Civil No Contact Order Act, or subsection (c) of Section 105 of  
2 the Stalking No Contact Order as appropriate.

3 (f) Termination date. Any final protective order which  
4 would expire on a court holiday shall instead expire at the  
5 close of the next court business day.

6 (g) Statement of purpose. The practice of dismissing or  
7 suspending a criminal prosecution in exchange for issuing a  
8 protective order undermines the purposes of this Article. This  
9 Section shall not be construed as encouraging that practice.  
10 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

11 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

12 Sec. 112A-22. Notice of orders.

13 (a) Entry and issuance. Upon issuance of any protective  
14 order, the clerk shall immediately, or on the next court day if  
15 an ex parte order is issued under subsection (e) of Section  
16 112A-17.5 of this Code, (i) enter the order on the record and  
17 file it in accordance with the circuit court procedures and  
18 (ii) provide a file stamped copy of the order to respondent and  
19 to petitioner, if present, and to the State's Attorney. If the  
20 victim is not present the State's Attorney shall (i) as soon as  
21 practicable notify the petitioner the order has been entered  
22 and (ii) provide a file stamped copy of the order to the  
23 petitioner within 3 days.

24 (b) Filing with sheriff. The clerk of the issuing judge  
25 shall, on the same day that a protective order is issued, file

1 a copy of that order with the sheriff or other law enforcement  
2 officials charged with maintaining Illinois ~~Department of~~  
3 State Police records or charged with serving the order upon  
4 respondent. If the order was issued under subsection (e) of  
5 Section 112A-17.5 of this Code, the clerk on the next court day  
6 shall file a certified copy of the order with the sheriff or  
7 other law enforcement officials charged with maintaining  
8 Illinois ~~Department of~~ State Police records.

9 (c) (Blank).

10 (c-2) Service by sheriff. Unless respondent was present in  
11 court when the order was issued, the sheriff, other law  
12 enforcement official, or special process server shall promptly  
13 serve that order upon respondent and file proof of the  
14 service, in the manner provided for service of process in  
15 civil proceedings. Instead of serving the order upon the  
16 respondent; however, the sheriff, other law enforcement  
17 official, special process server, or other persons defined in  
18 Section 112A-22.1 of this Code may serve the respondent with a  
19 short form notification as provided in Section 112A-22.1 of  
20 this Code. If process has not yet been served upon the  
21 respondent, process shall be served with the order or short  
22 form notification if the service is made by the sheriff, other  
23 law enforcement official, or special process server.

24 (c-3) If the person against whom the protective order is  
25 issued is arrested and the written order is issued under  
26 subsection (e) of Section 112A-17.5 of this Code and received

1 by the custodial law enforcement agency before the respondent  
2 or arrestee is released from custody, the custodial law  
3 enforcement agency shall promptly serve the order upon the  
4 respondent or arrestee before the respondent or arrestee is  
5 released from custody. In no event shall detention of the  
6 respondent or arrestee be extended for a hearing on the  
7 petition for protective order or receipt of the order issued  
8 under Section 112A-17 of this Code.

9 (c-4) Extensions, modifications, and revocations. Any  
10 order extending, modifying, or revoking any protective order  
11 shall be promptly recorded, issued, and served as provided in  
12 this Section.

13 (c-5) (Blank).

14 (d) (Blank).

15 (e) Notice to health care facilities and health care  
16 practitioners. Upon the request of the petitioner, the clerk  
17 of the circuit court shall send a certified copy of the  
18 protective order to any specified health care facility or  
19 health care practitioner requested by the petitioner at the  
20 mailing address provided by the petitioner.

21 (f) Disclosure by health care facilities and health care  
22 practitioners. After receiving a certified copy of a  
23 protective order that prohibits a respondent's access to  
24 records, no health care facility or health care practitioner  
25 shall allow a respondent access to the records of any child who  
26 is a protected person under the protective order, or release

1 information in those records to the respondent, unless the  
2 order has expired or the respondent shows a certified copy of  
3 the court order vacating the corresponding protective order  
4 that was sent to the health care facility or practitioner.  
5 Nothing in this Section shall be construed to require health  
6 care facilities or health care practitioners to alter  
7 procedures related to billing and payment. The health care  
8 facility or health care practitioner may file the copy of the  
9 protective order in the records of a child who is a protected  
10 person under the protective order, or may employ any other  
11 method to identify the records to which a respondent is  
12 prohibited access. No health care facility or health care  
13 practitioner shall be civilly or professionally liable for  
14 reliance on a copy of a protective order, except for willful  
15 and wanton misconduct.

16 (g) Notice to schools. Upon the request of the petitioner,  
17 within 24 hours of the issuance of a protective order, the  
18 clerk of the issuing judge shall send a certified copy of the  
19 protective order to the day-care facility, pre-school or  
20 pre-kindergarten, or private school or the principal office of  
21 the public school district or any college or university in  
22 which any child who is a protected person under the protective  
23 order or any child of the petitioner is enrolled as requested  
24 by the petitioner at the mailing address provided by the  
25 petitioner. If the child transfers enrollment to another  
26 day-care facility, pre-school, pre-kindergarten, private

1 school, public school, college, or university, the petitioner  
2 may, within 24 hours of the transfer, send to the clerk written  
3 notice of the transfer, including the name and address of the  
4 institution to which the child is transferring. Within 24  
5 hours of receipt of notice from the petitioner that a child is  
6 transferring to another day-care facility, pre-school,  
7 pre-kindergarten, private school, public school, college, or  
8 university, the clerk shall send a certified copy of the order  
9 to the institution to which the child is transferring.

10 (h) Disclosure by schools. After receiving a certified  
11 copy of a protective order that prohibits a respondent's  
12 access to records, neither a day-care facility, pre-school,  
13 pre-kindergarten, public or private school, college, or  
14 university nor its employees shall allow a respondent access  
15 to a protected child's records or release information in those  
16 records to the respondent. The school shall file the copy of  
17 the protective order in the records of a child who is a  
18 protected person under the order. When a child who is a  
19 protected person under the protective order transfers to  
20 another day-care facility, pre-school, pre-kindergarten,  
21 public or private school, college, or university, the  
22 institution from which the child is transferring may, at the  
23 request of the petitioner, provide, within 24 hours of the  
24 transfer, written notice of the protective order, along with a  
25 certified copy of the order, to the institution to which the  
26 child is transferring.

1 (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

2 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

3 Sec. 112A-28. Data maintenance by law enforcement  
4 agencies.

5 (a) All sheriffs shall furnish to the Illinois Department  
6 ~~of~~ State Police, daily, in the form and detail the Department  
7 requires, copies of any recorded protective orders issued by  
8 the court, and any foreign protective orders filed by the  
9 clerk of the court, and transmitted to the sheriff by the clerk  
10 of the court. Each protective order shall be entered in the Law  
11 Enforcement Agencies Data System on the same day it is issued  
12 by the court.

13 (b) The Illinois Department ~~of~~ State Police shall maintain  
14 a complete and systematic record and index of all valid and  
15 recorded protective orders issued or filed under this Act. The  
16 data shall be used to inform all dispatchers and law  
17 enforcement officers at the scene of an alleged incident of  
18 abuse or violation of a protective order of any recorded prior  
19 incident of abuse involving the abused party and the effective  
20 dates and terms of any recorded protective order.

21 (c) The data, records and transmittals required under this  
22 Section shall pertain to:

23 (1) any valid emergency, interim or plenary domestic  
24 violence order of protection, civil no contact or stalking  
25 no contact order issued in a civil proceeding; and



1           (2) any valid ex parte or final protective order  
2           issued in a criminal proceeding or authorized under the  
3           laws of another state, tribe, or United States territory.  
4           (Source: P.A. 100-199, eff. 1-1-18; 100-597, eff. 6-29-18.)

5           (725 ILCS 5/115-15)

6           Sec. 115-15. Laboratory reports.

7           (a) In any criminal prosecution for a violation of the  
8           Cannabis Control Act, the Illinois Controlled Substances Act,  
9           or the Methamphetamine Control and Community Protection Act, a  
10          laboratory report from the Illinois ~~Department of~~ State  
11          Police, Division of Forensic Services, that is signed and  
12          sworn to by the person performing an analysis and that states  
13          (1) that the substance that is the basis of the alleged  
14          violation has been weighed and analyzed, and (2) the person's  
15          findings as to the contents, weight and identity of the  
16          substance, and (3) that it contains any amount of a controlled  
17          substance or cannabis is prima facie evidence of the contents,  
18          identity and weight of the substance. Attached to the report  
19          shall be a copy of a notarized statement by the signer of the  
20          report giving the name of the signer and stating (i) that he or  
21          she is an employee of the Illinois ~~Department of~~ State Police,  
22          Division of Forensic Services, (ii) the name and location of  
23          the laboratory where the analysis was performed, (iii) that  
24          performing the analysis is a part of his or her regular duties,  
25          and (iv) that the signer is qualified by education, training

1 and experience to perform the analysis. The signer shall also  
2 allege that scientifically accepted tests were performed with  
3 due caution and that the evidence was handled in accordance  
4 with established and accepted procedures while in the custody  
5 of the laboratory.

6 (a-5) In any criminal prosecution for reckless homicide  
7 under Section 9-3 of the Criminal Code of 1961 or the Criminal  
8 Code of 2012, or driving under the influence of alcohol, other  
9 drug, or combination of both, in violation of Section 11-501  
10 of the Illinois Vehicle Code or in any civil action held under  
11 a statutory summary suspension or revocation hearing under  
12 Section 2-118.1 of the Illinois Vehicle Code, a laboratory  
13 report from the Illinois ~~Department of~~ State Police, Division  
14 of Forensic Services, that is signed and sworn to by the person  
15 performing an analysis, and that states that the sample of  
16 blood, other bodily substance, or urine was tested for alcohol  
17 or drugs, and contains the person's findings as to the  
18 presence and amount of alcohol or drugs and type of drug is  
19 prima facie evidence of the presence, content, and amount of  
20 the alcohol or drugs analyzed in the blood, other bodily  
21 substance, or urine. Attached to the report must be a copy of a  
22 notarized statement by the signer of the report giving the  
23 name of the signer and stating (1) that he or she is an  
24 employee of the Illinois ~~Department of~~ State Police, Division  
25 of Forensic Services, (2) the name and location of the  
26 laboratory where the analysis was performed, (3) that

1 performing the analysis is a part of his or her regular duties,  
2 (4) that the signer is qualified by education, training, and  
3 experience to perform the analysis, and (5) that  
4 scientifically accepted tests were performed with due caution  
5 and that the evidence was handled in accordance with  
6 established and accepted procedures while in the custody of  
7 the laboratory.

8 (b) The State's Attorney shall serve a copy of the report  
9 on the attorney of record for the accused, or on the accused if  
10 he or she has no attorney, before any proceeding in which the  
11 report is to be used against the accused other than at a  
12 preliminary hearing or grand jury hearing when the report may  
13 be used without having been previously served upon the  
14 accused.

15 (c) The report shall not be prima facie evidence if the  
16 accused or his or her attorney demands the testimony of the  
17 person signing the report by serving the demand upon the  
18 State's Attorney within 7 days from the accused or his or her  
19 attorney's receipt of the report.

20 (Source: P.A. 99-697, eff. 7-29-16.)

21 (725 ILCS 5/116-3)

22 Sec. 116-3. Motion for fingerprint, Integrated Ballistic  
23 Identification System, or forensic testing not available at  
24 trial or guilty plea regarding actual innocence.

25 (a) A defendant may make a motion before the trial court

1 that entered the judgment of conviction in his or her case for  
2 the performance of fingerprint, Integrated Ballistic  
3 Identification System, or forensic DNA testing, including  
4 comparison analysis of genetic marker groupings of the  
5 evidence collected by criminal justice agencies pursuant to  
6 the alleged offense, to those of the defendant, to those of  
7 other forensic evidence, and to those maintained under  
8 subsection (f) of Section 5-4-3 of the Unified Code of  
9 Corrections, on evidence that was secured in relation to the  
10 trial or guilty plea which resulted in his or her conviction,  
11 and:

12 (1) was not subject to the testing which is now  
13 requested at the time of trial; or

14 (2) although previously subjected to testing, can be  
15 subjected to additional testing utilizing a method that  
16 was not scientifically available at the time of trial that  
17 provides a reasonable likelihood of more probative  
18 results.

19 Reasonable notice of the motion shall be served upon the  
20 State.

21 (b) The defendant must present a prima facie case that:

22 (1) identity was the issue in the trial or guilty plea  
23 which resulted in his or her conviction; and

24 (2) the evidence to be tested has been subject to a  
25 chain of custody sufficient to establish that it has not  
26 been substituted, tampered with, replaced, or altered in

1 any material aspect.

2 (c) The trial court shall allow the testing under  
3 reasonable conditions designed to protect the State's  
4 interests in the integrity of the evidence and the testing  
5 process upon a determination that:

6 (1) the result of the testing has the scientific  
7 potential to produce new, noncumulative evidence (i)  
8 materially relevant to the defendant's assertion of actual  
9 innocence when the defendant's conviction was the result  
10 of a trial, even though the results may not completely  
11 exonerate the defendant, or (ii) that would raise a  
12 reasonable probability that the defendant would have been  
13 acquitted if the results of the evidence to be tested had  
14 been available prior to the defendant's guilty plea and  
15 the petitioner had proceeded to trial instead of pleading  
16 guilty, even though the results may not completely  
17 exonerate the defendant; and

18 (2) the testing requested employs a scientific method  
19 generally accepted within the relevant scientific  
20 community.

21 (d) If evidence previously tested pursuant to this Section  
22 reveals an unknown fingerprint from the crime scene that does  
23 not match the defendant or the victim, the order of the Court  
24 shall direct the prosecuting authority to request the Illinois  
25 State Police Bureau of Forensic Science to submit the unknown  
26 fingerprint evidence into the FBI's Integrated Automated

1 Fingerprint Identification System (AIFIS) for identification.

2 (e) In the court's order to allow testing, the court shall  
3 order the investigating authority to prepare an inventory of  
4 the evidence related to the case and issue a copy of the  
5 inventory to the prosecution, the petitioner, and the court.

6 (f) When a motion is filed to vacate based on favorable  
7 post-conviction testing results, the State may, upon request,  
8 reactivate victim services for the victim of the crime during  
9 the pendency of the proceedings, and, as determined by the  
10 court after consultation with the victim or victim advocate,  
11 or both, following final adjudication of the case.

12 (Source: P.A. 98-948, eff. 8-15-14.)

13 (725 ILCS 5/116-4)

14 Sec. 116-4. Preservation of evidence for forensic testing.

15 (a) Before or after the trial in a prosecution for a  
16 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
17 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012 or in a  
19 prosecution for an offense defined in Article 9 of that Code,  
20 or in a prosecution for an attempt in violation of Section 8-4  
21 of that Code of any of the above-enumerated offenses, unless  
22 otherwise provided herein under subsection (b) or (c), a law  
23 enforcement agency or an agent acting on behalf of the law  
24 enforcement agency shall preserve, subject to a continuous  
25 chain of custody, any physical evidence in their possession or

1 control that is reasonably likely to contain forensic  
2 evidence, including, but not limited to, fingerprints or  
3 biological material secured in relation to a trial and with  
4 sufficient documentation to locate that evidence.

5 (b) After a judgment of conviction is entered, the  
6 evidence shall either be impounded with the Clerk of the  
7 Circuit Court or shall be securely retained by a law  
8 enforcement agency. Retention shall be permanent in cases  
9 where a sentence of death is imposed. Retention shall be until  
10 the completion of the sentence, including the period of  
11 mandatory supervised release for the offense, or January 1,  
12 2006, whichever is later, for any conviction for an offense or  
13 an attempt of an offense defined in Article 9 of the Criminal  
14 Code of 1961 or the Criminal Code of 2012 or in Section  
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
16 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 or for 7 years following any conviction  
18 for any other felony for which the defendant's genetic profile  
19 may be taken by a law enforcement agency and submitted for  
20 comparison in a forensic DNA database for unsolved offenses.

21 (c) After a judgment of conviction is entered, the law  
22 enforcement agency required to retain evidence described in  
23 subsection (a) may petition the court with notice to the  
24 defendant or, in cases where the defendant has died, his  
25 estate, his attorney of record, or an attorney appointed for  
26 that purpose by the court for entry of an order allowing it to

1 dispose of evidence if, after a hearing, the court determines  
2 by a preponderance of the evidence that:

3 (1) it has no significant value for forensic science  
4 analysis and should be returned to its rightful owner,  
5 destroyed, used for training purposes, or as otherwise  
6 provided by law; or

7 (2) it has no significant value for forensic science  
8 analysis and is of a size, bulk, or physical character not  
9 usually retained by the law enforcement agency and cannot  
10 practicably be retained by the law enforcement agency; or

11 (3) there no longer exists a reasonable basis to  
12 require the preservation of the evidence because of the  
13 death of the defendant; however, this paragraph (3) does  
14 not apply if a sentence of death was imposed.

15 (d) The court may order the disposition of the evidence if  
16 the defendant is allowed the opportunity to take reasonable  
17 measures to remove or preserve portions of the evidence in  
18 question for future testing.

19 (d-5) Any order allowing the disposition of evidence  
20 pursuant to subsection (c) or (d) shall be a final and  
21 appealable order. No evidence shall be disposed of until 30  
22 days after the order is entered, and if a notice of appeal is  
23 filed, no evidence shall be disposed of until the mandate has  
24 been received by the circuit court from the appellate court.

25 (d-10) All records documenting the possession, control,  
26 storage, and destruction of evidence and all police reports,



1 evidence control or inventory records, and other reports cited  
2 in this Section, including computer records, must be retained  
3 for as long as the evidence exists and may not be disposed of  
4 without the approval of the Local Records Commission.

5 (e) In this Section, "law enforcement agency" includes any  
6 of the following or an agent acting on behalf of any of the  
7 following: a municipal police department, county sheriff's  
8 office, any prosecuting authority, the Illinois ~~Department of~~  
9 State Police, or any other State, university, county, federal,  
10 or municipal police unit or police force.

11 "Biological material" includes, but is not limited to, any  
12 blood, hair, saliva, or semen from which genetic marker  
13 groupings may be obtained.

14 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

15 (725 ILCS 5/116-5)

16 Sec. 116-5. Motion for DNA database search (genetic marker  
17 groupings comparison analysis).

18 (a) Upon motion by a defendant charged with any offense  
19 where DNA evidence may be material to the defense  
20 investigation or relevant at trial, a court may order a DNA  
21 database search by the Illinois ~~Department of~~ State Police.  
22 Such analysis may include comparing:

23 (1) the genetic profile from forensic evidence that  
24 was secured in relation to the trial against the genetic  
25 profile of the defendant,

1           (2) the genetic profile of items of forensic evidence  
2           secured in relation to trial to the genetic profile of  
3           other forensic evidence secured in relation to trial, or

4           (3) the genetic profiles referred to in subdivisions  
5           (1) and (2) against:

6           (i) genetic profiles of offenders maintained under  
7           subsection (f) of Section 5-4-3 of the Unified Code of  
8           Corrections, or

9           (ii) genetic profiles, including but not limited  
10          to, profiles from unsolved crimes maintained in state  
11          or local DNA databases by law enforcement agencies.

12          (b) If appropriate federal criteria are met, the court may  
13          order the Illinois ~~Department of~~ State Police to request the  
14          National DNA index system to search its database of genetic  
15          profiles.

16          (c) If requested by the defense, a defense representative  
17          shall be allowed to view any genetic marker grouping analysis  
18          conducted by the Illinois ~~Department of~~ State Police. The  
19          defense shall be provided with copies of all documentation,  
20          correspondence, including digital correspondence, notes,  
21          memoranda, and reports generated in relation to the analysis.

22          (d) Reasonable notice of the motion shall be served upon  
23          the State.

24          (Source: P.A. 93-605, eff. 11-19-03.)

25                   (725 ILCS 5/124B-605)

1           Sec. 124B-605. Distribution of property and sale proceeds.

2           (a) All moneys and the sale proceeds of all other property  
3 forfeited and seized under this Part 600 shall be distributed  
4 as follows:

5           (1) 50% shall be distributed to the unit of local  
6 government whose officers or employees conducted the  
7 investigation into computer fraud and caused the arrest or  
8 arrests and prosecution leading to the forfeiture. Amounts  
9 distributed to units of local government shall be used for  
10 training or enforcement purposes relating to detection,  
11 investigation, or prosecution of financial crimes,  
12 including computer fraud. If, however, the investigation,  
13 arrest or arrests, and prosecution leading to the  
14 forfeiture were undertaken solely by a State agency, the  
15 portion provided under this paragraph (1) shall be paid  
16 into the State Police Services Fund of the Illinois  
17 ~~Department of~~ State Police to be used for training or  
18 enforcement purposes relating to detection, investigation,  
19 or prosecution of financial crimes, including computer  
20 fraud.

21           (2) 50% shall be distributed to the county in which  
22 the prosecution and petition for forfeiture resulting in  
23 the forfeiture was instituted by the State's Attorney and  
24 shall be deposited into a special fund in the county  
25 treasury and appropriated to the State's Attorney for use  
26 in training or enforcement purposes relating to detection,

1 investigation, or prosecution of financial crimes,  
2 including computer fraud. If a prosecution and petition  
3 for forfeiture resulting in the forfeiture has been  
4 maintained by the Attorney General, 50% of the proceeds  
5 shall be paid into the Attorney General's Financial Crime  
6 Prevention Fund. If the Attorney General and the State's  
7 Attorney have participated jointly in any part of the  
8 proceedings, 25% of the proceeds forfeited shall be paid  
9 to the county in which the prosecution and petition for  
10 forfeiture resulting in the forfeiture occurred, and 25%  
11 shall be paid into the Attorney General's Financial Crime  
12 Prevention Fund to be used for the purposes stated in this  
13 paragraph (2).

14 (b) Before any distribution under subsection (a), the  
15 Attorney General or State's Attorney shall retain from the  
16 forfeited moneys or sale proceeds, or both, sufficient moneys  
17 to cover expenses related to the administration and sale of  
18 the forfeited property.

19 (Source: P.A. 96-712, eff. 1-1-10.)

20 (725 ILCS 5/124B-705)

21 Sec. 124B-705. Seizure and inventory of property subject  
22 to forfeiture. Property taken or detained under this Part  
23 shall not be subject to replevin, but is deemed to be in the  
24 custody of the Director of the Illinois State Police subject  
25 only to the order and judgments of the circuit court having

1 jurisdiction over the forfeiture proceedings and the decisions  
2 of the Attorney General or State's Attorney under this  
3 Article. When property is seized under this Article, the  
4 seizing agency shall promptly conduct an inventory of the  
5 seized property and estimate the property's value and shall  
6 forward a copy of the estimate of the property's value to the  
7 Director of the Illinois State Police. Upon receiving the  
8 notice of seizure, the Director may do any of the following:

9 (1) Place the property under seal.

10 (2) Remove the property to a place designated by the  
11 Director.

12 (3) Keep the property in the possession of the seizing  
13 agency.

14 (4) Remove the property to a storage area for  
15 safekeeping or, if the property is a negotiable instrument  
16 or money and is not needed for evidentiary purposes,  
17 deposit it in an interest bearing account.

18 (5) Place the property under constructive seizure by  
19 posting notice of the pending forfeiture on it, by giving  
20 notice of the pending forfeiture to its owners and  
21 interest holders, or by filing a notice of the pending  
22 forfeiture in any appropriate public record relating to  
23 the property.

24 (6) Provide for another agency or custodian, including  
25 an owner, secured party, or lienholder, to take custody of  
26 the property on terms and conditions set by the Director.

1 (Source: P.A. 96-712, eff. 1-1-10.)

2 (725 ILCS 5/124B-710)

3 Sec. 124B-710. Sale of forfeited property by Director of  
4 the Illinois State Police.

5 (a) The court shall authorize the Director of the Illinois  
6 State Police to seize any property declared forfeited under  
7 this Article on terms and conditions the court deems proper.

8 (b) When property is forfeited under this Part 700, the  
9 Director of the Illinois State Police shall sell the property  
10 unless the property is required by law to be destroyed or is  
11 harmful to the public. The Director shall distribute the  
12 proceeds of the sale, together with any moneys forfeited or  
13 seized, in accordance with Section 124B-715.

14 (c) (Blank).

15 (Source: P.A. 100-512, eff. 7-1-18.)

16 (725 ILCS 5/124B-930)

17 Sec. 124B-930. Disposal of property.

18 (a) Real property taken or detained under this Part is not  
19 subject to replevin, but is deemed to be in the custody of the  
20 Director of the Illinois State Police subject only to the  
21 order and judgments of the circuit court having jurisdiction  
22 over the forfeiture proceedings and the decisions of the  
23 State's Attorney or Attorney General under this Article.

24 (b) When property is forfeited under this Article, the

1 Director of the Illinois State Police shall sell all such  
2 property and shall distribute the proceeds of the sale,  
3 together with any moneys forfeited or seized, in accordance  
4 with Section 124B-935.

5 (Source: P.A. 96-712, eff. 1-1-10.)

6 (725 ILCS 5/124B-935)

7 Sec. 124B-935. Distribution of property and sale proceeds.  
8 All moneys and the sale proceeds of all other property  
9 forfeited and seized under this Part 900 shall be distributed  
10 as follows:

11 (1) 65% shall be distributed to the local, municipal,  
12 county, or State law enforcement agency or agencies that  
13 conducted or participated in the investigation resulting  
14 in the forfeiture. The distribution shall bear a  
15 reasonable relationship to the degree of direct  
16 participation of the law enforcement agency in the effort  
17 resulting in the forfeiture, taking into account the total  
18 value of the property forfeited and the total law  
19 enforcement effort with respect to the violation of the  
20 law upon which the forfeiture is based.

21 (2) 12.5% shall be distributed to the Office of the  
22 State's Attorney of the county in which the prosecution  
23 resulting in the forfeiture was instituted for use in the  
24 enforcement of laws, including laws governing animal  
25 fighting.

1           (3) 12.5% shall be distributed to the Illinois  
2 Department of Agriculture for reimbursement of expenses  
3 incurred in the investigation, prosecution, and appeal of  
4 cases arising under laws governing animal fighting.

5           (4) 10% shall be retained by the Illinois Department  
6 ~~of~~ State Police for expenses related to the administration  
7 and sale of seized and forfeited property.

8 (Source: P.A. 96-712, eff. 1-1-10.)

9           Section 1025. The Drug Asset Forfeiture Procedure Act is  
10 amended by changing Sections 3.1, 3.3, 4, 5.1, 6, 11, 13.1, and  
11 13.2 as follows:

12           (725 ILCS 150/3.1)

13           Sec. 3.1. Seizure.

14           (a) Actual physical seizure of real property subject to  
15 forfeiture under this Act requires the issuance of a seizure  
16 warrant. Nothing in this Section prohibits the constructive  
17 seizure of real property through the filing of a complaint for  
18 forfeiture in circuit court and the recording of a lis pendens  
19 against the real property without a hearing, warrant  
20 application, or judicial approval.

21           (b) Personal property subject to forfeiture under the  
22 Illinois Controlled Substances Act, the Cannabis Control Act,  
23 the Illinois Food, Drug and Cosmetic Act, or the  
24 Methamphetamine Control and Community Protection Act may be



1 seized by the Director of the Illinois State Police or any  
2 peace officer upon process or seizure warrant issued by any  
3 court having jurisdiction over the property.

4 (c) Personal property subject to forfeiture under the  
5 Illinois Controlled Substances Act, the Cannabis Control Act,  
6 the Illinois Food, Drug and Cosmetic Act, or the  
7 Methamphetamine Control and Community Protection Act may be  
8 seized by the Director of the Illinois State Police or any  
9 peace officer without process:

10 (1) if the seizure is incident to inspection under an  
11 administrative inspection warrant;

12 (2) if the property subject to seizure has been the  
13 subject of a prior judgment in favor of the State in a  
14 criminal proceeding or in an injunction or forfeiture  
15 proceeding based upon this Act;

16 (3) if there is probable cause to believe that the  
17 property is directly or indirectly dangerous to health or  
18 safety;

19 (4) if there is probable cause to believe that the  
20 property is subject to forfeiture under the Illinois  
21 Controlled Substances Act, the Cannabis Control Act, the  
22 Illinois Food, Drug and Cosmetic Act, or the  
23 Methamphetamine Control and Community Protection Act, and  
24 the property is seized under circumstances in which a  
25 warrantless seizure or arrest would be reasonable; or

26 (5) under the Code of Criminal Procedure of 1963.

1 (d) If a conveyance is seized under this Act, an  
2 investigation shall be made by the law enforcement agency as  
3 to any person whose right, title, interest, or lien is of  
4 record in the office of the agency or official in which title  
5 to or interest in the conveyance is required by law to be  
6 recorded.

7 (e) After seizure under this Section, notice shall be  
8 given to all known interest holders that forfeiture  
9 proceedings, including a preliminary review, may be instituted  
10 and the proceedings may be instituted under this Act. Upon a  
11 showing of good cause related to an ongoing investigation, the  
12 notice required for a preliminary review under this Section  
13 may be postponed.

14 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

15 (725 ILCS 150/3.3)

16 Sec. 3.3. Safekeeping of seized property pending  
17 disposition.

18 (a) Property seized under this Act is deemed to be in the  
19 custody of the Director of the Illinois State Police, subject  
20 only to the order and judgments of the circuit court having  
21 jurisdiction over the forfeiture proceedings and the decisions  
22 of the State's Attorney under this Act.

23 (b) If property is seized under this Act, the seizing  
24 agency shall promptly conduct an inventory of the seized  
25 property and estimate the property's value and shall forward a

1 copy of the inventory of seized property and the estimate of  
2 the property's value to the Director of the Illinois State  
3 Police. Upon receiving notice of seizure, the Director of the  
4 Illinois State Police may:

5 (1) place the property under seal;

6 (2) remove the property to a place designated by the  
7 seizing agency;

8 (3) keep the property in the possession of the  
9 Director of the Illinois State Police;

10 (4) remove the property to a storage area for  
11 safekeeping;

12 (5) place the property under constructive seizure by  
13 posting notice of pending forfeiture on it, by giving  
14 notice of pending forfeiture to its owners and interest  
15 holders, or by filing notice of pending forfeiture in any  
16 appropriate public record relating to the property; or

17 (6) provide for another agency or custodian, including  
18 an owner, secured party, or lienholder, to take custody of  
19 the property upon the terms and conditions set by the  
20 seizing agency.

21 (c) The seizing agency is required to exercise ordinary  
22 care to protect the seized property from negligent loss,  
23 damage, or destruction.

24 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;  
25 100-1163, eff. 12-20-18.)

1 (725 ILCS 150/4) (from Ch. 56 1/2, par. 1674)

2 Sec. 4. Notice to owner or interest holder. The first  
3 attempted service of notice shall be commenced within 28 days  
4 of the filing of the verified claim or the receipt of the  
5 notice from the seizing agency by Illinois State Police  
6 Notice/Inventory of Seized Property (Form 4-64), whichever  
7 occurs sooner. A complaint for forfeiture or a notice of  
8 pending forfeiture shall be served upon the property owner or  
9 interest holder in the following manner:

10 (1) If the owner's or interest holder's name and  
11 current address are known, then by either:

12 (A) personal service; or

13 (B) mailing a copy of the notice by certified  
14 mail, return receipt requested, and first class mail  
15 to that address.

16 (i) If notice is sent by certified mail and no  
17 signed return receipt is received by the State's  
18 Attorney within 28 days of mailing, and no  
19 communication from the owner or interest holder is  
20 received by the State's Attorney documenting  
21 actual notice by said parties, then the State's  
22 Attorney shall, within a reasonable period of  
23 time, mail a second copy of the notice by  
24 certified mail, return receipt requested, and  
25 first class mail to that address.

26 (ii) If no signed return receipt is received

1 by the State's Attorney within 28 days of the  
2 second attempt at service by certified mail, and  
3 no communication from the owner or interest holder  
4 is received by the State's Attorney documenting  
5 actual notice by said parties, then the State's  
6 Attorney shall have 60 days to attempt to serve  
7 the notice by personal service, which also  
8 includes substitute service by leaving a copy at  
9 the usual place of abode, with some person of the  
10 family or a person residing there, of the age of 13  
11 years or upwards. If, after 3 attempts at service  
12 in this manner, no service of the notice is  
13 accomplished, then the notice shall be posted in a  
14 conspicuous manner at this address and service  
15 shall be made by posting.

16 The attempts at service and the posting, if  
17 required, shall be documented by the person  
18 attempting service and said documentation shall be  
19 made part of a return of service returned to the  
20 State's Attorney.

21 The State's Attorney may utilize any Sheriff  
22 or Deputy Sheriff, any peace officer, a private  
23 process server or investigator, or any employee,  
24 agent, or investigator of the State's Attorney's  
25 Office to attempt service without seeking leave of  
26 court.

1           After the procedures set forth are followed,  
2           service shall be effective on an owner or interest  
3           holder on the date of receipt by the State's  
4           Attorney of a return receipt, or on the date of  
5           receipt of a communication from an owner or  
6           interest holder documenting actual notice,  
7           whichever is first in time, or on the date of the  
8           last act performed by the State's Attorney in  
9           attempting personal service under subparagraph  
10          (ii) above. If notice is to be shown by actual  
11          notice from communication with a claimant, then  
12          the State's Attorney shall file an affidavit  
13          providing details of the communication, which may  
14          be accepted as sufficient proof of service by the  
15          court.

16          After a claimant files a verified claim with  
17          the State's Attorney and provides an address at  
18          which the claimant will accept service, the  
19          complaint shall be served and notice shall be  
20          perfected upon mailing of the complaint to the  
21          claimant at the address the claimant provided via  
22          certified mail, return receipt requested, and  
23          first class mail. No return receipt need be  
24          received, or any other attempts at service need be  
25          made to comply with service and notice  
26          requirements under this Act. This certified

1 mailing, return receipt requested, shall be proof  
2 of service of the complaint on the claimant.

3 For purposes of notice under this Section, if  
4 a person has been arrested for the conduct giving  
5 rise to the forfeiture, then the address provided  
6 to the arresting agency at the time of arrest  
7 shall be deemed to be that person's known address.  
8 Provided, however, if an owner or interest  
9 holder's address changes prior to the effective  
10 date of the notice of pending forfeiture, the  
11 owner or interest holder shall promptly notify the  
12 seizing agency of the change in address or, if the  
13 owner or interest holder's address changes  
14 subsequent to the effective date of the notice of  
15 pending forfeiture, the owner or interest holder  
16 shall promptly notify the State's Attorney of the  
17 change in address; or if the property seized is a  
18 conveyance, to the address reflected in the office  
19 of the agency or official in which title to or  
20 interest in the conveyance is required by law to  
21 be recorded.

22 (2) If the owner's or interest holder's address is not  
23 known, and is not on record, then notice shall be served by  
24 publication for 3 successive weeks in a newspaper of  
25 general circulation in the county in which the seizure  
26 occurred.

1           (3) After a claimant files a verified claim with the  
2 State's Attorney and provides an address at which the  
3 claimant will accept service, the complaint shall be  
4 served and notice shall be perfected upon mailing of the  
5 complaint to the claimant at the address the claimant  
6 provided via certified mail, return receipt requested, and  
7 first class mail. No return receipt need be received or  
8 any other attempts at service need be made to comply with  
9 service and notice requirements under this Act. This  
10 certified mailing, return receipt requested, shall be  
11 proof of service of the complaint on the claimant.

12           (4) Notice to any business entity, corporation,  
13 limited liability company, limited liability partnership,  
14 or partnership shall be completed by a single mailing of a  
15 copy of the notice by certified mail, return receipt  
16 requested, and first class mail to that address. This  
17 notice is complete regardless of the return of a signed  
18 return receipt.

19           (5) Notice to a person whose address is not within the  
20 State shall be completed by a single mailing of a copy of  
21 the notice by certified mail, return receipt requested,  
22 and first class mail to that address. This notice is  
23 complete regardless of the return of a signed return  
24 receipt.

25           (6) Notice to a person whose address is not within the  
26 United States shall be completed by a single mailing of a



1 copy of the notice by certified mail, return receipt  
2 requested, and first class mail to that address. This  
3 notice shall be complete regardless of the return of a  
4 signed return receipt. If certified mail is not available  
5 in the foreign country where the person has an address,  
6 then notice shall proceed by publication under paragraph  
7 (2) of this Section.

8 (7) Notice to any person whom the State's Attorney  
9 reasonably should know is incarcerated within the State  
10 shall also include the mailing a copy of the notice by  
11 certified mail, return receipt requested, and first class  
12 mail to the address of the detention facility with the  
13 inmate's name clearly marked on the envelope.

14 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;  
15 100-1163, eff. 12-20-18.)

16 (725 ILCS 150/5.1)

17 Sec. 5.1. Replevin prohibited; return of personal property  
18 inside seized conveyance.

19 (a) Property seized under this Act shall not be subject to  
20 replevin, but is deemed to be in the custody of the Director of  
21 the Illinois State Police, subject only to the order and  
22 judgments of the circuit court having jurisdiction over the  
23 forfeiture proceedings and the decisions of the State's  
24 Attorney.

25 (b) A claimant or a party interested in personal property

1 contained within a seized conveyance may file a request with  
2 the State's Attorney in an administrative forfeiture action,  
3 or a motion with the court in a judicial forfeiture action, for  
4 the return of any personal property contained within a  
5 conveyance seized under this Act. The return of personal  
6 property shall not be unreasonably withheld if the personal  
7 property is not mechanically or electrically coupled to the  
8 conveyance, needed for evidentiary purposes, or otherwise  
9 contraband. A law enforcement agency that returns property  
10 under a court order under this Section shall not be liable to  
11 any person who claims ownership to the property if the  
12 property is returned to an improper party.

13 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

14 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

15 Sec. 6. Non-judicial forfeiture. If non-real property that  
16 exceeds \$150,000 in value excluding the value of any  
17 conveyance, or if real property is seized under the provisions  
18 of the Illinois Controlled Substances Act, the Cannabis  
19 Control Act, or the Methamphetamine Control and Community  
20 Protection Act, the State's Attorney shall institute judicial  
21 in rem forfeiture proceedings as described in Section 9 of  
22 this Act within 28 days from receipt of notice of seizure from  
23 the seizing agency under Section 5 of this Act. However, if  
24 non-real property that does not exceed \$150,000 in value  
25 excluding the value of any conveyance is seized, the following

1 procedure shall be used:

2 (A) If, after review of the facts surrounding the  
3 seizure, the State's Attorney is of the opinion that the  
4 seized property is subject to forfeiture, then, within 28  
5 days of the receipt of notice of seizure from the seizing  
6 agency, the State's Attorney shall cause notice of pending  
7 forfeiture to be given to the owner of the property and all  
8 known interest holders of the property in accordance with  
9 Section 4 of this Act.

10 (B) The notice of pending forfeiture must include a  
11 description of the property, the estimated value of the  
12 property, the date and place of seizure, the conduct  
13 giving rise to forfeiture or the violation of law alleged,  
14 and a summary of procedures and procedural rights  
15 applicable to the forfeiture action.

16 (C) (1) Any person claiming an interest in property  
17 which is the subject of notice under subsection (A) of  
18 this Section may, within 45 days after the effective date  
19 of notice as described in Section 4 of this Act, file a  
20 verified claim with the State's Attorney expressing his or  
21 her interest in the property. The claim must set forth:

22 (i) the caption of the proceedings as set forth on  
23 the notice of pending forfeiture and the name of the  
24 claimant;

25 (ii) the address at which the claimant will accept  
26 mail;

1 (iii) the nature and extent of the claimant's  
2 interest in the property;

3 (iv) the date, identity of the transferor, and  
4 circumstances of the claimant's acquisition of the  
5 interest in the property;

6 (v) the names and addresses of all other persons  
7 known to have an interest in the property;

8 (vi) the specific provision of law relied on in  
9 asserting the property is not subject to forfeiture;

10 (vii) all essential facts supporting each  
11 assertion; and

12 (viii) the relief sought.

13 (2) If a claimant files the claim then the State's  
14 Attorney shall institute judicial in rem forfeiture  
15 proceedings within 28 days after receipt of the claim.

16 (D) If no claim is filed within the 45-day period as  
17 described in subsection (C) of this Section, the State's  
18 Attorney shall declare the property forfeited and shall  
19 promptly notify the owner and all known interest holders  
20 of the property and the Director of the Illinois  
21 ~~Department~~ of State Police of the declaration of  
22 forfeiture and the Director shall dispose of the property  
23 in accordance with law.

24 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;  
25 100-1163, eff. 12-20-18.)

1 (725 ILCS 150/11) (from Ch. 56 1/2, par. 1681)

2 Sec. 11. Settlement of claims. Notwithstanding other  
3 provisions of this Act, the State's Attorney and a claimant of  
4 seized property may enter into an agreed-upon settlement  
5 concerning the seized property in such an amount and upon such  
6 terms as are set out in writing in a settlement agreement. All  
7 proceeds from a settlement agreement shall be tendered to the  
8 Illinois Department of State Police and distributed in  
9 accordance with the provisions of Section 13.2 of this Act.

10 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

11 (725 ILCS 150/13.1) (was 725 ILCS 150/15)

12 Sec. 13.1. Return of property, damages, and costs.

13 (a) The law enforcement agency that holds custody of  
14 property seized for forfeiture shall deliver property ordered  
15 by the court to be returned or conveyed to the claimant within  
16 a reasonable time not to exceed 7 days, unless the order is  
17 stayed by the trial court or a reviewing court pending an  
18 appeal, motion to reconsider, or other reason.

19 (b) The law enforcement agency that holds custody of  
20 property described in subsection (a) of this Section is  
21 responsible for any damages, storage fees, and related costs  
22 applicable to property returned. The claimant shall not be  
23 subject to any charges by the State for storage of the property  
24 or expenses incurred in the preservation of the property.  
25 Charges for the towing of a conveyance shall be borne by the

1 claimant unless the conveyance was towed for the sole reason  
2 of seizure for forfeiture. This Section does not prohibit the  
3 imposition of any fees or costs by a home rule unit of local  
4 government related to the impoundment of a conveyance pursuant  
5 to an ordinance enacted by the unit of government.

6 (c) A law enforcement agency shall not retain forfeited  
7 property for its own use or transfer the property to any person  
8 or entity, except as provided under this Section. A law  
9 enforcement agency may apply in writing to the Director of the  
10 Illinois State Police to request that forfeited property be  
11 awarded to the agency for a specifically articulated official  
12 law enforcement use in an investigation. The Director of the  
13 Illinois State Police shall provide a written justification in  
14 each instance detailing the reasons why the forfeited property  
15 was placed into official use and the justification shall be  
16 retained for a period of not less than 3 years.

17 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18.)

18 (725 ILCS 150/13.2) (was 725 ILCS 150/17)

19 Sec. 13.2. Distribution of proceeds; selling or retaining  
20 seized property prohibited.

21 (a) Except as otherwise provided in this Section, the  
22 court shall order that property forfeited under this Act be  
23 delivered to the Illinois ~~Department of~~ State Police within 60  
24 days.

25 (b) All moneys and the sale proceeds of all other property

1 forfeited and seized under this Act shall be distributed as  
2 follows:

3 (1)(i) 65% shall be distributed to the metropolitan  
4 enforcement group, local, municipal, county, or State law  
5 enforcement agency or agencies that conducted or  
6 participated in the investigation resulting in the  
7 forfeiture. The distribution shall bear a reasonable  
8 relationship to the degree of direct participation of the  
9 law enforcement agency in the effort resulting in the  
10 forfeiture, taking into account the total value of the  
11 property forfeited and the total law enforcement effort  
12 with respect to the violation of the law upon which the  
13 forfeiture is based. Amounts distributed to the agency or  
14 agencies shall be used for the enforcement of laws  
15 governing cannabis and controlled substances; for public  
16 education in the community or schools in the prevention or  
17 detection of the abuse of drugs or alcohol; or for  
18 security cameras used for the prevention or detection of  
19 violence, except that amounts distributed to the Secretary  
20 of State shall be deposited into the Secretary of State  
21 Evidence Fund to be used as provided in Section 2-115 of  
22 the Illinois Vehicle Code.

23 (ii) Any local, municipal, or county law enforcement  
24 agency entitled to receive a monetary distribution of  
25 forfeiture proceeds may share those forfeiture proceeds  
26 pursuant to the terms of an intergovernmental agreement

1 with a municipality that has a population in excess of  
2 20,000 if:

3 (A) the receiving agency has entered into an  
4 intergovernmental agreement with the municipality to  
5 provide police services;

6 (B) the intergovernmental agreement for police  
7 services provides for consideration in an amount of  
8 not less than \$1,000,000 per year;

9 (C) the seizure took place within the geographical  
10 limits of the municipality; and

11 (D) the funds are used only for the enforcement of  
12 laws governing cannabis and controlled substances; for  
13 public education in the community or schools in the  
14 prevention or detection of the abuse of drugs or  
15 alcohol; or for security cameras used for the  
16 prevention or detection of violence or the  
17 establishment of a municipal police force, including  
18 the training of officers, construction of a police  
19 station, or the purchase of law enforcement equipment  
20 or vehicles.

21 (2) (i) 12.5% shall be distributed to the Office of the  
22 State's Attorney of the county in which the prosecution  
23 resulting in the forfeiture was instituted, deposited in a  
24 special fund in the county treasury and appropriated to  
25 the State's Attorney for use in the enforcement of laws  
26 governing cannabis and controlled substances; for public



1 education in the community or schools in the prevention or  
2 detection of the abuse of drugs or alcohol; or, at the  
3 discretion of the State's Attorney, in addition to other  
4 authorized purposes, to make grants to local substance  
5 abuse treatment facilities and half-way houses. In  
6 counties over 3,000,000 population, 25% shall be  
7 distributed to the Office of the State's Attorney for use  
8 in the enforcement of laws governing cannabis and  
9 controlled substances; for public education in the  
10 community or schools in the prevention or detection of the  
11 abuse of drugs or alcohol; or at the discretion of the  
12 State's Attorney, in addition to other authorized  
13 purposes, to make grants to local substance abuse  
14 treatment facilities and half-way houses. If the  
15 prosecution is undertaken solely by the Attorney General,  
16 the portion provided shall be distributed to the Attorney  
17 General for use in the enforcement of laws governing  
18 cannabis and controlled substances or for public education  
19 in the community or schools in the prevention or detection  
20 of the abuse of drugs or alcohol.

21 (ii) 12.5% shall be distributed to the Office of the  
22 State's Attorneys Appellate Prosecutor and deposited in  
23 the Narcotics Profit Forfeiture Fund of that office to be  
24 used for additional expenses incurred in the  
25 investigation, prosecution and appeal of cases arising  
26 under laws governing cannabis and controlled substances,

1 together with administrative expenses, and for legal  
2 education or for public education in the community or  
3 schools in the prevention or detection of the abuse of  
4 drugs or alcohol. The Office of the State's Attorneys  
5 Appellate Prosecutor shall not receive distribution from  
6 cases brought in counties with over 3,000,000 population.

7 (3) 10% shall be retained by the Illinois Department  
8 ~~of~~ State Police for expenses related to the administration  
9 and sale of seized and forfeited property.

10 (Source: P.A. 100-512, eff. 7-1-18; 100-699, eff. 8-3-18;  
11 101-10, eff. 6-5-19.)

12 Section 1030. The Narcotics Profit Forfeiture Act is  
13 amended by changing Sections 5 and 5.2 as follows:

14 (725 ILCS 175/5) (from Ch. 56 1/2, par. 1655)

15 Sec. 5. (a) A person who commits the offense of narcotics  
16 racketeering shall:

17 (1) be guilty of a Class 1 felony; and

18 (2) be subject to a fine of up to \$250,000.

19 A person who commits the offense of narcotics racketeering  
20 or who violates Section 3 of the Drug Paraphernalia Control  
21 Act shall forfeit to the State of Illinois: (A) any profits or  
22 proceeds and any property or property interest he has acquired  
23 or maintained in violation of this Act or Section 3 of the Drug  
24 Paraphernalia Control Act or has used to facilitate a

1 violation of this Act that the court determines, after a  
2 forfeiture hearing, under subsection (b) of this Section to  
3 have been acquired or maintained as a result of narcotics  
4 racketeering or violating Section 3 of the Drug Paraphernalia  
5 Control Act, or used to facilitate narcotics racketeering; and  
6 (B) any interest in, security of, claim against, or property  
7 or contractual right of any kind affording a source of  
8 influence over, any enterprise which he has established,  
9 operated, controlled, conducted, or participated in the  
10 conduct of, in violation of this Act or Section 3 of the Drug  
11 Paraphernalia Control Act, that the court determines, after a  
12 forfeiture hearing, under subsection (b) of this Section to  
13 have been acquired or maintained as a result of narcotics  
14 racketeering or violating Section 3 of the Drug Paraphernalia  
15 Control Act or used to facilitate narcotics racketeering.

16 (b) The court shall, upon petition by the Attorney General  
17 or State's Attorney, at any time subsequent to the filing of an  
18 information or return of an indictment, conduct a hearing to  
19 determine whether any property or property interest is subject  
20 to forfeiture under this Act. At the forfeiture hearing the  
21 people shall have the burden of establishing, by a  
22 preponderance of the evidence, that property or property  
23 interests are subject to forfeiture under this Act. There is a  
24 rebuttable presumption at such hearing that any property or  
25 property interest of a person charged by information or  
26 indictment with narcotics racketeering or who is convicted of

1 a violation of Section 3 of the Drug Paraphernalia Control Act  
2 is subject to forfeiture under this Section if the State  
3 establishes by a preponderance of the evidence that:

4 (1) such property or property interest was acquired by  
5 such person during the period of the violation of this Act  
6 or Section 3 of the Drug Paraphernalia Control Act or  
7 within a reasonable time after such period; and

8 (2) there was no likely source for such property or  
9 property interest other than the violation of this Act or  
10 Section 3 of the Drug Paraphernalia Control Act.

11 (c) In an action brought by the People of the State of  
12 Illinois under this Act, wherein any restraining order,  
13 injunction or prohibition or any other action in connection  
14 with any property or property interest subject to forfeiture  
15 under this Act is sought, the circuit court which shall  
16 preside over the trial of the person or persons charged with  
17 narcotics racketeering as defined in Section 4 of this Act or  
18 violating Section 3 of the Drug Paraphernalia Control Act  
19 shall first determine whether there is probable cause to  
20 believe that the person or persons so charged has committed  
21 the offense of narcotics racketeering as defined in Section 4  
22 of this Act or a violation of Section 3 of the Drug  
23 Paraphernalia Control Act and whether the property or property  
24 interest is subject to forfeiture pursuant to this Act.

25 In order to make such a determination, prior to entering  
26 any such order, the court shall conduct a hearing without a

1 jury, wherein the People shall establish that there is: (i)  
2 probable cause that the person or persons so charged have  
3 committed the offense of narcotics racketeering or violating  
4 Section 3 of the Drug Paraphernalia Control Act and (ii)  
5 probable cause that any property or property interest may be  
6 subject to forfeiture pursuant to this Act. Such hearing may  
7 be conducted simultaneously with a preliminary hearing, if the  
8 prosecution is commenced by information or complaint, or by  
9 motion of the People, at any stage in the proceedings. The  
10 court may accept a finding of probable cause at a preliminary  
11 hearing following the filing of an information charging the  
12 offense of narcotics racketeering as defined in Section 4 of  
13 this Act or the return of an indictment by a grand jury  
14 charging the offense of narcotics racketeering as defined in  
15 Section 4 of this Act or after a charge is filed for violating  
16 Section 3 of the Drug Paraphernalia Control Act as sufficient  
17 evidence of probable cause as provided in item (i) above.

18 Upon such a finding, the circuit court shall enter such  
19 restraining order, injunction or prohibition, or shall take  
20 such other action in connection with any such property or  
21 property interest subject to forfeiture under this Act, as is  
22 necessary to insure that such property is not removed from the  
23 jurisdiction of the court, concealed, destroyed or otherwise  
24 disposed of by the owner of that property or property interest  
25 prior to a forfeiture hearing under subsection (b) of this  
26 Section. The Attorney General or State's Attorney shall file a

1 certified copy of such restraining order, injunction or other  
2 prohibition with the recorder of deeds or registrar of titles  
3 of each county where any such property of the defendant may be  
4 located. No such injunction, restraining order or other  
5 prohibition shall affect the rights of any bona fide  
6 purchaser, mortgagee, judgment creditor or other lien holder  
7 arising prior to the date of such filing.

8 The court may, at any time, upon verified petition by the  
9 defendant, conduct a hearing to release all or portions of any  
10 such property or interest which the court previously  
11 determined to be subject to forfeiture or subject to any  
12 restraining order, injunction, or prohibition or other action.  
13 The court may release such property to the defendant for good  
14 cause shown and within the sound discretion of the court.

15 (d) Prosecution under this Act may be commenced by the  
16 Attorney General or a State's Attorney.

17 (e) Upon an order of forfeiture being entered pursuant to  
18 subsection (b) of this Section, the court shall authorize the  
19 Attorney General to seize any property or property interest  
20 declared forfeited under this Act and under such terms and  
21 conditions as the court shall deem proper. Any property or  
22 property interest that has been the subject of an entered  
23 restraining order, injunction or prohibition or any other  
24 action filed under subsection (c) shall be forfeited unless  
25 the claimant can show by a preponderance of the evidence that  
26 the property or property interest has not been acquired or

1 maintained as a result of narcotics racketeering or has not  
2 been used to facilitate narcotics racketeering.

3 (f) The Attorney General or his designee is authorized to  
4 sell all property forfeited and seized pursuant to this Act,  
5 unless such property is required by law to be destroyed or is  
6 harmful to the public, and, after the deduction of all  
7 requisite expenses of administration and sale, shall  
8 distribute the proceeds of such sale, along with any moneys  
9 forfeited or seized, in accordance with subsection (g) or (h),  
10 whichever is applicable.

11 (g) All monies and the sale proceeds of all other property  
12 forfeited and seized pursuant to this Act shall be distributed  
13 as follows:

14 (1) An amount equal to 50% shall be distributed to the  
15 unit of local government whose officers or employees  
16 conducted the investigation into narcotics racketeering  
17 and caused the arrest or arrests and prosecution leading  
18 to the forfeiture. Amounts distributed to units of local  
19 government shall be used for enforcement of laws governing  
20 narcotics activity or for public education in the  
21 community or schools in the prevention or detection of the  
22 abuse of drugs or alcohol. In the event, however, that the  
23 investigation, arrest or arrests and prosecution leading  
24 to the forfeiture were undertaken solely by a State  
25 agency, the portion provided hereunder shall be paid into  
26 the Drug Traffic Prevention Fund in the State treasury to

1 be used for enforcement of laws governing narcotics  
2 activity.

3 (2) An amount equal to 12.5% shall be distributed to  
4 the county in which the prosecution resulting in the  
5 forfeiture was instituted, deposited in a special fund in  
6 the county treasury and appropriated to the State's  
7 Attorney for use in the enforcement of laws governing  
8 narcotics activity or for public education in the  
9 community or schools in the prevention or detection of the  
10 abuse of drugs or alcohol.

11 An amount equal to 12.5% shall be distributed to the  
12 Office of the State's Attorneys Appellate Prosecutor and  
13 deposited in the Narcotics Profit Forfeiture Fund, which  
14 is hereby created in the State treasury, to be used by the  
15 Office of the State's Attorneys Appellate Prosecutor for  
16 additional expenses incurred in prosecuting appeals  
17 arising under this Act. Any amounts remaining in the Fund  
18 after all additional expenses have been paid shall be used  
19 by the Office to reduce the participating county  
20 contributions to the Office on a pro-rated basis as  
21 determined by the board of governors of the Office of the  
22 State's Attorneys Appellate Prosecutor based on the  
23 populations of the participating counties.

24 (3) An amount equal to 25% shall be paid into the Drug  
25 Traffic Prevention Fund in the State treasury to be used  
26 by the Illinois ~~Department of~~ State Police for funding



1 Metropolitan Enforcement Groups created pursuant to the  
2 Intergovernmental Drug Laws Enforcement Act. Any amounts  
3 remaining in the Fund after full funding of Metropolitan  
4 Enforcement Groups shall be used for enforcement, by the  
5 State or any unit of local government, of laws governing  
6 narcotics activity or for public education in the  
7 community or schools in the prevention or detection of the  
8 abuse of drugs or alcohol.

9 (h) Where the investigation or indictment for the offense  
10 of narcotics racketeering or a violation of Section 3 of the  
11 Drug Paraphernalia Control Act has occurred under the  
12 provisions of the Statewide Grand Jury Act, all monies and the  
13 sale proceeds of all other property shall be distributed as  
14 follows:

15 (1) 60% shall be distributed to the metropolitan  
16 enforcement group, local, municipal, county, or State law  
17 enforcement agency or agencies which conducted or  
18 participated in the investigation resulting in the  
19 forfeiture. The distribution shall bear a reasonable  
20 relationship to the degree of direct participation of the  
21 law enforcement agency in the effort resulting in the  
22 forfeiture, taking into account the total value of the  
23 property forfeited and the total law enforcement effort  
24 with respect to the violation of the law on which the  
25 forfeiture is based. Amounts distributed to the agency or  
26 agencies shall be used for the enforcement of laws

1 governing cannabis and controlled substances or for public  
2 education in the community or schools in the prevention or  
3 detection of the abuse of drugs or alcohol.

4 (2) 25% shall be distributed by the Attorney General  
5 as grants to drug education, treatment and prevention  
6 programs licensed or approved by the Department of Human  
7 Services. In making these grants, the Attorney General  
8 shall take into account the plans and service priorities  
9 of, and the needs identified by, the Department of Human  
10 Services.

11 (3) 15% shall be distributed to the Attorney General  
12 and the State's Attorney, if any, participating in the  
13 prosecution resulting in the forfeiture. The distribution  
14 shall bear a reasonable relationship to the degree of  
15 direct participation in the prosecution of the offense,  
16 taking into account the total value of the property  
17 forfeited and the total amount of time spent in preparing  
18 and presenting the case, the complexity of the case and  
19 other similar factors. Amounts distributed to the Attorney  
20 General under this paragraph shall be retained in a fund  
21 held by the State Treasurer as ex-officio custodian to be  
22 designated as the Statewide Grand Jury Prosecution Fund  
23 and paid out upon the direction of the Attorney General  
24 for expenses incurred in criminal prosecutions arising  
25 under the Statewide Grand Jury Act. Amounts distributed to  
26 a State's Attorney shall be deposited in a special fund in

1 the county treasury and appropriated to the State's  
2 Attorney for use in the enforcement of laws governing  
3 narcotics activity or for public education in the  
4 community or schools in the prevention or detection of the  
5 abuse of drugs or alcohol.

6 (i) All monies deposited pursuant to this Act in the Drug  
7 Traffic Prevention Fund established under Section 5-9-1.2 of  
8 the Unified Code of Corrections are appropriated, on a  
9 continuing basis, to the Illinois ~~Department of~~ State Police  
10 to be used for funding Metropolitan Enforcement Groups created  
11 pursuant to the Intergovernmental Drug Laws Enforcement Act or  
12 otherwise for the enforcement of laws governing narcotics  
13 activity or for public education in the community or schools  
14 in the prevention or detection of the abuse of drugs or  
15 alcohol.

16 (Source: P.A. 99-686, eff. 7-29-16.)

17 (725 ILCS 175/5.2) (from Ch. 56 1/2, par. 1655.2)

18 Sec. 5.2. (a) Twelve and one-half percent of all amounts  
19 collected as fines pursuant to the provisions of this Act  
20 shall be paid into the Youth Drug Abuse Prevention Fund, which  
21 is hereby created in the State treasury, to be used by the  
22 Department of Human Services for the funding of programs and  
23 services for drug-abuse treatment, and prevention and  
24 education services, for juveniles.

25 (b) Eighty-seven and one-half percent of the proceeds of

1 all fines received under the provisions of this Act shall be  
2 transmitted to and deposited in the treasurer's office at the  
3 level of government as follows:

4 (1) If such seizure was made by a combination of law  
5 enforcement personnel representing differing units of  
6 local government, the court levying the fine shall  
7 equitably allocate 50% of the fine among these units of  
8 local government and shall allocate 37 1/2% to the county  
9 general corporate fund. In the event that the seizure was  
10 made by law enforcement personnel representing a unit of  
11 local government from a municipality where the number of  
12 inhabitants exceeds 2 million in population, the court  
13 levying the fine shall allocate 87 1/2% of the fine to that  
14 unit of local government. If the seizure was made by a  
15 combination of law enforcement personnel representing  
16 differing units of local government, and at least one of  
17 those units represents a municipality where the number of  
18 inhabitants exceeds 2 million in population, the court  
19 shall equitably allocate 87 1/2% of the proceeds of the  
20 fines received among the differing units of local  
21 government.

22 (2) If such seizure was made by State law enforcement  
23 personnel, then the court shall allocate 37 1/2% to the  
24 State treasury and 50% to the county general corporate  
25 fund.

26 (3) If a State law enforcement agency in combination

1 with a law enforcement agency or agencies of a unit or  
2 units of local government conducted the seizure, the court  
3 shall equitably allocate 37 1/2% of the fines to or among  
4 the law enforcement agency or agencies of the unit or  
5 units of local government which conducted the seizure and  
6 shall allocate 50% to the county general corporate fund.

7 (c) The proceeds of all fines allocated to the law  
8 enforcement agency or agencies of the unit or units of local  
9 government pursuant to subsection (b) shall be made available  
10 to that law enforcement agency as expendable receipts for use  
11 in the enforcement of laws regulating controlled substances  
12 and cannabis. The proceeds of fines awarded to the State  
13 treasury shall be deposited in a special fund known as the Drug  
14 Traffic Prevention Fund. Monies from this fund may be used by  
15 the Illinois ~~Department of~~ State Police for use in the  
16 enforcement of laws regulating controlled substances and  
17 cannabis; to satisfy funding provisions of the  
18 Intergovernmental Drug Laws Enforcement Act; to defray costs  
19 and expenses associated with returning violators of the  
20 Cannabis Control Act and the Illinois Controlled Substances  
21 Act only, as provided in those Acts, when punishment of the  
22 crime shall be confinement of the criminal in the  
23 penitentiary; and all other monies shall be paid into the  
24 general revenue fund in the State treasury.

25 (Source: P.A. 89-507, eff. 7-1-97.)

1           Section 1035. The Sexual Assault Evidence Submission Act  
2 is amended by changing Sections 5, 10, 15, 20, 25, 35, 42, 45,  
3 and 50 as follows:

4           (725 ILCS 202/5)

5           Sec. 5. Definitions. In this Act:

6           "Commission" means the Sexual Assault Evidence Tracking  
7 and Reporting Commission.

8           ~~"Department" means the Department of State Police or~~  
9 ~~Illinois State Police.~~

10          "Law enforcement agencies" means local, county, State or  
11 federal law enforcement agencies involved in the investigation  
12 of sexual assault cases in Illinois.

13          "Sexual assault evidence" means evidence collected in  
14 connection with a sexual assault investigation, including, but  
15 not limited to, evidence collected using the Illinois State  
16 Police Evidence Collection Kits.

17          (Source: P.A. 100-336, eff. 8-25-17.)

18          (725 ILCS 202/10)

19          Sec. 10. Submission of evidence. Law enforcement agencies  
20 that receive sexual assault evidence that the victim of a  
21 sexual assault or sexual abuse or a person authorized under  
22 Section 6.5 of the Sexual Assault Survivors Emergency  
23 Treatment Act has consented to allow law enforcement to test  
24 in connection with the investigation of a criminal case on or

1 after the effective date of this Act must submit evidence from  
2 the case within 10 business days of receipt of the consent to  
3 test to an Illinois ~~a Department of~~ State Police forensic  
4 laboratory or a laboratory approved and designated by the  
5 Director of the Illinois State Police. The written report  
6 required under Section 20 of the Sexual Assault Incident  
7 Procedure Act shall include the date and time the sexual  
8 assault evidence was picked up from the hospital, the date  
9 consent to test the sexual assault evidence was given, and the  
10 date and time the sexual assault evidence was sent to the  
11 laboratory. Sexual assault evidence received by a law  
12 enforcement agency within 30 days prior to the effective date  
13 of this Act shall be submitted pursuant to this Section.

14 (Source: P.A. 99-801, eff. 1-1-17.)

15 (725 ILCS 202/15)

16 Sec. 15. Analysis of evidence; notification.

17 (a) All sexual assault evidence submitted pursuant to  
18 Section 10 of this Act on or after the effective date of this  
19 Act shall be analyzed within 6 months after receipt of all  
20 necessary evidence and standards by the Illinois State Police  
21 Laboratory or other designated laboratory if sufficient  
22 staffing and resources are available.

23 (b) If a consistent DNA profile has been identified by  
24 comparing the submitted sexual assault evidence with a known  
25 standard from a suspect or with DNA profiles in the CODIS

1 database, the Illinois State Police ~~Department~~ shall notify  
2 the investigating law enforcement agency of the results in  
3 writing, and the Illinois State Police ~~Department~~ shall  
4 provide an automatic courtesy copy of the written notification  
5 to the appropriate State's Attorney's Office for tracking and  
6 further action, as necessary.

7 (Source: P.A. 99-617, eff. 7-22-16.)

8 (725 ILCS 202/20)

9 Sec. 20. Inventory of evidence.

10 (a) By October 15, 2010, each Illinois law enforcement  
11 agency shall provide written notice to the Illinois ~~Department~~  
12 ~~of~~ State Police, in a form and manner prescribed by the  
13 Illinois State Police ~~Department~~, stating the number of sexual  
14 assault cases in the custody of the law enforcement agency  
15 that have not been previously submitted to a laboratory for  
16 analysis. Within 180 days after the effective date of this  
17 Act, appropriate arrangements shall be made between the law  
18 enforcement agency and the Illinois ~~Department~~ ~~of~~ State  
19 Police, or a laboratory approved and designated by the  
20 Director of the Illinois State Police, to ensure that all  
21 cases that were collected prior to the effective date of this  
22 Act and are, or were at the time of collection, the subject of  
23 a criminal investigation, are submitted to the Illinois  
24 ~~Department~~ ~~of~~ State Police, or a laboratory approved and  
25 designated by the Director of the Illinois State Police.



1 (b) By February 15, 2011, the Illinois ~~Department of State~~  
2 Police shall submit to the Governor, the Attorney General, and  
3 both houses of the General Assembly a plan for analyzing cases  
4 submitted pursuant to this Section. The plan shall include but  
5 not be limited to a timeline for completion of analysis and a  
6 summary of the inventory received, as well as requests for  
7 funding and resources necessary to meet the established  
8 timeline. Should the Illinois State Police ~~Department~~  
9 determine it is necessary to outsource the forensic testing of  
10 the cases submitted in accordance with this Section, all such  
11 cases will be exempt from the provisions of subsection (n) of  
12 Section 5-4-3 of the Unified Code of Corrections.

13 (c) Beginning June 1, 2016 or on and after the effective  
14 date of this amendatory Act of the 99th General Assembly,  
15 whichever is later, each law enforcement agency must conduct  
16 an annual inventory of all sexual assault cases in the custody  
17 of the law enforcement agency and provide written notice of  
18 its annual findings to the State's Attorney's Office having  
19 jurisdiction to ensure sexual assault cases are being  
20 submitted as provided by law.

21 (Source: P.A. 99-617, eff. 7-22-16.)

22 (725 ILCS 202/25)

23 Sec. 25. Failure of a law enforcement agency to submit the  
24 sexual assault evidence. The failure of a law enforcement  
25 agency to submit the sexual assault evidence collected on or

1 after the effective date of this Act within 10 business days  
2 after receipt shall in no way alter the authority of the law  
3 enforcement agency to submit the evidence or the authority of  
4 the Illinois Department of State Police forensic laboratory or  
5 designated laboratory to accept and analyze the evidence or  
6 specimen or to maintain or upload the results of genetic  
7 marker grouping analysis information into a local, State, or  
8 national database in accordance with established protocol.

9 (Source: P.A. 96-1011, eff. 9-1-10.)

10 (725 ILCS 202/35)

11 Sec. 35. Expungement. If the Illinois State Police  
12 ~~Department~~ receives written confirmation from the  
13 investigating law enforcement agency or State's Attorney's  
14 office that a DNA record that has been uploaded pursuant to  
15 this Act into a local, State or national DNA database was not  
16 connected to a criminal investigation, the DNA record shall be  
17 expunged from the DNA database and the Illinois State Police  
18 ~~Department~~ shall, by rule, prescribe procedures to ensure that  
19 written confirmation is sent to the submitting law enforcement  
20 agency verifying the expungement.

21 (Source: P.A. 96-1011, eff. 9-1-10.)

22 (725 ILCS 202/42)

23 Sec. 42. Reporting. Beginning January 1, 2017 and each  
24 year thereafter, the Illinois State Police ~~Department~~ shall

1 publish a quarterly report on its website, indicating a  
2 breakdown of the number of sexual assault case submissions  
3 from every law enforcement agency.

4 (Source: P.A. 99-617, eff. 7-22-16.)

5 (725 ILCS 202/45)

6 Sec. 45. Rules. The Illinois ~~Department of~~ State Police  
7 shall promulgate rules that prescribe the procedures for the  
8 operation of this Act, including expunging a DNA record.

9 (Source: P.A. 96-1011, eff. 9-1-10.)

10 (725 ILCS 202/50)

11 Sec. 50. Sexual assault evidence tracking system.

12 (a) On June 26, 2018, the Sexual Assault Evidence Tracking  
13 and Reporting Commission issued its report as required under  
14 Section 43. It is the intention of the General Assembly in  
15 enacting the provisions of this amendatory Act of the 101st  
16 General Assembly to implement the recommendations of the  
17 Sexual Assault Evidence Tracking and Reporting Commission set  
18 forth in that report in a manner that utilizes the current  
19 resources of law enforcement agencies whenever possible and  
20 that is adaptable to changing technologies and circumstances.

21 (a-1) Due to the complex nature of a statewide tracking  
22 system for sexual assault evidence and to ensure all  
23 stakeholders, including, but not limited to, victims and their  
24 designees, health care facilities, law enforcement agencies,

1 forensic labs, and State's Attorneys offices are integrated,  
2 the Commission recommended the purchase of an electronic  
3 off-the-shelf tracking system. The system must be able to  
4 communicate with all stakeholders and provide real-time  
5 information to a victim or his or her designee on the status of  
6 the evidence that was collected. The sexual assault evidence  
7 tracking system must:

8 (1) be electronic and web-based;

9 (2) be administered by the Illinois ~~Department of~~  
10 State Police;

11 (3) have help desk availability at all times;

12 (4) ensure the law enforcement agency contact  
13 information is accessible to the victim or his or her  
14 designee through the tracking system, so there is contact  
15 information for questions;

16 (5) have the option for external connectivity to  
17 evidence management systems, laboratory information  
18 management systems, or other electronic data systems  
19 already in existence by any of the stakeholders to  
20 minimize additional burdens or tasks on stakeholders;

21 (6) allow for the victim to opt in for automatic  
22 notifications when status updates are entered in the  
23 system, if the system allows;

24 (7) include at each step in the process, a brief  
25 explanation of the general purpose of that step and a  
26 general indication of how long the step may take to

1 complete;

2 (8) contain minimum fields for tracking and reporting,  
3 as follows:

4 (A) for sexual assault evidence kit vendor fields:

5 (i) each sexual evidence kit identification  
6 number provided to each health care facility; and

7 (ii) the date the sexual evidence kit was sent  
8 to the health care facility.

9 (B) for health care facility fields:

10 (i) the date sexual assault evidence was  
11 collected; and

12 (ii) the date notification was made to the law  
13 enforcement agency that the sexual assault  
14 evidence was collected.

15 (C) for law enforcement agency fields:

16 (i) the date the law enforcement agency took  
17 possession of the sexual assault evidence from the  
18 health care facility, another law enforcement  
19 agency, or victim if he or she did not go through a  
20 health care facility;

21 (ii) the law enforcement agency complaint  
22 number;

23 (iii) if the law enforcement agency that takes  
24 possession of the sexual assault evidence from a  
25 health care facility is not the law enforcement  
26 agency with jurisdiction in which the offense

1 occurred, the date when the law enforcement agency  
2 notified the law enforcement agency having  
3 jurisdiction that the agency has sexual assault  
4 evidence required under subsection (c) of Section  
5 20 of the Sexual Assault Incident Procedure Act;

6 (iv) an indication if the victim consented for  
7 analysis of the sexual assault evidence;

8 (v) if the victim did not consent for analysis  
9 of the sexual assault evidence, the date on which  
10 the law enforcement agency is no longer required  
11 to store the sexual assault evidence;

12 (vi) a mechanism for the law enforcement  
13 agency to document why the sexual assault evidence  
14 was not submitted to the laboratory for analysis,  
15 if applicable;

16 (vii) the date the law enforcement agency  
17 received the sexual assault evidence results back  
18 from the laboratory;

19 (viii) the date statutory notifications were  
20 made to the victim or documentation of why  
21 notification was not made; and

22 (ix) the date the law enforcement agency  
23 turned over the case information to the State's  
24 Attorney office, if applicable.

25 (D) for forensic lab fields:

26 (i) the date the sexual assault evidence is

1 received from the law enforcement agency by the  
2 forensic lab for analysis;

3 (ii) the laboratory case number, visible to  
4 the law enforcement agency and State's Attorney  
5 office; and

6 (iii) the date the laboratory completes the  
7 analysis of the sexual assault evidence.

8 (E) for State's Attorney office fields:

9 (i) the date the State's Attorney office  
10 received the sexual assault evidence results from  
11 the laboratory, if applicable; and

12 (ii) the disposition or status of the case.

13 (a-2) The Commission also developed guidelines for secure  
14 electronic access to a tracking system for a victim, or his or  
15 her designee to access information on the status of the  
16 evidence collected. The Commission recommended minimum  
17 guidelines in order to safeguard confidentiality of the  
18 information contained within this statewide tracking system.  
19 These recommendations are that the sexual assault evidence  
20 tracking system must:

21 (1) allow for secure access, controlled by an  
22 administering body who can restrict user access and allow  
23 different permissions based on the need of that particular  
24 user and health care facility users may include  
25 out-of-state border hospitals, if authorized by the  
26 Illinois ~~Department of~~ State Police to obtain this State's

1 kits from vendor;

2 (2) provide for users, other than victims, the ability  
3 to provide for any individual who is granted access to the  
4 program their own unique user ID and password;

5 (3) provide for a mechanism for a victim to enter the  
6 system and only access his or her own information;

7 (4) enable a sexual assault evidence to be tracked and  
8 identified through the unique sexual assault evidence kit  
9 identification number or barcode that the vendor applies  
10 to each sexual assault evidence kit per the Illinois  
11 ~~Department of State Police's~~ contract;

12 (5) have a mechanism to inventory unused kits provided  
13 to a health care facility from the vendor;

14 (6) provide users the option to either scan the bar  
15 code or manually enter the sexual assault evidence kit  
16 number into the tracking program;

17 (7) provide a mechanism to create a separate unique  
18 identification number for cases in which a sexual evidence  
19 kit was not collected, but other evidence was collected;

20 (8) provide the ability to record date, time, and user  
21 ID whenever any user accesses the system;

22 (9) provide for real-time entry and update of data;

23 (10) contain report functions including:

24 (A) health care facility compliance with  
25 applicable laws;

26 (B) law enforcement agency compliance with



1 applicable laws;

2 (C) law enforcement agency annual inventory of  
3 cases to each State's Attorney office; and

4 (D) forensic lab compliance with applicable laws;  
5 and

6 (11) provide automatic notifications to the law  
7 enforcement agency when:

8 (A) a health care facility has collected sexual  
9 assault evidence;

10 (B) unreleased sexual assault evidence that is  
11 being stored by the law enforcement agency has met the  
12 minimum storage requirement by law; and

13 (C) timelines as required by law are not met for a  
14 particular case, if not otherwise documented.

15 (b) The Illinois State Police ~~Department~~ shall develop  
16 rules to implement a sexual assault evidence tracking system  
17 that conforms with subsections (a-1) and (a-2) of this  
18 Section. The Illinois State Police ~~Department~~ shall design the  
19 criteria for the sexual assault evidence tracking system so  
20 that, to the extent reasonably possible, the system can use  
21 existing technologies and products, including, but not limited  
22 to, currently available tracking systems. The sexual assault  
23 evidence tracking system shall be operational and shall begin  
24 tracking and reporting sexual assault evidence no later than  
25 one year after the effective date of this amendatory Act of the  
26 101st General Assembly. The Illinois State Police ~~Department~~

1 may adopt additional rules as it deems necessary to ensure  
2 that the sexual assault evidence tracking system continues to  
3 be a useful tool for law enforcement.

4 (c) A treatment hospital, a treatment hospital with  
5 approved pediatric transfer, an out-of-state hospital approved  
6 by the Department of Public Health to receive transfers of  
7 Illinois sexual assault survivors, or an approved pediatric  
8 health care facility defined in Section 1a of the Sexual  
9 Assault Survivors Emergency Treatment Act shall participate in  
10 the sexual assault evidence tracking system created under this  
11 Section and in accordance with rules adopted under subsection  
12 (b), including, but not limited to, the collection of sexual  
13 assault evidence and providing information regarding that  
14 evidence, including, but not limited to, providing notice to  
15 law enforcement that the evidence has been collected.

16 (d) The operations of the sexual assault evidence tracking  
17 system shall be funded by moneys appropriated for that purpose  
18 from the State Crime Laboratory Fund and funds provided to the  
19 Illinois State Police ~~Department~~ through asset forfeiture,  
20 together with such other funds as the General Assembly may  
21 appropriate.

22 (e) To ensure that the sexual assault evidence tracking  
23 system is operational, the Illinois State Police ~~Department~~  
24 may adopt emergency rules to implement the provisions of this  
25 Section under subsection (ff) of Section 5-45 of the Illinois  
26 Administrative Procedure Act.

1 (f) Information, including, but not limited to, evidence  
2 and records in the sexual assault evidence tracking system is  
3 exempt from disclosure under the Freedom of Information Act.

4 (Source: P.A. 101-377, eff. 8-16-19.)

5 Section 1045. The Sexual Assault Incident Procedure Act is  
6 amended by changing Sections 15, 20, and 35 as follows:

7 (725 ILCS 203/15)

8 Sec. 15. Sexual assault incident policies.

9 (a) On or before January 1, 2018, every law enforcement  
10 agency shall develop, adopt, and implement written policies  
11 regarding procedures for incidents of sexual assault or sexual  
12 abuse consistent with the guidelines developed under  
13 subsection (b) of this Section. In developing these policies,  
14 each law enforcement agency is encouraged to consult with  
15 other law enforcement agencies, sexual assault advocates, and  
16 sexual assault nurse examiners with expertise in recognizing  
17 and handling sexual assault and sexual abuse incidents. These  
18 policies must include mandatory sexual assault and sexual  
19 abuse response training as required in Section 10.21 of the  
20 Illinois Police Training Act and Sections 2605-51 and 2605-53  
21 ~~and 2605-98~~ of the Illinois Department of State Police Law of  
22 the Civil Administrative Code of Illinois.

23 (a-5) On or before January 1, 2021, every law enforcement  
24 agency shall revise and implement its written policies

1 regarding procedures for incidents of sexual assault or sexual  
2 abuse consistent with the guideline revisions developed under  
3 subsection (b-5) of this Section.

4 (b) On or before July 1, 2017, the Office of the Attorney  
5 General, in consultation with the Illinois Law Enforcement  
6 Training Standards Board and the Illinois ~~Department of State~~  
7 ~~Police~~, shall develop and make available to each law  
8 enforcement agency, comprehensive guidelines for creation of a  
9 law enforcement agency policy on evidence-based,  
10 trauma-informed, victim-centered sexual assault and sexual  
11 abuse response and investigation.

12 These guidelines shall include, but not be limited to the  
13 following:

- 14 (1) dispatcher or call taker response;
- 15 (2) responding officer duties;
- 16 (3) duties of officers investigating sexual assaults  
17 and sexual abuse;
- 18 (4) supervisor duties;
- 19 (5) report writing;
- 20 (6) reporting methods;
- 21 (7) victim interviews;
- 22 (8) evidence collection;
- 23 (9) sexual assault medical forensic examinations;
- 24 (10) suspect interviews;
- 25 (11) suspect forensic exams;
- 26 (12) witness interviews;

- 1           (13) sexual assault response and resource teams, if  
2           applicable;
- 3           (14) working with victim advocates;
- 4           (15) working with prosecutors;
- 5           (16) victims' rights;
- 6           (17) victim notification; and
- 7           (18) consideration for specific populations or  
8           communities.

9           (b-5) On or before January 1, 2020, the Office of the  
10          Attorney General, in consultation with the Illinois Law  
11          Enforcement Training Standards Board and the Illinois  
12          ~~Department of~~ State Police, shall revise the comprehensive  
13          guidelines developed under subsection (b) to include  
14          responding to victims who are under 13 years of age at the time  
15          the sexual assault or sexual abuse occurred.

16          (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17;  
17          100-910, eff. 1-1-19.)

18                 (725 ILCS 203/20)

19                 Sec. 20. Reports by law enforcement officers.

20                 (a) A law enforcement officer shall complete a written  
21          police report upon receiving the following, regardless of  
22          where the incident occurred:

- 23                         (1) an allegation by a person that the person has been  
24                         sexually assaulted or sexually abused regardless of  
25                         jurisdiction;

1           (2) information from hospital or medical personnel  
2 provided under Section 3.2 of the Criminal Identification  
3 Act; or

4           (3) information from a witness who personally observed  
5 what appeared to be a sexual assault or sexual abuse or  
6 attempted sexual assault or sexual abuse.

7           (b) The written report shall include the following, if  
8 known:

9           (1) the victim's name or other identifier;

10           (2) the victim's contact information;

11           (3) time, date, and location of offense;

12           (4) information provided by the victim;

13           (5) the suspect's description and name, if known;

14           (6) names of persons with information relevant to the  
15 time before, during, or after the sexual assault or sexual  
16 abuse, and their contact information;

17           (7) names of medical professionals who provided a  
18 medical forensic examination of the victim and any  
19 information they provided about the sexual assault or  
20 sexual abuse;

21           (8) whether an Illinois State Police Sexual Assault  
22 Evidence Collection Kit was completed, the name and  
23 contact information for the hospital, and whether the  
24 victim consented to testing of the Evidence Collection Kit  
25 by law enforcement;

26           (9) whether a urine or blood sample was collected and

1           whether the victim consented to testing of a toxicology  
2           screen by law enforcement;

3           (10) information the victim related to medical  
4           professionals during a medical forensic examination which  
5           the victim consented to disclosure to law enforcement; and

6           (11) other relevant information.

7           (c) If the sexual assault or sexual abuse occurred in  
8           another jurisdiction, the law enforcement officer taking the  
9           report must submit the report to the law enforcement agency  
10          having jurisdiction in person or via fax or email within 24  
11          hours of receiving information about the sexual assault or  
12          sexual abuse.

13          (d) Within 24 hours of receiving a report from a law  
14          enforcement agency in another jurisdiction in accordance with  
15          subsection (c), the law enforcement agency having jurisdiction  
16          shall submit a written confirmation to the law enforcement  
17          agency that wrote the report. The written confirmation shall  
18          contain the name and identifier of the person and confirming  
19          receipt of the report and a name and contact phone number that  
20          will be given to the victim. The written confirmation shall be  
21          delivered in person or via fax or email.

22          (e) No law enforcement officer shall require a victim of  
23          sexual assault or sexual abuse to submit to an interview.

24          (f) No law enforcement agency may refuse to complete a  
25          written report as required by this Section on any ground.

26          (g) All law enforcement agencies shall ensure that all

1 officers responding to or investigating a complaint of sexual  
2 assault or sexual abuse have successfully completed training  
3 under Section 10.21 of the Illinois Police Training Act and  
4 Section 2605-51 ~~2605-98~~ of the Illinois ~~Department of~~ State  
5 Police Law of the Civil Administrative Code of Illinois.

6 (Source: P.A. 99-801, eff. 1-1-17; 100-201, eff. 8-18-17.)

7 (725 ILCS 203/35)

8 Sec. 35. Release of information.

9 (a) Upon the request of the victim who has consented to the  
10 release of sexual assault evidence for testing, the law  
11 enforcement agency having jurisdiction shall provide the  
12 following information in writing:

13 (1) the date the sexual assault evidence was sent to  
14 an Illinois ~~a Department of~~ State Police forensic  
15 laboratory or designated laboratory;

16 (2) test results provided to the law enforcement  
17 agency by an Illinois ~~a Department of~~ State Police  
18 forensic laboratory or designated laboratory, including,  
19 but not limited to:

20 (A) whether a DNA profile was obtained from the  
21 testing of the sexual assault evidence from the  
22 victim's case;

23 (B) whether the DNA profile developed from the  
24 sexual assault evidence has been searched against the  
25 DNA Index System or any state or federal DNA database;



1           (C) whether an association was made to an  
2 individual whose DNA profile is consistent with the  
3 sexual assault evidence DNA profile, provided that  
4 disclosure would not impede or compromise an ongoing  
5 investigation; and

6           (D) whether any drugs were detected in a urine or  
7 blood sample analyzed for drug facilitated sexual  
8 assault and information about any drugs detected.

9           (b) The information listed in paragraph (1) of subsection  
10 (a) of this Section shall be provided to the victim within 7  
11 days of the transfer of the evidence to the laboratory. The  
12 information listed in paragraph (2) of subsection (a) of this  
13 Section shall be provided to the victim within 7 days of the  
14 receipt of the information by the law enforcement agency  
15 having jurisdiction.

16           (c) At the time the sexual assault evidence is released  
17 for testing, the victim shall be provided written information  
18 by the law enforcement agency having jurisdiction or the  
19 hospital providing emergency services and forensic services to  
20 the victim informing him or her of the right to request  
21 information under subsection (a) of this Section. A victim may  
22 designate another person or agency to receive this  
23 information.

24           (d) The victim or the victim's designee shall keep the law  
25 enforcement agency having jurisdiction informed of the name,  
26 address, telephone number, and email address of the person to

1 whom the information should be provided, and any changes of  
2 the name, address, telephone number, and email address, if an  
3 email address is available.

4 (Source: P.A. 99-801, eff. 1-1-17.)

5 Section 1050. The Sexually Violent Persons Commitment Act  
6 is amended by changing Section 45 as follows:

7 (725 ILCS 207/45)

8 Sec. 45. Deoxyribonucleic acid analysis requirements.

9 (a) (1) If a person is found to be a sexually violent person  
10 under this Act, the court shall require the person to provide a  
11 biological specimen for deoxyribonucleic acid analysis in  
12 accordance with Section 5-4-3 of the Unified Code of  
13 Corrections.

14 (2) The results from deoxyribonucleic acid analysis of a  
15 specimen under paragraph (a) (1) of this Section may be used  
16 only as authorized by Section 5-4-3 of the Unified Code of  
17 Corrections.

18 (b) The rules adopted by the Illinois ~~Department of State~~  
19 Police under Section 5-4-3 of the Unified Code of Corrections  
20 are the procedures that must be followed for persons to  
21 provide specimens under paragraph (a) (1) of this Section.

22 (Source: P.A. 90-40, eff. 1-1-98; 91-227, eff. 1-1-00.)

23 Section 1055. The Unified Code of Corrections is amended

1 by changing Sections 3-2-2, 3-2.7-25, 3-3-2, 3-14-1, 3-14-1.5,  
2 3-17-5, 5-2-4, 5-4-3, 5-4-3a, 5-4-3b, 5-5-4, 5-5.5-40, 5-6-3,  
3 5-9-1.2, 5-9-1.4, and 5-9-1.9 as follows:

4 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)  
5 Sec. 3-2-2. Powers and duties of the Department.

6 (1) In addition to the powers, duties, and  
7 responsibilities which are otherwise provided by law, the  
8 Department shall have the following powers:

9 (a) To accept persons committed to it by the courts of  
10 this State for care, custody, treatment and  
11 rehabilitation, and to accept federal prisoners and aliens  
12 over whom the Office of the Federal Detention Trustee is  
13 authorized to exercise the federal detention function for  
14 limited purposes and periods of time.

15 (b) To develop and maintain reception and evaluation  
16 units for purposes of analyzing the custody and  
17 rehabilitation needs of persons committed to it and to  
18 assign such persons to institutions and programs under its  
19 control or transfer them to other appropriate agencies. In  
20 consultation with the Department of Alcoholism and  
21 Substance Abuse (now the Department of Human Services),  
22 the Department of Corrections shall develop a master plan  
23 for the screening and evaluation of persons committed to  
24 its custody who have alcohol or drug abuse problems, and  
25 for making appropriate treatment available to such

1 persons; the Department shall report to the General  
2 Assembly on such plan not later than April 1, 1987. The  
3 maintenance and implementation of such plan shall be  
4 contingent upon the availability of funds.

5 (b-1) To create and implement, on January 1, 2002, a  
6 pilot program to establish the effectiveness of  
7 pupillometer technology (the measurement of the pupil's  
8 reaction to light) as an alternative to a urine test for  
9 purposes of screening and evaluating persons committed to  
10 its custody who have alcohol or drug problems. The pilot  
11 program shall require the pupillometer technology to be  
12 used in at least one Department of Corrections facility.  
13 The Director may expand the pilot program to include an  
14 additional facility or facilities as he or she deems  
15 appropriate. A minimum of 4,000 tests shall be included in  
16 the pilot program. The Department must report to the  
17 General Assembly on the effectiveness of the program by  
18 January 1, 2003.

19 (b-5) To develop, in consultation with the Illinois  
20 ~~Department of~~ State Police, a program for tracking and  
21 evaluating each inmate from commitment through release for  
22 recording his or her gang affiliations, activities, or  
23 ranks.

24 (c) To maintain and administer all State correctional  
25 institutions and facilities under its control and to  
26 establish new ones as needed. Pursuant to its power to

1           establish new institutions and facilities, the Department  
2           may, with the written approval of the Governor, authorize  
3           the Department of Central Management Services to enter  
4           into an agreement of the type described in subsection (d)  
5           of Section 405-300 of the Department of Central Management  
6           Services Law ~~(20 ILCS 405/405-300)~~. The Department shall  
7           designate those institutions which shall constitute the  
8           State Penitentiary System.

9           Pursuant to its power to establish new institutions  
10          and facilities, the Department may authorize the  
11          Department of Central Management Services to accept bids  
12          from counties and municipalities for the construction,  
13          remodeling or conversion of a structure to be leased to  
14          the Department of Corrections for the purposes of its  
15          serving as a correctional institution or facility. Such  
16          construction, remodeling or conversion may be financed  
17          with revenue bonds issued pursuant to the Industrial  
18          Building Revenue Bond Act by the municipality or county.  
19          The lease specified in a bid shall be for a term of not  
20          less than the time needed to retire any revenue bonds used  
21          to finance the project, but not to exceed 40 years. The  
22          lease may grant to the State the option to purchase the  
23          structure outright.

24          Upon receipt of the bids, the Department may certify  
25          one or more of the bids and shall submit any such bids to  
26          the General Assembly for approval. Upon approval of a bid

1 by a constitutional majority of both houses of the General  
2 Assembly, pursuant to joint resolution, the Department of  
3 Central Management Services may enter into an agreement  
4 with the county or municipality pursuant to such bid.

5 (c-5) To build and maintain regional juvenile  
6 detention centers and to charge a per diem to the counties  
7 as established by the Department to defray the costs of  
8 housing each minor in a center. In this subsection (c-5),  
9 "juvenile detention center" means a facility to house  
10 minors during pendency of trial who have been transferred  
11 from proceedings under the Juvenile Court Act of 1987 to  
12 prosecutions under the criminal laws of this State in  
13 accordance with Section 5-805 of the Juvenile Court Act of  
14 1987, whether the transfer was by operation of law or  
15 permissive under that Section. The Department shall  
16 designate the counties to be served by each regional  
17 juvenile detention center.

18 (d) To develop and maintain programs of control,  
19 rehabilitation and employment of committed persons within  
20 its institutions.

21 (d-5) To provide a pre-release job preparation program  
22 for inmates at Illinois adult correctional centers.

23 (d-10) To provide educational and visitation  
24 opportunities to committed persons within its institutions  
25 through temporary access to content-controlled tablets  
26 that may be provided as a privilege to committed persons

1 to induce or reward compliance.

2 (e) To establish a system of supervision and guidance  
3 of committed persons in the community.

4 (f) To establish in cooperation with the Department of  
5 Transportation to supply a sufficient number of prisoners  
6 for use by the Department of Transportation to clean up  
7 the trash and garbage along State, county, township, or  
8 municipal highways as designated by the Department of  
9 Transportation. The Department of Corrections, at the  
10 request of the Department of Transportation, shall furnish  
11 such prisoners at least annually for a period to be agreed  
12 upon between the Director of Corrections and the Secretary  
13 of Transportation. The prisoners used on this program  
14 shall be selected by the Director of Corrections on  
15 whatever basis he deems proper in consideration of their  
16 term, behavior and earned eligibility to participate in  
17 such program - where they will be outside of the prison  
18 facility but still in the custody of the Department of  
19 Corrections. Prisoners convicted of first degree murder,  
20 or a Class X felony, or armed violence, or aggravated  
21 kidnapping, or criminal sexual assault, aggravated  
22 criminal sexual abuse or a subsequent conviction for  
23 criminal sexual abuse, or forcible detention, or arson, or  
24 a prisoner adjudged a Habitual Criminal shall not be  
25 eligible for selection to participate in such program. The  
26 prisoners shall remain as prisoners in the custody of the

1 Department of Corrections and such Department shall  
2 furnish whatever security is necessary. The Department of  
3 Transportation shall furnish trucks and equipment for the  
4 highway cleanup program and personnel to supervise and  
5 direct the program. Neither the Department of Corrections  
6 nor the Department of Transportation shall replace any  
7 regular employee with a prisoner.

8 (g) To maintain records of persons committed to it and  
9 to establish programs of research, statistics and  
10 planning.

11 (h) To investigate the grievances of any person  
12 committed to the Department and to inquire into any  
13 alleged misconduct by employees or committed persons; and  
14 for these purposes it may issue subpoenas and compel the  
15 attendance of witnesses and the production of writings and  
16 papers, and may examine under oath any witnesses who may  
17 appear before it; to also investigate alleged violations  
18 of a parolee's or releasee's conditions of parole or  
19 release; and for this purpose it may issue subpoenas and  
20 compel the attendance of witnesses and the production of  
21 documents only if there is reason to believe that such  
22 procedures would provide evidence that such violations  
23 have occurred.

24 If any person fails to obey a subpoena issued under  
25 this subsection, the Director may apply to any circuit  
26 court to secure compliance with the subpoena. The failure



1 to comply with the order of the court issued in response  
2 thereto shall be punishable as contempt of court.

3 (i) To appoint and remove the chief administrative  
4 officers, and administer programs of training and  
5 development of personnel of the Department. Personnel  
6 assigned by the Department to be responsible for the  
7 custody and control of committed persons or to investigate  
8 the alleged misconduct of committed persons or employees  
9 or alleged violations of a parolee's or releasee's  
10 conditions of parole shall be conservators of the peace  
11 for those purposes, and shall have the full power of peace  
12 officers outside of the facilities of the Department in  
13 the protection, arrest, retaking and reconfining of  
14 committed persons or where the exercise of such power is  
15 necessary to the investigation of such misconduct or  
16 violations. This subsection shall not apply to persons  
17 committed to the Department of Juvenile Justice under the  
18 Juvenile Court Act of 1987 on aftercare release.

19 (j) To cooperate with other departments and agencies  
20 and with local communities for the development of  
21 standards and programs for better correctional services in  
22 this State.

23 (k) To administer all moneys and properties of the  
24 Department.

25 (l) To report annually to the Governor on the  
26 committed persons, institutions and programs of the

1 Department.

2 (1-5) (Blank).

3 (m) To make all rules and regulations and exercise all  
4 powers and duties vested by law in the Department.

5 (n) To establish rules and regulations for  
6 administering a system of sentence credits, established in  
7 accordance with Section 3-6-3, subject to review by the  
8 Prisoner Review Board.

9 (o) To administer the distribution of funds from the  
10 State Treasury to reimburse counties where State penal  
11 institutions are located for the payment of assistant  
12 state's attorneys' salaries under Section 4-2001 of the  
13 Counties Code.

14 (p) To exchange information with the Department of  
15 Human Services and the Department of Healthcare and Family  
16 Services for the purpose of verifying living arrangements  
17 and for other purposes directly connected with the  
18 administration of this Code and the Illinois Public Aid  
19 Code.

20 (q) To establish a diversion program.

21 The program shall provide a structured environment for  
22 selected technical parole or mandatory supervised release  
23 violators and committed persons who have violated the  
24 rules governing their conduct while in work release. This  
25 program shall not apply to those persons who have  
26 committed a new offense while serving on parole or

1 mandatory supervised release or while committed to work  
2 release.

3 Elements of the program shall include, but shall not  
4 be limited to, the following:

5 (1) The staff of a diversion facility shall  
6 provide supervision in accordance with required  
7 objectives set by the facility.

8 (2) Participants shall be required to maintain  
9 employment.

10 (3) Each participant shall pay for room and board  
11 at the facility on a sliding-scale basis according to  
12 the participant's income.

13 (4) Each participant shall:

14 (A) provide restitution to victims in  
15 accordance with any court order;

16 (B) provide financial support to his  
17 dependents; and

18 (C) make appropriate payments toward any other  
19 court-ordered obligations.

20 (5) Each participant shall complete community  
21 service in addition to employment.

22 (6) Participants shall take part in such  
23 counseling, educational and other programs as the  
24 Department may deem appropriate.

25 (7) Participants shall submit to drug and alcohol  
26 screening.

1           (8) The Department shall promulgate rules  
2 governing the administration of the program.

3           (r) To enter into intergovernmental cooperation  
4 agreements under which persons in the custody of the  
5 Department may participate in a county impact  
6 incarceration program established under Section 3-6038 or  
7 3-15003.5 of the Counties Code.

8           (r-5) (Blank).

9           (r-10) To systematically and routinely identify with  
10 respect to each streetgang active within the correctional  
11 system: (1) each active gang; (2) every existing  
12 inter-gang affiliation or alliance; and (3) the current  
13 leaders in each gang. The Department shall promptly  
14 segregate leaders from inmates who belong to their gangs  
15 and allied gangs. "Segregate" means no physical contact  
16 and, to the extent possible under the conditions and space  
17 available at the correctional facility, prohibition of  
18 visual and sound communication. For the purposes of this  
19 paragraph (r-10), "leaders" means persons who:

20           (i) are members of a criminal streetgang;

21           (ii) with respect to other individuals within the  
22 streetgang, occupy a position of organizer,  
23 supervisor, or other position of management or  
24 leadership; and

25           (iii) are actively and personally engaged in  
26 directing, ordering, authorizing, or requesting

1 commission of criminal acts by others, which are  
2 punishable as a felony, in furtherance of streetgang  
3 related activity both within and outside of the  
4 Department of Corrections.

5 "Streetgang", "gang", and "streetgang related" have the  
6 meanings ascribed to them in Section 10 of the Illinois  
7 Streetgang Terrorism Omnibus Prevention Act.

8 (s) To operate a super-maximum security institution,  
9 in order to manage and supervise inmates who are  
10 disruptive or dangerous and provide for the safety and  
11 security of the staff and the other inmates.

12 (t) To monitor any unprivileged conversation or any  
13 unprivileged communication, whether in person or by mail,  
14 telephone, or other means, between an inmate who, before  
15 commitment to the Department, was a member of an organized  
16 gang and any other person without the need to show cause or  
17 satisfy any other requirement of law before beginning the  
18 monitoring, except as constitutionally required. The  
19 monitoring may be by video, voice, or other method of  
20 recording or by any other means. As used in this  
21 subdivision (1)(t), "organized gang" has the meaning  
22 ascribed to it in Section 10 of the Illinois Streetgang  
23 Terrorism Omnibus Prevention Act.

24 As used in this subdivision (1)(t), "unprivileged  
25 conversation" or "unprivileged communication" means a  
26 conversation or communication that is not protected by any

1 privilege recognized by law or by decision, rule, or order  
2 of the Illinois Supreme Court.

3 (u) To establish a Women's and Children's Pre-release  
4 Community Supervision Program for the purpose of providing  
5 housing and services to eligible female inmates, as  
6 determined by the Department, and their newborn and young  
7 children.

8 (u-5) To issue an order, whenever a person committed  
9 to the Department absconds or absents himself or herself,  
10 without authority to do so, from any facility or program  
11 to which he or she is assigned. The order shall be  
12 certified by the Director, the Supervisor of the  
13 Apprehension Unit, or any person duly designated by the  
14 Director, with the seal of the Department affixed. The  
15 order shall be directed to all sheriffs, coroners, and  
16 police officers, or to any particular person named in the  
17 order. Any order issued pursuant to this subdivision (1)  
18 (u-5) shall be sufficient warrant for the officer or  
19 person named in the order to arrest and deliver the  
20 committed person to the proper correctional officials and  
21 shall be executed the same as criminal process.

22 (v) To do all other acts necessary to carry out the  
23 provisions of this Chapter.

24 (2) The Department of Corrections shall by January 1,  
25 1998, consider building and operating a correctional facility  
26 within 100 miles of a county of over 2,000,000 inhabitants,

1 especially a facility designed to house juvenile participants  
2 in the impact incarceration program.

3 (3) When the Department lets bids for contracts for  
4 medical services to be provided to persons committed to  
5 Department facilities by a health maintenance organization,  
6 medical service corporation, or other health care provider,  
7 the bid may only be let to a health care provider that has  
8 obtained an irrevocable letter of credit or performance bond  
9 issued by a company whose bonds have an investment grade or  
10 higher rating by a bond rating organization.

11 (4) When the Department lets bids for contracts for food  
12 or commissary services to be provided to Department  
13 facilities, the bid may only be let to a food or commissary  
14 services provider that has obtained an irrevocable letter of  
15 credit or performance bond issued by a company whose bonds  
16 have an investment grade or higher rating by a bond rating  
17 organization.

18 (5) On and after the date 6 months after August 16, 2013  
19 (the effective date of Public Act 98-488), as provided in the  
20 Executive Order 1 (2012) Implementation Act, all of the  
21 powers, duties, rights, and responsibilities related to State  
22 healthcare purchasing under this Code that were transferred  
23 from the Department of Corrections to the Department of  
24 Healthcare and Family Services by Executive Order 3 (2005) are  
25 transferred back to the Department of Corrections; however,  
26 powers, duties, rights, and responsibilities related to State

1 healthcare purchasing under this Code that were exercised by  
2 the Department of Corrections before the effective date of  
3 Executive Order 3 (2005) but that pertain to individuals  
4 resident in facilities operated by the Department of Juvenile  
5 Justice are transferred to the Department of Juvenile Justice.  
6 (Source: P.A. 100-198, eff. 1-1-18; 100-863, eff. 8-14-18;  
7 101-235, eff. 1-1-20.)

8 (730 ILCS 5/3-2.7-25)

9 Sec. 3-2.7-25. Duties and powers.

10 (a) The Independent Juvenile Ombudsman shall function  
11 independently within the Department of Juvenile Justice with  
12 respect to the operations of the Office in performance of his  
13 or her duties under this Article and shall report to the  
14 Governor. The Ombudsman shall adopt rules and standards as may  
15 be necessary or desirable to carry out his or her duties.  
16 Funding for the Office shall be designated separately within  
17 Department funds. The Department shall provide necessary  
18 administrative services and facilities to the Office of the  
19 Independent Juvenile Ombudsman.

20 (b) The Office of Independent Juvenile Ombudsman shall  
21 have the following duties:

22 (1) review and monitor the implementation of the rules  
23 and standards established by the Department of Juvenile  
24 Justice and evaluate the delivery of services to youth to  
25 ensure that the rights of youth are fully observed;



1           (2) provide assistance to a youth or family whom the  
2 Ombudsman determines is in need of assistance, including  
3 advocating with an agency, provider, or other person in  
4 the best interests of the youth;

5           (3) investigate and attempt to resolve complaints made  
6 by or on behalf of youth, other than complaints alleging  
7 criminal behavior or violations of the State Officials and  
8 Employees Ethics Act, if the Office determines that the  
9 investigation and resolution would further the purpose of  
10 the Office, and:

11           (A) a youth committed to the Department of  
12 Juvenile Justice or the youth's family is in need of  
13 assistance from the Office; or

14           (B) a systemic issue in the Department of Juvenile  
15 Justice's provision of services is raised by a  
16 complaint;

17           (4) review or inspect periodically the facilities and  
18 procedures of any facility in which a youth has been  
19 placed by the Department of Juvenile Justice to ensure  
20 that the rights of youth are fully observed; and

21           (5) be accessible to and meet confidentially and  
22 regularly with youth committed to the Department and serve  
23 as a resource by informing them of pertinent laws, rules,  
24 and policies, and their rights thereunder.

25           (c) The following cases shall be reported immediately to  
26 the Director of Juvenile Justice and the Governor:

- 1 (1) cases of severe abuse or injury of a youth;
- 2 (2) serious misconduct, misfeasance, malfeasance, or
- 3 serious violations of policies and procedures concerning
- 4 the administration of a Department of Juvenile Justice
- 5 program or operation;
- 6 (3) serious problems concerning the delivery of
- 7 services in a facility operated by or under contract with
- 8 the Department of Juvenile Justice;
- 9 (4) interference by the Department of Juvenile Justice
- 10 with an investigation conducted by the Office; and
- 11 (5) other cases as deemed necessary by the Ombudsman.

12 (d) Notwithstanding any other provision of law, the

13 Ombudsman may not investigate alleged criminal behavior or

14 violations of the State Officials and Employees Ethics Act. If

15 the Ombudsman determines that a possible criminal act has been

16 committed, or that special expertise is required in the

17 investigation, he or she shall immediately notify the Illinois

18 ~~Department of~~ State Police. If the Ombudsman determines that a

19 possible violation of the State Officials and Employees Ethics

20 Act has occurred, he or she shall immediately refer the

21 incident to the Office of the Governor's Executive Inspector

22 General for investigation. If the Ombudsman receives a

23 complaint from a youth or third party regarding suspected

24 abuse or neglect of a child, the Ombudsman shall refer the

25 incident to the Child Abuse and Neglect Hotline or to the

26 Illinois State Police as mandated by the Abused and Neglected

1 Child Reporting Act. Any investigation conducted by the  
2 Ombudsman shall not be duplicative and shall be separate from  
3 any investigation mandated by the Abused and Neglected Child  
4 Reporting Act. All investigations conducted by the Ombudsman  
5 shall be conducted in a manner designed to ensure the  
6 preservation of evidence for possible use in a criminal  
7 prosecution.

8 (e) In performance of his or her duties, the Ombudsman  
9 may:

10 (1) review court files of youth;

11 (2) recommend policies, rules, and legislation  
12 designed to protect youth;

13 (3) make appropriate referrals under any of the duties  
14 and powers listed in this Section;

15 (4) attend internal administrative and disciplinary  
16 hearings to ensure the rights of youth are fully observed  
17 and advocate for the best interest of youth when deemed  
18 necessary; and

19 (5) perform other acts, otherwise permitted or  
20 required by law, in furtherance of the purpose of the  
21 Office.

22 (f) To assess if a youth's rights have been violated, the  
23 Ombudsman may, in any matter that does not involve alleged  
24 criminal behavior, contact or consult with an administrator,  
25 employee, youth, parent, expert, or any other individual in  
26 the course of his or her investigation or to secure

1 information as necessary to fulfill his or her duties.

2 (Source: P.A. 98-1032, eff. 8-25-14; 99-78, eff. 7-20-15.)

3 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

4 Sec. 3-3-2. Powers and duties.

5 (a) The Parole and Pardon Board is abolished and the term  
6 "Parole and Pardon Board" as used in any law of Illinois, shall  
7 read "Prisoner Review Board." After February 1, 1978 (the  
8 effective date of Public Act 81-1099) ~~this amendatory Act of~~  
9 ~~1977~~, the Prisoner Review Board shall provide by rule for the  
10 orderly transition of all files, records, and documents of the  
11 Parole and Pardon Board and for such other steps as may be  
12 necessary to effect an orderly transition and shall:

13 (1) hear by at least one member and through a panel of  
14 at least 3 members decide, cases of prisoners who were  
15 sentenced under the law in effect prior to February 1,  
16 1978 (the effective date of Public Act 81-1099) ~~this~~  
17 ~~amendatory Act of 1977~~, and who are eligible for parole;

18 (2) hear by at least one member and through a panel of  
19 at least 3 members decide, the conditions of parole and  
20 the time of discharge from parole, impose sanctions for  
21 violations of parole, and revoke parole for those  
22 sentenced under the law in effect prior to February 1,  
23 1978 (the effective date of Public Act 81-1099) ~~this~~  
24 ~~amendatory Act of 1977~~; provided that the decision to  
25 parole and the conditions of parole for all prisoners who

1           were sentenced for first degree murder or who received a  
2           minimum sentence of 20 years or more under the law in  
3           effect prior to February 1, 1978 shall be determined by a  
4           majority vote of the Prisoner Review Board. One  
5           representative supporting parole and one representative  
6           opposing parole will be allowed to speak. Their comments  
7           shall be limited to making corrections and filling in  
8           omissions to the Board's presentation and discussion;

9           (3) hear by at least one member and through a panel of  
10          at least 3 members decide, the conditions of mandatory  
11          supervised release and the time of discharge from  
12          mandatory supervised release, impose sanctions for  
13          violations of mandatory supervised release, and revoke  
14          mandatory supervised release for those sentenced under the  
15          law in effect after February 1, 1978 (the effective date  
16          of Public Act 81-1099) ~~this amendatory Act of 1977;~~

17          (3.5) hear by at least one member and through a panel  
18          of at least 3 members decide, the conditions of mandatory  
19          supervised release and the time of discharge from  
20          mandatory supervised release, to impose sanctions for  
21          violations of mandatory supervised release and revoke  
22          mandatory supervised release for those serving extended  
23          supervised release terms pursuant to paragraph (4) of  
24          subsection (d) of Section 5-8-1;

25          (3.6) hear by at least one member and through a panel  
26          of at least 3 members decide whether to revoke aftercare

1 release for those committed to the Department of Juvenile  
2 Justice under the Juvenile Court Act of 1987;

3 (4) hear by at least one member and through a panel of  
4 at least 3 members, decide cases brought by the Department  
5 of Corrections against a prisoner in the custody of the  
6 Department for alleged violation of Department rules with  
7 respect to sentence credits under Section 3-6-3 of this  
8 Code in which the Department seeks to revoke sentence  
9 credits, if the amount of time at issue exceeds 30 days or  
10 when, during any 12-month ~~12-month~~ period, the cumulative  
11 amount of credit revoked exceeds 30 days except where the  
12 infraction is committed or discovered within 60 days of  
13 scheduled release. In such cases, the Department of  
14 Corrections may revoke up to 30 days of sentence credit.  
15 The Board may subsequently approve the revocation of  
16 additional sentence credit, if the Department seeks to  
17 revoke sentence credit in excess of 30 ~~thirty~~ days.  
18 However, the Board shall not be empowered to review the  
19 Department's decision with respect to the loss of 30 days  
20 of sentence credit for any prisoner or to increase any  
21 penalty beyond the length requested by the Department;

22 (5) hear by at least one member and through a panel of  
23 at least 3 members decide, the release dates for certain  
24 prisoners sentenced under the law in existence prior to  
25 February 1, 1978 (the effective date of Public Act  
26 81-1099) ~~this amendatory Act of 1977~~, in accordance with

1 Section 3-3-2.1 of this Code;

2 (6) hear by at least one member and through a panel of  
3 at least 3 members decide, all requests for pardon,  
4 reprieve or commutation, and make confidential  
5 recommendations to the Governor;

6 (6.5) hear by at least one member who is qualified in  
7 the field of juvenile matters and through a panel of at  
8 least 3 members, 2 of whom are qualified in the field of  
9 juvenile matters, decide parole review cases in accordance  
10 with Section 5-4.5-115 of this Code and make release  
11 determinations of persons under the age of 21 at the time  
12 of the commission of an offense or offenses, other than  
13 those persons serving sentences for first degree murder or  
14 aggravated criminal sexual assault;

15 (6.6) hear by at least a quorum of the Prisoner Review  
16 Board and decide by a majority of members present at the  
17 hearing, in accordance with Section 5-4.5-115 of this  
18 Code, release determinations of persons under the age of  
19 21 at the time of the commission of an offense or offenses  
20 of those persons serving sentences for first degree murder  
21 or aggravated criminal sexual assault;

22 (7) comply with the requirements of the Open Parole  
23 Hearings Act;

24 (8) hear by at least one member and, through a panel of  
25 at least 3 members, decide cases brought by the Department  
26 of Corrections against a prisoner in the custody of the

1 Department for court dismissal of a frivolous lawsuit  
2 pursuant to Section 3-6-3(d) of this Code in which the  
3 Department seeks to revoke up to 180 days of sentence  
4 credit, and if the prisoner has not accumulated 180 days  
5 of sentence credit at the time of the dismissal, then all  
6 sentence credit accumulated by the prisoner shall be  
7 revoked;

8 (9) hear by at least 3 members, and, through a panel of  
9 at least 3 members, decide whether to grant certificates  
10 of relief from disabilities or certificates of good  
11 conduct as provided in Article 5.5 of Chapter V;

12 (10) upon a petition by a person who has been  
13 convicted of a Class 3 or Class 4 felony and who meets the  
14 requirements of this paragraph, hear by at least 3 members  
15 and, with the unanimous vote of a panel of 3 members, issue  
16 a certificate of eligibility for sealing recommending that  
17 the court order the sealing of all official records of the  
18 arresting authority, the circuit court clerk, and the  
19 Illinois ~~Department of~~ State Police concerning the arrest  
20 and conviction for the Class 3 or 4 felony. A person may  
21 not apply to the Board for a certificate of eligibility  
22 for sealing:

23 (A) until 5 years have elapsed since the  
24 expiration of his or her sentence;

25 (B) until 5 years have elapsed since any arrests  
26 or detentions by a law enforcement officer for an



1           alleged violation of law, other than a petty offense,  
2           traffic offense, conservation offense, or local  
3           ordinance offense;

4           (C) if convicted of a violation of the Cannabis  
5           Control Act, Illinois Controlled Substances Act, the  
6           Methamphetamine Control and Community Protection Act,  
7           the Methamphetamine Precursor Control Act, or the  
8           Methamphetamine Precursor Tracking Act unless the  
9           petitioner has completed a drug abuse program for the  
10          offense on which sealing is sought and provides proof  
11          that he or she has completed the program successfully;

12          (D) if convicted of:

13               (i) a sex offense described in Article 11 or  
14               Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
15               the Criminal Code of 1961 or the Criminal Code of  
16               2012;

17               (ii) aggravated assault;

18               (iii) aggravated battery;

19               (iv) domestic battery;

20               (v) aggravated domestic battery;

21               (vi) violation of an order of protection;

22               (vii) an offense under the Criminal Code of  
23               1961 or the Criminal Code of 2012 involving a  
24               firearm;

25               (viii) driving while under the influence of  
26               alcohol, other drug or drugs, intoxicating

1 compound or compounds, or any combination thereof;  
2 (ix) aggravated driving while under the  
3 influence of alcohol, other drug or drugs,  
4 intoxicating compound or compounds, or any  
5 combination thereof; or  
6 (x) any crime defined as a crime of violence  
7 under Section 2 of the Crime Victims Compensation  
8 Act.

9 If a person has applied to the Board for a certificate  
10 of eligibility for sealing and the Board denies the  
11 certificate, the person must wait at least 4 years before  
12 filing again or filing for pardon from the Governor unless  
13 the Chairman of the Prisoner Review Board grants a waiver.

14 The decision to issue or refrain from issuing a  
15 certificate of eligibility for sealing shall be at the  
16 Board's sole discretion, and shall not give rise to any  
17 cause of action against either the Board or its members.

18 The Board may only authorize the sealing of Class 3  
19 and 4 felony convictions of the petitioner from one  
20 information or indictment under this paragraph (10). A  
21 petitioner may only receive one certificate of eligibility  
22 for sealing under this provision for life; and

23 (11) upon a petition by a person who after having been  
24 convicted of a Class 3 or Class 4 felony thereafter served  
25 in the United States Armed Forces or National Guard of  
26 this or any other state and had received an honorable

1 discharge from the United States Armed Forces or National  
2 Guard or who at the time of filing the petition is enlisted  
3 in the United States Armed Forces or National Guard of  
4 this or any other state and served one tour of duty and who  
5 meets the requirements of this paragraph, hear by at least  
6 3 members and, with the unanimous vote of a panel of 3  
7 members, issue a certificate of eligibility for  
8 expungement recommending that the court order the  
9 expungement of all official records of the arresting  
10 authority, the circuit court clerk, and the Illinois  
11 ~~Department of~~ State Police concerning the arrest and  
12 conviction for the Class 3 or 4 felony. A person may not  
13 apply to the Board for a certificate of eligibility for  
14 expungement:

15 (A) if convicted of:

16 (i) a sex offense described in Article 11 or  
17 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
18 the Criminal Code of 1961 or Criminal Code of  
19 2012;

20 (ii) an offense under the Criminal Code of  
21 1961 or Criminal Code of 2012 involving a firearm;  
22 or

23 (iii) a crime of violence as defined in  
24 Section 2 of the Crime Victims Compensation Act;  
25 or

26 (B) if the person has not served in the United

1 States Armed Forces or National Guard of this or any  
2 other state or has not received an honorable discharge  
3 from the United States Armed Forces or National Guard  
4 of this or any other state or who at the time of the  
5 filing of the petition is serving in the United States  
6 Armed Forces or National Guard of this or any other  
7 state and has not completed one tour of duty.

8 If a person has applied to the Board for a certificate  
9 of eligibility for expungement and the Board denies the  
10 certificate, the person must wait at least 4 years before  
11 filing again or filing for a pardon with authorization for  
12 expungement from the Governor unless the Governor or  
13 Chairman of the Prisoner Review Board grants a waiver.

14 (a-5) The Prisoner Review Board, with the cooperation of  
15 and in coordination with the Department of Corrections and the  
16 Department of Central Management Services, shall implement a  
17 pilot project in 3 correctional institutions providing for the  
18 conduct of hearings under paragraphs (1) and (4) of subsection  
19 (a) of this Section through interactive video conferences. The  
20 project shall be implemented within 6 months after January 1,  
21 1997 (the effective date of Public Act 89-490) ~~this amendatory~~  
22 ~~Act of 1996~~. Within 6 months after the implementation of the  
23 pilot project, the Prisoner Review Board, with the cooperation  
24 of and in coordination with the Department of Corrections and  
25 the Department of Central Management Services, shall report to  
26 the Governor and the General Assembly regarding the use,

1 costs, effectiveness, and future viability of interactive  
2 video conferences for Prisoner Review Board hearings.

3 (b) Upon recommendation of the Department the Board may  
4 restore sentence credit previously revoked.

5 (c) The Board shall cooperate with the Department in  
6 promoting an effective system of parole and mandatory  
7 supervised release.

8 (d) The Board shall promulgate rules for the conduct of  
9 its work, and the Chairman shall file a copy of such rules and  
10 any amendments thereto with the Director and with the  
11 Secretary of State.

12 (e) The Board shall keep records of all of its official  
13 actions and shall make them accessible in accordance with law  
14 and the rules of the Board.

15 (f) The Board or one who has allegedly violated the  
16 conditions of his or her parole, aftercare release, or  
17 mandatory supervised release may require by subpoena the  
18 attendance and testimony of witnesses and the production of  
19 documentary evidence relating to any matter under  
20 investigation or hearing. The Chairman of the Board may sign  
21 subpoenas which shall be served by any agent or public  
22 official authorized by the Chairman of the Board, or by any  
23 person lawfully authorized to serve a subpoena under the laws  
24 of the State of Illinois. The attendance of witnesses, and the  
25 production of documentary evidence, may be required from any  
26 place in the State to a hearing location in the State before

1 the Chairman of the Board or his or her designated agent or  
2 agents or any duly constituted Committee or Subcommittee of  
3 the Board. Witnesses so summoned shall be paid the same fees  
4 and mileage that are paid witnesses in the circuit courts of  
5 the State, and witnesses whose depositions are taken and the  
6 persons taking those depositions are each entitled to the same  
7 fees as are paid for like services in actions in the circuit  
8 courts of the State. Fees and mileage shall be vouchered for  
9 payment when the witness is discharged from further  
10 attendance.

11 In case of disobedience to a subpoena, the Board may  
12 petition any circuit court of the State for an order requiring  
13 the attendance and testimony of witnesses or the production of  
14 documentary evidence or both. A copy of such petition shall be  
15 served by personal service or by registered or certified mail  
16 upon the person who has failed to obey the subpoena, and such  
17 person shall be advised in writing that a hearing upon the  
18 petition will be requested in a court room to be designated in  
19 such notice before the judge hearing motions or extraordinary  
20 remedies at a specified time, on a specified date, not less  
21 than 10 nor more than 15 days after the deposit of the copy of  
22 the written notice and petition in the U.S. mail ~~mail~~  
23 addressed to the person at his or her last known address or  
24 after the personal service of the copy of the notice and  
25 petition upon such person. The court upon the filing of such a  
26 petition, may order the person refusing to obey the subpoena

1 to appear at an investigation or hearing, or to there produce  
2 documentary evidence, if so ordered, or to give evidence  
3 relative to the subject matter of that investigation or  
4 hearing. Any failure to obey such order of the circuit court  
5 may be punished by that court as a contempt of court.

6 Each member of the Board and any hearing officer  
7 designated by the Board shall have the power to administer  
8 oaths and to take the testimony of persons under oath.

9 (g) Except under subsection (a) of this Section, a  
10 majority of the members then appointed to the Prisoner Review  
11 Board shall constitute a quorum for the transaction of all  
12 business of the Board.

13 (h) The Prisoner Review Board shall annually transmit to  
14 the Director a detailed report of its work for the preceding  
15 calendar year. The annual report shall also be transmitted to  
16 the Governor for submission to the Legislature.

17 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20;  
18 revised 8-19-20.)

19 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

20 Sec. 3-14-1. Release from the institution.

21 (a) Upon release of a person on parole, mandatory release,  
22 final discharge or pardon the Department shall return all  
23 property held for him, provide him with suitable clothing and  
24 procure necessary transportation for him to his designated  
25 place of residence and employment. It may provide such person

1 with a grant of money for travel and expenses which may be paid  
2 in installments. The amount of the money grant shall be  
3 determined by the Department.

4 (a-1) The Department shall, before a wrongfully imprisoned  
5 person, as defined in Section 3-1-2 of this Code, is  
6 discharged from the Department, provide him or her with any  
7 documents necessary after discharge.

8 (a-2) The Department of Corrections may establish and  
9 maintain, in any institution it administers, revolving funds  
10 to be known as "Travel and Allowances Revolving Funds". These  
11 revolving funds shall be used for advancing travel and expense  
12 allowances to committed, paroled, and discharged prisoners.  
13 The moneys paid into such revolving funds shall be from  
14 appropriations to the Department for Committed, Paroled, and  
15 Discharged Prisoners.

16 (a-3) Upon release of a person who is eligible to vote on  
17 parole, mandatory release, final discharge, or pardon, the  
18 Department shall provide the person with a form that informs  
19 him or her that his or her voting rights have been restored and  
20 a voter registration application. The Department shall have  
21 available voter registration applications in the languages  
22 provided by the Illinois State Board of Elections. The form  
23 that informs the person that his or her rights have been  
24 restored shall include the following information:

25 (1) All voting rights are restored upon release from  
26 the Department's custody.



1           (2) A person who is eligible to vote must register in  
2           order to be able to vote.

3           The Department of Corrections shall confirm that the  
4           person received the voter registration application and has  
5           been informed that his or her voting rights have been  
6           restored.

7           (a-4) ~~(a-3)~~ Prior to release of a person on parole,  
8           mandatory supervised release, final discharge, or pardon, the  
9           Department shall screen every person for Medicaid eligibility.  
10          Officials of the correctional institution or facility where  
11          the committed person is assigned shall assist an eligible  
12          person to complete a Medicaid application to ensure that the  
13          person begins receiving benefits as soon as possible after his  
14          or her release. The application must include the eligible  
15          person's address associated with his or her residence upon  
16          release from the facility. If the residence is temporary, the  
17          eligible person must notify the Department of Human Services  
18          of his or her change in address upon transition to permanent  
19          housing.

20          (b) (Blank).

21          (c) Except as otherwise provided in this Code, the  
22          Department shall establish procedures to provide written  
23          notification of any release of any person who has been  
24          convicted of a felony to the State's Attorney and sheriff of  
25          the county from which the offender was committed, and the  
26          State's Attorney and sheriff of the county into which the

1 offender is to be paroled or released. Except as otherwise  
2 provided in this Code, the Department shall establish  
3 procedures to provide written notification to the proper law  
4 enforcement agency for any municipality of any release of any  
5 person who has been convicted of a felony if the arrest of the  
6 offender or the commission of the offense took place in the  
7 municipality, if the offender is to be paroled or released  
8 into the municipality, or if the offender resided in the  
9 municipality at the time of the commission of the offense. If a  
10 person convicted of a felony who is in the custody of the  
11 Department of Corrections or on parole or mandatory supervised  
12 release informs the Department that he or she has resided,  
13 resides, or will reside at an address that is a housing  
14 facility owned, managed, operated, or leased by a public  
15 housing agency, the Department must send written notification  
16 of that information to the public housing agency that owns,  
17 manages, operates, or leases the housing facility. The written  
18 notification shall, when possible, be given at least 14 days  
19 before release of the person from custody, or as soon  
20 thereafter as possible. The written notification shall be  
21 provided electronically if the State's Attorney, sheriff,  
22 proper law enforcement agency, or public housing agency has  
23 provided the Department with an accurate and up to date email  
24 address.

25 (c-1) (Blank).

26 (c-2) The Department shall establish procedures to provide

1 notice to the Illinois ~~Department of~~ State Police of the  
2 release or discharge of persons convicted of violations of the  
3 Methamphetamine Control and Community Protection Act or a  
4 violation of the Methamphetamine Precursor Control Act. The  
5 Illinois ~~Department of~~ State Police shall make this  
6 information available to local, State, or federal law  
7 enforcement agencies upon request.

8 (c-5) If a person on parole or mandatory supervised  
9 release becomes a resident of a facility licensed or regulated  
10 by the Department of Public Health, the Illinois Department of  
11 Public Aid, or the Illinois Department of Human Services, the  
12 Department of Corrections shall provide copies of the  
13 following information to the appropriate licensing or  
14 regulating Department and the licensed or regulated facility  
15 where the person becomes a resident:

16 (1) The mittimus and any pre-sentence investigation  
17 reports.

18 (2) The social evaluation prepared pursuant to Section  
19 3-8-2.

20 (3) Any pre-release evaluation conducted pursuant to  
21 subsection (j) of Section 3-6-2.

22 (4) Reports of disciplinary infractions and  
23 dispositions.

24 (5) Any parole plan, including orders issued by the  
25 Prisoner Review Board, and any violation reports and  
26 dispositions.

1           (6) The name and contact information for the assigned  
2 parole agent and parole supervisor.

3           This information shall be provided within 3 days of the  
4 person becoming a resident of the facility.

5           (c-10) If a person on parole or mandatory supervised  
6 release becomes a resident of a facility licensed or regulated  
7 by the Department of Public Health, the Illinois Department of  
8 Public Aid, or the Illinois Department of Human Services, the  
9 Department of Corrections shall provide written notification  
10 of such residence to the following:

11           (1) The Prisoner Review Board.

12           (2) The chief of police and sheriff in the  
13 municipality and county in which the licensed facility is  
14 located.

15           The notification shall be provided within 3 days of the  
16 person becoming a resident of the facility.

17           (d) Upon the release of a committed person on parole,  
18 mandatory supervised release, final discharge or pardon, the  
19 Department shall provide such person with information  
20 concerning programs and services of the Illinois Department of  
21 Public Health to ascertain whether such person has been  
22 exposed to the human immunodeficiency virus (HIV) or any  
23 identified causative agent of Acquired Immunodeficiency  
24 Syndrome (AIDS).

25           (e) Upon the release of a committed person on parole,  
26 mandatory supervised release, final discharge, pardon, or who

1 has been wrongfully imprisoned, the Department shall verify  
2 the released person's full name, date of birth, and social  
3 security number. If verification is made by the Department by  
4 obtaining a certified copy of the released person's birth  
5 certificate and the released person's social security card or  
6 other documents authorized by the Secretary, the Department  
7 shall provide the birth certificate and social security card  
8 or other documents authorized by the Secretary to the released  
9 person. If verification by the Department is done by means  
10 other than obtaining a certified copy of the released person's  
11 birth certificate and the released person's social security  
12 card or other documents authorized by the Secretary, the  
13 Department shall complete a verification form, prescribed by  
14 the Secretary of State, and shall provide that verification  
15 form to the released person.

16 (f) Forty-five days prior to the scheduled discharge of a  
17 person committed to the custody of the Department of  
18 Corrections, the Department shall give the person who is  
19 otherwise uninsured an opportunity to apply for health care  
20 coverage including medical assistance under Article V of the  
21 Illinois Public Aid Code in accordance with subsection (b) of  
22 Section 1-8.5 of the Illinois Public Aid Code, and the  
23 Department of Corrections shall provide assistance with  
24 completion of the application for health care coverage  
25 including medical assistance. The Department may adopt rules  
26 to implement this Section.

1 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;  
2 revised 9-9-19.)

3 (730 ILCS 5/3-14-1.5)

4 Sec. 3-14-1.5. Parole agents and parole supervisors;  
5 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and  
6 Section 24-1.6 of the Criminal Code of 2012 do not apply to  
7 parole agents and parole supervisors who meet the following  
8 conditions:

9 (1) The parole agent or parole supervisor must receive  
10 training in the use of firearms while off-duty conducted by  
11 the Illinois Law Enforcement Training Standards Board and be  
12 certified as having successfully completing such training by  
13 the Board. The Board shall determine the amount of such  
14 training and the course content for such training. The parole  
15 agent or parole supervisor shall requalify for the firearms  
16 training annually at a State range certified by the Illinois  
17 Law Enforcement Training Standards Board. The expenses of such  
18 retraining shall be paid by the parole agent or parole  
19 supervisor and moneys for such requalification shall be  
20 expended at the request of the Illinois Law Enforcement  
21 Training Standards Board.

22 (2) The parole agent or parole supervisor shall purchase  
23 such firearm at his or her own expense and shall register the  
24 firearm with the Illinois ~~Department of~~ State Police and with  
25 any other local law enforcement agencies that require such

1 registration.

2 (3) The parole agent or parole supervisor may not carry  
3 any Illinois Department of Corrections State issued firearm  
4 while off-duty. A person who violates this paragraph (3) is  
5 subject to disciplinary action by the Illinois Department of  
6 Corrections.

7 (4) Parole agents and supervisors who are discharged from  
8 employment of the Illinois Department of Corrections shall no  
9 longer be considered law enforcement officials and all their  
10 rights as law enforcement officials shall be revoked  
11 permanently.

12 (Source: P.A. 96-230, eff. 1-1-10; 97-333, eff. 8-12-11;  
13 97-1150, eff. 1-25-13.)

14 (730 ILCS 5/3-17-5)

15 Sec. 3-17-5. Transitional housing; licensing.

16 (a) The Department of Corrections shall license  
17 transitional housing facilities for persons convicted of or  
18 placed on supervision for sex offenses as defined in the Sex  
19 Offender Management Board Act.

20 (b) A transitional housing facility must meet the  
21 following criteria to be licensed by the Department:

22 (1) The facility shall provide housing to a sex  
23 offender who is in compliance with his or her parole,  
24 mandatory supervised release, probation, or supervision  
25 order for a period not to exceed 90 days, unless extended

1 with approval from the Director or his or her designee.  
2 Notice of any extension approved shall be provided to the  
3 Prisoner Review Board.

4 (2) The Department of Corrections must approve a  
5 treatment plan and counseling for each sex offender  
6 residing in the transitional housing.

7 (3) The transitional housing facility must provide  
8 security 24 hours each day and 7 days each week as defined  
9 and approved by the Department.

10 (4) The facility must notify the police department,  
11 public and private elementary and secondary schools,  
12 public libraries, and each residential home and apartment  
13 complex located within 500 feet of the transitional  
14 housing facility of its initial licensure as a  
15 transitional housing facility, and of its continuing  
16 operation as a transitional housing facility annually  
17 thereafter.

18 (5) Upon its initial licensure as a transitional  
19 housing facility and during its licensure, each facility  
20 shall maintain at its main entrance a visible and  
21 conspicuous exterior sign identifying itself as, in  
22 letters at least 4 inches tall, a "Department of  
23 Corrections Licensed Transitional Housing Facility".

24 (6) Upon its initial licensure as a transitional  
25 housing facility, each facility shall file in the office  
26 of the county clerk of the county in which such facility is



1 located, a certificate setting forth the name under which  
2 the facility is, or is to be, operated, and the true or  
3 real full name or names of the person, persons or entity  
4 operating the same, with the address of the facility. The  
5 certificate shall be executed and duly acknowledged by the  
6 person or persons so operating or intending to operate the  
7 facility. Notice of the filing of the certificate shall be  
8 published in a newspaper of general circulation published  
9 within the county in which the certificate is filed. The  
10 notice shall be published once a week for 3 consecutive  
11 weeks. The first publication shall be within 15 days after  
12 the certificate is filed in the office of the county  
13 clerk. Proof of publication shall be filed with the county  
14 clerk within 50 days from the date of filing the  
15 certificate. Upon receiving proof of publication, the  
16 clerk shall issue a receipt to the person filing the  
17 certificate, but no additional charge shall be assessed by  
18 the clerk for giving such receipt. Unless proof of  
19 publication is made to the clerk, the notification is  
20 void.

21 (7) Each licensed transitional housing facility shall  
22 be identified on the Illinois State Police Sex Offender  
23 Registry website, including the address of the facility  
24 together with the maximum possible number of sex offenders  
25 that the facility could house.

26 (c) The Department of Corrections shall establish rules

1 consistent with this Section establishing licensing procedures  
2 and criteria for transitional housing facilities for sex  
3 offenders, and may create criteria for, and issue licenses  
4 for, different levels of facilities to be licensed. The  
5 Department is authorized to set and charge a licensing fee for  
6 each application for a transitional housing license. The rules  
7 shall be adopted within 60 days after the effective date of  
8 this amendatory Act of the 94th General Assembly. Facilities  
9 which on the effective date of this amendatory Act of the 94th  
10 General Assembly are currently housing and providing sex  
11 offender treatment to sex offenders may continue housing more  
12 than one sex offender on parole, mandatory supervised release,  
13 probation, or supervision for a period of 120 days after the  
14 adoption of licensure rules during which time the facility  
15 shall apply for a transitional housing license.

16 (d) The Department of Corrections shall maintain a file on  
17 each sex offender housed in a transitional housing facility.  
18 The file shall contain efforts of the Department in placing a  
19 sex offender in non-transitional housing, efforts of the  
20 Department to place the sex offender in a county from which he  
21 or she was convicted, the anticipated length of stay of each  
22 sex offender in the transitional housing facility, the number  
23 of sex offenders residing in the transitional housing  
24 facility, and the services to be provided the sex offender  
25 while he or she resides in the transitional housing facility.

26 (e) The Department of Corrections shall, on or before

1 December 31 of each year, file a report with the General  
2 Assembly on the number of transitional housing facilities for  
3 sex offenders licensed by the Department, the addresses of  
4 each licensed facility, how many sex offenders are housed in  
5 each facility, and the particular sex offense that each  
6 resident of the transitional housing facility committed.

7 (Source: P.A. 94-161, eff. 7-11-05; 95-331, eff. 8-21-07.)

8 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

9 Sec. 5-2-4. Proceedings after acquittal by reason of  
10 insanity.

11 (a) After a finding or verdict of not guilty by reason of  
12 insanity under Sections 104-25, 115-3, or 115-4 of the Code of  
13 Criminal Procedure of 1963, the defendant shall be ordered to  
14 the Department of Human Services for an evaluation as to  
15 whether he is in need of mental health services. The order  
16 shall specify whether the evaluation shall be conducted on an  
17 inpatient or outpatient basis. If the evaluation is to be  
18 conducted on an inpatient basis, the defendant shall be placed  
19 in a secure setting. With the court order for evaluation shall  
20 be sent a copy of the arrest report, criminal charges, arrest  
21 record, jail record, any report prepared under Section 115-6  
22 of the Code of Criminal Procedure of 1963, and any statement  
23 prepared under Section 6 of the Rights of Crime Victims and  
24 Witnesses Act. The clerk of the circuit court shall transmit  
25 this information to the Department within 5 days. If the court

1 orders that the evaluation be done on an inpatient basis, the  
2 Department shall evaluate the defendant to determine to which  
3 secure facility the defendant shall be transported and, within  
4 20 days of the transmittal by the clerk of the circuit court of  
5 the placement court order, notify the sheriff of the  
6 designated facility. Upon receipt of that notice, the sheriff  
7 shall promptly transport the defendant to the designated  
8 facility. During the period of time required to determine the  
9 appropriate placement, the defendant shall remain in jail. If,  
10 within 20 days of the transmittal by the clerk of the circuit  
11 court of the placement court order, the Department fails to  
12 notify the sheriff of the identity of the facility to which the  
13 defendant shall be transported, the sheriff shall contact a  
14 designated person within the Department to inquire about when  
15 a placement will become available at the designated facility  
16 and bed availability at other facilities. If, within 20 days  
17 of the transmittal by the clerk of the circuit court of the  
18 placement court order, the Department fails to notify the  
19 sheriff of the identity of the facility to which the defendant  
20 shall be transported, the sheriff shall notify the Department  
21 of its intent to transfer the defendant to the nearest secure  
22 mental health facility operated by the Department and inquire  
23 as to the status of the placement evaluation and availability  
24 for admission to the facility operated by the Department by  
25 contacting a designated person within the Department. The  
26 Department shall respond to the sheriff within 2 business days

1 of the notice and inquiry by the sheriff seeking the transfer  
2 and the Department shall provide the sheriff with the status  
3 of the placement evaluation, information on bed and placement  
4 availability, and an estimated date of admission for the  
5 defendant and any changes to that estimated date of admission.  
6 If the Department notifies the sheriff during the 2 business  
7 day period of a facility operated by the Department with  
8 placement availability, the sheriff shall promptly transport  
9 the defendant to that facility. Individualized placement  
10 evaluations by the Department of Human Services determine the  
11 most appropriate setting for forensic treatment based upon a  
12 number of factors including mental health diagnosis, proximity  
13 to surviving victims, security need, age, gender, and  
14 proximity to family.

15 The Department shall provide the Court with a report of  
16 its evaluation within 30 days of the date of this order. The  
17 Court shall hold a hearing as provided under the Mental Health  
18 and Developmental Disabilities Code to determine if the  
19 individual is: (a) in need of mental health services on an  
20 inpatient basis; (b) in need of mental health services on an  
21 outpatient basis; (c) a person not in need of mental health  
22 services. The court shall afford the victim the opportunity to  
23 make a written or oral statement as guaranteed by Article I,  
24 Section 8.1 of the Illinois Constitution and Section 6 of the  
25 Rights of Crime Victims and Witnesses Act. The court shall  
26 allow a victim to make an oral statement if the victim is

1 present in the courtroom and requests to make an oral  
2 statement. An oral statement includes the victim or a  
3 representative of the victim reading the written statement.  
4 The court may allow persons impacted by the crime who are not  
5 victims under subsection (a) of Section 3 of the Rights of  
6 Crime Victims and Witnesses Act to present an oral or written  
7 statement. A victim and any person making an oral statement  
8 shall not be put under oath or subject to cross-examination.  
9 The court shall consider any statement presented along with  
10 all other appropriate factors in determining the sentence of  
11 the defendant or disposition of the juvenile. All statements  
12 shall become part of the record of the court.

13 If the defendant is found to be in need of mental health  
14 services on an inpatient care basis, the Court shall order the  
15 defendant to the Department of Human Services. The defendant  
16 shall be placed in a secure setting. Such defendants placed in  
17 a secure setting shall not be permitted outside the facility's  
18 housing unit unless escorted or accompanied by personnel of  
19 the Department of Human Services or with the prior approval of  
20 the Court for unsupervised on-grounds privileges as provided  
21 herein. Any defendant placed in a secure setting pursuant to  
22 this Section, transported to court hearings or other necessary  
23 appointments off facility grounds by personnel of the  
24 Department of Human Services, shall be placed in security  
25 devices or otherwise secured during the period of  
26 transportation to assure secure transport of the defendant and

1 the safety of Department of Human Services personnel and  
2 others. These security measures shall not constitute restraint  
3 as defined in the Mental Health and Developmental Disabilities  
4 Code. If the defendant is found to be in need of mental health  
5 services, but not on an inpatient care basis, the Court shall  
6 conditionally release the defendant, under such conditions as  
7 set forth in this Section as will reasonably assure the  
8 defendant's satisfactory progress and participation in  
9 treatment or rehabilitation and the safety of the defendant,  
10 the victim, the victim's family members, and others. If the  
11 Court finds the person not in need of mental health services,  
12 then the Court shall order the defendant discharged from  
13 custody.

14 (a-1) Definitions. For the purposes of this Section:

15 (A) (Blank).

16 (B) "In need of mental health services on an inpatient  
17 basis" means: a defendant who has been found not guilty by  
18 reason of insanity but who, due to mental illness, is  
19 reasonably expected to inflict serious physical harm upon  
20 himself or another and who would benefit from inpatient  
21 care or is in need of inpatient care.

22 (C) "In need of mental health services on an  
23 outpatient basis" means: a defendant who has been found  
24 not guilty by reason of insanity who is not in need of  
25 mental health services on an inpatient basis, but is in  
26 need of outpatient care, drug and/or alcohol

1 rehabilitation programs, community adjustment programs,  
2 individual, group, or family therapy, or chemotherapy.

3 (D) "Conditional Release" means: the release from  
4 either the custody of the Department of Human Services or  
5 the custody of the Court of a person who has been found not  
6 guilty by reason of insanity under such conditions as the  
7 Court may impose which reasonably assure the defendant's  
8 satisfactory progress in treatment or habilitation and the  
9 safety of the defendant, the victim, the victim's family,  
10 and others. The Court shall consider such terms and  
11 conditions which may include, but need not be limited to,  
12 outpatient care, alcoholic and drug rehabilitation  
13 programs, community adjustment programs, individual,  
14 group, family, and chemotherapy, random testing to ensure  
15 the defendant's timely and continuous taking of any  
16 medicines prescribed to control or manage his or her  
17 conduct or mental state, and periodic checks with the  
18 legal authorities and/or the Department of Human Services.  
19 The Court may order as a condition of conditional release  
20 that the defendant not contact the victim of the offense  
21 that resulted in the finding or verdict of not guilty by  
22 reason of insanity or any other person. The Court may  
23 order the Department of Human Services to provide care to  
24 any person conditionally released under this Section. The  
25 Department may contract with any public or private agency  
26 in order to discharge any responsibilities imposed under



1           this Section. The Department shall monitor the provision  
2           of services to persons conditionally released under this  
3           Section and provide periodic reports to the Court  
4           concerning the services and the condition of the  
5           defendant. Whenever a person is conditionally released  
6           pursuant to this Section, the State's Attorney for the  
7           county in which the hearing is held shall designate in  
8           writing the name, telephone number, and address of a  
9           person employed by him or her who shall be notified in the  
10          event that either the reporting agency or the Department  
11          decides that the conditional release of the defendant  
12          should be revoked or modified pursuant to subsection (i)  
13          of this Section. Such conditional release shall be for a  
14          period of five years. However, the defendant, the person  
15          or facility rendering the treatment, therapy, program or  
16          outpatient care, the Department, or the State's Attorney  
17          may petition the Court for an extension of the conditional  
18          release period for an additional 5 years. Upon receipt of  
19          such a petition, the Court shall hold a hearing consistent  
20          with the provisions of paragraph (a), this paragraph  
21          (a-1), and paragraph (f) of this Section, shall determine  
22          whether the defendant should continue to be subject to the  
23          terms of conditional release, and shall enter an order  
24          either extending the defendant's period of conditional  
25          release for an additional 5-year period or discharging the  
26          defendant. Additional 5-year periods of conditional

1 release may be ordered following a hearing as provided in  
2 this Section. However, in no event shall the defendant's  
3 period of conditional release continue beyond the maximum  
4 period of commitment ordered by the Court pursuant to  
5 paragraph (b) of this Section. These provisions for  
6 extension of conditional release shall only apply to  
7 defendants conditionally released on or after August 8,  
8 2003. However, the extension provisions of Public Act  
9 83-1449 apply only to defendants charged with a forcible  
10 felony.

11 (E) "Facility director" means the chief officer of a  
12 mental health or developmental disabilities facility or  
13 his or her designee or the supervisor of a program of  
14 treatment or habilitation or his or her designee.  
15 "Designee" may include a physician, clinical psychologist,  
16 social worker, nurse, or clinical professional counselor.

17 (b) If the Court finds the defendant in need of mental  
18 health services on an inpatient basis, the admission,  
19 detention, care, treatment or habilitation, treatment plans,  
20 review proceedings, including review of treatment and  
21 treatment plans, and discharge of the defendant after such  
22 order shall be under the Mental Health and Developmental  
23 Disabilities Code, except that the initial order for admission  
24 of a defendant acquitted of a felony by reason of insanity  
25 shall be for an indefinite period of time. Such period of  
26 commitment shall not exceed the maximum length of time that

1 the defendant would have been required to serve, less credit  
2 for good behavior as provided in Section 5-4-1 of the Unified  
3 Code of Corrections, before becoming eligible for release had  
4 he been convicted of and received the maximum sentence for the  
5 most serious crime for which he has been acquitted by reason of  
6 insanity. The Court shall determine the maximum period of  
7 commitment by an appropriate order. During this period of  
8 time, the defendant shall not be permitted to be in the  
9 community in any manner, including, but not limited to,  
10 off-grounds privileges, with or without escort by personnel of  
11 the Department of Human Services, unsupervised on-grounds  
12 privileges, discharge or conditional or temporary release,  
13 except by a plan as provided in this Section. In no event shall  
14 a defendant's continued unauthorized absence be a basis for  
15 discharge. Not more than 30 days after admission and every 90  
16 days thereafter so long as the initial order remains in  
17 effect, the facility director shall file a treatment plan  
18 report in writing with the court and forward a copy of the  
19 treatment plan report to the clerk of the court, the State's  
20 Attorney, and the defendant's attorney, if the defendant is  
21 represented by counsel, or to a person authorized by the  
22 defendant under the Mental Health and Developmental  
23 Disabilities Confidentiality Act to be sent a copy of the  
24 report. The report shall include an opinion as to whether the  
25 defendant is currently in need of mental health services on an  
26 inpatient basis or in need of mental health services on an

1 outpatient basis. The report shall also summarize the basis  
2 for those findings and provide a current summary of the  
3 following items from the treatment plan: (1) an assessment of  
4 the defendant's treatment needs, (2) a description of the  
5 services recommended for treatment, (3) the goals of each type  
6 of element of service, (4) an anticipated timetable for the  
7 accomplishment of the goals, and (5) a designation of the  
8 qualified professional responsible for the implementation of  
9 the plan. The report may also include unsupervised on-grounds  
10 privileges, off-grounds privileges (with or without escort by  
11 personnel of the Department of Human Services), home visits  
12 and participation in work programs, but only where such  
13 privileges have been approved by specific court order, which  
14 order may include such conditions on the defendant as the  
15 Court may deem appropriate and necessary to reasonably assure  
16 the defendant's satisfactory progress in treatment and the  
17 safety of the defendant and others.

18 (c) Every defendant acquitted of a felony by reason of  
19 insanity and subsequently found to be in need of mental health  
20 services shall be represented by counsel in all proceedings  
21 under this Section and under the Mental Health and  
22 Developmental Disabilities Code.

23 (1) The Court shall appoint as counsel the public  
24 defender or an attorney licensed by this State.

25 (2) Upon filing with the Court of a verified statement  
26 of legal services rendered by the private attorney

1 appointed pursuant to paragraph (1) of this subsection,  
2 the Court shall determine a reasonable fee for such  
3 services. If the defendant is unable to pay the fee, the  
4 Court shall enter an order upon the State to pay the entire  
5 fee or such amount as the defendant is unable to pay from  
6 funds appropriated by the General Assembly for that  
7 purpose.

8 (d) When the facility director determines that:

9 (1) the defendant is no longer in need of mental  
10 health services on an inpatient basis; and

11 (2) the defendant may be conditionally released  
12 because he or she is still in need of mental health  
13 services or that the defendant may be discharged as not in  
14 need of any mental health services; ~~or~~

15 ~~(3) (blank);~~

16 the facility director shall give written notice to the Court,  
17 State's Attorney and defense attorney. Such notice shall set  
18 forth in detail the basis for the recommendation of the  
19 facility director, and specify clearly the recommendations, if  
20 any, of the facility director, concerning conditional release.  
21 Any recommendation for conditional release shall include an  
22 evaluation of the defendant's need for psychotropic  
23 medication, what provisions should be made, if any, to ensure  
24 that the defendant will continue to receive psychotropic  
25 medication following discharge, and what provisions should be  
26 made to assure the safety of the defendant and others in the

1 event the defendant is no longer receiving psychotropic  
2 medication. Within 30 days of the notification by the facility  
3 director, the Court shall set a hearing and make a finding as  
4 to whether the defendant is:

5 (i) (blank); or

6 (ii) in need of mental health services in the form of  
7 inpatient care; or

8 (iii) in need of mental health services but not  
9 subject to inpatient care; or

10 (iv) no longer in need of mental health services; or

11 (v) (blank).

12 A crime victim shall be allowed to present an oral and  
13 written statement. The court shall allow a victim to make an  
14 oral statement if the victim is present in the courtroom and  
15 requests to make an oral statement. An oral statement includes  
16 the victim or a representative of the victim reading the  
17 written statement. A victim and any person making an oral  
18 statement shall not be put under oath or subject to  
19 cross-examination. All statements shall become part of the  
20 record of the court.

21 Upon finding by the Court, the Court shall enter its  
22 findings and such appropriate order as provided in subsections  
23 (a) and (a-1) of this Section.

24 (e) A defendant admitted pursuant to this Section, or any  
25 person on his behalf, may file a petition for treatment plan  
26 review or discharge or conditional release under the standards

1 of this Section in the Court which rendered the verdict. Upon  
2 receipt of a petition for treatment plan review or discharge  
3 or conditional release, the Court shall set a hearing to be  
4 held within 120 days. Thereafter, no new petition may be filed  
5 for 180 days without leave of the Court.

6 (f) The Court shall direct that notice of the time and  
7 place of the hearing be served upon the defendant, the  
8 facility director, the State's Attorney, and the defendant's  
9 attorney. If requested by either the State or the defense or if  
10 the Court feels it is appropriate, an impartial examination of  
11 the defendant by a psychiatrist or clinical psychologist as  
12 defined in Section 1-103 of the Mental Health and  
13 Developmental Disabilities Code who is not in the employ of  
14 the Department of Human Services shall be ordered, and the  
15 report considered at the time of the hearing.

16 (g) The findings of the Court shall be established by  
17 clear and convincing evidence. The burden of proof and the  
18 burden of going forth with the evidence rest with the  
19 defendant or any person on the defendant's behalf when a  
20 hearing is held to review a petition filed by or on behalf of  
21 the defendant. The evidence shall be presented in open Court  
22 with the right of confrontation and cross-examination. Such  
23 evidence may include, but is not limited to:

24 (1) whether the defendant appreciates the harm caused  
25 by the defendant to others and the community by his or her  
26 prior conduct that resulted in the finding of not guilty

1 by reason of insanity;

2 (2) Whether the person appreciates the criminality of  
3 conduct similar to the conduct for which he or she was  
4 originally charged in this matter;

5 (3) the current state of the defendant's illness;

6 (4) what, if any, medications the defendant is taking  
7 to control his or her mental illness;

8 (5) what, if any, adverse physical side effects the  
9 medication has on the defendant;

10 (6) the length of time it would take for the  
11 defendant's mental health to deteriorate if the defendant  
12 stopped taking prescribed medication;

13 (7) the defendant's history or potential for alcohol  
14 and drug abuse;

15 (8) the defendant's past criminal history;

16 (9) any specialized physical or medical needs of the  
17 defendant;

18 (10) any family participation or involvement expected  
19 upon release and what is the willingness and ability of  
20 the family to participate or be involved;

21 (11) the defendant's potential to be a danger to  
22 himself, herself, or others;

23 (11.5) a written or oral statement made by the victim;  
24 and

25 (12) any other factor or factors the Court deems  
26 appropriate.



1           (h) Before the court orders that the defendant be  
2 discharged or conditionally released, it shall order the  
3 facility director to establish a discharge plan that includes  
4 a plan for the defendant's shelter, support, and medication.  
5 If appropriate, the court shall order that the facility  
6 director establish a program to train the defendant in  
7 self-medication under standards established by the Department  
8 of Human Services. If the Court finds, consistent with the  
9 provisions of this Section, that the defendant is no longer in  
10 need of mental health services it shall order the facility  
11 director to discharge the defendant. If the Court finds,  
12 consistent with the provisions of this Section, that the  
13 defendant is in need of mental health services, and no longer  
14 in need of inpatient care, it shall order the facility  
15 director to release the defendant under such conditions as the  
16 Court deems appropriate and as provided by this Section. Such  
17 conditional release shall be imposed for a period of 5 years as  
18 provided in paragraph (D) of subsection (a-1) and shall be  
19 subject to later modification by the Court as provided by this  
20 Section. If the Court finds consistent with the provisions in  
21 this Section that the defendant is in need of mental health  
22 services on an inpatient basis, it shall order the facility  
23 director not to discharge or release the defendant in  
24 accordance with paragraph (b) of this Section.

25           (i) If within the period of the defendant's conditional  
26 release the State's Attorney determines that the defendant has

1 not fulfilled the conditions of his or her release, the  
2 State's Attorney may petition the Court to revoke or modify  
3 the conditional release of the defendant. Upon the filing of  
4 such petition the defendant may be remanded to the custody of  
5 the Department, or to any other mental health facility  
6 designated by the Department, pending the resolution of the  
7 petition. Nothing in this Section shall prevent the emergency  
8 admission of a defendant pursuant to Article VI of Chapter III  
9 of the Mental Health and Developmental Disabilities Code or  
10 the voluntary admission of the defendant pursuant to Article  
11 IV of Chapter III of the Mental Health and Developmental  
12 Disabilities Code. If the Court determines, after hearing  
13 evidence, that the defendant has not fulfilled the conditions  
14 of release, the Court shall order a hearing to be held  
15 consistent with the provisions of paragraph (f) and (g) of  
16 this Section. At such hearing, if the Court finds that the  
17 defendant is in need of mental health services on an inpatient  
18 basis, it shall enter an order remanding him or her to the  
19 Department of Human Services or other facility. If the  
20 defendant is remanded to the Department of Human Services, he  
21 or she shall be placed in a secure setting unless the Court  
22 determines that there are compelling reasons that such  
23 placement is not necessary. If the Court finds that the  
24 defendant continues to be in need of mental health services  
25 but not on an inpatient basis, it may modify the conditions of  
26 the original release in order to reasonably assure the

1 defendant's satisfactory progress in treatment and his or her  
2 safety and the safety of others in accordance with the  
3 standards established in paragraph (D) of subsection (a-1).  
4 Nothing in this Section shall limit a Court's contempt powers  
5 or any other powers of a Court.

6 (j) An order of admission under this Section does not  
7 affect the remedy of habeas corpus.

8 (k) In the event of a conflict between this Section and the  
9 Mental Health and Developmental Disabilities Code or the  
10 Mental Health and Developmental Disabilities Confidentiality  
11 Act, the provisions of this Section shall govern.

12 (l) Public Act 90-593 shall apply to all persons who have  
13 been found not guilty by reason of insanity and who are  
14 presently committed to the Department of Mental Health and  
15 Developmental Disabilities (now the Department of Human  
16 Services).

17 (m) The Clerk of the Court shall transmit a certified copy  
18 of the order of discharge or conditional release to the  
19 Department of Human Services, to the sheriff of the county  
20 from which the defendant was admitted, to the Illinois  
21 ~~Department of~~ State Police, to the proper law enforcement  
22 agency for the municipality where the offense took place, and  
23 to the sheriff of the county into which the defendant is  
24 conditionally discharged. The Illinois ~~Department of~~ State  
25 Police shall maintain a centralized record of discharged or  
26 conditionally released defendants while they are under court

1 supervision for access and use of appropriate law enforcement  
2 agencies.

3 (n) The provisions in this Section which allow ~~allows~~ a  
4 crime victim to make a written and oral statement do not apply  
5 if the defendant was under 18 years of age at the time the  
6 offense was committed.

7 (o) If any provision of this Section or its application to  
8 any person or circumstance is held invalid, the invalidity of  
9 that provision does not affect any other provision or  
10 application of this Section that can be given effect without  
11 the invalid provision or application.

12 (Source: P.A. 100-27, eff. 1-1-18; 100-424, eff. 1-1-18;  
13 100-863, eff. 8-14-18; 100-961, eff. 1-1-19; 101-81, eff.  
14 7-12-19; revised 9-24-19.)

15 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

16 Sec. 5-4-3. Specimens; genetic marker groups.

17 (a) Any person convicted of, found guilty under the  
18 Juvenile Court Act of 1987 for, or who received a disposition  
19 of court supervision for, a qualifying offense or attempt of a  
20 qualifying offense, convicted or found guilty of any offense  
21 classified as a felony under Illinois law, convicted or found  
22 guilty of any offense requiring registration under the Sex  
23 Offender Registration Act, found guilty or given supervision  
24 for any offense classified as a felony under the Juvenile  
25 Court Act of 1987, convicted or found guilty of, under the

1 Juvenile Court Act of 1987, any offense requiring registration  
2 under the Sex Offender Registration Act, or institutionalized  
3 as a sexually dangerous person under the Sexually Dangerous  
4 Persons Act, or committed as a sexually violent person under  
5 the Sexually Violent Persons Commitment Act shall, regardless  
6 of the sentence or disposition imposed, be required to submit  
7 specimens of blood, saliva, or tissue to the Illinois  
8 ~~Department of~~ State Police in accordance with the provisions  
9 of this Section, provided such person is:

10 (1) convicted of a qualifying offense or attempt of a  
11 qualifying offense on or after July 1, 1990 and sentenced  
12 to a term of imprisonment, periodic imprisonment, fine,  
13 probation, conditional discharge or any other form of  
14 sentence, or given a disposition of court supervision for  
15 the offense;

16 (1.5) found guilty or given supervision under the  
17 Juvenile Court Act of 1987 for a qualifying offense or  
18 attempt of a qualifying offense on or after January 1,  
19 1997;

20 (2) ordered institutionalized as a sexually dangerous  
21 person on or after July 1, 1990;

22 (3) convicted of a qualifying offense or attempt of a  
23 qualifying offense before July 1, 1990 and is presently  
24 confined as a result of such conviction in any State  
25 correctional facility or county jail or is presently  
26 serving a sentence of probation, conditional discharge or

1 periodic imprisonment as a result of such conviction;

2 (3.5) convicted or found guilty of any offense  
3 classified as a felony under Illinois law or found guilty  
4 or given supervision for such an offense under the  
5 Juvenile Court Act of 1987 on or after August 22, 2002;

6 (4) presently institutionalized as a sexually  
7 dangerous person or presently institutionalized as a  
8 person found guilty but mentally ill of a sexual offense  
9 or attempt to commit a sexual offense; or

10 (4.5) ordered committed as a sexually violent person  
11 on or after the effective date of the Sexually Violent  
12 Persons Commitment Act.

13 (a-1) Any person incarcerated in a facility of the  
14 Illinois Department of Corrections or the Illinois Department  
15 of Juvenile Justice on or after August 22, 2002, whether for a  
16 term of years, natural life, or a sentence of death, who has  
17 not yet submitted a specimen of blood, saliva, or tissue shall  
18 be required to submit a specimen of blood, saliva, or tissue  
19 prior to his or her final discharge, or release on parole,  
20 aftercare release, or mandatory supervised release, as a  
21 condition of his or her parole, aftercare release, or  
22 mandatory supervised release, or within 6 months from August  
23 13, 2009 (the effective date of Public Act 96-426), whichever  
24 is sooner. A person incarcerated on or after August 13, 2009  
25 (the effective date of Public Act 96-426) shall be required to  
26 submit a specimen within 45 days of incarceration, or prior to

1 his or her final discharge, or release on parole, aftercare  
2 release, or mandatory supervised release, as a condition of  
3 his or her parole, aftercare release, or mandatory supervised  
4 release, whichever is sooner. These specimens shall be placed  
5 into the State or national DNA database, to be used in  
6 accordance with other provisions of this Section, by the  
7 Illinois State Police.

8 (a-2) Any person sentenced to life imprisonment in a  
9 facility of the Illinois Department of Corrections after the  
10 effective date of this amendatory Act of the 94th General  
11 Assembly or sentenced to death after the effective date of  
12 this amendatory Act of the 94th General Assembly shall be  
13 required to provide a specimen of blood, saliva, or tissue  
14 within 45 days after sentencing or disposition at a collection  
15 site designated by the Illinois ~~Department of~~ State Police.  
16 Any person serving a sentence of life imprisonment in a  
17 facility of the Illinois Department of Corrections on the  
18 effective date of this amendatory Act of the 94th General  
19 Assembly or any person who is under a sentence of death on the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly shall be required to provide a specimen of blood,  
22 saliva, or tissue upon request at a collection site designated  
23 by the Illinois ~~Department of~~ State Police.

24 (a-3) Any person seeking transfer to or residency in  
25 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this  
26 Code, the Interstate Compact for Adult Offender Supervision,

1 or the Interstate Agreements on Sexually Dangerous Persons Act  
2 shall be required to provide a specimen of blood, saliva, or  
3 tissue within 45 days after transfer to or residency in  
4 Illinois at a collection site designated by the Illinois  
5 ~~Department of~~ State Police.

6 (a-3.1) Any person required by an order of the court to  
7 submit a DNA specimen shall be required to provide a specimen  
8 of blood, saliva, or tissue within 45 days after the court  
9 order at a collection site designated by the Illinois  
10 ~~Department of~~ State Police.

11 (a-3.2) On or after January 1, 2012 (the effective date of  
12 Public Act 97-383), any person arrested for any of the  
13 following offenses, after an indictment has been returned by a  
14 grand jury, or following a hearing pursuant to Section 109-3  
15 of the Code of Criminal Procedure of 1963 and a judge finds  
16 there is probable cause to believe the arrestee has committed  
17 one of the designated offenses, or an arrestee has waived a  
18 preliminary hearing shall be required to provide a specimen of  
19 blood, saliva, or tissue within 14 days after such indictment  
20 or hearing at a collection site designated by the Illinois  
21 ~~Department of~~ State Police:

22 (A) first degree murder;

23 (B) home invasion;

24 (C) predatory criminal sexual assault of a child;

25 (D) aggravated criminal sexual assault; or

26 (E) criminal sexual assault.



1 (a-3.3) Any person required to register as a sex offender  
2 under the Sex Offender Registration Act, regardless of the  
3 date of conviction as set forth in subsection (c-5.2) shall be  
4 required to provide a specimen of blood, saliva, or tissue  
5 within the time period prescribed in subsection (c-5.2) at a  
6 collection site designated by the Illinois ~~Department of~~ State  
7 Police.

8 (a-5) Any person who was otherwise convicted of or  
9 received a disposition of court supervision for any other  
10 offense under the Criminal Code of 1961 or the Criminal Code of  
11 2012 or who was found guilty or given supervision for such a  
12 violation under the Juvenile Court Act of 1987, may,  
13 regardless of the sentence imposed, be required by an order of  
14 the court to submit specimens of blood, saliva, or tissue to  
15 the Illinois ~~Department of~~ State Police in accordance with the  
16 provisions of this Section.

17 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
18 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
19 saliva, or tissue shall provide specimens of blood, saliva, or  
20 tissue within 45 days after sentencing or disposition at a  
21 collection site designated by the Illinois ~~Department of~~ State  
22 Police.

23 (c) Any person required by paragraphs (a)(3), (a)(4), and  
24 (a)(4.5) to provide specimens of blood, saliva, or tissue  
25 shall be required to provide such specimens prior to final  
26 discharge or within 6 months from August 13, 2009 (the

1 effective date of Public Act 96-426), whichever is sooner.  
2 These specimens shall be placed into the State or national DNA  
3 database, to be used in accordance with other provisions of  
4 this Act, by the Illinois State Police.

5 (c-5) Any person required by paragraph (a-3) to provide  
6 specimens of blood, saliva, or tissue shall, where feasible,  
7 be required to provide the specimens before being accepted for  
8 conditioned residency in Illinois under the interstate compact  
9 or agreement, but no later than 45 days after arrival in this  
10 State.

11 (c-5.2) Unless it is determined that a registered sex  
12 offender has previously submitted a specimen of blood, saliva,  
13 or tissue that has been placed into the State DNA database, a  
14 person registering as a sex offender shall be required to  
15 submit a specimen at the time of his or her initial  
16 registration pursuant to the Sex Offender Registration Act or,  
17 for a person registered as a sex offender on or prior to  
18 January 1, 2012 (the effective date of Public Act 97-383),  
19 within one year of January 1, 2012 (the effective date of  
20 Public Act 97-383) or at the time of his or her next required  
21 registration.

22 (c-6) The Illinois ~~Department of~~ State Police may  
23 determine which type of specimen or specimens, blood, saliva,  
24 or tissue, is acceptable for submission to the Division of  
25 Forensic Services for analysis. The Illinois ~~Department of~~  
26 State Police may require the submission of fingerprints from

1 anyone required to give a specimen under this Act.

2 (d) The Illinois ~~Department of~~ State Police shall provide  
3 all equipment and instructions necessary for the collection of  
4 blood specimens. The collection of specimens shall be  
5 performed in a medically approved manner. Only a physician  
6 authorized to practice medicine, a registered nurse or other  
7 qualified person trained in venipuncture may withdraw blood  
8 for the purposes of this Act. The specimens shall thereafter  
9 be forwarded to the Illinois ~~Department of~~ State Police,  
10 Division of Forensic Services, for analysis and categorizing  
11 into genetic marker groupings.

12 (d-1) The Illinois ~~Department of~~ State Police shall  
13 provide all equipment and instructions necessary for the  
14 collection of saliva specimens. The collection of saliva  
15 specimens shall be performed in a medically approved manner.  
16 Only a person trained in the instructions promulgated by the  
17 Illinois State Police on collecting saliva may collect saliva  
18 for the purposes of this Section. The specimens shall  
19 thereafter be forwarded to the Illinois ~~Department of~~ State  
20 Police, Division of Forensic Services, for analysis and  
21 categorizing into genetic marker groupings.

22 (d-2) The Illinois ~~Department of~~ State Police shall  
23 provide all equipment and instructions necessary for the  
24 collection of tissue specimens. The collection of tissue  
25 specimens shall be performed in a medically approved manner.  
26 Only a person trained in the instructions promulgated by the

1 Illinois State Police on collecting tissue may collect tissue  
2 for the purposes of this Section. The specimens shall  
3 thereafter be forwarded to the Illinois ~~Department of~~ State  
4 Police, Division of Forensic Services, for analysis and  
5 categorizing into genetic marker groupings.

6 (d-5) To the extent that funds are available, the Illinois  
7 ~~Department of~~ State Police shall contract with qualified  
8 personnel and certified laboratories for the collection,  
9 analysis, and categorization of known specimens, except as  
10 provided in subsection (n) of this Section.

11 (d-6) Agencies designated by the Illinois ~~Department of~~  
12 State Police and the Illinois ~~Department of~~ State Police may  
13 contract with third parties to provide for the collection or  
14 analysis of DNA, or both, of an offender's blood, saliva, and  
15 tissue specimens, except as provided in subsection (n) of this  
16 Section.

17 (e) The genetic marker groupings shall be maintained by  
18 the Illinois ~~Department of~~ State Police, Division of Forensic  
19 Services.

20 (f) The genetic marker grouping analysis information  
21 obtained pursuant to this Act shall be confidential and shall  
22 be released only to peace officers of the United States, of  
23 other states or territories, of the insular possessions of the  
24 United States, of foreign countries duly authorized to receive  
25 the same, to all peace officers of the State of Illinois and to  
26 all prosecutorial agencies, and to defense counsel as provided

1 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
2 genetic marker grouping analysis information obtained pursuant  
3 to this Act shall be used only for (i) valid law enforcement  
4 identification purposes and as required by the Federal Bureau  
5 of Investigation for participation in the National DNA  
6 database, (ii) technology validation purposes, (iii) a  
7 population statistics database, (iv) quality assurance  
8 purposes if personally identifying information is removed, (v)  
9 assisting in the defense of the criminally accused pursuant to  
10 Section 116-5 of the Code of Criminal Procedure of 1963, or  
11 (vi) identifying and assisting in the prosecution of a person  
12 who is suspected of committing a sexual assault as defined in  
13 Section 1a of the Sexual Assault Survivors Emergency Treatment  
14 Act. Notwithstanding any other statutory provision to the  
15 contrary, all information obtained under this Section shall be  
16 maintained in a single State data base, which may be uploaded  
17 into a national database, and which information may be subject  
18 to expungement only as set forth in subsection (f-1).

19 (f-1) Upon receipt of notification of a reversal of a  
20 conviction based on actual innocence, or of the granting of a  
21 pardon pursuant to Section 12 of Article V of the Illinois  
22 Constitution, if that pardon document specifically states that  
23 the reason for the pardon is the actual innocence of an  
24 individual whose DNA record has been stored in the State or  
25 national DNA identification index in accordance with this  
26 Section by the Illinois ~~Department of~~ State Police, the DNA

1 record shall be expunged from the DNA identification index,  
2 and the Department shall by rule prescribe procedures to  
3 ensure that the record and any specimens, analyses, or other  
4 documents relating to such record, whether in the possession  
5 of the Department or any law enforcement or police agency, or  
6 any forensic DNA laboratory, including any duplicates or  
7 copies thereof, are destroyed and a letter is sent to the court  
8 verifying the expungement is completed. For specimens required  
9 to be collected prior to conviction, unless the individual has  
10 other charges or convictions that require submission of a  
11 specimen, the DNA record for an individual shall be expunged  
12 from the DNA identification databases and the specimen  
13 destroyed upon receipt of a certified copy of a final court  
14 order for each charge against an individual in which the  
15 charge has been dismissed, resulted in acquittal, or that the  
16 charge was not filed within the applicable time period. The  
17 Department shall by rule prescribe procedures to ensure that  
18 the record and any specimens in the possession or control of  
19 the Department are destroyed and a letter is sent to the court  
20 verifying the expungement is completed.

21 (f-5) Any person who intentionally uses genetic marker  
22 grouping analysis information, or any other information  
23 derived from a DNA specimen, beyond the authorized uses as  
24 provided under this Section, or any other Illinois law, is  
25 guilty of a Class 4 felony, and shall be subject to a fine of  
26 not less than \$5,000.

1 (f-6) The Illinois ~~Department of~~ State Police may contract  
2 with third parties for the purposes of implementing this  
3 amendatory Act of the 93rd General Assembly, except as  
4 provided in subsection (n) of this Section. Any other party  
5 contracting to carry out the functions of this Section shall  
6 be subject to the same restrictions and requirements of this  
7 Section insofar as applicable, as the Illinois ~~Department of~~  
8 State Police, and to any additional restrictions imposed by  
9 the Illinois ~~Department of~~ State Police.

10 (g) For the purposes of this Section, "qualifying offense"  
11 means any of the following:

12 (1) any violation or inchoate violation of Section  
13 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
14 12-16 of the Criminal Code of 1961 or the Criminal Code of  
15 2012;

16 (1.1) any violation or inchoate violation of Section  
17 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
18 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of  
19 1961 or the Criminal Code of 2012 for which persons are  
20 convicted on or after July 1, 2001;

21 (2) any former statute of this State which defined a  
22 felony sexual offense;

23 (3) (blank);

24 (4) any inchoate violation of Section 9-3.1, 9-3.4,  
25 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012; or

1           (5) any violation or inchoate violation of Article 29D  
2           of the Criminal Code of 1961 or the Criminal Code of 2012.

3           (g-5) (Blank).

4           (h) The Illinois ~~Department of~~ State Police shall be the  
5           State central repository for all genetic marker grouping  
6           analysis information obtained pursuant to this Act. The  
7           Illinois ~~Department of~~ State Police may promulgate rules for  
8           the form and manner of the collection of blood, saliva, or  
9           tissue specimens and other procedures for the operation of  
10          this Act. The provisions of the Administrative Review Law  
11          shall apply to all actions taken under the rules so  
12          promulgated.

13          (i) (1) A person required to provide a blood, saliva, or  
14          tissue specimen shall cooperate with the collection of the  
15          specimen and any deliberate act by that person intended to  
16          impede, delay or stop the collection of the blood, saliva,  
17          or tissue specimen is a Class 4 felony.

18          (2) In the event that a person's DNA specimen is not  
19          adequate for any reason, the person shall provide another  
20          DNA specimen for analysis. Duly authorized law enforcement  
21          and corrections personnel may employ reasonable force in  
22          cases in which an individual refuses to provide a DNA  
23          specimen required under this Act.

24          (j) (Blank).

25          (k) All analysis and categorization assessments provided  
26          under the Criminal and Traffic Assessments Act to the State



1 Offender DNA Identification System Fund shall be regulated as  
2 follows:

3 (1) The State Offender DNA Identification System Fund  
4 is hereby created as a special fund in the State Treasury.

5 (2) (Blank).

6 (3) Moneys deposited into the State Offender DNA  
7 Identification System Fund shall be used by Illinois State  
8 Police crime laboratories as designated by the Director of  
9 the Illinois State Police. These funds shall be in  
10 addition to any allocations made pursuant to existing laws  
11 and shall be designated for the exclusive use of State  
12 crime laboratories. These uses may include, but are not  
13 limited to, the following:

14 (A) Costs incurred in providing analysis and  
15 genetic marker categorization as required by  
16 subsection (d).

17 (B) Costs incurred in maintaining genetic marker  
18 groupings as required by subsection (e).

19 (C) Costs incurred in the purchase and maintenance  
20 of equipment for use in performing analyses.

21 (D) Costs incurred in continuing research and  
22 development of new techniques for analysis and genetic  
23 marker categorization.

24 (E) Costs incurred in continuing education,  
25 training, and professional development of forensic  
26 scientists regularly employed by these laboratories.

1           (1) The failure of a person to provide a specimen, or of  
2 any person or agency to collect a specimen, shall in no way  
3 alter the obligation of the person to submit such specimen, or  
4 the authority of the Illinois ~~Department of~~ State Police or  
5 persons designated by the Department to collect the specimen,  
6 or the authority of the Illinois ~~Department of~~ State Police to  
7 accept, analyze and maintain the specimen or to maintain or  
8 upload results of genetic marker grouping analysis information  
9 into a State or national database.

10           (m) If any provision of this amendatory Act of the 93rd  
11 General Assembly is held unconstitutional or otherwise  
12 invalid, the remainder of this amendatory Act of the 93rd  
13 General Assembly is not affected.

14           (n) Neither the Illinois ~~Department of~~ State Police, the  
15 Division of Forensic Services, nor any laboratory of the  
16 Division of Forensic Services may contract out forensic  
17 testing for the purpose of an active investigation or a matter  
18 pending before a court of competent jurisdiction without the  
19 written consent of the prosecuting agency. For the purposes of  
20 this subsection (n), "forensic testing" includes the analysis  
21 of physical evidence in an investigation or other proceeding  
22 for the prosecution of a violation of the Criminal Code of 1961  
23 or the Criminal Code of 2012 or for matters adjudicated under  
24 the Juvenile Court Act of 1987, and includes the use of  
25 forensic databases and databanks, including DNA, firearm, and  
26 fingerprint databases, and expert testimony.

1 (o) Mistake does not invalidate a database match. The  
2 detention, arrest, or conviction of a person based upon a  
3 database match or database information is not invalidated if  
4 it is determined that the specimen was obtained or placed in  
5 the database by mistake.

6 (p) This Section may be referred to as the Illinois DNA  
7 Database Law of 2011.

8 (Source: P.A. 100-987, eff. 7-1-19.)

9 (730 ILCS 5/5-4-3a)

10 Sec. 5-4-3a. DNA testing backlog accountability.

11 (a) On or before August 1 of each year, the Illinois  
12 ~~Department of~~ State Police shall report to the Governor and  
13 both houses of the General Assembly the following information:

14 (1) the extent of the backlog of cases awaiting  
15 testing or awaiting DNA analysis by that Department,  
16 including but not limited to those tests conducted under  
17 Section 5-4-3, as of June 30 of the previous fiscal year,  
18 with the backlog being defined as all cases awaiting  
19 forensic testing whether in the physical custody of the  
20 Illinois State Police or in the physical custody of local  
21 law enforcement, provided that the Illinois State Police  
22 have written notice of any evidence in the physical  
23 custody of local law enforcement prior to June 1 of that  
24 year; and

25 (2) what measures have been and are being taken to

1           reduce that backlog and the estimated costs or  
2           expenditures in doing so.

3           (b) The information reported under this Section shall be  
4           made available to the public, at the time it is reported, on  
5           the official web site of the Illinois ~~Department of~~ State  
6           Police.

7           (c) Beginning January 1, 2016, the Illinois ~~Department of~~  
8           State Police shall quarterly report on the status of the  
9           processing of forensic biology and DNA evidence submitted to  
10          the Illinois ~~Department of~~ State Police Laboratory for  
11          analysis. The report shall be submitted to the Governor and  
12          the General Assembly, and shall be posted on the Illinois  
13          ~~Department of~~ State Police website. The report shall include  
14          the following for each Illinois State Police Laboratory  
15          location and any laboratory to which the Illinois ~~Department~~  
16          of State Police has outsourced evidence for testing:

17               (1) For forensic biology submissions, report both  
18               total case and sexual assault or abuse case (as defined by  
19               the Sexual Assault Evidence Submission Act) figures for:

20                       (A) The number of cases received in the preceding  
21                       quarter.

22                       (B) The number of cases completed in the preceding  
23                       quarter.

24                       (C) The number of cases waiting analysis.

25                       (D) The number of cases sent for outsourcing.

26                       (E) The number of cases waiting analysis that were

1 received within the past 30 days.

2 (F) The number of cases waiting analysis that were  
3 received 31 to 90 days prior.

4 (G) The number of cases waiting analysis that were  
5 received 91 to 180 days prior.

6 (H) The number of cases waiting analysis that were  
7 received 181 to 365 days prior.

8 (I) The number of cases waiting analysis that were  
9 received more than 365 days prior.

10 (J) The number of cases forwarded for DNA  
11 analyses.

12 (2) For DNA submissions, report both total case and  
13 sexual assault or abuse case (as defined by the Sexual  
14 Assault Evidence Submission Act) figures for:

15 (A) The number of cases received in the preceding  
16 quarter.

17 (B) The number of cases completed in the preceding  
18 quarter.

19 (C) The number of cases waiting analysis.

20 (D) The number of cases sent for outsourcing.

21 (E) The number of cases waiting analysis that were  
22 received within the past 30 days.

23 (F) The number of cases waiting analysis that were  
24 received 31 to 90 days prior.

25 (G) The number of cases waiting analysis that were  
26 received 91 to 180 days prior.

1 (H) The number of cases waiting analysis that were  
2 received 181 to 365 days prior.

3 (I) The number of cases waiting analysis that were  
4 received more than 365 days prior.

5 (3) For all other categories of testing (e.g., drug  
6 chemistry, firearms/toolmark, footwear/tire track, latent  
7 prints, toxicology, and trace chemistry analysis):

8 (A) The number of cases received in the preceding  
9 quarter.

10 (B) The number of cases completed in the preceding  
11 quarter.

12 (C) The number of cases waiting analysis.

13 (4) For the Combined DNA Index System (CODIS), report  
14 both total case and sexual assault or abuse case (as  
15 defined by the Sexual Assault Evidence Submission Act)  
16 figures for subparagraphs (D), (E), and (F) of this  
17 paragraph (4):

18 (A) The number of new offender samples received in  
19 the preceding quarter.

20 (B) The number of offender samples uploaded to  
21 CODIS in the preceding quarter.

22 (C) The number of offender samples awaiting  
23 analysis.

24 (D) The number of unknown DNA case profiles  
25 uploaded to CODIS in the preceding quarter.

26 (E) The number of CODIS hits in the preceding

1 quarter.

2 (F) The number of forensic evidence submissions  
3 submitted to confirm a previously reported CODIS hit.

4 (5) For each category of testing, report the number of  
5 trained forensic scientists and the number of forensic  
6 scientists in training.

7 As used in this subsection (c), "completed" means  
8 completion of both the analysis of the evidence and the  
9 provision of the results to the submitting law enforcement  
10 agency.

11 (d) The provisions of this subsection (d), other than this  
12 sentence, are inoperative on and after January 1, 2019 or 2  
13 years after the effective date of this amendatory Act of the  
14 99th General Assembly, whichever is later. In consultation  
15 with and subject to the approval of the Chief Procurement  
16 Officer, the Illinois ~~Department of~~ State Police may obtain  
17 contracts for services, commodities, and equipment to assist  
18 in the timely completion of forensic biology, DNA, drug  
19 chemistry, firearms/toolmark, footwear/tire track, latent  
20 prints, toxicology, microscopy, trace chemistry, and Combined  
21 DNA Index System (CODIS) analysis. Contracts to support the  
22 delivery of timely forensic science services are not subject  
23 to the provisions of the Illinois Procurement Code, except for  
24 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of  
25 that Code, provided that the Chief Procurement Officer may, in  
26 writing with justification, waive any certification required

1 under Article 50 of the Illinois Procurement Code. For any  
2 contracts for services which are currently provided by members  
3 of a collective bargaining agreement, the applicable terms of  
4 the collective bargaining agreement concerning subcontracting  
5 shall be followed.

6 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

7 (730 ILCS 5/5-4-3b)

8 Sec. 5-4-3b. Electronic Laboratory Information Management  
9 System.

10 (a) The Illinois ~~Department of~~ State Police shall obtain,  
11 implement, and maintain an Electronic Laboratory Information  
12 Management System (LIMS) to efficiently and effectively track  
13 all evidence submitted for forensic testing. At a minimum, the  
14 LIMS shall record:

15 (1) the criminal offense or suspected criminal offense  
16 for which the evidence is being submitted;

17 (2) the law enforcement agency submitting the  
18 evidence;

19 (3) the name of the victim;

20 (4) the law enforcement agency case number;

21 (5) the Illinois State Police Laboratory case number;

22 (6) the date the evidence was received by the Illinois  
23 State Police Laboratory;

24 (7) if the Illinois State Police Laboratory sent the  
25 evidence for analysis to another designated laboratory,



1 the name of the laboratory and the date the evidence was  
2 sent to that laboratory; and

3 (8) the date and description of any results or  
4 information regarding the analysis sent to the submitting  
5 law enforcement agency by the Illinois State Police  
6 Laboratory or any other designated laboratory.

7 The LIMS shall also link multiple forensic evidence  
8 submissions pertaining to a single criminal investigation such  
9 that evidence submitted to confirm a previously reported  
10 Combined DNA Index System (CODIS) hit in a State or federal  
11 database can be linked to the initial evidence submission. The  
12 LIMS shall be such that the system provides ease of  
13 interoperability with law enforcement agencies for evidence  
14 submission and reporting, as well as supports expansion  
15 capabilities for future internal networking and laboratory  
16 operations.

17 (b) The Illinois ~~Department~~ of State Police, in  
18 consultation with and subject to the approval of the Chief  
19 Procurement Officer, may procure a single contract or multiple  
20 contracts to implement the provisions of this Section. A  
21 contract or contracts under this subsection are not subject to  
22 the provisions of the Illinois Procurement Code, except for  
23 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of  
24 that Code, provided that the Chief Procurement Officer may, in  
25 writing with justification, waive any certification required  
26 under Article 50 of the Illinois Procurement Code. This

1 exemption is inoperative 2 years from January 1, 2016 (the  
2 effective date of Public Act 99-352).

3 (Source: P.A. 99-352, eff. 1-1-16; 99-642, eff. 7-28-16.)

4 (730 ILCS 5/5-5-4) (from Ch. 38, par. 1005-5-4)

5 Sec. 5-5-4. Resentences.

6 (a) Where a conviction or sentence has been set aside on  
7 direct review or on collateral attack, the court shall not  
8 impose a new sentence for the same offense or for a different  
9 offense based on the same conduct which is more severe than the  
10 prior sentence less the portion of the prior sentence  
11 previously satisfied unless the more severe sentence is based  
12 upon conduct on the part of the defendant occurring after the  
13 original sentencing. If a sentence is vacated on appeal or on  
14 collateral attack due to the failure of the trier of fact at  
15 trial to determine beyond a reasonable doubt the existence of  
16 a fact (other than a prior conviction) necessary to increase  
17 the punishment for the offense beyond the statutory maximum  
18 otherwise applicable, either the defendant may be re-sentenced  
19 to a term within the range otherwise provided or, if the State  
20 files notice of its intention to again seek the extended  
21 sentence, the defendant shall be afforded a new trial.

22 (b) If a conviction or sentence has been set aside on  
23 direct review or on collateral attack and the court determines  
24 by clear and convincing evidence that the defendant was  
25 factually innocent of the charge, the court shall enter an

1 order expunging the record of arrest from the official records  
2 of the arresting authority and order that the records of the  
3 clerk of the circuit court and Illinois ~~Department of~~ State  
4 Police be sealed until further order of the court upon good  
5 cause shown or as otherwise provided herein, and the name of  
6 the defendant obliterated from the official index requested to  
7 be kept by the circuit court clerk under Section 16 of the  
8 Clerks of Courts Act in connection with the arrest and  
9 conviction for the offense but the order shall not affect any  
10 index issued by the circuit court clerk before the entry of the  
11 order. The court shall enter the expungement order regardless  
12 of whether the defendant has prior criminal convictions.

13 All records sealed by the Illinois ~~Department of~~ State  
14 Police may be disseminated by the Department only as required  
15 by law or to the arresting authority, the State's Attorney,  
16 the court upon a later arrest for the same or similar offense,  
17 or for the purpose of sentencing for any subsequent felony.  
18 Upon conviction for any subsequent offense, the Department of  
19 Corrections shall have access to all sealed records of the  
20 Department pertaining to that individual.

21 Upon entry of the order of expungement, the clerk of the  
22 circuit court shall promptly mail a copy of the order to the  
23 person whose records were expunged and sealed.

24 (c) If a conviction has been vacated as a result of a claim  
25 of actual innocence based on newly discovered evidence made  
26 under Section 122-1 of the Code of Criminal Procedure of 1963

1 or Section 2-1401 of the Code of Civil Procedure, and the  
2 provisions of paragraphs (1) and (2) of subsection (g) of  
3 Section 2-702 of the Code of Civil Procedure are otherwise  
4 satisfied, the court shall enter an order for a certificate of  
5 innocence and an order expunging the conviction for which the  
6 petitioner has been determined to be innocent as provided in  
7 subsection (h) of Section 2-702 of the Code of Civil  
8 Procedure.

9 (Source: P.A. 98-133, eff. 1-1-14.)

10 (730 ILCS 5/5-5.5-40)

11 Sec. 5-5.5-40. Forms and filing.

12 (a) All applications, certificates, and orders of  
13 revocation necessary for the purposes of this Article shall be  
14 upon forms prescribed by the Chief Justice of the Supreme  
15 Court or his or her designee. The forms relating to  
16 certificates of relief from disabilities and certificates of  
17 good conduct shall be distributed by the Director of the  
18 Division of Probation Services.

19 (b) Any court or board issuing or revoking any certificate  
20 under this Article shall immediately file a copy of the  
21 certificate or of the order of revocation with the Director of  
22 the Illinois State Police.

23 (Source: P.A. 96-852, eff. 1-1-10.)

24 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

1           Sec. 5-6-3. Conditions of probation and of conditional  
2 discharge.

3           (a) The conditions of probation and of conditional  
4 discharge shall be that the person:

5                 (1) not violate any criminal statute of any  
6 jurisdiction;

7                 (2) report to or appear in person before such person  
8 or agency as directed by the court;

9                 (3) refrain from possessing a firearm or other  
10 dangerous weapon where the offense is a felony or, if a  
11 misdemeanor, the offense involved the intentional or  
12 knowing infliction of bodily harm or threat of bodily  
13 harm;

14                 (4) not leave the State without the consent of the  
15 court or, in circumstances in which the reason for the  
16 absence is of such an emergency nature that prior consent  
17 by the court is not possible, without the prior  
18 notification and approval of the person's probation  
19 officer. Transfer of a person's probation or conditional  
20 discharge supervision to another state is subject to  
21 acceptance by the other state pursuant to the Interstate  
22 Compact for Adult Offender Supervision;

23                 (5) permit the probation officer to visit him at his  
24 home or elsewhere to the extent necessary to discharge his  
25 duties;

26                 (6) perform no less than 30 hours of community service

1 and not more than 120 hours of community service, if  
2 community service is available in the jurisdiction and is  
3 funded and approved by the county board where the offense  
4 was committed, where the offense was related to or in  
5 furtherance of the criminal activities of an organized  
6 gang and was motivated by the offender's membership in or  
7 allegiance to an organized gang. The community service  
8 shall include, but not be limited to, the cleanup and  
9 repair of any damage caused by a violation of Section  
10 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
11 2012 and similar damage to property located within the  
12 municipality or county in which the violation occurred.  
13 When possible and reasonable, the community service should  
14 be performed in the offender's neighborhood. For purposes  
15 of this Section, "organized gang" has the meaning ascribed  
16 to it in Section 10 of the Illinois Streetgang Terrorism  
17 Omnibus Prevention Act. The court may give credit toward  
18 the fulfillment of community service hours for  
19 participation in activities and treatment as determined by  
20 court services;

21 (7) if he or she is at least 17 years of age and has  
22 been sentenced to probation or conditional discharge for a  
23 misdemeanor or felony in a county of 3,000,000 or more  
24 inhabitants and has not been previously convicted of a  
25 misdemeanor or felony, may be required by the sentencing  
26 court to attend educational courses designed to prepare

1 the defendant for a high school diploma and to work toward  
2 a high school diploma or to work toward passing high  
3 school equivalency testing or to work toward completing a  
4 vocational training program approved by the court. The  
5 person on probation or conditional discharge must attend a  
6 public institution of education to obtain the educational  
7 or vocational training required by this paragraph (7). The  
8 court shall revoke the probation or conditional discharge  
9 of a person who willfully ~~wilfully~~ fails to comply with  
10 this paragraph (7). The person on probation or conditional  
11 discharge shall be required to pay for the cost of the  
12 educational courses or high school equivalency testing if  
13 a fee is charged for those courses or testing. The court  
14 shall resentence the offender whose probation or  
15 conditional discharge has been revoked as provided in  
16 Section 5-6-4. This paragraph (7) does not apply to a  
17 person who has a high school diploma or has successfully  
18 passed high school equivalency testing. This paragraph (7)  
19 does not apply to a person who is determined by the court  
20 to be a person with a developmental disability or  
21 otherwise mentally incapable of completing the educational  
22 or vocational program;

23 (8) if convicted of possession of a substance  
24 prohibited by the Cannabis Control Act, the Illinois  
25 Controlled Substances Act, or the Methamphetamine Control  
26 and Community Protection Act after a previous conviction

1 or disposition of supervision for possession of a  
2 substance prohibited by the Cannabis Control Act or  
3 Illinois Controlled Substances Act or after a sentence of  
4 probation under Section 10 of the Cannabis Control Act,  
5 Section 410 of the Illinois Controlled Substances Act, or  
6 Section 70 of the Methamphetamine Control and Community  
7 Protection Act and upon a finding by the court that the  
8 person is addicted, undergo treatment at a substance abuse  
9 program approved by the court;

10 (8.5) if convicted of a felony sex offense as defined  
11 in the Sex Offender Management Board Act, the person shall  
12 undergo and successfully complete sex offender treatment  
13 by a treatment provider approved by the Board and  
14 conducted in conformance with the standards developed  
15 under the Sex Offender Management Board Act;

16 (8.6) if convicted of a sex offense as defined in the  
17 Sex Offender Management Board Act, refrain from residing  
18 at the same address or in the same condominium unit or  
19 apartment unit or in the same condominium complex or  
20 apartment complex with another person he or she knows or  
21 reasonably should know is a convicted sex offender or has  
22 been placed on supervision for a sex offense; the  
23 provisions of this paragraph do not apply to a person  
24 convicted of a sex offense who is placed in a Department of  
25 Corrections licensed transitional housing facility for sex  
26 offenders;



1           (8.7) if convicted for an offense committed on or  
2 after June 1, 2008 (the effective date of Public Act  
3 95-464) that would qualify the accused as a child sex  
4 offender as defined in Section 11-9.3 or 11-9.4 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012,  
6 refrain from communicating with or contacting, by means of  
7 the Internet, a person who is not related to the accused  
8 and whom the accused reasonably believes to be under 18  
9 years of age; for purposes of this paragraph (8.7),  
10 "Internet" has the meaning ascribed to it in Section  
11 16-0.1 of the Criminal Code of 2012; and a person is not  
12 related to the accused if the person is not: (i) the  
13 spouse, brother, or sister of the accused; (ii) a  
14 descendant of the accused; (iii) a first or second cousin  
15 of the accused; or (iv) a step-child or adopted child of  
16 the accused;

17           (8.8) if convicted for an offense under Section 11-6,  
18 11-9.1, 11-14.4 that involves soliciting for a juvenile  
19 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
20 of the Criminal Code of 1961 or the Criminal Code of 2012,  
21 or any attempt to commit any of these offenses, committed  
22 on or after June 1, 2009 (the effective date of Public Act  
23 95-983):

24           (i) not access or use a computer or any other  
25 device with Internet capability without the prior  
26 written approval of the offender's probation officer,

1           except in connection with the offender's employment or  
2           search for employment with the prior approval of the  
3           offender's probation officer;

4           (ii) submit to periodic unannounced examinations  
5           of the offender's computer or any other device with  
6           Internet capability by the offender's probation  
7           officer, a law enforcement officer, or assigned  
8           computer or information technology specialist,  
9           including the retrieval and copying of all data from  
10          the computer or device and any internal or external  
11          peripherals and removal of such information,  
12          equipment, or device to conduct a more thorough  
13          inspection;

14          (iii) submit to the installation on the offender's  
15          computer or device with Internet capability, at the  
16          offender's expense, of one or more hardware or  
17          software systems to monitor the Internet use; and

18          (iv) submit to any other appropriate restrictions  
19          concerning the offender's use of or access to a  
20          computer or any other device with Internet capability  
21          imposed by the offender's probation officer;

22          (8.9) if convicted of a sex offense as defined in the  
23          Sex Offender Registration Act committed on or after  
24          January 1, 2010 (the effective date of Public Act 96-262),  
25          refrain from accessing or using a social networking  
26          website as defined in Section 17-0.5 of the Criminal Code

1 of 2012;

2 (9) if convicted of a felony or of any misdemeanor  
3 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
4 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
5 2012 that was determined, pursuant to Section 112A-11.1 of  
6 the Code of Criminal Procedure of 1963, to trigger the  
7 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
8 at a time and place designated by the court, his or her  
9 Firearm Owner's Identification Card and any and all  
10 firearms in his or her possession. The Court shall return  
11 to the Illinois ~~Department of~~ State Police Firearm Owner's  
12 Identification Card Office the person's Firearm Owner's  
13 Identification Card;

14 (10) if convicted of a sex offense as defined in  
15 subsection (a-5) of Section 3-1-2 of this Code, unless the  
16 offender is a parent or guardian of the person under 18  
17 years of age present in the home and no non-familial  
18 minors are present, not participate in a holiday event  
19 involving children under 18 years of age, such as  
20 distributing candy or other items to children on  
21 Halloween, wearing a Santa Claus costume on or preceding  
22 Christmas, being employed as a department store Santa  
23 Claus, or wearing an Easter Bunny costume on or preceding  
24 Easter;

25 (11) if convicted of a sex offense as defined in  
26 Section 2 of the Sex Offender Registration Act committed

1 on or after January 1, 2010 (the effective date of Public  
2 Act 96-362) that requires the person to register as a sex  
3 offender under that Act, may not knowingly use any  
4 computer scrub software on any computer that the sex  
5 offender uses;

6 (12) if convicted of a violation of the  
7 Methamphetamine Control and Community Protection Act, the  
8 Methamphetamine Precursor Control Act, or a  
9 methamphetamine related offense:

10 (A) prohibited from purchasing, possessing, or  
11 having under his or her control any product containing  
12 pseudoephedrine unless prescribed by a physician; and

13 (B) prohibited from purchasing, possessing, or  
14 having under his or her control any product containing  
15 ammonium nitrate; and

16 (13) if convicted of a hate crime involving the  
17 protected class identified in subsection (a) of Section  
18 12-7.1 of the Criminal Code of 2012 that gave rise to the  
19 offense the offender committed, perform public or  
20 community service of no less than 200 hours and enroll in  
21 an educational program discouraging hate crimes that  
22 includes racial, ethnic, and cultural sensitivity training  
23 ordered by the court.

24 (b) The Court may in addition to other reasonable  
25 conditions relating to the nature of the offense or the  
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that  
2 the person:

3 (1) serve a term of periodic imprisonment under  
4 Article 7 for a period not to exceed that specified in  
5 paragraph (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational  
8 training;

9 (4) undergo medical, psychological or psychiatric  
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the  
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a  
19 foster home;

20 (v) with the consent of the superintendent of the  
21 facility, attend an educational program at a facility  
22 other than the school in which the offense was  
23 committed if he or she is convicted of a crime of  
24 violence as defined in Section 2 of the Crime Victims  
25 Compensation Act committed in a school, on the real  
26 property comprising a school, or within 1,000 feet of

1           the real property comprising a school;

2           (8) make restitution as provided in Section 5-5-6 of  
3 this Code;

4           (9) perform some reasonable public or community  
5 service;

6           (10) serve a term of home confinement. In addition to  
7 any other applicable condition of probation or conditional  
8 discharge, the conditions of home confinement shall be  
9 that the offender:

10           (i) remain within the interior premises of the  
11 place designated for his confinement during the hours  
12 designated by the court;

13           (ii) admit any person or agent designated by the  
14 court into the offender's place of confinement at any  
15 time for purposes of verifying the offender's  
16 compliance with the conditions of his confinement; and

17           (iii) if further deemed necessary by the court or  
18 the Probation or Court Services Department, be placed  
19 on an approved electronic monitoring device, subject  
20 to Article 8A of Chapter V;

21           (iv) for persons convicted of any alcohol,  
22 cannabis or controlled substance violation who are  
23 placed on an approved monitoring device as a condition  
24 of probation or conditional discharge, the court shall  
25 impose a reasonable fee for each day of the use of the  
26 device, as established by the county board in

1 subsection (g) of this Section, unless after  
2 determining the inability of the offender to pay the  
3 fee, the court assesses a lesser fee or no fee as the  
4 case may be. This fee shall be imposed in addition to  
5 the fees imposed under subsections (g) and (i) of this  
6 Section. The fee shall be collected by the clerk of the  
7 circuit court, except as provided in an administrative  
8 order of the Chief Judge of the circuit court. The  
9 clerk of the circuit court shall pay all monies  
10 collected from this fee to the county treasurer for  
11 deposit in the substance abuse services fund under  
12 Section 5-1086.1 of the Counties Code, except as  
13 provided in an administrative order of the Chief Judge  
14 of the circuit court.

15 The Chief Judge of the circuit court of the county  
16 may by administrative order establish a program for  
17 electronic monitoring of offenders, in which a vendor  
18 supplies and monitors the operation of the electronic  
19 monitoring device, and collects the fees on behalf of  
20 the county. The program shall include provisions for  
21 indigent offenders and the collection of unpaid fees.  
22 The program shall not unduly burden the offender and  
23 shall be subject to review by the Chief Judge.

24 The Chief Judge of the circuit court may suspend  
25 any additional charges or fees for late payment,  
26 interest, or damage to any device; and

1 (v) for persons convicted of offenses other than  
2 those referenced in clause (iv) above and who are  
3 placed on an approved monitoring device as a condition  
4 of probation or conditional discharge, the court shall  
5 impose a reasonable fee for each day of the use of the  
6 device, as established by the county board in  
7 subsection (g) of this Section, unless after  
8 determining the inability of the defendant to pay the  
9 fee, the court assesses a lesser fee or no fee as the  
10 case may be. This fee shall be imposed in addition to  
11 the fees imposed under subsections (g) and (i) of this  
12 Section. The fee shall be collected by the clerk of the  
13 circuit court, except as provided in an administrative  
14 order of the Chief Judge of the circuit court. The  
15 clerk of the circuit court shall pay all monies  
16 collected from this fee to the county treasurer who  
17 shall use the monies collected to defray the costs of  
18 corrections. The county treasurer shall deposit the  
19 fee collected in the probation and court services  
20 fund. The Chief Judge of the circuit court of the  
21 county may by administrative order establish a program  
22 for electronic monitoring of offenders, in which a  
23 vendor supplies and monitors the operation of the  
24 electronic monitoring device, and collects the fees on  
25 behalf of the county. The program shall include  
26 provisions for indigent offenders and the collection



1 of unpaid fees. The program shall not unduly burden  
2 the offender and shall be subject to review by the  
3 Chief Judge.

4 The Chief Judge of the circuit court may suspend  
5 any additional charges or fees for late payment,  
6 interest, or damage to any device.

7 (11) comply with the terms and conditions of an order  
8 of protection issued by the court pursuant to the Illinois  
9 Domestic Violence Act of 1986, as now or hereafter  
10 amended, or an order of protection issued by the court of  
11 another state, tribe, or United States territory. A copy  
12 of the order of protection shall be transmitted to the  
13 probation officer or agency having responsibility for the  
14 case;

15 (12) reimburse any "local anti-crime program" as  
16 defined in Section 7 of the Anti-Crime Advisory Council  
17 Act for any reasonable expenses incurred by the program on  
18 the offender's case, not to exceed the maximum amount of  
19 the fine authorized for the offense for which the  
20 defendant was sentenced;

21 (13) contribute a reasonable sum of money, not to  
22 exceed the maximum amount of the fine authorized for the  
23 offense for which the defendant was sentenced, (i) to a  
24 "local anti-crime program", as defined in Section 7 of the  
25 Anti-Crime Advisory Council Act, or (ii) for offenses  
26 under the jurisdiction of the Department of Natural

1 Resources, to the fund established by the Department of  
2 Natural Resources for the purchase of evidence for  
3 investigation purposes and to conduct investigations as  
4 outlined in Section 805-105 of the Department of Natural  
5 Resources (Conservation) Law;

6 (14) refrain from entering into a designated  
7 geographic area except upon such terms as the court finds  
8 appropriate. Such terms may include consideration of the  
9 purpose of the entry, the time of day, other persons  
10 accompanying the defendant, and advance approval by a  
11 probation officer, if the defendant has been placed on  
12 probation or advance approval by the court, if the  
13 defendant was placed on conditional discharge;

14 (15) refrain from having any contact, directly or  
15 indirectly, with certain specified persons or particular  
16 types of persons, including but not limited to members of  
17 street gangs and drug users or dealers;

18 (16) refrain from having in his or her body the  
19 presence of any illicit drug prohibited by the Cannabis  
20 Control Act, the Illinois Controlled Substances Act, or  
21 the Methamphetamine Control and Community Protection Act,  
22 unless prescribed by a physician, and submit samples of  
23 his or her blood or urine or both for tests to determine  
24 the presence of any illicit drug;

25 (17) if convicted for an offense committed on or after  
26 June 1, 2008 (the effective date of Public Act 95-464)

1 that would qualify the accused as a child sex offender as  
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code  
3 of 1961 or the Criminal Code of 2012, refrain from  
4 communicating with or contacting, by means of the  
5 Internet, a person who is related to the accused and whom  
6 the accused reasonably believes to be under 18 years of  
7 age; for purposes of this paragraph (17), "Internet" has  
8 the meaning ascribed to it in Section 16-0.1 of the  
9 Criminal Code of 2012; and a person is related to the  
10 accused if the person is: (i) the spouse, brother, or  
11 sister of the accused; (ii) a descendant of the accused;  
12 (iii) a first or second cousin of the accused; or (iv) a  
13 step-child or adopted child of the accused;

14 (18) if convicted for an offense committed on or after  
15 June 1, 2009 (the effective date of Public Act 95-983)  
16 that would qualify as a sex offense as defined in the Sex  
17 Offender Registration Act:

18 (i) not access or use a computer or any other  
19 device with Internet capability without the prior  
20 written approval of the offender's probation officer,  
21 except in connection with the offender's employment or  
22 search for employment with the prior approval of the  
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned  
2 computer or information technology specialist,  
3 including the retrieval and copying of all data from  
4 the computer or device and any internal or external  
5 peripherals and removal of such information,  
6 equipment, or device to conduct a more thorough  
7 inspection;

8 (iii) submit to the installation on the offender's  
9 computer or device with Internet capability, at the  
10 subject's expense, of one or more hardware or software  
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions  
13 concerning the offender's use of or access to a  
14 computer or any other device with Internet capability  
15 imposed by the offender's probation officer; and

16 (19) refrain from possessing a firearm or other  
17 dangerous weapon where the offense is a misdemeanor that  
18 did not involve the intentional or knowing infliction of  
19 bodily harm or threat of bodily harm.

20 (c) The court may as a condition of probation or of  
21 conditional discharge require that a person under 18 years of  
22 age found guilty of any alcohol, cannabis or controlled  
23 substance violation, refrain from acquiring a driver's license  
24 during the period of probation or conditional discharge. If  
25 such person is in possession of a permit or license, the court  
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or  
2 conditional discharge, except as may be necessary in the  
3 course of the minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional  
5 discharge shall be given a certificate setting forth the  
6 conditions thereof.

7 (e) Except where the offender has committed a fourth or  
8 subsequent violation of subsection (c) of Section 6-303 of the  
9 Illinois Vehicle Code, the court shall not require as a  
10 condition of the sentence of probation or conditional  
11 discharge that the offender be committed to a period of  
12 imprisonment in excess of 6 months. This 6-month limit shall  
13 not include periods of confinement given pursuant to a  
14 sentence of county impact incarceration under Section 5-8-1.2.

15 Persons committed to imprisonment as a condition of  
16 probation or conditional discharge shall not be committed to  
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic  
19 imprisonment under Article 7 or a sentence to a county impact  
20 incarceration program under Article 8 with a sentence of  
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional  
23 discharge and who during the term of either undergoes  
24 mandatory drug or alcohol testing, or both, or is assigned to  
25 be placed on an approved electronic monitoring device, shall  
26 be ordered to pay all costs incidental to such mandatory drug

1 or alcohol testing, or both, and all costs incidental to such  
2 approved electronic monitoring in accordance with the  
3 defendant's ability to pay those costs. The county board with  
4 the concurrence of the Chief Judge of the judicial circuit in  
5 which the county is located shall establish reasonable fees  
6 for the cost of maintenance, testing, and incidental expenses  
7 related to the mandatory drug or alcohol testing, or both, and  
8 all costs incidental to approved electronic monitoring,  
9 involved in a successful probation program for the county. The  
10 concurrence of the Chief Judge shall be in the form of an  
11 administrative order. The fees shall be collected by the clerk  
12 of the circuit court, except as provided in an administrative  
13 order of the Chief Judge of the circuit court. The clerk of the  
14 circuit court shall pay all moneys collected from these fees  
15 to the county treasurer who shall use the moneys collected to  
16 defray the costs of drug testing, alcohol testing, and  
17 electronic monitoring. The county treasurer shall deposit the  
18 fees collected in the county working cash fund under Section  
19 6-27001 or Section 6-29002 of the Counties Code, as the case  
20 may be. The Chief Judge of the circuit court of the county may  
21 by administrative order establish a program for electronic  
22 monitoring of offenders, in which a vendor supplies and  
23 monitors the operation of the electronic monitoring device,  
24 and collects the fees on behalf of the county. The program  
25 shall include provisions for indigent offenders and the  
26 collection of unpaid fees. The program shall not unduly burden

1 the offender and shall be subject to review by the Chief Judge.

2 The Chief Judge of the circuit court may suspend any  
3 additional charges or fees for late payment, interest, or  
4 damage to any device.

5 (h) Jurisdiction over an offender may be transferred from  
6 the sentencing court to the court of another circuit with the  
7 concurrence of both courts. Further transfers or retransfers  
8 of jurisdiction are also authorized in the same manner. The  
9 court to which jurisdiction has been transferred shall have  
10 the same powers as the sentencing court. The probation  
11 department within the circuit to which jurisdiction has been  
12 transferred, or which has agreed to provide supervision, may  
13 impose probation fees upon receiving the transferred offender,  
14 as provided in subsection (i). For all transfer cases, as  
15 defined in Section 9b of the Probation and Probation Officers  
16 Act, the probation department from the original sentencing  
17 court shall retain all probation fees collected prior to the  
18 transfer. After the transfer, all probation fees shall be paid  
19 to the probation department within the circuit to which  
20 jurisdiction has been transferred.

21 (i) The court shall impose upon an offender sentenced to  
22 probation after January 1, 1989 or to conditional discharge  
23 after January 1, 1992 or to community service under the  
24 supervision of a probation or court services department after  
25 January 1, 2004, as a condition of such probation or  
26 conditional discharge or supervised community service, a fee

1 of \$50 for each month of probation or conditional discharge  
2 supervision or supervised community service ordered by the  
3 court, unless after determining the inability of the person  
4 sentenced to probation or conditional discharge or supervised  
5 community service to pay the fee, the court assesses a lesser  
6 fee. The court may not impose the fee on a minor who is placed  
7 in the guardianship or custody of the Department of Children  
8 and Family Services under the Juvenile Court Act of 1987 while  
9 the minor is in placement. The fee shall be imposed only upon  
10 an offender who is actively supervised by the probation and  
11 court services department. The fee shall be collected by the  
12 clerk of the circuit court. The clerk of the circuit court  
13 shall pay all monies collected from this fee to the county  
14 treasurer for deposit in the probation and court services fund  
15 under Section 15.1 of the Probation and Probation Officers  
16 Act.

17 A circuit court may not impose a probation fee under this  
18 subsection (i) in excess of \$25 per month unless the circuit  
19 court has adopted, by administrative order issued by the chief  
20 judge, a standard probation fee guide determining an  
21 offender's ability to pay. Of the amount collected as a  
22 probation fee, up to \$5 of that fee collected per month may be  
23 used to provide services to crime victims and their families.

24 The Court may only waive probation fees based on an  
25 offender's ability to pay. The probation department may  
26 re-evaluate an offender's ability to pay every 6 months, and,



1 with the approval of the Director of Court Services or the  
2 Chief Probation Officer, adjust the monthly fee amount. An  
3 offender may elect to pay probation fees due in a lump sum. Any  
4 offender that has been assigned to the supervision of a  
5 probation department, or has been transferred either under  
6 subsection (h) of this Section or under any interstate  
7 compact, shall be required to pay probation fees to the  
8 department supervising the offender, based on the offender's  
9 ability to pay.

10 Public Act 93-970 deletes the \$10 increase in the fee  
11 under this subsection that was imposed by Public Act 93-616.  
12 This deletion is intended to control over any other Act of the  
13 93rd General Assembly that retains or incorporates that fee  
14 increase.

15 (i-5) In addition to the fees imposed under subsection (i)  
16 of this Section, in the case of an offender convicted of a  
17 felony sex offense (as defined in the Sex Offender Management  
18 Board Act) or an offense that the court or probation  
19 department has determined to be sexually motivated (as defined  
20 in the Sex Offender Management Board Act), the court or the  
21 probation department shall assess additional fees to pay for  
22 all costs of treatment, assessment, evaluation for risk and  
23 treatment, and monitoring the offender, based on that  
24 offender's ability to pay those costs either as they occur or  
25 under a payment plan.

26 (j) All fines and costs imposed under this Section for any

1 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
2 Code, or a similar provision of a local ordinance, and any  
3 violation of the Child Passenger Protection Act, or a similar  
4 provision of a local ordinance, shall be collected and  
5 disbursed by the circuit clerk as provided under the Criminal  
6 and Traffic Assessment Act.

7 (k) Any offender who is sentenced to probation or  
8 conditional discharge for a felony sex offense as defined in  
9 the Sex Offender Management Board Act or any offense that the  
10 court or probation department has determined to be sexually  
11 motivated as defined in the Sex Offender Management Board Act  
12 shall be required to refrain from any contact, directly or  
13 indirectly, with any persons specified by the court and shall  
14 be available for all evaluations and treatment programs  
15 required by the court or the probation department.

16 (l) The court may order an offender who is sentenced to  
17 probation or conditional discharge for a violation of an order  
18 of protection be placed under electronic surveillance as  
19 provided in Section 5-8A-7 of this Code.

20 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
21 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
22 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

23 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

24 Sec. 5-9-1.2. (a) Twelve and one-half percent of all  
25 amounts collected as fines pursuant to Section 5-9-1.1 shall

1 be paid into the Youth Drug Abuse Prevention Fund, which is  
2 hereby created in the State treasury, to be used by the  
3 Department of Human Services for the funding of programs and  
4 services for drug-abuse treatment, and prevention and  
5 education services, for juveniles.

6 (b) Eighty-seven and one-half percent of the proceeds of  
7 all fines received pursuant to Section 5-9-1.1 shall be  
8 transmitted to and deposited in the treasurer's office at the  
9 level of government as follows:

10 (1) If such seizure was made by a combination of law  
11 enforcement personnel representing differing units of  
12 local government, the court levying the fine shall  
13 equitably allocate 50% of the fine among these units of  
14 local government and shall allocate 37 1/2% to the county  
15 general corporate fund. In the event that the seizure was  
16 made by law enforcement personnel representing a unit of  
17 local government from a municipality where the number of  
18 inhabitants exceeds 2 million in population, the court  
19 levying the fine shall allocate 87 1/2% of the fine to that  
20 unit of local government. If the seizure was made by a  
21 combination of law enforcement personnel representing  
22 differing units of local government, and at least one of  
23 those units represents a municipality where the number of  
24 inhabitants exceeds 2 million in population, the court  
25 shall equitably allocate 87 1/2% of the proceeds of the  
26 fines received among the differing units of local

1 government.

2 (2) If such seizure was made by State law enforcement  
3 personnel, then the court shall allocate 37 1/2% to the  
4 State treasury and 50% to the county general corporate  
5 fund.

6 (3) If a State law enforcement agency in combination  
7 with a law enforcement agency or agencies of a unit or  
8 units of local government conducted the seizure, the court  
9 shall equitably allocate 37 1/2% of the fines to or among  
10 the law enforcement agency or agencies of the unit or  
11 units of local government which conducted the seizure and  
12 shall allocate 50% to the county general corporate fund.

13 (c) The proceeds of all fines allocated to the law  
14 enforcement agency or agencies of the unit or units of local  
15 government pursuant to subsection (b) shall be made available  
16 to that law enforcement agency as expendable receipts for use  
17 in the enforcement of laws regulating controlled substances  
18 and cannabis. The proceeds of fines awarded to the State  
19 treasury shall be deposited in a special fund known as the Drug  
20 Traffic Prevention Fund. Monies from this fund may be used by  
21 the Illinois ~~Department of~~ State Police for use in the  
22 enforcement of laws regulating controlled substances and  
23 cannabis; to satisfy funding provisions of the  
24 Intergovernmental Drug Laws Enforcement Act; and to defray  
25 costs and expenses associated with returning violators of the  
26 Cannabis Control Act, the Illinois Controlled Substances Act,

1 and the Methamphetamine Control and Community Protection Act  
2 only, as provided in those Acts, when punishment of the crime  
3 shall be confinement of the criminal in the penitentiary.  
4 Moneys in the Drug Traffic Prevention Fund deposited from  
5 fines awarded as a direct result of enforcement efforts of the  
6 Illinois Conservation Police may be used by the Department of  
7 Natural Resources Office of Law Enforcement for use in  
8 enforcing laws regulating controlled substances and cannabis  
9 on Department of Natural Resources regulated lands and  
10 waterways. All other monies shall be paid into the general  
11 revenue fund in the State treasury.

12 (d) There is created in the State treasury the  
13 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall  
14 be equitably allocated to local law enforcement agencies to:  
15 (1) reimburse those agencies for the costs of securing and  
16 cleaning up sites and facilities used for the illegal  
17 manufacture of methamphetamine; (2) defray the costs of  
18 employing full-time or part-time peace officers from a  
19 Metropolitan Enforcement Group or other local drug task force,  
20 including overtime costs for those officers; and (3) defray  
21 the costs associated with medical or dental expenses incurred  
22 by the county resulting from the incarceration of  
23 methamphetamine addicts in the county jail or County  
24 Department of Corrections.

25 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;  
26 95-331, eff. 8-21-07.)

1 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

2 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
3 not-for-profit laboratory registered with the Drug Enforcement  
4 Administration of the United States Department of Justice,  
5 substantially funded by a unit or combination of units of  
6 local government or the State of Illinois, which regularly  
7 employs at least one person engaged in the analysis of  
8 controlled substances, cannabis, methamphetamine, or steroids  
9 for criminal justice agencies in criminal matters and provides  
10 testimony with respect to such examinations.

11 (b) (Blank).

12 (c) In addition to any other disposition made pursuant to  
13 the provisions of the Juvenile Court Act of 1987, any minor  
14 adjudicated delinquent for an offense which if committed by an  
15 adult would constitute a violation of the Cannabis Control  
16 Act, the Illinois Controlled Substances Act, the  
17 Methamphetamine Control and Community Protection Act, or the  
18 Steroid Control Act shall be required to pay a criminal  
19 laboratory analysis assessment of \$100 for each adjudication.  
20 Upon verified petition of the minor, the court may suspend  
21 payment of all or part of the assessment if it finds that the  
22 minor does not have the ability to pay the assessment. The  
23 parent, guardian or legal custodian of the minor may pay some  
24 or all of such assessment on the minor's behalf.

25 (d) All criminal laboratory analysis fees provided for by

1 this Section shall be collected by the clerk of the court and  
2 forwarded to the appropriate crime laboratory fund as provided  
3 in subsection (f).

4 (e) Crime laboratory funds shall be established as  
5 follows:

6 (1) Any unit of local government which maintains a  
7 crime laboratory may establish a crime laboratory fund  
8 within the office of the county or municipal treasurer.

9 (2) Any combination of units of local government which  
10 maintains a crime laboratory may establish a crime  
11 laboratory fund within the office of the treasurer of the  
12 county where the crime laboratory is situated.

13 (3) The State Crime Laboratory Fund is hereby created  
14 as a special fund in the State Treasury.

15 (f) The analysis assessment provided for in subsection (c)  
16 of this Section shall be forwarded to the office of the  
17 treasurer of the unit of local government that performed the  
18 analysis if that unit of local government has established a  
19 crime laboratory fund, or to the State Crime Laboratory Fund  
20 if the analysis was performed by a laboratory operated by the  
21 Illinois State Police. If the analysis was performed by a  
22 crime laboratory funded by a combination of units of local  
23 government, the analysis assessment shall be forwarded to the  
24 treasurer of the county where the crime laboratory is situated  
25 if a crime laboratory fund has been established in that  
26 county. If the unit of local government or combination of

1 units of local government has not established a crime  
2 laboratory fund, then the analysis assessment shall be  
3 forwarded to the State Crime Laboratory Fund.

4 (g) Moneys deposited into a crime laboratory fund created  
5 pursuant to paragraphs (1) or (2) of subsection (e) of this  
6 Section shall be in addition to any allocations made pursuant  
7 to existing law and shall be designated for the exclusive use  
8 of the crime laboratory. These uses may include, but are not  
9 limited to, the following:

10 (1) costs incurred in providing analysis for  
11 controlled substances in connection with criminal  
12 investigations conducted within this State;

13 (2) purchase and maintenance of equipment for use in  
14 performing analyses; and

15 (3) continuing education, training and professional  
16 development of forensic scientists regularly employed by  
17 these laboratories.

18 (h) Moneys deposited in the State Crime Laboratory Fund  
19 created pursuant to paragraph (3) of subsection (d) of this  
20 Section shall be used by State crime laboratories as  
21 designated by the Director of the Illinois State Police. These  
22 funds shall be in addition to any allocations made pursuant to  
23 existing law and shall be designated for the exclusive use of  
24 State crime laboratories or for the sexual assault evidence  
25 tracking system created under Section 50 of the Sexual Assault  
26 Evidence Submission Act. These uses may include those



1 enumerated in subsection (g) of this Section.

2 (Source: P.A. 100-987, eff. 7-1-19; 101-377, eff. 8-16-19.)

3 (730 ILCS 5/5-9-1.9)

4 Sec. 5-9-1.9. DUI analysis fee.

5 (a) "Crime laboratory" means a not-for-profit laboratory  
6 substantially funded by a single unit or combination of units  
7 of local government or the State of Illinois that regularly  
8 employs at least one person engaged in the DUI analysis of  
9 blood, other bodily substance, and urine for criminal justice  
10 agencies in criminal matters and provides testimony with  
11 respect to such examinations.

12 "DUI analysis" means an analysis of blood, other bodily  
13 substance, or urine for purposes of determining whether a  
14 violation of Section 11-501 of the Illinois Vehicle Code has  
15 occurred.

16 (b) (Blank).

17 (c) In addition to any other disposition made under the  
18 provisions of the Juvenile Court Act of 1987, any minor  
19 adjudicated delinquent for an offense which if committed by an  
20 adult would constitute a violation of Section 11-501 of the  
21 Illinois Vehicle Code shall pay a crime laboratory DUI  
22 analysis assessment of \$150 for each adjudication. Upon  
23 verified petition of the minor, the court may suspend payment  
24 of all or part of the assessment if it finds that the minor  
25 does not have the ability to pay the assessment. The parent,

1 guardian, or legal custodian of the minor may pay some or all  
2 of the assessment on the minor's behalf.

3 (d) All crime laboratory DUI analysis assessments provided  
4 for by this Section shall be collected by the clerk of the  
5 court and forwarded to the appropriate crime laboratory DUI  
6 fund as provided in subsection (f).

7 (e) Crime laboratory funds shall be established as  
8 follows:

9 (1) A unit of local government that maintains a crime  
10 laboratory may establish a crime laboratory DUI fund  
11 within the office of the county or municipal treasurer.

12 (2) Any combination of units of local government that  
13 maintains a crime laboratory may establish a crime  
14 laboratory DUI fund within the office of the treasurer of  
15 the county where the crime laboratory is situated.

16 (3) The State Police DUI Fund is created as a special  
17 fund in the State Treasury.

18 (f) The analysis assessment provided for in subsection (c)  
19 of this Section shall be forwarded to the office of the  
20 treasurer of the unit of local government that performed the  
21 analysis if that unit of local government has established a  
22 crime laboratory DUI fund, or to the State Treasurer for  
23 deposit into the State Crime Laboratory Fund if the analysis  
24 was performed by a laboratory operated by the Illinois  
25 ~~Department of~~ State Police. If the analysis was performed by a  
26 crime laboratory funded by a combination of units of local

1 government, the analysis assessment shall be forwarded to the  
2 treasurer of the county where the crime laboratory is situated  
3 if a crime laboratory DUI fund has been established in that  
4 county. If the unit of local government or combination of  
5 units of local government has not established a crime  
6 laboratory DUI fund, then the analysis assessment shall be  
7 forwarded to the State Treasurer for deposit into the State  
8 Crime Laboratory Fund.

9 (g) Moneys deposited into a crime laboratory DUI fund  
10 created under paragraphs (1) and (2) of subsection (e) of this  
11 Section shall be in addition to any allocations made pursuant  
12 to existing law and shall be designated for the exclusive use  
13 of the crime laboratory. These uses may include, but are not  
14 limited to, the following:

15 (1) Costs incurred in providing analysis for DUI  
16 investigations conducted within this State.

17 (2) Purchase and maintenance of equipment for use in  
18 performing analyses.

19 (3) Continuing education, training, and professional  
20 development of forensic scientists regularly employed by  
21 these laboratories.

22 (h) Moneys deposited in the State Crime Laboratory Fund  
23 shall be used by State crime laboratories as designated by the  
24 Director of the Illinois State Police. These funds shall be in  
25 addition to any allocations made according to existing law and  
26 shall be designated for the exclusive use of State crime

1 laboratories. These uses may include those enumerated in  
2 subsection (g) of this Section.

3 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19;  
4 100-1161, eff. 7-1-19.)

5 Section 1060. The Arsonist Registration Act is amended by  
6 changing Sections 10, 15, 20, 25, 30, 35, 45, 50, 55, 60, 70,  
7 75, and 80 as follows:

8 (730 ILCS 148/10)

9 Sec. 10. Duty to register.

10 (a) An arsonist shall, within the time period prescribed  
11 in subsections (b) and (c), register in person and provide  
12 accurate information as required by the Illinois Department of  
13 State Police. Such information shall include current address,  
14 current place of employment, and school attended. The arsonist  
15 shall register:

16 (1) with the chief of police in each of the  
17 municipalities in which he or she attends school, is  
18 employed, resides or is temporarily domiciled for a period  
19 of time of 10 or more days, unless the municipality is the  
20 City of Chicago, in which case he or she shall register at  
21 a fixed location designated by the Superintendent of the  
22 Chicago Police Department; or

23 (2) with the sheriff in each of the counties in which  
24 he or she attends school, is employed, resides or is

1 temporarily domiciled in an unincorporated area or, if  
2 incorporated, no police chief exists. For purposes of this  
3 Act, the place of residence or temporary domicile is  
4 defined as any and all places where the arsonist resides  
5 for an aggregate period of time of 10 or more days during  
6 any calendar year. The arsonist shall provide accurate  
7 information as required by the Illinois ~~Department of~~  
8 State Police. That information shall include the  
9 arsonist's current place of employment.

10 (a-5) An out-of-state student or out-of-state employee  
11 shall, within 10 days after beginning school or employment in  
12 this State, register in person and provide accurate  
13 information as required by the Illinois ~~Department of~~ State  
14 Police. Such information must include current place of  
15 employment, school attended, and address in state of  
16 residence:

17 (1) with the chief of police in each of the  
18 municipalities in which he or she attends school or is  
19 employed for a period of time of 10 or more days or for an  
20 aggregate period of time of more than 30 days during any  
21 calendar year, unless the municipality is the City of  
22 Chicago, in which case he or she shall register at a fixed  
23 location designated by the Superintendent of the Chicago  
24 Police Department; or

25 (2) with the sheriff in each of the counties in which  
26 he or she attends school or is employed for a period of

1 time of 10 or more days or for an aggregate period of time  
2 of more than 30 days during any calendar year in an  
3 unincorporated area or, if incorporated, no police chief  
4 exists. The out-of-state student or out-of-state employee  
5 shall provide accurate information as required by the  
6 Illinois ~~Department of~~ State Police. That information  
7 shall include the out-of-state student's current place of  
8 school attendance or the out-of-state employee's current  
9 place of employment.

10 (b) An arsonist as defined in Section 5 of this Act,  
11 regardless of any initial, prior, or other registration,  
12 shall, within 10 days of beginning school, or establishing a  
13 residence, place of employment, or temporary domicile in any  
14 county, register in person as set forth in subsection (a) or  
15 (a-5).

16 (c) The registration for any person required to register  
17 under this Act shall be as follows:

18 (1) Except as provided in paragraph (3) of this  
19 subsection (c), any person who has not been notified of  
20 his or her responsibility to register shall be notified by  
21 a criminal justice entity of his or her responsibility to  
22 register. Upon notification the person must then register  
23 within 10 days of notification of his or her requirement  
24 to register. If notification is not made within the  
25 offender's 10 year registration requirement, and the  
26 Illinois ~~Department of~~ State Police determines no evidence

1 exists or indicates the offender attempted to avoid  
2 registration, the offender will no longer be required to  
3 register under this Act.

4 (2) Except as provided in paragraph (3) of this  
5 subsection (c), any person convicted on or after the  
6 effective date of this Act shall register in person within  
7 10 days after the entry of the sentencing order based upon  
8 his or her conviction.

9 (3) Any person unable to comply with the registration  
10 requirements of this Act because he or she is confined,  
11 institutionalized, or imprisoned in Illinois on or after  
12 the effective date of this Act shall register in person  
13 within 10 days of discharge, parole or release.

14 (4) The person shall provide positive identification  
15 and documentation that substantiates proof of residence at  
16 the registering address.

17 (5) The person shall pay a \$10 initial registration  
18 fee and a \$5 annual renewal fee. The fees shall be used by  
19 the registering agency for official purposes. The agency  
20 shall establish procedures to document receipt and use of  
21 the funds. The law enforcement agency having jurisdiction  
22 may waive the registration fee if it determines that the  
23 person is indigent and unable to pay the registration fee.

24 (d) Within 10 days after obtaining or changing employment,  
25 a person required to register under this Section must report,  
26 in person or in writing to the law enforcement agency having

1 jurisdiction, the business name and address where he or she is  
2 employed. If the person has multiple businesses or work  
3 locations, every business and work location must be reported  
4 to the law enforcement agency having jurisdiction.

5 (Source: P.A. 99-755, eff. 8-5-16.)

6 (730 ILCS 148/15)

7 Sec. 15. Discharge of arsonist from penal institution. Any  
8 arsonist who is discharged, paroled or released from a  
9 Department of Corrections facility, a facility where such  
10 person was placed by the Department of Corrections or another  
11 penal institution, and whose liability for registration has  
12 not terminated under Section 45 shall, within 10 days prior to  
13 discharge, parole, or release from the facility or  
14 institution, be informed of his or her duty to register in  
15 person under this Act by the facility or institution in which  
16 he or she was confined. The facility or institution shall also  
17 inform any person who must register that if he or she  
18 establishes a residence outside of the State of Illinois, is  
19 employed outside of the State of Illinois, or attends school  
20 outside of the State of Illinois, he or she must register in  
21 the new state within 10 days after establishing the residence,  
22 beginning employment, or beginning school. The facility shall  
23 require the person to read and sign such form as may be  
24 required by the Illinois ~~Department of~~ State Police stating  
25 that the duty to register and the procedure for registration



1 has been explained to him or her and that he or she understands  
2 the duty to register and the procedure for registration. The  
3 facility shall further advise the person in writing that the  
4 failure to register or other violation of this Act shall  
5 result in revocation of parole, mandatory supervised release  
6 or conditional release. The facility shall obtain information  
7 about where the person expects to reside, work, and attend  
8 school upon his or her discharge, parole or release and shall  
9 report the information to the Illinois ~~Department of~~ State  
10 Police. The facility shall give one copy of the form to the  
11 person and shall send one copy to each of the law enforcement  
12 agencies having jurisdiction where the person expects to  
13 reside, work, and attend school upon his or her discharge,  
14 parole or release and retain one copy for the files.  
15 Electronic data files that include all notification form  
16 information and photographs of arsonists being released from  
17 an Illinois Department of Corrections facility shall be shared  
18 on a regular basis as determined between the Illinois  
19 ~~Department of~~ State Police and the Department of Corrections.

20 (Source: P.A. 93-949, eff. 1-1-05.)

21 (730 ILCS 148/20)

22 Sec. 20. Release of arsonist on probation. An arsonist who  
23 is released on probation shall, prior to such release, be  
24 informed of his or her duty to register under this Act by the  
25 court in which he or she was convicted. The court shall also

1 inform any person who must register that if he or she  
2 establishes a residence outside of the State of Illinois, is  
3 employed outside of the State of Illinois, or attends school  
4 outside of the State of Illinois, he or she must register in  
5 the new state within 10 days after establishing the residence,  
6 beginning employment, or beginning school. The court shall  
7 require the person to read and sign such form as may be  
8 required by the Illinois ~~Department of~~ State Police stating  
9 that the duty to register and the procedure for registration  
10 has been explained to him or her and that he or she understands  
11 the duty to register and the procedure for registration. The  
12 court shall further advise the person in writing that the  
13 failure to register or other violation of this Act shall  
14 result in probation revocation. The court shall obtain  
15 information about where the person expects to reside, work,  
16 and attend school upon his or her release, and shall report the  
17 information to the Illinois ~~Department of~~ State Police. The  
18 court shall give one copy of the form to the person and retain  
19 the original in the court records. The Illinois ~~Department of~~  
20 State Police shall notify the law enforcement agencies having  
21 jurisdiction where the person expects to reside, work and  
22 attend school upon his or her release.

23 (Source: P.A. 93-949, eff. 1-1-05.)

24 (730 ILCS 148/25)

25 Sec. 25. Discharge of arsonist from hospital or other

1 treatment facility. Any arsonist who is discharged or released  
2 from a hospital or other treatment facility where he or she was  
3 confined shall be informed by the hospital or treatment  
4 facility in which he or she was confined, prior to discharge or  
5 release from the hospital or treatment facility, of his or her  
6 duty to register under this Act. The facility shall require  
7 the person to read and sign such form as may be required by the  
8 Illinois ~~Department of~~ State Police stating that the duty to  
9 register and the procedure for registration has been explained  
10 to him or her and that he or she understands the duty to  
11 register and the procedure for registration. The facility  
12 shall give one copy of the form to the person, retain one copy  
13 for its records, and forward the original to the Illinois  
14 ~~Department of~~ State Police. The facility shall obtain  
15 information about where the person expects to reside, work,  
16 and attend school upon his or her discharge, parole, or  
17 release and shall report the information to the Illinois  
18 ~~Department of~~ State Police within 3 days. The facility or  
19 institution shall also inform any person who must register  
20 that if he or she establishes a residence outside of the State  
21 of Illinois, is employed outside of the State of Illinois, or  
22 attends school outside of the State of Illinois, he or she must  
23 register in the new state within 10 days after establishing  
24 the residence, beginning school, or beginning employment. The  
25 Illinois ~~Department of~~ State Police shall notify the law  
26 enforcement agencies having jurisdiction where the person

1 expects to reside, work, and attend school upon his or her  
2 release.

3 (Source: P.A. 93-949, eff. 1-1-05.)

4 (730 ILCS 148/30)

5 Sec. 30. Nonforwardable verification letter. The Illinois  
6 ~~Department of~~ State Police shall mail an annual nonforwardable  
7 verification letter to a person registered under this Act  
8 beginning one year from the date of his or her last  
9 registration. A person required to register under this Act who  
10 is mailed a verification letter shall complete, sign, and  
11 return the enclosed verification form to the Illinois  
12 ~~Department of~~ State Police postmarked within 10 days after the  
13 mailing date of the letter. A person's failure to return the  
14 verification form to the Illinois ~~Department of~~ State Police  
15 within 10 days after the mailing date of the letter shall be  
16 considered a violation of this Act; however it is an  
17 affirmative defense to a prosecution for failure of a person  
18 who is required to return a verification form to the Illinois  
19 ~~Department of~~ State Police if the post office fails to deliver  
20 the verification form to the Illinois ~~Department of~~ State  
21 Police or if it can be proven that the form has been lost by  
22 the Department.

23 (Source: P.A. 93-949, eff. 1-1-05.)

24 (730 ILCS 148/35)

1           Sec. 35. Duty to report change of address, school, or  
2 employment. Any person who is required to register under this  
3 Act shall report in person to the appropriate law enforcement  
4 agency with whom he or she last registered within one year from  
5 the date of last registration and every year thereafter. If  
6 any person required to register under this Act changes his or  
7 her residence address, place of employment, or school, he or  
8 she shall, in writing, within 10 days inform the law  
9 enforcement agency with whom he or she last registered of his  
10 or her new address, change in employment, or school and  
11 register with the appropriate law enforcement agency within  
12 the time period specified in Section 10. The law enforcement  
13 agency shall, within 3 days of receipt, notify the Illinois  
14 ~~Department of~~ State Police and the law enforcement agency  
15 having jurisdiction of the new place of residence, change in  
16 employment, or school. If any person required to register  
17 under this Act establishes a residence or employment outside  
18 of the State of Illinois, within 10 days after establishing  
19 that residence or employment, he or she shall, in writing,  
20 inform the law enforcement agency with which he or she last  
21 registered of his or her out-of-state residence or employment.  
22 The law enforcement agency with which such person last  
23 registered shall, within 3 days notice of an address or  
24 employment change, notify the Illinois ~~Department of~~ State  
25 Police. The Illinois ~~Department of~~ State Police shall forward  
26 such information to the out-of-state law enforcement agency

1 having jurisdiction in the form and manner prescribed by the  
2 Illinois ~~Department of~~ State Police.

3 (Source: P.A. 93-949, eff. 1-1-05.)

4 (730 ILCS 148/45)

5 Sec. 45. Duration of registration. Any person, other than  
6 a minor who is tried and convicted in an adult criminal  
7 prosecution for an offense for which the person is required to  
8 register under this Act, who is required to register under  
9 this Act shall be required to register for a period of 10 years  
10 after conviction if not confined to a penal institution,  
11 hospital or any other institution or facility, and if  
12 confined, for a period of 10 years after parole, discharge or  
13 release from any such facility. A minor who has been tried and  
14 convicted in an adult criminal prosecution for an offense for  
15 which the person is required to register under this Act shall  
16 be required to register for a period of 10 years after his or  
17 her conviction for an offense for which the person is required  
18 to register under this Act. An arsonist who is allowed to leave  
19 a county, State, or federal facility for the purposes of work  
20 release, education, or overnight visitations shall be required  
21 to register within 10 days of beginning such a program.  
22 Liability for registration terminates at the expiration of 10  
23 years from the date of conviction if not confined to a penal  
24 institution, hospital or any other institution or facility and  
25 if confined, at the expiration of 10 years from the date of

1 parole, discharge or release from any such facility, providing  
2 such person does not, during that period, again become liable  
3 to register under the provisions of this Act. In the case of a  
4 minor who is tried and convicted in an adult criminal  
5 prosecution, liability for registration terminates 10 years  
6 after conviction. The Director of the Illinois State Police,  
7 consistent with administrative rules, shall extend for 10  
8 years the registration period of any arsonist who fails to  
9 comply with the provisions of this Act.

10 (Source: P.A. 93-949, eff. 1-1-05.)

11 (730 ILCS 148/50)

12 Sec. 50. Registration requirements. Registration as  
13 required by this Act shall consist of a statement in writing  
14 signed by the person giving the information that is required  
15 by the Illinois ~~Department of~~ State Police, which may include  
16 the fingerprints and must include a photograph of the person.  
17 The registration information must include whether the person  
18 is an arsonist. Within 3 days, the registering law enforcement  
19 agency shall forward any required information to the Illinois  
20 ~~Department of~~ State Police. The registering law enforcement  
21 agency shall enter the information into I-CLEAR as provided in  
22 Section 2605-378 of the Illinois ~~Department of~~ State Police  
23 Law of the Civil Administrative Code of Illinois.

24 (Source: P.A. 93-949, eff. 1-1-05.)

1 (730 ILCS 148/55)

2 Sec. 55. Address verification requirements. The agency  
3 having jurisdiction shall verify the address of arsonists  
4 required to register with their agency at least once per  
5 calendar year. The verification must be documented in I-CLEAR  
6 in the form and manner required by the Illinois ~~Department of~~  
7 State Police.

8 (Source: P.A. 93-949, eff. 1-1-05.)

9 (730 ILCS 148/60)

10 Sec. 60. Public inspection of registration data.

11 (a) Except as otherwise provided in subsection (b), the  
12 statements or any other information required by this Act shall  
13 not be open to inspection by the public, or by any person other  
14 than by a law enforcement officer or other individual as may be  
15 authorized by law and shall include law enforcement agencies  
16 of this State, any other state, or of the federal government.  
17 Similar information may be requested from any law enforcement  
18 agency of another state or of the federal government for  
19 purposes of this Act. It is a Class B misdemeanor to permit the  
20 unauthorized release of any information required by this Act.

21 (b) The Illinois ~~Department of~~ State Police shall furnish  
22 to the Office of the State Fire Marshal the registration  
23 information concerning persons who are required to register  
24 under this Act. The Office of the State Fire Marshal shall  
25 establish and maintain a Statewide Arsonist Database for the



1 purpose of making that information available to the public on  
2 the Internet by means of a hyperlink labeled "Arsonist  
3 Information" on the Office of the State Fire Marshal's  
4 website.

5 (Source: P.A. 93-949, eff. 1-1-05.)

6 (730 ILCS 148/70)

7 Sec. 70. Arsonist Registration Fund. There is created in  
8 the State treasury the Arsonist Registration Fund. Moneys in  
9 the Fund shall be used to cover costs incurred by the criminal  
10 justice system to administer this Act. The Illinois ~~Department~~  
11 ~~of~~ State Police shall establish and promulgate rules and  
12 procedures regarding the administration of this Fund. At least  
13 50% of the moneys in the Fund shall be allocated by the  
14 Department for sheriffs' offices and police departments.

15 (Source: P.A. 93-949, eff. 1-1-05.)

16 (730 ILCS 148/75)

17 Sec. 75. Access to State of Illinois databases. The  
18 Illinois ~~Department of~~ State Police shall have access to State  
19 of Illinois databases containing information that may help in  
20 the identification or location of persons required to register  
21 under this Act. Interagency agreements shall be implemented,  
22 consistent with security and procedures established by the  
23 State agency and consistent with the laws governing the  
24 confidentiality of the information in the databases.

1 Information shall be used only for administration of this Act.

2 (Source: P.A. 93-949, eff. 1-1-05.)

3 (730 ILCS 148/80)

4 Sec. 80. Applicability. Until the Illinois ~~Department of~~  
5 State Police establishes I-CLEAR throughout this State, this  
6 Act applies only to arsonists who reside, are employed, or  
7 attend school within the City of Chicago. Once I-CLEAR is  
8 established throughout this State, this Act applies throughout  
9 the State to arsonists who reside, are employed, or attend  
10 school anywhere in this State. Any duties imposed upon the  
11 Illinois ~~Department of~~ State Police by this Act are subject to  
12 appropriation and shall not commence until I-CLEAR is  
13 implemented throughout this State and until such time, those  
14 duties shall be imposed upon the City of Chicago.

15 (Source: P.A. 93-949, eff. 1-1-05.)

16 Section 1065. The Sex Offender Registration Act is amended  
17 by changing Sections 3, 4, 5, 5-5, 5-10, 6, 7, 8, 8-5, and 11  
18 as follows:

19 (730 ILCS 150/3)

20 Sec. 3. Duty to register.

21 (a) A sex offender, as defined in Section 2 of this Act, or  
22 sexual predator shall, within the time period prescribed in  
23 subsections (b) and (c), register in person and provide

1 accurate information as required by the Illinois Department of  
2 State Police. Such information shall include a current  
3 photograph, current address, current place of employment, the  
4 sex offender's or sexual predator's telephone number,  
5 including cellular telephone number, the employer's telephone  
6 number, school attended, all e-mail addresses, instant  
7 messaging identities, chat room identities, and other Internet  
8 communications identities that the sex offender uses or plans  
9 to use, all Uniform Resource Locators (URLs) registered or  
10 used by the sex offender, all blogs and other Internet sites  
11 maintained by the sex offender or to which the sex offender has  
12 uploaded any content or posted any messages or information,  
13 extensions of the time period for registering as provided in  
14 this Article and, if an extension was granted, the reason why  
15 the extension was granted and the date the sex offender was  
16 notified of the extension. The information shall also include  
17 a copy of the terms and conditions of parole or release signed  
18 by the sex offender and given to the sex offender by his or her  
19 supervising officer or aftercare specialist, the county of  
20 conviction, license plate numbers for every vehicle registered  
21 in the name of the sex offender, the age of the sex offender at  
22 the time of the commission of the offense, the age of the  
23 victim at the time of the commission of the offense, and any  
24 distinguishing marks located on the body of the sex offender.  
25 A sex offender convicted under Section 11-6, 11-20.1,  
26 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 shall provide all Internet protocol (IP)  
2 addresses in his or her residence, registered in his or her  
3 name, accessible at his or her place of employment, or  
4 otherwise under his or her control or custody. If the sex  
5 offender is a child sex offender as defined in Section 11-9.3  
6 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, the sex offender shall report to the registering agency  
8 whether he or she is living in a household with a child under  
9 18 years of age who is not his or her own child, provided that  
10 his or her own child is not the victim of the sex offense. The  
11 sex offender or sexual predator shall register:

12 (1) with the chief of police in the municipality in  
13 which he or she resides or is temporarily domiciled for a  
14 period of time of 3 or more days, unless the municipality  
15 is the City of Chicago, in which case he or she shall  
16 register at a fixed location designated by the  
17 Superintendent of the Chicago Police Department; or

18 (2) with the sheriff in the county in which he or she  
19 resides or is temporarily domiciled for a period of time  
20 of 3 or more days in an unincorporated area or, if  
21 incorporated, no police chief exists.

22 If the sex offender or sexual predator is employed at or  
23 attends an institution of higher education, he or she shall  
24 also register:

25 (i) with:

26 (A) the chief of police in the municipality in

1           which he or she is employed at or attends an  
2           institution of higher education, unless the  
3           municipality is the City of Chicago, in which case he  
4           or she shall register at a fixed location designated  
5           by the Superintendent of the Chicago Police  
6           Department; or

7                     (B) the sheriff in the county in which he or she is  
8           employed or attends an institution of higher education  
9           located in an unincorporated area, or if incorporated,  
10          no police chief exists; and

11          (ii) with the public safety or security director of  
12          the institution of higher education which he or she is  
13          employed at or attends.

14          The registration fees shall only apply to the municipality  
15          or county of primary registration, and not to campus  
16          registration.

17          For purposes of this Article, the place of residence or  
18          temporary domicile is defined as any and all places where the  
19          sex offender resides for an aggregate period of time of 3 or  
20          more days during any calendar year. Any person required to  
21          register under this Article who lacks a fixed address or  
22          temporary domicile must notify, in person, the agency of  
23          jurisdiction of his or her last known address within 3 days  
24          after ceasing to have a fixed residence.

25          A sex offender or sexual predator who is temporarily  
26          absent from his or her current address of registration for 3 or

1 more days shall notify the law enforcement agency having  
2 jurisdiction of his or her current registration, including the  
3 itinerary for travel, in the manner provided in Section 6 of  
4 this Act for notification to the law enforcement agency having  
5 jurisdiction of change of address.

6 Any person who lacks a fixed residence must report weekly,  
7 in person, with the sheriff's office of the county in which he  
8 or she is located in an unincorporated area, or with the chief  
9 of police in the municipality in which he or she is located.  
10 The agency of jurisdiction will document each weekly  
11 registration to include all the locations where the person has  
12 stayed during the past 7 days.

13 The sex offender or sexual predator shall provide accurate  
14 information as required by the Illinois ~~Department of~~ State  
15 Police. That information shall include the sex offender's or  
16 sexual predator's current place of employment.

17 (a-5) An out-of-state student or out-of-state employee  
18 shall, within 3 days after beginning school or employment in  
19 this State, register in person and provide accurate  
20 information as required by the Illinois ~~Department of~~ State  
21 Police. Such information will include current place of  
22 employment, school attended, and address in state of  
23 residence. A sex offender convicted under Section 11-6,  
24 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of  
25 1961 or the Criminal Code of 2012 shall provide all Internet  
26 protocol (IP) addresses in his or her residence, registered in

1 his or her name, accessible at his or her place of employment,  
2 or otherwise under his or her control or custody. The  
3 out-of-state student or out-of-state employee shall register:

4 (1) with:

5 (A) the chief of police in the municipality in  
6 which he or she attends school or is employed for a  
7 period of time of 5 or more days or for an aggregate  
8 period of time of more than 30 days during any calendar  
9 year, unless the municipality is the City of Chicago,  
10 in which case he or she shall register at a fixed  
11 location designated by the Superintendent of the  
12 Chicago Police Department; or

13 (B) the sheriff in the county in which he or she  
14 attends school or is employed for a period of time of 5  
15 or more days or for an aggregate period of time of more  
16 than 30 days during any calendar year in an  
17 unincorporated area or, if incorporated, no police  
18 chief exists; and

19 (2) with the public safety or security director of the  
20 institution of higher education he or she is employed at  
21 or attends for a period of time of 5 or more days or for an  
22 aggregate period of time of more than 30 days during a  
23 calendar year.

24 The registration fees shall only apply to the municipality  
25 or county of primary registration, and not to campus  
26 registration.

1           The out-of-state student or out-of-state employee shall  
2 provide accurate information as required by the Illinois  
3 ~~Department of~~ State Police. That information shall include the  
4 out-of-state student's current place of school attendance or  
5 the out-of-state employee's current place of employment.

6           (a-10) Any law enforcement agency registering sex  
7 offenders or sexual predators in accordance with subsections  
8 (a) or (a-5) of this Section shall forward to the Attorney  
9 General a copy of sex offender registration forms from persons  
10 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
11 11-21 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, including periodic and annual registrations under  
13 Section 6 of this Act.

14           (b) Any sex offender, as defined in Section 2 of this Act,  
15 or sexual predator, regardless of any initial, prior, or other  
16 registration, shall, within 3 days of beginning school, or  
17 establishing a residence, place of employment, or temporary  
18 domicile in any county, register in person as set forth in  
19 subsection (a) or (a-5).

20           (c) The registration for any person required to register  
21 under this Article shall be as follows:

22           (1) Any person registered under the Habitual Child Sex  
23 Offender Registration Act or the Child Sex Offender  
24 Registration Act prior to January 1, 1996, shall be deemed  
25 initially registered as of January 1, 1996; however, this  
26 shall not be construed to extend the duration of



1 registration set forth in Section 7.

2 (2) Except as provided in subsection (c)(2.1) or  
3 (c)(4), any person convicted or adjudicated prior to  
4 January 1, 1996, whose liability for registration under  
5 Section 7 has not expired, shall register in person prior  
6 to January 31, 1996.

7 (2.1) A sex offender or sexual predator, who has never  
8 previously been required to register under this Act, has a  
9 duty to register if the person has been convicted of any  
10 felony offense after July 1, 2011. A person who previously  
11 was required to register under this Act for a period of 10  
12 years and successfully completed that registration period  
13 has a duty to register if: (i) the person has been  
14 convicted of any felony offense after July 1, 2011, and  
15 (ii) the offense for which the 10 year registration was  
16 served currently requires a registration period of more  
17 than 10 years. Notification of an offender's duty to  
18 register under this subsection shall be pursuant to  
19 Section 5-7 of this Act.

20 (2.5) Except as provided in subsection (c)(4), any  
21 person who has not been notified of his or her  
22 responsibility to register shall be notified by a criminal  
23 justice entity of his or her responsibility to register.  
24 Upon notification the person must then register within 3  
25 days of notification of his or her requirement to  
26 register. Except as provided in subsection (c)(2.1), if

1 notification is not made within the offender's 10 year  
2 registration requirement, and the Illinois ~~Department of~~  
3 State Police determines no evidence exists or indicates  
4 the offender attempted to avoid registration, the offender  
5 will no longer be required to register under this Act.

6 (3) Except as provided in subsection (c)(4), any  
7 person convicted on or after January 1, 1996, shall  
8 register in person within 3 days after the entry of the  
9 sentencing order based upon his or her conviction.

10 (4) Any person unable to comply with the registration  
11 requirements of this Article because he or she is  
12 confined, institutionalized, or imprisoned in Illinois on  
13 or after January 1, 1996, shall register in person within  
14 3 days of discharge, parole or release.

15 (5) The person shall provide positive identification  
16 and documentation that substantiates proof of residence at  
17 the registering address.

18 (6) The person shall pay a \$100 initial registration  
19 fee and a \$100 annual renewal fee to the registering law  
20 enforcement agency having jurisdiction. The registering  
21 agency may waive the registration fee if it determines  
22 that the person is indigent and unable to pay the  
23 registration fee. Thirty-five dollars for the initial  
24 registration fee and \$35 of the annual renewal fee shall  
25 be retained and used by the registering agency for  
26 official purposes. Having retained \$35 of the initial

1 registration fee and \$35 of the annual renewal fee, the  
2 registering agency shall remit the remainder of the fee to  
3 State agencies within 30 days of receipt for deposit into  
4 the State funds as follows:

5 (A) Five dollars of the initial registration fee  
6 and \$5 of the annual fee shall be remitted to the State  
7 Treasurer who shall deposit the moneys into the Sex  
8 Offender Management Board Fund under Section 19 of the  
9 Sex Offender Management Board Act. Money deposited  
10 into the Sex Offender Management Board Fund shall be  
11 administered by the Sex Offender Management Board and  
12 shall be used by the Board to comply with the  
13 provisions of the Sex Offender Management Board Act.

14 (B) Thirty dollars of the initial registration fee  
15 and \$30 of the annual renewal fee shall be remitted to  
16 the Illinois ~~Department of~~ State Police which shall  
17 deposit the moneys into the Offender Registration  
18 Fund.

19 (C) Thirty dollars of the initial registration fee  
20 and \$30 of the annual renewal fee shall be remitted to  
21 the Attorney General who shall deposit the moneys into  
22 the Attorney General Sex Offender Awareness, Training,  
23 and Education Fund. Moneys deposited into the Fund  
24 shall be used by the Attorney General to administer  
25 the I-SORT program and to alert and educate the  
26 public, victims, and witnesses of their rights under

1 various victim notification laws and for training law  
2 enforcement agencies, State's Attorneys, and medical  
3 providers of their legal duties concerning the  
4 prosecution and investigation of sex offenses.

5 The registering agency shall establish procedures to  
6 document the receipt and remittance of the \$100 initial  
7 registration fee and \$100 annual renewal fee.

8 (d) Within 3 days after obtaining or changing employment  
9 and, if employed on January 1, 2000, within 5 days after that  
10 date, a person required to register under this Section must  
11 report, in person to the law enforcement agency having  
12 jurisdiction, the business name and address where he or she is  
13 employed. If the person has multiple businesses or work  
14 locations, every business and work location must be reported  
15 to the law enforcement agency having jurisdiction.

16 (Source: P.A. 101-571, eff. 8-23-19.)

17 (730 ILCS 150/4) (from Ch. 38, par. 224)

18 Sec. 4. Discharge of sex offender, as defined in Section 2  
19 of this Act, or sexual predator from Department of Corrections  
20 facility or other penal institution; duties of official in  
21 charge. Any sex offender, as defined in Section 2 of this Act,  
22 or sexual predator, as defined by this Article, who is  
23 discharged, paroled or released from a Department of  
24 Corrections or Department of Juvenile Justice facility, a  
25 facility where such person was placed by the Department of

1 Corrections or Department of Juvenile Justice or another penal  
2 institution, and whose liability for registration has not  
3 terminated under Section 7 shall, prior to discharge, parole  
4 or release from the facility or institution, be informed of  
5 his or her duty to register in person within 3 days of release  
6 by the facility or institution in which he or she was confined.  
7 The facility or institution shall also inform any person who  
8 must register that if he or she establishes a residence  
9 outside of the State of Illinois, is employed outside of the  
10 State of Illinois, or attends school outside of the State of  
11 Illinois, he or she must register in the new state within 3  
12 days after establishing the residence, beginning employment,  
13 or beginning school.

14 The facility shall require the person to read and sign  
15 such form as may be required by the Illinois ~~Department of~~  
16 State Police stating that the duty to register and the  
17 procedure for registration has been explained to him or her  
18 and that he or she understands the duty to register and the  
19 procedure for registration. The facility shall further advise  
20 the person in writing that the failure to register or other  
21 violation of this Article shall result in revocation of  
22 parole, aftercare release, mandatory supervised release or  
23 conditional release. The facility shall obtain information  
24 about where the person expects to reside, work, and attend  
25 school upon his or her discharge, parole or release and shall  
26 report the information to the Illinois ~~Department of~~ State

1 Police. The facility shall give one copy of the form to the  
2 person and shall send one copy to each of the law enforcement  
3 agencies having jurisdiction where the person expects to  
4 reside, work, and attend school upon his or her discharge,  
5 parole or release and retain one copy for the files.  
6 Electronic data files which includes all notification form  
7 information and photographs of sex offenders being released  
8 from an Illinois Department of Corrections or Illinois  
9 Department of Juvenile Justice facility will be shared on a  
10 regular basis as determined between the Illinois ~~Department of~~  
11 State Police, the Department of Corrections, and Department of  
12 Juvenile Justice.

13 (Source: P.A. 98-558, eff. 1-1-14.)

14 (730 ILCS 150/5) (from Ch. 38, par. 225)

15 Sec. 5. Release of sex offender, as defined in Section 2 of  
16 this Act, or sexual predator; duties of the Court. Any sex  
17 offender, as defined in Section 2 of this Act, or sexual  
18 predator, as defined by this Article, who is released on  
19 probation or discharged upon payment of a fine because of the  
20 commission of one of the offenses defined in subsection (B) of  
21 Section 2 of this Article, shall, prior to such release be  
22 informed of his or her duty to register under this Article by  
23 the Court in which he or she was convicted. The Court shall  
24 also inform any person who must register that if he or she  
25 establishes a residence outside of the State of Illinois, is

1 employed outside of the State of Illinois, or attends school  
2 outside of the State of Illinois, he or she must register in  
3 the new state within 3 days after establishing the residence,  
4 beginning employment, or beginning school. The Court shall  
5 require the person to read and sign such form as may be  
6 required by the Illinois ~~Department of~~ State Police stating  
7 that the duty to register and the procedure for registration  
8 has been explained to him or her and that he or she understands  
9 the duty to register and the procedure for registration. The  
10 Court shall further advise the person in writing that the  
11 failure to register or other violation of this Article shall  
12 result in probation revocation. The Court shall obtain  
13 information about where the person expects to reside, work,  
14 and attend school upon his or her release, and shall report the  
15 information to the Illinois ~~Department of~~ State Police. The  
16 Court shall give one copy of the form to the person and retain  
17 the original in the court records. The Illinois ~~Department of~~  
18 State Police shall notify the law enforcement agencies having  
19 jurisdiction where the person expects to reside, work and  
20 attend school upon his or her release.

21 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

22 (730 ILCS 150/5-5)

23 Sec. 5-5. Discharge of sex offender or sexual predator  
24 from a hospital or other treatment facility; duties of the  
25 official in charge. Any sex offender, as defined in Section 2

1 of this Act, or sexual predator, as defined in this Article,  
2 who is discharged or released from a hospital or other  
3 treatment facility where he or she was confined shall be  
4 informed by the hospital or treatment facility in which he or  
5 she was confined, prior to discharge or release from the  
6 hospital or treatment facility, of his or her duty to register  
7 under this Article.

8 The facility shall require the person to read and sign  
9 such form as may be required by the Illinois ~~Department of~~  
10 State Police stating that the duty to register and the  
11 procedure for registration has been explained to him or her  
12 and that he or she understands the duty to register and the  
13 procedure for registration. The facility shall give one copy  
14 of the form to the person, retain one copy for their records,  
15 and forward the original to the Illinois ~~Department of~~ State  
16 Police. The facility shall obtain information about where the  
17 person expects to reside, work, and attend school upon his or  
18 her discharge, parole, or release and shall report the  
19 information to the Illinois ~~Department of~~ State Police within  
20 3 days. The facility or institution shall also inform any  
21 person who must register that if he or she establishes a  
22 residence outside of the State of Illinois, is employed  
23 outside of the State of Illinois, or attends school outside of  
24 the State of Illinois, he or she must register in the new state  
25 within 3 days after establishing the residence, beginning  
26 school, or beginning employment. The Illinois ~~Department of~~



1 State Police shall notify the law enforcement agencies having  
2 jurisdiction where the person expects to reside, work, and  
3 attend school upon his or her release.

4 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

5 (730 ILCS 150/5-10)

6 Sec. 5-10. Nonforwardable verification letters. The  
7 Illinois ~~Department of~~ State Police shall mail a quarterly  
8 nonforwardable verification letter to each registered person  
9 who has been adjudicated to be sexually dangerous or is a  
10 sexually violent person and is later released, or found to be  
11 no longer sexually dangerous or no longer a sexually violent  
12 person and discharged, beginning 90 days from the date of his  
13 or her last registration. To any other person registered under  
14 this Article, the Illinois ~~Department of~~ State Police shall  
15 mail an annual nonforwardable verification letter, beginning  
16 one year from the date of his or her last registration. A  
17 person required to register under this Article who is mailed a  
18 verification letter shall complete, sign, and return the  
19 enclosed verification form to the Illinois ~~Department of~~ State  
20 Police postmarked within 10 days after the mailing date of the  
21 letter. A person's failure to return the verification form to  
22 the Illinois ~~Department of~~ State Police within 10 days after  
23 the mailing date of the letter shall be considered a violation  
24 of this Article.

25 (Source: P.A. 90-193, eff. 7-24-97; 91-48, eff. 7-1-99.)

1 (730 ILCS 150/6)

2 Sec. 6. Duty to report; change of address, school, or  
3 employment; duty to inform. A person who has been adjudicated  
4 to be sexually dangerous or is a sexually violent person and is  
5 later released, or found to be no longer sexually dangerous or  
6 no longer a sexually violent person and discharged, or  
7 convicted of a violation of this Act after July 1, 2005, shall  
8 report in person to the law enforcement agency with whom he or  
9 she last registered no later than 90 days after the date of his  
10 or her last registration and every 90 days thereafter and at  
11 such other times at the request of the law enforcement agency  
12 not to exceed 4 times a year. Such sexually dangerous or  
13 sexually violent person must report all new or changed e-mail  
14 addresses, all new or changed instant messaging identities,  
15 all new or changed chat room identities, and all other new or  
16 changed Internet communications identities that the sexually  
17 dangerous or sexually violent person uses or plans to use, all  
18 new or changed Uniform Resource Locators (URLs) registered or  
19 used by the sexually dangerous or sexually violent person, and  
20 all new or changed blogs and other Internet sites maintained  
21 by the sexually dangerous or sexually violent person or to  
22 which the sexually dangerous or sexually violent person has  
23 uploaded any content or posted any messages or information.  
24 Any person who lacks a fixed residence must report weekly, in  
25 person, to the appropriate law enforcement agency where the

1 sex offender is located. Any other person who is required to  
2 register under this Article shall report in person to the  
3 appropriate law enforcement agency with whom he or she last  
4 registered within one year from the date of last registration  
5 and every year thereafter and at such other times at the  
6 request of the law enforcement agency not to exceed 4 times a  
7 year. If any person required to register under this Article  
8 lacks a fixed residence or temporary domicile, he or she must  
9 notify, in person, the agency of jurisdiction of his or her  
10 last known address within 3 days after ceasing to have a fixed  
11 residence and if the offender leaves the last jurisdiction of  
12 residence, he or she, must within 3 days after leaving  
13 register in person with the new agency of jurisdiction. If any  
14 other person required to register under this Article changes  
15 his or her residence address, place of employment, telephone  
16 number, cellular telephone number, or school, he or she shall  
17 report in person, to the law enforcement agency with whom he or  
18 she last registered, his or her new address, change in  
19 employment, telephone number, cellular telephone number, or  
20 school, all new or changed e-mail addresses, all new or  
21 changed instant messaging identities, all new or changed chat  
22 room identities, and all other new or changed Internet  
23 communications identities that the sex offender uses or plans  
24 to use, all new or changed Uniform Resource Locators (URLs)  
25 registered or used by the sex offender, and all new or changed  
26 blogs and other Internet sites maintained by the sex offender

1 or to which the sex offender has uploaded any content or posted  
2 any messages or information, and register, in person, with the  
3 appropriate law enforcement agency within the time period  
4 specified in Section 3. If the sex offender is a child sex  
5 offender as defined in Section 11-9.3 or 11-9.4 of the  
6 Criminal Code of 1961 or the Criminal Code of 2012, the sex  
7 offender shall within 3 days after beginning to reside in a  
8 household with a child under 18 years of age who is not his or  
9 her own child, provided that his or her own child is not the  
10 victim of the sex offense, report that information to the  
11 registering law enforcement agency. The law enforcement agency  
12 shall, within 3 days of the reporting in person by the person  
13 required to register under this Article, notify the Illinois  
14 ~~Department of~~ State Police of the new place of residence,  
15 change in employment, telephone number, cellular telephone  
16 number, or school.

17 If any person required to register under this Article  
18 intends to establish a residence or employment outside of the  
19 State of Illinois, at least 10 days before establishing that  
20 residence or employment, he or she shall report in person to  
21 the law enforcement agency with which he or she last  
22 registered of his or her out-of-state intended residence or  
23 employment. The law enforcement agency with which such person  
24 last registered shall, within 3 days after the reporting in  
25 person of the person required to register under this Article  
26 of an address or employment change, notify the Illinois

1 ~~Department of~~ State Police. The Illinois ~~Department of~~ State  
2 Police shall forward such information to the out-of-state law  
3 enforcement agency having jurisdiction in the form and manner  
4 prescribed by the Illinois ~~Department of~~ State Police.

5 (Source: P.A. 96-1094, eff. 1-1-11; 96-1104, eff. 1-1-11;  
6 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13.)

7 (730 ILCS 150/7) (from Ch. 38, par. 227)

8 Sec. 7. Duration of registration. A person who has been  
9 adjudicated to be sexually dangerous and is later released or  
10 found to be no longer sexually dangerous and discharged, shall  
11 register for the period of his or her natural life. A sexually  
12 violent person or sexual predator shall register for the  
13 period of his or her natural life after conviction or  
14 adjudication if not confined to a penal institution, hospital,  
15 or other institution or facility, and if confined, for the  
16 period of his or her natural life after parole, discharge, or  
17 release from any such facility. A person who becomes subject  
18 to registration under paragraph (2.1) of subsection (c) of  
19 Section 3 of this Article who has previously been subject to  
20 registration under this Article shall register for the period  
21 currently required for the offense for which the person was  
22 previously registered if not confined to a penal institution,  
23 hospital, or other institution or facility, and if confined,  
24 for the same period after parole, discharge, or release from  
25 any such facility. Except as otherwise provided in this

1 Section, a person who becomes subject to registration under  
2 this Article who has previously been subject to registration  
3 under this Article or under the Murderer and Violent Offender  
4 Against Youth Registration Act or similar registration  
5 requirements of other jurisdictions shall register for the  
6 period of his or her natural life if not confined to a penal  
7 institution, hospital, or other institution or facility, and  
8 if confined, for the period of his or her natural life after  
9 parole, discharge, or release from any such facility. Any  
10 other person who is required to register under this Article  
11 shall be required to register for a period of 10 years after  
12 conviction or adjudication if not confined to a penal  
13 institution, hospital or any other institution or facility,  
14 and if confined, for a period of 10 years after parole,  
15 discharge or release from any such facility. A sex offender  
16 who is allowed to leave a county, State, or federal facility  
17 for the purposes of work release, education, or overnight  
18 visitations shall be required to register within 3 days of  
19 beginning such a program. Liability for registration  
20 terminates at the expiration of 10 years from the date of  
21 conviction or adjudication if not confined to a penal  
22 institution, hospital or any other institution or facility and  
23 if confined, at the expiration of 10 years from the date of  
24 parole, discharge or release from any such facility, providing  
25 such person does not, during that period, again become liable  
26 to register under the provisions of this Article.

1 Reconfinement due to a violation of parole or other  
2 circumstances that relates to the original conviction or  
3 adjudication shall extend the period of registration to 10  
4 years after final parole, discharge, or release. Reconfinement  
5 due to a violation of parole, a conviction reviving  
6 registration, or other circumstances that do not relate to the  
7 original conviction or adjudication shall toll the running of  
8 the balance of the 10-year period of registration, which shall  
9 not commence running until after final parole, discharge, or  
10 release. The Director of the Illinois State Police, consistent  
11 with administrative rules, shall extend for 10 years the  
12 registration period of any sex offender, as defined in Section  
13 2 of this Act, who fails to comply with the provisions of this  
14 Article. The registration period for any sex offender who  
15 fails to comply with any provision of the Act shall extend the  
16 period of registration by 10 years beginning from the first  
17 date of registration after the violation. If the registration  
18 period is extended, the Illinois ~~Department of~~ State Police  
19 shall send a registered letter to the law enforcement agency  
20 where the sex offender resides within 3 days after the  
21 extension of the registration period. The sex offender shall  
22 report to that law enforcement agency and sign for that  
23 letter. One copy of that letter shall be kept on file with the  
24 law enforcement agency of the jurisdiction where the sex  
25 offender resides and one copy shall be returned to the  
26 Illinois ~~Department of~~ State Police.

1 (Source: P.A. 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;  
2 97-813, eff. 7-13-12.)

3 (730 ILCS 150/8) (from Ch. 38, par. 228)

4 Sec. 8. Registration and DNA submission requirements.

5 (a) Registration. Registration as required by this Article  
6 shall consist of a statement in writing signed by the person  
7 giving the information that is required by the Illinois  
8 ~~Department of~~ State Police, which may include the fingerprints  
9 and must include a current photograph of the person, to be  
10 updated annually. If the sex offender is a child sex offender  
11 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
12 1961 or the Criminal Code of 2012, he or she shall sign a  
13 statement that he or she understands that according to  
14 Illinois law as a child sex offender he or she may not reside  
15 within 500 feet of a school, park, or playground. The offender  
16 may also not reside within 500 feet of a facility providing  
17 services directed exclusively toward persons under 18 years of  
18 age unless the sex offender meets specified exemptions. The  
19 registration information must include whether the person is a  
20 sex offender as defined in the Sex Offender Community  
21 Notification Law. Within 3 days, the registering law  
22 enforcement agency shall forward any required information to  
23 the Illinois ~~Department of~~ State Police. The registering law  
24 enforcement agency shall enter the information into the Law  
25 Enforcement Agencies Data System (LEADS) as provided in



1 Sections 6 and 7 of the Intergovernmental Missing Child  
2 Recovery Act of 1984.

3 (b) DNA submission. Every person registering as a sex  
4 offender pursuant to this Act, regardless of the date of  
5 conviction or the date of initial registration who is required  
6 to submit specimens of blood, saliva, or tissue for DNA  
7 analysis as required by subsection (a) of Section 5-4-3 of the  
8 Unified Code of Corrections shall submit the specimens as  
9 required by that Section. Registered sex offenders who have  
10 previously submitted a DNA specimen which has been uploaded to  
11 the Illinois DNA database shall not be required to submit an  
12 additional specimen pursuant to this Section.

13 (Source: P.A. 97-383, eff. 1-1-12; 97-1150, eff. 1-25-13.)

14 (730 ILCS 150/8-5)

15 Sec. 8-5. Verification requirements.

16 (a) Address verification. The agency having jurisdiction  
17 shall verify the address of sex offenders, as defined in  
18 Section 2 of this Act, or sexual predators required to  
19 register with their agency at least once per year. The  
20 verification must be documented in LEADS in the form and  
21 manner required by the Illinois Department of State Police.

22 (a-5) Internet Protocol address verification. The agency  
23 having jurisdiction may verify the Internet protocol (IP)  
24 address of sex offenders, as defined in Section 2 of this Act,  
25 who are required to register with their agency under Section 3

1 of this Act. A copy of any such verification must be sent to  
2 the Attorney General for entrance in the Illinois Cyber-crimes  
3 Location Database pursuant to Section 5-4-3.2 of the Unified  
4 Code of Corrections.

5 (b) Registration verification. The supervising officer or  
6 aftercare specialist, shall, within 15 days of sentencing to  
7 probation or release from an Illinois Department of  
8 Corrections or Illinois Department of Juvenile Justice  
9 facility or other penal institution, contact the law  
10 enforcement agency in the jurisdiction in which the sex  
11 offender or sexual predator designated as his or her intended  
12 residence and verify compliance with the requirements of this  
13 Act. Revocation proceedings shall be immediately commenced  
14 against a sex offender or sexual predator on probation,  
15 parole, aftercare release, or mandatory supervised release who  
16 fails to comply with the requirements of this Act.

17 (c) In an effort to ensure that sexual predators and sex  
18 offenders who fail to respond to address-verification attempts  
19 or who otherwise abscond from registration are located in a  
20 timely manner, the Illinois Department ~~of~~ State Police shall  
21 share information with local law enforcement agencies. The  
22 Department shall use analytical resources to assist local law  
23 enforcement agencies to determine the potential whereabouts of  
24 any sexual predator or sex offender who fails to respond to  
25 address-verification attempts or who otherwise absconds from  
26 registration. The Department shall review and analyze all

1 available information concerning any such predator or offender  
2 who fails to respond to address-verification attempts or who  
3 otherwise absconds from registration and provide the  
4 information to local law enforcement agencies in order to  
5 assist the agencies in locating and apprehending the sexual  
6 predator or sex offender.

7 (Source: P.A. 98-558, eff. 1-1-14.)

8 (730 ILCS 150/11)

9 Sec. 11. Offender Registration Fund. There is created the  
10 Offender Registration Fund (formerly known as the Sex Offender  
11 Registration Fund). Moneys in the Fund shall be used to cover  
12 costs incurred by the criminal justice system to administer  
13 this Article and the Murderer and Violent Offender Against  
14 Youth Registration Act, and for purposes as authorized under  
15 Section 5-9-1.15 of the Unified Code of Corrections. The  
16 Illinois ~~Department~~ of State Police shall establish and  
17 promulgate rules and procedures regarding the administration  
18 of this Fund. Fifty percent of the moneys in the Fund shall be  
19 allocated by the Department for sheriffs' offices and police  
20 departments. The remaining moneys in the Fund received under  
21 this amendatory Act of the 101st General Assembly shall be  
22 allocated to the Illinois State Police for education and  
23 administration of the Act.

24 (Source: P.A. 101-571, eff. 8-23-19.)

1           Section 1070. The Sex Offender Community Notification Law  
2 is amended by changing Sections 115, 116, 117, 120, and 121 as  
3 follows:

4           (730 ILCS 152/115)

5           Sec. 115. Sex offender database.

6           (a) The Illinois ~~Department of~~ State Police shall  
7 establish and maintain a Statewide Sex Offender Database for  
8 the purpose of identifying sex offenders and making that  
9 information available to the persons specified in Sections 120  
10 and 125 of this Law. The Database shall be created from the Law  
11 Enforcement Agencies Data System (LEADS) established under  
12 Section 6 of the Intergovernmental Missing Child Recovery Act  
13 of 1984. The Illinois ~~Department of~~ State Police shall examine  
14 its LEADS database for persons registered as sex offenders  
15 under the Sex Offender Registration Act and shall identify  
16 those who are sex offenders and shall add all the information,  
17 including photographs if available, on those sex offenders to  
18 the Statewide Sex Offender Database.

19           (b) The Illinois ~~Department of~~ State Police must make the  
20 information contained in the Statewide Sex Offender Database  
21 accessible on the Internet by means of a hyperlink labeled  
22 "Sex Offender Information" on the Department's World Wide Web  
23 home page. The Department must make the information contained  
24 in the Statewide Sex Offender Database searchable via a  
25 mapping system which identifies registered sex offenders

1 living within 5 miles of an identified address. The Illinois  
2 ~~Department of~~ State Police must update that information as it  
3 deems necessary.

4 The Illinois ~~Department of~~ State Police may require that a  
5 person who seeks access to the sex offender information submit  
6 biographical information about himself or herself before  
7 permitting access to the sex offender information. The  
8 Illinois ~~Department of~~ State Police must promulgate rules in  
9 accordance with the Illinois Administrative Procedure Act to  
10 implement this subsection (b) and those rules must include  
11 procedures to ensure that the information in the database is  
12 accurate.

13 (c) The Illinois ~~Department of~~ State Police, Sex Offender  
14 Registration Unit, must develop and conduct training to  
15 educate all those entities involved in the Sex Offender  
16 Registration Program.

17 (Source: P.A. 93-979, eff. 8-20-04; 94-994, eff. 1-1-07.)

18 (730 ILCS 152/116)

19 Sec. 116. Missing Sex Offender Database.

20 (a) The Illinois ~~Department of~~ State Police shall  
21 establish and maintain a Statewide Missing Sex Offender  
22 Database for the purpose of identifying missing sex offenders  
23 and making that information available to the persons specified  
24 in Sections 120 and 125 of this Law. The Database shall be  
25 created from the Law Enforcement Agencies Data System (LEADS)

1 established under Section 6 of the Intergovernmental Missing  
2 Child Recovery Act of 1984. The Illinois ~~Department of~~ State  
3 Police shall examine its LEADS database for persons registered  
4 as sex offenders under the Sex Offender Registration Act and  
5 shall identify those who are sex offenders and who have not  
6 complied with the provisions of Section 6 of that Act or whose  
7 address can not be verified under Section 8-5 of that Act and  
8 shall add all the information, including photographs if  
9 available, on those missing sex offenders to the Statewide Sex  
10 Offender Database.

11 (b) The Illinois ~~Department of~~ State Police must make the  
12 information contained in the Statewide Missing Sex Offender  
13 Database accessible on the Internet by means of a hyperlink  
14 labeled "Missing Sex Offender Information" on the Department's  
15 World Wide Web home page and on the Attorney General's I-SORT  
16 page. The Illinois ~~Department of~~ State Police must update that  
17 information as it deems necessary. The Internet page shall  
18 also include information that rewards may be available to  
19 persons who inform the Illinois ~~Department of~~ State Police or  
20 a local law enforcement agency of the whereabouts of a missing  
21 sex offender.

22 The Illinois ~~Department of~~ State Police may require that a  
23 person who seeks access to the missing sex offender  
24 information submit biographical information about himself or  
25 herself before permitting access to the missing sex offender  
26 information. The Illinois ~~Department of~~ State Police must

1 promulgate rules in accordance with the Illinois  
2 Administrative Procedure Act to implement this subsection (b)  
3 and those rules must include procedures to ensure that the  
4 information in the database is accurate.

5 (c) The Illinois ~~Department of~~ State Police, Sex Offender  
6 Registration Unit, must develop and conduct training to  
7 educate all those entities involved in the Missing Sex  
8 Offender Registration Program.

9 (Source: P.A. 98-921, eff. 8-15-14.)

10 (730 ILCS 152/117)

11 Sec. 117. The Illinois ~~Department of~~ State Police shall  
12 promulgate rules to develop a list of sex offenders covered by  
13 this Act and a list of child care facilities, schools, and  
14 institutions of higher education eligible to receive notice  
15 under this Act, so that the list can be disseminated in a  
16 timely manner to law enforcement agencies having jurisdiction.

17 (Source: P.A. 92-828, eff. 8-22-02.)

18 (730 ILCS 152/120)

19 Sec. 120. Community notification of sex offenders.

20 (a) The sheriff of the county, except Cook County, shall  
21 disclose to the following the name, address, date of birth,  
22 place of employment, school attended, e-mail addresses,  
23 instant messaging identities, chat room identities, other  
24 Internet communications identities, all Uniform Resource

1 Locators (URLs) registered or used by the sex offender, all  
2 blogs and other Internet sites maintained by the sex offender  
3 or to which the sex offender has uploaded any content or posted  
4 any messages or information, and offense or adjudication of  
5 all sex offenders required to register under Section 3 of the  
6 Sex Offender Registration Act:

7 (1) The boards of institutions of higher education or  
8 other appropriate administrative offices of each  
9 non-public institution of higher education located in the  
10 county where the sex offender is required to register,  
11 resides, is employed, or is attending an institution of  
12 higher education;

13 (2) School boards of public school districts and the  
14 principal or other appropriate administrative officer of  
15 each nonpublic school located in the county where the sex  
16 offender is required to register or is employed;

17 (3) Child care facilities located in the county where  
18 the sex offender is required to register or is employed;

19 (4) Libraries located in the county where the sex  
20 offender is required to register or is employed;

21 (5) Public libraries located in the county where the  
22 sex offender is required to register or is employed;

23 (6) Public housing agencies located in the county  
24 where the sex offender is required to register or is  
25 employed;

26 (7) The Illinois Department of Children and Family



1 Services;

2 (8) Social service agencies providing services to  
3 minors located in the county where the sex offender is  
4 required to register or is employed;

5 (9) Volunteer organizations providing services to  
6 minors located in the county where the sex offender is  
7 required to register or is employed; and

8 (10) A victim of a sex offense residing in the county  
9 where the sex offender is required to register or is  
10 employed, who is not otherwise required to be notified  
11 under Section 4.5 of the Rights of Crime Victims and  
12 Witnesses Act or Section 75 of the Sexually Violent  
13 Persons Commitment Act.

14 (a-2) The sheriff of Cook County shall disclose to the  
15 following the name, address, date of birth, place of  
16 employment, school attended, e-mail addresses, instant  
17 messaging identities, chat room identities, other Internet  
18 communications identities, all Uniform Resource Locators  
19 (URLs) registered or used by the sex offender, all blogs and  
20 other Internet sites maintained by the sex offender or to  
21 which the sex offender has uploaded any content or posted any  
22 messages or information, and offense or adjudication of all  
23 sex offenders required to register under Section 3 of the Sex  
24 Offender Registration Act:

25 (1) School boards of public school districts and the  
26 principal or other appropriate administrative officer of

1 each nonpublic school located within the region of Cook  
2 County, as those public school districts and nonpublic  
3 schools are identified in LEADS, other than the City of  
4 Chicago, where the sex offender is required to register or  
5 is employed;

6 (2) Child care facilities located within the region of  
7 Cook County, as those child care facilities are identified  
8 in LEADS, other than the City of Chicago, where the sex  
9 offender is required to register or is employed;

10 (3) The boards of institutions of higher education or  
11 other appropriate administrative offices of each  
12 non-public institution of higher education located in the  
13 county, other than the City of Chicago, where the sex  
14 offender is required to register, resides, is employed, or  
15 attending an institution of higher education;

16 (4) Libraries located in the county, other than the  
17 City of Chicago, where the sex offender is required to  
18 register, resides, is employed, or is attending an  
19 institution of higher education;

20 (5) Public libraries located in the county, other than  
21 the City of Chicago, where the sex offender is required to  
22 register, resides, is employed, or attending an  
23 institution of higher education;

24 (6) Public housing agencies located in the county,  
25 other than the City of Chicago, where the sex offender is  
26 required to register, resides, is employed, or attending

1 an institution of higher education;

2 (7) The Illinois Department of Children and Family  
3 Services;

4 (8) Social service agencies providing services to  
5 minors located in the county, other than the City of  
6 Chicago, where the sex offender is required to register,  
7 resides, is employed, or attending an institution of  
8 higher education;

9 (9) Volunteer organizations providing services to  
10 minors located in the county, other than the City of  
11 Chicago, where the sex offender is required to register,  
12 resides, is employed, or attending an institution of  
13 higher education; and

14 (10) A victim of a sex offense residing in the county,  
15 other than the City of Chicago, where the sex offender is  
16 required to register, resides, is employed, or attends an  
17 institution of higher education, who is not otherwise  
18 required to be notified under Section 4.5 of the Rights of  
19 Crime Victims and Witnesses Act or Section 75 of the  
20 Sexually Violent Persons Commitment Act.

21 (a-3) The Chicago Police Department shall disclose to the  
22 following the name, address, date of birth, place of  
23 employment, school attended, e-mail addresses, instant  
24 messaging identities, chat room identities, other Internet  
25 communications identities, all Uniform Resource Locators  
26 (URLs) registered or used by the sex offender, all blogs and

1 other Internet sites maintained by the sex offender or to  
2 which the sex offender has uploaded any content or posted any  
3 messages or information, and offense or adjudication of all  
4 sex offenders required to register under Section 3 of the Sex  
5 Offender Registration Act:

6 (1) School boards of public school districts and the  
7 principal or other appropriate administrative officer of  
8 each nonpublic school located in the police district where  
9 the sex offender is required to register or is employed if  
10 the offender is required to register or is employed in the  
11 City of Chicago;

12 (2) Child care facilities located in the police  
13 district where the sex offender is required to register or  
14 is employed if the offender is required to register or is  
15 employed in the City of Chicago;

16 (3) The boards of institutions of higher education or  
17 other appropriate administrative offices of each  
18 non-public institution of higher education located in the  
19 police district where the sex offender is required to  
20 register, resides, is employed, or attending an  
21 institution of higher education in the City of Chicago;

22 (4) Libraries located in the police district where the  
23 sex offender is required to register or is employed if the  
24 offender is required to register or is employed in the  
25 City of Chicago;

26 (5) Public libraries located in the police district

1 where the sex offender is required to register, resides,  
2 is employed, or attending an institution of higher  
3 education in the City of Chicago;

4 (6) Public housing agencies located in the police  
5 district where the sex offender is required to register,  
6 resides, is employed, or attending an institution of  
7 higher education in the City of Chicago;

8 (7) The Illinois Department of Children and Family  
9 Services;

10 (8) Social service agencies providing services to  
11 minors located in the police district where the sex  
12 offender is required to register, resides, is employed, or  
13 attending an institution of higher education in the City  
14 of Chicago;

15 (9) Volunteer organizations providing services to  
16 minors located in the police district where the sex  
17 offender is required to register, resides, is employed, or  
18 attending an institution of higher education in the City  
19 of Chicago; and

20 (10) A victim of a sex offense residing in the police  
21 district where the sex offender is required to register,  
22 resides, is employed, or attends an institution of higher  
23 education in the City of Chicago, who is not otherwise  
24 required to be notified under Section 4.5 of the Rights of  
25 Crime Victims and Witnesses Act or Section 75 of the  
26 Sexually Violent Persons Commitment Act.

1 (a-4) The Illinois ~~Department of~~ State Police shall  
2 provide a list of sex offenders required to register to the  
3 Illinois Department of Children and Family Services.

4 (b) The Illinois ~~Department of~~ State Police and any law  
5 enforcement agency may disclose, in the Department's or  
6 agency's discretion, the following information to any person  
7 likely to encounter a sex offender, or sexual predator:

8 (1) The offender's name, address, date of birth,  
9 e-mail addresses, instant messaging identities, chat room  
10 identities, and other Internet communications identities,  
11 all Uniform Resource Locators (URLs) registered or used by  
12 the sex offender, and all blogs and other Internet sites  
13 maintained by the sex offender or to which the sex  
14 offender has uploaded any content or posted any messages  
15 or information.

16 (2) The offense for which the offender was convicted.

17 (3) Adjudication as a sexually dangerous person.

18 (4) The offender's photograph or other such  
19 information that will help identify the sex offender.

20 (5) Offender employment information, to protect public  
21 safety.

22 (c) The name, address, date of birth, e-mail addresses,  
23 instant messaging identities, chat room identities, other  
24 Internet communications identities, all Uniform Resource  
25 Locators (URLs) registered or used by the sex offender, all  
26 blogs and other Internet sites maintained by the sex offender

1 or to which the sex offender has uploaded any content or posted  
2 any messages or information, offense or adjudication, the  
3 county of conviction, license plate numbers for every vehicle  
4 registered in the name of the sex offender, the age of the sex  
5 offender at the time of the commission of the offense, the age  
6 of the victim at the time of the commission of the offense, and  
7 any distinguishing marks located on the body of the sex  
8 offender for sex offenders required to register under Section  
9 3 of the Sex Offender Registration Act shall be open to  
10 inspection by the public as provided in this Section. Every  
11 municipal police department shall make available at its  
12 headquarters the information on all sex offenders who are  
13 required to register in the municipality under the Sex  
14 Offender Registration Act. The sheriff shall also make  
15 available at his or her headquarters the information on all  
16 sex offenders who are required to register under that Act and  
17 who live in unincorporated areas of the county. Sex offender  
18 information must be made available for public inspection to  
19 any person, no later than 72 hours or 3 business days from the  
20 date of the request. The request must be made in person, in  
21 writing, or by telephone. Availability must include giving the  
22 inquirer access to a facility where the information may be  
23 copied. A department or sheriff may charge a fee, but the fee  
24 may not exceed the actual costs of copying the information. An  
25 inquirer must be allowed to copy this information in his or her  
26 own handwriting. A department or sheriff must allow access to

1 the information during normal public working hours. The  
2 sheriff or a municipal police department may publish the  
3 photographs of sex offenders where any victim was 13 years of  
4 age or younger and who are required to register in the  
5 municipality or county under the Sex Offender Registration Act  
6 in a newspaper or magazine of general circulation in the  
7 municipality or county or may disseminate the photographs of  
8 those sex offenders on the Internet or on television. The law  
9 enforcement agency may make available the information on all  
10 sex offenders residing within any county.

11 (d) The Illinois ~~Department of~~ State Police and any law  
12 enforcement agency having jurisdiction may, in the  
13 Department's or agency's discretion, place the information  
14 specified in subsection (b) on the Internet or in other media.

15 (e) (Blank).

16 (f) The administrator of a transitional housing facility  
17 for sex offenders shall comply with the notification  
18 procedures established in paragraph (4) of subsection (b) of  
19 Section 3-17-5 of the Unified Code of Corrections.

20 (g) A principal or teacher of a public or private  
21 elementary or secondary school shall notify the parents of  
22 children attending the school during school registration or  
23 during parent-teacher conferences that information about sex  
24 offenders is available to the public as provided in this Act.

25 (h) In order to receive notice under paragraph (10) of  
26 subsection (a), paragraph (10) of subsection (a-2), or



1 paragraph (10) of subsection (a-3), the victim of the sex  
2 offense must notify the appropriate sheriff or the Chicago  
3 Police Department in writing, by facsimile transmission, or by  
4 e-mail that the victim desires to receive such notice.

5 (i) For purposes of this Section, "victim of a sex  
6 offense" means:

7 (1) the victim of the sex offense; or

8 (2) a single representative who may be the spouse,  
9 parent, child, or sibling of a person killed during the  
10 course of a sex offense perpetrated against the person  
11 killed or the spouse, parent, child, or sibling of any  
12 victim of a sex offense who is physically or mentally  
13 incapable of comprehending or requesting notice.

14 (Source: P.A. 94-161, eff. 7-11-05; 94-168, eff. 1-1-06;  
15 94-994, eff. 1-1-07; 95-229, eff. 8-16-07; 95-278, eff.  
16 8-17-07; 95-640, eff. 6-1-08; 95-876, eff. 8-21-08; 95-896,  
17 eff. 1-1-09.)

18 (730 ILCS 152/121)

19 Sec. 121. Notification regarding juvenile offenders.

20 (a) The Illinois ~~Department of~~ State Police and any law  
21 enforcement agency having jurisdiction may, in the  
22 Department's or agency's discretion, only provide the  
23 information specified in subsection (b) of Section 120 of this  
24 Act, with respect to an adjudicated juvenile delinquent, to  
25 any person when that person's safety may be compromised for

1 some reason related to the juvenile sex offender.

2 (b) The local law enforcement agency having jurisdiction  
3 to register the juvenile sex offender shall ascertain from the  
4 juvenile sex offender whether the juvenile sex offender is  
5 enrolled in school; and if so, shall provide a copy of the sex  
6 offender registration form only to the principal or chief  
7 administrative officer of the school and any guidance  
8 counselor designated by him or her. The registration form  
9 shall be kept separately from any and all school records  
10 maintained on behalf of the juvenile sex offender.

11 (Source: P.A. 94-168, eff. 1-1-06; 95-331, eff. 8-21-07.)

12 Section 1075. The Murderer and Violent Offender Against  
13 Youth Registration Act is amended by changing Sections 10, 13,  
14 15, 20, 25, 30, 40, 45, 46, 50, 85, 90, 95, and 100 as follows:

15 (730 ILCS 154/10)

16 Sec. 10. Duty to register.

17 (a) A violent offender against youth shall, within the  
18 time period prescribed in subsections (b) and (c), register in  
19 person and provide accurate information as required by the  
20 Illinois Department ~~Department~~ of State Police. Such information shall  
21 include a current photograph, current address, current place  
22 of employment, the employer's telephone number, school  
23 attended, extensions of the time period for registering as  
24 provided in this Act and, if an extension was granted, the

1 reason why the extension was granted and the date the violent  
2 offender against youth was notified of the extension. A person  
3 who has been adjudicated a juvenile delinquent for an act  
4 which, if committed by an adult, would be a violent offense  
5 against youth shall register as an adult violent offender  
6 against youth within 10 days after attaining 17 years of age.  
7 The violent offender against youth shall register:

8 (1) with the chief of police in the municipality in  
9 which he or she resides or is temporarily domiciled for a  
10 period of time of 5 or more days, unless the municipality  
11 is the City of Chicago, in which case he or she shall  
12 register at a fixed location designated by the  
13 Superintendent of the Chicago Police Department; or

14 (2) with the sheriff in the county in which he or she  
15 resides or is temporarily domiciled for a period of time  
16 of 5 or more days in an unincorporated area or, if  
17 incorporated, no police chief exists.

18 If the violent offender against youth is employed at or  
19 attends an institution of higher education, he or she shall  
20 register:

21 (i) with the chief of police in the municipality in  
22 which he or she is employed at or attends an institution of  
23 higher education, unless the municipality is the City of  
24 Chicago, in which case he or she shall register at a fixed  
25 location designated by the Superintendent of the Chicago  
26 Police Department; or

1           (ii) with the sheriff in the county in which he or she  
2           is employed or attends an institution of higher education  
3           located in an unincorporated area, or if incorporated, no  
4           police chief exists.

5           For purposes of this Act, the place of residence or  
6           temporary domicile is defined as any and all places where the  
7           violent offender against youth resides for an aggregate period  
8           of time of 5 or more days during any calendar year. Any person  
9           required to register under this Act who lacks a fixed address  
10          or temporary domicile must notify, in person, the agency of  
11          jurisdiction of his or her last known address within 5 days  
12          after ceasing to have a fixed residence.

13          Any person who lacks a fixed residence must report weekly,  
14          in person, with the sheriff's office of the county in which he  
15          or she is located in an unincorporated area, or with the chief  
16          of police in the municipality in which he or she is located.  
17          The agency of jurisdiction will document each weekly  
18          registration to include all the locations where the person has  
19          stayed during the past 7 days.

20          The violent offender against youth shall provide accurate  
21          information as required by the Illinois ~~Department of~~ State  
22          Police. That information shall include the current place of  
23          employment of the violent offender against youth.

24          (a-5) An out-of-state student or out-of-state employee  
25          shall, within 5 days after beginning school or employment in  
26          this State, register in person and provide accurate

1 information as required by the Illinois ~~Department of~~ State  
2 Police. Such information will include current place of  
3 employment, school attended, and address in state of  
4 residence. The out-of-state student or out-of-state employee  
5 shall register:

6 (1) with the chief of police in the municipality in  
7 which he or she attends school or is employed for a period  
8 of time of 5 or more days or for an aggregate period of  
9 time of more than 30 days during any calendar year, unless  
10 the municipality is the City of Chicago, in which case he  
11 or she shall register at a fixed location designated by  
12 the Superintendent of the Chicago Police Department; or

13 (2) with the sheriff in the county in which he or she  
14 attends school or is employed for a period of time of 5 or  
15 more days or for an aggregate period of time of more than  
16 30 days during any calendar year in an unincorporated area  
17 or, if incorporated, no police chief exists.

18 The out-of-state student or out-of-state employee shall  
19 provide accurate information as required by the Illinois  
20 ~~Department of~~ State Police. That information shall include the  
21 out-of-state student's current place of school attendance or  
22 the out-of-state employee's current place of employment.

23 (b) Any violent offender against youth regardless of any  
24 initial, prior, or other registration, shall, within 5 days of  
25 beginning school, or establishing a residence, place of  
26 employment, or temporary domicile in any county, register in

1 person as set forth in subsection (a) or (a-5).

2 (c) The registration for any person required to register  
3 under this Act shall be as follows:

4 (1) Except as provided in paragraph (3) of this  
5 subsection (c), any person who has not been notified of  
6 his or her responsibility to register shall be notified by  
7 a criminal justice entity of his or her responsibility to  
8 register. Upon notification the person must then register  
9 within 5 days of notification of his or her requirement to  
10 register. If notification is not made within the  
11 offender's 10 year registration requirement, and the  
12 Illinois ~~Department of~~ State Police determines no evidence  
13 exists or indicates the offender attempted to avoid  
14 registration, the offender will no longer be required to  
15 register under this Act.

16 (2) Except as provided in paragraph (3) of this  
17 subsection (c), any person convicted on or after the  
18 effective date of this Act shall register in person within  
19 5 days after the entry of the sentencing order based upon  
20 his or her conviction.

21 (3) Any person unable to comply with the registration  
22 requirements of this Act because he or she is confined,  
23 institutionalized, or imprisoned in Illinois on or after  
24 the effective date of this Act shall register in person  
25 within 5 days of discharge, parole or release.

26 (4) The person shall provide positive identification

1 and documentation that substantiates proof of residence at  
2 the registering address.

3 (5) The person shall pay a \$20 initial registration  
4 fee and a \$10 annual renewal fee. The fees shall be  
5 deposited into the Offender Registration Fund. The fees  
6 shall be used by the registering agency for official  
7 purposes. The agency shall establish procedures to  
8 document receipt and use of the funds. The law enforcement  
9 agency having jurisdiction may waive the registration fee  
10 if it determines that the person is indigent and unable to  
11 pay the registration fee.

12 (d) Within 5 days after obtaining or changing employment,  
13 a person required to register under this Section must report,  
14 in person to the law enforcement agency having jurisdiction,  
15 the business name and address where he or she is employed. If  
16 the person has multiple businesses or work locations, every  
17 business and work location must be reported to the law  
18 enforcement agency having jurisdiction.

19 (Source: P.A. 101-571, eff. 8-23-19.)

20 (730 ILCS 154/13)

21 Sec. 13. Request for Review.

22 (a) Any person who is required to register under this Act  
23 may file a Request for Review with the office of the State's  
24 Attorney of the county in which he or she was convicted, and  
25 request that the office of the State's Attorney review his or

1 her registration information. Upon receipt of a Request for  
2 Review, the State's Attorney shall review the information  
3 provided by the offender, and if he or she determines that the  
4 information currently relied upon for registration is  
5 inaccurate, the State's Attorney shall correct the error  
6 before reporting the offender's personal information to the  
7 Illinois Department of State Police. If the State's Attorney  
8 makes a determination to deny a Request for Review, the  
9 State's Attorney shall give the reason why and the information  
10 relied upon for denying the Request for Review.

11 (b) Within 60 days of a denial of a request for review an  
12 offender may appeal the decision of the State's Attorney to  
13 deny the Request for Review in the circuit court.

14 (Source: P.A. 100-946, eff. 1-1-19.)

15 (730 ILCS 154/15)

16 Sec. 15. Discharge of violent offender against youth.  
17 Discharge of violent offender against youth from Department of  
18 Corrections facility or other penal institution; duties of  
19 official in charge. Any violent offender against youth who is  
20 discharged, paroled, or released from a Department of  
21 Corrections facility, a facility where such person was placed  
22 by the Department of Corrections or another penal institution,  
23 and whose liability for registration has not terminated under  
24 Section 40 shall, prior to discharge, parole or release from  
25 the facility or institution, be informed of his or her duty to



1 register in person within 5 days of release by the facility or  
2 institution in which he or she was confined. The facility or  
3 institution shall also inform any person who must register  
4 that if he or she establishes a residence outside of the State  
5 of Illinois, is employed outside of the State of Illinois, or  
6 attends school outside of the State of Illinois, he or she must  
7 register in the new state within 5 days after establishing the  
8 residence, beginning employment, or beginning school.

9 The facility shall require the person to read and sign  
10 such form as may be required by the Illinois ~~Department of~~  
11 State Police stating that the duty to register and the  
12 procedure for registration has been explained to him or her  
13 and that he or she understands the duty to register and the  
14 procedure for registration. The facility shall further advise  
15 the person in writing that the failure to register or other  
16 violation of this Act shall result in revocation of parole,  
17 aftercare release, mandatory supervised release or conditional  
18 release. The facility shall obtain information about where the  
19 person expects to reside, work, and attend school upon his or  
20 her discharge, parole or release and shall report the  
21 information to the Illinois ~~Department of~~ State Police. The  
22 facility shall give one copy of the form to the person and  
23 shall send one copy to each of the law enforcement agencies  
24 having jurisdiction where the person expects to reside, work,  
25 and attend school upon his or her discharge, parole or release  
26 and retain one copy for the files. Electronic data files which

1 includes all notification form information and photographs of  
2 violent offenders against youth being released from an  
3 Illinois Department of Corrections or Illinois Department of  
4 Juvenile Justice facility will be shared on a regular basis as  
5 determined between the Illinois ~~Department of~~ State Police,  
6 the Department of Corrections and Department of Juvenile  
7 Justice.

8 (Source: P.A. 98-558, eff. 1-1-14.)

9 (730 ILCS 154/20)

10 Sec. 20. Release of violent offender against youth; duties  
11 of the Court. Any violent offender against youth who is  
12 released on probation or discharged upon payment of a fine  
13 because of the commission of one of the offenses defined in  
14 subsection (b) of Section 5 of this Act, shall, prior to such  
15 release be informed of his or her duty to register under this  
16 Act by the Court in which he or she was convicted. The Court  
17 shall also inform any person who must register that if he or  
18 she establishes a residence outside of the State of Illinois,  
19 is employed outside of the State of Illinois, or attends  
20 school outside of the State of Illinois, he or she must  
21 register in the new state within 5 days after establishing the  
22 residence, beginning employment, or beginning school. The  
23 Court shall require the person to read and sign such form as  
24 may be required by the Illinois ~~Department of~~ State Police  
25 stating that the duty to register and the procedure for

1 registration has been explained to him or her and that he or  
2 she understands the duty to register and the procedure for  
3 registration. The Court shall further advise the person in  
4 writing that the failure to register or other violation of  
5 this Act shall result in probation revocation. The Court shall  
6 obtain information about where the person expects to reside,  
7 work, and attend school upon his or her release, and shall  
8 report the information to the Illinois ~~Department of~~ State  
9 Police. The Court shall give one copy of the form to the person  
10 and retain the original in the court records. The Illinois  
11 ~~Department of~~ State Police shall notify the law enforcement  
12 agencies having jurisdiction where the person expects to  
13 reside, work and attend school upon his or her release.

14 (Source: P.A. 94-945, eff. 6-27-06.)

15 (730 ILCS 154/25)

16 Sec. 25. Discharge of violent offender against youth from  
17 hospital. Discharge of violent offender against youth from a  
18 hospital or other treatment facility; duties of the official  
19 in charge. Any violent offender against youth who is  
20 discharged or released from a hospital or other treatment  
21 facility where he or she was confined shall be informed by the  
22 hospital or treatment facility in which he or she was  
23 confined, prior to discharge or release from the hospital or  
24 treatment facility, of his or her duty to register under this  
25 Act.

1           The facility shall require the person to read and sign  
2 such form as may be required by the Illinois ~~Department of~~  
3 State Police stating that the duty to register and the  
4 procedure for registration have been explained to him or her  
5 and that he or she understands the duty to register and the  
6 procedure for registration. The facility shall give one copy  
7 of the form to the person, retain one copy for its records, and  
8 forward the original to the Illinois ~~Department of~~ State  
9 Police. The facility shall obtain information about where the  
10 person expects to reside, work, and attend school upon his or  
11 her discharge, parole, or release and shall report the  
12 information to the Illinois ~~Department of~~ State Police within  
13 3 days. The facility or institution shall also inform any  
14 person who must register that if he or she establishes a  
15 residence outside of the State of Illinois, is employed  
16 outside of the State of Illinois, or attends school outside of  
17 the State of Illinois, he or she must register in the new state  
18 within 5 days after establishing the residence, beginning  
19 school, or beginning employment. The Illinois ~~Department of~~  
20 State Police shall notify the law enforcement agencies having  
21 jurisdiction where the person expects to reside, work, and  
22 attend school upon his or her release.

23       (Source: P.A. 94-945, eff. 6-27-06.)

24           (730 ILCS 154/30)

25           Sec. 30. Duty to report; change of address, school, or

1 employment; duty to inform. Any violent offender against  
2 youth who is required to register under this Act shall report  
3 in person to the appropriate law enforcement agency with whom  
4 he or she last registered within one year from the date of last  
5 registration and every year thereafter and at such other times  
6 at the request of the law enforcement agency not to exceed 4  
7 times a year. If any person required to register under this Act  
8 lacks a fixed residence or temporary domicile, he or she must  
9 notify, in person, the agency of jurisdiction of his or her  
10 last known address within 5 days after ceasing to have a fixed  
11 residence and if the offender leaves the last jurisdiction of  
12 residence, he or she must, within 48 hours after leaving,  
13 register in person with the new agency of jurisdiction. If any  
14 other person required to register under this Act changes his  
15 or her residence address, place of employment, or school, he  
16 or she shall report in person to the law enforcement agency  
17 with whom he or she last registered of his or her new address,  
18 change in employment, or school and register, in person, with  
19 the appropriate law enforcement agency within the time period  
20 specified in Section 10. The law enforcement agency shall,  
21 within 3 days of the reporting in person by the person required  
22 to register under this Act, notify the Illinois Department of  
23 State Police of the new place of residence, change in  
24 employment, or school.

25 If any person required to register under this Act intends  
26 to establish a residence or employment outside of the State of

1 Illinois, at least 10 days before establishing that residence  
2 or employment, he or she shall report in person to the law  
3 enforcement agency with which he or she last registered of his  
4 or her out-of-state intended residence or employment. The law  
5 enforcement agency with which such person last registered  
6 shall, within 3 days after the reporting in person of the  
7 person required to register under this Act of an address or  
8 employment change, notify the Illinois ~~Department of~~ State  
9 Police. The Illinois ~~Department of~~ State Police shall forward  
10 such information to the out-of-state law enforcement agency  
11 having jurisdiction in the form and manner prescribed by the  
12 Illinois ~~Department of~~ State Police.

13 (Source: P.A. 94-945, eff. 6-27-06.)

14 (730 ILCS 154/40)

15 Sec. 40. Duration of registration. A person who becomes  
16 subject to registration under this Article who has previously  
17 been subject to registration under this Article or under the  
18 Sex Offender Registration Act or similar registration  
19 requirements of other jurisdictions shall register for the  
20 period of his or her natural life if not confined to a penal  
21 institution, hospital, or other institution or facility, and  
22 if confined, for the period of his or her natural life after  
23 parole, discharge, or release from any such facility. Any  
24 other person who is required to register under this Act shall  
25 be required to register for a period of 10 years after

1 conviction or adjudication if not confined to a penal  
2 institution, hospital or any other institution or facility,  
3 and if confined, for a period of 10 years after parole,  
4 discharge or release from any such facility. A violent  
5 offender against youth who is allowed to leave a county,  
6 State, or federal facility for the purposes of work release,  
7 education, or overnight visitations shall be required to  
8 register within 5 days of beginning such a program. Liability  
9 for registration terminates at the expiration of 10 years from  
10 the date of conviction or adjudication if not confined to a  
11 penal institution, hospital or any other institution or  
12 facility and if confined, at the expiration of 10 years from  
13 the date of parole, discharge or release from any such  
14 facility, providing such person does not, during that period,  
15 again become liable to register under the provisions of this  
16 Act. Reconfinement due to a violation of parole or other  
17 circumstances that relates to the original conviction or  
18 adjudication shall extend the period of registration to 10  
19 years after final parole, discharge, or release. The Director  
20 of the Illinois State Police, consistent with administrative  
21 rules, shall extend for 10 years the registration period of  
22 any violent offender against youth who fails to comply with  
23 the provisions of this Act. The registration period for any  
24 violent offender against youth who fails to comply with any  
25 provision of the Act shall extend the period of registration  
26 by 10 years beginning from the first date of registration

1 after the violation. If the registration period is extended,  
2 the Illinois ~~Department of~~ State Police shall send a  
3 registered letter to the law enforcement agency where the  
4 violent offender against youth resides within 3 days after the  
5 extension of the registration period. The violent offender  
6 against youth shall report to that law enforcement agency and  
7 sign for that letter. One copy of that letter shall be kept on  
8 file with the law enforcement agency of the jurisdiction where  
9 the violent offender against youth resides and one copy shall  
10 be returned to the Illinois ~~Department of~~ State Police.

11 (Source: P.A. 94-945, eff. 6-27-06; 95-169, eff. 8-14-07.)

12 (730 ILCS 154/45)

13 Sec. 45. Registration requirements. Registration as  
14 required by this Act shall consist of a statement in writing  
15 signed by the person giving the information that is required  
16 by the Illinois ~~Department of~~ State Police, which may include  
17 the fingerprints and must include a current photograph of the  
18 person, to be updated annually. The registration information  
19 must include whether the person is a violent offender against  
20 youth. Within 3 days, the registering law enforcement agency  
21 shall forward any required information to the Illinois  
22 ~~Department of~~ State Police. The registering law enforcement  
23 agency shall enter the information into the Law Enforcement  
24 Agencies Data System (LEADS) as provided in Sections 6 and 7 of  
25 the Intergovernmental Missing Child Recovery Act of 1984.



1 (Source: P.A. 94-945, eff. 6-27-06.)

2 (730 ILCS 154/46)

3 Sec. 46. Notification of case information from the office  
4 of the State's Attorney. The office of the State's Attorney  
5 shall provide the Illinois ~~Department~~ of State Police  
6 Registration Unit all relevant case information that  
7 determines a registrant's place on the registry, including,  
8 but not limited to, the date of the offense, the name of the  
9 offender, the date of birth of the offender, the nature of the  
10 crime, and the date of birth of the victim in order to  
11 facilitate proper registry placement and to prevent the  
12 necessity for future Requests for Review of a registrant's  
13 information.

14 (Source: P.A. 100-946, eff. 1-1-19.)

15 (730 ILCS 154/50)

16 Sec. 50. Verification requirements.

17 (a) The agency having jurisdiction shall verify the  
18 address of violent offenders against youth required to  
19 register with their agency at least once per year. The  
20 verification must be documented in LEADS in the form and  
21 manner required by the Illinois ~~Department~~ of State Police.

22 (b) The supervising officer or aftercare specialist,  
23 shall, within 15 days of sentencing to probation or release  
24 from an Illinois Department of Corrections facility or other

1 penal institution, contact the law enforcement agency in the  
2 jurisdiction which the violent offender against youth  
3 designated as his or her intended residence and verify  
4 compliance with the requirements of this Act. Revocation  
5 proceedings shall be immediately commenced against a violent  
6 offender against youth on probation, parole, aftercare  
7 release, or mandatory supervised release who fails to comply  
8 with the requirements of this Act.

9 (Source: P.A. 98-558, eff. 1-1-14.)

10 (730 ILCS 154/85)

11 Sec. 85. Murderer and Violent Offender Against Youth  
12 Database.

13 (a) The Illinois ~~Department of~~ State Police shall  
14 establish and maintain a Statewide Murderer and Violent  
15 Offender Against Youth Database for the purpose of identifying  
16 violent offenders against youth and making that information  
17 available to the persons specified in Section 95. The Database  
18 shall be created from the Law Enforcement Agencies Data System  
19 (LEADS) established under Section 6 of the Intergovernmental  
20 Missing Child Recovery Act of 1984. The Illinois ~~Department of~~  
21 State Police shall examine its LEADS database for persons  
22 registered as violent offenders against youth under this Act  
23 and shall identify those who are violent offenders against  
24 youth and shall add all the information, including photographs  
25 if available, on those violent offenders against youth to the

1 Statewide Murderer and Violent Offender Against Youth  
2 Database.

3 (b) The Illinois ~~Department of~~ State Police must make the  
4 information contained in the Statewide Murderer and Violent  
5 Offender Against Youth Database accessible on the Internet by  
6 means of a hyperlink labeled "Murderer and Violent Offender  
7 Against Youth Information" on the Department's World Wide Web  
8 home page. The Illinois ~~Department of~~ State Police must update  
9 that information as it deems necessary.

10 The Illinois ~~Department of~~ State Police may require that a  
11 person who seeks access to the violent offender against youth  
12 information submit biographical information about himself or  
13 herself before permitting access to the violent offender  
14 against youth information. The Illinois ~~Department of~~ State  
15 Police must promulgate rules in accordance with the Illinois  
16 Administrative Procedure Act to implement this subsection (b)  
17 and those rules must include procedures to ensure that the  
18 information in the database is accurate.

19 (c) The Illinois ~~Department of~~ State Police must develop  
20 and conduct training to educate all those entities involved in  
21 the Murderer and Violent Offender Against Youth Registration  
22 Program.

23 (d) The Illinois ~~Department of~~ State Police shall commence  
24 the duties prescribed in the Murderer and Violent Offender  
25 Against Youth Registration Act within 12 months after the  
26 effective date of this Act.

1 (e) The Illinois ~~Department of~~ State Police shall collect  
2 and annually report, on or before December 31 of each year, the  
3 following information, making it publicly accessible on the  
4 Illinois ~~Department of~~ State Police website:

5 (1) the number of registrants;

6 (2) the number of registrants currently registered for  
7 each offense requiring registration; and

8 (3) biographical data, such as age of the registrant,  
9 race of the registrant, and age of the victim.

10 (Source: P.A. 100-946, eff. 1-1-19.)

11 (730 ILCS 154/90)

12 Sec. 90. List of violent offenders against youth; list of  
13 facilities, schools, and institutions of higher education. The  
14 Illinois ~~Department of~~ State Police shall promulgate rules to  
15 develop a list of violent offenders against youth covered by  
16 this Act and a list of child care facilities, schools, and  
17 institutions of higher education eligible to receive notice  
18 under this Act, so that the list can be disseminated in a  
19 timely manner to law enforcement agencies having jurisdiction.

20 (Source: P.A. 94-945, eff. 6-27-06.)

21 (730 ILCS 154/95)

22 Sec. 95. Community notification of violent offenders  
23 against youth.

24 (a) The sheriff of the county, except Cook County, shall

1 disclose to the following the name, address, date of birth,  
2 place of employment, school attended, and offense or  
3 adjudication of all violent offenders against youth required  
4 to register under Section 10 of this Act:

5 (1) The boards of institutions of higher education or  
6 other appropriate administrative offices of each  
7 non-public institution of higher education located in the  
8 county where the violent offender against youth is  
9 required to register, resides, is employed, or is  
10 attending an institution of higher education; and

11 (2) School boards of public school districts and the  
12 principal or other appropriate administrative officer of  
13 each nonpublic school located in the county where the  
14 violent offender against youth is required to register or  
15 is employed; and

16 (3) Child care facilities located in the county where  
17 the violent offender against youth is required to register  
18 or is employed; and

19 (4) Libraries located in the county where the violent  
20 offender against youth is required to register or is  
21 employed.

22 (a-2) The sheriff of Cook County shall disclose to the  
23 following the name, address, date of birth, place of  
24 employment, school attended, and offense or adjudication of  
25 all violent offenders against youth required to register under  
26 Section 10 of this Act:

1           (1) School boards of public school districts and the  
2           principal or other appropriate administrative officer of  
3           each nonpublic school located within the region of Cook  
4           County, as those public school districts and nonpublic  
5           schools are identified in LEADS, other than the City of  
6           Chicago, where the violent offender against youth is  
7           required to register or is employed; and

8           (2) Child care facilities located within the region of  
9           Cook County, as those child care facilities are identified  
10          in LEADS, other than the City of Chicago, where the  
11          violent offender against youth is required to register or  
12          is employed; and

13          (3) The boards of institutions of higher education or  
14          other appropriate administrative offices of each  
15          non-public institution of higher education located in the  
16          county, other than the City of Chicago, where the violent  
17          offender against youth is required to register, resides,  
18          is employed, or attending an institution of higher  
19          education; and

20          (4) Libraries located in the county, other than the  
21          City of Chicago, where the violent offender against youth  
22          is required to register, resides, is employed, or is  
23          attending an institution of higher education.

24          (a-3) The Chicago Police Department shall disclose to the  
25          following the name, address, date of birth, place of  
26          employment, school attended, and offense or adjudication of

1 all violent offenders against youth required to register under  
2 Section 10 of this Act:

3 (1) School boards of public school districts and the  
4 principal or other appropriate administrative officer of  
5 each nonpublic school located in the police district where  
6 the violent offender against youth is required to register  
7 or is employed if the offender is required to register or  
8 is employed in the City of Chicago; and

9 (2) Child care facilities located in the police  
10 district where the violent offender against youth is  
11 required to register or is employed if the offender is  
12 required to register or is employed in the City of  
13 Chicago; and

14 (3) The boards of institutions of higher education or  
15 other appropriate administrative offices of each  
16 non-public institution of higher education located in the  
17 police district where the violent offender against youth  
18 is required to register, resides, is employed, or  
19 attending an institution of higher education in the City  
20 of Chicago; and

21 (4) Libraries located in the police district where the  
22 violent offender against youth is required to register or  
23 is employed if the offender is required to register or is  
24 employed in the City of Chicago.

25 (a-4) The Illinois ~~Department of~~ State Police shall  
26 provide a list of violent offenders against youth required to

1 register to the Illinois Department of Children and Family  
2 Services.

3 (b) The Illinois ~~Department of~~ State Police and any law  
4 enforcement agency may disclose, in the Department's or  
5 agency's discretion, the following information to any person  
6 likely to encounter a violent offender against youth:

7 (1) The offender's name, address, and date of birth.

8 (2) The offense for which the offender was convicted.

9 (3) The offender's photograph or other such  
10 information that will help identify the violent offender  
11 against youth.

12 (4) Offender employment information, to protect public  
13 safety.

14 (c) The name, address, date of birth, and offense or  
15 adjudication for violent offenders against youth required to  
16 register under Section 10 of this Act shall be open to  
17 inspection by the public as provided in this Section. Every  
18 municipal police department shall make available at its  
19 headquarters the information on all violent offenders against  
20 youth who are required to register in the municipality under  
21 this Act. The sheriff shall also make available at his or her  
22 headquarters the information on all violent offenders against  
23 youth who are required to register under this Act and who live  
24 in unincorporated areas of the county. Violent offender  
25 against youth information must be made available for public  
26 inspection to any person, no later than 72 hours or 3 business



1 days from the date of the request. The request must be made in  
2 person, in writing, or by telephone. Availability must include  
3 giving the inquirer access to a facility where the information  
4 may be copied. A department or sheriff may charge a fee, but  
5 the fee may not exceed the actual costs of copying the  
6 information. An inquirer must be allowed to copy this  
7 information in his or her own handwriting. A department or  
8 sheriff must allow access to the information during normal  
9 public working hours. The sheriff or a municipal police  
10 department may publish the photographs of violent offenders  
11 against youth where any victim was 13 years of age or younger  
12 and who are required to register in the municipality or county  
13 under this Act in a newspaper or magazine of general  
14 circulation in the municipality or county or may disseminate  
15 the photographs of those violent offenders against youth on  
16 the Internet or on television. The law enforcement agency may  
17 make available the information on all violent offenders  
18 against youth residing within any county.

19 (d) The Illinois ~~Department of~~ State Police and any law  
20 enforcement agency having jurisdiction may, in the  
21 Department's or agency's discretion, place the information  
22 specified in subsection (b) on the Internet or in other media.

23 (Source: P.A. 94-945, eff. 6-27-06; 95-278, eff. 8-17-07.)

24 (730 ILCS 154/100)

25 Sec. 100. Notification regarding juvenile offenders.

1           (a) The Illinois ~~Department of~~ State Police and any law  
2 enforcement agency having jurisdiction may, in the  
3 Department's or agency's discretion, only provide the  
4 information specified in subsection (b) of Section 95, with  
5 respect to an adjudicated juvenile delinquent, to any person  
6 when that person's safety may be compromised for some reason  
7 related to the juvenile violent offender against youth.

8           (b) The local law enforcement agency having jurisdiction  
9 to register the juvenile violent offender against youth shall  
10 ascertain from the juvenile violent offender against youth  
11 whether the juvenile violent offender against youth is  
12 enrolled in school; and if so, shall provide a copy of the  
13 violent offender against youth registration form only to the  
14 principal or chief administrative officer of the school and  
15 any guidance counselor designated by him or her. The  
16 registration form shall be kept separately from any and all  
17 school records maintained on behalf of the juvenile violent  
18 offender against youth.

19           (Source: P.A. 94-945, eff. 6-27-06.)

20           Section 1085. The Methamphetamine Manufacturer Registry  
21 Act is amended by changing Sections 10 and 15 as follows:

22           (730 ILCS 180/10)

23           Sec. 10. Methamphetamine Manufacturer Database.

24           (a) The Illinois ~~Department of~~ State Police shall

1 establish and maintain a Methamphetamine Manufacturer Database  
2 for the purpose of identifying methamphetamine manufacturers  
3 and making that information available to law enforcement and  
4 the general public. For every person convicted of a violation  
5 of Section 15 of the Methamphetamine Control and Community  
6 Protection Act on or after the effective date of this Act, the  
7 methamphetamine manufacturer database shall contain  
8 information relating to each methamphetamine manufacturer. The  
9 information shall include the methamphetamine manufacturer's  
10 name, date of birth, offense or offenses requiring inclusion  
11 in the Methamphetamine Manufacturer Database, the conviction  
12 date and county of each such offense, and such other  
13 identifying information as the Illinois ~~Department of~~ State  
14 Police deems necessary to identify the methamphetamine  
15 manufacturer, but shall not include the social security number  
16 of the methamphetamine manufacturer.

17 (b) The Illinois ~~Department of~~ State Police must make the  
18 information contained in the Statewide Methamphetamine  
19 Manufacturer Database accessible on the Internet by means of a  
20 hyperlink labeled "Methamphetamine Manufacturer Information"  
21 on the Department's World Wide Web home page. The Illinois  
22 ~~Department of~~ State Police must update that information as it  
23 deems necessary.

24 (c) The Illinois ~~Department of~~ State Police must  
25 promulgate rules in accordance with the Illinois  
26 Administrative Procedure Act to implement this Section and

1 those rules must include procedures to ensure that the  
2 information in the database is accurate, and that the  
3 information in the database reflects any changes based on the  
4 reversal of a conviction for an offense requiring inclusion in  
5 the Methamphetamine Manufacturer Database, or a court order  
6 requiring the sealing or expungement of records relating to  
7 the offense. A certified copy of such an order shall be deemed  
8 prima facie true and correct and shall be sufficient to  
9 require the immediate amendment or removal of any person's  
10 information from the Methamphetamine Manufacturer Database by  
11 the Illinois ~~Department of~~ State Police.

12 (Source: P.A. 94-831, eff. 6-5-06.)

13 (730 ILCS 180/15)

14 Sec. 15. Conviction Information.

15 (a) Within 60 days after the effective date of this Act,  
16 each circuit clerk shall forward monthly to the Illinois  
17 ~~Department of~~ State Police a copy of the judgment for each and  
18 all persons convicted of an offense within the definition of  
19 methamphetamine manufacturer, as defined in Section 5 of this  
20 Act, during the previous month.

21 (b) Within 120 days after the effective date of this Act,  
22 the Director of Corrections shall forward to the Illinois  
23 ~~Department of~~ State Police a list of all persons incarcerated  
24 or on mandatory supervised release, who have been convicted of  
25 an offense within the definition of methamphetamine

1 manufacturer, as defined in Section 5 of this Act.

2 (Source: P.A. 94-831, eff. 6-5-06.)

3 Section 1090. The Department of Juvenile Justice Mortality  
4 Review Team Act is amended by changing Section 15 as follows:

5 (730 ILCS 195/15)

6 Sec. 15. Mortality review teams; establishment.

7 (a) Upon the occurrence of the death of any youth in the  
8 Department's custody, the Director shall appoint members and a  
9 chairperson to a mortality review team. The Director shall  
10 make the appointments within 30 days after the youth's death.

11 (b) Each mortality review team shall consist of at least  
12 one member from each of the following categories:

13 (1) Pediatrician or other physician.

14 (2) Representative of the Department.

15 (3) State's Attorney or State's Attorney  
16 representative.

17 (4) Representative of a local law enforcement agency.

18 (5) Psychologist or psychiatrist.

19 (6) Representative of a local health department.

20 (7) Designee of the Board of Education of the  
21 Department of Juvenile Justice School District created  
22 under Section 13-40 of the School Code.

23 (8) Coroner or forensic pathologist.

24 (9) Representative of a juvenile justice advocacy

1 organization.

2 (10) Representative of a local hospital, trauma  
3 center, or provider of emergency medical services.

4 (11) Representative of the Illinois ~~Department of~~  
5 State Police.

6 (12) Representative of the Office of the Governor's  
7 Executive Inspector General.

8 A mortality review team may make recommendations to the  
9 Director concerning additional appointments.

10 (c) Each mortality review team member must have  
11 demonstrated experience or an interest in the welfare of youth  
12 in State custody.

13 (d) The mortality review teams shall be funded in the  
14 Department's annual budget to provide for the travel expenses  
15 of team members and professional services engaged by the team.

16 (e) If a death of a youth in the Department's custody  
17 occurs while a prior youth death is under review by a team  
18 pursuant to this Act, the Director may request that the team  
19 review the subsequent death.

20 (f) Upon the conclusion of all reporting required under  
21 Sections 20, 25, and 30 with respect to a death reviewed by a  
22 team, all appointments to the team shall expire.

23 (Source: P.A. 96-1378, eff. 7-29-10.)

24 Section 1095. The Code of Civil Procedure is amended by  
25 changing Sections 2-202, 2-702, 21-101, 21-102, 21-102.5, and

1 21-103 as follows:

2 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

3 Sec. 2-202. Persons authorized to serve process; place of  
4 service; failure to make return.

5 (a) Process shall be served by a sheriff, or if the sheriff  
6 is disqualified, by a coroner of some county of the State. In  
7 matters where the county or State is an interested party,  
8 process may be served by a special investigator appointed by  
9 the State's Attorney of the county, as defined in Section  
10 3-9005 of the Counties Code. A sheriff of a county with a  
11 population of less than 2,000,000 may employ civilian  
12 personnel to serve process. In counties with a population of  
13 less than 2,000,000, process may be served, without special  
14 appointment, by a person who is licensed or registered as a  
15 private detective under the Private Detective, Private Alarm,  
16 Private Security, Fingerprint Vendor, and Locksmith Act of  
17 2004 or by a registered employee of a private detective agency  
18 certified under that Act as defined in Section (a-5). A  
19 private detective or licensed employee must supply the sheriff  
20 of any county in which he serves process with a copy of his  
21 license or certificate; however, the failure of a person to  
22 supply the copy shall not in any way impair the validity of  
23 process served by the person. The court may, in its discretion  
24 upon motion, order service to be made by a private person over  
25 18 years of age and not a party to the action. It is not

1 necessary that service be made by a sheriff or coroner of the  
2 county in which service is made. If served or sought to be  
3 served by a sheriff or coroner, he or she shall endorse his or  
4 her return thereon, and if by a private person the return shall  
5 be by affidavit.

6 (a-5) Upon motion and in its discretion, the court may  
7 appoint as a special process server a private detective agency  
8 certified under the Private Detective, Private Alarm, Private  
9 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under  
10 the appointment, any employee of the private detective agency  
11 who is registered under that Act may serve the process. The  
12 motion and the order of appointment must contain the number of  
13 the certificate issued to the private detective agency by the  
14 Department of Professional Regulation under the Private  
15 Detective, Private Alarm, Private Security, Fingerprint  
16 Vendor, and Locksmith Act of 2004. A private detective or  
17 private detective agency shall send, one time only, a copy of  
18 his, her, or its individual private detective license or  
19 private detective agency certificate to the county sheriff in  
20 each county in which the detective or detective agency or his,  
21 her, or its employees serve process, regardless of the size of  
22 the population of the county. As long as the license or  
23 certificate is valid and meets the requirements of the  
24 Department of Financial and Professional Regulation, a new  
25 copy of the current license or certificate need not be sent to  
26 the sheriff. A private detective agency shall maintain a list



1 of its registered employees. Registered employees shall  
2 consist of:

3 (1) an employee who works for the agency holding a  
4 valid Permanent Employee Registration Card;

5 (2) a person who has applied for a Permanent Employee  
6 Registration Card, has had his or her fingerprints  
7 processed and cleared by the Illinois ~~Department of~~ State  
8 Police and the FBI, and as to whom the Department of  
9 Financial and Professional Regulation website shows that  
10 the person's application for a Permanent Employee  
11 Registration Card is pending;

12 (3) a person employed by a private detective agency  
13 who is exempt from a Permanent Employee Registration Card  
14 requirement because the person is a current peace officer;  
15 and

16 (4) a private detective who works for a private  
17 detective agency as an employee.

18 A detective agency shall maintain this list and forward it to  
19 any sheriff's department that requests this list within 5  
20 business days after the receipt of the request.

21 (b) Summons may be served upon the defendants wherever  
22 they may be found in the State, by any person authorized to  
23 serve process. An officer may serve summons in his or her  
24 official capacity outside his or her county, but fees for  
25 mileage outside the county of the officer cannot be taxed as  
26 costs. The person serving the process in a foreign county may

1 make return by mail.

2 (c) If any sheriff, coroner, or other person to whom any  
3 process is delivered, neglects or refuses to make return of  
4 the same, the plaintiff may petition the court to enter a rule  
5 requiring the sheriff, coroner, or other person, to make  
6 return of the process on a day to be fixed by the court, or to  
7 show cause on that day why that person should not be attached  
8 for contempt of the court. The plaintiff shall then cause a  
9 written notice of the rule to be served on the sheriff,  
10 coroner, or other person. If good and sufficient cause be not  
11 shown to excuse the officer or other person, the court shall  
12 adjudge him or her guilty of a contempt, and shall impose  
13 punishment as in other cases of contempt.

14 (d) If process is served by a sheriff, coroner, or special  
15 investigator appointed by the State's Attorney, the court may  
16 tax the fee of the sheriff, coroner, or State's Attorney's  
17 special investigator as costs in the proceeding. If process is  
18 served by a private person or entity, the court may establish a  
19 fee therefor and tax such fee as costs in the proceedings.

20 (e) In addition to the powers stated in Section 8.1a of the  
21 Housing Authorities Act, in counties with a population of  
22 3,000,000 or more inhabitants, members of a housing authority  
23 police force may serve process for eviction actions commenced  
24 by that housing authority and may execute eviction orders for  
25 that housing authority.

26 (f) In counties with a population of 3,000,000 or more,

1 process may be served, with special appointment by the court,  
2 by a private process server or a law enforcement agency other  
3 than the county sheriff in proceedings instituted under  
4 Article IX of this Code as a result of a lessor or lessor's  
5 assignee declaring a lease void pursuant to Section 11 of the  
6 Controlled Substance and Cannabis Nuisance Act.

7 (Source: P.A. 99-169, eff. 7-28-15; 100-173, eff. 1-1-18.)

8 (735 ILCS 5/2-702)

9 Sec. 2-702. Petition for a certificate of innocence that  
10 the petitioner was innocent of all offenses for which he or she  
11 was incarcerated.

12 (a) The General Assembly finds and declares that innocent  
13 persons who have been wrongly convicted of crimes in Illinois  
14 and subsequently imprisoned have been frustrated in seeking  
15 legal redress due to a variety of substantive and technical  
16 obstacles in the law and that such persons should have an  
17 available avenue to obtain a finding of innocence so that they  
18 may obtain relief through a petition in the Court of Claims.  
19 The General Assembly further finds misleading the current  
20 legal nomenclature which compels an innocent person to seek a  
21 pardon for being wrongfully incarcerated. It is the intent of  
22 the General Assembly that the court, in exercising its  
23 discretion as permitted by law regarding the weight and  
24 admissibility of evidence submitted pursuant to this Section,  
25 shall, in the interest of justice, give due consideration to

1 difficulties of proof caused by the passage of time, the death  
2 or unavailability of witnesses, the destruction of evidence or  
3 other factors not caused by such persons or those acting on  
4 their behalf.

5 (b) Any person convicted and subsequently imprisoned for  
6 one or more felonies by the State of Illinois which he or she  
7 did not commit may, under the conditions hereinafter provided,  
8 file a petition for certificate of innocence in the circuit  
9 court of the county in which the person was convicted. The  
10 petition shall request a certificate of innocence finding that  
11 the petitioner was innocent of all offenses for which he or she  
12 was incarcerated.

13 (c) In order to present the claim for certificate of  
14 innocence of an unjust conviction and imprisonment, the  
15 petitioner must attach to his or her petition documentation  
16 demonstrating that:

17 (1) he or she has been convicted of one or more  
18 felonies by the State of Illinois and subsequently  
19 sentenced to a term of imprisonment, and has served all or  
20 any part of the sentence; and

21 (2) his or her judgment of conviction was reversed or  
22 vacated, and the indictment or information dismissed or,  
23 if a new trial was ordered, either he or she was found not  
24 guilty at the new trial or he or she was not retried and  
25 the indictment or information dismissed; or the statute,  
26 or application thereof, on which the indictment or

1 information was based violated the Constitution of the  
2 United States or the State of Illinois; and

3 (3) his or her claim is not time barred by the  
4 provisions of subsection (i) of this Section.

5 (d) The petition shall state facts in sufficient detail to  
6 permit the court to find that the petitioner is likely to  
7 succeed at trial in proving that the petitioner is innocent of  
8 the offenses charged in the indictment or information or his  
9 or her acts or omissions charged in the indictment or  
10 information did not constitute a felony or misdemeanor against  
11 the State of Illinois, and the petitioner did not by his or her  
12 own conduct voluntarily cause or bring about his or her  
13 conviction. The petition shall be verified by the petitioner.

14 (e) A copy of the petition shall be served on the Attorney  
15 General and the State's Attorney of the county where the  
16 conviction was had. The Attorney General and the State's  
17 Attorney of the county where the conviction was had shall have  
18 the right to intervene as parties.

19 (f) In any hearing seeking a certificate of innocence, the  
20 court may take judicial notice of prior sworn testimony or  
21 evidence admitted in the criminal proceedings related to the  
22 convictions which resulted in the alleged wrongful  
23 incarceration, if the petitioner was either represented by  
24 counsel at such prior proceedings or the right to counsel was  
25 knowingly waived.

26 (g) In order to obtain a certificate of innocence the

1 petitioner must prove by a preponderance of evidence that:

2 (1) the petitioner was convicted of one or more  
3 felonies by the State of Illinois and subsequently  
4 sentenced to a term of imprisonment, and has served all or  
5 any part of the sentence;

6 (2) (A) the judgment of conviction was reversed or  
7 vacated, and the indictment or information dismissed or,  
8 if a new trial was ordered, either the petitioner was  
9 found not guilty at the new trial or the petitioner was not  
10 retried and the indictment or information dismissed; or

11 (B) the statute, or application thereof, on which the  
12 indictment or information was based violated the  
13 Constitution of the United States or the State of  
14 Illinois;

15 (3) the petitioner is innocent of the offenses charged  
16 in the indictment or information or his or her acts or  
17 omissions charged in the indictment or information did not  
18 constitute a felony or misdemeanor against the State; and

19 (4) the petitioner did not by his or her own conduct  
20 voluntarily cause or bring about his or her conviction.

21 (h) If the court finds that the petitioner is entitled to a  
22 judgment, it shall enter a certificate of innocence finding  
23 that the petitioner was innocent of all offenses for which he  
24 or she was incarcerated. Upon entry of the certificate of  
25 innocence or pardon from the Governor stating that such pardon  
26 was issued on the ground of innocence of the crime for which he

1 or she was imprisoned, (1) the clerk of the court shall  
2 transmit a copy of the certificate of innocence to the clerk of  
3 the Court of Claims, together with the claimant's current  
4 address; and (2) the court shall enter an order expunging the  
5 record of arrest from the official records of the arresting  
6 authority and order that the records of the clerk of the  
7 circuit court and the Illinois ~~Department of~~ State Police be  
8 sealed until further order of the court upon good cause shown  
9 or as otherwise provided herein, and the name of the defendant  
10 obliterated from the official index requested to be kept by  
11 the circuit court clerk under Section 16 of the Clerks of  
12 Courts Act in connection with the arrest and conviction for  
13 the offense but the order shall not affect any index issued by  
14 the circuit court clerk before the entry of the order. The  
15 court shall enter the expungement order regardless of whether  
16 the petitioner has prior criminal convictions.

17 All records sealed by the Illinois ~~Department of~~ State  
18 Police may be disseminated by the Department only as required  
19 by law or to the arresting authority, the State's Attorney,  
20 the court upon a later arrest for the same or similar offense,  
21 or for the purpose of sentencing for any subsequent felony.  
22 Upon conviction for any subsequent offense, the Department of  
23 Corrections shall have access to all sealed records of the  
24 Department pertaining to that individual.

25 Upon entry of the order of expungement, the clerk of the  
26 circuit court shall promptly mail a copy of the order to the

1 person whose records were expunged and sealed.

2 (i) Any person seeking a certificate of innocence under  
3 this Section based on the dismissal of an indictment or  
4 information or acquittal that occurred before the effective  
5 date of this amendatory Act of the 95th General Assembly shall  
6 file his or her petition within 2 years after the effective  
7 date of this amendatory Act of the 95th General Assembly. Any  
8 person seeking a certificate of innocence under this Section  
9 based on the dismissal of an indictment or information or  
10 acquittal that occurred on or after the effective date of this  
11 amendatory Act of the 95th General Assembly shall file his or  
12 her petition within 2 years after the dismissal.

13 (j) The decision to grant or deny a certificate of  
14 innocence shall be binding only with respect to claims filed  
15 in the Court of Claims and shall not have a res judicata effect  
16 on any other proceedings.

17 (Source: P.A. 98-133, eff. 1-1-14.)

18 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

19 Sec. 21-101. Proceedings; parties.

20 (a) If any person who is a resident of this State and has  
21 resided in this State for 6 months desires to change his or her  
22 name and to assume another name by which to be afterwards  
23 called and known, the person may file a petition in the circuit  
24 court of the county wherein he or she resides praying for that  
25 relief.



1           (b) The filing of a petition in accordance with this  
2 Section shall be the sole and exclusive means by which any  
3 person committed under the laws of this State to a penal  
4 institution may change his or her name and assume another  
5 name. However, any person convicted of a felony in this State  
6 or any other state who has not been pardoned may not file a  
7 petition for a name change until 10 years have passed since  
8 completion and discharge from his or her sentence. A person  
9 who has been convicted of identity theft, aggravated identity  
10 theft, felony or misdemeanor criminal sexual abuse when the  
11 victim of the offense at the time of its commission is under 18  
12 years of age, felony or misdemeanor sexual exploitation of a  
13 child, felony or misdemeanor indecent solicitation of a child,  
14 or felony or misdemeanor indecent solicitation of an adult, or  
15 any other offense for which a person is required to register  
16 under the Sex Offender Registration Act in this State or any  
17 other state who has not been pardoned shall not be permitted to  
18 file a petition for a name change in the courts of Illinois.

19           (c) A petitioner may include his or her spouse and adult  
20 unmarried children, with their consent, and his or her minor  
21 children where it appears to the court that it is for their  
22 best interest, in the petition and prayer, and the court's  
23 order shall then include the spouse and children. Whenever any  
24 minor has resided in the family of any person for the space of  
25 3 years and has been recognized and known as an adopted child  
26 in the family of that person, the application herein provided

1 for may be made by the person having that minor in his or her  
2 family.

3 An order shall be entered as to a minor only if the court  
4 finds by clear and convincing evidence that the change is  
5 necessary to serve the best interest of the child. In  
6 determining the best interest of a minor child under this  
7 Section, the court shall consider all relevant factors,  
8 including:

9 (1) The wishes of the child's parents and any person  
10 acting as a parent who has physical custody of the child.

11 (2) The wishes of the child and the reasons for those  
12 wishes. The court may interview the child in chambers to  
13 ascertain the child's wishes with respect to the change of  
14 name. Counsel shall be present at the interview unless  
15 otherwise agreed upon by the parties. The court shall  
16 cause a court reporter to be present who shall make a  
17 complete record of the interview instantaneously to be  
18 part of the record in the case.

19 (3) The interaction and interrelationship of the child  
20 with his or her parents or persons acting as parents who  
21 have physical custody of the child, step-parents,  
22 siblings, step-siblings, or any other person who may  
23 significantly affect the child's best interest.

24 (4) The child's adjustment to his or her home, school,  
25 and community.

26 (d) If it appears to the court that the conditions and

1 requirements under this Article have been complied with and  
2 that there is no reason why the prayer should not be granted,  
3 the court, by an order to be entered of record, may direct and  
4 provide that the name of that person be changed in accordance  
5 with the prayer in the petition. If the circuit court orders  
6 that a name change be granted to a person who has been  
7 adjudicated or convicted of a felony or misdemeanor offense  
8 under the laws of this State or any other state for which a  
9 pardon has not been granted, or has an arrest for which a  
10 charge has not been filed or a pending charge on a felony or  
11 misdemeanor offense, a copy of the order, including a copy of  
12 each applicable access and review response, shall be forwarded  
13 to the Illinois ~~Department of~~ State Police. The Illinois  
14 ~~Department of~~ State Police shall update any criminal history  
15 transcript or offender registration of each person 18 years of  
16 age or older in the order to include the change of name as well  
17 as his or her former name.

18 (Source: P.A. 100-370, eff. 1-1-18.)

19 (735 ILCS 5/21-102) (from Ch. 110, par. 21-102)

20 Sec. 21-102. Petition; update criminal history transcript.

21 (a) The petition shall set forth the name then held, the  
22 name sought to be assumed, the residence of the petitioner,  
23 the length of time the petitioner has resided in this State,  
24 and the state or country of the petitioner's nativity or  
25 supposed nativity. The petition shall include a statement,

1 verified under oath as provided under Section 1-109 of this  
2 Code, whether or not the petitioner or any other person 18  
3 years of age or older who will be subject to a change of name  
4 under the petition if granted: (1) has been adjudicated or  
5 convicted of a felony or misdemeanor offense under the laws of  
6 this State or any other state for which a pardon has not been  
7 granted; or (2) has an arrest for which a charge has not been  
8 filed or a pending charge on a felony or misdemeanor offense.  
9 The petition shall be signed by the person petitioning or, in  
10 case of minors, by the parent or guardian having the legal  
11 custody of the minor. The petition shall be verified by the  
12 affidavit of some credible person.

13 (b) If the statement provided under subsection (a) of this  
14 Section indicates the petitioner or any other person 18 years  
15 of age or older who will be subject to a change of name under  
16 the petition, if granted, has been adjudicated or convicted of  
17 a felony or misdemeanor offense under the laws of this State or  
18 any other state for which a pardon has not been granted, or has  
19 an arrest for which a charge has not been filed or a pending  
20 charge on a felony or misdemeanor offense, the State's  
21 Attorney may request the court to or the court may on its own  
22 motion, require the person, prior to a hearing on the  
23 petition, to initiate an update of his or her criminal history  
24 transcript with the Illinois ~~Department of~~ State Police. The  
25 Department shall allow a person to use the Access and Review  
26 process, established by rule in the Department, for this

1 purpose. Upon completion of the update of the criminal history  
2 transcript, the petitioner shall file confirmation of each  
3 update with the court, which shall seal the records from  
4 disclosure outside of court proceedings on the petition.

5 (Source: P.A. 100-370, eff. 1-1-18.)

6 (735 ILCS 5/21-102.5)

7 Sec. 21-102.5. Notice; objection.

8 (a) The circuit court clerk shall promptly serve a copy of  
9 the petition on the State's Attorney and the Illinois  
10 ~~Department of~~ State Police.

11 (b) The State's Attorney may file an objection to the  
12 petition. All objections shall be in writing, shall be filed  
13 with the circuit court clerk, and shall state with specificity  
14 the basis of the objection. Objections to a petition must be  
15 filed within 30 days of the date of service of the petition  
16 upon the State's Attorney.

17 (Source: P.A. 100-370, eff. 1-1-18.)

18 (735 ILCS 5/21-103) (from Ch. 110, par. 21-103)

19 Sec. 21-103. Notice by publication.

20 (a) Previous notice shall be given of the intended  
21 application by publishing a notice thereof in some newspaper  
22 published in the municipality in which the person resides if  
23 the municipality is in a county with a population under  
24 2,000,000, or if the person does not reside in a municipality

1 in a county with a population under 2,000,000, or if no  
2 newspaper is published in the municipality or if the person  
3 resides in a county with a population of 2,000,000 or more,  
4 then in some newspaper published in the county where the  
5 person resides, or if no newspaper is published in that  
6 county, then in some convenient newspaper published in this  
7 State. The notice shall be inserted for 3 consecutive weeks  
8 after filing, the first insertion to be at least 6 weeks before  
9 the return day upon which the petition is to be heard, and  
10 shall be signed by the petitioner or, in case of a minor, the  
11 minor's parent or guardian, and shall set forth the return day  
12 of court on which the petition is to be heard and the name  
13 sought to be assumed.

14 (b) The publication requirement of subsection (a) shall  
15 not be required in any application for a change of name  
16 involving a minor if, before making judgment under this  
17 Article, reasonable notice and opportunity to be heard is  
18 given to any parent whose parental rights have not been  
19 previously terminated and to any person who has physical  
20 custody of the child. If any of these persons are outside this  
21 State, notice and opportunity to be heard shall be given under  
22 Section 21-104.

23 (b-3) The publication requirement of subsection (a) shall  
24 not be required in any application for a change of name  
25 involving a person who has received a judgment for dissolution  
26 of marriage or declaration of invalidity of marriage and

1 wishes to change his or her name to resume the use of his or  
2 her former or maiden name.

3 (b-5) Upon motion, the court may issue an order directing  
4 that the notice and publication requirement be waived for a  
5 change of name involving a person who files with the court a  
6 written declaration that the person believes that publishing  
7 notice of the name change would put the person at risk of  
8 physical harm or discrimination. The person must provide  
9 evidence to support the claim that publishing notice of the  
10 name change would put the person at risk of physical harm or  
11 discrimination.

12 (c) The Director of the Illinois State Police or his or her  
13 designee may apply to the circuit court for an order directing  
14 that the notice and publication requirements of this Section  
15 be waived if the Director or his or her designee certifies that  
16 the name change being sought is intended to protect a witness  
17 during and following a criminal investigation or proceeding.

18 (c-1) The court may enter a written order waiving the  
19 publication requirement of subsection (a) if:

20 (i) the petitioner is 18 years of age or older; and

21 (ii) concurrent with the petition, the petitioner  
22 files with the court a statement, verified under oath as  
23 provided under Section 1-109 of this Code, attesting that  
24 the petitioner is or has been a person protected under the  
25 Illinois Domestic Violence Act of 1986, the Stalking No  
26 Contact Order Act, the Civil No Contact Order Act, Article

1           112A of the Code of Criminal Procedure of 1963, a  
2           condition of bail under subsections (b) through (d) of  
3           Section 110-10 of the Code of Criminal Procedure of 1963,  
4           or a similar provision of a law in another state or  
5           jurisdiction.

6           The petitioner may attach to the statement any supporting  
7           documents, including relevant court orders.

8           (c-2) If the petitioner files a statement attesting that  
9           disclosure of the petitioner's address would put the  
10          petitioner or any member of the petitioner's family or  
11          household at risk or reveal the confidential address of a  
12          shelter for domestic violence victims, that address may be  
13          omitted from all documents filed with the court, and the  
14          petitioner may designate an alternative address for service.

15          (c-3) Court administrators may allow domestic abuse  
16          advocates, rape crisis advocates, and victim advocates to  
17          assist petitioners in the preparation of name changes under  
18          subsection (c-1).

19          (c-4) If the publication requirements of subsection (a)  
20          have been waived, the circuit court shall enter an order  
21          impounding the case.

22          (d) The maximum rate charged for publication of a notice  
23          under this Section may not exceed the lowest classified rate  
24          paid by commercial users for comparable space in the newspaper  
25          in which the notice appears and shall include all cash  
26          discounts, multiple insertion discounts, and similar benefits



1 extended to the newspaper's regular customers.

2 (Source: P.A. 100-520, eff. 1-1-18 (see Section 5 of P.A.  
3 100-565 for the effective date of P.A. 100-520); 100-788, eff.  
4 1-1-19; 100-966, eff. 1-1-19; 101-81, eff. 7-12-19; 101-203,  
5 eff. 1-1-20.)

6 Section 1100. The Stalking No Contact Order Act is amended  
7 by changing Sections 80, 115, and 135 as follows:

8 (740 ILCS 21/80)

9 Sec. 80. Stalking no contact orders; remedies.

10 (a) If the court finds that the petitioner has been a  
11 victim of stalking, a stalking no contact order shall issue;  
12 provided that the petitioner must also satisfy the  
13 requirements of Section 95 on emergency orders or Section 100  
14 on plenary orders. The petitioner shall not be denied a  
15 stalking no contact order because the petitioner or the  
16 respondent is a minor. The court, when determining whether or  
17 not to issue a stalking no contact order, may not require  
18 physical injury on the person of the petitioner. Modification  
19 and extension of prior stalking no contact orders shall be in  
20 accordance with this Act.

21 (b) A stalking no contact order shall order one or more of  
22 the following:

23 (1) prohibit the respondent from threatening to commit  
24 or committing stalking;

1           (2) order the respondent not to have any contact with  
2           the petitioner or a third person specifically named by the  
3           court;

4           (3) prohibit the respondent from knowingly coming  
5           within, or knowingly remaining within a specified distance  
6           of the petitioner or the petitioner's residence, school,  
7           daycare, or place of employment, or any specified place  
8           frequented by the petitioner; however, the court may order  
9           the respondent to stay away from the respondent's own  
10          residence, school, or place of employment only if the  
11          respondent has been provided actual notice of the  
12          opportunity to appear and be heard on the petition;

13          (4) prohibit the respondent from possessing a Firearm  
14          Owners Identification Card, or possessing or buying  
15          firearms; and

16          (5) order other injunctive relief the court determines  
17          to be necessary to protect the petitioner or third party  
18          specifically named by the court.

19          (b-5) When the petitioner and the respondent attend the  
20          same public, private, or non-public elementary, middle, or  
21          high school, the court when issuing a stalking no contact  
22          order and providing relief shall consider the severity of the  
23          act, any continuing physical danger or emotional distress to  
24          the petitioner, the educational rights guaranteed to the  
25          petitioner and respondent under federal and State law, the  
26          availability of a transfer of the respondent to another

1 school, a change of placement or a change of program of the  
2 respondent, the expense, difficulty, and educational  
3 disruption that would be caused by a transfer of the  
4 respondent to another school, and any other relevant facts of  
5 the case. The court may order that the respondent not attend  
6 the public, private, or non-public elementary, middle, or high  
7 school attended by the petitioner, order that the respondent  
8 accept a change of placement or program, as determined by the  
9 school district or private or non-public school, or place  
10 restrictions on the respondent's movements within the school  
11 attended by the petitioner. The respondent bears the burden of  
12 proving by a preponderance of the evidence that a transfer,  
13 change of placement, or change of program of the respondent is  
14 not available. The respondent also bears the burden of  
15 production with respect to the expense, difficulty, and  
16 educational disruption that would be caused by a transfer of  
17 the respondent to another school. A transfer, change of  
18 placement, or change of program is not unavailable to the  
19 respondent solely on the ground that the respondent does not  
20 agree with the school district's or private or non-public  
21 school's transfer, change of placement, or change of program  
22 or solely on the ground that the respondent fails or refuses to  
23 consent to or otherwise does not take an action required to  
24 effectuate a transfer, change of placement, or change of  
25 program. When a court orders a respondent to stay away from the  
26 public, private, or non-public school attended by the

1 petitioner and the respondent requests a transfer to another  
2 attendance center within the respondent's school district or  
3 private or non-public school, the school district or private  
4 or non-public school shall have sole discretion to determine  
5 the attendance center to which the respondent is transferred.  
6 In the event the court order results in a transfer of the minor  
7 respondent to another attendance center, a change in the  
8 respondent's placement, or a change of the respondent's  
9 program, the parents, guardian, or legal custodian of the  
10 respondent is responsible for transportation and other costs  
11 associated with the transfer or change.

12 (b-6) The court may order the parents, guardian, or legal  
13 custodian of a minor respondent to take certain actions or to  
14 refrain from taking certain actions to ensure that the  
15 respondent complies with the order. In the event the court  
16 orders a transfer of the respondent to another school, the  
17 parents, guardian, or legal custodian of the respondent are  
18 responsible for transportation and other costs associated with  
19 the change of school by the respondent.

20 (b-7) The court shall not hold a school district or  
21 private or non-public school or any of its employees in civil  
22 or criminal contempt unless the school district or private or  
23 non-public school has been allowed to intervene.

24 (b-8) The court may hold the parents, guardian, or legal  
25 custodian of a minor respondent in civil or criminal contempt  
26 for a violation of any provision of any order entered under

1 this Act for conduct of the minor respondent in violation of  
2 this Act if the parents, guardian, or legal custodian  
3 directed, encouraged, or assisted the respondent minor in such  
4 conduct.

5 (c) The court may award the petitioner costs and attorneys  
6 fees if a stalking no contact order is granted.

7 (d) Monetary damages are not recoverable as a remedy.

8 (e) If the stalking no contact order prohibits the  
9 respondent from possessing a Firearm Owner's Identification  
10 Card, or possessing or buying firearms; the court shall  
11 confiscate the respondent's Firearm Owner's Identification  
12 Card and immediately return the card to the Illinois  
13 ~~Department of~~ State Police Firearm Owner's Identification Card  
14 Office.

15 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
16 97-1131, eff. 1-1-13.)

17 (740 ILCS 21/115)

18 Sec. 115. Notice of orders.

19 (a) Upon issuance of any stalking no contact order, the  
20 clerk shall immediately:

21 (1) enter the order on the record and file it in  
22 accordance with the circuit court procedures; and

23 (2) provide a file stamped copy of the order to the  
24 respondent, if present, and to the petitioner.

25 (b) The clerk of the issuing judge shall, or the

1 petitioner may, on the same day that a stalking no contact  
2 order is issued, file a certified copy of that order with the  
3 sheriff or other law enforcement officials charged with  
4 maintaining Illinois ~~Department of~~ State Police records or  
5 charged with serving the order upon the respondent. If the  
6 respondent, at the time of the issuance of the order, is  
7 committed to the custody of the Illinois Department of  
8 Corrections or Illinois Department of Juvenile Justice or is  
9 on parole, aftercare release, or mandatory supervised release,  
10 the sheriff or other law enforcement officials charged with  
11 maintaining Illinois ~~Department of~~ State Police records shall  
12 notify the Department of Corrections or Department of Juvenile  
13 Justice within 48 hours of receipt of a copy of the stalking no  
14 contact order from the clerk of the issuing judge or the  
15 petitioner. Such notice shall include the name of the  
16 respondent, the respondent's IDOC inmate number or IDJJ youth  
17 identification number, the respondent's date of birth, and the  
18 LEADS Record Index Number.

19 (c) Unless the respondent was present in court when the  
20 order was issued, the sheriff, other law enforcement official,  
21 or special process server shall promptly serve that order upon  
22 the respondent and file proof of such service in the manner  
23 provided for service of process in civil proceedings. Instead  
24 of serving the order upon the respondent, however, the  
25 sheriff, other law enforcement official, special process  
26 server, or other persons defined in Section 117 may serve the

1 respondent with a short form notification as provided in  
2 Section 117. If process has not yet been served upon the  
3 respondent, it shall be served with the order or short form  
4 notification if such service is made by the sheriff, other law  
5 enforcement official, or special process server.

6 (d) If the person against whom the stalking no contact  
7 order is issued is arrested and the written order is issued in  
8 accordance with subsection (c) of Section 95 and received by  
9 the custodial law enforcement agency before the respondent or  
10 arrestee is released from custody, the custodial law  
11 enforcement agent shall promptly serve the order upon the  
12 respondent or arrestee before the respondent or arrestee is  
13 released from custody. In no event shall detention of the  
14 respondent or arrestee be extended for hearing on the petition  
15 for stalking no contact order or receipt of the order issued  
16 under Section 95 of this Act.

17 (e) Any order extending, modifying, or revoking any  
18 stalking no contact order shall be promptly recorded, issued,  
19 and served as provided in this Section.

20 (f) Upon the request of the petitioner, within 24 hours of  
21 the issuance of a stalking no contact order, the clerk of the  
22 issuing judge shall send written notice of the order along  
23 with a certified copy of the order to any school, daycare,  
24 college, or university at which the petitioner is enrolled.

25 (Source: P.A. 101-508, eff. 1-1-20.)

1 (740 ILCS 21/135)

2 Sec. 135. Data maintenance by law enforcement agencies.

3 (a) All sheriffs shall furnish to the Illinois ~~Department~~  
4 ~~of~~ State Police, on the same day as received, in the form and  
5 detail the Department requires, copies of any recorded  
6 emergency or plenary stalking no contact orders issued by the  
7 court and transmitted to the sheriff by the clerk of the court  
8 in accordance with subsection (b) of Section 115 of this Act.  
9 Each stalking no contact order shall be entered in the Law  
10 Enforcement Agencies Data System on the same day it is issued  
11 by the court. If an emergency stalking no contact order was  
12 issued in accordance with subsection (c) of Section 100, the  
13 order shall be entered in the Law Enforcement Agencies Data  
14 System as soon as possible after receipt from the clerk of the  
15 court.

16 (b) The Illinois ~~Department of~~ State Police shall maintain  
17 a complete and systematic record and index of all valid and  
18 recorded stalking no contact orders issued under this Act. The  
19 data shall be used to inform all dispatchers and law  
20 enforcement officers at the scene of an alleged incident of  
21 stalking or violation of a stalking no contact order of any  
22 recorded prior incident of stalking involving the petitioner  
23 and the effective dates and terms of any recorded stalking no  
24 contact order.

25 (Source: P.A. 96-246, eff. 1-1-10.)



1 Section 1105. The Civil No Contact Order Act is amended by  
2 changing Sections 218 and 302 as follows:

3 (740 ILCS 22/218)

4 Sec. 218. Notice of orders.

5 (a) Upon issuance of any civil no contact order, the clerk  
6 shall immediately:

7 (1) enter the order on the record and file it in  
8 accordance with the circuit court procedures; and

9 (2) provide a file stamped copy of the order to the  
10 respondent, if present, and to the petitioner.

11 (b) The clerk of the issuing judge shall, or the  
12 petitioner may, on the same day that a civil no contact order  
13 is issued, file a certified copy of that order with the sheriff  
14 or other law enforcement officials charged with maintaining  
15 Illinois ~~Department of~~ State Police records or charged with  
16 serving the order upon the respondent. If the respondent, at  
17 the time of the issuance of the order, is committed to the  
18 custody of the Illinois Department of Corrections or Illinois  
19 Department of Juvenile Justice, or is on parole, aftercare  
20 release, or mandatory supervised release, the sheriff or other  
21 law enforcement officials charged with maintaining Illinois  
22 ~~Department of~~ State Police records shall notify the Department  
23 of Corrections or Department of Juvenile Justice within 48  
24 hours of receipt of a copy of the civil no contact order from  
25 the clerk of the issuing judge or the petitioner. Such notice

1 shall include the name of the respondent, the respondent's  
2 IDOC inmate number or IDJJ youth identification number, the  
3 respondent's date of birth, and the LEADS Record Index Number.

4 (c) Unless the respondent was present in court when the  
5 order was issued, the sheriff, other law enforcement official,  
6 or special process server shall promptly serve that order upon  
7 the respondent and file proof of such service in the manner  
8 provided for service of process in civil proceedings. Instead  
9 of serving the order upon the respondent, however, the  
10 sheriff, other law enforcement official, special process  
11 server, or other persons defined in Section 218.1 may serve  
12 the respondent with a short form notification as provided in  
13 Section 218.1. If process has not yet been served upon the  
14 respondent, it shall be served with the order or short form  
15 notification if such service is made by the sheriff, other law  
16 enforcement official, or special process server.

17 (d) If the person against whom the civil no contact order  
18 is issued is arrested and the written order is issued in  
19 accordance with subsection (c) of Section 214 and received by  
20 the custodial law enforcement agency before the respondent or  
21 arrestee is released from custody, the custodial law  
22 enforcement agent shall promptly serve the order upon the  
23 respondent or arrestee before the respondent or arrestee is  
24 released from custody. In no event shall detention of the  
25 respondent or arrestee be extended for hearing on the petition  
26 for civil no contact order or receipt of the order issued under

1 Section 214 of this Act.

2 (e) Any order extending, modifying, or revoking any civil  
3 no contact order shall be promptly recorded, issued, and  
4 served as provided in this Section.

5 (f) Upon the request of the petitioner, within 24 hours of  
6 the issuance of a civil no contact order, the clerk of the  
7 issuing judge shall send written notice of the order along  
8 with a certified copy of the order to any school, college, or  
9 university at which the petitioner is enrolled.

10 (Source: P.A. 101-508, eff. 1-1-20.)

11 (740 ILCS 22/302)

12 Sec. 302. Data maintenance by law enforcement agencies.

13 (a) All sheriffs shall furnish to the Illinois Department  
14 ~~of~~ State Police, on the same day as received, in the form and  
15 detail the Department requires, copies of any recorded  
16 emergency or plenary civil no contact orders issued by the  
17 court and transmitted to the sheriff by the clerk of the court  
18 in accordance with subsection (b) of Section 218 of this Act.  
19 Each civil no contact order shall be entered in the Law  
20 Enforcement Agencies Data System on the same day it is issued  
21 by the court. If an emergency civil no contact order was issued  
22 in accordance with subsection (c) of Section 214, the order  
23 shall be entered in the Law Enforcement Agencies Data System  
24 as soon as possible after receipt from the clerk of the court.

25 (b) The Illinois Department ~~of~~ State Police shall maintain

1 a complete and systematic record and index of all valid and  
2 recorded civil no contact orders issued under this Act. The  
3 data shall be used to inform all dispatchers and law  
4 enforcement officers at the scene of an alleged incident of  
5 non-consensual sexual conduct or non-consensual sexual  
6 penetration or violation of a civil no contact order of any  
7 recorded prior incident of non-consensual sexual conduct or  
8 non-consensual sexual penetration involving the victim and the  
9 effective dates and terms of any recorded civil no contact  
10 order.

11 (Source: P.A. 93-236, eff. 1-1-04.)

12 Section 1110. The Controlled Substance and Cannabis  
13 Nuisance Act is amended by changing Sections 1, 3, and 7 as  
14 follows:

15 (740 ILCS 40/1) (from Ch. 100 1/2, par. 14)

16 Sec. 1. As used in this Act unless the context otherwise  
17 requires:

18 ~~"Department" means the Department of State Police of the~~  
19 ~~State of Illinois.~~

20 "Controlled Substances" means any substance as defined and  
21 included in the Schedules of Article II of the "Illinois  
22 Controlled Substances Act," and cannabis as defined in the  
23 "Cannabis Control Act" enacted by the 77th General Assembly.

24 "Place" means any store, shop, warehouse, dwelling house,

1 building, apartment or any place whatever.

2 "Nuisance" means any place at which or in which controlled  
3 substances are unlawfully sold, possessed, served, stored,  
4 delivered, manufactured, cultivated, given away or used more  
5 than once within a period of one year.

6 "Person" means any corporation, association, partner, or  
7 one or more individuals.

8 (Source: P.A. 87-765.)

9 (740 ILCS 40/3) (from Ch. 100 1/2, par. 16)

10 Sec. 3. (a) The Illinois State Police ~~Department~~ or the  
11 State's Attorney or any citizen of the county in which a  
12 nuisance exists may file a complaint in the name of the People  
13 of the State of Illinois to enjoin all persons from  
14 maintaining or permitting such nuisance, to abate the same and  
15 to enjoin the use of any such place for the period of one year.

16 (b) Upon the filing of a complaint by the State's Attorney  
17 or the Illinois State Police ~~Department~~ in which the complaint  
18 states that irreparable injury, loss or damage will result to  
19 the People of the State of Illinois, the court shall enter a  
20 temporary restraining order without notice enjoining the  
21 maintenance of such nuisance, upon testimony under oath,  
22 affidavit, or verified complaint containing facts sufficient,  
23 if sustained, to justify the court in entering a preliminary  
24 injunction upon a hearing after notice. Every such temporary  
25 restraining order entered without notice shall be endorsed

1 with the date and hour of entry of the order, shall be filed of  
2 record, and shall expire by its terms within such time after  
3 entry, not to exceed 10 days as fixed by the court, unless the  
4 temporary restraining order, for good cause, is extended for a  
5 like period or unless the party against whom the order is  
6 directed consents that it may be extended for a longer period.  
7 The reason for extension shall be shown in the order. In case a  
8 temporary restraining order is entered without notice, the  
9 motion for a permanent injunction shall be set down for  
10 hearing at the earliest possible time and takes precedence  
11 over all matters except older matters of the same character,  
12 and when the motion comes on for hearing, the Illinois State  
13 Police Department or State's Attorney, as the case may be,  
14 shall proceed with the application for a permanent injunction,  
15 and, if he does not do so, the court shall dissolve the  
16 temporary restraining order. On 2 days' notice to the Illinois  
17 State Police Department or State's Attorney, as the case may  
18 be, the defendant may appear and move the dissolution or  
19 modification of such temporary restraining order and in that  
20 event the court shall proceed to hear and determine such  
21 motion as expeditiously as the ends of justice require.

22 (c) Upon the filing of the complaint by a citizen or the  
23 Illinois State Police Department or the State's Attorney (in  
24 cases in which the Illinois State Police Department or State's  
25 Attorney does not request injunctive relief without notice) in  
26 the circuit court, the court, if satisfied that the nuisance

1 complained of exists, shall allow a temporary restraining  
2 order, with bond unless the application is filed by the  
3 Illinois State Police Department or State's Attorney, in such  
4 amount as the court may determine, enjoining the defendant  
5 from maintaining any such nuisance within the jurisdiction of  
6 the court granting the injunctive relief. However, no such  
7 injunctive relief shall be granted, except on behalf of an  
8 owner or agent, unless it be made to appear to the satisfaction  
9 of the court that the owner or agent of such place knew or had  
10 been personally served with a notice signed by the plaintiff  
11 and that such notice has been served upon such owner or such  
12 agent of such place at least 5 days prior thereto, that such  
13 place, specifically describing the same, was being so used,  
14 naming the date or dates of its being so used, and that such  
15 owner or agent had failed to abate such nuisance, or that upon  
16 diligent inquiry such owner or agent could not be found for the  
17 service of such preliminary notice. The lessee, if any, of  
18 such place shall be made a party defendant to such petition. If  
19 the property owner is a corporation and the Illinois State  
20 Police Department or the State's Attorney sends the  
21 preliminary notice to the corporate address registered with  
22 the Secretary of State, such action shall create a rebuttable  
23 presumption that the parties have acted with due diligence and  
24 the court may grant injunctive relief.

25 (d) In all cases in which the complaint is filed by a  
26 citizen, such complaint shall be verified.

1 (Source: P.A. 99-78, eff. 7-20-15.)

2 (740 ILCS 40/7) (from Ch. 100 1/2, par. 20)

3 Sec. 7. The proceeds of the sale of the movable property  
4 shall be applied in payment of the costs of the proceeding, and  
5 the balance, if any, shall be forwarded by the clerk of the  
6 circuit court to the State Treasurer for deposit into the Drug  
7 Treatment Fund, which is established as a special fund within  
8 the State Treasury. The Department of Human Services may make  
9 grants to persons licensed under Section 15-10 of the  
10 Substance Use Disorder Act or to municipalities or counties  
11 from funds appropriated to the Illinois State Police  
12 ~~Department~~ from the Drug Treatment Fund for the treatment of  
13 persons addicted to alcohol, cannabis, or controlled  
14 substances. The Illinois State Police ~~Department~~ may adopt any  
15 rules it deems appropriate for the administration of these  
16 grants. The Illinois State Police ~~Department~~ shall ensure that  
17 the moneys collected in each county be returned  
18 proportionately to the counties through grants to licensees  
19 located within the county in which the assessment was  
20 collected. Moneys in the Fund shall not supplant other local,  
21 state or federal funds.

22 (Source: P.A. 100-759, eff. 1-1-19.)

23 Section 1115. The Mental Health and Developmental  
24 Disabilities Confidentiality Act is amended by changing



1 Sections 12 and 12.2 as follows:

2 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

3 Sec. 12. (a) If the United States Secret Service or the  
4 Illinois ~~Department of~~ State Police requests information from  
5 a mental health or developmental disability facility, as  
6 defined in Section 1-107 and 1-114 of the Mental Health and  
7 Developmental Disabilities Code, relating to a specific  
8 recipient and the facility director determines that disclosure  
9 of such information may be necessary to protect the life of, or  
10 to prevent the infliction of great bodily harm to, a public  
11 official, or a person under the protection of the United  
12 States Secret Service, only the following information may be  
13 disclosed: the recipient's name, address, and age and the date  
14 of any admission to or discharge from a facility; and any  
15 information which would indicate whether or not the recipient  
16 has a history of violence or presents a danger of violence to  
17 the person under protection. Any information so disclosed  
18 shall be used for investigative purposes only and shall not be  
19 publicly disseminated. Any person participating in good faith  
20 in the disclosure of such information in accordance with this  
21 provision shall have immunity from any liability, civil,  
22 criminal or otherwise, if such information is disclosed  
23 relying upon the representation of an officer of the United  
24 States Secret Service or the Illinois ~~Department of~~ State  
25 Police that a person is under the protection of the United

1 States Secret Service or is a public official.

2 For the purpose of this subsection (a), the term "public  
3 official" means the Governor, Lieutenant Governor, Attorney  
4 General, Secretary of State, State Comptroller, State  
5 Treasurer, member of the General Assembly, member of the  
6 United States Congress, Judge of the United States as defined  
7 in 28 U.S.C. 451, Justice of the United States as defined in 28  
8 U.S.C. 451, United States Magistrate Judge as defined in 28  
9 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
10 Supreme, Appellate, Circuit, or Associate Judge of the State  
11 of Illinois. The term shall also include the spouse, child or  
12 children of a public official.

13 (b) The Department of Human Services (acting as successor  
14 to the Department of Mental Health and Developmental  
15 Disabilities) and all public or private hospitals and mental  
16 health facilities are required, as hereafter described in this  
17 subsection, to furnish the Illinois ~~Department of~~ State Police  
18 only such information as may be required for the sole purpose  
19 of determining whether an individual who may be or may have  
20 been a patient is disqualified because of that status from  
21 receiving or retaining a Firearm Owner's Identification Card  
22 or falls within the federal prohibitors under subsection (e),  
23 (f), (g), (r), (s), or (t) of Section 8 of the Firearm Owners  
24 Identification Card Act, or falls within the federal  
25 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,  
26 clinical psychologists, or qualified examiners at public or

1 private mental health facilities or parts thereof as defined  
2 in this subsection shall, in the form and manner required by  
3 the Department, provide notice directly to the Department of  
4 Human Services, or to his or her employer who shall then report  
5 to the Department, within 24 hours after determining that a  
6 person poses a clear and present danger to himself, herself,  
7 or others, or within 7 days after a person 14 years or older is  
8 determined to be a person with a developmental disability by a  
9 physician, clinical psychologist, or qualified examiner as  
10 described in Section 1.1 of the Firearm Owners Identification  
11 Card Act. If a person is a patient as described in clause (1)  
12 of the definition of "patient" in Section 1.1 of the Firearm  
13 Owners Identification Card Act, this information shall be  
14 furnished within 7 days after admission to a public or private  
15 hospital or mental health facility or the provision of  
16 services. Any such information disclosed under this subsection  
17 shall remain privileged and confidential, and shall not be  
18 redisclosed, except as required by subsection (e) of Section  
19 3.1 of the Firearm Owners Identification Card Act, nor  
20 utilized for any other purpose. The method of requiring the  
21 providing of such information shall guarantee that no  
22 information is released beyond what is necessary for this  
23 purpose. In addition, the information disclosed shall be  
24 provided by the Department within the time period established  
25 by Section 24-3 of the Criminal Code of 2012 regarding the  
26 delivery of firearms. The method used shall be sufficient to

1 provide the necessary information within the prescribed time  
2 period, which may include periodically providing lists to the  
3 Department of Human Services or any public or private hospital  
4 or mental health facility of Firearm Owner's Identification  
5 Card applicants on which the Department or hospital shall  
6 indicate the identities of those individuals who are to its  
7 knowledge disqualified from having a Firearm Owner's  
8 Identification Card for reasons described herein. The  
9 Department may provide for a centralized source of information  
10 for the State on this subject under its jurisdiction. The  
11 identity of the person reporting under this subsection shall  
12 not be disclosed to the subject of the report. For the purposes  
13 of this subsection, the physician, clinical psychologist, or  
14 qualified examiner making the determination and his or her  
15 employer shall not be held criminally, civilly, or  
16 professionally liable for making or not making the  
17 notification required under this subsection, except for  
18 willful or wanton misconduct.

19 Any person, institution, or agency, under this Act,  
20 participating in good faith in the reporting or disclosure of  
21 records and communications otherwise in accordance with this  
22 provision or with rules, regulations or guidelines issued by  
23 the Department shall have immunity from any liability, civil,  
24 criminal or otherwise, that might result by reason of the  
25 action. For the purpose of any proceeding, civil or criminal,  
26 arising out of a report or disclosure in accordance with this

1 provision, the good faith of any person, institution, or  
2 agency so reporting or disclosing shall be presumed. The full  
3 extent of the immunity provided in this subsection (b) shall  
4 apply to any person, institution or agency that fails to make a  
5 report or disclosure in the good faith belief that the report  
6 or disclosure would violate federal regulations governing the  
7 confidentiality of alcohol and drug abuse patient records  
8 implementing 42 U.S.C. 290dd-3 and 290ee-3.

9 For purposes of this subsection (b) only, the following  
10 terms shall have the meaning prescribed:

11 (1) (Blank).

12 (1.3) "Clear and present danger" has the meaning as  
13 defined in Section 1.1 of the Firearm Owners  
14 Identification Card Act.

15 (1.5) "Person with a developmental disability" has the  
16 meaning as defined in Section 1.1 of the Firearm Owners  
17 Identification Card Act.

18 (2) "Patient" has the meaning as defined in Section  
19 1.1 of the Firearm Owners Identification Card Act.

20 (3) "Mental health facility" has the meaning as  
21 defined in Section 1.1 of the Firearm Owners  
22 Identification Card Act.

23 (c) Upon the request of a peace officer who takes a person  
24 into custody and transports such person to a mental health or  
25 developmental disability facility pursuant to Section 3-606 or  
26 4-404 of the Mental Health and Developmental Disabilities Code

1 or who transports a person from such facility, a facility  
2 director shall furnish said peace officer the name, address,  
3 age and name of the nearest relative of the person transported  
4 to or from the mental health or developmental disability  
5 facility. In no case shall the facility director disclose to  
6 the peace officer any information relating to the diagnosis,  
7 treatment or evaluation of the person's mental or physical  
8 health.

9 For the purposes of this subsection (c), the terms "mental  
10 health or developmental disability facility", "peace officer"  
11 and "facility director" shall have the meanings ascribed to  
12 them in the Mental Health and Developmental Disabilities Code.

13 (d) Upon the request of a peace officer or prosecuting  
14 authority who is conducting a bona fide investigation of a  
15 criminal offense, or attempting to apprehend a fugitive from  
16 justice, a facility director may disclose whether a person is  
17 present at the facility. Upon request of a peace officer or  
18 prosecuting authority who has a valid forcible felony warrant  
19 issued, a facility director shall disclose: (1) whether the  
20 person who is the subject of the warrant is present at the  
21 facility and (2) the date of that person's discharge or future  
22 discharge from the facility. The requesting peace officer or  
23 prosecuting authority must furnish a case number and the  
24 purpose of the investigation or an outstanding arrest warrant  
25 at the time of the request. Any person, institution, or agency  
26 participating in good faith in disclosing such information in

1 accordance with this subsection (d) is immune from any  
2 liability, civil, criminal or otherwise, that might result by  
3 reason of the action.

4 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
5 eff. 7-27-15; 99-642, eff. 7-28-16.)

6 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

7 Sec. 12.2. (a) When a recipient who has been judicially or  
8 involuntarily admitted, or is a forensic recipient admitted to  
9 a developmental disability or mental health facility, as  
10 defined in Section 1-107 or 1-114 of the Mental Health and  
11 Developmental Disabilities Code, is on an unauthorized absence  
12 or otherwise has left the custody of the Department of Human  
13 Services without being discharged or being free to do so, the  
14 facility director shall immediately furnish and disclose to  
15 the appropriate local law enforcement agency identifying  
16 information, as defined in this Section, and all further  
17 information unrelated to the diagnosis, treatment or  
18 evaluation of the recipient's mental or physical health that  
19 would aid the law enforcement agency in recovering the  
20 recipient and returning him or her to custody. When a forensic  
21 recipient is on an unauthorized absence or otherwise has left  
22 the custody of the Department without being discharged or  
23 being free to do so, the facility director, or designee, of a  
24 mental health facility or developmental facility operated by  
25 the Department shall also immediately notify, in like manner,

1 the Illinois ~~Department of~~ State Police.

2 (b) If a law enforcement agency requests information from  
3 a developmental disability or mental health facility, as  
4 defined in Section 1-107 or 1-114 of the Mental Health and  
5 Developmental Disabilities Code, relating to a recipient who  
6 has been admitted to the facility and for whom a missing person  
7 report has been filed with a law enforcement agency, the  
8 facility director shall, except in the case of a voluntary  
9 recipient wherein the recipient's permission in writing must  
10 first be obtained, furnish and disclose to the law enforcement  
11 agency identifying information as is necessary to confirm or  
12 deny whether that person is, or has been since the missing  
13 person report was filed, a resident of that facility. The  
14 facility director shall notify the law enforcement agency if  
15 the missing person is admitted after the request. Any person  
16 participating in good faith in the disclosure of information  
17 in accordance with this provision shall have immunity from any  
18 liability, civil, criminal, or otherwise, if the information  
19 is disclosed relying upon the representation of an officer of  
20 a law enforcement agency that a missing person report has been  
21 filed.

22 (c) Upon the request of a law enforcement agency in  
23 connection with the investigation of a particular felony or  
24 sex offense, when the investigation case file number is  
25 furnished by the law enforcement agency, a facility director  
26 shall immediately disclose to that law enforcement agency



1 identifying information on any forensic recipient who is  
2 admitted to a developmental disability or mental health  
3 facility, as defined in Section 1-107 or 1-114 of the Mental  
4 Health and Developmental Disabilities Code, who was or may  
5 have been away from the facility at or about the time of the  
6 commission of a particular felony or sex offense, and: (1)  
7 whose description, clothing, or both reasonably match the  
8 physical description of any person allegedly involved in that  
9 particular felony or sex offense; or (2) whose past modus  
10 operandi matches the modus operandi of that particular felony  
11 or sex offense.

12 (d) For the purposes of this Section and Section 12.1,  
13 "law enforcement agency" means an agency of the State or unit  
14 of local government that is vested by law or ordinance with the  
15 duty to maintain public order and to enforce criminal laws or  
16 ordinances, the Federal Bureau of Investigation, the Central  
17 Intelligence Agency, and the United States Secret Service.

18 (e) For the purpose of this Section, "identifying  
19 information" means the name, address, age, and a physical  
20 description, including clothing, of the recipient of services,  
21 the names and addresses of the recipient's nearest known  
22 relatives, where the recipient was known to have been during  
23 any past unauthorized absences from a facility, whether the  
24 recipient may be suicidal, and the condition of the  
25 recipient's physical health as it relates to exposure to the  
26 weather. Except as provided in Section 11, in no case shall the

1 facility director disclose to the law enforcement agency any  
2 information relating to the diagnosis, treatment, or  
3 evaluation of the recipient's mental or physical health,  
4 unless the disclosure is deemed necessary by the facility  
5 director to insure the safety of the investigating officers or  
6 general public.

7 (f) For the purpose of this Section, "forensic recipient"  
8 means a recipient who is placed in a developmental disability  
9 facility or mental health facility, as defined in Section  
10 1-107 or 1-114 of the Mental Health and Developmental  
11 Disabilities Code, pursuant to Article 104 of the Code of  
12 Criminal Procedure of 1963 or Sections 3-8-5, 3-10-5 or 5-2-4  
13 of the Unified Code of Corrections.

14 (Source: P.A. 98-756, eff. 7-16-14; 99-216, eff. 7-31-15.)

15 Section 1120. The Illinois False Claims Act is amended by  
16 changing Sections 2 and 4 as follows:

17 (740 ILCS 175/2) (from Ch. 127, par. 4102)

18 Sec. 2. Definitions. As used in this Act:

19 (a) "State" means the State of Illinois; any agency of  
20 State government; the system of State colleges and  
21 universities, any school district, community college district,  
22 county, municipality, municipal corporation, unit of local  
23 government, and any combination of the above under an  
24 intergovernmental agreement that includes provisions for a

1 governing body of the agency created by the agreement.

2 (b) "Guard" means the Illinois National Guard.

3 (c) "Investigation" means any inquiry conducted by any  
4 investigator for the purpose of ascertaining whether any  
5 person is or has been engaged in any violation of this Act.

6 (d) "Investigator" means a person who is charged by the  
7 Attorney General or the Illinois ~~Department of~~ State Police  
8 with the duty of conducting any investigation under this Act,  
9 or any officer or employee of the State acting under the  
10 direction and supervision of the Attorney General or the  
11 Illinois ~~Department of~~ State Police, ~~through the Division of~~  
12 ~~Operations or the Division of Internal Investigation~~, in the  
13 course of an investigation.

14 (e) "Documentary material" includes the original or any  
15 copy of any book, record, report, memorandum, paper,  
16 communication, tabulation, chart, or other document, or data  
17 compilations stored in or accessible through computer or other  
18 information retrieval systems, together with instructions and  
19 all other materials necessary to use or interpret such data  
20 compilations, and any product of discovery.

21 (f) "Custodian" means the custodian, or any deputy  
22 custodian, designated by the Attorney General under subsection  
23 (i) (1) of Section 6.

24 (g) "Product of discovery" includes:

25 (1) the original or duplicate of any deposition,  
26 interrogatory, document, thing, result of the inspection

1 of land or other property, examination, or admission,  
2 which is obtained by any method of discovery in any  
3 judicial or administrative proceeding of an adversarial  
4 nature;

5 (2) any digest, analysis, selection, compilation, or  
6 derivation of any item listed in paragraph (1); and

7 (3) any index or other manner of access to any item  
8 listed in paragraph (1).

9 (Source: P.A. 95-128, eff. 1-1-08; 96-1304, eff. 7-27-10.)

10 (740 ILCS 175/4) (from Ch. 127, par. 4104)

11 Sec. 4. Civil actions for false claims.

12 (a) Responsibilities of the Attorney General and the  
13 Illinois Department of State Police. The Attorney General or  
14 the Illinois Department of State Police shall diligently  
15 investigate a civil violation under Section 3. If the Attorney  
16 General finds that a person violated or is violating Section  
17 3, the Attorney General may bring a civil action under this  
18 Section against the person.

19 The State shall receive an amount for reasonable expenses  
20 that the court finds to have been necessarily incurred by the  
21 Attorney General, including reasonable attorneys' fees and  
22 costs. All such expenses, fees, and costs shall be awarded  
23 against the defendant. The court may award amounts from the  
24 proceeds of an action or settlement that it considers  
25 appropriate to any governmental entity or program that has

1 been adversely affected by a defendant. The Attorney General,  
2 if necessary, shall direct the State Treasurer to make a  
3 disbursement of funds as provided in court orders or  
4 settlement agreements.

5 (b) Actions by private persons.

6 (1) A person may bring a civil action for a violation  
7 of Section 3 for the person and for the State. The action  
8 shall be brought in the name of the State. The action may  
9 be dismissed only if the court and the Attorney General  
10 give written consent to the dismissal and their reasons  
11 for consenting.

12 (2) A copy of the complaint and written disclosure of  
13 substantially all material evidence and information the  
14 person possesses shall be served on the State. The  
15 complaint shall be filed in camera, shall remain under  
16 seal for at least 60 days, and shall not be served on the  
17 defendant until the court so orders. The State may elect  
18 to intervene and proceed with the action within 60 days  
19 after it receives both the complaint and the material  
20 evidence and information.

21 (3) The State may, for good cause shown, move the  
22 court for extensions of the time during which the  
23 complaint remains under seal under paragraph (2). Any such  
24 motions may be supported by affidavits or other  
25 submissions in camera. The defendant shall not be required  
26 to respond to any complaint filed under this Section until

1           20 days after the complaint is unsealed and served upon  
2           the defendant.

3           (4) Before the expiration of the 60-day period or any  
4           extensions obtained under paragraph (3), the State shall:

5                   (A) proceed with the action, in which case the  
6                   action shall be conducted by the State; or

7                   (B) notify the court that it declines to take over  
8                   the action, in which case the person bringing the  
9                   action shall have the right to conduct the action.

10          (5) When a person brings an action under this  
11          subsection (b), no person other than the State may  
12          intervene or bring a related action based on the facts  
13          underlying the pending action.

14          (c) Rights of the parties to Qui Tam actions.

15                  (1) If the State proceeds with the action, it shall  
16                  have the primary responsibility for prosecuting the  
17                  action, and shall not be bound by an act of the person  
18                  bringing the action. Such person shall have the right to  
19                  continue as a party to the action, subject to the  
20                  limitations set forth in paragraph (2).

21                  (2) (A) The State may dismiss the action  
22                  notwithstanding the objections of the person initiating  
23                  the action if the person has been notified by the State of  
24                  the filing of the motion and the court has provided the  
25                  person with an opportunity for a hearing on the motion.

26                  (B) The State may settle the action with the defendant

1           notwithstanding the objections of the person initiating  
2           the action if the court determines, after a hearing, that  
3           the proposed settlement is fair, adequate, and reasonable  
4           under all the circumstances. Upon a showing of good cause,  
5           such hearing may be held in camera.

6           (C) Upon a showing by the State that unrestricted  
7           participation during the course of the litigation by the  
8           person initiating the action would interfere with or  
9           unduly delay the State's prosecution of the case, or would  
10          be repetitious, irrelevant, or for purposes of harassment,  
11          the court may, in its discretion, impose limitations on  
12          the person's participation, such as:

13                 (i) limiting the number of witnesses the person  
14                 may call:

15                 (ii) limiting the length of the testimony of such  
16                 witnesses;

17                 (iii) limiting the person's cross-examination of  
18                 witnesses; or

19                 (iv) otherwise limiting the participation by the  
20                 person in the litigation.

21          (D) Upon a showing by the defendant that unrestricted  
22          participation during the course of the litigation by the  
23          person initiating the action would be for purposes of  
24          harassment or would cause the defendant undue burden or  
25          unnecessary expense, the court may limit the participation  
26          by the person in the litigation.

1           (3) If the State elects not to proceed with the  
2 action, the person who initiated the action shall have the  
3 right to conduct the action. If the State so requests, it  
4 shall be served with copies of all pleadings filed in the  
5 action and shall be supplied with copies of all deposition  
6 transcripts (at the State's expense). When a person  
7 proceeds with the action, the court, without limiting the  
8 status and rights of the person initiating the action, may  
9 nevertheless permit the State to intervene at a later date  
10 upon a showing of good cause.

11           (4) Whether or not the State proceeds with the action,  
12 upon a showing by the State that certain actions of  
13 discovery by the person initiating the action would  
14 interfere with the State's investigation or prosecution of  
15 a criminal or civil matter arising out of the same facts,  
16 the court may stay such discovery for a period of not more  
17 than 60 days. Such a showing shall be conducted in camera.  
18 The court may extend the 60-day period upon a further  
19 showing in camera that the State has pursued the criminal  
20 or civil investigation or proceedings with reasonable  
21 diligence and any proposed discovery in the civil action  
22 will interfere with the ongoing criminal or civil  
23 investigation or proceedings.

24           (5) Notwithstanding subsection (b), the State may  
25 elect to pursue its claim through any alternate remedy  
26 available to the State, including any administrative



1 proceeding to determine a civil money penalty. If any such  
2 alternate remedy is pursued in another proceeding, the  
3 person initiating the action shall have the same rights in  
4 such proceeding as such person would have had if the  
5 action had continued under this Section. Any finding of  
6 fact or conclusion of law made in such other proceeding  
7 that has become final shall be conclusive on all parties  
8 to an action under this Section. For purposes of the  
9 preceding sentence, a finding or conclusion is final if it  
10 has been finally determined on appeal to the appropriate  
11 court, if all time for filing such an appeal with respect  
12 to the finding or conclusion has expired, or if the  
13 finding or conclusion is not subject to judicial review.

14 (d) Award to Qui Tam plaintiff.

15 (1) If the State proceeds with an action brought by a  
16 person under subsection (b), such person shall, subject to  
17 the second sentence of this paragraph, receive at least  
18 15% but not more than 25% of the proceeds of the action or  
19 settlement of the claim, depending upon the extent to  
20 which the person substantially contributed to the  
21 prosecution of the action. Where the action is one which  
22 the court finds to be based primarily on disclosures of  
23 specific information (other than information provided by  
24 the person bringing the action) relating to allegations or  
25 transactions in a criminal, civil, or administrative  
26 hearing, in a legislative, administrative, or Auditor

1 General's report, hearing, audit, or investigation, or  
2 from the news media, the court may award such sums as it  
3 considers appropriate, but in no case more than 10% of the  
4 proceeds, taking into account the significance of the  
5 information and the role of the person bringing the action  
6 in advancing the case to litigation. Any payment to a  
7 person under the first or second sentence of this  
8 paragraph (1) shall be made from the proceeds. Any such  
9 person shall also receive an amount for reasonable  
10 expenses which the court finds to have been necessarily  
11 incurred, plus reasonable attorneys' fees and costs. The  
12 State shall also receive an amount for reasonable expenses  
13 which the court finds to have been necessarily incurred by  
14 the Attorney General, including reasonable attorneys' fees  
15 and costs. All such expenses, fees, and costs shall be  
16 awarded against the defendant. The court may award amounts  
17 from the proceeds of an action or settlement that it  
18 considers appropriate to any governmental entity or  
19 program that has been adversely affected by a defendant.  
20 The Attorney General, if necessary, shall direct the State  
21 Treasurer to make a disbursement of funds as provided in  
22 court orders or settlement agreements.

23 (2) If the State does not proceed with an action under  
24 this Section, the person bringing the action or settling  
25 the claim shall receive an amount which the court decides  
26 is reasonable for collecting the civil penalty and

1 damages. The amount shall be not less than 25% and not more  
2 than 30% of the proceeds of the action or settlement and  
3 shall be paid out of such proceeds. Such person shall also  
4 receive an amount for reasonable expenses which the court  
5 finds to have been necessarily incurred, plus reasonable  
6 attorneys' fees and costs. All such expenses, fees, and  
7 costs shall be awarded against the defendant. The court  
8 may award amounts from the proceeds of an action or  
9 settlement that it considers appropriate to any  
10 governmental entity or program that has been adversely  
11 affected by a defendant. The Attorney General, if  
12 necessary, shall direct the State Treasurer to make a  
13 disbursement of funds as provided in court orders or  
14 settlement agreements.

15 (3) Whether or not the State proceeds with the action,  
16 if the court finds that the action was brought by a person  
17 who planned and initiated the violation of Section 3 upon  
18 which the action was brought, then the court may, to the  
19 extent the court considers appropriate, reduce the share  
20 of the proceeds of the action which the person would  
21 otherwise receive under paragraph (1) or (2) of this  
22 subsection (d), taking into account the role of that  
23 person in advancing the case to litigation and any  
24 relevant circumstances pertaining to the violation. If the  
25 person bringing the action is convicted of criminal  
26 conduct arising from his or her role in the violation of

1 Section 3, that person shall be dismissed from the civil  
2 action and shall not receive any share of the proceeds of  
3 the action. Such dismissal shall not prejudice the right  
4 of the State to continue the action, represented by the  
5 Attorney General.

6 (4) If the State does not proceed with the action and  
7 the person bringing the action conducts the action, the  
8 court may award to the defendant its reasonable attorneys'  
9 fees and expenses if the defendant prevails in the action  
10 and the court finds that the claim of the person bringing  
11 the action was clearly frivolous, clearly vexatious, or  
12 brought primarily for purposes of harassment.

13 (e) Certain actions barred.

14 (1) No court shall have jurisdiction over an action  
15 brought by a former or present member of the Guard under  
16 subsection (b) of this Section against a member of the  
17 Guard arising out of such person's service in the Guard.

18 (2) (A) No court shall have jurisdiction over an action  
19 brought under subsection (b) against a member of the  
20 General Assembly, a member of the judiciary, or an exempt  
21 official if the action is based on evidence or information  
22 known to the State when the action was brought.

23 (B) For purposes of this paragraph (2), "exempt  
24 official" means any of the following officials in State  
25 service: directors of departments established under the  
26 Civil Administrative Code of Illinois, the Adjutant

1 General, the Assistant Adjutant General, the Director of  
2 the State Emergency Services and Disaster Agency, members  
3 of the boards and commissions, and all other positions  
4 appointed by the Governor by and with the consent of the  
5 Senate.

6 (3) In no event may a person bring an action under  
7 subsection (b) which is based upon allegations or  
8 transactions which are the subject of a civil suit or an  
9 administrative civil money penalty proceeding in which the  
10 State is already a party.

11 (4) (A) The court shall dismiss an action or claim  
12 under this Section, unless opposed by the State, if  
13 substantially the same allegations or transactions as  
14 alleged in the action or claim were publicly disclosed:

15 (i) in a criminal, civil, or administrative  
16 hearing in which the State or its agent is a party;

17 (ii) in a State legislative, State Auditor  
18 General, or other State report, hearing, audit, or  
19 investigation; or

20 (iii) from the news media,

21 unless the action is brought by the Attorney General or  
22 the person bringing the action is an original source of  
23 the information.

24 (B) For purposes of this paragraph (4), "original  
25 source" means an individual who either (i) prior to a  
26 public disclosure under subparagraph (A) of this paragraph

1 (4), has voluntarily disclosed to the State the  
2 information on which allegations or transactions in a  
3 claim are based, or (ii) has knowledge that is independent  
4 of and materially adds to the publicly disclosed  
5 allegations or transactions, and who has voluntarily  
6 provided the information to the State before filing an  
7 action under this Section.

8 (f) State not liable for certain expenses. The State is  
9 not liable for expenses which a person incurs in bringing an  
10 action under this Section.

11 (g) Relief from retaliatory actions.

12 (1) In general, any employee, contractor, or agent  
13 shall be entitled to all relief necessary to make that  
14 employee, contractor, or agent whole, if that employee,  
15 contractor, or agent is discharged, demoted, suspended,  
16 threatened, harassed, or in any other manner discriminated  
17 against in the terms and conditions of employment because  
18 of lawful acts done by the employee, contractor, agent, or  
19 associated others in furtherance of an action under this  
20 Section or other efforts to stop one or more violations of  
21 this Act.

22 (2) Relief under paragraph (1) shall include  
23 reinstatement with the same seniority status that the  
24 employee, contractor, or agent would have had but for the  
25 discrimination, 2 times the amount of back pay, interest  
26 on the back pay, and compensation for any special damages

1           sustained as a result of the discrimination, including  
2           litigation costs and reasonable attorneys' fees. An action  
3           under this subsection (g) may be brought in the  
4           appropriate circuit court for the relief provided in this  
5           subsection (g).

6           (3) A civil action under this subsection may not be  
7           brought more than 3 years after the date when the  
8           retaliation occurred.

9           (Source: P.A. 96-1304, eff. 7-27-10; 97-978, eff. 8-17-12.)

10           Section 1125. The Illinois Marriage and Dissolution of  
11           Marriage Act is amended by changing Section 607.5 as follows:

12           (750 ILCS 5/607.5)

13           Sec. 607.5. Abuse of allocated parenting time.

14           (a) The court shall provide an expedited procedure for the  
15           enforcement of allocated parenting time.

16           (b) An action for the enforcement of allocated parenting  
17           time may be commenced by a parent or a person appointed under  
18           Section 506 by filing a petition setting forth: (i) the  
19           petitioner's name and residence address or mailing address,  
20           except that if the petition states that disclosure of  
21           petitioner's address would risk abuse of petitioner or any  
22           member of petitioner's family or household or reveal the  
23           confidential address of a shelter for domestic violence  
24           victims, that address may be omitted from the petition; (ii)

1 the respondent's name and place of residence, place of  
2 employment, or mailing address; (iii) the terms of the  
3 parenting plan or allocation judgment then in effect; (iv) the  
4 nature of the violation of the allocation of parenting time,  
5 giving dates and other relevant information; and (v) that a  
6 reasonable attempt was made to resolve the dispute.

7 (c) If the court finds by a preponderance of the evidence  
8 that a parent has not complied with allocated parenting time  
9 according to an approved parenting plan or a court order, the  
10 court, in the child's best interests, shall issue an order  
11 that may include one or more of the following:

12 (1) an imposition of additional terms and conditions  
13 consistent with the court's previous allocation of  
14 parenting time or other order;

15 (2) a requirement that either or both of the parties  
16 attend a parental education program at the expense of the  
17 non-complying parent;

18 (3) upon consideration of all relevant factors,  
19 particularly a history or possibility of domestic  
20 violence, a requirement that the parties participate in  
21 family or individual counseling, the expense of which  
22 shall be allocated by the court; if counseling is ordered,  
23 all counseling sessions shall be confidential, and the  
24 communications in counseling shall not be used in any  
25 manner in litigation nor relied upon by an expert  
26 appointed by the court or retained by any party;



1           (4) a requirement that the non-complying parent post a  
2 cash bond or other security to ensure future compliance,  
3 including a provision that the bond or other security may  
4 be forfeited to the other parent for payment of expenses  
5 on behalf of the child as the court shall direct;

6           (5) a requirement that makeup parenting time be  
7 provided for the aggrieved parent or child under the  
8 following conditions:

9           (A) that the parenting time is of the same type and  
10 duration as the parenting time that was denied,  
11 including but not limited to parenting time during  
12 weekends, on holidays, and on weekdays and during  
13 times when the child is not in school;

14           (B) that the parenting time is made up within 6  
15 months after the noncompliance occurs, unless the  
16 period of time or holiday cannot be made up within 6  
17 months, in which case the parenting time shall be made  
18 up within one year after the noncompliance occurs;

19           (6) a finding that the non-complying parent is in  
20 contempt of court;

21           (7) an imposition on the non-complying parent of an  
22 appropriate civil fine per incident of denied parenting  
23 time;

24           (8) a requirement that the non-complying parent  
25 reimburse the other parent for all reasonable expenses  
26 incurred as a result of the violation of the parenting

1 plan or court order; and

2 (9) any other provision that may promote the child's  
3 best interests.

4 (d) In addition to any other order entered under  
5 subsection (c), except for good cause shown, the court shall  
6 order a parent who has failed to provide allocated parenting  
7 time or to exercise allocated parenting time to pay the  
8 aggrieved party his or her reasonable attorney's fees, court  
9 costs, and expenses associated with an action brought under  
10 this Section. If the court finds that the respondent in an  
11 action brought under this Section has not violated the  
12 allocated parenting time, the court may order the petitioner  
13 to pay the respondent's reasonable attorney's fees, court  
14 costs, and expenses incurred in the action.

15 (e) Nothing in this Section precludes a party from  
16 maintaining any other action as provided by law.

17 (f) When the court issues an order holding a party in  
18 contempt for violation of a parenting time order and finds  
19 that the party engaged in parenting time abuse, the court may  
20 order one or more of the following:

21 (1) Suspension of a party's Illinois driving  
22 privileges pursuant to Section 7-703 of the Illinois  
23 Vehicle Code until the court determines that the party is  
24 in compliance with the parenting time order. The court may  
25 also order that a party be issued a family financial  
26 responsibility driving permit that would allow limited

1 driving privileges for employment, for medical purposes,  
2 and to transport a child to or from scheduled parenting  
3 time in order to comply with a parenting time order in  
4 accordance with subsection (a-1) of Section 7-702.1 of the  
5 Illinois Vehicle Code.

6 (2) Placement of a party on probation with such  
7 conditions of probation as the court deems advisable.

8 (3) Sentencing of a party to periodic imprisonment for  
9 a period not to exceed 6 months; provided, that the court  
10 may permit the party to be released for periods of time  
11 during the day or night to:

12 (A) work; or

13 (B) conduct a business or other self-employed  
14 occupation.

15 (4) Find that a party in engaging in parenting time  
16 abuse is guilty of a petty offense and should be fined an  
17 amount of no more than \$500 for each finding of parenting  
18 time abuse.

19 (g) When the court issues an order holding a party in  
20 contempt of court for violation of a parenting order, the  
21 clerk shall transmit a copy of the contempt order to the  
22 sheriff of the county. The sheriff shall furnish a copy of each  
23 contempt order to the Illinois ~~Department of~~ State Police on a  
24 daily basis in the form and manner required by the Department.  
25 The Department shall maintain a complete record and index of  
26 the contempt orders and make this data available to all local

1 law enforcement agencies.

2 (h) Nothing contained in this Section shall be construed  
3 to limit the court's contempt power.

4 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

5 Section 1130. The Adoption Act is amended by changing  
6 Section 6 as follows:

7 (750 ILCS 50/6) (from Ch. 40, par. 1508)

8 Sec. 6. A. Investigation; all cases. Within 10 days after  
9 the filing of a petition for the adoption or standby adoption  
10 of a child other than a related child, the court shall appoint  
11 a child welfare agency approved by the Department of Children  
12 and Family Services, or a person deemed competent by the  
13 court, or in Cook County the Court Services Division of the  
14 Cook County Department of Public Aid, or the Department of  
15 Children and Family Services if the court determines that no  
16 child welfare agency is available or that the petitioner is  
17 financially unable to pay for the investigation, to  
18 investigate accurately, fully and promptly, the allegations  
19 contained in the petition; the character, reputation, health  
20 and general standing in the community of the petitioners; the  
21 religious faith of the petitioners and, if ascertainable, of  
22 the child sought to be adopted; and whether the petitioners  
23 are proper persons to adopt the child and whether the child is  
24 a proper subject of adoption. The investigation required under

1 this Section shall include a fingerprint based criminal  
2 background check with a review of fingerprints by the Illinois  
3 State Police and Federal Bureau of Investigation. Each  
4 petitioner subject to this investigation, shall submit his or  
5 her fingerprints to the Illinois ~~Department of~~ State Police in  
6 the form and manner prescribed by the Illinois ~~Department of~~  
7 State Police. These fingerprints shall be checked against the  
8 fingerprint records now and hereafter filed in the Illinois  
9 ~~Department of~~ State Police and Federal Bureau of Investigation  
10 criminal history records databases. The Illinois ~~Department of~~  
11 State Police shall charge a fee for conducting the criminal  
12 history records check, which shall be deposited in the State  
13 Police Services Fund and shall not exceed the actual cost of  
14 the records check. The criminal background check required by  
15 this Section shall include a listing of when, where and by whom  
16 the criminal background check was prepared. The criminal  
17 background check required by this Section shall not be more  
18 than two years old.

19 Neither a clerk of the circuit court nor a judge may  
20 require that a criminal background check or fingerprint review  
21 be filed with, or at the same time as, an initial petition for  
22 adoption.

23 B. Investigation; foreign-born child. In the case of a  
24 child born outside the United States or a territory thereof,  
25 in addition to the investigation required under subsection (A)  
26 of this Section, a post-placement investigation shall be

1 conducted in accordance with the requirements of the Child  
2 Care Act of 1969, the Interstate Compact on the Placement of  
3 Children, and the Intercountry Adoption Act of 2000.

4 The requirements of a post-placement investigation shall  
5 be deemed to have been satisfied if a valid final order or  
6 judgment of adoption has been entered by a court of competent  
7 jurisdiction in a country other than the United States or a  
8 territory thereof with respect to such child and the  
9 petitioners.

10 C. Report of investigation. The court shall determine  
11 whether the costs of the investigation shall be charged to the  
12 petitioners. The information obtained as a result of such  
13 investigation shall be presented to the court in a written  
14 report. The results of the criminal background check required  
15 under subsection (A) shall be provided to the court for its  
16 review. The court may, in its discretion, weigh the  
17 significance of the results of the criminal background check  
18 against the entirety of the background of the petitioners. The  
19 Court, in its discretion, may accept the report of the  
20 investigation previously made by a licensed child welfare  
21 agency, if made within one year prior to the entry of the  
22 judgment. Such report shall be treated as confidential and  
23 withheld from inspection unless findings adverse to the  
24 petitioners or to the child sought to be adopted are contained  
25 therein, and in that event the court shall inform the  
26 petitioners of the relevant portions pertaining to the adverse

1 findings. In no event shall any facts set forth in the report  
2 be considered at the hearing of the proceeding, unless  
3 established by competent evidence. The report shall be filed  
4 with the record of the proceeding. If the file relating to the  
5 proceeding is not impounded, the report shall be impounded by  
6 the clerk of the court and shall be made available for  
7 inspection only upon order of the court.

8 D. Related adoption. Such investigation shall not be made  
9 when the petition seeks to adopt a related child or an adult  
10 unless the court, in its discretion, shall so order. In such an  
11 event the court may appoint a person deemed competent by the  
12 court.

13 (Source: P.A. 98-455, eff. 1-1-14.)

14 Section 1135. The Illinois Domestic Violence Act of 1986  
15 is amended by changing Sections 214, 217, 220, 222, 222.5, and  
16 302 as follows:

17 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

18 Sec. 214. Order of protection; remedies.

19 (a) Issuance of order. If the court finds that petitioner  
20 has been abused by a family or household member or that  
21 petitioner is a high-risk adult who has been abused,  
22 neglected, or exploited, as defined in this Act, an order of  
23 protection prohibiting the abuse, neglect, or exploitation  
24 shall issue; provided that petitioner must also satisfy the

1 requirements of one of the following Sections, as appropriate:  
2 Section 217 on emergency orders, Section 218 on interim  
3 orders, or Section 219 on plenary orders. Petitioner shall not  
4 be denied an order of protection because petitioner or  
5 respondent is a minor. The court, when determining whether or  
6 not to issue an order of protection, shall not require  
7 physical manifestations of abuse on the person of the victim.  
8 Modification and extension of prior orders of protection shall  
9 be in accordance with this Act.

10 (b) Remedies and standards. The remedies to be included in  
11 an order of protection shall be determined in accordance with  
12 this Section and one of the following Sections, as  
13 appropriate: Section 217 on emergency orders, Section 218 on  
14 interim orders, and Section 219 on plenary orders. The  
15 remedies listed in this subsection shall be in addition to  
16 other civil or criminal remedies available to petitioner.

17 (1) Prohibition of abuse, neglect, or exploitation.  
18 Prohibit respondent's harassment, interference with  
19 personal liberty, intimidation of a dependent, physical  
20 abuse, or willful deprivation, neglect or exploitation, as  
21 defined in this Act, or stalking of the petitioner, as  
22 defined in Section 12-7.3 of the Criminal Code of 2012, if  
23 such abuse, neglect, exploitation, or stalking has  
24 occurred or otherwise appears likely to occur if not  
25 prohibited.

26 (2) Grant of exclusive possession of residence.



1 Prohibit respondent from entering or remaining in any  
2 residence, household, or premises of the petitioner,  
3 including one owned or leased by respondent, if petitioner  
4 has a right to occupancy thereof. The grant of exclusive  
5 possession of the residence, household, or premises shall  
6 not affect title to real property, nor shall the court be  
7 limited by the standard set forth in subsection (c-2) of  
8 Section 501 of the Illinois Marriage and Dissolution of  
9 Marriage Act.

10 (A) Right to occupancy. A party has a right to  
11 occupancy of a residence or household if it is solely  
12 or jointly owned or leased by that party, that party's  
13 spouse, a person with a legal duty to support that  
14 party or a minor child in that party's care, or by any  
15 person or entity other than the opposing party that  
16 authorizes that party's occupancy (e.g., a domestic  
17 violence shelter). Standards set forth in subparagraph  
18 (B) shall not preclude equitable relief.

19 (B) Presumption of hardships. If petitioner and  
20 respondent each has the right to occupancy of a  
21 residence or household, the court shall balance (i)  
22 the hardships to respondent and any minor child or  
23 dependent adult in respondent's care resulting from  
24 entry of this remedy with (ii) the hardships to  
25 petitioner and any minor child or dependent adult in  
26 petitioner's care resulting from continued exposure to

1           the risk of abuse (should petitioner remain at the  
2           residence or household) or from loss of possession of  
3           the residence or household (should petitioner leave to  
4           avoid the risk of abuse). When determining the balance  
5           of hardships, the court shall also take into account  
6           the accessibility of the residence or household.  
7           Hardships need not be balanced if respondent does not  
8           have a right to occupancy.

9           The balance of hardships is presumed to favor  
10          possession by petitioner unless the presumption is  
11          rebutted by a preponderance of the evidence, showing  
12          that the hardships to respondent substantially  
13          outweigh the hardships to petitioner and any minor  
14          child or dependent adult in petitioner's care. The  
15          court, on the request of petitioner or on its own  
16          motion, may order respondent to provide suitable,  
17          accessible, alternate housing for petitioner instead  
18          of excluding respondent from a mutual residence or  
19          household.

20          (3) Stay away order and additional prohibitions. Order  
21          respondent to stay away from petitioner or any other  
22          person protected by the order of protection, or prohibit  
23          respondent from entering or remaining present at  
24          petitioner's school, place of employment, or other  
25          specified places at times when petitioner is present, or  
26          both, if reasonable, given the balance of hardships.

1 Hardships need not be balanced for the court to enter a  
2 stay away order or prohibit entry if respondent has no  
3 right to enter the premises.

4 (A) If an order of protection grants petitioner  
5 exclusive possession of the residence, or prohibits  
6 respondent from entering the residence, or orders  
7 respondent to stay away from petitioner or other  
8 protected persons, then the court may allow respondent  
9 access to the residence to remove items of clothing  
10 and personal adornment used exclusively by respondent,  
11 medications, and other items as the court directs. The  
12 right to access shall be exercised on only one  
13 occasion as the court directs and in the presence of an  
14 agreed-upon adult third party or law enforcement  
15 officer.

16 (B) When the petitioner and the respondent attend  
17 the same public, private, or non-public elementary,  
18 middle, or high school, the court when issuing an  
19 order of protection and providing relief shall  
20 consider the severity of the act, any continuing  
21 physical danger or emotional distress to the  
22 petitioner, the educational rights guaranteed to the  
23 petitioner and respondent under federal and State law,  
24 the availability of a transfer of the respondent to  
25 another school, a change of placement or a change of  
26 program of the respondent, the expense, difficulty,

1           and educational disruption that would be caused by a  
2           transfer of the respondent to another school, and any  
3           other relevant facts of the case. The court may order  
4           that the respondent not attend the public, private, or  
5           non-public elementary, middle, or high school attended  
6           by the petitioner, order that the respondent accept a  
7           change of placement or change of program, as  
8           determined by the school district or private or  
9           non-public school, or place restrictions on the  
10          respondent's movements within the school attended by  
11          the petitioner. The respondent bears the burden of  
12          proving by a preponderance of the evidence that a  
13          transfer, change of placement, or change of program of  
14          the respondent is not available. The respondent also  
15          bears the burden of production with respect to the  
16          expense, difficulty, and educational disruption that  
17          would be caused by a transfer of the respondent to  
18          another school. A transfer, change of placement, or  
19          change of program is not unavailable to the respondent  
20          solely on the ground that the respondent does not  
21          agree with the school district's or private or  
22          non-public school's transfer, change of placement, or  
23          change of program or solely on the ground that the  
24          respondent fails or refuses to consent or otherwise  
25          does not take an action required to effectuate a  
26          transfer, change of placement, or change of program.

1           When a court orders a respondent to stay away from the  
2           public, private, or non-public school attended by the  
3           petitioner and the respondent requests a transfer to  
4           another attendance center within the respondent's  
5           school district or private or non-public school, the  
6           school district or private or non-public school shall  
7           have sole discretion to determine the attendance  
8           center to which the respondent is transferred. In the  
9           event the court order results in a transfer of the  
10          minor respondent to another attendance center, a  
11          change in the respondent's placement, or a change of  
12          the respondent's program, the parents, guardian, or  
13          legal custodian of the respondent is responsible for  
14          transportation and other costs associated with the  
15          transfer or change.

16                 (C) The court may order the parents, guardian, or  
17                 legal custodian of a minor respondent to take certain  
18                 actions or to refrain from taking certain actions to  
19                 ensure that the respondent complies with the order. In  
20                 the event the court orders a transfer of the  
21                 respondent to another school, the parents, guardian,  
22                 or legal custodian of the respondent is responsible  
23                 for transportation and other costs associated with the  
24                 change of school by the respondent.

25                 (4) Counseling. Require or recommend the respondent to  
26                 undergo counseling for a specified duration with a social

1 worker, psychologist, clinical psychologist,  
2 psychiatrist, family service agency, alcohol or substance  
3 abuse program, mental health center guidance counselor,  
4 agency providing services to elders, program designed for  
5 domestic violence abusers or any other guidance service  
6 the court deems appropriate. The Court may order the  
7 respondent in any intimate partner relationship to report  
8 to an Illinois Department of Human Services protocol  
9 approved partner abuse intervention program for an  
10 assessment and to follow all recommended treatment.

11 (5) Physical care and possession of the minor child.  
12 In order to protect the minor child from abuse, neglect,  
13 or unwarranted separation from the person who has been the  
14 minor child's primary caretaker, or to otherwise protect  
15 the well-being of the minor child, the court may do either  
16 or both of the following: (i) grant petitioner physical  
17 care or possession of the minor child, or both, or (ii)  
18 order respondent to return a minor child to, or not remove  
19 a minor child from, the physical care of a parent or person  
20 in loco parentis.

21 If a court finds, after a hearing, that respondent has  
22 committed abuse (as defined in Section 103) of a minor  
23 child, there shall be a rebuttable presumption that  
24 awarding physical care to respondent would not be in the  
25 minor child's best interest.

26 (6) Temporary allocation of parental responsibilities:

1 significant decision-making. Award temporary  
2 decision-making responsibility to petitioner in accordance  
3 with this Section, the Illinois Marriage and Dissolution  
4 of Marriage Act, the Illinois Parentage Act of 2015, and  
5 this State's Uniform Child-Custody Jurisdiction and  
6 Enforcement Act.

7 If a court finds, after a hearing, that respondent has  
8 committed abuse (as defined in Section 103) of a minor  
9 child, there shall be a rebuttable presumption that  
10 awarding temporary significant decision-making  
11 responsibility to respondent would not be in the child's  
12 best interest.

13 (7) Parenting time. Determine the parenting time, if  
14 any, of respondent in any case in which the court awards  
15 physical care or allocates temporary significant  
16 decision-making responsibility of a minor child to  
17 petitioner. The court shall restrict or deny respondent's  
18 parenting time with a minor child if the court finds that  
19 respondent has done or is likely to do any of the  
20 following: (i) abuse or endanger the minor child during  
21 parenting time; (ii) use the parenting time as an  
22 opportunity to abuse or harass petitioner or petitioner's  
23 family or household members; (iii) improperly conceal or  
24 detain the minor child; or (iv) otherwise act in a manner  
25 that is not in the best interests of the minor child. The  
26 court shall not be limited by the standards set forth in

1 Section 603.10 of the Illinois Marriage and Dissolution of  
2 Marriage Act. If the court grants parenting time, the  
3 order shall specify dates and times for the parenting time  
4 to take place or other specific parameters or conditions  
5 that are appropriate. No order for parenting time shall  
6 refer merely to the term "reasonable parenting time".

7 Petitioner may deny respondent access to the minor  
8 child if, when respondent arrives for parenting time,  
9 respondent is under the influence of drugs or alcohol and  
10 constitutes a threat to the safety and well-being of  
11 petitioner or petitioner's minor children or is behaving  
12 in a violent or abusive manner.

13 If necessary to protect any member of petitioner's  
14 family or household from future abuse, respondent shall be  
15 prohibited from coming to petitioner's residence to meet  
16 the minor child for parenting time, and the parties shall  
17 submit to the court their recommendations for reasonable  
18 alternative arrangements for parenting time. A person may  
19 be approved to supervise parenting time only after filing  
20 an affidavit accepting that responsibility and  
21 acknowledging accountability to the court.

22 (8) Removal or concealment of minor child. Prohibit  
23 respondent from removing a minor child from the State or  
24 concealing the child within the State.

25 (9) Order to appear. Order the respondent to appear in  
26 court, alone or with a minor child, to prevent abuse,



1 neglect, removal or concealment of the child, to return  
2 the child to the custody or care of the petitioner or to  
3 permit any court-ordered interview or examination of the  
4 child or the respondent.

5 (10) Possession of personal property. Grant petitioner  
6 exclusive possession of personal property and, if  
7 respondent has possession or control, direct respondent to  
8 promptly make it available to petitioner, if:

9 (i) petitioner, but not respondent, owns the  
10 property; or

11 (ii) the parties own the property jointly; sharing  
12 it would risk abuse of petitioner by respondent or is  
13 impracticable; and the balance of hardships favors  
14 temporary possession by petitioner.

15 If petitioner's sole claim to ownership of the  
16 property is that it is marital property, the court may  
17 award petitioner temporary possession thereof under the  
18 standards of subparagraph (ii) of this paragraph only if a  
19 proper proceeding has been filed under the Illinois  
20 Marriage and Dissolution of Marriage Act, as now or  
21 hereafter amended.

22 No order under this provision shall affect title to  
23 property.

24 (11) Protection of property. Forbid the respondent  
25 from taking, transferring, encumbering, concealing,  
26 damaging or otherwise disposing of any real or personal

1 property, except as explicitly authorized by the court,  
2 if:

3 (i) petitioner, but not respondent, owns the  
4 property; or

5 (ii) the parties own the property jointly, and the  
6 balance of hardships favors granting this remedy.

7 If petitioner's sole claim to ownership of the  
8 property is that it is marital property, the court may  
9 grant petitioner relief under subparagraph (ii) of this  
10 paragraph only if a proper proceeding has been filed under  
11 the Illinois Marriage and Dissolution of Marriage Act, as  
12 now or hereafter amended.

13 The court may further prohibit respondent from  
14 improperly using the financial or other resources of an  
15 aged member of the family or household for the profit or  
16 advantage of respondent or of any other person.

17 (11.5) Protection of animals. Grant the petitioner the  
18 exclusive care, custody, or control of any animal owned,  
19 possessed, leased, kept, or held by either the petitioner  
20 or the respondent or a minor child residing in the  
21 residence or household of either the petitioner or the  
22 respondent and order the respondent to stay away from the  
23 animal and forbid the respondent from taking,  
24 transferring, encumbering, concealing, harming, or  
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

1 pay temporary support for the petitioner or any child in  
2 the petitioner's care or over whom the petitioner has been  
3 allocated parental responsibility, when the respondent has  
4 a legal obligation to support that person, in accordance  
5 with the Illinois Marriage and Dissolution of Marriage  
6 Act, which shall govern, among other matters, the amount  
7 of support, payment through the clerk and withholding of  
8 income to secure payment. An order for child support may  
9 be granted to a petitioner with lawful physical care of a  
10 child, or an order or agreement for physical care of a  
11 child, prior to entry of an order allocating significant  
12 decision-making responsibility. Such a support order shall  
13 expire upon entry of a valid order allocating parental  
14 responsibility differently and vacating the petitioner's  
15 significant decision-making authority, unless otherwise  
16 provided in the order.

17 (13) Order for payment of losses. Order respondent to  
18 pay petitioner for losses suffered as a direct result of  
19 the abuse, neglect, or exploitation. Such losses shall  
20 include, but not be limited to, medical expenses, lost  
21 earnings or other support, repair or replacement of  
22 property damaged or taken, reasonable attorney's fees,  
23 court costs and moving or other travel expenses, including  
24 additional reasonable expenses for temporary shelter and  
25 restaurant meals.

26 (i) Losses affecting family needs. If a party is

1 entitled to seek maintenance, child support or  
2 property distribution from the other party under the  
3 Illinois Marriage and Dissolution of Marriage Act, as  
4 now or hereafter amended, the court may order  
5 respondent to reimburse petitioner's actual losses, to  
6 the extent that such reimbursement would be  
7 "appropriate temporary relief", as authorized by  
8 subsection (a) (3) of Section 501 of that Act.

9 (ii) Recovery of expenses. In the case of an  
10 improper concealment or removal of a minor child, the  
11 court may order respondent to pay the reasonable  
12 expenses incurred or to be incurred in the search for  
13 and recovery of the minor child, including but not  
14 limited to legal fees, court costs, private  
15 investigator fees, and travel costs.

16 (14) Prohibition of entry. Prohibit the respondent  
17 from entering or remaining in the residence or household  
18 while the respondent is under the influence of alcohol or  
19 drugs and constitutes a threat to the safety and  
20 well-being of the petitioner or the petitioner's children.

21 (14.5) Prohibition of firearm possession.

22 (a) Prohibit a respondent against whom an order of  
23 protection was issued from possessing any firearms  
24 during the duration of the order if the order:

25 (1) was issued after a hearing of which such  
26 person received actual notice, and at which such

1 person had an opportunity to participate;

2 (2) restrains such person from harassing,  
3 stalking, or threatening an intimate partner of  
4 such person or child of such intimate partner or  
5 person, or engaging in other conduct that would  
6 place an intimate partner in reasonable fear of  
7 bodily injury to the partner or child; and

8 (3) (i) includes a finding that such person  
9 represents a credible threat to the physical  
10 safety of such intimate partner or child; or (ii)  
11 by its terms explicitly prohibits the use,  
12 attempted use, or threatened use of physical force  
13 against such intimate partner or child that would  
14 reasonably be expected to cause bodily injury.

15 Any Firearm Owner's Identification Card in the  
16 possession of the respondent, except as provided in  
17 subsection (b), shall be ordered by the court to be  
18 turned over to the local law enforcement agency. The  
19 local law enforcement agency shall immediately mail  
20 the card to the Illinois ~~Department of~~ State Police  
21 Firearm Owner's Identification Card Office for  
22 safekeeping. The court shall issue a warrant for  
23 seizure of any firearm in the possession of the  
24 respondent, to be kept by the local law enforcement  
25 agency for safekeeping, except as provided in  
26 subsection (b). The period of safekeeping shall be for

1 the duration of the order of protection. The firearm  
2 or firearms and Firearm Owner's Identification Card,  
3 if unexpired, shall at the respondent's request, be  
4 returned to the respondent at the end of the order of  
5 protection. It is the respondent's responsibility to  
6 notify the Illinois ~~Department of~~ State Police Firearm  
7 Owner's Identification Card Office.

8 (b) If the respondent is a peace officer as  
9 defined in Section 2-13 of the Criminal Code of 2012,  
10 the court shall order that any firearms used by the  
11 respondent in the performance of his or her duties as a  
12 peace officer be surrendered to the chief law  
13 enforcement executive of the agency in which the  
14 respondent is employed, who shall retain the firearms  
15 for safekeeping for the duration of the order of  
16 protection.

17 (c) Upon expiration of the period of safekeeping,  
18 if the firearms or Firearm Owner's Identification Card  
19 cannot be returned to respondent because respondent  
20 cannot be located, fails to respond to requests to  
21 retrieve the firearms, or is not lawfully eligible to  
22 possess a firearm, upon petition from the local law  
23 enforcement agency, the court may order the local law  
24 enforcement agency to destroy the firearms, use the  
25 firearms for training purposes, or for any other  
26 application as deemed appropriate by the local law

1 enforcement agency; or that the firearms be turned  
2 over to a third party who is lawfully eligible to  
3 possess firearms, and who does not reside with  
4 respondent.

5 (15) Prohibition of access to records. If an order of  
6 protection prohibits respondent from having contact with  
7 the minor child, or if petitioner's address is omitted  
8 under subsection (b) of Section 203, or if necessary to  
9 prevent abuse or wrongful removal or concealment of a  
10 minor child, the order shall deny respondent access to,  
11 and prohibit respondent from inspecting, obtaining, or  
12 attempting to inspect or obtain, school or any other  
13 records of the minor child who is in the care of  
14 petitioner.

15 (16) Order for payment of shelter services. Order  
16 respondent to reimburse a shelter providing temporary  
17 housing and counseling services to the petitioner for the  
18 cost of the services, as certified by the shelter and  
19 deemed reasonable by the court.

20 (17) Order for injunctive relief. Enter injunctive  
21 relief necessary or appropriate to prevent further abuse  
22 of a family or household member or further abuse, neglect,  
23 or exploitation of a high-risk adult with disabilities or  
24 to effectuate one of the granted remedies, if supported by  
25 the balance of hardships. If the harm to be prevented by  
26 the injunction is abuse or any other harm that one of the

1 remedies listed in paragraphs (1) through (16) of this  
2 subsection is designed to prevent, no further evidence is  
3 necessary that the harm is an irreparable injury.

4 (18) Telephone services.

5 (A) Unless a condition described in subparagraph  
6 (B) of this paragraph exists, the court may, upon  
7 request by the petitioner, order a wireless telephone  
8 service provider to transfer to the petitioner the  
9 right to continue to use a telephone number or numbers  
10 indicated by the petitioner and the financial  
11 responsibility associated with the number or numbers,  
12 as set forth in subparagraph (C) of this paragraph.  
13 For purposes of this paragraph (18), the term  
14 "wireless telephone service provider" means a provider  
15 of commercial mobile service as defined in 47 U.S.C.  
16 332. The petitioner may request the transfer of each  
17 telephone number that the petitioner, or a minor child  
18 in his or her custody, uses. The clerk of the court  
19 shall serve the order on the wireless telephone  
20 service provider's agent for service of process  
21 provided to the Illinois Commerce Commission. The  
22 order shall contain all of the following:

23 (i) The name and billing telephone number of  
24 the account holder including the name of the  
25 wireless telephone service provider that serves  
26 the account.



1           (ii) Each telephone number that will be  
2 transferred.

3           (iii) A statement that the provider transfers  
4 to the petitioner all financial responsibility for  
5 and right to the use of any telephone number  
6 transferred under this paragraph.

7           (B) A wireless telephone service provider shall  
8 terminate the respondent's use of, and shall transfer  
9 to the petitioner use of, the telephone number or  
10 numbers indicated in subparagraph (A) of this  
11 paragraph unless it notifies the petitioner, within 72  
12 hours after it receives the order, that one of the  
13 following applies:

14           (i) The account holder named in the order has  
15 terminated the account.

16           (ii) A difference in network technology would  
17 prevent or impair the functionality of a device on  
18 a network if the transfer occurs.

19           (iii) The transfer would cause a geographic or  
20 other limitation on network or service provision  
21 to the petitioner.

22           (iv) Another technological or operational  
23 issue would prevent or impair the use of the  
24 telephone number if the transfer occurs.

25           (C) The petitioner assumes all financial  
26 responsibility for and right to the use of any

1 telephone number transferred under this paragraph. In  
2 this paragraph, "financial responsibility" includes  
3 monthly service costs and costs associated with any  
4 mobile device associated with the number.

5 (D) A wireless telephone service provider may  
6 apply to the petitioner its routine and customary  
7 requirements for establishing an account or  
8 transferring a number, including requiring the  
9 petitioner to provide proof of identification,  
10 financial information, and customer preferences.

11 (E) Except for willful or wanton misconduct, a  
12 wireless telephone service provider is immune from  
13 civil liability for its actions taken in compliance  
14 with a court order issued under this paragraph.

15 (F) All wireless service providers that provide  
16 services to residential customers shall provide to the  
17 Illinois Commerce Commission the name and address of  
18 an agent for service of orders entered under this  
19 paragraph (18). Any change in status of the registered  
20 agent must be reported to the Illinois Commerce  
21 Commission within 30 days of such change.

22 (G) The Illinois Commerce Commission shall  
23 maintain the list of registered agents for service for  
24 each wireless telephone service provider on the  
25 Commission's website. The Commission may consult with  
26 wireless telephone service providers and the Circuit

1 Court Clerks on the manner in which this information  
2 is provided and displayed.

3 (c) Relevant factors; findings.

4 (1) In determining whether to grant a specific remedy,  
5 other than payment of support, the court shall consider  
6 relevant factors, including but not limited to the  
7 following:

8 (i) the nature, frequency, severity, pattern and  
9 consequences of the respondent's past abuse, neglect  
10 or exploitation of the petitioner or any family or  
11 household member, including the concealment of his or  
12 her location in order to evade service of process or  
13 notice, and the likelihood of danger of future abuse,  
14 neglect, or exploitation to petitioner or any member  
15 of petitioner's or respondent's family or household;  
16 and

17 (ii) the danger that any minor child will be  
18 abused or neglected or improperly relocated from the  
19 jurisdiction, improperly concealed within the State or  
20 improperly separated from the child's primary  
21 caretaker.

22 (2) In comparing relative hardships resulting to the  
23 parties from loss of possession of the family home, the  
24 court shall consider relevant factors, including but not  
25 limited to the following:

26 (i) availability, accessibility, cost, safety,

1           adequacy, location and other characteristics of  
2           alternate housing for each party and any minor child  
3           or dependent adult in the party's care;

4                   (ii) the effect on the party's employment; and

5                   (iii) the effect on the relationship of the party,  
6           and any minor child or dependent adult in the party's  
7           care, to family, school, church and community.

8           (3) Subject to the exceptions set forth in paragraph  
9           (4) of this subsection, the court shall make its findings  
10          in an official record or in writing, and shall at a minimum  
11          set forth the following:

12                   (i) That the court has considered the applicable  
13          relevant factors described in paragraphs (1) and (2)  
14          of this subsection.

15                   (ii) Whether the conduct or actions of respondent,  
16          unless prohibited, will likely cause irreparable harm  
17          or continued abuse.

18                   (iii) Whether it is necessary to grant the  
19          requested relief in order to protect petitioner or  
20          other alleged abused persons.

21          (4) For purposes of issuing an ex parte emergency  
22          order of protection, the court, as an alternative to or as  
23          a supplement to making the findings described in  
24          paragraphs (c)(3)(i) through (c)(3)(iii) of this  
25          subsection, may use the following procedure:

26                  When a verified petition for an emergency order of

1 protection in accordance with the requirements of Sections  
2 203 and 217 is presented to the court, the court shall  
3 examine petitioner on oath or affirmation. An emergency  
4 order of protection shall be issued by the court if it  
5 appears from the contents of the petition and the  
6 examination of petitioner that the averments are  
7 sufficient to indicate abuse by respondent and to support  
8 the granting of relief under the issuance of the emergency  
9 order of protection.

10 (5) Never married parties. No rights or  
11 responsibilities for a minor child born outside of  
12 marriage attach to a putative father until a father and  
13 child relationship has been established under the Illinois  
14 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
15 the Illinois Public Aid Code, Section 12 of the Vital  
16 Records Act, the Juvenile Court Act of 1987, the Probate  
17 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
18 Support Act, the Uniform Interstate Family Support Act,  
19 the Expedited Child Support Act of 1990, any judicial,  
20 administrative, or other act of another state or  
21 territory, any other Illinois statute, or by any foreign  
22 nation establishing the father and child relationship, any  
23 other proceeding substantially in conformity with the  
24 Personal Responsibility and Work Opportunity  
25 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
26 both parties appeared in open court or at an

1 administrative hearing acknowledging under oath or  
2 admitting by affirmation the existence of a father and  
3 child relationship. Absent such an adjudication, finding,  
4 or acknowledgment, no putative father shall be granted  
5 temporary allocation of parental responsibilities,  
6 including parenting time with the minor child, or physical  
7 care and possession of the minor child, nor shall an order  
8 of payment for support of the minor child be entered.

9 (d) Balance of hardships; findings. If the court finds  
10 that the balance of hardships does not support the granting of  
11 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
12 subsection (b) of this Section, which may require such  
13 balancing, the court's findings shall so indicate and shall  
14 include a finding as to whether granting the remedy will  
15 result in hardship to respondent that would substantially  
16 outweigh the hardship to petitioner from denial of the remedy.  
17 The findings shall be an official record or in writing.

18 (e) Denial of remedies. Denial of any remedy shall not be  
19 based, in whole or in part, on evidence that:

20 (1) Respondent has cause for any use of force, unless  
21 that cause satisfies the standards for justifiable use of  
22 force provided by Article 7 of the Criminal Code of 2012;

23 (2) Respondent was voluntarily intoxicated;

24 (3) Petitioner acted in self-defense or defense of  
25 another, provided that, if petitioner utilized force, such  
26 force was justifiable under Article 7 of the Criminal Code

1 of 2012;

2 (4) Petitioner did not act in self-defense or defense  
3 of another;

4 (5) Petitioner left the residence or household to  
5 avoid further abuse, neglect, or exploitation by  
6 respondent;

7 (6) Petitioner did not leave the residence or  
8 household to avoid further abuse, neglect, or exploitation  
9 by respondent;

10 (7) Conduct by any family or household member excused  
11 the abuse, neglect, or exploitation by respondent, unless  
12 that same conduct would have excused such abuse, neglect,  
13 or exploitation if the parties had not been family or  
14 household members.

15 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
16 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;  
17 100-923, eff. 1-1-19.)

18 (750 ILCS 60/217) (from Ch. 40, par. 2312-17)

19 Sec. 217. Emergency order of protection.

20 (a) Prerequisites. An emergency order of protection shall  
21 issue if petitioner satisfies the requirements of this  
22 subsection for one or more of the requested remedies. For each  
23 remedy requested, petitioner shall establish that:

24 (1) The court has jurisdiction under Section 208;

25 (2) The requirements of Section 214 are satisfied; and

1           (3) There is good cause to grant the remedy,  
2 regardless of prior service of process or of notice upon  
3 the respondent, because:

4           (i) For the remedies of "prohibition of abuse"  
5 described in Section 214(b)(1), "stay away order and  
6 additional prohibitions" described in Section  
7 214(b)(3), "removal or concealment of minor child"  
8 described in Section 214(b)(8), "order to appear"  
9 described in Section 214(b)(9), "physical care and  
10 possession of the minor child" described in Section  
11 214(b)(5), "protection of property" described in  
12 Section 214(b)(11), "prohibition of entry" described  
13 in Section 214(b)(14), "prohibition of firearm  
14 possession" described in Section 214(b)(14.5),  
15 "prohibition of access to records" described in  
16 Section 214(b)(15), and "injunctive relief" described  
17 in Section 214(b)(16), the harm which that remedy is  
18 intended to prevent would be likely to occur if the  
19 respondent were given any prior notice, or greater  
20 notice than was actually given, of the petitioner's  
21 efforts to obtain judicial relief;

22           (ii) For the remedy of "grant of exclusive  
23 possession of residence" described in Section  
24 214(b)(2), the immediate danger of further abuse of  
25 petitioner by respondent, if petitioner chooses or had  
26 chosen to remain in the residence or household while



1           respondent was given any prior notice or greater  
2           notice than was actually given of petitioner's efforts  
3           to obtain judicial relief, outweighs the hardships to  
4           respondent of an emergency order granting petitioner  
5           exclusive possession of the residence or household.  
6           This remedy shall not be denied because petitioner has  
7           or could obtain temporary shelter elsewhere while  
8           prior notice is given to respondent, unless the  
9           hardships to respondent from exclusion from the home  
10          substantially outweigh those to petitioner;

11           (iii) For the remedy of "possession of personal  
12          property" described in Section 214(b)(10), improper  
13          disposition of the personal property would be likely  
14          to occur if respondent were given any prior notice, or  
15          greater notice than was actually given, of  
16          petitioner's efforts to obtain judicial relief, or  
17          petitioner has an immediate and pressing need for  
18          possession of that property.

19          An emergency order may not include the counseling, legal  
20          custody, payment of support or monetary compensation remedies.

21          (a-5) When a petition for an emergency order of protection  
22          is granted, the order shall not be publicly available until  
23          the order is served on the respondent.

24          (b) Appearance by respondent. If respondent appears in  
25          court for this hearing for an emergency order, he or she may  
26          elect to file a general appearance and testify. Any resulting

1 order may be an emergency order, governed by this Section.  
2 Notwithstanding the requirements of this Section, if all  
3 requirements of Section 218 have been met, the court may issue  
4 a 30-day interim order.

5 (c) Emergency orders: court holidays and evenings.

6 (1) Prerequisites. When the court is unavailable at  
7 the close of business, the petitioner may file a petition  
8 for a 21-day emergency order before any available circuit  
9 judge or associate judge who may grant relief under this  
10 Act. If the judge finds that there is an immediate and  
11 present danger of abuse to petitioner and that petitioner  
12 has satisfied the prerequisites set forth in subsection  
13 (a) of Section 217, that judge may issue an emergency  
14 order of protection.

15 (1.5) Issuance of order. The chief judge of the  
16 circuit court may designate for each county in the circuit  
17 at least one judge to be reasonably available to issue  
18 orally, by telephone, by facsimile, or otherwise, an  
19 emergency order of protection at all times, whether or not  
20 the court is in session.

21 (2) Certification and transfer. The judge who issued  
22 the order under this Section shall promptly communicate or  
23 convey the order to the sheriff to facilitate the entry of  
24 the order into the Law Enforcement Agencies Data System by  
25 the Illinois ~~Department of~~ State Police pursuant to  
26 Section 302. Any order issued under this Section and any

1 documentation in support thereof shall be certified on the  
2 next court day to the appropriate court. The clerk of that  
3 court shall immediately assign a case number, file the  
4 petition, order and other documents with the court, and  
5 enter the order of record and file it with the sheriff for  
6 service, in accordance with Section 222. Filing the  
7 petition shall commence proceedings for further relief  
8 under Section 202. Failure to comply with the requirements  
9 of this subsection shall not affect the validity of the  
10 order.

11 (Source: P.A. 101-255, eff. 1-1-20.)

12 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

13 Sec. 220. Duration and extension of orders.

14 (a) Duration of emergency and interim orders. Unless  
15 re-opened or extended or voided by entry of an order of greater  
16 duration:

17 (1) Emergency orders issued under Section 217 shall be  
18 effective for not less than 14 nor more than 21 days;

19 (2) Interim orders shall be effective for up to 30  
20 days.

21 (b) Duration of plenary orders.

22 (0.05) A plenary order of protection entered under  
23 this Act shall be valid for a fixed period of time, not to  
24 exceed two years.

25 (1) A plenary order of protection entered in

1 conjunction with another civil proceeding shall remain in  
2 effect as follows:

3 (i) if entered as preliminary relief in that other  
4 proceeding, until entry of final judgment in that  
5 other proceeding;

6 (ii) if incorporated into the final judgment in  
7 that other proceeding, until the order of protection  
8 is vacated or modified; or

9 (iii) if incorporated in an order for involuntary  
10 commitment, until termination of both the involuntary  
11 commitment and any voluntary commitment, or for a  
12 fixed period of time not exceeding 2 years.

13 (2) Duration of an order of protection entered in  
14 conjunction with a criminal prosecution or delinquency  
15 petition shall remain in effect as provided in Section  
16 112A-20 of the Code of Criminal Procedure of 1963.

17 (c) Computation of time. The duration of an order of  
18 protection shall not be reduced by the duration of any prior  
19 order of protection.

20 (d) Law enforcement records. When a plenary order of  
21 protection expires upon the occurrence of a specified event,  
22 rather than upon a specified date as provided in subsection  
23 (b), no expiration date shall be entered in Illinois  
24 ~~Department of~~ State Police records. To remove the plenary  
25 order from those records, either party shall request the clerk  
26 of the court to file a certified copy of an order stating that

1 the specified event has occurred or that the plenary order has  
2 been vacated or modified with the Sheriff, and the Sheriff  
3 shall direct that law enforcement records shall be promptly  
4 corrected in accordance with the filed order.

5 (e) Extension of orders. Any emergency, interim or plenary  
6 order may be extended one or more times, as required, provided  
7 that the requirements of Section 217, 218 or 219, as  
8 appropriate, are satisfied. If the motion for extension is  
9 uncontested and petitioner seeks no modification of the order,  
10 the order may be extended on the basis of petitioner's motion  
11 or affidavit stating that there has been no material change in  
12 relevant circumstances since entry of the order and stating  
13 the reason for the requested extension. An extension of a  
14 plenary order of protection may be granted, upon good cause  
15 shown, to remain in effect until the order of protection is  
16 vacated or modified. Extensions may be granted only in open  
17 court and not under the provisions of subsection (c) of  
18 Section 217, which applies only when the court is unavailable  
19 at the close of business or on a court holiday.

20 (f) Termination date. Any order of protection which would  
21 expire on a court holiday shall instead expire at the close of  
22 the next court business day.

23 (g) Statement of purpose. The practice of dismissing or  
24 suspending a criminal prosecution in exchange for the issuance  
25 of an order of protection undermines the purposes of this Act.  
26 This Section shall not be construed as encouraging that

1 practice.

2 (Source: P.A. 100-199, eff. 1-1-18.)

3 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

4 Sec. 222. Notice of orders.

5 (a) Entry and issuance. Upon issuance of any order of  
6 protection, the clerk shall immediately (i) enter the order on  
7 the record and file it in accordance with the circuit court  
8 procedures and (ii) provide a file stamped copy of the order to  
9 respondent, if present, and to petitioner.

10 (b) Filing with sheriff. The clerk of the issuing judge  
11 shall, or the petitioner may, on the same day that an order of  
12 protection is issued, file a certified copy of that order with  
13 the sheriff or other law enforcement officials charged with  
14 maintaining Illinois ~~Department of~~ State Police records or  
15 charged with serving the order upon respondent. If the  
16 respondent, at the time of the issuance of the order, is  
17 committed to the custody of the Illinois Department of  
18 Corrections or Illinois Department of Juvenile Justice or is  
19 on parole, aftercare release, or mandatory supervised release,  
20 the sheriff or other law enforcement officials charged with  
21 maintaining Illinois ~~Department of~~ State Police records shall  
22 notify the Department of Corrections or Department of Juvenile  
23 Justice within 48 hours of receipt of a copy of the order of  
24 protection from the clerk of the issuing judge or the  
25 petitioner. Such notice shall include the name of the

1 respondent, the respondent's IDOC inmate number or IDJJ youth  
2 identification number, the respondent's date of birth, and the  
3 LEADS Record Index Number.

4 (c) Service by sheriff. Unless respondent was present in  
5 court when the order was issued, the sheriff, other law  
6 enforcement official or special process server shall promptly  
7 serve that order upon respondent and file proof of such  
8 service, in the manner provided for service of process in  
9 civil proceedings. Instead of serving the order upon the  
10 respondent, however, the sheriff, other law enforcement  
11 official, special process server, or other persons defined in  
12 Section 222.10 may serve the respondent with a short form  
13 notification as provided in Section 222.10. If process has not  
14 yet been served upon the respondent, it shall be served with  
15 the order or short form notification if such service is made by  
16 the sheriff, other law enforcement official, or special  
17 process server. A single fee may be charged for service of an  
18 order obtained in civil court, or for service of such an order  
19 together with process, unless waived or deferred under Section  
20 210.

21 (c-5) If the person against whom the order of protection  
22 is issued is arrested and the written order is issued in  
23 accordance with subsection (c) of Section 217 and received by  
24 the custodial law enforcement agency before the respondent or  
25 arrestee is released from custody, the custodial law  
26 enforcement agent shall promptly serve the order upon the

1 respondent or arrestee before the respondent or arrestee is  
2 released from custody. In no event shall detention of the  
3 respondent or arrestee be extended for hearing on the petition  
4 for order of protection or receipt of the order issued under  
5 Section 217 of this Act.

6 (d) Extensions, modifications and revocations. Any order  
7 extending, modifying or revoking any order of protection shall  
8 be promptly recorded, issued and served as provided in this  
9 Section.

10 (e) Notice to schools. Upon the request of the petitioner,  
11 within 24 hours of the issuance of an order of protection, the  
12 clerk of the issuing judge shall send a certified copy of the  
13 order of protection to the day-care facility, pre-school or  
14 pre-kindergarten, or private school or the principal office of  
15 the public school district or any college or university in  
16 which any child who is a protected person under the order of  
17 protection or any child of the petitioner is enrolled as  
18 requested by the petitioner at the mailing address provided by  
19 the petitioner. If the child transfers enrollment to another  
20 day-care facility, pre-school, pre-kindergarten, private  
21 school, public school, college, or university, the petitioner  
22 may, within 24 hours of the transfer, send to the clerk written  
23 notice of the transfer, including the name and address of the  
24 institution to which the child is transferring. Within 24  
25 hours of receipt of notice from the petitioner that a child is  
26 transferring to another day-care facility, pre-school,



1 pre-kindergarten, private school, public school, college, or  
2 university, the clerk shall send a certified copy of the order  
3 to the institution to which the child is transferring.

4 (f) Disclosure by schools. After receiving a certified  
5 copy of an order of protection that prohibits a respondent's  
6 access to records, neither a day-care facility, pre-school,  
7 pre-kindergarten, public or private school, college, or  
8 university nor its employees shall allow a respondent access  
9 to a protected child's records or release information in those  
10 records to the respondent. The school shall file the copy of  
11 the order of protection in the records of a child who is a  
12 protected person under the order of protection. When a child  
13 who is a protected person under the order of protection  
14 transfers to another day-care facility, pre-school,  
15 pre-kindergarten, public or private school, college, or  
16 university, the institution from which the child is  
17 transferring may, at the request of the petitioner, provide,  
18 within 24 hours of the transfer, written notice of the order of  
19 protection, along with a certified copy of the order, to the  
20 institution to which the child is transferring.

21 (g) Notice to health care facilities and health care  
22 practitioners. Upon the request of the petitioner, the clerk  
23 of the circuit court shall send a certified copy of the order  
24 of protection to any specified health care facility or health  
25 care practitioner requested by the petitioner at the mailing  
26 address provided by the petitioner.

1           (h) Disclosure by health care facilities and health care  
2 practitioners. After receiving a certified copy of an order of  
3 protection that prohibits a respondent's access to records, no  
4 health care facility or health care practitioner shall allow a  
5 respondent access to the records of any child who is a  
6 protected person under the order of protection, or release  
7 information in those records to the respondent, unless the  
8 order has expired or the respondent shows a certified copy of  
9 the court order vacating the corresponding order of protection  
10 that was sent to the health care facility or practitioner.  
11 Nothing in this Section shall be construed to require health  
12 care facilities or health care practitioners to alter  
13 procedures related to billing and payment. The health care  
14 facility or health care practitioner may file the copy of the  
15 order of protection in the records of a child who is a  
16 protected person under the order of protection, or may employ  
17 any other method to identify the records to which a respondent  
18 is prohibited access. No health care facility or health care  
19 practitioner shall be civilly or professionally liable for  
20 reliance on a copy of an order of protection, except for  
21 willful and wanton misconduct.

22       (Source: P.A. 101-508, eff. 1-1-20.)

23           (750 ILCS 60/222.5)

24           Sec. 222.5. Filing of an order of protection issued in  
25 another state.

1 (a) A person entitled to protection under an order of  
2 protection issued by the court of another state, tribe, or  
3 United States territory may file a certified copy of the order  
4 of protection with the clerk of the court in a judicial circuit  
5 in which the person believes that enforcement may be  
6 necessary.

7 (b) The clerk shall:

8 (1) treat the foreign order of protection in the same  
9 manner as a judgment of the circuit court for any county of  
10 this State in accordance with the provisions of the  
11 Uniform Enforcement of Foreign Judgments Act, except that  
12 the clerk shall not mail notice of the filing of the  
13 foreign order to the respondent named in the order; and

14 (2) on the same day that a foreign order of protection  
15 is filed, file a certified copy of that order with the  
16 sheriff or other law enforcement officials charged with  
17 maintaining Illinois ~~Department of~~ State Police records as  
18 set forth in Section 222 of this Act.

19 (c) Neither residence in this State nor filing of a  
20 foreign order of protection shall be required for enforcement  
21 of the order by this State. Failure to file the foreign order  
22 shall not be an impediment to its treatment in all respects as  
23 an Illinois order of protection.

24 (d) The clerk shall not charge a fee to file a foreign  
25 order of protection under this Section.

26 (e) The sheriff shall inform the Illinois ~~Department of~~

1 State Police as set forth in Section 302 of this Act.

2 (Source: P.A. 91-903, eff. 1-1-01.)

3 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

4 Sec. 302. Data maintenance by law enforcement agencies.

5 (a) All sheriffs shall furnish to the Illinois Department  
6 ~~of~~ State Police, on the same day as received, in the form and  
7 detail the Department requires, copies of any recorded  
8 emergency, interim, or plenary orders of protection issued by  
9 the court, and any foreign orders of protection filed by the  
10 clerk of the court, and transmitted to the sheriff by the clerk  
11 of the court pursuant to subsection (b) of Section 222 of this  
12 Act. Each order of protection shall be entered in the Law  
13 Enforcement Agencies Data System on the same day it is issued  
14 by the court. If an emergency order of protection was issued in  
15 accordance with subsection (c) of Section 217, the order shall  
16 be entered in the Law Enforcement Agencies Data System as soon  
17 as possible after receipt from the clerk.

18 (b) The Illinois Department ~~of~~ State Police shall maintain  
19 a complete and systematic record and index of all valid and  
20 recorded orders of protection issued pursuant to this Act. The  
21 data shall be used to inform all dispatchers and law  
22 enforcement officers at the scene of an alleged incident of  
23 abuse, neglect, or exploitation or violation of an order of  
24 protection of any recorded prior incident of abuse, neglect,  
25 or exploitation involving the abused, neglected, or exploited

1 party and the effective dates and terms of any recorded order  
2 of protection.

3 (c) The data, records and transmittals required under this  
4 Section shall pertain to any valid emergency, interim or  
5 plenary order of protection, whether issued in a civil or  
6 criminal proceeding or authorized under the laws of another  
7 state, tribe, or United States territory.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 Section 1140. The Probate Act of 1975 is amended by  
10 changing Sections 2-6.6 and 11a-24 as follows:

11 (755 ILCS 5/2-6.6)

12 Sec. 2-6.6. Person convicted of or found civilly liable  
13 for certain offenses against the elderly or a person with a  
14 disability.

15 (a) A person who is convicted of a violation of Section  
16 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of  
17 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal  
18 Code of 2012 or a person who has been found by a preponderance  
19 of the evidence to be civilly liable for financial  
20 exploitation, as defined in subsection (a) of Section 2-6.2 of  
21 this Act, may not receive any property, benefit, or other  
22 interest by reason of the death of the victim of that offense,  
23 whether as heir, legatee, beneficiary, joint tenant, tenant by  
24 the entirety, survivor, appointee, or in any other capacity

1 and whether the property, benefit, or other interest passes  
2 pursuant to any form of title registration, testamentary or  
3 nontestamentary instrument, intestacy, renunciation, or any  
4 other circumstance. Except as provided in subsection (f) of  
5 this Section, the property, benefit, or other interest shall  
6 pass as if the person convicted of a violation of Section  
7 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of  
8 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal  
9 Code of 2012 or the person found by a preponderance of the  
10 evidence to be civilly liable for financial exploitation, as  
11 defined in subsection (a) of Section 2-6.2 of this Act, died  
12 before the decedent; provided that with respect to joint  
13 tenancy property or property held in tenancy by the entirety,  
14 the interest possessed prior to the death by the person  
15 convicted or found civilly liable may not be diminished by the  
16 application of this Section. Notwithstanding the foregoing, a  
17 person convicted of a violation of Section 12-19, 12-21,  
18 16-1.3, or 17-56, or subsection (a) or (b) of Section 12-4.4a,  
19 of the Criminal Code of 1961 or the Criminal Code of 2012 or a  
20 person who has been found by a preponderance of the evidence to  
21 be civilly liable for financial exploitation, as defined in  
22 subsection (a) of Section 2-6.2 of this Act, shall be entitled  
23 to receive property, a benefit, or an interest in any capacity  
24 and under any circumstances described in this Section if it is  
25 demonstrated by clear and convincing evidence that the victim  
26 of that offense knew of the conviction or finding of civil

1 liability and subsequent to the conviction or finding of civil  
2 liability expressed or ratified his or her intent to transfer  
3 the property, benefit, or interest to the person convicted of  
4 a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
5 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
6 of 1961 or the Criminal Code of 2012 or the person found by a  
7 preponderance of the evidence to be civilly liable for  
8 financial exploitation, as defined in subsection (a) of  
9 Section 2-6.2 of this Act, in any manner contemplated by this  
10 Section.

11 (b) The holder of any property subject to the provisions  
12 of this Section is not liable for distributing or releasing  
13 the property to the person convicted of violating Section  
14 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of  
15 Section 12-4.4a, of the Criminal Code of 1961 or the Criminal  
16 Code of 2012 or to the person found by a preponderance of the  
17 evidence to be civilly liable for financial exploitation as  
18 defined in subsection (a) of Section 2-6.2 of this Act.

19 (c) If the holder is a financial institution, trust  
20 company, trustee, or similar entity or person, the holder  
21 shall not be liable for any distribution or release of the  
22 property, benefit, or other interest to the person convicted  
23 of a violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
24 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
25 of 1961 or the Criminal Code of 2012 or person found by a  
26 preponderance of the evidence to be civilly liable for

1 financial exploitation, as defined in subsection (a) of  
2 Section 2-6.2 of this Act, unless the holder knowingly  
3 distributes or releases the property, benefit, or other  
4 interest to the person so convicted or found civilly liable  
5 after first having received actual written notice of the  
6 conviction or finding of civil liability in sufficient time to  
7 act upon the notice.

8 (d) The Illinois ~~Department~~ of State Police shall have  
9 access to State of Illinois databases containing information  
10 that may help in the identification or location of persons  
11 convicted of or found civilly liable for the offenses  
12 enumerated in this Section. Interagency agreements shall be  
13 implemented, consistent with security and procedures  
14 established by the State agency and consistent with the laws  
15 governing the confidentiality of the information in the  
16 databases. Information shall be used only for administration  
17 of this Section.

18 (e) A civil action against a person for financial  
19 exploitation, as defined in subsection (a) of Section 2-6.2 of  
20 this Act, may be brought by an interested person, pursuant to  
21 this Section, after the death of the victim or during the  
22 lifetime of the victim if the victim is adjudicated a person  
23 with a disability. A guardian is under no duty to bring a civil  
24 action under this subsection during the ward's lifetime, but  
25 may do so if the guardian believes it is in the best interests  
26 of the ward.



1 (f) The court may, in its discretion, consider such facts  
2 and circumstances as it deems appropriate to allow the person  
3 convicted or found civilly liable for financial exploitation,  
4 as defined in subsection (a) of Section 2-6.2 of this Act, to  
5 receive a reduction in interest or benefit rather than no  
6 interest or benefit as stated under subsection (a) of this  
7 Section.

8 (Source: P.A. 98-833, eff. 8-1-14; 99-143, eff. 7-27-15.)

9 (755 ILCS 5/11a-24)

10 Sec. 11a-24. Notification; Illinois ~~Department of~~ State  
11 Police. When a court adjudges a respondent to be a person with  
12 a disability under this Article, the court shall direct the  
13 circuit court clerk to notify the Illinois ~~Department of~~ State  
14 Police, Firearm Owner's Identification (FOID) Office, in a  
15 form and manner prescribed by the Illinois ~~Department of~~ State  
16 Police, and shall forward a copy of the court order to the  
17 Department no later than 7 days after the entry of the order.  
18 Upon receipt of the order, the Illinois ~~Department of~~ State  
19 Police shall provide notification to the National Instant  
20 Criminal Background Check System.

21 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

22 Section 1145. The Charitable Trust Act is amended by  
23 changing Section 16.5 as follows:

1 (760 ILCS 55/16.5)

2 Sec. 16.5. Terrorist acts.

3 (a) Any person or organization subject to registration  
4 under this Act, who knowingly acts to further, directly or  
5 indirectly, or knowingly uses charitable assets to conduct or  
6 further, directly or indirectly, an act or actions as set  
7 forth in Article 29D of the Criminal Code of 2012, is thereby  
8 engaged in an act or actions contrary to public policy and  
9 antithetical to charity, and all of the funds, assets, and  
10 records of the person or organization shall be subject to  
11 temporary and permanent injunction from use or expenditure and  
12 the appointment of a temporary and permanent receiver to take  
13 possession of all of the assets and related records.

14 (b) An ex parte action may be commenced by the Attorney  
15 General, and, upon a showing of probable cause of a violation  
16 of this Section or Article 29D of the Criminal Code of 2012, an  
17 immediate seizure of books and records by the Attorney General  
18 by and through his or her assistants or investigators or the  
19 Illinois Department of State Police and freezing of all assets  
20 shall be made by order of a court to protect the public,  
21 protect the assets, and allow a full review of the records.

22 (c) Upon a finding by a court after a hearing that a person  
23 or organization has acted or is in violation of this Section,  
24 the person or organization shall be permanently enjoined from  
25 soliciting funds from the public, holding charitable funds, or  
26 acting as a trustee or fiduciary within Illinois. Upon a

1 finding of violation all assets and funds held by the person or  
2 organization shall be forfeited to the People of the State of  
3 Illinois or otherwise ordered by the court to be accounted for  
4 and marshaled and then delivered to charitable causes and uses  
5 within the State of Illinois by court order.

6 (d) A determination under this Section may be made by any  
7 court separate and apart from any criminal proceedings and the  
8 standard of proof shall be that for civil proceedings.

9 (e) Any knowing use of charitable assets to conduct or  
10 further, directly or indirectly, an act or actions set forth  
11 in Article 29D of the Criminal Code of 2012 shall be a misuse  
12 of charitable assets and breach of fiduciary duty relative to  
13 all other Sections of this Act.

14 (Source: P.A. 97-1150, eff. 1-25-13.)

15 Section 1150. The Revised Uniform Unclaimed Property Act  
16 is amended by changing Section 15-705 as follows:

17 (765 ILCS 1026/15-705)

18 Sec. 15-705. Exceptions to the sale of tangible property.  
19 The administrator shall dispose of tangible property  
20 identified by this Section in accordance with this Section.

21 (a) Military medals or decorations. The administrator may  
22 not sell a medal or decoration awarded for military service in  
23 the armed forces of the United States. Instead, the  
24 administrator, with the consent of the respective organization

1 under paragraph (1), agency under paragraph (2), or entity  
2 under paragraph (3), may deliver a medal or decoration to be  
3 held in custody for the owner, to:

4 (1) a military veterans organization qualified under  
5 Section 501(c)(19) of the Internal Revenue Code;

6 (2) the agency that awarded the medal or decoration;  
7 or

8 (3) a governmental entity.

9 After delivery, the administrator is not responsible for  
10 the safekeeping of the medal or decoration.

11 (b) Property with historical value. Property that the  
12 administrator reasonably believes may have historical value  
13 may be, at his or her discretion, loaned to an accredited  
14 museum in the United States where it will be kept until such  
15 time as the administrator orders it to be returned to his or  
16 her custody.

17 (c) Human remains. If human remains are delivered to the  
18 administrator under this Act, the administrator shall deliver  
19 those human remains to the coroner of the county in which the  
20 human remains were abandoned for disposition under Section  
21 3-3034 of the Counties Code. The only human remains that may be  
22 delivered to the administrator under this Act and that the  
23 administrator may receive are those that are reported and  
24 delivered as contents of a safe deposit box.

25 (d) Evidence in a criminal investigation. Property that  
26 may have been used in the commission of a crime or that may

1 assist in the investigation of a crime, as determined after  
2 consulting with the Illinois ~~Department of~~ State Police, shall  
3 be delivered to the Illinois ~~Department of~~ State Police or  
4 other appropriate law enforcement authority to allow law  
5 enforcement to determine whether a criminal investigation  
6 should take place. Any such property delivered to a law  
7 enforcement authority shall be held in accordance with  
8 existing statutes and rules related to the gathering,  
9 retention, and release of evidence.

10 (e) Firearms.

11 (1) The administrator, in cooperation with the  
12 Illinois ~~Department of~~ State Police, shall develop a  
13 procedure to determine whether a firearm delivered to the  
14 administrator under this Act has been stolen or used in  
15 the commission of a crime. The Illinois ~~Department of~~  
16 State Police shall determine the appropriate disposition  
17 of a firearm that has been stolen or used in the commission  
18 of a crime. The administrator shall attempt to return a  
19 firearm that has not been stolen or used in the commission  
20 of a crime to the rightful owner if the Illinois  
21 ~~Department of~~ State Police determines that the owner may  
22 lawfully possess the firearm.

23 (2) If the administrator is unable to return a firearm  
24 to its owner, the administrator shall transfer custody of  
25 the firearm to the Illinois ~~Department of~~ State Police.  
26 Legal title to a firearm transferred to the Illinois

1 ~~Department of~~ State Police under this subsection (e) is  
2 vested in the Illinois ~~Department of~~ State Police by  
3 operation of law if:

4 (i) the administrator cannot locate the owner of  
5 the firearm;

6 (ii) the owner of the firearm may not lawfully  
7 possess the firearm;

8 (iii) the apparent owner does not respond to  
9 notice published under Section 15-503 of this Act; or

10 (iv) the apparent owner responds to notice  
11 published under Section 15-502 and states that he or  
12 she no longer claims an interest in the firearm.

13 (3) With respect to a firearm whose title is  
14 transferred to the Illinois ~~Department of~~ State Police  
15 under this subsection (e), the Illinois ~~Department of~~  
16 State Police may:

17 (i) retain the firearm for use by the crime  
18 laboratory system, for training purposes, or for any  
19 other application as deemed appropriate by the  
20 Department;

21 (ii) transfer the firearm to the Illinois State  
22 Museum if the firearm has historical value; or

23 (iii) destroy the firearm if it is not retained  
24 pursuant to subparagraph (i) or transferred pursuant  
25 to subparagraph (ii).

26 As used in this subsection, "firearm" has the meaning

1 provided in the Firearm Owners Identification Card Act.

2 (Source: P.A. 100-22, eff. 1-1-18.)

3 Section 1155. The Law Enforcement Disposition of Property  
4 Act is amended by changing Section 2 as follows:

5 (765 ILCS 1030/2) (from Ch. 141, par. 142)

6 Sec. 2. (a) Such property believed to be abandoned, lost  
7 or stolen or otherwise illegally possessed shall be retained  
8 in custody by the sheriff, chief of police or other principal  
9 official of the law enforcement agency, which shall make  
10 reasonable inquiry and efforts to identify and notify the  
11 owner or other person entitled to possession thereof, and  
12 shall return the property after such person provides  
13 reasonable and satisfactory proof of his ownership or right to  
14 possession and reimburses the agency for all reasonable  
15 expenses of such custody.

16 (b) Weapons that have been confiscated as a result of  
17 having been abandoned or illegally possessed may be  
18 transferred to the Illinois ~~Department of~~ State Police for use  
19 by the crime laboratory system, for training purposes, or for  
20 any other application as deemed appropriate by the Department,  
21 if no legitimate claim is made for the confiscated weapon  
22 within 6 months of the date of confiscation, or within 6 months  
23 of final court disposition if such confiscated weapon was used  
24 for evidentiary purposes.

1 (Source: P.A. 85-632.)

2 Section 1160. The Illinois Human Rights Act is amended by  
3 changing Section 2-103 as follows:

4 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

5 Sec. 2-103. Arrest record.

6 (A) Unless otherwise authorized by law, it is a civil  
7 rights violation for any employer, employment agency or labor  
8 organization to inquire into or to use an arrest record, as  
9 defined under subsection (B-5) of Section 1-103, as a basis to  
10 refuse to hire, to segregate, or to act with respect to  
11 recruitment, hiring, promotion, renewal of employment,  
12 selection for training or apprenticeship, discharge,  
13 discipline, tenure or terms, privileges or conditions of  
14 employment. This Section does not prohibit a State agency,  
15 unit of local government or school district, or private  
16 organization from requesting or utilizing sealed felony  
17 conviction information obtained from the Illinois Department  
18 ~~of~~ State Police under the provisions of Section 3 of the  
19 Criminal Identification Act or under other State or federal  
20 laws or regulations that require criminal background checks in  
21 evaluating the qualifications and character of an employee or  
22 a prospective employee.

23 (B) The prohibition against the use of an arrest record,  
24 as defined under paragraph (1) of subsection (B-5) of Section



1 1-103, contained in this Act shall not be construed to  
2 prohibit an employer, employment agency, or labor organization  
3 from obtaining or using other information which indicates that  
4 a person actually engaged in the conduct for which he or she  
5 was arrested.

6 (Source: P.A. 101-565, eff. 1-1-20.)

7 Section 1165. The Illinois Torture Inquiry and Relief  
8 Commission Act is amended by changing Section 60 as follows:

9 (775 ILCS 40/60)

10 Sec. 60. Report. Beginning January 1, 2010, and annually  
11 thereafter, the Illinois Torture Inquiry and Relief Commission  
12 shall report on its activities to the General Assembly and the  
13 Governor. The report may contain recommendations of any needed  
14 legislative changes related to the activities of the  
15 Commission. The report shall recommend the funding needed by  
16 the Commission, the State's Attorneys, and the Illinois  
17 ~~Department~~ of State Police in order to meet their  
18 responsibilities under this Act. Recommendations concerning  
19 the State's Attorneys or the Illinois ~~Department~~ of State  
20 Police shall only be made after consultations with the  
21 Illinois State's Attorneys Association, the Illinois  
22 ~~Department~~ of State Police, and the Attorney General.

23 (Source: P.A. 96-223, eff. 8-10-09.)

1 Section 1170. The Assumed Business Name Act is amended by  
2 changing Section 5 as follows:

3 (805 ILCS 405/5) (from Ch. 96, par. 8)

4 Sec. 5. Any person or persons carrying on, conducting or  
5 transacting business as aforesaid, who shall fail to comply  
6 with the provisions of this Act, shall be guilty of a Class C  
7 misdemeanor, and each day any person or persons conducts  
8 business in violation of this Act shall be deemed a separate  
9 offense.

10 A person shall be exempt from prosecution for a violation  
11 of this Act if he is a peace officer who uses a false or  
12 fictitious business name in the enforcement of the criminal  
13 laws; provided such use is approved in writing by one of the  
14 following:

15 (a) In all counties, the respective State's Attorney;

16 (b) The Director of the Illinois State Police under  
17 Section 2605-200 of the Illinois ~~Department of~~ State Police  
18 Law ~~(20 ILCS 2605/2605-200)~~; or

19 (c) In cities over 1,000,000, the Superintendent of  
20 Police.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 Section 1175. The Recyclable Metal Purchase Registration  
23 Law is amended by changing Section 6.5 as follows:

1 (815 ILCS 325/6.5)

2 Sec. 6.5. Recyclable Metal Theft Task Force.

3 (a) The Recyclable Metal Theft Task Force is created  
4 within the Office of the Secretary of State. The Office of the  
5 Secretary of State shall provide administrative support for  
6 the Task Force. The Task Force shall consist of the members  
7 designated in subsections (b) and (c).

8 (b) Members of the Task Force representing the State shall  
9 be appointed as follows:

10 (1) Two members of the Senate appointed one each by  
11 the President of the Senate and by the Minority Leader of  
12 the Senate;

13 (2) Two members of the House of Representatives  
14 appointed one each by the Speaker of the House of  
15 Representatives and by the Minority Leader of the House of  
16 Representatives;

17 (3) One member representing the Office of the  
18 Secretary of State appointed by the Secretary of State;  
19 and

20 (4) Two members representing the Illinois Department  
21 ~~of~~ State Police appointed by the Director of the Illinois  
22 State Police, one of whom must represent the State Police  
23 Academy.

24 (c) The members appointed under subsection (b) shall  
25 select from their membership a chairperson. The chairperson  
26 shall appoint the public members of the Task Force as follows:

1           (1) One member representing municipalities in this  
2 State with consideration given to persons recommended by  
3 an organization representing municipalities in this State;

4           (2) Five chiefs of police from various geographical  
5 areas of the State with consideration given to persons  
6 recommended by an organization representing chiefs of  
7 police in this State;

8           (3) One representative of a public utility  
9 headquartered in Illinois;

10          (4) One representative of recyclable metal dealers in  
11 Illinois;

12          (5) One representative of scrap metal suppliers in  
13 Illinois;

14          (6) One representative of insurance companies offering  
15 homeowners insurance in this State;

16          (7) One representative of rural electric cooperatives  
17 in Illinois; and

18          (8) One representative of a local exchange carrier  
19 doing business in Illinois.

20          (d) The Task Force shall endeavor to establish a  
21 collaborative effort to combat recyclable metal theft  
22 throughout the State and assist in developing regional task  
23 forces, as determined necessary, to combat recyclable metal  
24 theft. The Task Force shall consider and develop long-term  
25 solutions, both legislative and enforcement-driven, for the  
26 rising problem of recyclable metal thefts in this State.

1 (e) Each year, the Task Force shall review the  
2 effectiveness of its efforts in deterring and investigating  
3 the problem of recyclable metal theft and in assisting in the  
4 prosecution of persons engaged in recyclable metal theft. The  
5 Task Force shall by October 31 of each year report its findings  
6 and recommendations to the General Assembly and the Governor.

7 (Source: P.A. 99-52, eff. 1-1-16; 99-760, eff. 1-1-17.)

8 Section 1180. The Consumer Fraud and Deceptive Business  
9 Practices Act is amended by changing Section 2L as follows:

10 (815 ILCS 505/2L)

11 Sec. 2L. Used motor vehicles; modification or disclaimer  
12 of implied warranty of merchantability limited.

13 (a) Any retail sale of a used motor vehicle made after July  
14 1, 2017 (the effective date of Public Act 99-768) to a consumer  
15 by a licensed vehicle dealer within the meaning of Chapter 5 of  
16 the Illinois Vehicle Code or by an auction company at an  
17 auction that is open to the general public is made subject to  
18 this Section.

19 (b) This Section does not apply to any of the following:

20 (1) a vehicle with more than 150,000 miles at the time  
21 of sale;

22 (2) a vehicle with a title that has been branded  
23 "rebuilt" or "flood";

24 (3) a vehicle with a gross vehicle weight rating of

1           8,000 pounds or more; or

2           (4) a vehicle that is an antique vehicle, as defined  
3           in the Illinois Vehicle Code, or that is a collector motor  
4           vehicle.

5           (b-5) This Section does not apply to the sale of any  
6           vehicle for which the dealer offers an express warranty that  
7           provides coverage that is equal to or greater than the limited  
8           implied warranty of merchantability required under this  
9           Section 2L.

10          (b-6) This Section does not apply to forfeited vehicles  
11          sold at auction by or on behalf of the Illinois ~~Department of~~  
12          State Police.

13          (c) Except as otherwise provided in this Section 2L, any  
14          sale of a used motor vehicle as described in subsection (a) may  
15          not exclude, modify, or disclaim the implied warranty of  
16          merchantability created under this Section 2L or limit the  
17          remedies for a breach of the warranty hereunder before  
18          midnight of the 15th calendar day after delivery of a used  
19          motor vehicle or until a used motor vehicle is driven 500 miles  
20          after delivery, whichever is earlier. In calculating time  
21          under this Section, a day on which the warranty is breached and  
22          all subsequent days in which the used motor vehicle fails to  
23          conform with the implied warranty of merchantability are  
24          excluded. In calculating distance under this Section, the  
25          miles driven to obtain or in connection with the repair,  
26          servicing, or testing of a used motor vehicle that fails to

1 conform with the implied warranty of merchantability are  
2 excluded. An attempt to exclude, modify, or disclaim the  
3 implied warranty of merchantability or to limit the remedies  
4 for a breach of the warranty in violation of this Section  
5 renders a purchase agreement voidable at the option of the  
6 purchaser.

7 (d) An implied warranty of merchantability is met if a  
8 used motor vehicle functions for the purpose of ordinary  
9 transportation on the public highway and substantially free of  
10 a defect in a power train component. As used in this Section,  
11 "power train component" means the engine block, head, all  
12 internal engine parts, oil pan and gaskets, water pump, intake  
13 manifold, transmission, and all internal transmission parts,  
14 torque converter, drive shaft, universal joints, rear axle and  
15 all rear axle internal parts, and rear wheel bearings.

16 (e) The implied warranty of merchantability expires at  
17 midnight of the 15th calendar day after delivery of a used  
18 motor vehicle or when a used motor vehicle is driven 500 miles  
19 after delivery, whichever is earlier. In calculating time, a  
20 day on which the implied warranty of merchantability is  
21 breached is excluded and all subsequent days in which the used  
22 motor vehicle fails to conform with the warranty are also  
23 excluded. In calculating distance, the miles driven to or by  
24 the seller to obtain or in connection with the repair,  
25 servicing, or testing of a used motor vehicle that fails to  
26 conform with the implied warranty of merchantability are

1 excluded. An implied warranty of merchantability does not  
2 extend to damage that occurs after the sale of the used motor  
3 vehicle that results from:

4 (1) off-road use;

5 (2) racing;

6 (3) towing;

7 (4) abuse;

8 (5) misuse;

9 (6) neglect;

10 (7) failure to perform regular maintenance; and

11 (8) failure to maintain adequate oil, coolant, and  
12 other required fluids or lubricants.

13 (f) If the implied warranty of merchantability described  
14 in this Section is breached, the consumer shall give  
15 reasonable notice to the seller no later than 2 business days  
16 after the end of the statutory warranty period. Before the  
17 consumer exercises another remedy pursuant to Article 2 of the  
18 Uniform Commercial Code, the seller shall have a reasonable  
19 opportunity to repair the used motor vehicle. The consumer  
20 shall pay one-half of the cost of the first 2 repairs necessary  
21 to bring the used motor vehicle into compliance with the  
22 warranty. The payments by the consumer are limited to a  
23 maximum payment of \$100 for each repair; however, the consumer  
24 shall only be responsible for a maximum payment of \$100 if the  
25 consumer brings in the vehicle for a second repair for the same  
26 defect. Reasonable notice as defined in this Section shall



1 include, but not be limited to:

2 (1) text, provided the seller has provided the  
3 consumer with a cell phone number;

4 (2) phone call or message to the seller's business  
5 phone number provided on the seller's bill of sale for the  
6 purchase of the motor vehicle;

7 (3) in writing to the seller's address provided on the  
8 seller's bill of sale for the purchase of the motor  
9 vehicle;

10 (4) in person at the seller's address provided on the  
11 seller's bill of sale for the purchase of the motor  
12 vehicle.

13 (g) The maximum liability of a seller for repairs pursuant  
14 to this Section is limited to the purchase price paid for the  
15 used motor vehicle, to be refunded to the consumer or lender,  
16 as applicable, in exchange for return of the vehicle.

17 (h) An agreement for the sale of a used motor vehicle  
18 subject to this Section is voidable at the option of the  
19 consumer, unless it contains on its face or in a separate  
20 document the following conspicuous statement printed in  
21 boldface 10-point or larger type set off from the body of the  
22 agreement:

23 "Illinois law requires that this vehicle will be free of a  
24 defect in a power train component for 15 days or 500 miles  
25 after delivery, whichever is earlier, except with regard to  
26 particular defects disclosed on the first page of this

1 agreement. "Power train component" means the engine block,  
2 head, all internal engine parts, oil pan and gaskets, water  
3 pump, intake manifold, transmission, and all internal  
4 transmission parts, torque converter, drive shaft, universal  
5 joints, rear axle and all rear axle internal parts, and rear  
6 wheel bearings. You (the consumer) will have to pay up to \$100  
7 for each of the first 2 repairs if the warranty is violated."

8 (i) The inclusion in the agreement of the statement  
9 prescribed in subsection (h) of this Section does not create  
10 an express warranty.

11 (j) A consumer of a used motor vehicle may waive the  
12 implied warranty of merchantability only for a particular  
13 defect in the vehicle, including, but not limited to, a  
14 rebuilt or flood-branded title and only if all of the  
15 following conditions are satisfied:

16 (1) the seller subject to this Section fully and  
17 accurately discloses to the consumer that because of  
18 circumstances unusual to the business, the used motor  
19 vehicle has a particular defect;

20 (2) the consumer agrees to buy the used motor vehicle  
21 after disclosure of the defect; and

22 (3) before the sale, the consumer indicates agreement  
23 to the waiver by signing and dating the following  
24 conspicuous statement that is printed on the first page of  
25 the sales agreement or on a separate document in boldface  
26 10-point or larger type and that is written in the

1 language in which the presentation was made:

2 "Attention consumer: sign here only if the seller has  
3 told you that this vehicle has the following problem or  
4 problems and you agree to buy the vehicle on those terms:

- 5 1. ....
- 6 2. ....
- 7 3. .... "

8 (k) It shall be an affirmative defense to any claim under  
9 this Section that:

10 (1) an alleged nonconformity does not substantially  
11 impair the use and market value of the motor vehicle;

12 (2) a nonconformity is the result of abuse, neglect,  
13 or unauthorized modifications or alterations of the motor  
14 vehicle;

15 (3) a claim by a consumer was not filed in good faith;  
16 or

17 (4) any other affirmative defense allowed by law.

18 (1) Other than the 15-day, 500-mile implied warranty of  
19 merchantability identified herein, a seller subject to this  
20 Section is not required to provide any further express or  
21 implied warranties to a purchasing consumer unless:

22 (1) the seller is required by federal or State law to  
23 provide a further express or implied warranty; or

24 (2) the seller fails to fully inform and disclose to  
25 the consumer that the vehicle is being sold without any  
26 further express or implied warranties, other than the 15

1 day, 500 mile implied warranty of merchantability  
2 identified in this Section.

3 (m) Any person who violates this Section commits an  
4 unlawful practice within the meaning of this Act.

5 (Source: P.A. 99-768, eff. 7-1-17; 100-4, eff. 7-1-17;  
6 100-512, eff. 7-1-18; 100-863, eff. 8-14-18.)

7 Section 1185. The Employee Credit Privacy Act is amended  
8 by changing Section 5 as follows:

9 (820 ILCS 70/5)

10 Sec. 5. Definitions. As used in this Act:

11 "Credit history" means an individual's past borrowing and  
12 repaying behavior, including paying bills on time and managing  
13 debt and other financial obligations.

14 "Credit report" means any written or other communication  
15 of any information by a consumer reporting agency that bears  
16 on a consumer's creditworthiness, credit standing, credit  
17 capacity, or credit history.

18 "Employee" means an individual who receives compensation  
19 for performing services for an employer under an express or  
20 implied contract of hire.

21 "Employer" means an individual or entity that permits one  
22 or more individuals to work or that accepts applications for  
23 employment or is an agent of an employer. "Employer" does not,  
24 however, include:

1           (1) Any bank holding company, financial holding  
2           company, bank, savings bank, savings and loan association,  
3           credit union, or trust company, or any subsidiary or  
4           affiliate thereof, that is authorized to do business under  
5           the laws of this State or of the United States.

6           (2) Any company authorized to engage in any kind of  
7           insurance or surety business pursuant to the Illinois  
8           Insurance Code, including any employee, agent, or employee  
9           of an agent acting on behalf of a company engaged in the  
10          insurance or surety business.

11          (3) Any State law enforcement or investigative unit,  
12          including, without limitation, any such unit within the  
13          Office of any Executive Inspector General, the Illinois  
14          ~~Department of~~ State Police, the Department of Corrections,  
15          the Department of Juvenile Justice, or the Department of  
16          Natural Resources.

17          (4) Any State or local government agency which  
18          otherwise requires use of the employee's or applicant's  
19          credit history or credit report.

20          (5) Any entity that is defined as a debt collector  
21          under federal or State statute.

22          "Financial information" means non-public information on  
23          the overall financial direction of an organization, including,  
24          but not limited to, company taxes or profit and loss reports.

25          "Marketable assets" means company property that is  
26          specially safeguarded from the public and to which access is

1 only entrusted to managers and select other employees. For the  
2 purposes of this Act, marketable assets do not include the  
3 fixtures, furnishings, or equipment of an employer.

4 "Personal or confidential information" means sensitive  
5 information that a customer or client of the employing  
6 organization gives explicit authorization for the organization  
7 to obtain, process, and keep; that the employer entrusts only  
8 to managers and a select few employees; or that is stored in  
9 secure repositories not accessible by the public or low-level  
10 employees.

11 "State or national security information" means information  
12 only offered to select employees because it may jeopardize the  
13 security of the State or the nation if it were entrusted to the  
14 general public.

15 "Trade secrets" means sensitive information regarding a  
16 company's overall strategy or business plans. This does not  
17 include general proprietary company information such as  
18 handbooks, policies, or low-level strategies.

19 (Source: P.A. 96-1426, eff. 1-1-11.)

20 Section 1190. The Unemployment Insurance Act is amended by  
21 changing Section 1900 as follows:

22 (820 ILCS 405/1900) (from Ch. 48, par. 640)

23 Sec. 1900. Disclosure of information.

24 A. Except as provided in this Section, information

1 obtained from any individual or employing unit during the  
2 administration of this Act shall:

- 3 1. be confidential,
- 4 2. not be published or open to public inspection,
- 5 3. not be used in any court in any pending action or  
6 proceeding,
- 7 4. not be admissible in evidence in any action or  
8 proceeding other than one arising out of this Act.

9 B. No finding, determination, decision, ruling or order  
10 (including any finding of fact, statement or conclusion made  
11 therein) issued pursuant to this Act shall be admissible or  
12 used in evidence in any action other than one arising out of  
13 this Act, nor shall it be binding or conclusive except as  
14 provided in this Act, nor shall it constitute res judicata,  
15 regardless of whether the actions were between the same or  
16 related parties or involved the same facts.

17 C. Any officer or employee of this State, any officer or  
18 employee of any entity authorized to obtain information  
19 pursuant to this Section, and any agent of this State or of  
20 such entity who, except with authority of the Director under  
21 this Section, shall disclose information shall be guilty of a  
22 Class B misdemeanor and shall be disqualified from holding any  
23 appointment or employment by the State.

24 D. An individual or his duly authorized agent may be  
25 supplied with information from records only to the extent  
26 necessary for the proper presentation of his claim for

1 benefits or with his existing or prospective rights to  
2 benefits. Discretion to disclose this information belongs  
3 solely to the Director and is not subject to a release or  
4 waiver by the individual. Notwithstanding any other provision  
5 to the contrary, an individual or his or her duly authorized  
6 agent may be supplied with a statement of the amount of  
7 benefits paid to the individual during the 18 months preceding  
8 the date of his or her request.

9 E. An employing unit may be furnished with information,  
10 only if deemed by the Director as necessary to enable it to  
11 fully discharge its obligations or safeguard its rights under  
12 the Act. Discretion to disclose this information belongs  
13 solely to the Director and is not subject to a release or  
14 waiver by the employing unit.

15 F. The Director may furnish any information that he may  
16 deem proper to any public officer or public agency of this or  
17 any other State or of the federal government dealing with:

- 18 1. the administration of relief,
- 19 2. public assistance,
- 20 3. unemployment compensation,
- 21 4. a system of public employment offices,
- 22 5. wages and hours of employment, or
- 23 6. a public works program.

24 The Director may make available to the Illinois Workers'  
25 Compensation Commission information regarding employers for  
26 the purpose of verifying the insurance coverage required under



1 the Workers' Compensation Act and Workers' Occupational  
2 Diseases Act.

3 G. The Director may disclose information submitted by the  
4 State or any of its political subdivisions, municipal  
5 corporations, instrumentalities, or school or community  
6 college districts, except for information which specifically  
7 identifies an individual claimant.

8 H. The Director shall disclose only that information  
9 required to be disclosed under Section 303 of the Social  
10 Security Act, as amended, including:

11 1. any information required to be given the United  
12 States Department of Labor under Section 303(a)(6); and

13 2. the making available upon request to any agency of  
14 the United States charged with the administration of  
15 public works or assistance through public employment, the  
16 name, address, ordinary occupation and employment status  
17 of each recipient of unemployment compensation, and a  
18 statement of such recipient's right to further  
19 compensation under such law as required by Section  
20 303(a)(7); and

21 3. records to make available to the Railroad  
22 Retirement Board as required by Section 303(c)(1); and

23 4. information that will assure reasonable cooperation  
24 with every agency of the United States charged with the  
25 administration of any unemployment compensation law as  
26 required by Section 303(c)(2); and

1           5. information upon request and on a reimbursable  
2 basis to the United States Department of Agriculture and  
3 to any State food stamp agency concerning any information  
4 required to be furnished by Section 303(d); and

5           6. any wage information upon request and on a  
6 reimbursable basis to any State or local child support  
7 enforcement agency required by Section 303(e); and

8           7. any information required under the income  
9 eligibility and verification system as required by Section  
10 303(f); and

11           8. information that might be useful in locating an  
12 absent parent or that parent's employer, establishing  
13 paternity or establishing, modifying, or enforcing child  
14 support orders for the purpose of a child support  
15 enforcement program under Title IV of the Social Security  
16 Act upon the request of and on a reimbursable basis to the  
17 public agency administering the Federal Parent Locator  
18 Service as required by Section 303(h); and

19           9. information, upon request, to representatives of  
20 any federal, State or local governmental public housing  
21 agency with respect to individuals who have signed the  
22 appropriate consent form approved by the Secretary of  
23 Housing and Urban Development and who are applying for or  
24 participating in any housing assistance program  
25 administered by the United States Department of Housing  
26 and Urban Development as required by Section 303(i).

1 I. The Director, upon the request of a public agency of  
2 Illinois, of the federal government or of any other state  
3 charged with the investigation or enforcement of Section 10-5  
4 of the Criminal Code of 2012 (or a similar federal law or  
5 similar law of another State), may furnish the public agency  
6 information regarding the individual specified in the request  
7 as to:

8 1. the current or most recent home address of the  
9 individual, and

10 2. the names and addresses of the individual's  
11 employers.

12 J. Nothing in this Section shall be deemed to interfere  
13 with the disclosure of certain records as provided for in  
14 Section 1706 or with the right to make available to the  
15 Internal Revenue Service of the United States Department of  
16 the Treasury, or the Department of Revenue of the State of  
17 Illinois, information obtained under this Act.

18 K. The Department shall make available to the Illinois  
19 Student Assistance Commission, upon request, information in  
20 the possession of the Department that may be necessary or  
21 useful to the Commission in the collection of defaulted or  
22 delinquent student loans which the Commission administers.

23 L. The Department shall make available to the State  
24 Employees' Retirement System, the State Universities  
25 Retirement System, the Teachers' Retirement System of the  
26 State of Illinois, and the Department of Central Management

1 Services, Risk Management Division, upon request, information  
2 in the possession of the Department that may be necessary or  
3 useful to the System or the Risk Management Division for the  
4 purpose of determining whether any recipient of a disability  
5 benefit from the System or a workers' compensation benefit  
6 from the Risk Management Division is gainfully employed.

7 M. This Section shall be applicable to the information  
8 obtained in the administration of the State employment  
9 service, except that the Director may publish or release  
10 general labor market information and may furnish information  
11 that he may deem proper to an individual, public officer or  
12 public agency of this or any other State or the federal  
13 government (in addition to those public officers or public  
14 agencies specified in this Section) as he prescribes by Rule.

15 N. The Director may require such safeguards as he deems  
16 proper to insure that information disclosed pursuant to this  
17 Section is used only for the purposes set forth in this  
18 Section.

19 O. Nothing in this Section prohibits communication with an  
20 individual or entity through unencrypted e-mail or other  
21 unencrypted electronic means as long as the communication does  
22 not contain the individual's or entity's name in combination  
23 with any one or more of the individual's or entity's social  
24 security number; driver's license or State identification  
25 number; credit or debit card number; or any required security  
26 code, access code, or password that would permit access to

1 further information pertaining to the individual or entity.

2 P. (Blank).

3 Q. The Director shall make available to an elected federal  
4 official the name and address of an individual or entity that  
5 is located within the jurisdiction from which the official was  
6 elected and that, for the most recently completed calendar  
7 year, has reported to the Department as paying wages to  
8 workers, where the information will be used in connection with  
9 the official duties of the official and the official requests  
10 the information in writing, specifying the purposes for which  
11 it will be used. For purposes of this subsection, the use of  
12 information in connection with the official duties of an  
13 official does not include use of the information in connection  
14 with the solicitation of contributions or expenditures, in  
15 money or in kind, to or on behalf of a candidate for public or  
16 political office or a political party or with respect to a  
17 public question, as defined in Section 1-3 of the Election  
18 Code, or in connection with any commercial solicitation. Any  
19 elected federal official who, in submitting a request for  
20 information covered by this subsection, knowingly makes a  
21 false statement or fails to disclose a material fact, with the  
22 intent to obtain the information for a purpose not authorized  
23 by this subsection, shall be guilty of a Class B misdemeanor.

24 R. The Director may provide to any State or local child  
25 support agency, upon request and on a reimbursable basis,  
26 information that might be useful in locating an absent parent

1 or that parent's employer, establishing paternity, or  
2 establishing, modifying, or enforcing child support orders.

3 S. The Department shall make available to a State's  
4 Attorney of this State or a State's Attorney's investigator,  
5 upon request, the current address or, if the current address  
6 is unavailable, current employer information, if available, of  
7 a victim of a felony or a witness to a felony or a person  
8 against whom an arrest warrant is outstanding.

9 T. The Director shall make available to the Illinois  
10 ~~Department of~~ State Police, a county sheriff's office, or a  
11 municipal police department, upon request, any information  
12 concerning the current address and place of employment or  
13 former places of employment of a person who is required to  
14 register as a sex offender under the Sex Offender Registration  
15 Act that may be useful in enforcing the registration  
16 provisions of that Act.

17 U. The Director shall make information available to the  
18 Department of Healthcare and Family Services and the  
19 Department of Human Services for the purpose of determining  
20 eligibility for public benefit programs authorized under the  
21 Illinois Public Aid Code and related statutes administered by  
22 those departments, for verifying sources and amounts of  
23 income, and for other purposes directly connected with the  
24 administration of those programs.

25 V. The Director shall make information available to the  
26 State Board of Elections as may be required by an agreement the

1 State Board of Elections has entered into with a multi-state  
2 voter registration list maintenance system.

3 W. The Director shall make information available to the  
4 State Treasurer's office and the Department of Revenue for the  
5 purpose of facilitating compliance with the Illinois Secure  
6 Choice Savings Program Act, including employer contact  
7 information for employers with 25 or more employees and any  
8 other information the Director deems appropriate that is  
9 directly related to the administration of this program.

10 X. The Director shall make information available, upon  
11 request, to the Illinois Student Assistance Commission for the  
12 purpose of determining eligibility for the adult vocational  
13 community college scholarship program under Section 65.105 of  
14 the Higher Education Student Assistance Act.

15 (Source: P.A. 100-484, eff. 9-8-17; 101-315, eff. 1-1-20.)

16 Section 9995. No acceleration or delay. Where this Act  
17 makes changes in a statute that is represented in this Act by  
18 text that is not yet or no longer in effect (for example, a  
19 Section represented by multiple versions), the use of that  
20 text does not accelerate or delay the taking effect of (i) the  
21 changes made by this Act or (ii) provisions derived from any  
22 other Public Act.

23 Section 9999. Effective date. This Act takes effect upon  
24 becoming law.

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