

SB2435



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2435

Introduced 2/26/2021, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

See Index

Creates the First 2021 General Revisory Act. Combines multiple versions of Sections amended by more than one Public Act. Renumbers Sections of various Acts to eliminate duplication. Corrects obsolete cross-references and technical errors. Makes stylistic changes. Effective immediately.

LRB102 04062 AMC 14078 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2021 General
7 Revisory Act.

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

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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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

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

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

4 (d) Public Acts 100-1178 through 101-651 were considered
5 in the preparation of the combining revisories included in
6 this Act. Many of those combining revisories contain no
7 striking or underscoring because no additional changes are
8 being made in the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by
10 changing Sections 4.30 and 4.40 as follows:

11 (5 ILCS 80/4.30)

12 Sec. 4.30. Act ~~Acts~~ repealed on January 1, 2020. The
13 following Act is ~~Acts are~~ repealed on January 1, 2020:

14 The Illinois Landscape Architecture Act of 1989.

15 (Source: P.A. 100-497, eff. 9-8-17; 100-534, eff. 9-22-17;
16 100-863, eff. 8-14-18; 101-269, eff. 8-9-19; 101-310, eff.
17 8-9-19; 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313,
18 eff. 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19;
19 101-357, eff. 8-9-19; 101-614, eff. 12-20-19; 101-621, eff.
20 12-20-19; revised 1-6-20.)

21 (5 ILCS 80/4.40)

22 Sec. 4.40. Acts ~~Act~~ repealed on January 1, 2030. The
23 following Acts are ~~Act is~~ repealed on January 1, 2030:

1 The Auction License Act.
2 The Illinois Architecture Practice Act of 1989.
3 The Illinois Professional Land Surveyor Act of 1989.
4 The Orthotics, Prosthetics, and Pedorthics Practice Act.
5 The Perfusionist Practice Act.
6 The Professional Engineering Practice Act of 1989.
7 The Real Estate License Act of 2000.
8 The Structural Engineering Practice Act of 1989.
9 (Source: P.A. 101-269, eff. 8-9-19; 101-310, eff. 8-9-19;
10 101-311, eff. 8-9-19; 101-312, eff. 8-9-19; 101-313, eff.
11 8-9-19; 101-345, eff. 8-9-19; 101-346, eff. 8-9-19; 101-357,
12 eff. 8-9-19; revised 9-27-19.)

13 Section 10. The Illinois Administrative Procedure Act is
14 amended by setting forth, renumbering, and changing multiple
15 versions of Sections 5-45.1 and 5-45.2 as follows:

16 (5 ILCS 100/5-45.1)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 5-45.1. Emergency rulemaking. To provide for the
19 expeditious and timely implementation of changes made to
20 Articles 5, 5A, 12, and 14 of the Illinois Public Aid Code by
21 Public Act 101-650 ~~this amendatory Act of the 101st General~~
22 ~~Assembly~~, emergency rules may be adopted in accordance with
23 Section 5-45 by the respective Department. The 24-month
24 limitation on the adoption of emergency rules does not apply

1 to rules adopted under this Section. The adoption of emergency
2 rules authorized by Section 5-45 and this Section is deemed to
3 be necessary for the public interest, safety, and welfare.

4 This Section is repealed on January 1, 2026.

5 (Source: P.A. 101-650, eff. 7-7-20; revised 8-3-20.)

6 (5 ILCS 100/5-45.2)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 5-45.2. Emergency rulemaking; Grants to local tourism
9 and convention bureaus. To provide for the expeditious and
10 timely implementation of the changes made to Section 605-705
11 of the Department of Commerce and Economic Opportunity Law of
12 the Civil Administrative Code of Illinois by Public Act
13 101-636 ~~this amendatory Act of the 101st General Assembly,~~
14 emergency rules implementing the changes made to Section
15 605-705 of the Department of Commerce and Economic Opportunity
16 Law of the Civil Administrative Code of Illinois by Public Act
17 101-636 ~~this amendatory Act of the 101st General Assembly~~ may
18 be adopted in accordance with Section 5-45 by the Department
19 of Commerce and Economic Opportunity. The adoption of
20 emergency rules authorized by Section 5-45 and this Section is
21 deemed to be necessary for the public interest, safety, and
22 welfare.

23 This Section is repealed on January 1, 2026.

24 (Source: P.A. 101-636, eff. 6-10-20; revised 8-3-20.)

1 (5 ILCS 100/5-45.4)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 5-45.4 ~~5-45.1~~. Emergency rulemaking; Local
4 Coronavirus Urgent Remediation Emergency (or Local CURE)
5 Support Program. To provide for the expeditious and timely
6 implementation of the Local Coronavirus Urgent Remediation
7 Emergency (or Local CURE) Support Program, emergency rules
8 implementing the Local Coronavirus Urgent Remediation
9 Emergency (or Local CURE) Support Program may be adopted in
10 accordance with Section 5-45 by the Department of Commerce and
11 Economic Opportunity. The adoption of emergency rules
12 authorized by Section 5-45 and this Section is deemed to be
13 necessary for the public interest, safety, and welfare.

14 This Section is repealed on January 1, 2026.

15 (Source: P.A. 101-636, eff. 6-10-20; revised 8-3-20.)

16 (5 ILCS 100/5-45.5)

17 Sec. 5-45.5 ~~5-45.1~~. (Repealed).

18 (Source: P.A. 101-640, eff. 6-12-20; revised 8-3-20. Repealed
19 internally, eff. 1-1-21.)

20 (5 ILCS 100/5-45.6)

21 Sec. 5-45.6 ~~5-45.1~~. (Repealed).

22 (Source: P.A. 101-642, eff. 6-16-20; revised 8-3-20. Repealed
23 internally, eff. 1-1-21.)

1 (5 ILCS 100/5-45.7)

2 Sec. 5-45.7 ~~5-45.2~~. (Repealed).

3 (Source: P.A. 101-640, eff. 6-12-20; revised 8-3-20. Repealed
4 internally, eff. 1-1-21.)

5 Section 15. The Open Meetings Act is amended by changing
6 Sections 1.05 and 2 as follows:

7 (5 ILCS 120/1.05)

8 Sec. 1.05. Training.

9 (a) Every public body shall designate employees, officers,
10 or members to receive training on compliance with this Act.
11 Each public body shall submit a list of designated employees,
12 officers, or members to the Public Access Counselor. Within 6
13 months after January 1, 2010 (the effective date of Public Act
14 96-542) ~~this amendatory Act of the 96th General Assembly~~, the
15 designated employees, officers, and members must successfully
16 complete an electronic training curriculum, developed and
17 administered by the Public Access Counselor, and thereafter
18 must successfully complete an annual training program.
19 Thereafter, whenever a public body designates an additional
20 employee, officer, or member to receive this training, that
21 person must successfully complete the electronic training
22 curriculum within 30 days after that designation.

23 (b) Except as otherwise provided in this Section, each
24 elected or appointed member of a public body subject to this

1 Act who is such a member on January 1, 2012 (the effective date
2 of Public Act 97-504) ~~this amendatory Act of the 97th General~~
3 ~~Assembly~~ must successfully complete the electronic training
4 curriculum developed and administered by the Public Access
5 Counselor. For these members, the training must be completed
6 within one year after January 1, 2012 (the effective date of
7 Public Act 97-504) ~~this amendatory Act~~.

8 Except as otherwise provided in this Section, each elected
9 or appointed member of a public body subject to this Act who
10 becomes such a member after January 1, 2012 (the effective
11 date of Public Act 97-504) ~~this amendatory Act of the 97th~~
12 ~~General Assembly~~ shall successfully complete the electronic
13 training curriculum developed and administered by the Public
14 Access Counselor. For these members, the training must be
15 completed not later than the 90th day after the date the
16 member:

17 (1) takes the oath of office, if the member is
18 required to take an oath of office to assume the person's
19 duties as a member of the public body; or

20 (2) otherwise assumes responsibilities as a member of
21 the public body, if the member is not required to take an
22 oath of office to assume the person's duties as a member of
23 the governmental body.

24 Each member successfully completing the electronic
25 training curriculum shall file a copy of the certificate of
26 completion with the public body.

1 Completing the required training as a member of the public
2 body satisfies the requirements of this Section with regard to
3 the member's service on a committee or subcommittee of the
4 public body and the member's ex officio service on any other
5 public body.

6 The failure of one or more members of a public body to
7 complete the training required by this Section does not affect
8 the validity of an action taken by the public body.

9 An elected or appointed member of a public body subject to
10 this Act who has successfully completed the training required
11 under this subsection (b) and filed a copy of the certificate
12 of completion with the public body is not required to
13 subsequently complete the training required under this
14 subsection (b).

15 (c) An elected school board member may satisfy the
16 training requirements of this Section by participating in a
17 course of training sponsored or conducted by an organization
18 created under Article 23 of the School Code. The course of
19 training shall include, but not be limited to, instruction in:

20 (1) the general background of the legal requirements
21 for open meetings;

22 (2) the applicability of this Act to public bodies;

23 (3) procedures and requirements regarding quorums,
24 notice, and record-keeping under this Act;

25 (4) procedures and requirements for holding an open
26 meeting and for holding a closed meeting under this Act;

1 and

2 (5) penalties and other consequences for failing to
3 comply with this Act.

4 If an organization created under Article 23 of the School
5 Code provides a course of training under this subsection (c),
6 it must provide a certificate of course completion to each
7 school board member who successfully completes that course of
8 training.

9 (d) A commissioner of a drainage district may satisfy the
10 training requirements of this Section by participating in a
11 course of training sponsored or conducted by an organization
12 that represents the drainage districts created under the
13 Illinois Drainage Code. The course of training shall include,
14 but not be limited to, instruction in:

15 (1) the general background of the legal requirements
16 for open meetings;

17 (2) the applicability of this Act to public bodies;

18 (3) procedures and requirements regarding quorums,
19 notice, and record-keeping under this Act;

20 (4) procedures and requirements for holding an open
21 meeting and for holding a closed meeting under this Act;
22 and

23 (5) penalties and other consequences for failing to
24 comply with this Act.

25 If an organization that represents the drainage districts
26 created under the Illinois Drainage Code provides a course of

1 training under this subsection (d), it must provide a
2 certificate of course completion to each commissioner who
3 successfully completes that course of training.

4 (e) A director of a soil and water conservation district
5 may satisfy the training requirements of this Section by
6 participating in a course of training sponsored or conducted
7 by an organization that represents soil and water conservation
8 districts created under the Soil and Water Conservation
9 Districts Act. The course of training shall include, but not
10 be limited to, instruction in:

11 (1) the general background of the legal requirements
12 for open meetings;

13 (2) the applicability of this Act to public bodies;

14 (3) procedures and requirements regarding quorums,
15 notice, and record-keeping under this Act;

16 (4) procedures and requirements for holding an open
17 meeting and for holding a closed meeting under this Act;
18 and

19 (5) penalties and other consequences for failing to
20 comply with this Act.

21 If an organization that represents the soil and water
22 conservation districts created under the Soil and Water
23 Conservation Districts Act provides a course of training under
24 this subsection (e), it must provide a certificate of course
25 completion to each director who successfully completes that
26 course of training.

1 (f) An elected or appointed member of a public body of a
2 park district, forest preserve district, or conservation
3 district may satisfy the training requirements of this Section
4 by participating in a course of training sponsored or
5 conducted by an organization that represents the park
6 districts created in the Park District Code. The course of
7 training shall include, but not be limited to, instruction in:

8 (1) the general background of the legal requirements
9 for open meetings;

10 (2) the applicability of this Act to public bodies;

11 (3) procedures and requirements regarding quorums,
12 notice, and record-keeping under this Act;

13 (4) procedures and requirements for holding an open
14 meeting and for holding a closed meeting under this Act;
15 and

16 (5) penalties and other consequences for failing to
17 comply with this Act.

18 If an organization that represents the park districts
19 created in the Park District Code provides a course of
20 training under this subsection (f), it must provide a
21 certificate of course completion to each elected or appointed
22 member of a public body who successfully completes that course
23 of training.

24 (g) An elected or appointed member of the board of
25 trustees of a fire protection district may satisfy the
26 training requirements of this Section by participating in a

1 course of training sponsored or conducted by an organization
2 that represents fire protection districts created under the
3 Fire Protection District Act. The course of training shall
4 include, but not be limited to, instruction in:

5 (1) the general background of the legal requirements
6 for open meetings;

7 (2) the applicability of this Act to public bodies;

8 (3) procedures and requirements regarding quorums,
9 notice, and record-keeping under this Act;

10 (4) procedures and requirements for holding an open
11 meeting and for holding a closed meeting under this Act;
12 and

13 (5) penalties and other consequences for failing to
14 comply with this Act.

15 If an organization that represents fire protection
16 districts organized under the Fire Protection District Act
17 provides a course of training under this subsection (g), it
18 must provide a certificate of course completion to each
19 elected or appointed member of a board of trustees who
20 successfully completes that course of training.

21 (h) ~~(g)~~ An elected or appointed member of a public body of
22 a municipality may satisfy the training requirements of this
23 Section by participating in a course of training sponsored or
24 conducted by an organization that represents municipalities as
25 designated in Section 1-8-1 of the Illinois Municipal Code.
26 The course of training shall include, but not be limited to,

1 instruction in:

2 (1) the general background of the legal requirements
3 for open meetings;

4 (2) the applicability of this Act to public bodies;

5 (3) procedures and requirements regarding quorums,
6 notice, and record-keeping under this Act;

7 (4) procedures and requirements for holding an open
8 meeting and for holding a closed meeting under this Act;
9 and

10 (5) penalties and other consequences for failing to
11 comply with this Act.

12 If an organization that represents municipalities as
13 designated in Section 1-8-1 of the Illinois Municipal Code
14 provides a course of training under this subsection (h) ~~(g)~~,
15 it must provide a certificate of course completion to each
16 elected or appointed member of a public body who successfully
17 completes that course of training.

18 (Source: P.A. 100-1127, eff. 11-27-18; 101-233, eff. 1-1-20;
19 revised 9-27-19.)

20 (5 ILCS 120/2) (from Ch. 102, par. 42)

21 Sec. 2. Open meetings.

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

25 (b) Construction of exceptions. The exceptions contained

1 in subsection (c) are in derogation of the requirement that
2 public bodies meet in the open, and therefore, the exceptions
3 are to be strictly construed, extending only to subjects
4 clearly within their scope. The exceptions authorize but do
5 not require the holding of a closed meeting to discuss a
6 subject included within an enumerated exception.

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

9 (1) The appointment, employment, compensation,
10 discipline, performance, or dismissal of specific
11 employees, specific individuals who serve as independent
12 contractors in a park, recreational, or educational
13 setting, or specific volunteers of the public body or
14 legal counsel for the public body, including hearing
15 testimony on a complaint lodged against an employee, a
16 specific individual who serves as an independent
17 contractor in a park, recreational, or educational
18 setting, or a volunteer of the public body or against
19 legal counsel for the public body to determine its
20 validity. However, a meeting to consider an increase in
21 compensation to a specific employee of a public body that
22 is subject to the Local Government Wage Increase
23 Transparency Act may not be closed and shall be open to the
24 public and posted and held in accordance with this Act.

25 (2) Collective negotiating matters between the public
26 body and its employees or their representatives, or

1 deliberations concerning salary schedules for one or more
2 classes of employees.

3 (3) The selection of a person to fill a public office,
4 as defined in this Act, including a vacancy in a public
5 office, when the public body is given power to appoint
6 under law or ordinance, or the discipline, performance or
7 removal of the occupant of a public office, when the
8 public body is given power to remove the occupant under
9 law or ordinance.

10 (4) Evidence or testimony presented in open hearing,
11 or in closed hearing where specifically authorized by law,
12 to a quasi-adjudicative body, as defined in this Act,
13 provided that the body prepares and makes available for
14 public inspection a written decision setting forth its
15 determinative reasoning.

16 (5) The purchase or lease of real property for the use
17 of the public body, including meetings held for the
18 purpose of discussing whether a particular parcel should
19 be acquired.

20 (6) The setting of a price for sale or lease of
21 property owned by the public body.

22 (7) The sale or purchase of securities, investments,
23 or investment contracts. This exception shall not apply to
24 the investment of assets or income of funds deposited into
25 the Illinois Prepaid Tuition Trust Fund.

26 (8) Security procedures, school building safety and

1 security, and the use of personnel and equipment to
2 respond to an actual, a threatened, or a reasonably
3 potential danger to the safety of employees, students,
4 staff, the public, or public property.

5 (9) Student disciplinary cases.

6 (10) The placement of individual students in special
7 education programs and other matters relating to
8 individual students.

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

16 (12) The establishment of reserves or settlement of
17 claims as provided in the Local Governmental and
18 Governmental Employees Tort Immunity Act, if otherwise the
19 disposition of a claim or potential claim might be
20 prejudiced, or the review or discussion of claims, loss or
21 risk management information, records, data, advice or
22 communications from or with respect to any insurer of the
23 public body or any intergovernmental risk management
24 association or self insurance pool of which the public
25 body is a member.

26 (13) Conciliation of complaints of discrimination in

1 the sale or rental of housing, when closed meetings are
2 authorized by the law or ordinance prescribing fair
3 housing practices and creating a commission or
4 administrative agency for their enforcement.

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

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

13 (16) Self evaluation, practices and procedures or
14 professional ethics, when meeting with a representative of
15 a statewide association of which the public body is a
16 member.

17 (17) The recruitment, credentialing, discipline or
18 formal peer review of physicians or other health care
19 professionals, or for the discussion of matters protected
20 under the federal Patient Safety and Quality Improvement
21 Act of 2005, and the regulations promulgated thereunder,
22 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
23 Health Insurance Portability and Accountability Act of
24 1996, and the regulations promulgated thereunder,
25 including 45 C.F.R. Parts 160, 162, and 164, by a
26 hospital, or other institution providing medical care,

1 that is operated by the public body.

2 (18) Deliberations for decisions of the Prisoner
3 Review Board.

4 (19) Review or discussion of applications received
5 under the Experimental Organ Transplantation Procedures
6 Act.

7 (20) The classification and discussion of matters
8 classified as confidential or continued confidential by
9 the State Government Suggestion Award Board.

10 (21) Discussion of minutes of meetings lawfully closed
11 under this Act, whether for purposes of approval by the
12 body of the minutes or semi-annual review of the minutes
13 as mandated by Section 2.06.

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

16 (23) The operation by a municipality of a municipal
17 utility or the operation of a municipal power agency or
18 municipal natural gas agency when the discussion involves
19 (i) contracts relating to the purchase, sale, or delivery
20 of electricity or natural gas or (ii) the results or
21 conclusions of load forecast studies.

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

26 (25) Meetings of an independent team of experts under

1 Brian's Law.

2 (26) Meetings of a mortality review team appointed
3 under the Department of Juvenile Justice Mortality Review
4 Team Act.

5 (27) (Blank).

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

10 (29) Meetings between internal or external auditors
11 and governmental audit committees, finance committees, and
12 their equivalents, when the discussion involves internal
13 control weaknesses, identification of potential fraud risk
14 areas, known or suspected frauds, and fraud interviews
15 conducted in accordance with generally accepted auditing
16 standards of the United States of America.

17 (30) Those meetings or portions of meetings of a
18 fatality review team or the Illinois Fatality Review Team
19 Advisory Council during which a review of the death of an
20 eligible adult in which abuse or neglect is suspected,
21 alleged, or substantiated is conducted pursuant to Section
22 15 of the Adult Protective Services Act.

23 (31) Meetings and deliberations for decisions of the
24 Concealed Carry Licensing Review Board under the Firearm
25 Concealed Carry Act.

26 (32) Meetings between the Regional Transportation

1 Authority Board and its Service Boards when the discussion
2 involves review by the Regional Transportation Authority
3 Board of employment contracts under Section 28d of the
4 Metropolitan Transit Authority Act and Sections 3A.18 and
5 3B.26 of the Regional Transportation Authority Act.

6 (33) Those meetings or portions of meetings of the
7 advisory committee and peer review subcommittee created
8 under Section 320 of the Illinois Controlled Substances
9 Act during which specific controlled substance prescriber,
10 dispenser, or patient information is discussed.

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

14 (35) Meetings of the group established to discuss
15 Medicaid capitation rates under Section 5-30.8 of the
16 Illinois Public Aid Code.

17 (36) Those deliberations or portions of deliberations
18 for decisions of the Illinois Gaming Board in which there
19 is discussed any of the following: (i) personal,
20 commercial, financial, or other information obtained from
21 any source that is privileged, proprietary, confidential,
22 or a trade secret; or (ii) information specifically
23 exempted from the disclosure by federal or State law.

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

25 "Employee" means a person employed by a public body whose
26 relationship with the public body constitutes an

1 employer-employee relationship under the usual common law
2 rules, and who is not an independent contractor.

3 "Public office" means a position created by or under the
4 Constitution or laws of this State, the occupant of which is
5 charged with the exercise of some portion of the sovereign
6 power of this State. The term "public office" shall include
7 members of the public body, but it shall not include
8 organizational positions filled by members thereof, whether
9 established by law or by a public body itself, that exist to
10 assist the body in the conduct of its business.

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

17 (e) Final action. No final action may be taken at a closed
18 meeting. Final action shall be preceded by a public recital of
19 the nature of the matter being considered and other
20 information that will inform the public of the business being
21 conducted.

22 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
23 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
24 8-23-19; revised 9-27-19.)

25 Section 20. The Freedom of Information Act is amended by

1 changing Section 7 as follows:

2 (5 ILCS 140/7) (from Ch. 116, par. 207)

3 Sec. 7. Exemptions.

4 (1) When a request is made to inspect or copy a public
5 record that contains information that is exempt from
6 disclosure under this Section, but also contains information
7 that is not exempt from disclosure, the public body may elect
8 to redact the information that is exempt. The public body
9 shall make the remaining information available for inspection
10 and copying. Subject to this requirement, the following shall
11 be exempt from inspection and copying:

12 (a) Information specifically prohibited from
13 disclosure by federal or State law or rules and
14 regulations implementing federal or State law.

15 (b) Private information, unless disclosure is required
16 by another provision of this Act, a State or federal law or
17 a court order.

18 (b-5) Files, documents, and other data or databases
19 maintained by one or more law enforcement agencies and
20 specifically designed to provide information to one or
21 more law enforcement agencies regarding the physical or
22 mental status of one or more individual subjects.

23 (c) Personal information contained within public
24 records, the disclosure of which would constitute a
25 clearly unwarranted invasion of personal privacy, unless

1 the disclosure is consented to in writing by the
2 individual subjects of the information. "Unwarranted
3 invasion of personal privacy" means the disclosure of
4 information that is highly personal or objectionable to a
5 reasonable person and in which the subject's right to
6 privacy outweighs any legitimate public interest in
7 obtaining the information. The disclosure of information
8 that bears on the public duties of public employees and
9 officials shall not be considered an invasion of personal
10 privacy.

11 (d) Records in the possession of any public body
12 created in the course of administrative enforcement
13 proceedings, and any law enforcement or correctional
14 agency for law enforcement purposes, but only to the
15 extent that disclosure would:

16 (i) interfere with pending or actually and
17 reasonably contemplated law enforcement proceedings
18 conducted by any law enforcement or correctional
19 agency that is the recipient of the request;

20 (ii) interfere with active administrative
21 enforcement proceedings conducted by the public body
22 that is the recipient of the request;

23 (iii) create a substantial likelihood that a
24 person will be deprived of a fair trial or an impartial
25 hearing;

26 (iv) unavoidably disclose the identity of a

1 confidential source, confidential information
2 furnished only by the confidential source, or persons
3 who file complaints with or provide information to
4 administrative, investigative, law enforcement, or
5 penal agencies; except that the identities of
6 witnesses to traffic accidents, traffic accident
7 reports, and rescue reports shall be provided by
8 agencies of local government, except when disclosure
9 would interfere with an active criminal investigation
10 conducted by the agency that is the recipient of the
11 request;

12 (v) disclose unique or specialized investigative
13 techniques other than those generally used and known
14 or disclose internal documents of correctional
15 agencies related to detection, observation or
16 investigation of incidents of crime or misconduct, and
17 disclosure would result in demonstrable harm to the
18 agency or public body that is the recipient of the
19 request;

20 (vi) endanger the life or physical safety of law
21 enforcement personnel or any other person; or

22 (vii) obstruct an ongoing criminal investigation
23 by the agency that is the recipient of the request.

24 (d-5) A law enforcement record created for law
25 enforcement purposes and contained in a shared electronic
26 record management system if the law enforcement agency

1 that is the recipient of the request did not create the
2 record, did not participate in or have a role in any of the
3 events which are the subject of the record, and only has
4 access to the record through the shared electronic record
5 management system.

6 (e) Records that relate to or affect the security of
7 correctional institutions and detention facilities.

8 (e-5) Records requested by persons committed to the
9 Department of Corrections, Department of Human Services
10 Division of Mental Health, or a county jail if those
11 materials are available in the library of the correctional
12 institution or facility or jail where the inmate is
13 confined.

14 (e-6) Records requested by persons committed to the
15 Department of Corrections, Department of Human Services
16 Division of Mental Health, or a county jail if those
17 materials include records from staff members' personnel
18 files, staff rosters, or other staffing assignment
19 information.

20 (e-7) Records requested by persons committed to the
21 Department of Corrections or Department of Human Services
22 Division of Mental Health if those materials are available
23 through an administrative request to the Department of
24 Corrections or Department of Human Services Division of
25 Mental Health.

26 (e-8) Records requested by a person committed to the

1 Department of Corrections, Department of Human Services
2 Division of Mental Health, or a county jail, the
3 disclosure of which would result in the risk of harm to any
4 person or the risk of an escape from a jail or correctional
5 institution or facility.

6 (e-9) Records requested by a person in a county jail
7 or committed to the Department of Corrections or
8 Department of Human Services Division of Mental Health,
9 containing personal information pertaining to the person's
10 victim or the victim's family, including, but not limited
11 to, a victim's home address, home telephone number, work
12 or school address, work telephone number, social security
13 number, or any other identifying information, except as
14 may be relevant to a requester's current or potential case
15 or claim.

16 (e-10) Law enforcement records of other persons
17 requested by a person committed to the Department of
18 Corrections, Department of Human Services Division of
19 Mental Health, or a county jail, including, but not
20 limited to, arrest and booking records, mug shots, and
21 crime scene photographs, except as these records may be
22 relevant to the requester's current or potential case or
23 claim.

24 (f) Preliminary drafts, notes, recommendations,
25 memoranda and other records in which opinions are
26 expressed, or policies or actions are formulated, except

1 that a specific record or relevant portion of a record
2 shall not be exempt when the record is publicly cited and
3 identified by the head of the public body. The exemption
4 provided in this paragraph (f) extends to all those
5 records of officers and agencies of the General Assembly
6 that pertain to the preparation of legislative documents.

7 (g) Trade secrets and commercial or financial
8 information obtained from a person or business where the
9 trade secrets or commercial or financial information are
10 furnished under a claim that they are proprietary,
11 privileged, or confidential, and that disclosure of the
12 trade secrets or commercial or financial information would
13 cause competitive harm to the person or business, and only
14 insofar as the claim directly applies to the records
15 requested.

16 The information included under this exemption includes
17 all trade secrets and commercial or financial information
18 obtained by a public body, including a public pension
19 fund, from a private equity fund or a privately held
20 company within the investment portfolio of a private
21 equity fund as a result of either investing or evaluating
22 a potential investment of public funds in a private equity
23 fund. The exemption contained in this item does not apply
24 to the aggregate financial performance information of a
25 private equity fund, nor to the identity of the fund's
26 managers or general partners. The exemption contained in

1 this item does not apply to the identity of a privately
2 held company within the investment portfolio of a private
3 equity fund, unless the disclosure of the identity of a
4 privately held company may cause competitive harm.

5 Nothing contained in this paragraph (g) shall be
6 construed to prevent a person or business from consenting
7 to disclosure.

8 (h) Proposals and bids for any contract, grant, or
9 agreement, including information which if it were
10 disclosed would frustrate procurement or give an advantage
11 to any person proposing to enter into a contractor
12 agreement with the body, until an award or final selection
13 is made. Information prepared by or for the body in
14 preparation of a bid solicitation shall be exempt until an
15 award or final selection is made.

16 (i) Valuable formulae, computer geographic systems,
17 designs, drawings and research data obtained or produced
18 by any public body when disclosure could reasonably be
19 expected to produce private gain or public loss. The
20 exemption for "computer geographic systems" provided in
21 this paragraph (i) does not extend to requests made by
22 news media as defined in Section 2 of this Act when the
23 requested information is not otherwise exempt and the only
24 purpose of the request is to access and disseminate
25 information regarding the health, safety, welfare, or
26 legal rights of the general public.

1 (j) The following information pertaining to
2 educational matters:

3 (i) test questions, scoring keys and other
4 examination data used to administer an academic
5 examination;

6 (ii) information received by a primary or
7 secondary school, college, or university under its
8 procedures for the evaluation of faculty members by
9 their academic peers;

10 (iii) information concerning a school or
11 university's adjudication of student disciplinary
12 cases, but only to the extent that disclosure would
13 unavoidably reveal the identity of the student; and

14 (iv) course materials or research materials used
15 by faculty members.

16 (k) Architects' plans, engineers' technical
17 submissions, and other construction related technical
18 documents for projects not constructed or developed in
19 whole or in part with public funds and the same for
20 projects constructed or developed with public funds,
21 including, but not limited to, power generating and
22 distribution stations and other transmission and
23 distribution facilities, water treatment facilities,
24 airport facilities, sport stadiums, convention centers,
25 and all government owned, operated, or occupied buildings,
26 but only to the extent that disclosure would compromise

1 security.

2 (l) Minutes of meetings of public bodies closed to the
3 public as provided in the Open Meetings Act until the
4 public body makes the minutes available to the public
5 under Section 2.06 of the Open Meetings Act.

6 (m) Communications between a public body and an
7 attorney or auditor representing the public body that
8 would not be subject to discovery in litigation, and
9 materials prepared or compiled by or for a public body in
10 anticipation of a criminal, civil, or administrative
11 proceeding upon the request of an attorney advising the
12 public body, and materials prepared or compiled with
13 respect to internal audits of public bodies.

14 (n) Records relating to a public body's adjudication
15 of employee grievances or disciplinary cases; however,
16 this exemption shall not extend to the final outcome of
17 cases in which discipline is imposed.

18 (o) Administrative or technical information associated
19 with automated data processing operations, including, but
20 not limited to, software, operating protocols, computer
21 program abstracts, file layouts, source listings, object
22 modules, load modules, user guides, documentation
23 pertaining to all logical and physical design of
24 computerized systems, employee manuals, and any other
25 information that, if disclosed, would jeopardize the
26 security of the system or its data or the security of

1 materials exempt under this Section.

2 (p) Records relating to collective negotiating matters
3 between public bodies and their employees or
4 representatives, except that any final contract or
5 agreement shall be subject to inspection and copying.

6 (q) Test questions, scoring keys, and other
7 examination data used to determine the qualifications of
8 an applicant for a license or employment.

9 (r) The records, documents, and information relating
10 to real estate purchase negotiations until those
11 negotiations have been completed or otherwise terminated.
12 With regard to a parcel involved in a pending or actually
13 and reasonably contemplated eminent domain proceeding
14 under the Eminent Domain Act, records, documents, and
15 information relating to that parcel shall be exempt except
16 as may be allowed under discovery rules adopted by the
17 Illinois Supreme Court. The records, documents, and
18 information relating to a real estate sale shall be exempt
19 until a sale is consummated.

20 (s) Any and all proprietary information and records
21 related to the operation of an intergovernmental risk
22 management association or self-insurance pool or jointly
23 self-administered health and accident cooperative or pool.
24 Insurance or self insurance (including any
25 intergovernmental risk management association or self
26 insurance pool) claims, loss or risk management

1 information, records, data, advice or communications.

2 (t) Information contained in or related to
3 examination, operating, or condition reports prepared by,
4 on behalf of, or for the use of a public body responsible
5 for the regulation or supervision of financial
6 institutions, insurance companies, or pharmacy benefit
7 managers, unless disclosure is otherwise required by State
8 law.

9 (u) Information that would disclose or might lead to
10 the disclosure of secret or confidential information,
11 codes, algorithms, programs, or private keys intended to
12 be used to create electronic or digital signatures under
13 the Electronic Commerce Security Act.

14 (v) Vulnerability assessments, security measures, and
15 response policies or plans that are designed to identify,
16 prevent, or respond to potential attacks upon a
17 community's population or systems, facilities, or
18 installations, the destruction or contamination of which
19 would constitute a clear and present danger to the health
20 or safety of the community, but only to the extent that
21 disclosure could reasonably be expected to jeopardize the
22 effectiveness of the measures or the safety of the
23 personnel who implement them or the public. Information
24 exempt under this item may include such things as details
25 pertaining to the mobilization or deployment of personnel
26 or equipment, to the operation of communication systems or

1 protocols, or to tactical operations.

2 (w) (Blank).

3 (x) Maps and other records regarding the location or
4 security of generation, transmission, distribution,
5 storage, gathering, treatment, or switching facilities
6 owned by a utility, by a power generator, or by the
7 Illinois Power Agency.

8 (y) Information contained in or related to proposals,
9 bids, or negotiations related to electric power
10 procurement under Section 1-75 of the Illinois Power
11 Agency Act and Section 16-111.5 of the Public Utilities
12 Act that is determined to be confidential and proprietary
13 by the Illinois Power Agency or by the Illinois Commerce
14 Commission.

15 (z) Information about students exempted from
16 disclosure under Sections 10-20.38 or 34-18.29 of the
17 School Code, and information about undergraduate students
18 enrolled at an institution of higher education exempted
19 from disclosure under Section 25 of the Illinois Credit
20 Card Marketing Act of 2009.

21 (aa) Information the disclosure of which is exempted
22 under the Viatical Settlements Act of 2009.

23 (bb) Records and information provided to a mortality
24 review team and records maintained by a mortality review
25 team appointed under the Department of Juvenile Justice
26 Mortality Review Team Act.

1 (cc) Information regarding interments, entombments, or
2 inurnments of human remains that are submitted to the
3 Cemetery Oversight Database under the Cemetery Care Act or
4 the Cemetery Oversight Act, whichever is applicable.

5 (dd) Correspondence and records (i) that may not be
6 disclosed under Section 11-9 of the Illinois Public Aid
7 Code or (ii) that pertain to appeals under Section 11-8 of
8 the Illinois Public Aid Code.

9 (ee) The names, addresses, or other personal
10 information of persons who are minors and are also
11 participants and registrants in programs of park
12 districts, forest preserve districts, conservation
13 districts, recreation agencies, and special recreation
14 associations.

15 (ff) The names, addresses, or other personal
16 information of participants and registrants in programs of
17 park districts, forest preserve districts, conservation
18 districts, recreation agencies, and special recreation
19 associations where such programs are targeted primarily to
20 minors.

21 (gg) Confidential information described in Section
22 1-100 of the Illinois Independent Tax Tribunal Act of
23 2012.

24 (hh) The report submitted to the State Board of
25 Education by the School Security and Standards Task Force
26 under item (8) of subsection (d) of Section 2-3.160 of the

1 School Code and any information contained in that report.

2 (ii) Records requested by persons committed to or
3 detained by the Department of Human Services under the
4 Sexually Violent Persons Commitment Act or committed to
5 the Department of Corrections under the Sexually Dangerous
6 Persons Act if those materials: (i) are available in the
7 library of the facility where the individual is confined;
8 (ii) include records from staff members' personnel files,
9 staff rosters, or other staffing assignment information;
10 or (iii) are available through an administrative request
11 to the Department of Human Services or the Department of
12 Corrections.

13 (jj) Confidential information described in Section
14 5-535 of the Civil Administrative Code of Illinois.

15 (kk) The public body's credit card numbers, debit card
16 numbers, bank account numbers, Federal Employer
17 Identification Number, security code numbers, passwords,
18 and similar account information, the disclosure of which
19 could result in identity theft or impersonation or defrauding
20 of a governmental entity or a person.

21 (ll) ~~(kk)~~ Records concerning the work of the threat
22 assessment team of a school district.

23 (1.5) Any information exempt from disclosure under the
24 Judicial Privacy Act shall be redacted from public records
25 prior to disclosure under this Act.

26 (2) A public record that is not in the possession of a

1 public body but is in the possession of a party with whom the
2 agency has contracted to perform a governmental function on
3 behalf of the public body, and that directly relates to the
4 governmental function and is not otherwise exempt under this
5 Act, shall be considered a public record of the public body,
6 for purposes of this Act.

7 (3) This Section does not authorize withholding of
8 information or limit the availability of records to the
9 public, except as stated in this Section or otherwise provided
10 in this Act.

11 (Source: P.A. 100-26, eff. 8-4-17; 100-201, eff. 8-18-17;
12 100-732, eff. 8-3-18; 101-434, eff. 1-1-20; 101-452, eff.
13 1-1-20; 101-455, eff. 8-23-19; revised 9-27-19.)

14 Section 25. The State Records Act is amended by changing
15 Section 3 as follows:

16 (5 ILCS 160/3) (from Ch. 116, par. 43.6)

17 Sec. 3. Records as property of State.

18 (a) All records created or received by or under the
19 authority of or coming into the custody, control, or
20 possession of public officials of this State in the course of
21 their public duties are the property of the State. These
22 records may not be mutilated, destroyed, transferred, removed,
23 or otherwise damaged or disposed of, in whole or in part,
24 except as provided by law. Any person shall have the right of

1 access to any public records, unless access to the records is
2 otherwise limited or prohibited by law. This subsection (a)
3 does not apply to records that are subject to expungement
4 under subsection ~~subsections~~ (1.5) and ~~(1.6)~~ of Section 5-915
5 of the Juvenile Court Act of 1987.

6 (b) Reports and records of the obligation, receipt and use
7 of public funds of the State are public records available for
8 inspection by the public, except as access to such records is
9 otherwise limited or prohibited by law or pursuant to law.
10 These records shall be kept at the official place of business
11 of the State or at a designated place of business of the State.
12 These records shall be available for public inspection during
13 regular office hours except when in immediate use by persons
14 exercising official duties which require the use of those
15 records. Nothing in this section shall require the State to
16 invade or assist in the invasion of any person's right to
17 privacy. Nothing in this Section shall be construed to limit
18 any right given by statute or rule of law with respect to the
19 inspection of other types of records.

20 Warrants and vouchers in the keeping of the State
21 Comptroller may be destroyed by him as authorized in the
22 Comptroller's Records Act ~~"An Act in relation to the~~
23 ~~reproduction and destruction of records kept by the~~
24 ~~Comptroller", approved August 1, 1949, as now or hereafter~~
25 ~~amended~~ after obtaining the approval of the State Records
26 Commission.

1 (Source: P.A. 98-637, eff. 1-1-15; revised 7-17-19.)

2 Section 30. The State Employees Group Insurance Act of
3 1971 is amended by changing Section 3 as follows:

4 (5 ILCS 375/3) (from Ch. 127, par. 523)

5 Sec. 3. Definitions. Unless the context otherwise
6 requires, the following words and phrases as used in this Act
7 shall have the following meanings. The Department may define
8 these and other words and phrases separately for the purpose
9 of implementing specific programs providing benefits under
10 this Act.

11 (a) "Administrative service organization" means any
12 person, firm or corporation experienced in the handling of
13 claims which is fully qualified, financially sound and capable
14 of meeting the service requirements of a contract of
15 administration executed with the Department.

16 (b) "Annuitant" means (1) an employee who retires, or has
17 retired, on or after January 1, 1966 on an immediate annuity
18 under the provisions of Articles 2, 14 (including an employee
19 who has elected to receive an alternative retirement
20 cancellation payment under Section 14-108.5 of the Illinois
21 Pension Code in lieu of an annuity or who meets the criteria
22 for retirement, but in lieu of receiving an annuity under that
23 Article has elected to receive an accelerated pension benefit
24 payment under Section 14-147.5 of that Article), 15 (including

1 an employee who has retired under the optional retirement
2 program established under Section 15-158.2 or who meets the
3 criteria for retirement but in lieu of receiving an annuity
4 under that Article has elected to receive an accelerated
5 pension benefit payment under Section 15-185.5 of the
6 Article), paragraphs (2), (3), or (5) of Section 16-106
7 (including an employee who meets the criteria for retirement,
8 but in lieu of receiving an annuity under that Article has
9 elected to receive an accelerated pension benefit payment
10 under Section 16-190.5 of the Illinois Pension Code), or
11 Article 18 of the Illinois Pension Code; (2) any person who was
12 receiving group insurance coverage under this Act as of March
13 31, 1978 by reason of his status as an annuitant, even though
14 the annuity in relation to which such coverage was provided is
15 a proportional annuity based on less than the minimum period
16 of service required for a retirement annuity in the system
17 involved; (3) any person not otherwise covered by this Act who
18 has retired as a participating member under Article 2 of the
19 Illinois Pension Code but is ineligible for the retirement
20 annuity under Section 2-119 of the Illinois Pension Code; (4)
21 the spouse of any person who is receiving a retirement annuity
22 under Article 18 of the Illinois Pension Code and who is
23 covered under a group health insurance program sponsored by a
24 governmental employer other than the State of Illinois and who
25 has irrevocably elected to waive his or her coverage under
26 this Act and to have his or her spouse considered as the

1 "annuitant" under this Act and not as a "dependent"; or (5) an
2 employee who retires, or has retired, from a qualified
3 position, as determined according to rules promulgated by the
4 Director, under a qualified local government, a qualified
5 rehabilitation facility, a qualified domestic violence shelter
6 or service, or a qualified child advocacy center. (For
7 definition of "retired employee", see (p) post).

8 (b-5) (Blank).

9 (b-6) (Blank).

10 (b-7) (Blank).

11 (c) "Carrier" means (1) an insurance company, a
12 corporation organized under the Limited Health Service
13 Organization Act or the Voluntary Health Services Plans ~~Plan~~
14 Act, a partnership, or other nongovernmental organization,
15 which is authorized to do group life or group health insurance
16 business in Illinois, or (2) the State of Illinois as a
17 self-insurer.

18 (d) "Compensation" means salary or wages payable on a
19 regular payroll by the State Treasurer on a warrant of the
20 State Comptroller out of any State, trust or federal fund, or
21 by the Governor of the State through a disbursing officer of
22 the State out of a trust or out of federal funds, or by any
23 Department out of State, trust, federal or other funds held by
24 the State Treasurer or the Department, to any person for
25 personal services currently performed, and ordinary or
26 accidental disability benefits under Articles 2, 14, 15

1 (including ordinary or accidental disability benefits under
2 the optional retirement program established under Section
3 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
4 Article 18 of the Illinois Pension Code, for disability
5 incurred after January 1, 1966, or benefits payable under the
6 Workers' Compensation or Occupational Diseases Act or benefits
7 payable under a sick pay plan established in accordance with
8 Section 36 of the State Finance Act. "Compensation" also means
9 salary or wages paid to an employee of any qualified local
10 government, qualified rehabilitation facility, qualified
11 domestic violence shelter or service, or qualified child
12 advocacy center.

13 (e) "Commission" means the State Employees Group Insurance
14 Advisory Commission authorized by this Act. Commencing July 1,
15 1984, "Commission" as used in this Act means the Commission on
16 Government Forecasting and Accountability as established by
17 the Legislative Commission Reorganization Act of 1984.

18 (f) "Contributory", when referred to as contributory
19 coverage, shall mean optional coverages or benefits elected by
20 the member toward the cost of which such member makes
21 contribution, or which are funded in whole or in part through
22 the acceptance of a reduction in earnings or the foregoing of
23 an increase in earnings by an employee, as distinguished from
24 noncontributory coverage or benefits which are paid entirely
25 by the State of Illinois without reduction of the member's
26 salary.

1 (g) "Department" means any department, institution, board,
2 commission, officer, court or any agency of the State
3 government receiving appropriations and having power to
4 certify payrolls to the Comptroller authorizing payments of
5 salary and wages against such appropriations as are made by
6 the General Assembly from any State fund, or against trust
7 funds held by the State Treasurer and includes boards of
8 trustees of the retirement systems created by Articles 2, 14,
9 15, 16, and 18 of the Illinois Pension Code. "Department" also
10 includes the Illinois Comprehensive Health Insurance Board,
11 the Board of Examiners established under the Illinois Public
12 Accounting Act, and the Illinois Finance Authority.

13 (h) "Dependent", when the term is used in the context of
14 the health and life plan, means a member's spouse and any child
15 (1) from birth to age 26 including an adopted child, a child
16 who lives with the member from the time of the placement for
17 adoption until entry of an order of adoption, a stepchild or
18 adjudicated child, or a child who lives with the member if such
19 member is a court appointed guardian of the child or (2) age 19
20 or over who has a mental or physical disability from a cause
21 originating prior to the age of 19 (age 26 if enrolled as an
22 adult child dependent). For the health plan only, the term
23 "dependent" also includes (1) any person enrolled prior to the
24 effective date of this Section who is dependent upon the
25 member to the extent that the member may claim such person as a
26 dependent for income tax deduction purposes and (2) any person

1 who has received after June 30, 2000 an organ transplant and
2 who is financially dependent upon the member and eligible to
3 be claimed as a dependent for income tax purposes. A member
4 requesting to cover any dependent must provide documentation
5 as requested by the Department of Central Management Services
6 and file with the Department any and all forms required by the
7 Department.

8 (i) "Director" means the Director of the Illinois
9 Department of Central Management Services.

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

13 (k) "Employee" means and includes each officer or employee
14 in the service of a department who (1) receives his
15 compensation for service rendered to the department on a
16 warrant issued pursuant to a payroll certified by a department
17 or on a warrant or check issued and drawn by a department upon
18 a trust, federal or other fund or on a warrant issued pursuant
19 to a payroll certified by an elected or duly appointed officer
20 of the State or who receives payment of the performance of
21 personal services on a warrant issued pursuant to a payroll
22 certified by a Department and drawn by the Comptroller upon
23 the State Treasurer against appropriations made by the General
24 Assembly from any fund or against trust funds held by the State
25 Treasurer, and (2) is employed full-time or part-time in a
26 position normally requiring actual performance of duty during

1 not less than 1/2 of a normal work period, as established by
2 the Director in cooperation with each department, except that
3 persons elected by popular vote will be considered employees
4 during the entire term for which they are elected regardless
5 of hours devoted to the service of the State, and (3) except
6 that "employee" does not include any person who is not
7 eligible by reason of such person's employment to participate
8 in one of the State retirement systems under Articles 2, 14, 15
9 (either the regular Article 15 system or the optional
10 retirement program established under Section 15-158.2), 1 or 18,
11 or under paragraph (2), (3), or (5) of Section 16-106, of the
12 Illinois Pension Code, but such term does include persons who
13 are employed during the 6 month qualifying period under
14 Article 14 of the Illinois Pension Code. Such term also
15 includes any person who (1) after January 1, 1966, is
16 receiving ordinary or accidental disability benefits under
17 Articles 2, 14, 15 (including ordinary or accidental
18 disability benefits under the optional retirement program
19 established under Section 15-158.2), paragraphs (2), (3), or
20 (5) of Section 16-106, or Article 18 of the Illinois Pension
21 Code, for disability incurred after January 1, 1966, (2)
22 receives total permanent or total temporary disability under
23 the Workers' Compensation Act or Occupational Disease Act as a
24 result of injuries sustained or illness contracted in the
25 course of employment with the State of Illinois, or (3) is not
26 otherwise covered under this Act and has retired as a

1 participating member under Article 2 of the Illinois Pension
2 Code but is ineligible for the retirement annuity under
3 Section 2-119 of the Illinois Pension Code. However, a person
4 who satisfies the criteria of the foregoing definition of
5 "employee" except that such person is made ineligible to
6 participate in the State Universities Retirement System by
7 clause (4) of subsection (a) of Section 15-107 of the Illinois
8 Pension Code is also an "employee" for the purposes of this
9 Act. "Employee" also includes any person receiving or eligible
10 for benefits under a sick pay plan established in accordance
11 with Section 36 of the State Finance Act. "Employee" also
12 includes (i) each officer or employee in the service of a
13 qualified local government, including persons appointed as
14 trustees of sanitary districts regardless of hours devoted to
15 the service of the sanitary district, (ii) each employee in
16 the service of a qualified rehabilitation facility, (iii) each
17 full-time employee in the service of a qualified domestic
18 violence shelter or service, and (iv) each full-time employee
19 in the service of a qualified child advocacy center, as
20 determined according to rules promulgated by the Director.

21 (1) "Member" means an employee, annuitant, retired
22 employee or survivor. In the case of an annuitant or retired
23 employee who first becomes an annuitant or retired employee on
24 or after January 13, 2012 (the effective date of Public Act
25 97-668) ~~this amendatory Act of the 97th General Assembly~~, the
26 individual must meet the minimum vesting requirements of the

1 applicable retirement system in order to be eligible for group
2 insurance benefits under that system. In the case of a
3 survivor who first becomes a survivor on or after January 13,
4 2012 (the effective date of Public Act 97-668) ~~this amendatory~~
5 ~~Act of the 97th General Assembly,~~ the deceased employee,
6 annuitant, or retired employee upon whom the annuity is based
7 must have been eligible to participate in the group insurance
8 system under the applicable retirement system in order for the
9 survivor to be eligible for group insurance benefits under
10 that system.

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

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

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

19 (p) "Retired employee" means any person who would be an
20 annuitant as that term is defined herein but for the fact that
21 such person retired prior to January 1, 1966. Such term also
22 includes any person formerly employed by the University of
23 Illinois in the Cooperative Extension Service who would be an
24 annuitant but for the fact that such person was made
25 ineligible to participate in the State Universities Retirement
26 System by clause (4) of subsection (a) of Section 15-107 of the

1 Illinois Pension Code.

2 (q) "Survivor" means a person receiving an annuity as a
3 survivor of an employee or of an annuitant. "Survivor" also
4 includes: (1) the surviving dependent of a person who
5 satisfies the definition of "employee" except that such person
6 is made ineligible to participate in the State Universities
7 Retirement System by clause (4) of subsection (a) of Section
8 15-107 of the Illinois Pension Code; (2) the surviving
9 dependent of any person formerly employed by the University of
10 Illinois in the Cooperative Extension Service who would be an
11 annuitant except for the fact that such person was made
12 ineligible to participate in the State Universities Retirement
13 System by clause (4) of subsection (a) of Section 15-107 of the
14 Illinois Pension Code; (3) the surviving dependent of a person
15 who was an annuitant under this Act by virtue of receiving an
16 alternative retirement cancellation payment under Section
17 14-108.5 of the Illinois Pension Code; and (4) a person who
18 would be receiving an annuity as a survivor of an annuitant
19 except that the annuitant elected on or after June 4, 2018 to
20 receive an accelerated pension benefit payment under Section
21 14-147.5, 15-185.5, or 16-190.5 of the Illinois Pension Code
22 in lieu of receiving an annuity.

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

26 (q-3) "SURS" means the State Universities Retirement

1 System, created under Article 15 of the Illinois Pension Code.

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

5 (q-5) (Blank).

6 (q-6) (Blank).

7 (q-7) (Blank).

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

11 (s) "Unit of local government" means any county,
12 municipality, township, school district (including a
13 combination of school districts under the Intergovernmental
14 Cooperation Act), special district or other unit, designated
15 as a unit of local government by law, which exercises limited
16 governmental powers or powers in respect to limited
17 governmental subjects, any not-for-profit association with a
18 membership that primarily includes townships and township
19 officials, that has duties that include provision of research
20 service, dissemination of information, and other acts for the
21 purpose of improving township government, and that is funded
22 wholly or partly in accordance with Section 85-15 of the
23 Township Code; any not-for-profit corporation or association,
24 with a membership consisting primarily of municipalities, that
25 operates its own utility system, and provides research,
26 training, dissemination of information, or other acts to

1 promote cooperation between and among municipalities that
2 provide utility services and for the advancement of the goals
3 and purposes of its membership; the Southern Illinois
4 Collegiate Common Market, which is a consortium of higher
5 education institutions in Southern Illinois; the Illinois
6 Association of Park Districts; and any hospital provider that
7 is owned by a county that has 100 or fewer hospital beds and
8 has not already joined the program. "Qualified local
9 government" means a unit of local government approved by the
10 Director and participating in a program created under
11 subsection (i) of Section 10 of this Act.

12 (t) "Qualified rehabilitation facility" means any
13 not-for-profit organization that is accredited by the
14 Commission on Accreditation of Rehabilitation Facilities or
15 certified by the Department of Human Services (as successor to
16 the Department of Mental Health and Developmental
17 Disabilities) to provide services to persons with disabilities
18 and which receives funds from the State of Illinois for
19 providing those services, approved by the Director and
20 participating in a program created under subsection (j) of
21 Section 10 of this Act.

22 (u) "Qualified domestic violence shelter or service" means
23 any Illinois domestic violence shelter or service and its
24 administrative offices funded by the Department of Human
25 Services (as successor to the Illinois Department of Public
26 Aid), approved by the Director and participating in a program

1 created under subsection (k) of Section 10.

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

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

4 (2) is receiving a monthly benefit or retirement
5 annuity under Article 16 of the Illinois Pension Code or
6 would be receiving such monthly benefit or retirement
7 annuity except that the benefit recipient elected on or
8 after June 4, 2018 to receive an accelerated pension
9 benefit payment under Section 16-190.5 of the Illinois
10 Pension Code in lieu of receiving an annuity; and

11 (3) either (i) has at least 8 years of creditable
12 service under Article 16 of the Illinois Pension Code, or
13 (ii) was enrolled in the health insurance program offered
14 under that Article on January 1, 1996, or (iii) is the
15 survivor of a benefit recipient who had at least 8 years of
16 creditable service under Article 16 of the Illinois
17 Pension Code or was enrolled in the health insurance
18 program offered under that Article on June 21, 1995 (the
19 effective date of Public Act 89-25) ~~this amendatory Act of~~
20 ~~1995~~, or (iv) is a recipient or survivor of a recipient of
21 a disability benefit under Article 16 of the Illinois
22 Pension Code.

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

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

26 (2) is a TRS benefit recipient's: (A) spouse, (B)

1 dependent parent who is receiving at least half of his or
2 her support from the TRS benefit recipient, or (C)
3 natural, step, adjudicated, or adopted child who is (i)
4 under age 26, (ii) was, on January 1, 1996, participating
5 as a dependent beneficiary in the health insurance program
6 offered under Article 16 of the Illinois Pension Code, or
7 (iii) age 19 or over who has a mental or physical
8 disability from a cause originating prior to the age of 19
9 (age 26 if enrolled as an adult child).

10 "TRS dependent beneficiary" does not include, as indicated
11 under paragraph (2) of this subsection (w), a dependent of the
12 survivor of a TRS benefit recipient who first becomes a
13 dependent of a survivor of a TRS benefit recipient on or after
14 January 13, 2012 (the effective date of Public Act 97-668)
15 ~~this amendatory Act of the 97th General Assembly~~ unless that
16 dependent would have been eligible for coverage as a dependent
17 of the deceased TRS benefit recipient upon whom the survivor
18 benefit is based.

19 (x) "Military leave" refers to individuals in basic
20 training for reserves, special/advanced training, annual
21 training, emergency call up, activation by the President of
22 the United States, or any other training or duty in service to
23 the United States Armed Forces.

24 (y) (Blank).

25 (z) "Community college benefit recipient" means a person
26 who:

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

2 (2) is receiving a monthly survivor's annuity or
3 retirement annuity under Article 15 of the Illinois
4 Pension Code or would be receiving such monthly survivor's
5 annuity or retirement annuity except that the benefit
6 recipient elected on or after June 4, 2018 to receive an
7 accelerated pension benefit payment under Section 15-185.5
8 of the Illinois Pension Code in lieu of receiving an
9 annuity; and

10 (3) either (i) was a full-time employee of a community
11 college district or an association of community college
12 boards created under the Public Community College Act
13 (other than an employee whose last employer under Article
14 15 of the Illinois Pension Code was a community college
15 district subject to Article VII of the Public Community
16 College Act) and was eligible to participate in a group
17 health benefit plan as an employee during the time of
18 employment with a community college district (other than a
19 community college district subject to Article VII of the
20 Public Community College Act) or an association of
21 community college boards, or (ii) is the survivor of a
22 person described in item (i).

23 (aa) "Community college dependent beneficiary" means a
24 person who:

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

1 (2) is a community college benefit recipient's: (A)
2 spouse, (B) dependent parent who is receiving at least
3 half of his or her support from the community college
4 benefit recipient, or (C) natural, step, adjudicated, or
5 adopted child who is (i) under age 26, or (ii) age 19 or
6 over and has a mental or physical disability from a cause
7 originating prior to the age of 19 (age 26 if enrolled as
8 an adult child).

9 "Community college dependent beneficiary" does not
10 include, as indicated under paragraph (2) of this subsection
11 (aa), a dependent of the survivor of a community college
12 benefit recipient who first becomes a dependent of a survivor
13 of a community college benefit recipient on or after January
14 13, 2012 (the effective date of Public Act 97-668) ~~this~~
15 ~~amendatory Act of the 97th General Assembly~~ unless that
16 dependent would have been eligible for coverage as a dependent
17 of the deceased community college benefit recipient upon whom
18 the survivor annuity is based.

19 (bb) "Qualified child advocacy center" means any Illinois
20 child advocacy center and its administrative offices funded by
21 the Department of Children and Family Services, as defined by
22 the Children's Advocacy Center Act (55 ILCS 80/), approved by
23 the Director and participating in a program created under
24 subsection (n) of Section 10.

25 (cc) "Placement for adoption" means the assumption and
26 retention by a member of a legal obligation for total or

1 partial support of a child in anticipation of adoption of the
2 child. The child's placement with the member terminates upon
3 the termination of such legal obligation.

4 (Source: P.A. 100-355, eff. 1-1-18; 100-587, eff. 6-4-18;
5 101-242, eff. 8-9-19; revised 9-19-19.)

6 Section 40. The Illinois Governmental Ethics Act is
7 amended by changing Section 4A-108 as follows:

8 (5 ILCS 420/4A-108)

9 Sec. 4A-108. Internet-based systems of filing.

10 (a) Notwithstanding any other provision of this Act or any
11 other law, the Secretary of State and county clerks are
12 authorized to institute an Internet-based system for the
13 filing of statements of economic interests in their offices.
14 With respect to county clerk systems, the determination to
15 institute such a system shall be in the sole discretion of the
16 county clerk and shall meet the requirements set out in this
17 Section. With respect to a Secretary of State system, the
18 determination to institute such a system shall be in the sole
19 discretion of the Secretary of State and shall meet the
20 requirements set out in this Section and those Sections of the
21 State Officials and Employees Ethics Act requiring ethics
22 officer review prior to filing. The system shall be capable of
23 allowing an ethics officer to approve a statement of economic
24 interests and shall include a means to amend a statement of

1 economic interests. When this Section does not modify or
2 remove the requirements set forth elsewhere in this Article,
3 those requirements shall apply to any system of Internet-based
4 filing authorized by this Section. When this Section does
5 modify or remove the requirements set forth elsewhere in this
6 Article, the provisions of this Section shall apply to any
7 system of Internet-based filing authorized by this Section.

8 (b) In any system of Internet-based filing of statements
9 of economic interests instituted by the Secretary of State or
10 a county clerk:

11 (1) Any filing of an Internet-based statement of
12 economic interests shall be the equivalent of the filing
13 of a verified, written statement of economic interests as
14 required by Section 4A-101 or 4A-101.5 and the equivalent
15 of the filing of a verified, dated, and signed statement
16 of economic interests as required by Section 4A-104.

17 (2) The Secretary of State and county clerks who
18 institute a system of Internet-based filing of statements
19 of economic interests shall establish a password-protected
20 website to receive the filings of such statements. A
21 website established under this Section shall set forth and
22 provide a means of responding to the items set forth in
23 Section 4A-102 that are required of a person who files a
24 statement of economic interests with that officer. A
25 website established under this Section shall set forth and
26 provide a means of generating a printable receipt page

1 acknowledging filing.

2 (3) The times for the filing of statements of economic
3 interests set forth in Section 4A-105 shall be followed in
4 any system of Internet-based filing of statements of
5 economic interests; provided that a candidate for elective
6 office who is required to file a statement of economic
7 interests in relation to his or her candidacy pursuant to
8 Section 4A-105(a) shall receive a written or printed
9 receipt for his or her filing.

10 A candidate filing for Governor, Lieutenant Governor,
11 Attorney General, Secretary of State, Treasurer,
12 Comptroller, State Senate, or State House of
13 Representatives shall not use the Internet to file his or
14 her statement of economic interests, but shall file his or
15 her statement of economic interests in a written or
16 printed form and shall receive a written or printed
17 receipt for his or her filing. Annually, the duly
18 appointed ethics officer for each legislative caucus shall
19 certify to the Secretary of State whether his or her
20 caucus members will file their statements of economic
21 interests electronically or in a written or printed format
22 for that year. If the ethics officer for a caucus
23 certifies that the statements of economic interests shall
24 be written or printed, then members of the General
25 Assembly of that caucus shall not use the Internet to file
26 his or her statement of economic interests, but shall file

1 his or her statement of economic interests in a written or
2 printed form and shall receive a written or printed
3 receipt for his or her filing. If no certification is made
4 by an ethics officer for a legislative caucus, or if a
5 member of the General Assembly is not affiliated with a
6 legislative caucus, then the affected member or members of
7 the General Assembly may file their statements of economic
8 interests using the Internet.

9 (4) In the first year of the implementation of a
10 system of Internet-based filing of statements of economic
11 interests, each person required to file such a statement
12 is to be notified in writing of his or her obligation to
13 file his or her statement of economic interests by way of
14 the Internet-based system. If access to the website ~~web~~
15 ~~site~~ requires a code or password, this information shall
16 be included in the notice prescribed by this paragraph.

17 (5) When a person required to file a statement of
18 economic interests has supplied the Secretary of State or
19 a county clerk, as applicable, with an email address for
20 the purpose of receiving notices under this Article by
21 email, a notice sent by email to the supplied email
22 address shall be the equivalent of a notice sent by first
23 class mail, as set forth in Section 4A-106 or 4A-106.5. A
24 person who has supplied such an email address shall notify
25 the Secretary of State or county clerk, as applicable,
26 when his or her email address changes or if he or she no

1 longer wishes to receive notices by email.

2 (6) If any person who is required to file a statement
3 of economic interests and who has chosen to receive
4 notices by email fails to file his or her statement by May
5 10, then the Secretary of State or county clerk, as
6 applicable, shall send an additional email notice on that
7 date, informing the person that he or she has not filed and
8 describing the penalties for late filing and failing to
9 file. This notice shall be in addition to other notices
10 provided for in this Article.

11 (7) The Secretary of State and each county clerk who
12 institutes a system of Internet-based filing of statements
13 of economic interests may also institute an Internet-based
14 process for the filing of the list of names and addresses
15 of persons required to file statements of economic
16 interests by the chief administrative officers that must
17 file such information with the Secretary of State or
18 county clerk, as applicable, pursuant to Section 4A-106 or
19 4A-106.5. Whenever the Secretary of State or a county
20 clerk institutes such a system under this paragraph, every
21 chief administrative officer must use the system to file
22 this information.

23 (8) The Secretary of State and any county clerk who
24 institutes a system of Internet-based filing of statements
25 of economic interests shall post the contents of such
26 statements filed with him or her available for inspection

1 and copying on a publicly accessible website. Such
2 postings shall not include the addresses or signatures of
3 the filers.

4 (Source: P.A. 100-1041, eff. 1-1-19; 101-221, eff. 8-9-19;
5 revised 9-12-19.)

6 Section 45. The State Officials and Employees Ethics Act
7 is amended by changing Sections 20-10 and 25-10 as follows:

8 (5 ILCS 430/20-10)

9 Sec. 20-10. Offices of Executive Inspectors General.

10 (a) Five independent Offices of the Executive Inspector
11 General are created, one each for the Governor, the Attorney
12 General, the Secretary of State, the Comptroller, and the
13 Treasurer. Each Office shall be under the direction and
14 supervision of an Executive Inspector General and shall be a
15 fully independent office with separate appropriations.

16 (b) The Governor, Attorney General, Secretary of State,
17 Comptroller, and Treasurer shall each appoint an Executive
18 Inspector General, without regard to political affiliation and
19 solely on the basis of integrity and demonstrated ability.
20 Appointments shall be made by and with the advice and consent
21 of the Senate by three-fifths of the elected members
22 concurring by record vote. Any nomination not acted upon by
23 the Senate within 60 session days of the receipt thereof shall
24 be deemed to have received the advice and consent of the

1 Senate. If, during a recess of the Senate, there is a vacancy
2 in an office of Executive Inspector General, the appointing
3 authority shall make a temporary appointment until the next
4 meeting of the Senate when the appointing authority shall make
5 a nomination to fill that office. No person rejected for an
6 office of Executive Inspector General shall, except by the
7 Senate's request, be nominated again for that office at the
8 same session of the Senate or be appointed to that office
9 during a recess of that Senate.

10 Nothing in this Article precludes the appointment by the
11 Governor, Attorney General, Secretary of State, Comptroller,
12 or Treasurer of any other inspector general required or
13 permitted by law. The Governor, Attorney General, Secretary of
14 State, Comptroller, and Treasurer each may appoint an existing
15 inspector general as the Executive Inspector General required
16 by this Article, provided that such an inspector general is
17 not prohibited by law, rule, jurisdiction, qualification, or
18 interest from serving as the Executive Inspector General
19 required by this Article. An appointing authority may not
20 appoint a relative as an Executive Inspector General.

21 Each Executive Inspector General shall have the following
22 qualifications:

23 (1) has not been convicted of any felony under the
24 laws of this State, another State, or the United States;

25 (2) has earned a baccalaureate degree from an
26 institution of higher education; and

1 (3) has 5 or more years of cumulative service (A) with
2 a federal, State, or local law enforcement agency, at
3 least 2 years of which have been in a progressive
4 investigatory capacity; (B) as a federal, State, or local
5 prosecutor; (C) as a senior manager or executive of a
6 federal, State, or local agency; (D) as a member, an
7 officer, or a State or federal judge; or (E) representing
8 any combination of items (A) through (D).

9 The term of each initial Executive Inspector General shall
10 commence upon qualification and shall run through June 30,
11 2008. The initial appointments shall be made within 60 days
12 after the effective date of this Act.

13 After the initial term, each Executive Inspector General
14 shall serve for 5-year terms commencing on July 1 of the year
15 of appointment and running through June 30 of the fifth
16 following year. An Executive Inspector General may be
17 reappointed to one or more subsequent terms.

18 A vacancy occurring other than at the end of a term shall
19 be filled by the appointing authority only for the balance of
20 the term of the Executive Inspector General whose office is
21 vacant.

22 Terms shall run regardless of whether the position is
23 filled.

24 (c) The Executive Inspector General appointed by the
25 Attorney General shall have jurisdiction over the Attorney
26 General and all officers and employees of, and vendors and

1 others doing business with, State agencies within the
2 jurisdiction of the Attorney General. The Executive Inspector
3 General appointed by the Secretary of State shall have
4 jurisdiction over the Secretary of State and all officers and
5 employees of, and vendors and others doing business with,
6 State agencies within the jurisdiction of the Secretary of
7 State. The Executive Inspector General appointed by the
8 Comptroller shall have jurisdiction over the Comptroller and
9 all officers and employees of, and vendors and others doing
10 business with, State agencies within the jurisdiction of the
11 Comptroller. The Executive Inspector General appointed by the
12 Treasurer shall have jurisdiction over the Treasurer and all
13 officers and employees of, and vendors and others doing
14 business with, State agencies within the jurisdiction of the
15 Treasurer. The Executive Inspector General appointed by the
16 Governor shall have jurisdiction over (i) the Governor, (ii)
17 the Lieutenant Governor, (iii) all officers and employees of,
18 and vendors and others doing business with, executive branch
19 State agencies under the jurisdiction of the Executive Ethics
20 Commission and not within the jurisdiction of the Attorney
21 General, the Secretary of State, the Comptroller, or the
22 Treasurer, and (iv) all board members and employees of the
23 Regional Transit Boards and all vendors and others doing
24 business with the Regional Transit Boards.

25 The jurisdiction of each Executive Inspector General is to
26 investigate allegations of fraud, waste, abuse, mismanagement,

1 misconduct, nonfeasance, misfeasance, malfeasance, or
2 violations of this Act or violations of other related laws and
3 rules.

4 Each Executive Inspector General shall have jurisdiction
5 over complainants in violation of subsection (e) of Section
6 20-63 for disclosing a summary report prepared by the
7 respective Executive Inspector General.

8 (d) The compensation for each Executive Inspector General
9 shall be determined by the Executive Ethics Commission and
10 shall be made from appropriations made to the Comptroller for
11 this purpose. Subject to Section 20-45 of this Act, each
12 Executive Inspector General has full authority to organize his
13 or her Office of the Executive Inspector General, including
14 the employment and determination of the compensation of staff,
15 such as deputies, assistants, and other employees, as
16 appropriations permit. A separate appropriation shall be made
17 for each Office of Executive Inspector General.

18 (e) No Executive Inspector General or employee of the
19 Office of the Executive Inspector General may, during his or
20 her term of appointment or employment:

21 (1) become a candidate for any elective office;

22 (2) hold any other elected or appointed public office
23 except for appointments on governmental advisory boards or
24 study commissions or as otherwise expressly authorized by
25 law;

26 (3) be actively involved in the affairs of any

1 political party or political organization; or

2 (4) advocate for the appointment of another person to
3 an appointed or elected office or position or actively
4 participate in any campaign for any elective office.

5 In this subsection an appointed public office means a
6 position authorized by law that is filled by an appointing
7 authority as provided by law and does not include employment
8 by hiring in the ordinary course of business.

9 (e-1) No Executive Inspector General or employee of the
10 Office of the Executive Inspector General may, for one year
11 after the termination of his or her appointment or employment:

12 (1) become a candidate for any elective office;

13 (2) hold any elected public office; or

14 (3) hold any appointed State, county, or local
15 judicial office.

16 (e-2) The requirements of item (3) of subsection (e-1) may
17 be waived by the Executive Ethics Commission.

18 (f) An Executive Inspector General may be removed only for
19 cause and may be removed only by the appointing constitutional
20 officer. At the time of the removal, the appointing
21 constitutional officer must report to the Executive Ethics
22 Commission the justification for the removal.

23 (Source: P.A. 101-221, eff. 8-9-19; revised 9-13-19.)

24 (5 ILCS 430/25-10)

25 Sec. 25-10. Office of Legislative Inspector General.

1 (a) The independent Office of the Legislative Inspector
2 General is created. The Office shall be under the direction
3 and supervision of the Legislative Inspector General and shall
4 be a fully independent office with its own appropriation.

5 (b) The Legislative Inspector General shall be appointed
6 without regard to political affiliation and solely on the
7 basis of integrity and demonstrated ability. The Legislative
8 Ethics Commission shall diligently search out qualified
9 candidates for Legislative Inspector General and shall make
10 recommendations to the General Assembly. The Legislative
11 Inspector General may serve in a full-time, part-time, or
12 contractual capacity.

13 The Legislative Inspector General shall be appointed by a
14 joint resolution of the Senate and the House of
15 Representatives, which may specify the date on which the
16 appointment takes effect. A joint resolution, or other
17 document as may be specified by the Joint Rules of the General
18 Assembly, appointing the Legislative Inspector General must be
19 certified by the Speaker of the House of Representatives and
20 the President of the Senate as having been adopted by the
21 affirmative vote of three-fifths of the members elected to
22 each house, respectively, and be filed with the Secretary of
23 State. The appointment of the Legislative Inspector General
24 takes effect on the day the appointment is completed by the
25 General Assembly, unless the appointment specifies a later
26 date on which it is to become effective.

1 The Legislative Inspector General shall have the following
2 qualifications:

3 (1) has not been convicted of any felony under the
4 laws of this State, another state, or the United States;

5 (2) has earned a baccalaureate degree from an
6 institution of higher education; and

7 (3) has 5 or more years of cumulative service (A) with
8 a federal, State, or local law enforcement agency, at
9 least 2 years of which have been in a progressive
10 investigatory capacity; (B) as a federal, State, or local
11 prosecutor; (C) as a senior manager or executive of a
12 federal, State, or local agency; (D) as a member, an
13 officer, or a State or federal judge; or (E) representing
14 any combination of items (A) through (D).

15 The Legislative Inspector General may not be a relative of
16 a commissioner.

17 The term of the initial Legislative Inspector General
18 shall commence upon qualification and shall run through June
19 30, 2008.

20 After the initial term, the Legislative Inspector General
21 shall serve for 5-year terms commencing on July 1 of the year
22 of appointment and running through June 30 of the fifth
23 following year. The Legislative Inspector General may be
24 reappointed to one or more subsequent terms. Terms shall run
25 regardless of whether the position is filled.

26 (b-5) A vacancy occurring other than at the end of a term

1 shall be filled in the same manner as an appointment only for
2 the balance of the term of the Legislative Inspector General
3 whose office is vacant. Within 7 days of the Office becoming
4 vacant or receipt of a Legislative Inspector General's
5 prospective resignation, the vacancy shall be publicly posted
6 on the Commission's website, along with a description of the
7 requirements for the position and where applicants may apply.

8 Within 45 days of the vacancy, the Commission shall
9 designate an Acting Legislative Inspector General who shall
10 serve until the vacancy is filled. The Commission shall file
11 the designation in writing with the Secretary of State.

12 Within 60 days prior to the end of the term of the
13 Legislative Inspector General or within 30 days of the
14 occurrence of a vacancy in the Office of the Legislative
15 Inspector General, the Legislative Ethics Commission shall
16 establish a four-member search committee within the Commission
17 for the purpose of conducting a search for qualified
18 candidates to serve as Legislative Inspector General. The
19 Speaker of the House of Representatives, Minority Leader of
20 the House, Senate President, and Minority Leader of the Senate
21 shall each appoint one member to the search committee. A
22 member of the search committee shall be either a retired judge
23 or former prosecutor and may not be a member or employee of the
24 General Assembly or a registered lobbyist. If the Legislative
25 Ethics Commission wishes to recommend that the Legislative
26 Inspector General be re-appointed, a search committee does not

1 need to be appointed.

2 The search committee shall conduct a search for qualified
3 candidates, accept applications, and conduct interviews. The
4 search committee shall recommend up to 3 candidates for
5 Legislative Inspector General to the Legislative Ethics
6 Commission. The search committee shall be disbanded upon an
7 appointment of the Legislative Inspector General. Members of
8 the search committee are not entitled to compensation but
9 shall be entitled to reimbursement of reasonable expenses
10 incurred in connection with the performance of their duties.

11 Within 30 days after June 8, 2018 (the effective date of
12 Public Act 100-588) ~~this amendatory Act of the 100th General~~
13 ~~Assembly~~, the Legislative Ethics Commission shall create a
14 search committee in the manner provided for in this subsection
15 to recommend up to 3 candidates for Legislative Inspector
16 General to the Legislative Ethics Commission by October 31,
17 2018.

18 If a vacancy exists and the Commission has not appointed
19 an Acting Legislative Inspector General, either the staff of
20 the Office of the Legislative Inspector General, or if there
21 is no staff, the Executive Director, shall advise the
22 Commission of all open investigations and any new allegations
23 or complaints received in the Office of the Inspector General.
24 These reports shall not include the name of any person
25 identified in the allegation or complaint, including, but not
26 limited to, the subject of and the person filing the

1 allegation or complaint. Notification shall be made to the
2 Commission on a weekly basis unless the Commission approves of
3 a different reporting schedule.

4 If the Office of the Inspector General is vacant for 6
5 months or more beginning on or after January 1, 2019, and the
6 Legislative Ethics Commission has not appointed an Acting
7 Legislative Inspector General, all complaints made to the
8 Legislative Inspector General or the Legislative Ethics
9 Commission shall be directed to the Inspector General for the
10 Auditor General, and he or she shall have the authority to act
11 as provided in subsection (c) of this Section and Section
12 25-20 of this Act, and shall be subject to all laws and rules
13 governing a Legislative Inspector General or Acting
14 Legislative Inspector General. The authority for the Inspector
15 General of the Auditor General under this paragraph shall
16 terminate upon appointment of a Legislative Inspector General
17 or an Acting Legislative Inspector General.

18 (c) The Legislative Inspector General shall have
19 jurisdiction over the current and former members of the
20 General Assembly regarding events occurring during a member's
21 term of office and current and former State employees
22 regarding events occurring during any period of employment
23 where the State employee's ultimate jurisdictional authority
24 is (i) a legislative leader, (ii) the Senate Operations
25 Commission, or (iii) the Joint Committee on Legislative
26 Support Services.

1 The jurisdiction of each Legislative Inspector General is
2 to investigate allegations of fraud, waste, abuse,
3 mismanagement, misconduct, nonfeasance, misfeasance,
4 malfeasance, or violations of this Act or violations of other
5 related laws and rules.

6 The Legislative Inspector General shall have jurisdiction
7 over complainants in violation of subsection (e) of Section
8 25-63 of this Act.

9 (d) The compensation of the Legislative Inspector General
10 shall be the greater of an amount ~~(i)~~ determined (i) by the
11 Commission or (ii) by joint resolution of the General Assembly
12 passed by a majority of members elected in each chamber.
13 Subject to Section 25-45 of this Act, the Legislative
14 Inspector General has full authority to organize the Office of
15 the Legislative Inspector General, including the employment
16 and determination of the compensation of staff, such as
17 deputies, assistants, and other employees, as appropriations
18 permit. Employment of staff is subject to the approval of at
19 least 3 of the 4 legislative leaders.

20 (e) No Legislative Inspector General or employee of the
21 Office of the Legislative Inspector General may, during his or
22 her term of appointment or employment:

23 (1) become a candidate for any elective office;

24 (2) hold any other elected or appointed public office
25 except for appointments on governmental advisory boards or
26 study commissions or as otherwise expressly authorized by

1 law;

2 (3) be actively involved in the affairs of any
3 political party or political organization; or

4 (4) actively participate in any campaign for any
5 elective office.

6 A full-time Legislative Inspector General shall not engage
7 in the practice of law or any other business, employment, or
8 vocation.

9 In this subsection an appointed public office means a
10 position authorized by law that is filled by an appointing
11 authority as provided by law and does not include employment
12 by hiring in the ordinary course of business.

13 (e-1) No Legislative Inspector General or employee of the
14 Office of the Legislative Inspector General may, for one year
15 after the termination of his or her appointment or employment:

16 (1) become a candidate for any elective office;

17 (2) hold any elected public office; or

18 (3) hold any appointed State, county, or local
19 judicial office.

20 (e-2) The requirements of item (3) of subsection (e-1) may
21 be waived by the Legislative Ethics Commission.

22 (f) The Commission may remove the Legislative Inspector
23 General only for cause. At the time of the removal, the
24 Commission must report to the General Assembly the
25 justification for the removal.

26 (Source: P.A. 100-588, eff. 6-8-18; 101-221, eff. 8-9-19;

1 revised 9-12-19.)

2 Section 50. The Seizure and Forfeiture Reporting Act is
3 amended by changing Section 5 as follows:

4 (5 ILCS 810/5)

5 Sec. 5. Applicability. This Act is applicable to property
6 seized or forfeited under the following provisions of law:

7 (1) Section 3.23 of the Illinois Food, Drug and
8 Cosmetic Act;

9 (2) Section 44.1 of the Environmental Protection Act;

10 (3) Section 105-55 of the Herptiles-Herps Act;

11 (4) Section 1-215 of the Fish and Aquatic Life Code;

12 (5) Section 1.25 of the Wildlife Code;

13 (6) Section 17-10.6 of the Criminal Code of 2012
14 (financial institution fraud);

15 (7) Section 28-5 of the Criminal Code of 2012
16 (gambling);

17 (8) Article 29B of the Criminal Code of 2012 (money
18 laundering);

19 (9) Article 33G of the Criminal Code of 2012 (Illinois
20 Street Gang and Racketeer Influenced And Corrupt
21 Organizations Law);

22 (10) Article 36 of the Criminal Code of 2012 (seizure
23 and forfeiture of vessels, vehicles, and aircraft);

24 (11) Section 47-15 of the Criminal Code of 2012

- 1 (dumping garbage upon real property);
- 2 (12) Article 124B of the Code of Criminal Procedure of
- 3 1963 procedure (forfeiture);
- 4 (13) the Drug Asset Forfeiture Procedure Act;
- 5 (14) the Narcotics Profit Forfeiture Act;
- 6 (15) the Illinois Streetgang Terrorism Omnibus
- 7 Prevention Act; and
- 8 (16) the Illinois Securities Law of 1953.
- 9 (Source: P.A. 100-512, eff. 7-1-18; revised 9-9-19.)

10 Section 55. The Gun Trafficking Information Act is amended

11 by changing Section 10-1 as follows:

12 (5 ILCS 830/10-1)

13 Sec. 10-1. Short title. This Article 10 ~~5~~ may be cited as

14 the Gun Trafficking Information Act. References in this

15 Article to "this Act" mean this Article.

16 (Source: P.A. 100-1178, eff. 1-18-19; revised 7-17-19.)

17 Section 60. The Election Code is amended by changing

18 Sections 1A-3, 1A-45, 2A-1.2, 6-50.2, 6A-3, and 9-15 as

19 follows:

20 (10 ILCS 5/1A-3) (from Ch. 46, par. 1A-3)

21 Sec. 1A-3. Subject to the confirmation requirements of

22 Section 1A-4, 4 members of the State Board of Elections shall

1 be appointed in each odd-numbered year as follows:

2 (1) The Governor shall appoint 2 members of the same
3 political party with which he is affiliated, one from each
4 area of required residence.

5 (2) The Governor shall appoint 2 members of the
6 political party whose candidate for Governor in the most
7 recent general election received the second highest number
8 of votes, one from each area of required residence, from a
9 list of nominees submitted by the first state executive
10 officer in the order indicated herein affiliated with such
11 political party: Attorney General, Secretary of State,
12 Comptroller, and Treasurer. If none of the State executive
13 officers listed herein is affiliated with such political
14 party, the nominating State officer shall be the first
15 State executive officer in the order indicated herein
16 affiliated with an established political party other than
17 that of the Governor.

18 (3) The nominating state officer shall submit in
19 writing to the Governor 3 names of qualified persons for
20 each membership on the State Board of Elections ~~Election~~
21 to be appointed from the political party of that officer.
22 The Governor may reject any or all of the nominees on any
23 such list and may request an additional list. The second
24 list shall be submitted by the nominating officer and
25 shall contain 3 new names of qualified persons for each
26 remaining appointment, except that if the Governor

1 expressly reserves any nominee's name from the first list,
2 that nominee shall not be replaced on the second list. The
3 second list shall be final.

4 (4) Whenever all the state executive officers
5 designated in paragraph (2) are affiliated with the same
6 political party as that of the Governor, all 4 members of
7 the Board to be appointed that year, from both designated
8 political parties, shall be appointed by the Governor
9 without nominations.

10 (5) The Governor shall submit in writing to the
11 President of the Senate the name of each person appointed
12 to the State Board of Elections, and shall designate the
13 term for which the appointment is made and the name of the
14 member whom the appointee is to succeed.

15 (6) The appointments shall be made and submitted by
16 the Governor no later than April 1 and a nominating state
17 officer required to submit a list of nominees to the
18 Governor pursuant to paragraph (3) shall submit a list no
19 later than March 1. For appointments occurring in 2019,
20 the appointments shall be made and submitted by the
21 Governor no later than May 15.

22 (7) In the appointment of the initial members of the
23 Board pursuant to this amendatory Act of 1978, the
24 provisions of paragraphs (1), (2), (3), (5), and (6) of
25 this Section shall apply except that the Governor shall
26 appoint all 8 members, 2 from each of the designated

1 political parties from each area of required residence.

2 (Source: P.A. 101-5, eff. 5-15-19; revised 9-9-19.)

3 (10 ILCS 5/1A-45)

4 Sec. 1A-45. Electronic Registration Information Center.

5 (a) The State Board of Elections shall enter into an
6 agreement with the Electronic Registration Information Center
7 effective no later than January 1, 2016, for the purpose of
8 maintaining a statewide voter registration database. The State
9 Board of Elections shall comply with the requirements of the
10 Electronic Registration Information Center Membership
11 Agreement. The State Board of Elections shall require a term
12 in the Electronic Registration Information Center Membership
13 Agreement that requires the State to share identification
14 records contained in the Secretary of State's Driver Services
15 Department and Vehicle Services Department, the Department of
16 Human Services, the Department of Healthcare and Family
17 Services, the Department on ~~of~~ Aging, and the Department of
18 Employment Security databases (excluding those fields
19 unrelated to voter eligibility, such as income or health
20 information).

21 (b) The Secretary of State and the State Board of
22 Elections shall enter into an agreement to permit the
23 Secretary of State to provide the State Board of Elections
24 with any information required for compliance with the
25 Electronic Registration Information Center Membership

1 Agreement. The Secretary of State shall deliver this
2 information as frequently as necessary for the State Board of
3 Elections to comply with the Electronic Registration
4 Information Center Membership Agreement.

5 (b-5) The State Board of Elections and the Department of
6 Human Services, the Department of Healthcare and Family
7 Services, the Department on Aging, and the Department of
8 Employment Security shall enter into an agreement to require
9 each department to provide the State Board of Elections with
10 any information necessary to transmit member data under the
11 Electronic Registration Information Center Membership
12 Agreement. The director or secretary, as applicable, of each
13 agency shall deliver this information on an annual basis to
14 the State Board of Elections pursuant to the agreement between
15 the entities.

16 (c) Any communication required to be delivered to a
17 registrant or potential registrant pursuant to the Electronic
18 Registration Information Center Membership Agreement shall
19 include at least the following message:

20 "Our records show people at this address may not be
21 registered to vote at this address, but you may be
22 eligible to register to vote or re-register to vote at
23 this address. If you are a U.S. Citizen, a resident of
24 Illinois, and will be 18 years old or older before the next
25 general election in November, you are qualified to vote.

26 We invite you to check your registration online at

1 (enter URL) or register to vote online at (enter URL), by
2 requesting a mail-in voter registration form by (enter
3 instructions for requesting a mail-in voter registration
4 form), or visiting the (name of election authority) office
5 at (address of election authority)."

6 The words "register to vote online at (enter URL)" shall
7 be bolded and of a distinct nature from the other words in the
8 message required by this subsection (c).

9 (d) Any communication required to be delivered to a
10 potential registrant that has been identified by the
11 Electronic Registration Information Center as eligible to vote
12 but who is not registered to vote in Illinois shall be prepared
13 and disseminated at the direction of the State Board of
14 Elections. All other communications with potential registrants
15 or re-registrants pursuant to the Electronic Registration
16 Information Center Membership Agreement shall be prepared and
17 disseminated at the direction of the appropriate election
18 authority.

19 (e) The Executive Director of the State Board of Elections
20 or his or her designee shall serve as the Member
21 Representative to the Electronic Registration Information
22 Center.

23 (f) The State Board of Elections may adopt any rules
24 necessary to enforce this Section or comply with the
25 Electronic Registration Information Center Membership
26 Agreement.

1 (Source: P.A. 98-1171, eff. 6-1-15; revised 7-17-19.)

2 (10 ILCS 5/2A-1.2) (from Ch. 46, par. 2A-1.2)

3 Sec. 2A-1.2. Consolidated schedule of elections; offices
4 ~~elections—offices~~ designated.

5 (a) At the general election in the appropriate
6 even-numbered years, the following offices shall be filled or
7 shall be on the ballot as otherwise required by this Code:

8 (1) Elector of President and Vice President of the
9 United States;

10 (2) United States Senator and United States
11 Representative;

12 (3) State Executive Branch elected officers;

13 (4) State Senator and State Representative;

14 (5) County elected officers, including State's
15 Attorney, County Board member, County Commissioners, and
16 elected President of the County Board or County Chief
17 Executive;

18 (6) Circuit Court Clerk;

19 (7) Regional Superintendent of Schools, except in
20 counties or educational service regions in which that
21 office has been abolished;

22 (8) Judges of the Supreme, Appellate and Circuit
23 Courts, on the question of retention, to fill vacancies
24 and newly created judicial offices;

25 (9) (Blank);

1 (10) Trustee of the Metropolitan Water Reclamation
2 ~~Sanitary~~ District of Greater Chicago, and elected Trustee
3 of other Sanitary Districts;

4 (11) Special District elected officers, not otherwise
5 designated in this Section, where the statute creating or
6 authorizing the creation of the district requires an
7 annual election and permits or requires election of
8 candidates of political parties.

9 (b) At the general primary election:

10 (1) in each even-numbered year candidates of political
11 parties shall be nominated for those offices to be filled
12 at the general election in that year, except where
13 pursuant to law nomination of candidates of political
14 parties is made by caucus.

15 (2) in the appropriate even-numbered years the
16 political party offices of State central committeeperson,
17 township committeeperson, ward committeeperson, and
18 precinct committeeperson shall be filled and delegates and
19 alternate delegates to the National nominating conventions
20 shall be elected as may be required pursuant to this Code.
21 In the even-numbered years in which a Presidential
22 election is to be held, candidates in the Presidential
23 preference primary shall also be on the ballot.

24 (3) in each even-numbered year, where the municipality
25 has provided for annual elections to elect municipal
26 officers pursuant to Section 6(f) or Section 7 of Article

1 VII of the Constitution, pursuant to the Illinois
2 Municipal Code or pursuant to the municipal charter, the
3 offices of such municipal officers shall be filled at an
4 election held on the date of the general primary election,
5 provided that the municipal election shall be a
6 nonpartisan election where required by the Illinois
7 Municipal Code. For partisan municipal elections in
8 even-numbered years, a primary to nominate candidates for
9 municipal office to be elected at the general primary
10 election shall be held on the Tuesday 6 weeks preceding
11 that election.

12 (4) in each school district which has adopted the
13 provisions of Article 33 of the School Code, successors to
14 the members of the board of education whose terms expire
15 in the year in which the general primary is held shall be
16 elected.

17 (c) At the consolidated election in the appropriate
18 odd-numbered years, the following offices shall be filled:

19 (1) Municipal officers, provided that in
20 municipalities in which candidates for alderman or other
21 municipal office are not permitted by law to be candidates
22 of political parties, the runoff election where required
23 by law, or the nonpartisan election where required by law,
24 shall be held on the date of the consolidated election;
25 and provided further, in the case of municipal officers
26 provided for by an ordinance providing the form of

1 government of the municipality pursuant to Section 7 of
2 Article VII of the Constitution, such offices shall be
3 filled by election or by runoff election as may be
4 provided by such ordinance;

5 (2) Village and incorporated town library directors;

6 (3) City boards of stadium commissioners;

7 (4) Commissioners of park districts;

8 (5) Trustees of public library districts;

9 (6) Special District elected officers, not otherwise
10 designated in this Section, where the statute creating or
11 authorizing the creation of the district permits or
12 requires election of candidates of political parties;

13 (7) Township officers, including township park
14 commissioners, township library directors, and boards of
15 managers of community buildings, and Multi-Township
16 Assessors;

17 (8) Highway commissioners and road district clerks;

18 (9) Members of school boards in school districts which
19 adopt Article 33 of the School Code;

20 (10) The directors and chair of the Chain O Lakes - Fox
21 River Waterway Management Agency;

22 (11) Forest preserve district commissioners elected
23 under Section 3.5 of the Downstate Forest Preserve
24 District Act;

25 (12) Elected members of school boards, school
26 trustees, directors of boards of school directors,

1 trustees of county boards of school trustees (except in
2 counties or educational service regions having a
3 population of 2,000,000 or more inhabitants) and members
4 of boards of school inspectors, except school boards in
5 school districts that adopt Article 33 of the School Code;

6 (13) Members of Community College district boards;

7 (14) Trustees of Fire Protection Districts;

8 (15) Commissioners of the Springfield Metropolitan
9 Exposition and Auditorium Authority;

10 (16) Elected Trustees of Tuberculosis Sanitarium
11 Districts;

12 (17) Elected Officers of special districts not
13 otherwise designated in this Section for which the law
14 governing those districts does not permit candidates of
15 political parties.

16 (d) At the consolidated primary election in each
17 odd-numbered year, candidates of political parties shall be
18 nominated for those offices to be filled at the consolidated
19 election in that year, except where pursuant to law nomination
20 of candidates of political parties is made by caucus, and
21 except those offices listed in paragraphs (12) through (17) of
22 subsection (c).

23 At the consolidated primary election in the appropriate
24 odd-numbered years, the mayor, clerk, treasurer, and aldermen
25 shall be elected in municipalities in which candidates for
26 mayor, clerk, treasurer, or alderman are not permitted by law

1 to be candidates of political parties, subject to runoff
2 elections to be held at the consolidated election as may be
3 required by law, and municipal officers shall be nominated in
4 a nonpartisan election in municipalities in which pursuant to
5 law candidates for such office are not permitted to be
6 candidates of political parties.

7 At the consolidated primary election in the appropriate
8 odd-numbered years, municipal officers shall be nominated or
9 elected, or elected subject to a runoff, as may be provided by
10 an ordinance providing a form of government of the
11 municipality pursuant to Section 7 of Article VII of the
12 Constitution.

13 (e) (Blank).

14 (f) At any election established in Section 2A-1.1, public
15 questions may be submitted to voters pursuant to this Code and
16 any special election otherwise required or authorized by law
17 or by court order may be conducted pursuant to this Code.

18 Notwithstanding the regular dates for election of officers
19 established in this Article, whenever a referendum is held for
20 the establishment of a political subdivision whose officers
21 are to be elected, the initial officers shall be elected at the
22 election at which such referendum is held if otherwise so
23 provided by law. In such cases, the election of the initial
24 officers shall be subject to the referendum.

25 Notwithstanding the regular dates for election of
26 officials established in this Article, any community college

1 district which becomes effective by operation of law pursuant
2 to Section 6-6.1 of the Public Community College Act, as now or
3 hereafter amended, shall elect the initial district board
4 members at the next regularly scheduled election following the
5 effective date of the new district.

6 (g) At any election established in Section 2A-1.1, if in
7 any precinct there are no offices or public questions required
8 to be on the ballot under this Code then no election shall be
9 held in the precinct on that date.

10 (h) There may be conducted a referendum in accordance with
11 the provisions of Division 6-4 of the Counties Code.

12 (Source: P.A. 100-1027, eff. 1-1-19; revised 12-14-20.)

13 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

14 Sec. 6-50.2. (a) The board of election commissioners shall
15 appoint all precinct committeepersons in the election
16 jurisdiction as deputy registrars who may accept the
17 registration of any qualified resident of the State, except
18 during the 27 days preceding an election.

19 The board of election commissioners shall appoint each of
20 the following named persons as deputy registrars upon the
21 written request of such persons:

22 1. The chief librarian, or a qualified person
23 designated by the chief librarian, of any public library
24 situated within the election jurisdiction, who may accept
25 the registrations of any qualified resident of the State,

1 at such library.

2 2. The principal, or a qualified person designated by
3 the principal, of any high school, elementary school, or
4 vocational school situated within the election
5 jurisdiction, who may accept the registrations of any
6 resident of the State, at such school. The board of
7 election commissioners shall notify every principal and
8 vice-principal of each high school, elementary school, and
9 vocational school situated in the election jurisdiction of
10 their eligibility to serve as deputy registrars and offer
11 training courses for service as deputy registrars at
12 conveniently located facilities at least 4 months prior to
13 every election.

14 3. The president, or a qualified person designated by
15 the president, of any university, college, community
16 college, academy, or other institution of learning
17 situated within the State, who may accept the
18 registrations of any resident of the election
19 jurisdiction, at such university, college, community
20 college, academy, or institution.

21 4. A duly elected or appointed official of a bona fide
22 labor organization, or a reasonable number of qualified
23 members designated by such official, who may accept the
24 registrations of any qualified resident of the State.

25 5. A duly elected or appointed official of a bona fide
26 State civic organization, as defined and determined by

1 rule of the State Board of Elections, or qualified members
2 designated by such official, who may accept the
3 registration of any qualified resident of the State. In
4 determining the number of deputy registrars that shall be
5 appointed, the board of election commissioners shall
6 consider the population of the jurisdiction, the size of
7 the organization, the geographic size of the jurisdiction,
8 convenience for the public, the existing number of deputy
9 registrars in the jurisdiction and their location, the
10 registration activities of the organization and the need
11 to appoint deputy registrars to assist and facilitate the
12 registration of non-English speaking individuals. In no
13 event shall a board of election commissioners fix an
14 arbitrary number applicable to every civic organization
15 requesting appointment of its members as deputy
16 registrars. The State Board of Elections shall by rule
17 provide for certification of bona fide State civic
18 organizations. Such appointments shall be made for a
19 period not to exceed 2 years, terminating on the first
20 business day of the month following the month of the
21 general election, and shall be valid for all periods of
22 voter registration as provided by this Code during the
23 terms of such appointments.

24 6. The Director of Healthcare and Family Services, or
25 a reasonable number of employees designated by the
26 Director and located at public aid offices, who may accept

1 the registration of any qualified resident of the election
2 jurisdiction at any such public aid office.

3 7. The Director of the Illinois Department of
4 Employment Security, or a reasonable number of employees
5 designated by the Director and located at unemployment
6 offices, who may accept the registration of any qualified
7 resident of the election jurisdiction at any such
8 unemployment office. If the request to be appointed as
9 deputy registrar is denied, the board of election
10 commissioners shall, within 10 days after the date the
11 request is submitted, provide the affected individual or
12 organization with written notice setting forth the
13 specific reasons or criteria relied upon to deny the
14 request to be appointed as deputy registrar.

15 8. The president of any corporation, as defined by the
16 Business Corporation Act of 1983, or a reasonable number
17 of employees designated by such president, who may accept
18 the registrations of any qualified resident of the State.

19 The board of election commissioners may appoint as many
20 additional deputy registrars as it considers necessary. The
21 board of election commissioners shall appoint such additional
22 deputy registrars in such manner that the convenience of the
23 public is served, giving due consideration to both population
24 concentration and area. Some of the additional deputy
25 registrars shall be selected so that there are an equal number
26 from each of the 2 major political parties in the election

1 jurisdiction. The board of election commissioners, in
 2 appointing an additional deputy registrar, shall make the
 3 appointment from a list of applicants submitted by the Chair
 4 of the County Central Committee of the applicant's political
 5 party. A Chair of a County Central Committee shall submit a
 6 list of applicants to the board by November 30 of each year.
 7 The board may require a Chair of a County Central Committee to
 8 furnish a supplemental list of applicants.

9 Deputy registrars may accept registrations at any time
 10 other than the 27-day ~~27-day~~ period preceding an election. All
 11 persons appointed as deputy registrars shall be registered
 12 voters within the election jurisdiction and shall take and
 13 subscribe to the following oath or affirmation:

14 "I do solemnly swear (or affirm, as the case may be) that I
 15 will support the Constitution of the United States, and the
 16 Constitution of the State of Illinois, and that I will
 17 faithfully discharge the duties of the office of registration
 18 officer to the best of my ability and that I will register no
 19 person nor cause the registration of any person except upon
 20 his personal application before me.

21
 22 (Signature of Registration Officer)"

23 This oath shall be administered and certified to by one of
 24 the commissioners or by the executive director or by some
 25 person designated by the board of election commissioners, and
 26 shall immediately thereafter be filed with the board of

1 election commissioners. The members of the board of election
2 commissioners and all persons authorized by them under the
3 provisions of this Article to take registrations, after
4 themselves taking and subscribing to the above oath, are
5 authorized to take or administer such oaths and execute such
6 affidavits as are required by this Article.

7 Appointments of deputy registrars under this Section,
8 except precinct committeepersons, shall be for 2-year terms,
9 commencing on December 1 following the general election of
10 each even-numbered year, except that the terms of the initial
11 appointments shall be until December 1st following the next
12 general election. Appointments of precinct committeepersons
13 shall be for 2-year terms commencing on the date of the county
14 convention following the general primary at which they were
15 elected. The county clerk shall issue a certificate of
16 appointment to each deputy registrar, and shall maintain in
17 his office for public inspection a list of the names of all
18 appointees.

19 (b) The board of election commissioners shall be
20 responsible for training all deputy registrars appointed
21 pursuant to subsection (a), at times and locations reasonably
22 convenient for both the board of election commissioners and
23 such appointees. The board of election commissioners shall be
24 responsible for certifying and supervising all deputy
25 registrars appointed pursuant to subsection (a). Deputy
26 registrars appointed under subsection (a) shall be subject to

1 removal for cause.

2 (c) Completed registration materials under the control of
3 deputy registrars appointed pursuant to subsection (a) shall
4 be returned to the appointing election authority by
5 first-class mail within 2 business days or personal delivery
6 within 7 days, except that completed registration materials
7 received by the deputy registrars during the period between
8 the 35th and 28th day preceding an election shall be returned
9 by the deputy registrars to the appointing election authority
10 within 48 hours after receipt thereof. The completed
11 registration materials received by the deputy registrars on
12 the 28th day preceding an election shall be returned by the
13 deputy registrars within 24 hours after receipt thereof.
14 Unused materials shall be returned by deputy registrars
15 appointed pursuant to paragraph 4 of subsection (a), not later
16 than the next working day following the close of registration.

17 (d) The county clerk or board of election commissioners,
18 as the case may be, must provide any additional forms
19 requested by any deputy registrar regardless of the number of
20 unaccounted registration forms the deputy registrar may have
21 in his or her possession.

22 (e) No deputy registrar shall engage in any electioneering
23 or the promotion of any cause during the performance of his or
24 her duties.

25 (f) The board of election commissioners shall not be
26 criminally or civilly liable for the acts or omissions of any

1 deputy registrar. Such deputy registrars shall not be deemed
2 to be employees of the board of election commissioners.

3 (g) Completed registration materials returned by deputy
4 registrars for persons residing outside the election
5 jurisdiction shall be transmitted by the board of election
6 commissioners within 2 days after receipt to the election
7 authority of the person's election jurisdiction of residence.

8 (Source: P.A. 100-1027, eff. 1-1-19; revised 8-23-19.)

9 (10 ILCS 5/6A-3) (from Ch. 46, par. 6A-3)

10 Sec. 6A-3. Commissioners; filling vacancies.

11 (a) If the county board adopts an ordinance providing for
12 the establishment of a county board of election commissioners,
13 or if a majority of the votes cast on a proposition submitted
14 in accordance with Section 6A-2(a) are in favor of a county
15 board of election commissioners, a county board of election
16 commissioners shall be appointed in the same manner as is
17 provided in Article 6 for boards of election commissioners in
18 cities, villages and incorporated towns, except that the
19 county board of election commissioners shall be appointed by
20 the chair of the county board rather than the circuit court.
21 However, before any appointments are made, the appointing
22 authority shall ascertain whether the county clerk desires to
23 be a member of the county board of election commissioners. If
24 the county clerk so desires, he shall be one of the members of
25 the county board of election commissioners, and the appointing

1 authority shall appoint only 2 other members.

2 (b) For any county board of election commissioners
3 established under subsection (b) of Section 6A-1, within 30
4 days after July 29, 2013 (the effective date of Public Act
5 98-115) ~~this amendatory Act of the 98th General Assembly~~, the
6 chief judge of the circuit court of the county shall appoint 5
7 commissioners. At least 4 of those commissioners shall be
8 selected from the 2 major established political parties of the
9 State, with at least 2 from each of those parties. Such
10 appointment shall be entered of record in the office of the
11 County Clerk and the State Board of Elections. Those first
12 appointed shall hold their offices for the period of one, 2,
13 and 3 years respectively, and the judge appointing them shall
14 designate the term for which each commissioner shall hold his
15 or her office, whether for one, 2 or 3 years except that no
16 more than one commissioner from each major established
17 political party may be designated the same term. After the
18 initial term, each commissioner or his or her successor shall
19 be appointed to a 3-year ~~3-year~~ term. No elected official or
20 former elected official who has been out of elected office for
21 less than 2 years may be appointed to the board. Vacancies
22 shall be filled by the chief judge of the circuit court within
23 30 days of the vacancy in a manner that maintains the foregoing
24 political party representation.

25 (c) For any county board of election commissioners
26 established under subsection (c) of Section 6A-1, within 30

1 days after the conclusion of the election at which the
2 proposition to establish a county board of election
3 commissioners is approved by the voters, the municipal board
4 shall apply to the circuit court of the county for the chief
5 judge of the circuit court to appoint 2 additional
6 commissioners, one of whom shall be from each major
7 established political party and neither of whom shall reside
8 within the limits of the municipal board, so that 3
9 commissioners shall reside within the limits of the municipal
10 board and 2 shall reside within the county but not within the
11 municipality, as it may exist from time to time. Not more than
12 3 of the commissioners shall be members of the same major
13 established political party. Vacancies shall be filled by the
14 chief judge of the circuit court upon application of the
15 remaining commissioners in a manner that maintains the
16 foregoing geographical and political party representation.

17 (Source: P.A. 100-1027, eff. 1-1-19; revised 8-23-19.)

18 (10 ILCS 5/9-15) (from Ch. 46, par. 9-15)

19 Sec. 9-15. It shall be the duty of the Board:-

20 (1) to develop prescribed forms for filing statements
21 of organization and required reports;

22 (2) to prepare, publish, and furnish to the
23 appropriate persons a manual of instructions setting forth
24 recommended uniform methods of bookkeeping and reporting
25 under this Article;

1 (3) to prescribe suitable rules and regulations to
2 carry out the provisions of this Article. Such rules and
3 regulations shall be published and made available to the
4 public;

5 (4) to send by first class mail, after the general
6 primary election in even numbered years, to the chair of
7 each regularly constituted State central committee, county
8 central committee and, in counties with a population of
9 more than 3,000,000, to the committeepersons of each
10 township and ward organization of each political party
11 notice of their obligations under this Article, along with
12 a form for filing the statement of organization;

13 (5) to promptly make all reports and statements filed
14 under this Article available for public inspection and
15 copying no later than 2 business days after their receipt
16 and to permit copying of any such report or statement at
17 the expense of the person requesting the copy;

18 (6) to develop a filing, coding, and cross-indexing
19 system consistent with the purposes of this Article;

20 (7) to compile and maintain a list of all statements
21 or parts of statements pertaining to each candidate;

22 (8) to prepare and publish such reports as the Board
23 may deem appropriate;

24 (9) to annually notify each political committee that
25 has filed a statement of organization with the Board of
26 the filing dates for each quarterly report, provided that

1 such notification shall be made by first-class mail unless
2 the political committee opts to receive notification
3 electronically via email; and

4 (10) to promptly send, by first class mail directed
5 only to the officers of a political committee, and by
6 certified mail to the address of the political committee,
7 written notice of any fine or penalty assessed or imposed
8 against the political committee under this Article.

9 (Source: P.A. 100-1027, eff. 1-1-19; revised 8-23-19.)

10 Section 65. The Illinois Identification Card Act is
11 amended by changing Sections 5 and 17 as follows:

12 (15 ILCS 335/5) (from Ch. 124, par. 25)

13 Sec. 5. Applications.

14 (a) Any natural person who is a resident of the State of
15 Illinois may file an application for an identification card,
16 or for the renewal thereof, in a manner prescribed by the
17 Secretary. Each original application shall be completed by the
18 applicant in full and shall set forth the legal name,
19 residence address and zip code, social security number, birth
20 date, sex and a brief description of the applicant. The
21 applicant shall be photographed, unless the Secretary of State
22 has provided by rule for the issuance of identification cards
23 without photographs and the applicant is deemed eligible for
24 an identification card without a photograph under the terms

1 and conditions imposed by the Secretary of State, and he or she
2 shall also submit any other information as the Secretary may
3 deem necessary or such documentation as the Secretary may
4 require to determine the identity of the applicant. In
5 addition to the residence address, the Secretary may allow the
6 applicant to provide a mailing address. If the applicant is a
7 judicial officer as defined in Section 1-10 of the Judicial
8 Privacy Act or a peace officer, the applicant may elect to have
9 his or her office or work address in lieu of the applicant's
10 residence or mailing address. An applicant for an Illinois
11 Person with a Disability Identification Card must also submit
12 with each original or renewal application, on forms prescribed
13 by the Secretary, such documentation as the Secretary may
14 require, establishing that the applicant is a "person with a
15 disability" as defined in Section 4A of this Act, and setting
16 forth the applicant's type and class of disability as set
17 forth in Section 4A of this Act. For the purposes of this
18 subsection (a), "peace officer" means any person who by virtue
19 of his or her office or public employment is vested by law with
20 a duty to maintain public order or to make arrests for a
21 violation of any penal statute of this State, whether that
22 duty extends to all violations or is limited to specific
23 violations.

24 (a-5) Upon the first issuance of a request for proposals
25 for a digital driver's license and identification card
26 issuance and facial recognition system issued after January 1,

1 2020 (the effective date of Public Act 101-513) ~~this~~
2 ~~amendatory Act of the 101st General Assembly~~, and upon
3 implementation of a new or revised system procured pursuant to
4 that request for proposals, the Secretary shall permit
5 applicants to choose between "male", "female", or "non-binary"
6 when designating the applicant's sex on the identification
7 card application form. The sex designated by the applicant
8 shall be displayed on the identification card issued to the
9 applicant.

10 (b) Beginning on or before July 1, 2015, for each original
11 or renewal identification card application under this Act, the
12 Secretary shall inquire as to whether the applicant is a
13 veteran for purposes of issuing an identification card with a
14 veteran designation under subsection (c-5) of Section 4 of
15 this Act. The acceptable forms of proof shall include, but are
16 not limited to, Department of Defense form DD-214, Department
17 of Defense form DD-256 for applicants who did not receive a
18 form DD-214 upon the completion of initial basic training,
19 Department of Defense form DD-2 (Retired), an identification
20 card issued under the federal Veterans Identification Card Act
21 of 2015, or a United States Department of Veterans Affairs
22 summary of benefits letter. If the document cannot be stamped,
23 the Illinois Department of Veterans' Affairs shall provide a
24 certificate to the veteran to provide to the Secretary of
25 State. The Illinois Department of Veterans' Affairs shall
26 advise the Secretary as to what other forms of proof of a

1 person's status as a veteran are acceptable.

2 For each applicant who is issued an identification card
3 with a veteran designation, the Secretary shall provide the
4 Department of Veterans' Affairs with the applicant's name,
5 address, date of birth, gender, and such other demographic
6 information as agreed to by the Secretary and the Department.
7 The Department may take steps necessary to confirm the
8 applicant is a veteran. If after due diligence, including
9 writing to the applicant at the address provided by the
10 Secretary, the Department is unable to verify the applicant's
11 veteran status, the Department shall inform the Secretary, who
12 shall notify the applicant that he or she must confirm status
13 as a veteran, or the identification card will be cancelled.

14 For purposes of this subsection (b):

15 "Armed forces" means any of the Armed Forces of the United
16 States, including a member of any reserve component or
17 National Guard unit.

18 "Veteran" means a person who has served in the armed
19 forces and was discharged or separated under honorable
20 conditions.

21 (c) All applicants for REAL ID compliant standard Illinois
22 Identification Cards and Illinois Person with a Disability
23 Identification Cards shall provide proof of lawful status in
24 the United States as defined in 6 CFR 37.3, as amended.
25 Applicants who are unable to provide the Secretary with proof
26 of lawful status are ineligible for REAL ID compliant

1 identification cards under this Act.

2 (Source: P.A. 100-201, eff. 8-18-17; 100-248, eff. 8-22-17;
3 100-811, eff. 1-1-19; 101-106, eff. 1-1-20; 101-287, eff.
4 8-9-19; 101-513, eff. 1-1-20; revised 9-25-19.)

5 (15 ILCS 335/17)

6 Sec. 17. Invalidation of a standard Illinois
7 Identification Card or an Illinois Person with a Disability
8 Identification Card. ~~(a)~~ The Secretary of State may invalidate
9 a standard Illinois Identification Card or an Illinois Person
10 with a Disability Identification Card:

11 (1) when the holder voluntarily surrenders the
12 standard Illinois Identification Card or Illinois Person
13 with a Disability Identification Card and declares his or
14 her intention to do so in writing;

15 (2) upon the death of the holder;

16 (3) upon the refusal of the holder to correct or
17 update information contained on a standard Illinois
18 Identification Card or an Illinois Person with a
19 Disability Identification Card; and

20 (4) as the Secretary deems appropriate by
21 administrative rule.

22 (Source: P.A. 101-185, eff. 1-1-20; revised 9-12-19.)

23 Section 70. The State Comptroller Act is amended by
24 changing Sections 20 and 23.11 as follows:

1 (15 ILCS 405/20) (from Ch. 15, par. 220)

2 Sec. 20. Annual report. The Comptroller shall annually, as
3 soon as possible after the close of the fiscal year but no
4 later than December 31, make available on the Comptroller's
5 website a report, showing the amount of warrants drawn on the
6 treasury, on other funds held by the State Treasurer and on any
7 public funds held by State agencies, during the preceding
8 fiscal year, and stating, particularly, on what account they
9 were drawn, and if drawn on the contingent fund, to whom and
10 for what they were issued. He or she shall, also, at the same
11 time, report the amount of money received into the treasury,
12 into other funds held by the State Treasurer and into any other
13 funds held by State agencies during the preceding fiscal year,
14 and also a general account of all the business of his office
15 during the preceding fiscal year. The report shall also
16 summarize for the previous fiscal year the information
17 required under Section 19.

18 Within 60 days after the expiration of each calendar year,
19 the Comptroller shall compile, from records maintained and
20 available in his office, a list of all persons including those
21 employed in the Office of the Comptroller, who have been
22 employed by the State during the past calendar year and paid
23 from funds in the hands of the State Treasurer.

24 The list shall state in alphabetical order the name of
25 each employee, the county in which he or she resides, the

1 position, and the total salary paid to him or her during the
2 past calendar year, rounded to the nearest hundred dollars
3 ~~dollar~~. The list so compiled and arranged shall be kept on file
4 in the office of the Comptroller and be open to inspection by
5 the public at all times.

6 No person who utilizes the names obtained from this list
7 for solicitation shall represent that such solicitation is
8 authorized by any officer or agency of the State of Illinois.
9 Violation of this provision is a business offense punishable
10 by a fine not to exceed \$3,000.

11 (Source: P.A. 100-253, eff. 1-1-18; 101-34, eff. 6-28-19;
12 101-620, eff. 12-20-19; revised 1-6-20.)

13 (15 ILCS 405/23.11)

14 Sec. 23.11. Illinois Bank On Initiative; Commission.

15 (a) The Illinois Bank On Initiative is created to increase
16 the use of Certified Financial Products and reduce reliance on
17 alternative financial products.

18 (b) The Illinois Bank On Initiative shall be administered
19 by the Comptroller, and he or she shall be responsible for
20 ongoing activities of the Initiative, including, but not
21 limited to, the following:

22 (1) authorizing financial products as Certified
23 Financial Products;

24 (2) maintaining on the Comptroller's website a list of
25 Certified Financial Products and associated financial

1 institutions;

2 (3) maintaining on the Comptroller's website the
3 minimum requirements of Certified Financial Products; and

4 (4) implementing an outreach strategy to facilitate
5 access to Certified Financial Products.

6 (c) The Illinois Bank On Initiative Commission is created,
7 and shall be chaired by the Comptroller, or his or her
8 designee, and consist of the following members appointed by
9 the Comptroller: (1) 4 local elected officials from
10 geographically diverse regions in this State, at least 2 of
11 whom represent all or part of a census tract with a median
12 household income of less than 150% of the federal poverty
13 level; (2) 3 members representing financial institutions, one
14 of whom represents a statewide banking association exclusively
15 representing banks with assets below \$20,000,000,000, one of
16 whom represents a statewide banking association representing
17 banks of all asset sizes, and one of whom represents a
18 statewide association representing credit unions; (3) 4
19 members representing community and social service groups; and
20 (4) 2 federal or State financial regulators.

21 Members of the Commission shall serve 4-year ~~4-year~~ terms.
22 The Commission shall serve the Comptroller in an advisory
23 capacity, and shall be responsible for advising the
24 Comptroller regarding the implementation and promotion of the
25 Illinois Bank On Initiative, but may at any time, by request of
26 the Comptroller or on its own initiative, submit to the

1 Comptroller any recommendations concerning the operation of
2 any participating financial institutions, outreach efforts, or
3 other business coming before the Commission. Members of the
4 Commission shall serve without compensation, but shall be
5 reimbursed for reasonable travel and mileage costs.

6 (d) Beginning in October 2020, and for each year
7 thereafter, the Comptroller and the Commission shall annually
8 prepare and make available on the Comptroller's website a
9 report concerning the progress of the Illinois Bank On
10 Initiative.

11 (e) The Comptroller may adopt rules necessary to implement
12 this Section.

13 (f) For the purposes of this Section:

14 "Certified Financial Product" means a financial product
15 offered by a financial institution that meets minimum
16 requirements as established by the Comptroller.

17 "Financial institution" means a bank, savings bank, or
18 credit union chartered or organized under the laws of the
19 State of Illinois, another state, or the United States of
20 America that is:

21 (1) adequately capitalized as determined by its
22 prudential regulator; and

23 (2) insured by the Federal Deposit Insurance
24 Corporation, National Credit Union Administration, or
25 other approved insurer.

26 (Source: P.A. 101-427, eff. 8-19-19; revised 11-21-19.)

1 Section 75. The State Treasurer Act is amended by changing
2 Sections 16.8 and 35 as follows:

3 (15 ILCS 505/16.8)

4 Sec. 16.8. Illinois Higher Education Savings Program.

5 (a) Definitions. As used in this Section:

6 "Beneficiary" means an eligible child named as a recipient
7 of seed funds.

8 "College savings account" means a 529 plan account
9 established under Section 16.5.

10 "Eligible child" means a child born or adopted after
11 December 31, 2020, to a parent who is a resident of Illinois at
12 the time of the birth or adoption, as evidenced by
13 documentation received by the Treasurer from the Department of
14 Revenue, the Department of Public Health, or another State or
15 local government agency.

16 "Eligible educational institution" means institutions that
17 are described in Section 1001 of the federal Higher Education
18 Act of 1965 that are eligible to participate in Department of
19 Education student aid programs.

20 "Fund" means the Illinois Higher Education Savings Program
21 Fund.

22 "Omnibus account" means the pooled collection of seed
23 funds owned and managed by the State Treasurer under this Act.

24 "Program" means the Illinois Higher Education Savings

1 Program.

2 "Qualified higher education expense" means the following:

3 (i) tuition, fees, and the costs of books, supplies, and
4 equipment required for enrollment or attendance at an eligible
5 educational institution; (ii) expenses for special needs
6 services, in the case of a special needs beneficiary, which
7 are incurred in connection with such enrollment or attendance;
8 (iii) certain expenses for the purchase of computer or
9 peripheral equipment, computer software, or Internet access
10 and related services as defined under Section 529 of the
11 Internal Revenue Code; and (iv) room and board expenses
12 incurred while attending an eligible educational institution
13 at least half-time.

14 "Seed funds" means the deposit made by the State Treasurer
15 into the Omnibus Accounts for Program beneficiaries.

16 (b) Program established. The State Treasurer shall
17 establish the Illinois Higher Education Savings Program
18 provided that sufficient funds are available. The State
19 Treasurer shall administer the Program for the purposes of
20 expanding access to higher education through savings.

21 (c) Program enrollment. The State Treasurer shall enroll
22 all eligible children in the Program beginning in 2021, after
23 receiving records of recent births, adoptions, or dependents
24 from the Department of Revenue, the Department of Public
25 Health, or another State or local government agency designated
26 by the Treasurer. Notwithstanding any court order which would

1 otherwise prevent the release of information, the Department
2 of Public Health is authorized to release the information
3 specified under this subsection (c) to the State Treasurer for
4 the purposes of the Program established under this Section.

5 (1) On and after the effective date of this amendatory
6 Act of the 101st General Assembly, the Department of
7 Revenue and the Department of Public Health shall provide
8 the State Treasurer with information on recent Illinois
9 births, adoptions and dependents including, but not
10 limited to: the full name, residential address, and birth
11 date of the child and the child's parent or legal guardian
12 for the purpose of enrolling eligible children in the
13 Program. This data shall be provided to the State
14 Treasurer by the Department of Revenue and the Department
15 of Public Health on a quarterly basis, no later than 30
16 days after the end of each quarter.

17 (2) The State Treasurer shall ensure the security and
18 confidentiality of the information provided by the
19 Department of Revenue, the Department of Public Health, or
20 another State or local government agency, and it shall not
21 be subject to release under the Freedom of Information
22 Act.

23 (3) Information provided under this Section shall only
24 be used by the State Treasurer for the Program and shall
25 not be used for any other purpose.

26 (4) The State Treasurer and any vendors working on the

1 Program shall maintain strict confidentiality of any
2 information provided under this Section, and shall
3 promptly provide written or electronic notice to the
4 providing agency of any security breach. The providing
5 State or local government agency shall remain the sole and
6 exclusive owner of information provided under this
7 Section.

8 (d) Seed funds. After receiving information on recent
9 births, adoptions, or dependents from the Department of
10 Revenue, the Department of Public Health, or another State or
11 local government agency, the State Treasurer shall make a
12 deposit into an omnibus account of the Fund on behalf of each
13 eligible child. The State Treasurer shall be the owner of the
14 omnibus accounts. The deposit of seed funds shall be subject
15 to appropriation by the General Assembly.

16 (1) Deposit amount. The seed fund deposit for each
17 eligible child shall be in the amount of \$50. This amount
18 may be increased by the State Treasurer by rule. The State
19 Treasurer may use or deposit funds appropriated by the
20 General Assembly together with moneys received as gifts,
21 grants, or contributions into the Fund. If insufficient
22 funds are available in the Fund, the State Treasurer may
23 reduce the deposit amount or forego deposits.

24 (2) Use of seed funds. Seed funds, including any
25 interest, dividends, and other earnings accrued, will be
26 eligible for use by a beneficiary for qualified higher

1 education expenses if:

2 (A) the parent or guardian of the eligible child
3 claimed the seed funds for the beneficiary by the
4 beneficiary's 10th birthday;

5 (B) the beneficiary has completed secondary
6 education or has reached the age of 18; and

7 (C) the beneficiary is currently a resident of the
8 State of Illinois. Non-residents are not eligible to
9 claim or use seed funds.

10 (3) Notice of seed fund availability. The State
11 Treasurer shall make a good faith effort to notify
12 beneficiaries and their parents or legal guardians of the
13 seed funds' availability and the deadline to claim such
14 funds.

15 (4) Unclaimed seed funds. Seed funds that are
16 unclaimed by the beneficiary's 10th birthday or unused by
17 the beneficiary's 26th birthday will be considered
18 forfeited. Unclaimed and unused seed funds will remain in
19 the omnibus account for future beneficiaries.

20 (e) Financial education. The State Treasurer may develop
21 educational materials that support the financial literacy of
22 beneficiaries and their legal guardians, and may do so in
23 collaboration with State and federal agencies, including, but
24 not limited to, the Illinois State Board of Education and
25 existing nonprofit agencies with expertise in financial
26 literacy and education.

1 (f) Incentives and partnerships. The State Treasurer may
2 develop partnerships with private, nonprofit, or governmental
3 organizations to provide additional incentives for eligible
4 children, including conditional cash transfers or matching
5 contributions that provide a savings incentive based on
6 specific actions taken or other criteria.

7 (g) Illinois Higher Education Savings Program Fund. The
8 Illinois Higher Education Savings Program Fund is hereby
9 established. The Fund shall be the official repository of all
10 contributions, appropriations, interest, and dividend
11 payments, gifts, or other financial assets received by the
12 State Treasurer in connection with the operation of the
13 Program or related partnerships. All such moneys shall be
14 deposited in the Fund and held by the State Treasurer as
15 custodian thereof, outside of the State treasury, separate and
16 apart from all public moneys or funds of this State. The State
17 Treasurer may accept gifts, grants, awards, matching
18 contributions, interest income, and appropriations from
19 individuals, businesses, governments, and other third-party
20 sources to implement the Program on terms that the Treasurer
21 deems advisable. All interest or other earnings accruing or
22 received on amounts in the Illinois Higher Education Savings
23 Program Fund shall be credited to and retained by the Fund and
24 used for the benefit of the Program. Assets of the Fund must at
25 all times be preserved, invested, and expended only for the
26 purposes of the Program and must be held for the benefit of the

1 beneficiaries. Assets may not be transferred or used by the
2 State or the State Treasurer for any purposes other than the
3 purposes of the Program. In addition, no moneys, interest, or
4 other earnings paid into the Fund shall be used, temporarily
5 or otherwise, for inter-fund borrowing or be otherwise used or
6 appropriated except as expressly authorized by this Act.
7 Notwithstanding the requirements of this subsection (f),
8 amounts in the Fund may be used by the State Treasurer to pay
9 the administrative costs of the Program.

10 (h) Audits and reports. The State Treasurer shall include
11 the Illinois Higher Education Savings Program as part of the
12 audit of the College Savings Pool described in Section 16.5.
13 The State Treasurer shall annually prepare a report that
14 includes a summary of the Program operations for the preceding
15 fiscal year, including the number of children enrolled in the
16 Program, the total amount of seed fund deposits, and such
17 other information that is relevant to make a full disclosure
18 of the operations of the Program and Fund. The report shall be
19 made available on the Treasurer's website by January 31 each
20 year, starting in January of 2022. The State Treasurer may
21 include the Program in other reports as warranted.

22 (i) Rules. The State Treasurer may adopt rules necessary
23 to implement this Section.

24 (Source: P.A. 101-466, eff. 1-1-20; revised 11-21-19.)

1 Sec. 35. State Treasurer may purchase real property.

2 (a) Subject to the provisions of the Public Contract Fraud
3 Act, the State Treasurer, on behalf of the State of Illinois,
4 is authorized during State fiscal years 2019 and 2020 to
5 acquire real property located in the City of Springfield,
6 Illinois which the State Treasurer deems necessary to properly
7 carry out the powers and duties vested in him or her. Real
8 property acquired under this Section may be acquired subject
9 to any third party interests in the property that do not
10 prevent the State Treasurer from exercising the intended
11 beneficial use of such property.

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

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

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

23 (c) The State Treasurer may enter into agreements with any
24 person with respect to the use and occupancy of the grounds,
25 buildings, and facilities of the State Treasurer, including
26 concession, license, and lease agreements on terms and

1 conditions as the State Treasurer determines and in accordance
2 with the procurement processes for the Office of the State
3 Treasurer, which shall be substantially in accordance with the
4 requirements of the Illinois Procurement Code.

5 (d) The exercise of the authority vested in the Treasurer
6 by this Section is subject to the appropriation of the
7 necessary funds.

8 (Source: P.A. 101-487, eff. 8-23-19; revised 11-21-19.)

9 Section 80. The Deposit of State Moneys Act is amended by
10 changing Sections 10, 16, and 22.5 as follows:

11 (15 ILCS 520/10) (from Ch. 130, par. 29)

12 Sec. 10. The State Treasurer may enter into an agreement
13 in conformity with this Act with any bank or savings and loan
14 association relating to the deposit of securities. Such
15 agreement may authorize the holding by such bank or savings
16 and loan association of such securities in custody and
17 safekeeping solely under the instructions of the State
18 Treasurer either (a) in the office of such bank or savings and
19 loan association, or under the custody and safekeeping of
20 another bank or savings and loan association in this State for
21 the depository bank or savings and loan association, or (b) in
22 a bank or a depository trust company in the United States if
23 the securities to be deposited are held in custody and
24 safekeeping for such bank or savings and loan association.

1 (Source: P.A. 101-206, eff. 8-2-19; revised 9-12-19.)

2 (15 ILCS 520/16) (from Ch. 130, par. 35)

3 Sec. 16. Daily balance statements. Each bank or savings
4 and loan association shall on or before the last Monday of each
5 month receive from the State Treasurer a statement showing
6 separately the daily balances or amounts of moneys held by it
7 under the provisions of this Act during the calendar month
8 then next preceding~~7~~ and the amounts of accrued interest
9 thereon. ~~One, one~~ copy of the ~~which~~ statement shall be filed in
10 the office of the State Treasurer~~7~~ and the other in the office
11 of the receiving bank or savings and loan association~~7~~. The
12 statement shall contain a certificate that no other fees,
13 perquisites or emoluments have been paid to or held for the
14 benefit of any public officer or any other person, or on
15 account of the deposit of the moneys, and that no contract or
16 agreement of any kind whatever has been entered into for the
17 payment to any public officer, or any other person, of any fee,
18 perquisite,~~l~~ or emolument on account of the deposit of the
19 moneys. The statement to be filed in the office of the
20 receiving bank or savings and loan association shall be
21 verified by the oath of the cashier or of an assistant cashier
22 of the bank or savings and loan association.

23 (Source: P.A. 87-510; revised 8-18-20.)

24 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

1 (For force and effect of certain provisions, see Section
2 90 of P.A. 94-79)

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

19 The State Treasurer may, with the approval of the
20 Governor, purchase any state bonds with any money in the State
21 Treasury that has been set aside and held for the payment of
22 the principal of and interest on the bonds. The bonds shall be
23 considered as cash and may be delivered over as cash by the
24 State Treasurer to his successor.

25 The State Treasurer may, with the approval of the
26 Governor, invest or reinvest any State money in the treasury

1 that is not needed for current expenditure due or about to
2 become due, or any money in the State Treasury that has been
3 set aside and held for the payment of the principal of and the
4 interest on any State bonds, in shares, withdrawable accounts,
5 and investment certificates of savings and building and loan
6 associations, incorporated under the laws of this State or any
7 other state or under the laws of the United States; provided,
8 however, that investments may be made only in those savings
9 and loan or building and loan associations the shares and
10 withdrawable accounts or other forms of investment securities
11 of which are insured by the Federal Deposit Insurance
12 Corporation.

13 The State Treasurer may not invest State money in any
14 savings and loan or building and loan association unless a
15 commitment by the savings and loan (or building and loan)
16 association, executed by the president or chief executive
17 officer of that association, is submitted in the following
18 form:

19 The Savings and Loan (or Building
20 and Loan) Association pledges not to reject arbitrarily
21 mortgage loans for residential properties within any
22 specific part of the community served by the savings and
23 loan (or building and loan) association because of the
24 location of the property. The savings and loan (or
25 building and loan) association also pledges to make loans
26 available on low and moderate income residential property

1 throughout the community within the limits of its legal
2 restrictions and prudent financial practices.

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

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

1 The State Treasurer may, with the approval of the
2 Governor, invest or reinvest any State money in the Treasury
3 which is not needed for current expenditure, due or about to
4 become due, or any money in the State Treasury which has been
5 set aside and held for the payment of the principal of and the
6 interest on any State bonds, in participations in loans, the
7 principal of which participation is fully guaranteed by an
8 agency or instrumentality of the United States government;
9 provided, however, that such loan participations are
10 represented by certificates issued only by banks which are
11 incorporated under the laws of this State or any other state or
12 under the laws of the United States, and such banks, but not
13 the loan participation certificates, are insured by the
14 Federal Deposit Insurance Corporation.

15 Whenever the total amount of vouchers presented to the
16 Comptroller under Section 9 of the State Comptroller Act
17 exceeds the funds available in the General Revenue Fund by
18 \$1,000,000,000 or more, then the State Treasurer may invest
19 any State money in the Treasury, other than money in the
20 General Revenue Fund, Health Insurance Reserve Fund, Attorney
21 General Court Ordered and Voluntary Compliance Payment
22 Projects Fund, Attorney General Whistleblower Reward and
23 Protection Fund, and Attorney General's State Projects and
24 Court Ordered Distribution Fund, which is not needed for
25 current expenditures, due or about to become due, or any money
26 in the State Treasury which has been set aside and held for the

1 payment of the principal of and the interest on any State bonds
2 with the Office of the Comptroller in order to enable the
3 Comptroller to pay outstanding vouchers. At any time, and from
4 time to time outstanding, such investment shall not be greater
5 than \$2,000,000,000. Such investment shall be deposited into
6 the General Revenue Fund or Health Insurance Reserve Fund as
7 determined by the Comptroller. Such investment shall be repaid
8 by the Comptroller with an interest rate tied to the London
9 Interbank Offered Rate (LIBOR) or the Federal Funds Rate or an
10 equivalent market established variable rate, but in no case
11 shall such interest rate exceed the lesser of the penalty rate
12 established under the State Prompt Payment Act or the timely
13 pay interest rate under Section 368a of the Illinois Insurance
14 Code. The State Treasurer and the Comptroller shall enter into
15 an intergovernmental agreement to establish procedures for
16 such investments, which market established variable rate to
17 which the interest rate for the investments should be tied,
18 and other terms which the State Treasurer and Comptroller
19 reasonably believe to be mutually beneficial concerning these
20 investments by the State Treasurer. The State Treasurer and
21 Comptroller shall also enter into a written agreement for each
22 such investment that specifies the period of the investment,
23 the payment interval, the interest rate to be paid, the funds
24 in the Treasury from which the Treasurer will draw the
25 investment, and other terms upon which the State Treasurer and
26 Comptroller mutually agree. Such investment agreements shall

1 be public records and the State Treasurer shall post the terms
2 of all such investment agreements on the State Treasurer's
3 official website. In compliance with the intergovernmental
4 agreement, the Comptroller shall order and the State Treasurer
5 shall transfer amounts sufficient for the payment of principal
6 and interest invested by the State Treasurer with the Office
7 of the Comptroller under this paragraph from the General
8 Revenue Fund or the Health Insurance Reserve Fund to the
9 respective funds in the Treasury from which the State
10 Treasurer drew the investment. Public Act 100-1107 shall
11 constitute an irrevocable and continuing authority for all
12 amounts necessary for the payment of principal and interest on
13 the investments made with the Office of the Comptroller by the
14 State Treasurer under this paragraph, and the irrevocable and
15 continuing authority for and direction to the Comptroller and
16 Treasurer to make the necessary transfers.

17 The State Treasurer may, with the approval of the
18 Governor, invest or reinvest any State money in the Treasury
19 that is not needed for current expenditure, due or about to
20 become due, or any money in the State Treasury that has been
21 set aside and held for the payment of the principal of and the
22 interest on any State bonds, in any of the following:

- 23 (1) Bonds, notes, certificates of indebtedness,
24 Treasury bills, or other securities now or hereafter
25 issued that are guaranteed by the full faith and credit of
26 the United States of America as to principal and interest.

1 (2) Bonds, notes, debentures, or other similar
2 obligations of the United States of America, its agencies,
3 and instrumentalities.

4 (2.5) Bonds, notes, debentures, or other similar
5 obligations of a foreign government, other than the
6 Republic of the Sudan, that are guaranteed by the full
7 faith and credit of that government as to principal and
8 interest, but only if the foreign government has not
9 defaulted and has met its payment obligations in a timely
10 manner on all similar obligations for a period of at least
11 25 years immediately before the time of acquiring those
12 obligations.

13 (3) Interest-bearing savings accounts,
14 interest-bearing certificates of deposit,
15 interest-bearing time deposits, or any other investments
16 constituting direct obligations of any bank as defined by
17 the Illinois Banking Act.

18 (4) Interest-bearing accounts, certificates of
19 deposit, or any other investments constituting direct
20 obligations of any savings and loan associations
21 incorporated under the laws of this State or any other
22 state or under the laws of the United States.

23 (5) Dividend-bearing share accounts, share certificate
24 accounts, or class of share accounts of a credit union
25 chartered under the laws of this State or the laws of the
26 United States; provided, however, the principal office of

1 the credit union must be located within the State of
2 Illinois.

3 (6) Bankers' acceptances of banks whose senior
4 obligations are rated in the top 2 rating categories by 2
5 national rating agencies and maintain that rating during
6 the term of the investment.

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

22 (7.5) Obligations of either corporations or limited
23 liability companies organized in the United States, that
24 have a significant presence in this State, with assets
25 exceeding \$500,000,000 if: (i) the obligations are rated
26 at the time of purchase at one of the 3 highest

1 classifications established by at least 2 standard rating
2 services and mature more than 270 days, but less than 10
3 years, from the date of purchase; (ii) the purchases do
4 not exceed 10% of the corporation's or the limited
5 liability company's outstanding obligations; (iii) no more
6 than one-third of the public agency's funds are invested
7 in such obligations of corporations or limited liability
8 companies; and (iv) the corporation or the limited
9 liability company has not been placed on the list of
10 restricted companies by the Illinois Investment Policy
11 Board under Section 1-110.16 of the Illinois Pension Code.

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

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

17 (10) Repurchase agreements of government securities
18 having the meaning set out in the Government Securities
19 Act of 1986, as now or hereafter amended or succeeded,
20 subject to the provisions of that Act and the regulations
21 issued thereunder.

22 (11) Investments made in accordance with the
23 Technology Development Act.

24 (12) Investments made in accordance with the Student
25 Investment Account Act.

26 For purposes of this Section, "agencies" of the United

1 States Government includes:

2 (i) the federal land banks, federal intermediate
3 credit banks, banks for cooperatives, federal farm credit
4 banks, or any other entity authorized to issue debt
5 obligations under the Farm Credit Act of 1971 (12 U.S.C.
6 2001 et seq.) and Acts amendatory thereto;

7 (ii) the federal home loan banks and the federal home
8 loan mortgage corporation;

9 (iii) the Commodity Credit Corporation; and

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

11 The Treasurer may, with the approval of the Governor, lend
12 any securities acquired under this Act. However, securities
13 may be lent under this Section only in accordance with Federal
14 Financial Institution Examination Council guidelines and only
15 if the securities are collateralized at a level sufficient to
16 assure the safety of the securities, taking into account
17 market value fluctuation. The securities may be collateralized
18 by cash or collateral acceptable under Sections 11 and 11.1.

19 (Source: P.A. 100-1107, eff. 8-27-18; 101-81, eff. 7-12-19;
20 101-206, eff. 8-2-19; 101-586, eff. 8-26-19; revised 9-25-19.)

21 Section 85. The Civil Administrative Code of Illinois is
22 amended by changing Section 5-565 as follows:

23 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

24 Sec. 5-565. In the Department of Public Health.

1 (a) The General Assembly declares it to be the public
2 policy of this State that all citizens of Illinois are
3 entitled to lead healthy lives. Governmental public health has
4 a specific responsibility to ensure that a public health
5 system is in place to allow the public health mission to be
6 achieved. The public health system is the collection of
7 public, private, and voluntary entities as well as individuals
8 and informal associations that contribute to the public's
9 health within the State. To develop a public health system
10 requires certain core functions to be performed by government.
11 The State Board of Health is to assume the leadership role in
12 advising the Director in meeting the following functions:

13 (1) Needs assessment.

14 (2) Statewide health objectives.

15 (3) Policy development.

16 (4) Assurance of access to necessary services.

17 There shall be a State Board of Health composed of 20
18 persons, all of whom shall be appointed by the Governor, with
19 the advice and consent of the Senate for those appointed by the
20 Governor on and after June 30, 1998, and one of whom shall be a
21 senior citizen age 60 or over. Five members shall be
22 physicians licensed to practice medicine in all its branches,
23 one representing a medical school faculty, one who is board
24 certified in preventive medicine, and one who is engaged in
25 private practice. One member shall be a chiropractic
26 physician. One member shall be a dentist; one an environmental

1 health practitioner; one a local public health administrator;
2 one a local board of health member; one a registered nurse; one
3 a physical therapist; one an optometrist; one a veterinarian;
4 one a public health academician; one a health care industry
5 representative; one a representative of the business
6 community; one a representative of the non-profit public
7 interest community; and 2 shall be citizens at large.

8 The terms of Board of Health members shall be 3 years,
9 except that members shall continue to serve on the Board of
10 Health until a replacement is appointed. Upon the effective
11 date of Public Act 93-975 (January 1, 2005) ~~this amendatory~~
12 ~~Act of the 93rd General Assembly,~~ in the appointment of the
13 Board of Health members appointed to vacancies or positions
14 with terms expiring on or before December 31, 2004, the
15 Governor shall appoint up to 6 members to serve for terms of 3
16 years; up to 6 members to serve for terms of 2 years; and up to
17 5 members to serve for a term of one year, so that the term of
18 no more than 6 members expire in the same year. All members
19 shall be legal residents of the State of Illinois. The duties
20 of the Board shall include, but not be limited to, the
21 following:

22 (1) To advise the Department of ways to encourage
23 public understanding and support of the Department's
24 programs.

25 (2) To evaluate all boards, councils, committees,
26 authorities, and bodies advisory to, or an adjunct of, the

1 Department of Public Health or its Director for the
2 purpose of recommending to the Director one or more of the
3 following:

4 (i) The elimination of bodies whose activities are
5 not consistent with goals and objectives of the
6 Department.

7 (ii) The consolidation of bodies whose activities
8 encompass compatible programmatic subjects.

9 (iii) The restructuring of the relationship
10 between the various bodies and their integration
11 within the organizational structure of the Department.

12 (iv) The establishment of new bodies deemed
13 essential to the functioning of the Department.

14 (3) To serve as an advisory group to the Director for
15 public health emergencies and control of health hazards.

16 (4) To advise the Director regarding public health
17 policy, and to make health policy recommendations
18 regarding priorities to the Governor through the Director.

19 (5) To present public health issues to the Director
20 and to make recommendations for the resolution of those
21 issues.

22 (6) To recommend studies to delineate public health
23 problems.

24 (7) To make recommendations to the Governor through
25 the Director regarding the coordination of State public
26 health activities with other State and local public health

1 agencies and organizations.

2 (8) To report on or before February 1 of each year on
3 the health of the residents of Illinois to the Governor,
4 the General Assembly, and the public.

5 (9) To review the final draft of all proposed
6 administrative rules, other than emergency or peremptory
7 ~~preemptory~~ rules and those rules that another advisory
8 body must approve or review within a statutorily defined
9 time period, of the Department after September 19, 1991
10 (the effective date of Public Act 87-633). The Board shall
11 review the proposed rules within 90 days of submission by
12 the Department. The Department shall take into
13 consideration any comments and recommendations of the
14 Board regarding the proposed rules prior to submission to
15 the Secretary of State for initial publication. If the
16 Department disagrees with the recommendations of the
17 Board, it shall submit a written response outlining the
18 reasons for not accepting the recommendations.

19 In the case of proposed administrative rules or
20 amendments to administrative rules regarding immunization
21 of children against preventable communicable diseases
22 designated by the Director under the Communicable Disease
23 Prevention Act, after the Immunization Advisory Committee
24 has made its recommendations, the Board shall conduct 3
25 public hearings, geographically distributed throughout the
26 State. At the conclusion of the hearings, the State Board

1 of Health shall issue a report, including its
2 recommendations, to the Director. The Director shall take
3 into consideration any comments or recommendations made by
4 the Board based on these hearings.

5 (10) To deliver to the Governor for presentation to
6 the General Assembly a State Health Improvement Plan. The
7 first 3 such plans shall be delivered to the Governor on
8 January 1, 2006, January 1, 2009, and January 1, 2016 and
9 then every 5 years thereafter.

10 The Plan shall recommend priorities and strategies to
11 improve the public health system and the health status of
12 Illinois residents, taking into consideration national
13 health objectives and system standards as frameworks for
14 assessment.

15 The Plan shall also take into consideration priorities
16 and strategies developed at the community level through
17 the Illinois Project for Local Assessment of Needs (IPLAN)
18 and any regional health improvement plans that may be
19 developed. The Plan shall focus on prevention as a key
20 strategy for long-term health improvement in Illinois.

21 The Plan shall examine and make recommendations on the
22 contributions and strategies of the public and private
23 sectors for improving health status and the public health
24 system in the State. In addition to recommendations on
25 health status improvement priorities and strategies for
26 the population of the State as a whole, the Plan shall make

1 recommendations regarding priorities and strategies for
2 reducing and eliminating health disparities in Illinois;
3 including racial, ethnic, gender, age, socio-economic, and
4 geographic disparities.

5 The Director of the Illinois Department of Public
6 Health shall appoint a Planning Team that includes a range
7 of public, private, and voluntary sector stakeholders and
8 participants in the public health system. This Team shall
9 include: the directors of State agencies with public
10 health responsibilities (or their designees), including,
11 but not limited to, the Illinois Departments of Public
12 Health and Department of Human Services, representatives
13 of local health departments, representatives of local
14 community health partnerships, and individuals with
15 expertise who represent an array of organizations and
16 constituencies engaged in public health improvement and
17 prevention.

18 The State Board of Health shall hold at least 3 public
19 hearings addressing drafts of the Plan in representative
20 geographic areas of the State. Members of the Planning
21 Team shall receive no compensation for their services, but
22 may be reimbursed for their necessary expenses.

23 Upon the delivery of each State Health Improvement
24 Plan, the Governor shall appoint a SHIP Implementation
25 Coordination Council that includes a range of public,
26 private, and voluntary sector stakeholders and

1 participants in the public health system. The Council
2 shall include the directors of State agencies and entities
3 with public health system responsibilities (or their
4 designees), including, but not limited to, the Department
5 of Public Health, Department of Human Services, Department
6 of Healthcare and Family Services, Environmental
7 Protection Agency, Illinois State Board of Education,
8 Department on Aging, Illinois Violence Prevention
9 Authority, Department of Agriculture, Department of
10 Insurance, Department of Financial and Professional
11 Regulation, Department of Transportation, and Department
12 of Commerce and Economic Opportunity and the Chair of the
13 State Board of Health. The Council shall include
14 representatives of local health departments and
15 individuals with expertise who represent an array of
16 organizations and constituencies engaged in public health
17 improvement and prevention, including non-profit public
18 interest groups, health issue groups, faith community
19 groups, health care providers, businesses and employers,
20 academic institutions, and community-based organizations.
21 The Governor shall endeavor to make the membership of the
22 Council representative of the racial, ethnic, gender,
23 socio-economic, and geographic diversity of the State. The
24 Governor shall designate one State agency representative
25 and one other non-governmental member as co-chairs of the
26 Council. The Governor shall designate a member of the

1 Governor's office to serve as liaison to the Council and
2 one or more State agencies to provide or arrange for
3 support to the Council. The members of the SHIP
4 Implementation Coordination Council for each State Health
5 Improvement Plan shall serve until the delivery of the
6 subsequent State Health Improvement Plan, whereupon a new
7 Council shall be appointed. Members of the SHIP Planning
8 Team may serve on the SHIP Implementation Coordination
9 Council if so appointed by the Governor.

10 The SHIP Implementation Coordination Council shall
11 coordinate the efforts and engagement of the public,
12 private, and voluntary sector stakeholders and
13 participants in the public health system to implement each
14 SHIP. The Council shall serve as a forum for collaborative
15 action; coordinate existing and new initiatives; develop
16 detailed implementation steps, with mechanisms for action;
17 implement specific projects; identify public and private
18 funding sources at the local, State and federal level;
19 promote public awareness of the SHIP; advocate for the
20 implementation of the SHIP; and develop an annual report
21 to the Governor, General Assembly, and public regarding
22 the status of implementation of the SHIP. The Council
23 shall not, however, have the authority to direct any
24 public or private entity to take specific action to
25 implement the SHIP.

26 (11) Upon the request of the Governor, to recommend to

1 the Governor candidates for Director of Public Health when
2 vacancies occur in the position.

3 (12) To adopt bylaws for the conduct of its own
4 business, including the authority to establish ad hoc
5 committees to address specific public health programs
6 requiring resolution.

7 (13) (Blank).

8 Upon appointment, the Board shall elect a chairperson from
9 among its members.

10 Members of the Board shall receive compensation for their
11 services at the rate of \$150 per day, not to exceed \$10,000 per
12 year, as designated by the Director for each day required for
13 transacting the business of the Board and shall be reimbursed
14 for necessary expenses incurred in the performance of their
15 duties. The Board shall meet from time to time at the call of
16 the Department, at the call of the chairperson, or upon the
17 request of 3 of its members, but shall not meet less than 4
18 times per year.

19 (b) (Blank).

20 (c) An Advisory Board on Necropsy Service to Coroners,
21 which shall counsel and advise with the Director on the
22 administration of the Autopsy Act. The Advisory Board shall
23 consist of 11 members, including a senior citizen age 60 or
24 over, appointed by the Governor, one of whom shall be
25 designated as chairman by a majority of the members of the
26 Board. In the appointment of the first Board the Governor

1 shall appoint 3 members to serve for terms of 1 year, 3 for
2 terms of 2 years, and 3 for terms of 3 years. The members first
3 appointed under Public Act 83-1538 shall serve for a term of 3
4 years. All members appointed thereafter shall be appointed for
5 terms of 3 years, except that when an appointment is made to
6 fill a vacancy, the appointment shall be for the remaining
7 term of the position vacant. The members of the Board shall be
8 citizens of the State of Illinois. In the appointment of
9 members of the Advisory Board the Governor shall appoint 3
10 members who shall be persons licensed to practice medicine and
11 surgery in the State of Illinois, at least 2 of whom shall have
12 received post-graduate training in the field of pathology; 3
13 members who are duly elected coroners in this State; and 5
14 members who shall have interest and abilities in the field of
15 forensic medicine but who shall be neither persons licensed to
16 practice any branch of medicine in this State nor coroners. In
17 the appointment of medical and coroner members of the Board,
18 the Governor shall invite nominations from recognized medical
19 and coroners organizations in this State respectively. Board
20 members, while serving on business of the Board, shall receive
21 actual necessary travel and subsistence expenses while so
22 serving away from their places of residence.

23 (Source: P.A. 98-463, eff. 8-16-13; 99-527, eff. 1-1-17;
24 revised 7-17-19.)

25 Section 90. The Children and Family Services Act is

1 amended by changing Section 5 and by setting forth,
2 renumbering, and changing multiple versions of Section 42 as
3 follows:

4 (20 ILCS 505/5) (from Ch. 23, par. 5005)

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

9 (a) For purposes of this Section:

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

13 (A) were committed to the Department pursuant to
14 the Juvenile Court Act or the Juvenile Court Act of
15 1987, ~~as amended,~~ and who continue under the
16 jurisdiction of the court; or

17 (B) were accepted for care, service and training
18 by the Department prior to the age of 18 and whose best
19 interest in the discretion of the Department would be
20 served by continuing that care, service and training
21 because of severe emotional disturbances, physical
22 disability, social adjustment or any combination
23 thereof, or because of the need to complete an
24 educational or vocational training program.

25 (2) "Homeless youth" means persons found within the

1 State who are under the age of 19, are not in a safe and
2 stable living situation and cannot be reunited with their
3 families.

4 (3) "Child welfare services" means public social
5 services which are directed toward the accomplishment of
6 the following purposes:

7 (A) protecting and promoting the health, safety
8 and welfare of children, including homeless,
9 dependent, or neglected children;

10 (B) remedying, or assisting in the solution of
11 problems which may result in, the neglect, abuse,
12 exploitation, or delinquency of children;

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

20 (D) restoring to their families children who have
21 been removed, by the provision of services to the
22 child and the families when the child can be cared for
23 at home without endangering the child's health and
24 safety;

25 (E) placing children in suitable adoptive homes,
26 in cases where restoration to the biological family is

1 not safe, possible, or appropriate;

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

12 (G) (blank);

13 (H) (blank); and

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

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

24 (ii) who are persons with a developmental
25 disability, as defined in the Mental Health and
26 Developmental Disabilities Code, or

1 (iii) who are female children who are
2 pregnant, pregnant and parenting, or parenting, or

3 (iv) who are siblings, in facilities that
4 provide separate living quarters for children 18
5 years of age and older and for children under 18
6 years of age.

7 (b) (Blank).

8 (c) The Department shall establish and maintain
9 tax-supported child welfare services and extend and seek to
10 improve voluntary services throughout the State, to the end
11 that services and care shall be available on an equal basis
12 throughout the State to children requiring such services.

13 (d) The Director may authorize advance disbursements for
14 any new program initiative to any agency contracting with the
15 Department. As a prerequisite for an advance disbursement, the
16 contractor must post a surety bond in the amount of the advance
17 disbursement and have a purchase of service contract approved
18 by the Department. The Department may pay up to 2 months
19 operational expenses in advance. The amount of the advance
20 disbursement shall be prorated over the life of the contract
21 or the remaining months of the fiscal year, whichever is less,
22 and the installment amount shall then be deducted from future
23 bills. Advance disbursement authorizations for new initiatives
24 shall not be made to any agency after that agency has operated
25 during 2 consecutive fiscal years. The requirements of this
26 Section concerning advance disbursements shall not apply with

1 respect to the following: payments to local public agencies
2 for child day care services as authorized by Section 5a of this
3 Act; and youth service programs receiving grant funds under
4 Section 17a-4.

5 (e) (Blank).

6 (f) (Blank).

7 (g) The Department shall establish rules and regulations
8 concerning its operation of programs designed to meet the
9 goals of child safety and protection, family preservation,
10 family reunification, and adoption, including, but not limited
11 to:

12 (1) adoption;

13 (2) foster care;

14 (3) family counseling;

15 (4) protective services;

16 (5) (blank);

17 (6) homemaker service;

18 (7) return of runaway children;

19 (8) (blank);

20 (9) placement under Section 5-7 of the Juvenile Court
21 Act or Section 2-27, 3-28, 4-25, or 5-740 of the Juvenile
22 Court Act of 1987 in accordance with the federal Adoption
23 Assistance and Child Welfare Act of 1980; and

24 (10) interstate services.

25 Rules and regulations established by the Department shall
26 include provisions for training Department staff and the staff

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

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

19 (i) Service programs shall be available throughout the
20 State and shall include but not be limited to the following
21 services:

- 22 (1) case management;
- 23 (2) homemakers;
- 24 (3) counseling;
- 25 (4) parent education;
- 26 (5) day care; and

1 (6) emergency assistance and advocacy.

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

4 (1) comprehensive family-based services;

5 (2) assessments;

6 (3) respite care; and

7 (4) in-home health services.

8 The Department shall provide transportation for any of the
9 services it makes available to children or families or for
10 which it refers children or families.

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

1 of the new adoption of the child by another adoptive parent or
2 parents. The Department may also provide categories of
3 financial assistance and education assistance grants, and
4 shall establish rules and regulations for the assistance and
5 grants, to persons appointed guardian of the person under
6 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,
7 4-25, or 5-740 of the Juvenile Court Act of 1987 for children
8 who were youth in care for 12 months immediately prior to the
9 appointment of the guardian.

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

17 Any financial assistance provided under this subsection is
18 inalienable by assignment, sale, execution, attachment,
19 garnishment, or any other remedy for recovery or collection of
20 a judgment or debt.

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

25 (k) The Department shall accept for care and training any
26 child who has been adjudicated neglected or abused, or

1 dependent committed to it pursuant to the Juvenile Court Act
2 or the Juvenile Court Act of 1987.

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

1 of 1987 may order the Department to provide the services set
2 out in the plan, if those services are not provided with
3 reasonable promptness and if those services are available.

4 The Department shall notify the child and his family of
5 the Department's responsibility to offer and provide family
6 preservation services as identified in the service plan. The
7 child and his family shall be eligible for services as soon as
8 the report is determined to be "indicated". The Department may
9 offer services to any child or family with respect to whom a
10 report of suspected child abuse or neglect has been filed,
11 prior to concluding its investigation under Section 7.12 of
12 the Abused and Neglected Child Reporting Act. However, the
13 child's or family's willingness to accept services shall not
14 be considered in the investigation. The Department may also
15 provide services to any child or family who is the subject of
16 any report of suspected child abuse or neglect or may refer
17 such child or family to services available from other agencies
18 in the community, even if the report is determined to be
19 unfounded, if the conditions in the child's or family's home
20 are reasonably likely to subject the child or family to future
21 reports of suspected child abuse or neglect. Acceptance of
22 such services shall be voluntary. The Department may also
23 provide services to any child or family after completion of a
24 family assessment, as an alternative to an investigation, as
25 provided under the "differential response program" provided
26 for in subsection (a-5) of Section 7.4 of the Abused and

1 Neglected Child Reporting Act.

2 The Department may, at its discretion except for those
3 children also adjudicated neglected or dependent, accept for
4 care and training any child who has been adjudicated addicted,
5 as a truant minor in need of supervision or as a minor
6 requiring authoritative intervention, under the Juvenile Court
7 Act or the Juvenile Court Act of 1987, but no such child shall
8 be committed to the Department by any court without the
9 approval of the Department. On and after January 1, 2015 (the
10 effective date of Public Act 98-803) and before January 1,
11 2017, a minor charged with a criminal offense under the
12 Criminal Code of 1961 or the Criminal Code of 2012 or
13 adjudicated delinquent shall not be placed in the custody of
14 or committed to the Department by any court, except (i) a minor
15 less than 16 years of age committed to the Department under
16 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor
17 for whom an independent basis of abuse, neglect, or dependency
18 exists, which must be defined by departmental rule, or (iii) a
19 minor for whom the court has granted a supplemental petition
20 to reinstate wardship pursuant to subsection (2) of Section
21 2-33 of the Juvenile Court Act of 1987. On and after 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 15 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. An independent basis
7 exists when the allegations or adjudication of abuse, neglect,
8 or dependency do not arise from the same facts, incident, or
9 circumstances which give rise to a charge or adjudication of
10 delinquency. The Department shall assign a caseworker to
11 attend any hearing involving a youth in the care and custody of
12 the Department who is placed on aftercare release, including
13 hearings involving sanctions for violation of aftercare
14 release conditions and aftercare release revocation hearings.

15 As soon as is possible after August 7, 2009 (the effective
16 date of Public Act 96-134), the Department shall develop and
17 implement a special program of family preservation services to
18 support intact, foster, and adoptive families who are
19 experiencing extreme hardships due to the difficulty and
20 stress of caring for a child who has been diagnosed with a
21 pervasive developmental disorder if the Department determines
22 that those services are necessary to ensure the health and
23 safety of the child. The Department may offer services to any
24 family whether or not a report has been filed under the Abused
25 and Neglected Child Reporting Act. The Department may refer
26 the child or family to services available from other agencies

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

17 (1-1) The legislature recognizes that the best interests
18 of the child require that the child be placed in the most
19 permanent living arrangement as soon as is practically
20 possible. To achieve this goal, the legislature directs the
21 Department of Children and Family Services to conduct
22 concurrent planning so that permanency may occur at the
23 earliest opportunity. Permanent living arrangements may
24 include prevention of placement of a child outside the home of
25 the family when the child can be cared for at home without
26 endangering the child's health or safety; reunification with

1 the family, when safe and appropriate, if temporary placement
2 is necessary; or movement of the child toward the most
3 permanent living arrangement and permanent legal status.

4 When determining reasonable efforts to be made with
5 respect to a child, as described in this subsection, and in
6 making such reasonable efforts, the child's health and safety
7 shall be the paramount concern.

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

20 A decision to place a child in substitute care shall be
21 made with considerations of the child's health, safety, and
22 best interests. At the time of placement, consideration should
23 also be given so that if reunification fails or is delayed, the
24 placement made is the best available placement to provide
25 permanency for the child.

26 The Department shall adopt rules addressing concurrent

1 planning for reunification and permanency. The Department
2 shall consider the following factors when determining
3 appropriateness of concurrent planning:

4 (1) the likelihood of prompt reunification;

5 (2) the past history of the family;

6 (3) the barriers to reunification being addressed by
7 the family;

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

9 (5) the foster parents' willingness to work with the
10 family to reunite;

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

13 (7) the age of the child;

14 (8) placement of siblings.

15 (m) The Department may assume temporary custody of any
16 child if:

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

23 (2) the child is found in the State and neither a
24 parent, guardian nor custodian of the child can be
25 located.

26 If the child is found in his or her residence without a parent,

1 guardian, custodian, or responsible caretaker, the Department
2 may, instead of removing the child and assuming temporary
3 custody, place an authorized representative of the Department
4 in that residence until such time as a parent, guardian, or
5 custodian enters the home and expresses a willingness and
6 apparent ability to ensure the child's health and safety and
7 resume permanent charge of the child, or until a relative
8 enters the home and is willing and able to ensure the child's
9 health and safety and assume charge of the child until a
10 parent, guardian, or custodian enters the home and expresses
11 such willingness and ability to ensure the child's safety and
12 resume permanent charge. After a caretaker has remained in the
13 home for a period not to exceed 12 hours, the Department must
14 follow those procedures outlined in Section 2-9, 3-11, 4-8, or
15 5-415 of the Juvenile Court Act of 1987.

16 The Department shall have the authority, responsibilities
17 and duties that a legal custodian of the child would have
18 pursuant to subsection (9) of Section 1-3 of the Juvenile
19 Court Act of 1987. Whenever a child is taken into temporary
20 custody pursuant to an investigation under the Abused and
21 Neglected Child Reporting Act, or pursuant to a referral and
22 acceptance under the Juvenile Court Act of 1987 of a minor in
23 limited custody, the Department, during the period of
24 temporary custody and before the child is brought before a
25 judicial officer as required by Section 2-9, 3-11, 4-8, or
26 5-415 of the Juvenile Court Act of 1987, shall have the

1 authority, responsibilities and duties that a legal custodian
2 of the child would have under subsection (9) of Section 1-3 of
3 the Juvenile Court Act of 1987.

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

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

23 (m-1) The Department may place children under 18 years of
24 age in a secure child care facility licensed by the Department
25 that cares for children who are in need of secure living
26 arrangements for their health, safety, and well-being after a

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

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

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

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

1 youth receiving child welfare services under this Section. The
2 Department shall continue child welfare services under this
3 Section to any eligible minor until the minor becomes 21 years
4 of age, no longer consents to participate, or achieves
5 self-sufficiency as identified in the minor's service plan.
6 The Department of Children and Family Services shall create
7 clear, readable notice of the rights of former foster youth to
8 child welfare services under this Section and how such
9 services may be obtained. The Department of Children and
10 Family Services and the Department of Human Services shall
11 disseminate this information statewide. The Department shall
12 adopt regulations describing services intended to assist
13 minors in achieving sustainable self-sufficiency as
14 independent adults.

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

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

13 (p) (Blank).

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

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

1 Railroad Retirement payments, Black Lung benefits, or other
2 miscellaneous payments. Interest earned by each account shall
3 be credited to the account, unless disbursed in accordance
4 with this subsection.

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

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

15 (2) Calculate on a monthly basis the amounts paid from
16 State funds for the child's board and care, medical care
17 not covered under Medicaid, and social services; and
18 utilize funds from the child's account, as covered by
19 regulation, to reimburse those costs. Monthly,
20 disbursements from all children's accounts, up to 1/12 of
21 \$13,000,000, shall be deposited by the Department into the
22 General Revenue Fund and the balance over 1/12 of
23 \$13,000,000 into the DCFS Children's Services Fund.

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

1 State and federal laws and shall be disbursed to the child
2 or his or her guardian, or to the issuing agency.

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

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

1 secondary to the foster parent liability insurance policy, if
2 applicable. The program shall be funded through appropriations
3 from the General Revenue Fund, specifically designated for
4 such purposes.

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

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

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

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

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

1 relative home, the Department shall provide to the prospective
2 adoptive parent or parents or other caretaker:

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

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

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

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

1 in the presence of casework staff. In the case of an emergency
2 placement, casework staff shall at least provide known
3 information verbally, if necessary, and must subsequently
4 provide the information in writing as required by this
5 subsection.

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

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

1 335 and had submitted an application for licensure as a foster
2 family home may continue to receive foster care payments only
3 until the Department determines that they may be licensed as a
4 foster family home or that their application for licensure is
5 denied or until September 30, 1995, whichever occurs first.

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

1 dissemination of this information.

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

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

22 (w) Within 120 days of August 20, 1995 (the effective date
23 of Public Act 89-392), the Department shall prepare and submit
24 to the Governor and the General Assembly, a written plan for
25 the development of in-state licensed secure child care
26 facilities that care for children who are in need of secure

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

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

1 Department shall notify the proper law enforcement agency, the
2 proper State's Attorney, or the Attorney General.

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

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

1 exceed the actual cost of the record check. The Department of
2 State Police shall furnish, pursuant to positive
3 identification, all Illinois conviction information to the
4 Department of Children and Family Services.

5 For purposes of this subsection:

6 "Background information" means all of the following:

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

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

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

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

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

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

14 (20 ILCS 505/42)

15 Sec. 42. Foster care survey. The Department, in
16 coordination with the Foster Care Alumni of America Illinois
17 Chapter, the School of Social Work at the University of
18 Illinois at Urbana-Champaign, and the Department's Statewide
19 Youth Advisory Board, shall develop and process a standardized
20 survey to gather feedback from children who are aging out of
21 foster care and from children who have transitioned out of the
22 foster care system. The survey shall include requests for
23 information regarding the children's experience with and
24 opinion of State foster care services, the children's
25 recommendations for improvement of such services, the amount

1 of time the children spent in the foster care system, and any
2 other information deemed relevant by the Department. After the
3 survey is created the Department shall circulate the survey to
4 all youth participating in transitional living programs,
5 independent living programs, or Youth in College and to all
6 youth receiving scholarships or tuition waivers under the DCFS
7 Scholarship Program. The Department shall conduct the survey
8 every 5 years. At the completion of each survey, the
9 Department, in coordination with the Foster Care Alumni of
10 America Illinois Chapter, the School of Social Work at the
11 University of Illinois at Urbana-Champaign, and the
12 Department's Statewide Youth Advisory Board, shall submit a
13 report with a detailed review of the survey results to the
14 Governor and the General Assembly. The first report shall be
15 submitted no later than December 1, 2021 and every 5 years
16 thereafter.

17 (Source: P.A. 101-166, eff. 1-1-20.)

18 (20 ILCS 505/43)

19 Sec. 43 ~~42~~. Intergovernmental agreement; transitioning
20 youth in care.

21 (a) In order to intercept and divert youth in care from
22 experiencing homelessness, incarceration, unemployment, and
23 other similar outcomes, within 180 days after July 26, 2019
24 (the effective date of Public Act 101-167) ~~this amendatory Act~~
25 ~~of the 101st General Assembly~~, the Department of Children and

1 Family Services, the Department of Human Services, the
2 Department of Healthcare and Family Services, the Illinois
3 State Board of Education, the Department of Juvenile Justice,
4 the Department of Corrections, the Illinois Urban Development
5 Authority, and the Department of Public Health shall enter
6 into an interagency agreement for the purpose of providing
7 preventive services to youth in care and young adults who are
8 aging out of or have recently aged out of the custody or
9 guardianship of the Department of Children and Family
10 Services.

11 (b) The intergovernmental agreement shall require the
12 agencies listed in subsection (a) to: (i) establish an
13 interagency liaison to review cases of youth in care and young
14 adults who are at risk of homelessness, incarceration, or
15 other similar outcomes; and (ii) connect such youth in care
16 and young adults to the appropriate supportive services and
17 treatment programs to stabilize them during their transition
18 out of State care. Under the interagency agreement, the
19 agencies listed in subsection (a) shall determine how best to
20 provide the following supportive services to youth in care and
21 young adults who are at risk of homelessness, incarceration,
22 or other similar outcomes:

23 (1) Housing support.

24 (2) Educational support.

25 (3) Employment support.

26 (c) On January 1, 2021, and each January 1 thereafter, the

1 agencies listed in subsection (a) shall submit a report to the
2 General Assembly on the following:

3 (1) The number of youth in care and young adults who
4 were intercepted during the reporting period and the
5 supportive services and treatment programs they were
6 connected with to prevent homelessness, incarnation, or
7 other negative outcomes.

8 (2) The duration of the services the youth in care and
9 young adults received in order to stabilize them during
10 their transition out of State care.

11 (d) Outcomes and data reported annually to the General
12 Assembly. On January 1, 2021 and each January 1 thereafter,
13 the Department of Children and Family Services shall submit a
14 report to the General Assembly on the following:

15 (1) The number of youth in care and young adults who
16 are aging out or have aged out of State care during the
17 reporting period.

18 (2) The length and type of services that were offered
19 to the youth in care and young adults reported under
20 paragraph (1) and the status of those youth in care and
21 young adults.

22 (Source: P.A. 101-167, eff. 7-26-19; revised 9-17-19.)

23 Section 95. The Statewide Foster Care Advisory Council Law
24 is amended by changing Section 5-20 as follows:

1 (20 ILCS 525/5-20)

2 Sec. 5-20. Meetings.

3 (a) Regular meetings of the Statewide Foster Care Advisory
4 Council shall be held at least quarterly. The meetings shall
5 take place at locations, dates, and times determined by the
6 Chairperson of the Advisory Council after consultation with
7 members of the Advisory Council and the Director or the
8 designated Department staff member.

9 It shall be the responsibility of the designated
10 Department staff member at the direction of the Chairperson to
11 give notices of the location, dates, and time of meetings to
12 each member of the Advisory Council, to the Director, and to
13 staff consultants at least 30 days prior to each meeting.

14 Notice of all scheduled meetings shall be in full
15 compliance with the ~~Illinois~~ Open Meetings Act.

16 (b) Special meetings of the Advisory Council may be called
17 by the Chairperson after consultation with members of the
18 Council and the Director or the designated Department staff
19 member, provided that:

20 (1) at least 7 days' notice by mail is given the
21 membership;

22 (2) the notice sets forth the purpose or purposes of
23 the meeting; and

24 (3) no business is transacted other than that
25 specified in the notice.

26 (c) An agenda of scheduled business for deliberation shall

1 be developed in coordination with the Department and the
2 Chairperson and distributed to the members of the Advisory
3 Council at least 7 days prior to a scheduled meeting of the
4 Council.

5 (d) If a member is absent from 2 consecutive meetings or
6 has not continued to make a significant contribution as
7 evidenced by involvement in council activities, membership
8 termination may be recommended by the Chairperson to the
9 Director. The member shall be terminated and notified in
10 writing. Members shall submit written confirmation of good
11 cause to the Chairperson or designated Department staff member
12 when a meeting has been missed.

13 (Source: P.A. 89-19, eff. 6-3-95; revised 7-12-19.)

14 Section 100. The Department of Commerce and Economic
15 Opportunity Law of the Civil Administrative Code of Illinois
16 is amended by renumbering and changing Section 913, by setting
17 forth and renumbering multiple versions of Sections 605-1025
18 and 605-1045, and by changing Section 605-1030 as follows:

19 (20 ILCS 605/605-913)

20 Sec. 605-913 ~~913~~. Clean Water Workforce Pipeline Program.

21 (a) The General Assembly finds the following:

22 (1) The fresh surface water and groundwater supply in
23 Illinois and Lake Michigan constitute vital natural
24 resources that require careful stewardship and protection

1 for future generations. Access to safe and clean drinking
2 water is the right of all Illinois residents.

3 (2) To adequately protect these resources and provide
4 safe and clean drinking water, substantial investment is
5 needed to replace lead components in drinking water
6 infrastructure, improve wastewater treatment, flood
7 control, and stormwater management, control aquatic
8 invasive species, implement green infrastructure
9 solutions, and implement other infrastructure solutions to
10 protect water quality.

11 (3) Implementing these clean water solutions will
12 require a skilled and trained workforce, and new
13 investments will demand additional workers with
14 specialized skills.

15 (4) Water infrastructure jobs have been shown to
16 provide living wages and contribute to Illinois' economy.

17 (5) Significant populations of Illinois residents,
18 including, but not limited to, residents of environmental
19 justice communities, economically and socially
20 disadvantaged communities, those returning from the
21 criminal justice system, foster care alumni, and in
22 particular women and transgender persons, are in need of
23 access to skilled living wage jobs like those in the water
24 infrastructure sector.

25 (6) Many of these residents are more likely to live in
26 communities with aging and inadequate clean water

1 infrastructure and suffer from threats to surface and
2 drinking water quality.

3 (7) The State can provide significant economic
4 opportunities to these residents and achieve greater
5 environmental and public health by investing in clean
6 water infrastructure.

7 (8) New training, recruitment, support, and placement
8 efforts are needed to connect these residents with career
9 opportunities in water infrastructure.

10 (9) The State must invest in both clean water
11 infrastructure and workforce development efforts in order
12 to achieve these goals.

13 (b) From appropriations made from the Build Illinois Bond
14 Fund, Capital Development Fund, or General Revenue Fund or
15 other funds as identified by the Department, the Department
16 shall create a Clean Water Workforce Pipeline Program to
17 provide grants and other financial assistance to prepare and
18 support individuals for careers in water infrastructure. All
19 funding provided by the Program under this Section shall be
20 designed to encourage and facilitate employment in projects
21 funded through State capital investment and provide
22 participants a skill set to allow them to work professionally
23 in fields related to water infrastructure.

24 Grants and other financial assistance may be made
25 available on a competitive annual basis to organizations that
26 demonstrate a capacity to recruit, support, train, and place

1 individuals in water infrastructure careers, including, but
2 not limited to, community organizations, educational
3 institutions, workforce investment boards, community action
4 agencies, and multi-craft labor organizations for new efforts
5 specifically focused on engaging residents of environmental
6 justice communities, economically and socially disadvantaged
7 communities, those returning from the criminal justice system,
8 foster care alumni, and in particular women and transgender
9 persons in these populations.

10 Grants and other financial assistance shall be awarded on
11 a competitive and annual basis for the following activities:

12 (1) identification of individuals for job training in
13 the water sector;

14 (2) counseling, preparation, skills training, and
15 other support to increase a candidate's likelihood of
16 success in a job training program and career;

17 (3) financial support for individuals in a water
18 sector job skills training program, support services, and
19 transportation assistance tied to training under this
20 Section;

21 (4) job placement services for individuals during and
22 after completion of water sector job skills training
23 programs; and

24 (5) financial, administrative, and management
25 assistance for organizations engaged in these activities.

26 (c) It shall be an annual goal of the Program to train and

1 place at least 300, or 25% of the number of annual jobs created
2 by State financed water infrastructure projects, whichever is
3 greater, of the following persons in water sector-related
4 apprenticeships annually: residents of environmental justice
5 communities; residents of economically and socially
6 disadvantaged communities; those returning from the criminal
7 justice system; foster care alumni; and, in particular, women
8 and transgender persons. In awarding and administering grants
9 under this Program, the Department shall strive to provide
10 assistance equitably throughout the State.

11 In order to encourage the employment of individuals
12 trained through the Program onto projects receiving State
13 financial assistance, the Department shall coordinate with the
14 Illinois Environmental Protection Agency, the Illinois Finance
15 Authority, and other State agencies that provide financial
16 support for water infrastructure projects. These agencies
17 shall take steps to support attaining the training and
18 placement goals set forth in this subsection, using a list of
19 projects that receive State financial support. These agencies
20 may propose and adopt rules to facilitate the attainment of
21 this goal.

22 Using funds appropriated for the purposes of this Section,
23 the Department may select through a competitive bidding
24 process a Program Administrator to oversee the allocation of
25 funds and select organizations that receive funding.

26 Recipients of grants under the Program shall report

1 annually to the Department on the success of their efforts and
2 their contribution to reaching the goals of the Program
3 provided in this subsection. The Department shall compile this
4 information and annually report to the General Assembly on the
5 Program, including, but not limited to, the following
6 information:

7 (1) progress toward the goals stated in this
8 subsection;

9 (2) any increase in the percentage of water industry
10 jobs in targeted populations;

11 (3) any increase in the rate of acceptance,
12 completion, or retention of water training programs among
13 targeted populations;

14 (4) any increase in the rate of employment, including
15 hours and annual income, measured against pre-Program
16 participant income; and

17 (5) any recommendations for future changes to optimize
18 the success of the Program.

19 (d) Within 90 days after January 1, 2020 (the effective
20 date of Public Act 101-576) ~~this amendatory Act of the 101st~~
21 ~~General Assembly~~, the Department shall propose a draft plan to
22 implement this Section for public comment. The Department
23 shall allow a minimum of 60 days for public comment on the
24 plan, including one or more public hearings, if requested. The
25 Department shall finalize the plan within 180 days of January
26 1, 2020 (the effective date of Public Act 101-576) ~~this~~

1 ~~amendatory Act of the 101st General Assembly.~~

2 The Department may propose and adopt any rules necessary
3 for the implementation of the Program and to ensure compliance
4 with this Section.

5 (e) The Water Workforce Development Fund is created as a
6 special fund in the State treasury. The Fund shall receive
7 moneys appropriated for the purpose of this Section from the
8 Build Illinois Bond Fund, the Capital Development Fund, the
9 General Revenue Fund and any other funds. Moneys in the Fund
10 shall only be used to fund the Program and to assist and enable
11 implementation of clean water infrastructure capital
12 investments. Notwithstanding any other law to the contrary,
13 the Water Workforce Development Fund is not subject to sweeps,
14 administrative charge-backs, or any other fiscal or budgetary
15 maneuver that would in any way transfer any amounts from the
16 Water Workforce Development Fund into any other fund of the
17 State.

18 (f) For purpose of this Section:

19 "Environmental justice community" has the meaning provided
20 in subsection (b) of Section 1-50 of the Illinois Power Agency
21 Act.

22 "Multi-craft labor organization" means a joint
23 labor-management apprenticeship program registered with and
24 approved by the United States Department of Labor's Office of
25 Apprenticeship or a labor organization that has an accredited
26 training program through the Higher Learning Commission or the

1 Illinois Community College Board.

2 "Organization" means a corporation, company, partnership,
3 association, society, order, labor organization, or individual
4 or aggregation of individuals.

5 (Source: P.A. 101-576, eff. 1-1-20; revised 11-21-19.)

6 (20 ILCS 605/605-1025)

7 Sec. 605-1025. Data center investment.

8 (a) The Department shall issue certificates of exemption
9 from the Retailers' Occupation Tax Act, the Use Tax Act, the
10 Service Use Tax Act, and the Service Occupation Tax Act, all
11 locally-imposed retailers' occupation taxes administered and
12 collected by the Department, the Chicago non-titled Use Tax,
13 and a credit certification against the taxes imposed under
14 subsections (a) and (b) of Section 201 of the Illinois Income
15 Tax Act to qualifying Illinois data centers.

16 (b) For taxable years beginning on or after January 1,
17 2019, the Department shall award credits against the taxes
18 imposed under subsections (a) and (b) of Section 201 of the
19 Illinois Income Tax Act as provided in Section 229 of the
20 Illinois Income Tax Act.

21 (c) For purposes of this Section:

22 "Data center" means a facility: (1) whose primary
23 services are the storage, management, and processing of
24 digital data; and (2) that is used to house (i) computer
25 and network systems, including associated components such

1 as servers, network equipment and appliances,
2 telecommunications, and data storage systems, (ii) systems
3 for monitoring and managing infrastructure performance,
4 (iii) Internet-related equipment and services, (iv) data
5 communications connections, (v) environmental controls,
6 (vi) fire protection systems, and (vii) security systems
7 and services.

8 "Qualifying Illinois data center" means a new or
9 existing data center that:

10 (1) is located in the State of Illinois;

11 (2) in the case of an existing data center, made a
12 capital investment of at least \$250,000,000
13 collectively by the data center operator and the
14 tenants of the data center over the 60-month period
15 immediately prior to January 1, 2020 or committed to
16 make a capital investment of at least \$250,000,000
17 over a 60-month period commencing before January 1,
18 2020 and ending after January 1, 2020; or

19 (3) in the case of a new data center, or an
20 existing data center making an upgrade, makes a
21 capital investment of at least \$250,000,000 over a
22 60-month period beginning on or after January 1, 2020;
23 and

24 (4) in the case of both existing and new data
25 centers, results in the creation of at least 20
26 full-time or full-time equivalent new jobs over a

1 period of 60 months by the data center operator and the
2 tenants of the data center, collectively, associated
3 with the operation or maintenance of the data center;
4 those jobs must have a total compensation equal to or
5 greater than 120% of the average wage paid to
6 full-time employees in the county where the data
7 center is located, as determined by the U.S. Bureau of
8 Labor Statistics; and

9 (5) within 90 days after being placed in service,
10 certifies to the Department that it is carbon neutral
11 or has attained certification under one or more of the
12 following green building standards:

13 (A) BREEAM for New Construction or BREEAM
14 In-Use;

15 (B) ENERGY STAR;

16 (C) Envision;

17 (D) ISO 50001-energy management;

18 (E) LEED for Building Design and Construction
19 or LEED for Operations and Maintenance;

20 (F) Green Globes for New Construction or Green
21 Globes for Existing Buildings;

22 (G) UL 3223; or

23 (H) an equivalent program approved by the
24 Department of Commerce and Economic Opportunity.

25 "Full-time equivalent job" means a job in which the
26 new employee works for the owner, operator, contractor, or

1 tenant of a data center or for a corporation under
2 contract with the owner, operator or tenant of a data
3 center at a rate of at least 35 hours per week. An owner,
4 operator or tenant who employs labor or services at a
5 specific site or facility under contract with another may
6 declare one full-time, permanent job for every 1,820 man
7 hours worked per year under that contract. Vacations, paid
8 holidays, and sick time are included in this computation.
9 Overtime is not considered a part of regular hours.

10 "Qualified tangible personal property" means:
11 electrical systems and equipment; climate control and
12 chilling equipment and systems; mechanical systems and
13 equipment; monitoring and secure systems; emergency
14 generators; hardware; computers; servers; data storage
15 devices; network connectivity equipment; racks; cabinets;
16 telecommunications cabling infrastructure; raised floor
17 systems; peripheral components or systems; software;
18 mechanical, electrical, or plumbing systems; battery
19 systems; cooling systems and towers; temperature control
20 systems; other cabling; and other data center
21 infrastructure equipment and systems necessary to operate
22 qualified tangible personal property, including fixtures;
23 and component parts of any of the foregoing, including
24 installation, maintenance, repair, refurbishment, and
25 replacement of qualified tangible personal property to
26 generate, transform, transmit, distribute, or manage

1 electricity necessary to operate qualified tangible
2 personal property; and all other tangible personal
3 property that is essential to the operations of a computer
4 data center. "Qualified tangible personal property" also
5 includes building materials physically incorporated in to
6 the qualifying data center.

7 To document the exemption allowed under this Section, the
8 retailer must obtain from the purchaser a copy of the
9 certificate of eligibility issued by the Department.

10 (d) New and existing data centers seeking a certificate of
11 exemption for new or existing facilities shall apply to the
12 Department in the manner specified by the Department. The
13 Department shall determine the duration of the certificate of
14 exemption awarded under this Act. The duration of the
15 certificate of exemption may not exceed 20 calendar years. The
16 Department and any data center seeking the exemption,
17 including a data center operator on behalf of itself and its
18 tenants, must enter into a memorandum of understanding that at
19 a minimum provides:

20 (1) the details for determining the amount of capital
21 investment to be made;

22 (2) the number of new jobs created;

23 (3) the timeline for achieving the capital investment
24 and new job goals;

25 (4) the repayment obligation should those goals not be
26 achieved and any conditions under which repayment by the

1 qualifying data center or data center tenant claiming the
2 exemption will be required;

3 (5) the duration of the exemption; and

4 (6) other provisions as deemed necessary by the
5 Department.

6 (e) Beginning July 1, 2021, and each year thereafter, the
7 Department shall annually report to the Governor and the
8 General Assembly on the outcomes and effectiveness of Public
9 Act 101-31 that shall include the following:

10 (1) the name of each recipient business;

11 (2) the location of the project;

12 (3) the estimated value of the credit;

13 (4) the number of new jobs and, if applicable,
14 retained jobs pledged as a result of the project; and

15 (5) whether or not the project is located in an
16 underserved area.

17 (f) New and existing data centers seeking a certificate of
18 exemption related to the rehabilitation or construction of
19 data centers in the State shall require the contractor and all
20 subcontractors to comply with the requirements of Section
21 30-22 of the Illinois Procurement Code as they apply to
22 responsible bidders and to present satisfactory evidence of
23 that compliance to the Department.

24 (g) New and existing data centers seeking a certificate of
25 exemption for the rehabilitation or construction of data
26 centers in the State shall require the contractor to enter

1 into a project labor agreement approved by the Department.

2 (h) Any qualifying data center issued a certificate of
3 exemption under this Section must annually report to the
4 Department the total data center tax benefits that are
5 received by the business. Reports are due no later than May 31
6 of each year and shall cover the previous calendar year. The
7 first report is for the 2019 calendar year and is due no later
8 than May 31, 2020.

9 To the extent that a business issued a certificate of
10 exemption under this Section has obtained an Enterprise Zone
11 Building Materials Exemption Certificate or a High Impact
12 Business Building Materials Exemption Certificate, no
13 additional reporting for those building materials exemption
14 benefits is required under this Section.

15 Failure to file a report under this subsection (h) may
16 result in suspension or revocation of the certificate of
17 exemption. Factors to be considered in determining whether a
18 data center certificate of exemption shall be suspended or
19 revoked include, but are not limited to, prior compliance with
20 the reporting requirements, cooperation in discontinuing and
21 correcting violations, the extent of the violation, and
22 whether the violation was willful or inadvertent.

23 (i) The Department shall not issue any new certificates of
24 exemption under the provisions of this Section after July 1,
25 2029. This sunset shall not affect any existing certificates
26 of exemption in effect on July 1, 2029.

1 (j) The Department shall adopt rules to implement and
2 administer this Section.

3 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 12-13-19.)

4 (20 ILCS 605/605-1030)

5 Sec. 605-1030. Human Services Capital Investment Grant
6 Program.

7 (a) The Department of Commerce and Economic Opportunity,
8 in coordination with the Department of Human Services, shall
9 establish a Human Services Capital Investment Grant Program.
10 The Department shall, subject to appropriation, make capital
11 improvement grants to human services providers serving
12 low-income or marginalized populations. The Build Illinois
13 Bond Fund and the Rebuild Illinois Projects Fund shall be the
14 sources of funding for the program. Eligible grant recipients
15 shall be human services providers that offer facilities and
16 services in a manner that supports and fulfills the mission of
17 the Department of Human Services. Eligible grant recipients
18 include, but are not limited to, domestic violence shelters,
19 rape crisis centers, comprehensive youth services, teen REACH
20 providers, supportive housing providers, developmental
21 disability community providers, behavioral health providers,
22 and other community-based providers. Eligible grant recipients
23 have no entitlement to a grant under this Section.

24 (b) The Department, in consultation with the Department of
25 Human Services, shall adopt rules to implement this Section

1 and shall create a competitive application procedure for
2 grants to be awarded. The rules shall specify the manner of
3 applying for grants; grantee eligibility requirements; project
4 eligibility requirements; restrictions on the use of grant
5 moneys; the manner in which grantees must account for the use
6 of grant moneys; and any other provision that the Department
7 of Commerce and Economic Opportunity or Department of Human
8 Services determine to be necessary or useful for the
9 administration of this Section. Rules may include a
10 requirement for grantees to provide local matching funds in an
11 amount equal to a specific percentage of the grant.

12 (c) The Department of Human Services shall establish
13 standards for determining the priorities concerning the
14 necessity for capital facilities for the provision of human
15 services based on data available to the Department.

16 (d) No portion of a human services capital investment
17 grant awarded under this Section may be used by a grantee to
18 pay for any on-going operational costs or outstanding debt.

19 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;
20 revised 8-18-20.)

21 (20 ILCS 605/605-1035)

22 Sec. 605-1035 ~~605-1025~~. Training in the Building Trades
23 Program.

24 (a) Subject to appropriation, the Department of Commerce
25 and Economic Opportunity may establish a Training in the

1 Building Trades Program to award grants to community-based
2 organizations for the purpose of establishing training
3 programs for persons who are 18 through 35 years of age and
4 have an interest in the building trades. Persons eligible to
5 participate in the Program shall include youth who have aged
6 out of foster care and have an interest in the building trades.
7 The Department of Children and Family Services, in
8 consultation with the Department of Commerce and Economic
9 Opportunity, shall identify and refer eligible youth to those
10 community-based organizations that receive grants under this
11 Section. Under the training programs, each participating
12 person shall receive the following:

13 (1) Formal training and education in the fundamentals
14 and core competencies in the person's chosen trade. Such
15 training and education shall be provided by a trained and
16 skilled tradesman or journeyman who is a member of a trade
17 union and who is paid the general prevailing rate of
18 hourly wages in the locality in which the work is to be
19 performed.

20 (2) Hands-on experience to further develop the
21 person's building trade skills by participating in
22 community improvement projects involving the
23 rehabilitation of vacant and abandoned residential
24 property in economically depressed areas of the State.

25 Selected organizations shall also use the grant money to
26 establish an entrepreneurship program to provide eligible

1 persons with the capital and business management skills
2 necessary to successfully launch their own businesses as
3 contractors, subcontractors, real estate agents, or property
4 managers or as any other entrepreneurs in the building trades.
5 Eligibility under the entrepreneurship program shall be
6 restricted to persons who reside in one of the economically
7 depressed areas selected to receive community improvement
8 projects in accordance with this subsection and who have
9 obtained the requisite skill set for a particular building
10 trade after successfully completing a training program
11 established in accordance with this subsection. Grants
12 provided under this Section may also be used to purchase the
13 equipment and materials needed to rehabilitate any vacant and
14 abandoned residential property that is eligible for
15 acquisition as described in subsection (b).

16 (b) Property eligible for acquisition and rehabilitation
17 under the Training in the Building Trades Program.

18 (1) A community-based organization that is selected to
19 participate in the Training in the Building Trades Program
20 may enter into an agreement with a financial institution
21 to rehabilitate abandoned residential property in
22 foreclosure with the express condition that, after the
23 rehabilitation project is complete, the financial
24 institution shall:

25 (A) sell the residential property for no less than
26 its fair market value; and

1 (B) use any proceeds from the sale to (i)
2 reimburse the community-based organization for all
3 costs associated with rehabilitating the property and
4 (ii) make satisfactory payment for any other claims
5 against the property. Any remaining sale proceeds of
6 the residential property shall be retained by the
7 financial institution.

8 (2) (A) A unit of local government may enact an
9 ordinance that permits the acquisition and rehabilitation
10 of abandoned residential property under the Training in
11 the Building Trades Program. Under the ordinance, any
12 owner of residential property that has been abandoned for
13 at least 3 years shall be notified that the abandoned
14 property is subject to acquisition and rehabilitation
15 under the Program and that if the owner does not respond to
16 the notice within the time period prescribed by the unit
17 of local government, the owner shall lose all right,
18 title, and interest in the property. Such notice shall be
19 given as follows:

20 (i) by mailing a copy of the notice by certified
21 mail to the owner's last known mailing address;

22 (ii) by publication in a newspaper published in
23 the municipality or county where the property is
24 located; and

25 (iii) by recording the notice with the office of
26 the recorder of the county in which the property is

1 located.

2 (B) If the owner responds to the notice within the
3 time period prescribed by the unit of local government,
4 the owner shall be given the option to either bring the
5 property into compliance with all applicable fire,
6 housing, and building codes within 6 months or enter into
7 an agreement with a community-based organization under the
8 Program to rehabilitate the residential property. If the
9 owner chooses to enter into an agreement with a
10 community-based organization to rehabilitate the
11 residential property, such agreement shall be made with
12 the express condition that, after the rehabilitation
13 project is complete, the owner shall:

14 (i) sell the residential property for no less than
15 its fair market value; and

16 (ii) use any proceeds from the sale to (a)
17 reimburse the community-based organization for all
18 costs associated with rehabilitating the property and
19 (b) make satisfactory payment for any other claims
20 against the property. Any remaining sale proceeds of
21 the residential property shall be distributed as
22 follows:

23 (I) 20% shall be distributed to the owner.

24 (II) 80% shall be deposited into the Training
25 in the Building Trades Fund created under
26 subsection (e).

1 (c) The Department of Commerce and Economic Opportunity
2 shall select from each of the following geographical regions
3 of the State a community-based organization with experience
4 working with the building trades:

5 (1) Central Illinois.

6 (2) Northeastern Illinois.

7 (3) Southern (Metro-East) Illinois.

8 (4) Southern Illinois.

9 (5) Western Illinois.

10 (d) Grants awarded under this Section shall be funded
11 through appropriations from the Training in the Building
12 Trades Fund created under subsection (e). The Department of
13 Commerce and Economic Opportunity may adopt any rules
14 necessary to implement the provisions of this Section.

15 (e) The Training in the Building Trades Fund is created as
16 a special fund in the State treasury. The Fund shall consist of
17 any moneys deposited into the Fund as provided in subparagraph
18 (B) of paragraph (2) of subsection (b) and any moneys
19 appropriated to the Department of Commerce and Economic
20 Opportunity for the Training in the Building Trades Program.
21 Moneys in the Fund shall be expended for the Training in the
22 Building Trades Program under subsection (a) and for no other
23 purpose. All interest earned on moneys in the Fund shall be
24 deposited into the Fund.

25 (Source: P.A. 101-469, eff. 1-1-20; revised 10-18-19.)

1 (20 ILCS 605/605-1040)

2 Sec. 605-1040 ~~605-1025~~. Assessment of marketing programs.

3 The Department shall, in consultation with the General
4 Assembly, complete an assessment of its current practices
5 related to marketing programs administered by the Department
6 and the extent to which the Department assists Illinois
7 residents in the use and coordination of programs offered by
8 the Department. That assessment shall be completed by December
9 31, 2019.

10 Upon review of the assessment, if the Department, in
11 consultation with the General Assembly, concludes that a
12 Citizens Services Coordinator is needed to assist Illinois
13 residents in obtaining services and programs offered by the
14 Department, then the Department may, subject to appropriation,
15 hire an individual to serve as a Citizens Services
16 Coordinator. The Citizens Services Coordinator shall assist
17 Illinois residents seeking out and obtaining services and
18 programs offered by the Department and shall monitor resident
19 inquiries to determine which services are most in demand on a
20 regional basis.

21 (Source: P.A. 101-497, eff. 1-1-20; revised 10-18-19.)

22 (20 ILCS 605/605-1045)

23 Sec. 605-1045. (Repealed).

24 (Source: P.A. 101-640, eff. 6-12-20. Repealed internally, eff.
25 12-31-20.)

1 (20 ILCS 605/605-1047)

2 Sec. 605-1047 ~~605-1045~~. Local Coronavirus Urgent
3 Remediation Emergency (or Local CURE) Support Program.

4 (a) Purpose. The Department may receive, directly or
5 indirectly, federal funds from the Coronavirus Relief Fund
6 provided to the State pursuant to Section 5001 of the federal
7 Coronavirus Aid, Relief, and Economic Security (CARES) Act to
8 provide financial support to units of local government for
9 purposes authorized by Section 5001 of the federal Coronavirus
10 Aid, Relief, and Economic Security (CARES) Act and related
11 federal guidance. Upon receipt of such funds, and
12 appropriations for their use, the Department shall administer
13 a Local Coronavirus Urgent Remediation Emergency (or Local
14 CURE) Support Program to provide financial support to units of
15 local government that have incurred necessary expenditures due
16 to the COVID-19 public health emergency. The Department shall
17 provide by rule the administrative framework for the Local
18 CURE Support Program.

19 (b) Allocations. A portion of the funds appropriated for
20 the Local CURE Support Program may be allotted to
21 municipalities and counties based on proportionate population.
22 Units of local government, or portions thereof, located within
23 the five Illinois counties that received direct allotments
24 from the federal Coronavirus Relief Fund will not be included
25 in the support program allotments. The Department may

1 establish other administrative procedures for providing
2 financial support to units of local government. Appropriated
3 funds may be used for administration of the support program,
4 including the hiring of a service provider to assist with
5 coordination and administration.

6 (c) Administrative Procedures. The Department may
7 establish administrative procedures for the support program,
8 including any application procedures, grant agreements,
9 certifications, payment methodologies, and other
10 accountability measures that may be imposed upon recipients of
11 funds under the grant program. Financial support may be
12 provided in the form of grants or in the form of expense
13 reimbursements for disaster-related expenditures. The
14 emergency rulemaking process may be used to promulgate the
15 initial rules of the grant program.

16 (d) Definitions. As used in this Section:

17 (1) "COVID-19" means the novel coronavirus virus
18 disease deemed COVID-19 by the World Health Organization
19 on February 11, 2020.

20 (2) "Local government" or "unit of local government"
21 means any unit of local government as defined in Article
22 VII, Section 1 of the Illinois Constitution.

23 (3) "Third party administrator" means a service
24 provider selected by the Department to provide operational
25 assistance with the administration of the support program.

26 (e) Powers of the Department. The Department has the power

1 to:

2 (1) Provide financial support to eligible units of
3 local government with funds appropriated from the Local
4 Coronavirus Urgent Remediation Emergency (Local CURE) Fund
5 to cover necessary costs incurred due to the COVID-19
6 public health emergency that are eligible to be paid using
7 federal funds from the Coronavirus Relief Fund.

8 (2) Enter into agreements, accept funds, issue grants
9 or expense reimbursements, and engage in cooperation with
10 agencies of the federal government and units of local
11 governments to carry out the purposes of this support
12 program, and to use funds appropriated from the Local
13 Coronavirus Urgent Remediation Emergency (Local CURE) Fund
14 fund upon such terms and conditions as may be established
15 by the federal government and the Department.

16 (3) Enter into agreements with third-party
17 administrators to assist the state with operational
18 assistance and administrative functions related to review
19 of documentation and processing of financial support
20 payments to units of local government.

21 (4) Establish applications, notifications, contracts,
22 and procedures and adopt rules deemed necessary and
23 appropriate to carry out the provisions of this Section.
24 To provide for the expeditious and timely implementation
25 of this Act, emergency rules to implement any provision of
26 this Section may be adopted by the Department subject to

1 the provisions of Section 5-45 of the Illinois
2 Administrative Procedure Act.

3 (5) Provide staff, administration, and related support
4 required to manage the support program and pay for the
5 staffing, administration, and related support with funds
6 appropriated from the Local Coronavirus Urgent Remediation
7 Emergency (Local CURE) Fund.

8 (6) Exercise such other powers as are necessary or
9 incidental to the foregoing.

10 (f) Local CURE Financial Support to Local Governments. The
11 Department is authorized to provide financial support to
12 eligible units of local government including, but not limited
13 to, certified local health departments for necessary costs
14 incurred due to the COVID-19 public health emergency that are
15 eligible to be paid using federal funds from the Coronavirus
16 Relief Fund.

17 (1) Financial support funds may be used by a unit of
18 local government only for payment of costs that: (i) are
19 necessary expenditures incurred due to the public health
20 emergency of COVID-19; (ii) were not accounted for in the
21 most recent budget approved as of March 27, 2020 for the
22 unit of local government; and (iii) were incurred between
23 March 1, 2020 and December 30, 2020.

24 (2) A unit of local government receiving financial
25 support funds under this program shall certify to the
26 Department that it shall use the funds in accordance with

1 the requirements of paragraph (1) and that any funds
2 received but not used for such purposes shall be repaid to
3 the Department.

4 (3) The Department shall make the determination to
5 provide financial support funds to a unit of local
6 government on the basis of criteria established by the
7 Department.

8 (Source: P.A. 101-636, eff. 6-10-20; revised 8-3-20.)

9 Section 105. The Illinois Enterprise Zone Act is amended
10 by changing Sections 5.5 and 13 as follows:

11 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

12 Sec. 5.5. High Impact Business.

13 (a) In order to respond to unique opportunities to assist
14 in the encouragement, development, growth, and expansion of
15 the private sector through large scale investment and
16 development projects, the Department is authorized to receive
17 and approve applications for the designation of "High Impact
18 Businesses" in Illinois subject to the following conditions:

19 (1) such applications may be submitted at any time
20 during the year;

21 (2) such business is not located, at the time of
22 designation, in an enterprise zone designated pursuant to
23 this Act;

24 (3) the business intends to do one or more of the

1 following:

2 (A) the business intends to make a minimum
3 investment of \$12,000,000 which will be placed in
4 service in qualified property and intends to create
5 500 full-time equivalent jobs at a designated location
6 in Illinois or intends to make a minimum investment of
7 \$30,000,000 which will be placed in service in
8 qualified property and intends to retain 1,500
9 full-time retained jobs at a designated location in
10 Illinois. The business must certify in writing that
11 the investments would not be placed in service in
12 qualified property and the job creation or job
13 retention would not occur without the tax credits and
14 exemptions set forth in subsection (b) of this
15 Section. The terms "placed in service" and "qualified
16 property" have the same meanings as described in
17 subsection (h) of Section 201 of the Illinois Income
18 Tax Act; or

19 (B) the business intends to establish a new
20 electric generating facility at a designated location
21 in Illinois. "New electric generating facility", for
22 purposes of this Section, means a newly-constructed
23 electric generation plant or a newly-constructed
24 generation capacity expansion at an existing electric
25 generation plant, including the transmission lines and
26 associated equipment that transfers electricity from

1 points of supply to points of delivery, and for which
2 such new foundation construction commenced not sooner
3 than July 1, 2001. Such facility shall be designed to
4 provide baseload electric generation and shall operate
5 on a continuous basis throughout the year; and (i)
6 shall have an aggregate rated generating capacity of
7 at least 1,000 megawatts for all new units at one site
8 if it uses natural gas as its primary fuel and
9 foundation construction of the facility is commenced
10 on or before December 31, 2004, or shall have an
11 aggregate rated generating capacity of at least 400
12 megawatts for all new units at one site if it uses coal
13 or gases derived from coal as its primary fuel and
14 shall support the creation of at least 150 new
15 Illinois coal mining jobs, or (ii) shall be funded
16 through a federal Department of Energy grant before
17 December 31, 2010 and shall support the creation of
18 Illinois coal-mining jobs, or (iii) shall use coal
19 gasification or integrated gasification-combined cycle
20 units that generate electricity or chemicals, or both,
21 and shall support the creation of Illinois coal-mining
22 jobs. The business must certify in writing that the
23 investments necessary to establish a new electric
24 generating facility would not be placed in service and
25 the job creation in the case of a coal-fueled plant
26 would not occur without the tax credits and exemptions

1 set forth in subsection (b-5) of this Section. The
2 term "placed in service" has the same meaning as
3 described in subsection (h) of Section 201 of the
4 Illinois Income Tax Act; or

5 (B-5) the business intends to establish a new
6 gasification facility at a designated location in
7 Illinois. As used in this Section, "new gasification
8 facility" means a newly constructed coal gasification
9 facility that generates chemical feedstocks or
10 transportation fuels derived from coal (which may
11 include, but are not limited to, methane, methanol,
12 and nitrogen fertilizer), that supports the creation
13 or retention of Illinois coal-mining jobs, and that
14 qualifies for financial assistance from the Department
15 before December 31, 2010. A new gasification facility
16 does not include a pilot project located within
17 Jefferson County or within a county adjacent to
18 Jefferson County for synthetic natural gas from coal;
19 or

20 (C) the business intends to establish production
21 operations at a new coal mine, re-establish production
22 operations at a closed coal mine, or expand production
23 at an existing coal mine at a designated location in
24 Illinois not sooner than July 1, 2001; provided that
25 the production operations result in the creation of
26 150 new Illinois coal mining jobs as described in

1 subdivision (a)(3)(B) of this Section, and further
2 provided that the coal extracted from such mine is
3 utilized as the predominant source for a new electric
4 generating facility. The business must certify in
5 writing that the investments necessary to establish a
6 new, expanded, or reopened coal mine would not be
7 placed in service and the job creation would not occur
8 without the tax credits and exemptions set forth in
9 subsection (b-5) of this Section. The term "placed in
10 service" has the same meaning as described in
11 subsection (h) of Section 201 of the Illinois Income
12 Tax Act; or

13 (D) the business intends to construct new
14 transmission facilities or upgrade existing
15 transmission facilities at designated locations in
16 Illinois, for which construction commenced not sooner
17 than July 1, 2001. For the purposes of this Section,
18 "transmission facilities" means transmission lines
19 with a voltage rating of 115 kilovolts or above,
20 including associated equipment, that transfer
21 electricity from points of supply to points of
22 delivery and that transmit a majority of the
23 electricity generated by a new electric generating
24 facility designated as a High Impact Business in
25 accordance with this Section. The business must
26 certify in writing that the investments necessary to

1 construct new transmission facilities or upgrade
2 existing transmission facilities would not be placed
3 in service without the tax credits and exemptions set
4 forth in subsection (b-5) of this Section. The term
5 "placed in service" has the same meaning as described
6 in subsection (h) of Section 201 of the Illinois
7 Income Tax Act; or

8 (E) the business intends to establish a new wind
9 power facility at a designated location in Illinois.
10 For purposes of this Section, "new wind power
11 facility" means a newly constructed electric
12 generation facility, or a newly constructed expansion
13 of an existing electric generation facility, placed in
14 service on or after July 1, 2009, that generates
15 electricity using wind energy devices, and such
16 facility shall be deemed to include all associated
17 transmission lines, substations, and other equipment
18 related to the generation of electricity from wind
19 energy devices. For purposes of this Section, "wind
20 energy device" means any device, with a nameplate
21 capacity of at least 0.5 megawatts, that is used in the
22 process of converting kinetic energy from the wind to
23 generate electricity; or

24 (F) the business commits to (i) make a minimum
25 investment of \$500,000,000, which will be placed in
26 service in a qualified property, (ii) create 125

1 full-time equivalent jobs at a designated location in
2 Illinois, (iii) establish a fertilizer plant at a
3 designated location in Illinois that complies with the
4 set-back standards as described in Table 1: Initial
5 Isolation and Protective Action Distances in the 2012
6 Emergency Response Guidebook published by the United
7 States Department of Transportation, (iv) pay a
8 prevailing wage for employees at that location who are
9 engaged in construction activities, and (v) secure an
10 appropriate level of general liability insurance to
11 protect against catastrophic failure of the fertilizer
12 plant or any of its constituent systems; in addition,
13 the business must agree to enter into a construction
14 project labor agreement including provisions
15 establishing wages, benefits, and other compensation
16 for employees performing work under the project labor
17 agreement at that location; for the purposes of this
18 Section, "fertilizer plant" means a newly constructed
19 or upgraded plant utilizing gas used in the production
20 of anhydrous ammonia and downstream nitrogen
21 fertilizer products for resale; for the purposes of
22 this Section, "prevailing wage" means the hourly cash
23 wages plus fringe benefits for training and
24 apprenticeship programs approved by the U.S.
25 Department of Labor, Bureau of Apprenticeship and
26 Training, health and welfare, insurance, vacations and

1 pensions paid generally, in the locality in which the
2 work is being performed, to employees engaged in work
3 of a similar character on public works; this paragraph
4 (F) applies only to businesses that submit an
5 application to the Department within 60 days after
6 July 25, 2013 (the effective date of Public Act
7 98-109) ~~this amendatory Act of the 98th General~~
8 ~~Assembly~~; and

9 (4) no later than 90 days after an application is
10 submitted, the Department shall notify the applicant of
11 the Department's determination of the qualification of the
12 proposed High Impact Business under this Section.

13 (b) Businesses designated as High Impact Businesses
14 pursuant to subdivision (a)(3)(A) of this Section shall
15 qualify for the credits and exemptions described in the
16 following Acts: Section 9-222 and Section 9-222.1A of the
17 Public Utilities Act, subsection (h) of Section 201 of the
18 Illinois Income Tax Act, and Section 1d of the Retailers'
19 Occupation Tax Act; provided that these credits and exemptions
20 described in these Acts shall not be authorized until the
21 minimum investments set forth in subdivision (a)(3)(A) of this
22 Section have been placed in service in qualified properties
23 and, in the case of the exemptions described in the Public
24 Utilities Act and Section 1d of the Retailers' Occupation Tax
25 Act, the minimum full-time equivalent jobs or full-time
26 retained jobs set forth in subdivision (a)(3)(A) of this

1 Section have been created or retained. Businesses designated
2 as High Impact Businesses under this Section shall also
3 qualify for the exemption described in Section 51 of the
4 Retailers' Occupation Tax Act. The credit provided in
5 subsection (h) of Section 201 of the Illinois Income Tax Act
6 shall be applicable to investments in qualified property as
7 set forth in subdivision (a) (3) (A) of this Section.

8 (b-5) Businesses designated as High Impact Businesses
9 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),
10 and (a) (3) (D) of this Section shall qualify for the credits
11 and exemptions described in the following Acts: Section 51 of
12 the Retailers' Occupation Tax Act, Section 9-222 and Section
13 9-222.1A of the Public Utilities Act, and subsection (h) of
14 Section 201 of the Illinois Income Tax Act; however, the
15 credits and exemptions authorized under Section 9-222 and
16 Section 9-222.1A of the Public Utilities Act, and subsection
17 (h) of Section 201 of the Illinois Income Tax Act shall not be
18 authorized until the new electric generating facility, the new
19 gasification facility, the new transmission facility, or the
20 new, expanded, or reopened coal mine is operational, except
21 that a new electric generating facility whose primary fuel
22 source is natural gas is eligible only for the exemption under
23 Section 51 of the Retailers' Occupation Tax Act.

24 (b-6) Businesses designated as High Impact Businesses
25 pursuant to subdivision (a) (3) (E) of this Section shall
26 qualify for the exemptions described in Section 51 of the

1 Retailers' Occupation Tax Act; any business so designated as a
2 High Impact Business being, for purposes of this Section, a
3 "Wind Energy Business".

4 (b-7) Beginning on January 1, 2021, businesses designated
5 as High Impact Businesses by the Department shall qualify for
6 the High Impact Business construction jobs credit under
7 subsection (h-5) of Section 201 of the Illinois Income Tax Act
8 if the business meets the criteria set forth in subsection (i)
9 of this Section. The total aggregate amount of credits awarded
10 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9
11 ~~this amendatory Act of the 101st General Assembly~~) shall not
12 exceed \$20,000,000 in any State fiscal year.

13 (c) High Impact Businesses located in federally designated
14 foreign trade zones or sub-zones are also eligible for
15 additional credits, exemptions and deductions as described in
16 the following Acts: Section 9-221 and Section 9-222.1 of the
17 Public Utilities Act; and subsection (g) of Section 201, and
18 Section 203 of the Illinois Income Tax Act.

19 (d) Except for businesses contemplated under subdivision
20 (a) (3) (E) of this Section, existing Illinois businesses which
21 apply for designation as a High Impact Business must provide
22 the Department with the prospective plan for which 1,500
23 full-time retained jobs would be eliminated in the event that
24 the business is not designated.

25 (e) Except for new wind power facilities contemplated
26 under subdivision (a) (3) (E) of this Section, new proposed

1 facilities which apply for designation as High Impact Business
2 must provide the Department with proof of alternative
3 non-Illinois sites which would receive the proposed investment
4 and job creation in the event that the business is not
5 designated as a High Impact Business.

6 (f) Except for businesses contemplated under subdivision
7 (a)(3)(E) of this Section, in the event that a business is
8 designated a High Impact Business and it is later determined
9 after reasonable notice and an opportunity for a hearing as
10 provided under the Illinois Administrative Procedure Act, that
11 the business would have placed in service in qualified
12 property the investments and created or retained the requisite
13 number of jobs without the benefits of the High Impact
14 Business designation, the Department shall be required to
15 immediately revoke the designation and notify the Director of
16 the Department of Revenue who shall begin proceedings to
17 recover all wrongfully exempted State taxes with interest. The
18 business shall also be ineligible for all State funded
19 Department programs for a period of 10 years.

20 (g) The Department shall revoke a High Impact Business
21 designation if the participating business fails to comply with
22 the terms and conditions of the designation. However, the
23 penalties for new wind power facilities or Wind Energy
24 Businesses for failure to comply with any of the terms or
25 conditions of the Illinois Prevailing Wage Act shall be only
26 those penalties identified in the Illinois Prevailing Wage

1 Act, and the Department shall not revoke a High Impact
2 Business designation as a result of the failure to comply with
3 any of the terms or conditions of the Illinois Prevailing Wage
4 Act in relation to a new wind power facility or a Wind Energy
5 Business.

6 (h) Prior to designating a business, the Department shall
7 provide the members of the General Assembly and Commission on
8 Government Forecasting and Accountability with a report
9 setting forth the terms and conditions of the designation and
10 guarantees that have been received by the Department in
11 relation to the proposed business being designated.

12 (i) High Impact Business construction jobs credit.
13 Beginning on January 1, 2021, a High Impact Business may
14 receive a tax credit against the tax imposed under subsections
15 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
16 amount equal to 50% of the amount of the incremental income tax
17 attributable to High Impact Business construction jobs credit
18 employees employed in the course of completing a High Impact
19 Business construction jobs project. However, the High Impact
20 Business construction jobs credit may equal 75% of the amount
21 of the incremental income tax attributable to High Impact
22 Business construction jobs credit employees if the High Impact
23 Business construction jobs credit project is located in an
24 underserved area.

25 The Department shall certify to the Department of Revenue:
26 (1) the identity of taxpayers that are eligible for the High

1 Impact Business construction jobs credit; and (2) the amount
2 of High Impact Business construction jobs credits that are
3 claimed pursuant to subsection (h-5) of Section 201 of the
4 Illinois Income Tax Act in each taxable year. Any business
5 entity that receives a High Impact Business construction jobs
6 credit shall maintain a certified payroll pursuant to
7 subsection (j) of this Section.

8 As used in this subsection (i):

9 "High Impact Business construction jobs credit" means an
10 amount equal to 50% (or 75% if the High Impact Business
11 construction project is located in an underserved area) of the
12 incremental income tax attributable to High Impact Business
13 construction job employees. The total aggregate amount of
14 credits awarded under the Blue Collar Jobs Act (Article 20 of
15 Public Act 101-9 ~~this amendatory Act of the 101st General~~
16 ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal
17 year

18 "High Impact Business construction job employee" means a
19 laborer or worker who is employed by an Illinois contractor or
20 subcontractor in the actual construction work on the site of a
21 High Impact Business construction job project.

22 "High Impact Business construction jobs project" means
23 building a structure or building or making improvements of any
24 kind to real property, undertaken and commissioned by a
25 business that was designated as a High Impact Business by the
26 Department. The term "High Impact Business construction jobs

1 project" does not include the routine operation, routine
2 repair, or routine maintenance of existing structures,
3 buildings, or real property.

4 "Incremental income tax" means the total amount withheld
5 during the taxable year from the compensation of High Impact
6 Business construction job employees.

7 "Underserved area" means a geographic area that meets one
8 or more of the following conditions:

9 (1) the area has a poverty rate of at least 20%
10 according to the latest federal decennial census;

11 (2) 75% or more of the children in the area
12 participate in the federal free lunch program according to
13 reported statistics from the State Board of Education;

14 (3) at least 20% of the households in the area receive
15 assistance under the Supplemental Nutrition Assistance
16 Program (SNAP); or

17 (4) the area has an average unemployment rate, as
18 determined by the Illinois Department of Employment
19 Security, that is more than 120% of the national
20 unemployment average, as determined by the U.S. Department
21 of Labor, for a period of at least 2 consecutive calendar
22 years preceding the date of the application.

23 (j) Each contractor and subcontractor who is engaged in
24 and executing a High Impact Business Construction jobs
25 project, as defined under subsection (i) of this Section, for
26 a business that is entitled to a credit pursuant to subsection

1 (i) of this Section shall:

2 (1) make and keep, for a period of 5 years from the
3 date of the last payment made on or after June 5, 2019 (the
4 effective date of Public Act 101-9) ~~this amendatory Act of~~
5 ~~the 101st General Assembly~~ on a contract or subcontract
6 for a High Impact Business Construction Jobs Project,
7 records for all laborers and other workers employed by the
8 contractor or subcontractor on the project; the records
9 shall include:

10 (A) the worker's name;

11 (B) the worker's address;

12 (C) the worker's telephone number, if available;

13 (D) the worker's social security number;

14 (E) the worker's classification or
15 classifications;

16 (F) the worker's gross and net wages paid in each
17 pay period;

18 (G) the worker's number of hours worked each day;

19 (H) the worker's starting and ending times of work
20 each day;

21 (I) the worker's hourly wage rate; and

22 (J) the worker's hourly overtime wage rate;

23 (2) no later than the 15th day of each calendar month,
24 provide a certified payroll for the immediately preceding
25 month to the taxpayer in charge of the High Impact
26 Business construction jobs project; within 5 business days

1 after receiving the certified payroll, the taxpayer shall
2 file the certified payroll with the Department of Labor
3 and the Department of Commerce and Economic Opportunity; a
4 certified payroll must be filed for only those calendar
5 months during which construction on a High Impact Business
6 construction jobs project has occurred; the certified
7 payroll shall consist of a complete copy of the records
8 identified in paragraph (1) of this subsection (j), but
9 may exclude the starting and ending times of work each
10 day; the certified payroll shall be accompanied by a
11 statement signed by the contractor or subcontractor or an
12 officer, employee, or agent of the contractor or
13 subcontractor which avers that:

14 (A) he or she has examined the certified payroll
15 records required to be submitted by the Act and such
16 records are true and accurate; and

17 (B) the contractor or subcontractor is aware that
18 filing a certified payroll that he or she knows to be
19 false is a Class A misdemeanor.

20 A general contractor is not prohibited from relying on a
21 certified payroll of a lower-tier subcontractor, provided the
22 general contractor does not knowingly rely upon a
23 subcontractor's false certification.

24 Any contractor or subcontractor subject to this
25 subsection, and any officer, employee, or agent of such
26 contractor or subcontractor whose duty as an officer,

1 employee, or agent it is to file a certified payroll under this
2 subsection, who willfully fails to file such a certified
3 payroll on or before the date such certified payroll is
4 required by this paragraph to be filed and any person who
5 willfully files a false certified payroll that is false as to
6 any material fact is in violation of this Act and guilty of a
7 Class A misdemeanor.

8 The taxpayer in charge of the project shall keep the
9 records submitted in accordance with this subsection on or
10 after June 5, 2019 (the effective date of Public Act 101-9)
11 ~~this amendatory Act of the 101st General Assembly~~ for a period
12 of 5 years from the date of the last payment for work on a
13 contract or subcontract for the High Impact Business
14 construction jobs project.

15 The records submitted in accordance with this subsection
16 shall be considered public records, except an employee's
17 address, telephone number, and social security number, and
18 made available in accordance with the Freedom of Information
19 Act. The Department of Labor shall accept any reasonable
20 submissions by the contractor that meet the requirements of
21 this subsection (j) and shall share the information with the
22 Department in order to comply with the awarding of a High
23 Impact Business construction jobs credit. A contractor,
24 subcontractor, or public body may retain records required
25 under this Section in paper or electronic format.

26 (k) Upon 7 business days' notice, each contractor and

1 subcontractor shall make available for inspection and copying
2 at a location within this State during reasonable hours, the
3 records identified in this subsection (j) to the taxpayer in
4 charge of the High Impact Business construction jobs project,
5 its officers and agents, the Director of the Department of
6 Labor and his or her deputies and agents, and to federal,
7 State, or local law enforcement agencies and prosecutors.

8 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

9 (20 ILCS 655/13)

10 Sec. 13. Enterprise Zone construction jobs credit.

11 (a) Beginning on January 1, 2021, a business entity in a
12 certified Enterprise Zone that makes a capital investment of
13 at least \$10,000,000 in an Enterprise Zone construction jobs
14 project may receive an Enterprise Zone construction jobs
15 credit against the tax imposed under subsections (a) and (b)
16 of Section 201 of the Illinois Income Tax Act in an amount
17 equal to 50% of the amount of the incremental income tax
18 attributable to Enterprise Zone construction jobs credit
19 employees employed in the course of completing an Enterprise
20 Zone construction jobs project. However, the Enterprise Zone
21 construction jobs credit may equal 75% of the amount of the
22 incremental income tax attributable to Enterprise Zone
23 construction jobs credit employees if the project is located
24 in an underserved area.

25 (b) A business entity seeking a credit under this Section

1 must submit an application to the Department and must receive
2 approval from the designating municipality or county and the
3 Department for the Enterprise Zone construction jobs credit
4 project. The application must describe the nature and benefit
5 of the project to the certified Enterprise Zone and its
6 potential contributors. The total aggregate amount of credits
7 awarded under the Blue Collar Jobs Act (Article 20 of Public
8 Act 101-9 ~~this amendatory Act of the 101st General Assembly~~)
9 shall not exceed \$20,000,000 in any State fiscal year.

10 Within 45 days after receipt of an application, the
11 Department shall give notice to the applicant as to whether
12 the application has been approved or disapproved. If the
13 Department disapproves the application, it shall specify the
14 reasons for this decision and allow 60 days for the applicant
15 to amend and resubmit its application. The Department shall
16 provide assistance upon request to applicants. Resubmitted
17 applications shall receive the Department's approval or
18 disapproval within 30 days after the application is
19 resubmitted. Those resubmitted applications satisfying initial
20 Department objectives shall be approved unless reasonable
21 circumstances warrant disapproval.

22 On an annual basis, the designated zone organization shall
23 furnish a statement to the Department on the programmatic and
24 financial status of any approved project and an audited
25 financial statement of the project.

26 The Department shall certify to the Department of Revenue

1 the identity of taxpayers who are eligible for the credits and
2 the amount of credits that are claimed pursuant to
3 subparagraph (8) of subsection (f) of Section 201 the Illinois
4 Income Tax Act.

5 The Enterprise Zone construction jobs credit project must
6 be undertaken by the business entity in the course of
7 completing a project that complies with the criteria contained
8 in Section 4 of this Act and is undertaken in a certified
9 Enterprise Zone. The Department shall adopt any necessary
10 rules for the implementation of this subsection (b).

11 (c) Any business entity that receives an Enterprise Zone
12 construction jobs credit shall maintain a certified payroll
13 pursuant to subsection (d) of this Section.

14 (d) Each contractor and subcontractor who is engaged in
15 and is executing an Enterprise Zone construction jobs credit
16 project for a business that is entitled to a credit pursuant to
17 this Section shall:

18 (1) make and keep, for a period of 5 years from the
19 date of the last payment made on or after June 5, 2019 (the
20 effective date of Public Act 101-9) ~~this amendatory Act of~~
21 ~~the 101st General Assembly~~ on a contract or subcontract
22 for an Enterprise Zone construction jobs credit project,
23 records for all laborers and other workers employed by
24 them on the project; the records shall include:

25 (A) the worker's name;

26 (B) the worker's address;

1 (C) the worker's telephone number, if available;
2 (D) the worker's social security number;
3 (E) the worker's classification or
4 classifications;
5 (F) the worker's gross and net wages paid in each
6 pay period;
7 (G) the worker's number of hours worked each day;
8 (H) the worker's starting and ending times of work
9 each day;
10 (I) the worker's hourly wage rate; and
11 (J) the worker's hourly overtime wage rate;
12 (2) no later than the 15th day of each calendar month,
13 provide a certified payroll for the immediately preceding
14 month to the taxpayer in charge of the project; within 5
15 business days after receiving the certified payroll, the
16 taxpayer shall file the certified payroll with the
17 Department of Labor and the Department of Commerce and
18 Economic Opportunity; a certified payroll must be filed
19 for only those calendar months during which construction
20 on an Enterprise Zone construction jobs project has
21 occurred; the certified payroll shall consist of a
22 complete copy of the records identified in paragraph (1)
23 of this subsection (d), but may exclude the starting and
24 ending times of work each day; the certified payroll shall
25 be accompanied by a statement signed by the contractor or
26 subcontractor or an officer, employee, or agent of the

1 contractor or subcontractor which avers that:

2 (A) he or she has examined the certified payroll
3 records required to be submitted by the Act and such
4 records are true and accurate; and

5 (B) the contractor or subcontractor is aware that
6 filing a certified payroll that he or she knows to be
7 false is a Class A misdemeanor.

8 A general contractor is not prohibited from relying on a
9 certified payroll of a lower-tier subcontractor, provided the
10 general contractor does not knowingly rely upon a
11 subcontractor's false certification.

12 Any contractor or subcontractor subject to this
13 subsection, and any officer, employee, or agent of such
14 contractor or subcontractor whose duty as an officer,
15 employee, or agent it is to file a certified payroll under this
16 subsection, who willfully fails to file such a certified
17 payroll on or before the date such certified payroll is
18 required by this paragraph to be filed and any person who
19 willfully files a false certified payroll that is false as to
20 any material fact is in violation of this Act and guilty of a
21 Class A misdemeanor.

22 The taxpayer in charge of the project shall keep the
23 records submitted in accordance with this subsection on or
24 after June 5, 2019 (the effective date of Public Act 101-9)
25 ~~this amendatory Act of the 101st General Assembly~~ for a period
26 of 5 years from the date of the last payment for work on a

1 contract or subcontract for the project.

2 The records submitted in accordance with this subsection
3 shall be considered public records, except an employee's
4 address, telephone number, and social security number, and
5 made available in accordance with the Freedom of Information
6 Act. The Department of Labor shall accept any reasonable
7 submissions by the contractor that meet the requirements of
8 this subsection and shall share the information with the
9 Department in order to comply with the awarding of Enterprise
10 Zone construction jobs credits. A contractor, subcontractor,
11 or public body may retain records required under this Section
12 in paper or electronic format.

13 Upon 7 business days' notice, the contractor and each
14 subcontractor shall make available for inspection and copying
15 at a location within this State during reasonable hours, the
16 records identified in paragraph (1) of this subsection to the
17 taxpayer in charge of the project, its officers and agents,
18 the Director of Labor and his or her deputies and agents, and
19 to federal, State, or local law enforcement agencies and
20 prosecutors.

21 (e) As used in this Section:

22 "Enterprise Zone construction jobs credit" means an amount
23 equal to 50% (or 75% if the project is located in an
24 underserved area) of the incremental income tax attributable
25 to Enterprise Zone construction jobs credit employees.

26 "Enterprise Zone construction jobs credit employee" means

1 a laborer or worker who is employed by an Illinois contractor
2 or subcontractor in the actual construction work on the site
3 of an Enterprise Zone construction jobs credit project.

4 "Enterprise Zone construction jobs credit project" means
5 building a structure or building or making improvements of any
6 kind to real property commissioned and paid for by a business
7 that has applied and been approved for an Enterprise Zone
8 construction jobs credit pursuant to this Section. "Enterprise
9 Zone construction jobs credit project" does not include the
10 routine operation, routine repair, or routine maintenance of
11 existing structures, buildings, or real property.

12 "Incremental income tax" means the total amount withheld
13 during the taxable year from the compensation of Enterprise
14 Zone construction jobs credit employees.

15 "Underserved area" means a geographic area that meets one
16 or more of the following conditions:

17 (1) the area has a poverty rate of at least 20%
18 according to the latest federal decennial census;

19 (2) 75% or more of the children in the area
20 participate in the federal free lunch program according to
21 reported statistics from the State Board of Education;

22 (3) at least 20% of the households in the area receive
23 assistance under the Supplemental Nutrition Assistance
24 Program (SNAP); or

25 (4) the area has an average unemployment rate, as
26 determined by the Illinois Department of Employment

1 Security, that is more than 120% of the national
2 unemployment average, as determined by the U.S. Department
3 of Labor, for a period of at least 2 consecutive calendar
4 years preceding the date of the application.

5 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

6 Section 110. The Lake Michigan Wind Energy Act is amended
7 by changing Section 20 as follows:

8 (20 ILCS 896/20)

9 Sec. 20. Offshore Wind Energy Economic Development Policy
10 Task Force.

11 (a) The Governor shall convene an Offshore Wind Energy
12 Economic Development Policy Task Force, to be chaired by the
13 Director of Commerce and Economic Opportunity, or his or her
14 designee, to analyze and evaluate policy and economic options
15 to facilitate the development of offshore wind energy, and to
16 propose an appropriate Illinois mechanism for purchasing and
17 selling power from possible offshore wind energy projects. The
18 Task Force shall examine mechanisms used in other states and
19 jurisdictions, including, without limitation, feed-in tariffs,
20 renewable energy certificates, renewable energy certificate
21 carve-outs, power purchase agreements, and pilot projects. The
22 Task Force shall report its findings and recommendations to
23 the Governor and General Assembly within 12 months of
24 convening.

1 (b) The Director of the Illinois Power Agency (or his or
2 her designee), the Executive Director of the Illinois Commerce
3 Commission (or his or her designee), the Director of Natural
4 Resources (or his or her designee), and the Attorney General
5 (or his or her designee) shall serve as ex officio members of
6 the Task Force.

7 (c) The Governor shall appoint, within 90 days of August
8 9, 2019 (the effective date of Public Act 101-283) ~~this~~
9 ~~amendatory Act of the 101st General Assembly~~, the following
10 public members to serve on the Task Force:

11 (1) one individual from an institution of higher
12 education in Illinois representing the discipline of
13 economics with experience in the study of renewable
14 energy;

15 (2) one individual representing an energy industry
16 with experience in renewable energy markets;

17 (3) one individual representing a Statewide consumer
18 or electric ratepayer organization;

19 (4) one individual representing the offshore wind
20 energy industry;

21 (5) one individual representing the wind energy supply
22 chain industry;

23 (6) one individual representing an Illinois electrical
24 cooperative, municipal electrical utility, or association
25 of such cooperatives or utilities;

26 (7) one individual representing an Illinois industrial

1 union involved in the construction, maintenance, or
2 transportation of electrical generation, distribution, or
3 transmission equipment or components;

4 (8) one individual representing an Illinois commercial
5 or industrial electrical consumer;

6 (9) one individual representing an Illinois public
7 education electrical consumer;

8 (10) one individual representing an independent
9 transmission company;

10 (11) one individual from the Illinois legal community
11 with experience in contracts, utility law, municipal law,
12 and constitutional law;

13 (12) one individual representing a Great Lakes
14 regional organization with experience assessing or
15 studying wind energy;

16 (13) one individual representing a Statewide
17 environmental organization;

18 (14) one resident of the State representing an
19 organization advocating for persons of low or limited
20 incomes;

21 (15) one individual representing Argonne National
22 Laboratory; and

23 (16) one individual representing a local community
24 that has aggregated the purchase of electricity.

25 (d) The Governor may appoint additional public members to
26 the Task Force.

1 (e) The Speaker of the House of Representatives, Minority
2 Leader of the House of Representatives, Senate President, and
3 Minority Leader of the Senate shall each appoint one member of
4 the General Assembly to serve on the Task Force.

5 (f) Members of the Task Force shall serve without
6 compensation.

7 (Source: P.A. 101-283, eff. 8-9-19; revised 11-21-19.)

8 Section 115. The Energy Policy and Planning Act is amended
9 by changing Section 4 as follows:

10 (20 ILCS 1120/4) (from Ch. 96 1/2, par. 7804)

11 Sec. 4. Authority. ~~(1)~~ The Department in addition to its
12 preparation of energy contingency plans, shall also analyze,
13 prepare, and recommend a comprehensive energy plan for the
14 State of Illinois.

15 The plan shall identify emerging trends related to energy
16 supply, demand, conservation, public health and safety
17 factors, and should specify the levels of statewide and
18 service area energy needs, past, present, and estimated future
19 demand, as well as the potential social, economic, or
20 environmental effects caused by the continuation of existing
21 trends and by the various alternatives available to the State.
22 The plan shall also conform to the requirements of Section
23 8-402 of the Public Utilities Act. The Department shall design
24 programs as necessary to achieve the purposes of this Act and

1 the planning objectives of the ~~The~~ Public Utilities Act. The
2 Department's energy plan, and any programs designed pursuant
3 to this Section shall be filed with the Commission in
4 accordance with the Commission's planning responsibilities and
5 hearing requirements related thereto. The Department shall
6 periodically review the plan, objectives and programs at least
7 every 2 years, and the results of such review and any resulting
8 changes in the Department's plan or programs shall be filed
9 with the Commission.

10 The Department's plan and programs and any review thereof,
11 shall also be filed with the Governor, the General Assembly,
12 and the Public Counsel, and shall be available to the public
13 upon request.

14 The requirement for reporting to the General Assembly
15 shall be satisfied by filing copies of the report as required
16 by Section 3.1 of the General Assembly Organization Act, and
17 filing such additional copies with the State Government Report
18 Distribution Center for the General Assembly as is required
19 under paragraph (t) of Section 7 of the State Library Act.

20 (Source: P.A. 100-1148, eff. 12-10-18; revised 7-17-19.)

21 Section 120. The Department of Labor Law of the Civil
22 Administrative Code of Illinois is amended by changing Section
23 1505-215 as follows:

24 (20 ILCS 1505/1505-215)

1 Sec. 1505-215. Bureau on Apprenticeship Programs, ~~Advisory~~
2 ~~Board.~~ ~~(a)~~ There is created within the Department of Labor a
3 Bureau on Apprenticeship Programs. This Bureau shall work to
4 increase minority participation in active apprentice programs
5 in Illinois that are approved by the United States Department
6 of Labor. The Bureau shall identify barriers to minorities
7 gaining access to construction careers and make
8 recommendations to the Governor and the General Assembly for
9 policies to remove those barriers. The Department may hire
10 staff to perform outreach in promoting diversity in active
11 apprenticeship programs approved by the United States
12 Department of Labor. The Bureau shall annually compile racial
13 and gender workforce diversity information from contractors
14 receiving State or other public funds and by labor unions with
15 members working on projects receiving State or other public
16 funds.

17 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
18 revised 10-22-20.)

19 Section 125. The Illinois Lottery Law is amended by
20 changing Sections 2 and 9.1 as follows:

21 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

22 Sec. 2. This Act is enacted to implement and establish
23 within the State a lottery to be conducted by the State through
24 the Department. The entire net proceeds of the Lottery are to

1 be used for the support of the State's Common School Fund,
2 except as provided in subsection (o) of Section 9.1 and
3 Sections 21.5, 21.6, 21.7, 21.8, 21.9, 21.10, ~~and~~ 21.11,
4 21.12, and 21.13. The General Assembly finds that it is in the
5 public interest for the Department to conduct the functions of
6 the Lottery with the assistance of a private manager under a
7 management agreement overseen by the Department. The
8 Department shall be accountable to the General Assembly and
9 the people of the State through a comprehensive system of
10 regulation, audits, reports, and enduring operational
11 oversight. The Department's ongoing conduct of the Lottery
12 through a management agreement with a private manager shall
13 act to promote and ensure the integrity, security, honesty,
14 and fairness of the Lottery's operation and administration. It
15 is the intent of the General Assembly that the Department
16 shall conduct the Lottery with the assistance of a private
17 manager under a management agreement at all times in a manner
18 consistent with 18 U.S.C. 1307(a)(1), 1307(b)(1), 1953(b)(4).

19 Beginning with Fiscal Year 2018 and every year thereafter,
20 any moneys transferred from the State Lottery Fund to the
21 Common School Fund shall be supplemental to, and not in lieu
22 of, any other money due to be transferred to the Common School
23 Fund by law or appropriation.

24 (Source: P.A. 100-466, eff. 6-1-18; 100-647, eff. 7-30-18;
25 100-1068, eff. 8-24-18; 101-81, eff. 7-12-19; 101-561, eff.
26 8-23-19; revised 10-21-19.)

1 (20 ILCS 1605/9.1)

2 Sec. 9.1. Private manager and management agreement.

3 (a) As used in this Section:

4 "Offeror" means a person or group of persons that responds
5 to a request for qualifications under this Section.

6 "Request for qualifications" means all materials and
7 documents prepared by the Department to solicit the following
8 from offerors:

9 (1) Statements of qualifications.

10 (2) Proposals to enter into a management agreement,
11 including the identity of any prospective vendor or
12 vendors that the offeror intends to initially engage to
13 assist the offeror in performing its obligations under the
14 management agreement.

15 "Final offer" means the last proposal submitted by an
16 offeror in response to the request for qualifications,
17 including the identity of any prospective vendor or vendors
18 that the offeror intends to initially engage to assist the
19 offeror in performing its obligations under the management
20 agreement.

21 "Final offeror" means the offeror ultimately selected by
22 the Governor to be the private manager for the Lottery under
23 subsection (h) of this Section.

24 (b) By September 15, 2010, the Governor shall select a
25 private manager for the total management of the Lottery with

1 integrated functions, such as lottery game design, supply of
2 goods and services, and advertising and as specified in this
3 Section.

4 (c) Pursuant to the terms of this subsection, the
5 Department shall endeavor to expeditiously terminate the
6 existing contracts in support of the Lottery in effect on July
7 13, 2009 (the effective date of Public Act 96-37) ~~this~~
8 ~~amendatory Act of the 96th General Assembly~~ in connection with
9 the selection of the private manager. As part of its
10 obligation to terminate these contracts and select the private
11 manager, the Department shall establish a mutually agreeable
12 timetable to transfer the functions of existing contractors to
13 the private manager so that existing Lottery operations are
14 not materially diminished or impaired during the transition.
15 To that end, the Department shall do the following:

16 (1) where such contracts contain a provision
17 authorizing termination upon notice, the Department shall
18 provide notice of termination to occur upon the mutually
19 agreed timetable for transfer of functions;

20 (2) upon the expiration of any initial term or renewal
21 term of the current Lottery contracts, the Department
22 shall not renew such contract for a term extending beyond
23 the mutually agreed timetable for transfer of functions;
24 or

25 (3) in the event any current contract provides for
26 termination of that contract upon the implementation of a

1 contract with the private manager, the Department shall
2 perform all necessary actions to terminate the contract on
3 the date that coincides with the mutually agreed timetable
4 for transfer of functions.

5 If the contracts to support the current operation of the
6 Lottery in effect on July 13, 2009 (the effective date of
7 Public Act 96-34) ~~this amendatory Act of the 96th General~~
8 ~~Assembly~~ are not subject to termination as provided for in
9 this subsection (c), then the Department may include a
10 provision in the contract with the private manager specifying
11 a mutually agreeable methodology for incorporation.

12 (c-5) The Department shall include provisions in the
13 management agreement whereby the private manager shall, for a
14 fee, and pursuant to a contract negotiated with the Department
15 (the "Employee Use Contract"), utilize the services of current
16 Department employees to assist in the administration and
17 operation of the Lottery. The Department shall be the employer
18 of all such bargaining unit employees assigned to perform such
19 work for the private manager, and such employees shall be
20 State employees, as defined by the Personnel Code. Department
21 employees shall operate under the same employment policies,
22 rules, regulations, and procedures, as other employees of the
23 Department. In addition, neither historical representation
24 rights under the Illinois Public Labor Relations Act, nor
25 existing collective bargaining agreements, shall be disturbed
26 by the management agreement with the private manager for the

1 management of the Lottery.

2 (d) The management agreement with the private manager
3 shall include all of the following:

4 (1) A term not to exceed 10 years, including any
5 renewals.

6 (2) A provision specifying that the Department:

7 (A) shall exercise actual control over all
8 significant business decisions;

9 (A-5) has the authority to direct or countermand
10 operating decisions by the private manager at any
11 time;

12 (B) has ready access at any time to information
13 regarding Lottery operations;

14 (C) has the right to demand and receive
15 information from the private manager concerning any
16 aspect of the Lottery operations at any time; and

17 (D) retains ownership of all trade names,
18 trademarks, and intellectual property associated with
19 the Lottery.

20 (3) A provision imposing an affirmative duty on the
21 private manager to provide the Department with material
22 information and with any information the private manager
23 reasonably believes the Department would want to know to
24 enable the Department to conduct the Lottery.

25 (4) A provision requiring the private manager to
26 provide the Department with advance notice of any

1 operating decision that bears significantly on the public
2 interest, including, but not limited to, decisions on the
3 kinds of games to be offered to the public and decisions
4 affecting the relative risk and reward of the games being
5 offered, so the Department has a reasonable opportunity to
6 evaluate and countermand that decision.

7 (5) A provision providing for compensation of the
8 private manager that may consist of, among other things, a
9 fee for services and a performance based bonus as
10 consideration for managing the Lottery, including terms
11 that may provide the private manager with an increase in
12 compensation if Lottery revenues grow by a specified
13 percentage in a given year.

14 (6) (Blank).

15 (7) A provision requiring the deposit of all Lottery
16 proceeds to be deposited into the State Lottery Fund
17 except as otherwise provided in Section 20 of this Act.

18 (8) A provision requiring the private manager to
19 locate its principal office within the State.

20 (8-5) A provision encouraging that at least 20% of the
21 cost of contracts entered into for goods and services by
22 the private manager in connection with its management of
23 the Lottery, other than contracts with sales agents or
24 technical advisors, be awarded to businesses that are a
25 minority-owned business, a women-owned business, or a
26 business owned by a person with disability, as those terms

1 are defined in the Business Enterprise for Minorities,
2 Women, and Persons with Disabilities Act.

3 (9) A requirement that so long as the private manager
4 complies with all the conditions of the agreement under
5 the oversight of the Department, the private manager shall
6 have the following duties and obligations with respect to
7 the management of the Lottery:

8 (A) The right to use equipment and other assets
9 used in the operation of the Lottery.

10 (B) The rights and obligations under contracts
11 with retailers and vendors.

12 (C) The implementation of a comprehensive security
13 program by the private manager.

14 (D) The implementation of a comprehensive system
15 of internal audits.

16 (E) The implementation of a program by the private
17 manager to curb compulsive gambling by persons playing
18 the Lottery.

19 (F) A system for determining (i) the type of
20 Lottery games, (ii) the method of selecting winning
21 tickets, (iii) the manner of payment of prizes to
22 holders of winning tickets, (iv) the frequency of
23 drawings of winning tickets, (v) the method to be used
24 in selling tickets, (vi) a system for verifying the
25 validity of tickets claimed to be winning tickets,
26 (vii) the basis upon which retailer commissions are

1 established by the manager, and (viii) minimum
2 payouts.

3 (10) A requirement that advertising and promotion must
4 be consistent with Section 7.8a of this Act.

5 (11) A requirement that the private manager market the
6 Lottery to those residents who are new, infrequent, or
7 lapsed players of the Lottery, especially those who are
8 most likely to make regular purchases on the Internet as
9 permitted by law.

10 (12) A code of ethics for the private manager's
11 officers and employees.

12 (13) A requirement that the Department monitor and
13 oversee the private manager's practices and take action
14 that the Department considers appropriate to ensure that
15 the private manager is in compliance with the terms of the
16 management agreement, while allowing the manager, unless
17 specifically prohibited by law or the management
18 agreement, to negotiate and sign its own contracts with
19 vendors.

20 (14) A provision requiring the private manager to
21 periodically file, at least on an annual basis,
22 appropriate financial statements in a form and manner
23 acceptable to the Department.

24 (15) Cash reserves requirements.

25 (16) Procedural requirements for obtaining the prior
26 approval of the Department when a management agreement or

1 an interest in a management agreement is sold, assigned,
2 transferred, or pledged as collateral to secure financing.

3 (17) Grounds for the termination of the management
4 agreement by the Department or the private manager.

5 (18) Procedures for amendment of the agreement.

6 (19) A provision requiring the private manager to
7 engage in an open and competitive bidding process for any
8 procurement having a cost in excess of \$50,000 that is not
9 a part of the private manager's final offer. The process
10 shall favor the selection of a vendor deemed to have
11 submitted a proposal that provides the Lottery with the
12 best overall value. The process shall not be subject to
13 the provisions of the Illinois Procurement Code, unless
14 specifically required by the management agreement.

15 (20) The transition of rights and obligations,
16 including any associated equipment or other assets used in
17 the operation of the Lottery, from the manager to any
18 successor manager of the lottery, including the
19 Department, following the termination of or foreclosure
20 upon the management agreement.

21 (21) Right of use of copyrights, trademarks, and
22 service marks held by the Department in the name of the
23 State. The agreement must provide that any use of them by
24 the manager shall only be for the purpose of fulfilling
25 its obligations under the management agreement during the
26 term of the agreement.

1 (22) The disclosure of any information requested by
2 the Department to enable it to comply with the reporting
3 requirements and information requests provided for under
4 subsection (p) of this Section.

5 (e) Notwithstanding any other law to the contrary, the
6 Department shall select a private manager through a
7 competitive request for qualifications process consistent with
8 Section 20-35 of the Illinois Procurement Code, which shall
9 take into account:

10 (1) the offeror's ability to market the Lottery to
11 those residents who are new, infrequent, or lapsed players
12 of the Lottery, especially those who are most likely to
13 make regular purchases on the Internet;

14 (2) the offeror's ability to address the State's
15 concern with the social effects of gambling on those who
16 can least afford to do so;

17 (3) the offeror's ability to provide the most
18 successful management of the Lottery for the benefit of
19 the people of the State based on current and past business
20 practices or plans of the offeror; and

21 (4) the offeror's poor or inadequate past performance
22 in servicing, equipping, operating or managing a lottery
23 on behalf of Illinois, another State or foreign government
24 and attracting persons who are not currently regular
25 players of a lottery.

26 (f) The Department may retain the services of an advisor

1 or advisors with significant experience in financial services
2 or the management, operation, and procurement of goods,
3 services, and equipment for a government-run lottery to assist
4 in the preparation of the terms of the request for
5 qualifications and selection of the private manager. Any
6 prospective advisor seeking to provide services under this
7 subsection (f) shall disclose any material business or
8 financial relationship during the past 3 years with any
9 potential offeror, or with a contractor or subcontractor
10 presently providing goods, services, or equipment to the
11 Department to support the Lottery. The Department shall
12 evaluate the material business or financial relationship of
13 each prospective advisor. The Department shall not select any
14 prospective advisor with a substantial business or financial
15 relationship that the Department deems to impair the
16 objectivity of the services to be provided by the prospective
17 advisor. During the course of the advisor's engagement by the
18 Department, and for a period of one year thereafter, the
19 advisor shall not enter into any business or financial
20 relationship with any offeror or any vendor identified to
21 assist an offeror in performing its obligations under the
22 management agreement. Any advisor retained by the Department
23 shall be disqualified from being an offeror. The Department
24 shall not include terms in the request for qualifications that
25 provide a material advantage whether directly or indirectly to
26 any potential offeror, or any contractor or subcontractor

1 presently providing goods, services, or equipment to the
2 Department to support the Lottery, including terms contained
3 in previous responses to requests for proposals or
4 qualifications submitted to Illinois, another State or foreign
5 government when those terms are uniquely associated with a
6 particular potential offeror, contractor, or subcontractor.
7 The request for proposals offered by the Department on
8 December 22, 2008 as "LOT08GAMESYS" and reference number
9 "22016176" is declared void.

10 (g) The Department shall select at least 2 offerors as
11 finalists to potentially serve as the private manager no later
12 than August 9, 2010. Upon making preliminary selections, the
13 Department shall schedule a public hearing on the finalists'
14 proposals and provide public notice of the hearing at least 7
15 calendar days before the hearing. The notice must include all
16 of the following:

17 (1) The date, time, and place of the hearing.

18 (2) The subject matter of the hearing.

19 (3) A brief description of the management agreement to
20 be awarded.

21 (4) The identity of the offerors that have been
22 selected as finalists to serve as the private manager.

23 (5) The address and telephone number of the
24 Department.

25 (h) At the public hearing, the Department shall (i)
26 provide sufficient time for each finalist to present and

1 explain its proposal to the Department and the Governor or the
2 Governor's designee, including an opportunity to respond to
3 questions posed by the Department, Governor, or designee and
4 (ii) allow the public and non-selected offerors to comment on
5 the presentations. The Governor or a designee shall attend the
6 public hearing. After the public hearing, the Department shall
7 have 14 calendar days to recommend to the Governor whether a
8 management agreement should be entered into with a particular
9 finalist. After reviewing the Department's recommendation, the
10 Governor may accept or reject the Department's recommendation,
11 and shall select a final offeror as the private manager by
12 publication of a notice in the Illinois Procurement Bulletin
13 on or before September 15, 2010. The Governor shall include in
14 the notice a detailed explanation and the reasons why the
15 final offeror is superior to other offerors and will provide
16 management services in a manner that best achieves the
17 objectives of this Section. The Governor shall also sign the
18 management agreement with the private manager.

19 (i) Any action to contest the private manager selected by
20 the Governor under this Section must be brought within 7
21 calendar days after the publication of the notice of the
22 designation of the private manager as provided in subsection
23 (h) of this Section.

24 (j) The Lottery shall remain, for so long as a private
25 manager manages the Lottery in accordance with provisions of
26 this Act, a Lottery conducted by the State, and the State shall

1 not be authorized to sell or transfer the Lottery to a third
2 party.

3 (k) Any tangible personal property used exclusively in
4 connection with the lottery that is owned by the Department
5 and leased to the private manager shall be owned by the
6 Department in the name of the State and shall be considered to
7 be public property devoted to an essential public and
8 governmental function.

9 (l) The Department may exercise any of its powers under
10 this Section or any other law as necessary or desirable for the
11 execution of the Department's powers under this Section.

12 (m) Neither this Section nor any management agreement
13 entered into under this Section prohibits the General Assembly
14 from authorizing forms of gambling that are not in direct
15 competition with the Lottery. The forms of gambling authorized
16 by Public Act 101-31 ~~this amendatory Act of the 101st General~~
17 ~~Assembly~~ constitute authorized forms of gambling that are not
18 in direct competition with the Lottery.

19 (n) The private manager shall be subject to a complete
20 investigation in the third, seventh, and tenth years of the
21 agreement (if the agreement is for a 10-year term) by the
22 Department in cooperation with the Auditor General to
23 determine whether the private manager has complied with this
24 Section and the management agreement. The private manager
25 shall bear the cost of an investigation or reinvestigation of
26 the private manager under this subsection.

1 (o) The powers conferred by this Section are in addition
2 and supplemental to the powers conferred by any other law. If
3 any other law or rule is inconsistent with this Section,
4 including, but not limited to, provisions of the Illinois
5 Procurement Code, then this Section controls as to any
6 management agreement entered into under this Section. This
7 Section and any rules adopted under this Section contain full
8 and complete authority for a management agreement between the
9 Department and a private manager. No law, procedure,
10 proceeding, publication, notice, consent, approval, order, or
11 act by the Department or any other officer, Department,
12 agency, or instrumentality of the State or any political
13 subdivision is required for the Department to enter into a
14 management agreement under this Section. This Section contains
15 full and complete authority for the Department to approve any
16 contracts entered into by a private manager with a vendor
17 providing goods, services, or both goods and services to the
18 private manager under the terms of the management agreement,
19 including subcontractors of such vendors.

20 Upon receipt of a written request from the Chief
21 Procurement Officer, the Department shall provide to the Chief
22 Procurement Officer a complete and un-redacted copy of the
23 management agreement or any contract that is subject to the
24 Department's approval authority under this subsection (o). The
25 Department shall provide a copy of the agreement or contract
26 to the Chief Procurement Officer in the time specified by the

1 Chief Procurement Officer in his or her written request, but
2 no later than 5 business days after the request is received by
3 the Department. The Chief Procurement Officer must retain any
4 portions of the management agreement or of any contract
5 designated by the Department as confidential, proprietary, or
6 trade secret information in complete confidence pursuant to
7 subsection (g) of Section 7 of the Freedom of Information Act.
8 The Department shall also provide the Chief Procurement
9 Officer with reasonable advance written notice of any contract
10 that is pending Department approval.

11 Notwithstanding any other provision of this Section to the
12 contrary, the Chief Procurement Officer shall adopt
13 administrative rules, including emergency rules, to establish
14 a procurement process to select a successor private manager if
15 a private management agreement has been terminated. The
16 selection process shall at a minimum take into account the
17 criteria set forth in items (1) through (4) of subsection (e)
18 of this Section and may include provisions consistent with
19 subsections (f), (g), (h), and (i) of this Section. The Chief
20 Procurement Officer shall also implement and administer the
21 adopted selection process upon the termination of a private
22 management agreement. The Department, after the Chief
23 Procurement Officer certifies that the procurement process has
24 been followed in accordance with the rules adopted under this
25 subsection (o), shall select a final offeror as the private
26 manager and sign the management agreement with the private

1 manager.

2 Except as provided in Sections 21.5, 21.6, 21.7, 21.8,
3 21.9, 21.10, 21.11, 21.12, and 21.13, the Department shall
4 distribute all proceeds of lottery tickets and shares sold in
5 the following priority and manner:

6 (1) The payment of prizes and retailer bonuses.

7 (2) The payment of costs incurred in the operation and
8 administration of the Lottery, including the payment of
9 sums due to the private manager under the management
10 agreement with the Department.

11 (3) On the last day of each month or as soon thereafter
12 as possible, the State Comptroller shall direct and the
13 State Treasurer shall transfer from the State Lottery Fund
14 to the Common School Fund an amount that is equal to the
15 proceeds transferred in the corresponding month of fiscal
16 year 2009, as adjusted for inflation, to the Common School
17 Fund.

18 (4) On or before September 30 of each fiscal year,
19 deposit any estimated remaining proceeds from the prior
20 fiscal year, subject to payments under items (1), (2), and
21 (3), into the Capital Projects Fund. Beginning in fiscal
22 year 2019, the amount deposited shall be increased or
23 decreased each year by the amount the estimated payment
24 differs from the amount determined from each year-end
25 financial audit. Only remaining net deficits from prior
26 fiscal years may reduce the requirement to deposit these

1 funds, as determined by the annual financial audit.

2 (p) The Department shall be subject to the following
3 reporting and information request requirements:

4 (1) the Department shall submit written quarterly
5 reports to the Governor and the General Assembly on the
6 activities and actions of the private manager selected
7 under this Section;

8 (2) upon request of the Chief Procurement Officer, the
9 Department shall promptly produce information related to
10 the procurement activities of the Department and the
11 private manager requested by the Chief Procurement
12 Officer; the Chief Procurement Officer must retain
13 confidential, proprietary, or trade secret information
14 designated by the Department in complete confidence
15 pursuant to subsection (g) of Section 7 of the Freedom of
16 Information Act; and

17 (3) at least 30 days prior to the beginning of the
18 Department's fiscal year, the Department shall prepare an
19 annual written report on the activities of the private
20 manager selected under this Section and deliver that
21 report to the Governor and General Assembly.

22 (Source: P.A. 100-391, eff. 8-25-17; 100-587, eff. 6-4-18;
23 100-647, eff. 7-30-18; 100-1068, eff. 8-24-18; 101-31, eff.
24 6-28-19; 101-81, eff. 7-12-19; 101-561, eff. 8-23-19; revised
25 10-21-19.)

1 Section 130. The Department of Public Health Powers and
2 Duties Law of the Civil Administrative Code of Illinois is
3 amended by setting forth and renumbering multiple versions of
4 Sections 2310-223 and 2310-455 and by changing Section
5 2310-670 as follows:

6 (20 ILCS 2310/2310-222)

7 Sec. 2310-222 ~~2310-223~~. Obstetric hemorrhage and
8 hypertension training.

9 (a) As used in this Section, "birthing facility" means (1)
10 a hospital, as defined in the Hospital Licensing Act, with
11 more than one licensed obstetric bed or a neonatal intensive
12 care unit; (2) a hospital operated by a State university; or
13 (3) a birth center, as defined in the Alternative Health Care
14 Delivery Act.

15 (b) The Department shall ensure that all birthing
16 facilities conduct continuing education yearly for providers
17 and staff of obstetric medicine and of the emergency
18 department and other staff that may care for pregnant or
19 postpartum women. The continuing education shall include
20 yearly educational modules regarding management of severe
21 maternal hypertension and obstetric hemorrhage for units that
22 care for pregnant or postpartum women. Birthing facilities
23 must demonstrate compliance with these education and training
24 requirements.

25 (c) The Department shall collaborate with the Illinois

1 Perinatal Quality Collaborative or its successor organization
2 to develop an initiative to improve birth equity and reduce
3 peripartum racial and ethnic disparities. The Department shall
4 ensure that the initiative includes the development of best
5 practices for implicit bias training and education in cultural
6 competency to be used by birthing facilities in interactions
7 between patients and providers. In developing the initiative,
8 the Illinois Perinatal Quality Collaborative or its successor
9 organization shall consider existing programs, such as the
10 Alliance for Innovation on Maternal Health and the California
11 Maternal Quality Collaborative's pilot work on improving birth
12 equity. The Department shall support the initiation of a
13 statewide perinatal quality improvement initiative in
14 collaboration with birthing facilities to implement strategies
15 to reduce peripartum racial and ethnic disparities and to
16 address implicit bias in the health care system.

17 (d) The Department, in consultation with the Maternal
18 Mortality Review Committee, shall make available to all
19 birthing facilities best practices for timely identification
20 of all pregnant and postpartum women in the emergency
21 department and for appropriate and timely consultation of an
22 obstetric provider to provide input on management and
23 follow-up. Birthing facilities may use telemedicine for the
24 consultation.

25 (e) The Department may adopt rules for the purpose of
26 implementing this Section.

1 (Source: P.A. 101-390, eff. 1-1-20; revised 10-7-19.)

2 (20 ILCS 2310/2310-223)

3 Sec. 2310-223. Maternal care.

4 (a) The Department shall establish a classification system
5 for the following levels of maternal care:

6 (1) basic care: care of uncomplicated pregnancies with
7 the ability to detect, stabilize, and initiate management
8 of unanticipated maternal-fetal or neonatal problems that
9 occur during the antepartum, intrapartum, or postpartum
10 period until the patient can be transferred to a facility
11 at which specialty maternal care is available;

12 (2) specialty care: basic care plus care of
13 appropriate high-risk antepartum, intrapartum, or
14 postpartum conditions, both directly admitted and
15 transferred to another facility;

16 (3) subspecialty care: specialty care plus care of
17 more complex maternal medical conditions, obstetric
18 complications, and fetal conditions; and

19 (4) regional perinatal health care: subspecialty care
20 plus on-site medical and surgical care of the most complex
21 maternal conditions, critically ill pregnant women, and
22 fetuses throughout antepartum, intrapartum, and postpartum
23 care.

24 (b) The Department shall:

25 (1) introduce uniform designations for levels of

1 maternal care that are complimentary but distinct from
2 levels of neonatal care;

3 (2) establish clear, uniform criteria for designation
4 of maternal centers that are integrated with emergency
5 response systems to help ensure that the appropriate
6 personnel, physical space, equipment, and technology are
7 available to achieve optimal outcomes, as well as to
8 facilitate subsequent data collection regarding
9 risk-appropriate care;

10 (3) require each health care facility to have a clear
11 understanding of its capability to handle increasingly
12 complex levels of maternal care, and to have a
13 well-defined threshold for transferring women to health
14 care facilities that offer a higher level of care; to
15 ensure optimal care of all pregnant women, the Department
16 shall require all birth centers, hospitals, and
17 higher-level facilities to collaborate in order to develop
18 and maintain maternal and neonatal transport plans and
19 cooperative agreements capable of managing the health care
20 needs of women who develop complications; the Department
21 shall require that receiving hospitals openly accept
22 transfers;

23 (4) require higher-level facilities to provide
24 training for quality improvement initiatives, educational
25 support, and severe morbidity and mortality case review
26 for lower-level hospitals; the Department shall ensure

1 that, in those regions that do not have a facility that
2 qualifies as a regional perinatal health care facility,
3 any specialty care facility in the region will provide the
4 educational and consultation function;

5 (5) require facilities and regional systems to develop
6 methods to track severe maternal morbidity and mortality
7 to assess the efficacy of utilizing maternal levels of
8 care;

9 (6) analyze data collected from all facilities and
10 regional systems in order to inform future updates to the
11 levels of maternal care;

12 (7) require follow-up interdisciplinary work groups to
13 further explore the implementation needs that are
14 necessary to adopt the proposed classification system for
15 levels of maternal care in all facilities that provide
16 maternal care;

17 (8) disseminate data and materials to raise public
18 awareness about the importance of prenatal care and
19 maternal health;

20 (9) engage the Illinois Chapter of the American
21 Academy of Pediatrics in creating a quality improvement
22 initiative to expand efforts of pediatricians conducting
23 postpartum depression screening at well baby visits during
24 the first year of life; and

25 (10) adopt rules in accordance with the Illinois
26 Administrative Procedure Act to implement this subsection.

1 (Source: P.A. 101-447, eff. 8-23-19.)

2 (20 ILCS 2310/2310-455)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 2310-455. Federal funding to support maternal mental
5 health.

6 (a) The Department shall investigate and apply for federal
7 funding opportunities to support maternal mental health, to
8 the extent that programs are financed, in whole, by federal
9 funds.

10 (b) The Department shall file a report with the General
11 Assembly on or before January 1, 2021 of the Department's
12 efforts to secure and utilize the federal funding it receives
13 from the requirement specified in subsection (a).

14 (c) This Section is repealed on January 1, 2022.

15 (Source: P.A. 101-70, eff. 1-1-20.)

16 (20 ILCS 2310/2310-460)

17 Sec. 2310-460 ~~2310-455~~. Suicide prevention. Subject to
18 appropriation, the Department shall implement activities
19 associated with the Suicide Prevention, Education, and
20 Treatment Act, including, but not limited to, the following:

21 (1) Coordinating suicide prevention, intervention, and
22 postvention programs, services, and efforts statewide.

23 (2) Developing and submitting proposals for funding
24 from federal agencies or other sources of funding to

1 promote suicide prevention and coordinate activities.

2 (3) With input from the Illinois Suicide Prevention
3 Alliance, preparing the Illinois Suicide Prevention
4 Strategic Plan required under Section 15 of the Suicide
5 Prevention, Education, and Treatment Act and coordinating
6 the activities necessary to implement the recommendations
7 in that Plan.

8 (4) With input from the Illinois Suicide Prevention
9 Alliance, providing to the Governor and General Assembly
10 the annual report required under Section 13 of the Suicide
11 Prevention, Education, and Treatment Act.

12 (5) Providing technical support for the activities of
13 the Illinois Suicide Prevention Alliance.

14 (Source: P.A. 101-331, eff. 8-9-19; revised 9-24-19.)

15 (20 ILCS 2310/2310-670)

16 Sec. 2310-670. Breast cancer patient education.

17 (a) The General Assembly makes the following findings:

18 (1) Annually, about 207,090 new cases of breast cancer
19 are diagnosed, according to the American Cancer Society.

20 (2) Breast cancer has a disproportionate and
21 detrimental impact on African-American women and is the
22 most common cancer among Hispanic and Latina women.

23 (3) African-American women under the age of 40 have a
24 greater incidence of breast cancer than Caucasian women of
25 the same age.

1 (4) Individuals undergoing surgery for breast cancer
2 should give due consideration to the option of breast
3 reconstructive surgery, either at the same time as the
4 breast cancer surgery or at a later date.

5 (5) According to the American Cancer Society,
6 immediate breast reconstruction offers the advantage of
7 combining the breast cancer surgery with the
8 reconstructive surgery and is cost effective.

9 (6) According to the American Cancer Society, delayed
10 breast reconstruction may be advantageous in women who
11 require post-surgical radiation or other treatments.

12 (7) A woman suffering from the loss of her breast may
13 not be a candidate for surgical breast reconstruction or
14 may choose not to undergo additional surgery and instead
15 choose breast prostheses.

16 (8) The federal Women's Health and Cancer Rights Act
17 of 1998 requires health plans that offer breast cancer
18 coverage to also provide for breast reconstruction.

19 (9) Required coverage for breast reconstruction
20 includes all the necessary stages of reconstruction.
21 Surgery of the opposite breast for symmetry may be
22 required. Breast prostheses may be necessary. Other
23 sequelae of breast cancer treatment, such as lymphedema,
24 must be covered.

25 (10) Several states have enacted laws to require that
26 women receive information on their breast cancer treatment

1 and reconstruction options.

2 (b) In this Section:

3 "Hispanic" has the same meaning as in Section 1707 of
4 the federal Public Health Service ~~Services~~ Act.

5 "Racial and ethnic minority group" has the same
6 meaning as in Section 1707 of the federal Public Health
7 Services Act.

8 (c) The Director shall provide for the planning and
9 implementation of an education campaign to inform breast
10 cancer patients, especially those in racial and ethnic
11 minority groups, anticipating surgery regarding the
12 availability and coverage of breast reconstruction,
13 prostheses, and other options. The campaign shall include the
14 dissemination, at a minimum, on relevant State health Internet
15 websites, including the Department of Public Health's Internet
16 website, of the following information:

17 (1) Breast reconstruction is possible at the time of
18 breast cancer surgery or in a delayed fashion.

19 (2) Prostheses or breast forms may be available.

20 (3) Federal law mandates both public and private
21 health plans to include coverage of breast reconstruction
22 and prostheses.

23 (4) The patient has a right to choose the provider of
24 reconstructive care, including the potential transfer of
25 care to a surgeon that provides breast reconstructive
26 care.

1 (5) The patient may opt to undergo breast
2 reconstruction in a delayed fashion for personal reasons
3 or after completion of all other breast cancer treatments.

4 The campaign may include dissemination of such other
5 information, whether developed by the Director or by other
6 entities, as the Director determines relevant. The campaign
7 shall not specify, or be designed to serve as a tool to limit,
8 the health care providers available to patients.

9 (d) In developing the information to be disseminated under
10 this Section, the Director shall consult with appropriate
11 medical societies and patient advocates related to breast
12 cancer, patient advocates representing racial and ethnic
13 minority groups, with a special emphasis on African-American
14 and Hispanic populations' breast reconstructive surgery, and
15 breast prostheses and breast forms.

16 (e) Beginning no later than January 1, 2016 (2 years after
17 the effective date of Public Act 98-479) and continuing each
18 second year thereafter, the Director shall submit to the
19 General Assembly a report describing the activities carried
20 out under this Section during the preceding 2 fiscal years,
21 including evaluating the extent to which the activities have
22 been effective in improving the health of racial and ethnic
23 minority groups.

24 (Source: P.A. 98-479, eff. 1-1-14; 98-756, eff. 7-16-14;
25 revised 8-18-20.)

1 Section 135. The State Police Act is amended by changing
2 Section 40 as follows:

3 (20 ILCS 2610/40)

4 Sec. 40. Training; administration of epinephrine.

5 (a) This Section, along with Section 10.19 of the Illinois
6 Police Training Act, may be referred to as the Annie LeGere
7 Law.

8 (b) For the purposes of this Section, "epinephrine
9 auto-injector" means a single-use device used for the
10 automatic injection of a pre-measured dose of epinephrine into
11 the human body prescribed in the name of the Department.

12 (c) The Department may conduct or approve a training
13 program for State Police officers to recognize and respond to
14 anaphylaxis, including, but not limited to:

15 (1) how to recognize symptoms of an allergic reaction;

16 (2) how to respond to an emergency involving an
17 allergic reaction;

18 (3) how to administer an epinephrine auto-injector;

19 (4) how to respond to an individual with a known
20 allergy as well as an individual with a previously unknown
21 allergy;

22 (5) a test demonstrating competency of the knowledge
23 required to recognize anaphylaxis and administer an
24 epinephrine auto-injector; and

25 (6) other criteria as determined in rules adopted by

1 the Department.

2 (d) The Department may authorize a State Police officer
3 who has completed the training program under subsection (c) to
4 carry, administer, or assist with the administration of
5 epinephrine auto-injectors whenever he or she is performing
6 official duties.

7 (e) The Department must establish a written policy to
8 control the acquisition, storage, transportation,
9 administration, and disposal of epinephrine auto-injectors
10 before it allows any State Police officer to carry and
11 administer epinephrine auto-injectors.

12 (f) A physician, physician ~~physician's~~ assistant with
13 prescriptive authority, or advanced practice registered nurse
14 with prescriptive authority may provide a standing protocol or
15 prescription for epinephrine auto-injectors in the name of the
16 Department to be maintained for use when necessary.

17 (g) When a State Police officer administers an epinephrine
18 auto-injector in good faith, the officer and the Department,
19 and its employees and agents, including a physician, physician
20 ~~physician's~~ assistant with prescriptive authority, or advanced
21 practice registered nurse with prescriptive authority who
22 provides a standing order or prescription for an epinephrine
23 auto-injector, incur no civil or professional liability,
24 except for willful and wanton conduct, as a result of any
25 injury or death arising from the use of an epinephrine
26 auto-injector.

1 (Source: P.A. 99-711, eff. 1-1-17; 100-201, eff. 8-18-17;
2 100-648, eff. 7-31-18; revised 1-14-20.)

3 Section 140. The State Police Radio Act is amended by
4 changing Section 5 as follows:

5 (20 ILCS 2615/5) (from Ch. 121, par. 307.25)

6 Sec. 5. Any telegraph or telephone operator who fails to
7 give priority to messages or calls as provided in Section
8 ~~section~~ 3 of this Act or any person who installs or uses a
9 short wavelength ~~wave-length~~ radio receiving set in any
10 automobile contrary to the provisions in Section ~~section~~ 4 of
11 this Act or who wilfully makes any false, misleading, or
12 unfounded report to any broadcasting station established under
13 this Act ~~act~~ for the purpose of interfering with the operation
14 thereof or with the intention of misleading any officer of
15 this State, shall be deemed guilty of a Class B misdemeanor.

16 (Source: P.A. 77-2241; revised 8-18-20.)

17 Section 145. The Criminal Identification Act is amended by
18 changing Section 5.2 as follows:

19 (20 ILCS 2630/5.2)

20 Sec. 5.2. Expungement, sealing, and immediate sealing.

21 (a) General Provisions.

22 (1) Definitions. In this Act, words and phrases have

1 the meanings set forth in this subsection, except when a
2 particular context clearly requires a different meaning.

3 (A) The following terms shall have the meanings
4 ascribed to them in the Unified Code of Corrections,
5 730 ILCS 5/5-1-2 through 5/5-1-22:

- 6 (i) Business Offense (730 ILCS 5/5-1-2),
- 7 (ii) Charge (730 ILCS 5/5-1-3),
- 8 (iii) Court (730 ILCS 5/5-1-6),
- 9 (iv) Defendant (730 ILCS 5/5-1-7),
- 10 (v) Felony (730 ILCS 5/5-1-9),
- 11 (vi) Imprisonment (730 ILCS 5/5-1-10),
- 12 (vii) Judgment (730 ILCS 5/5-1-12),
- 13 (viii) Misdemeanor (730 ILCS 5/5-1-14),
- 14 (ix) Offense (730 ILCS 5/5-1-15),
- 15 (x) Parole (730 ILCS 5/5-1-16),
- 16 (xi) Petty Offense (730 ILCS 5/5-1-17),
- 17 (xii) Probation (730 ILCS 5/5-1-18),
- 18 (xiii) Sentence (730 ILCS 5/5-1-19),
- 19 (xiv) Supervision (730 ILCS 5/5-1-21), and
- 20 (xv) Victim (730 ILCS 5/5-1-22).

21 (B) As used in this Section, "charge not initiated
22 by arrest" means a charge (as defined by 730 ILCS
23 5/5-1-3) brought against a defendant where the
24 defendant is not arrested prior to or as a direct
25 result of the charge.

26 (C) "Conviction" means a judgment of conviction or

1 sentence entered upon a plea of guilty or upon a
2 verdict or finding of guilty of an offense, rendered
3 by a legally constituted jury or by a court of
4 competent jurisdiction authorized to try the case
5 without a jury. An order of supervision successfully
6 completed by the petitioner is not a conviction. An
7 order of qualified probation (as defined in subsection
8 (a)(1)(J)) successfully completed by the petitioner is
9 not a conviction. An order of supervision or an order
10 of qualified probation that is terminated
11 unsatisfactorily is a conviction, unless the
12 unsatisfactory termination is reversed, vacated, or
13 modified and the judgment of conviction, if any, is
14 reversed or vacated.

15 (D) "Criminal offense" means a petty offense,
16 business offense, misdemeanor, felony, or municipal
17 ordinance violation (as defined in subsection
18 (a)(1)(H)). As used in this Section, a minor traffic
19 offense (as defined in subsection (a)(1)(G)) shall not
20 be considered a criminal offense.

21 (E) "Expunge" means to physically destroy the
22 records or return them to the petitioner and to
23 obliterate the petitioner's name from any official
24 index or public record, or both. Nothing in this Act
25 shall require the physical destruction of the circuit
26 court file, but such records relating to arrests or

1 charges, or both, ordered expunged shall be impounded
2 as required by subsections (d)(9)(A)(ii) and
3 (d)(9)(B)(ii).

4 (F) As used in this Section, "last sentence" means
5 the sentence, order of supervision, or order of
6 qualified probation (as defined by subsection
7 (a)(1)(J)), for a criminal offense (as defined by
8 subsection (a)(1)(D)) that terminates last in time in
9 any jurisdiction, regardless of whether the petitioner
10 has included the criminal offense for which the
11 sentence or order of supervision or qualified
12 probation was imposed in his or her petition. If
13 multiple sentences, orders of supervision, or orders
14 of qualified probation terminate on the same day and
15 are last in time, they shall be collectively
16 considered the "last sentence" regardless of whether
17 they were ordered to run concurrently.

18 (G) "Minor traffic offense" means a petty offense,
19 business offense, or Class C misdemeanor under the
20 Illinois Vehicle Code or a similar provision of a
21 municipal or local ordinance.

22 (G-5) "Minor Cannabis Offense" means a violation
23 of Section 4 or 5 of the Cannabis Control Act
24 concerning not more than 30 grams of any substance
25 containing cannabis, provided the violation did not
26 include a penalty enhancement under Section 7 of the

1 Cannabis Control Act and is not associated with an
2 arrest, conviction or other disposition for a violent
3 crime as defined in subsection (c) of Section 3 of the
4 Rights of Crime Victims and Witnesses Act.

5 (H) "Municipal ordinance violation" means an
6 offense defined by a municipal or local ordinance that
7 is criminal in nature and with which the petitioner
8 was charged or for which the petitioner was arrested
9 and released without charging.

10 (I) "Petitioner" means an adult or a minor
11 prosecuted as an adult who has applied for relief
12 under this Section.

13 (J) "Qualified probation" means an order of
14 probation under Section 10 of the Cannabis Control
15 Act, Section 410 of the Illinois Controlled Substances
16 Act, Section 70 of the Methamphetamine Control and
17 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
18 of the Unified Code of Corrections, Section
19 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
20 those provisions existed before their deletion by
21 Public Act 89-313), Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section
23 40-10 of the Substance Use Disorder Act, or Section 10
24 of the Steroid Control Act. For the purpose of this
25 Section, "successful completion" of an order of
26 qualified probation under Section 10-102 of the

1 Illinois Alcoholism and Other Drug Dependency Act and
2 Section 40-10 of the Substance Use Disorder Act means
3 that the probation was terminated satisfactorily and
4 the judgment of conviction was vacated.

5 (K) "Seal" means to physically and electronically
6 maintain the records, unless the records would
7 otherwise be destroyed due to age, but to make the
8 records unavailable without a court order, subject to
9 the exceptions in Sections 12 and 13 of this Act. The
10 petitioner's name shall also be obliterated from the
11 official index required to be kept by the circuit
12 court clerk under Section 16 of the Clerks of Courts
13 Act, but any index issued by the circuit court clerk
14 before the entry of the order to seal shall not be
15 affected.

16 (L) "Sexual offense committed against a minor"
17 includes, but is not limited to, the offenses of
18 indecent solicitation of a child or criminal sexual
19 abuse when the victim of such offense is under 18 years
20 of age.

21 (M) "Terminate" as it relates to a sentence or
22 order of supervision or qualified probation includes
23 either satisfactory or unsatisfactory termination of
24 the sentence, unless otherwise specified in this
25 Section. A sentence is terminated notwithstanding any
26 outstanding financial legal obligation.

1 (2) Minor Traffic Offenses. Orders of supervision or
2 convictions for minor traffic offenses shall not affect a
3 petitioner's eligibility to expunge or seal records
4 pursuant to this Section.

5 (2.5) Commencing 180 days after July 29, 2016 (the
6 effective date of Public Act 99-697), the law enforcement
7 agency issuing the citation shall automatically expunge,
8 on or before January 1 and July 1 of each year, the law
9 enforcement records of a person found to have committed a
10 civil law violation of subsection (a) of Section 4 of the
11 Cannabis Control Act or subsection (c) of Section 3.5 of
12 the Drug Paraphernalia Control Act in the law enforcement
13 agency's possession or control and which contains the
14 final satisfactory disposition which pertain to the person
15 issued a citation for that offense. The law enforcement
16 agency shall provide by rule the process for access,
17 review, and to confirm the automatic expungement by the
18 law enforcement agency issuing the citation. Commencing
19 180 days after July 29, 2016 (the effective date of Public
20 Act 99-697), the clerk of the circuit court shall expunge,
21 upon order of the court, or in the absence of a court order
22 on or before January 1 and July 1 of each year, the court
23 records of a person found in the circuit court to have
24 committed a civil law violation of subsection (a) of
25 Section 4 of the Cannabis Control Act or subsection (c) of
26 Section 3.5 of the Drug Paraphernalia Control Act in the

1 clerk's possession or control and which contains the final
2 satisfactory disposition which pertain to the person
3 issued a citation for any of those offenses.

4 (3) Exclusions. Except as otherwise provided in
5 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
6 of this Section, the court shall not order:

7 (A) the sealing or expungement of the records of
8 arrests or charges not initiated by arrest that result
9 in an order of supervision for or conviction of: (i)
10 any sexual offense committed against a minor; (ii)
11 Section 11-501 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance; or (iii)
13 Section 11-503 of the Illinois Vehicle Code or a
14 similar provision of a local ordinance, unless the
15 arrest or charge is for a misdemeanor violation of
16 subsection (a) of Section 11-503 or a similar
17 provision of a local ordinance, that occurred prior to
18 the offender reaching the age of 25 years and the
19 offender has no other conviction for violating Section
20 11-501 or 11-503 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance.

22 (B) the sealing or expungement of records of minor
23 traffic offenses (as defined in subsection (a) (1) (G)),
24 unless the petitioner was arrested and released
25 without charging.

26 (C) the sealing of the records of arrests or

1 charges not initiated by arrest which result in an
2 order of supervision or a conviction for the following
3 offenses:

4 (i) offenses included in Article 11 of the
5 Criminal Code of 1961 or the Criminal Code of 2012
6 or a similar provision of a local ordinance,
7 except Section 11-14 and a misdemeanor violation
8 of Section 11-30 of the Criminal Code of 1961 or
9 the Criminal Code of 2012, or a similar provision
10 of a local ordinance;

11 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
12 26-5, or 48-1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012, or a similar provision of a
14 local ordinance;

15 (iii) Sections 12-3.1 or 12-3.2 of the
16 Criminal Code of 1961 or the Criminal Code of
17 2012, or Section 125 of the Stalking No Contact
18 Order Act, or Section 219 of the Civil No Contact
19 Order Act, or a similar provision of a local
20 ordinance;

21 (iv) Class A misdemeanors or felony offenses
22 under the Humane Care for Animals Act; or

23 (v) any offense or attempted offense that
24 would subject a person to registration under the
25 Sex Offender Registration Act.

26 (D) (blank).

1 (b) Expungement.

2 (1) A petitioner may petition the circuit court to
3 expunge the records of his or her arrests and charges not
4 initiated by arrest when each arrest or charge not
5 initiated by arrest sought to be expunged resulted in: (i)
6 acquittal, dismissal, or the petitioner's release without
7 charging, unless excluded by subsection (a)(3)(B); (ii) a
8 conviction which was vacated or reversed, unless excluded
9 by subsection (a)(3)(B); (iii) an order of supervision and
10 such supervision was successfully completed by the
11 petitioner, unless excluded by subsection (a)(3)(A) or
12 (a)(3)(B); or (iv) an order of qualified probation (as
13 defined in subsection (a)(1)(J)) and such probation was
14 successfully completed by the petitioner.

15 (1.5) When a petitioner seeks to have a record of
16 arrest expunged under this Section, and the offender has
17 been convicted of a criminal offense, the State's Attorney
18 may object to the expungement on the grounds that the
19 records contain specific relevant information aside from
20 the mere fact of the arrest.

21 (2) Time frame for filing a petition to expunge.

22 (A) When the arrest or charge not initiated by
23 arrest sought to be expunged resulted in an acquittal,
24 dismissal, the petitioner's release without charging,
25 or the reversal or vacation of a conviction, there is
26 no waiting period to petition for the expungement of

1 such records.

2 (B) When the arrest or charge not initiated by
3 arrest sought to be expunged resulted in an order of
4 supervision, successfully completed by the petitioner,
5 the following time frames will apply:

6 (i) Those arrests or charges that resulted in
7 orders of supervision under Section 3-707, 3-708,
8 3-710, or 5-401.3 of the Illinois Vehicle Code or
9 a similar provision of a local ordinance, or under
10 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, or a
12 similar provision of a local ordinance, shall not
13 be eligible for expungement until 5 years have
14 passed following the satisfactory termination of
15 the supervision.

16 (i-5) Those arrests or charges that resulted
17 in orders of supervision for a misdemeanor
18 violation of subsection (a) of Section 11-503 of
19 the Illinois Vehicle Code or a similar provision
20 of a local ordinance, that occurred prior to the
21 offender reaching the age of 25 years and the
22 offender has no other conviction for violating
23 Section 11-501 or 11-503 of the Illinois Vehicle
24 Code or a similar provision of a local ordinance
25 shall not be eligible for expungement until the
26 petitioner has reached the age of 25 years.

1 (ii) Those arrests or charges that resulted in
2 orders of supervision for any other offenses shall
3 not be eligible for expungement until 2 years have
4 passed following the satisfactory termination of
5 the supervision.

6 (C) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an order of
8 qualified probation, successfully completed by the
9 petitioner, such records shall not be eligible for
10 expungement until 5 years have passed following the
11 satisfactory termination of the probation.

12 (3) Those records maintained by the Department for
13 persons arrested prior to their 17th birthday shall be
14 expunged as provided in Section 5-915 of the Juvenile
15 Court Act of 1987.

16 (4) Whenever a person has been arrested for or
17 convicted of any offense, in the name of a person whose
18 identity he or she has stolen or otherwise come into
19 possession of, the aggrieved person from whom the identity
20 was stolen or otherwise obtained without authorization,
21 upon learning of the person having been arrested using his
22 or her identity, may, upon verified petition to the chief
23 judge of the circuit wherein the arrest was made, have a
24 court order entered nunc pro tunc by the Chief Judge to
25 correct the arrest record, conviction record, if any, and
26 all official records of the arresting authority, the

1 Department, other criminal justice agencies, the
2 prosecutor, and the trial court concerning such arrest, if
3 any, by removing his or her name from all such records in
4 connection with the arrest and conviction, if any, and by
5 inserting in the records the name of the offender, if
6 known or ascertainable, in lieu of the aggrieved's name.
7 The records of the circuit court clerk shall be sealed
8 until further order of the court upon good cause shown and
9 the name of the aggrieved person obliterated on the
10 official index required to be kept by the circuit court
11 clerk under Section 16 of the Clerks of Courts Act, but the
12 order shall not affect any index issued by the circuit
13 court clerk before the entry of the order. Nothing in this
14 Section shall limit the Department of State Police or
15 other criminal justice agencies or prosecutors from
16 listing under an offender's name the false names he or she
17 has used.

18 (5) Whenever a person has been convicted of criminal
19 sexual assault, aggravated criminal sexual assault,
20 predatory criminal sexual assault of a child, criminal
21 sexual abuse, or aggravated criminal sexual abuse, the
22 victim of that offense may request that the State's
23 Attorney of the county in which the conviction occurred
24 file a verified petition with the presiding trial judge at
25 the petitioner's trial to have a court order entered to
26 seal the records of the circuit court clerk in connection

1 with the proceedings of the trial court concerning that
2 offense. However, the records of the arresting authority
3 and the Department of State Police concerning the offense
4 shall not be sealed. The court, upon good cause shown,
5 shall make the records of the circuit court clerk in
6 connection with the proceedings of the trial court
7 concerning the offense available for public inspection.

8 (6) If a conviction has been set aside on direct
9 review or on collateral attack and the court determines by
10 clear and convincing evidence that the petitioner was
11 factually innocent of the charge, the court that finds the
12 petitioner factually innocent of the charge shall enter an
13 expungement order for the conviction for which the
14 petitioner has been determined to be innocent as provided
15 in subsection (b) of Section 5-5-4 of the Unified Code of
16 Corrections.

17 (7) Nothing in this Section shall prevent the
18 Department of State Police from maintaining all records of
19 any person who is admitted to probation upon terms and
20 conditions and who fulfills those terms and conditions
21 pursuant to Section 10 of the Cannabis Control Act,
22 Section 410 of the Illinois Controlled Substances Act,
23 Section 70 of the Methamphetamine Control and Community
24 Protection Act, Section 5-6-3.3 or 5-6-3.4 of the Unified
25 Code of Corrections, Section 12-4.3 or subdivision (b)(1)
26 of Section 12-3.05 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, Section 10-102 of the Illinois
2 Alcoholism and Other Drug Dependency Act, Section 40-10 of
3 the Substance Use Disorder Act, or Section 10 of the
4 Steroid Control Act.

5 (8) If the petitioner has been granted a certificate
6 of innocence under Section 2-702 of the Code of Civil
7 Procedure, the court that grants the certificate of
8 innocence shall also enter an order expunging the
9 conviction for which the petitioner has been determined to
10 be innocent as provided in subsection (h) of Section 2-702
11 of the Code of Civil Procedure.

12 (c) Sealing.

13 (1) Applicability. Notwithstanding any other provision
14 of this Act to the contrary, and cumulative with any
15 rights to expungement of criminal records, this subsection
16 authorizes the sealing of criminal records of adults and
17 of minors prosecuted as adults. Subsection (g) of this
18 Section provides for immediate sealing of certain records.

19 (2) Eligible Records. The following records may be
20 sealed:

21 (A) All arrests resulting in release without
22 charging;

23 (B) Arrests or charges not initiated by arrest
24 resulting in acquittal, dismissal, or conviction when
25 the conviction was reversed or vacated, except as
26 excluded by subsection (a) (3) (B);

1 (C) Arrests or charges not initiated by arrest
2 resulting in orders of supervision, including orders
3 of supervision for municipal ordinance violations,
4 successfully completed by the petitioner, unless
5 excluded by subsection (a) (3);

6 (D) Arrests or charges not initiated by arrest
7 resulting in convictions, including convictions on
8 municipal ordinance violations, unless excluded by
9 subsection (a) (3);

10 (E) Arrests or charges not initiated by arrest
11 resulting in orders of first offender probation under
12 Section 10 of the Cannabis Control Act, Section 410 of
13 the Illinois Controlled Substances Act, Section 70 of
14 the Methamphetamine Control and Community Protection
15 Act, or Section 5-6-3.3 of the Unified Code of
16 Corrections; and

17 (F) Arrests or charges not initiated by arrest
18 resulting in felony convictions unless otherwise
19 excluded by subsection (a) paragraph (3) of this
20 Section.

21 (3) When Records Are Eligible to Be Sealed. Records
22 identified as eligible under subsection (c) (2) may be
23 sealed as follows:

24 (A) Records identified as eligible under
25 subsection (c) (2) (A) and (c) (2) (B) may be sealed at
26 any time.

1 (B) Except as otherwise provided in subparagraph
2 (E) of this paragraph (3), records identified as
3 eligible under subsection (c)(2)(C) may be sealed 2
4 years after the termination of petitioner's last
5 sentence (as defined in subsection (a)(1)(F)).

6 (C) Except as otherwise provided in subparagraph
7 (E) of this paragraph (3), records identified as
8 eligible under subsections (c)(2)(D), (c)(2)(E), and
9 (c)(2)(F) may be sealed 3 years after the termination
10 of the petitioner's last sentence (as defined in
11 subsection (a)(1)(F)). Convictions requiring public
12 registration under the Arsonist Registration Act, the
13 Sex Offender Registration Act, or the Murderer and
14 Violent Offender Against Youth Registration Act may
15 not be sealed until the petitioner is no longer
16 required to register under that relevant Act.

17 (D) Records identified in subsection
18 (a)(3)(A)(iii) may be sealed after the petitioner has
19 reached the age of 25 years.

20 (E) Records identified as eligible under
21 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
22 (c)(2)(F) may be sealed upon termination of the
23 petitioner's last sentence if the petitioner earned a
24 high school diploma, associate's degree, career
25 certificate, vocational technical certification, or
26 bachelor's degree, or passed the high school level

1 Test of General Educational Development, during the
2 period of his or her sentence or mandatory supervised
3 release. This subparagraph shall apply only to a
4 petitioner who has not completed the same educational
5 goal prior to the period of his or her sentence or
6 mandatory supervised release. If a petition for
7 sealing eligible records filed under this subparagraph
8 is denied by the court, the time periods under
9 subparagraph (B) or (C) shall apply to any subsequent
10 petition for sealing filed by the petitioner.

11 (4) Subsequent felony convictions. A person may not
12 have subsequent felony conviction records sealed as
13 provided in this subsection (c) if he or she is convicted
14 of any felony offense after the date of the sealing of
15 prior felony convictions as provided in this subsection
16 (c). The court may, upon conviction for a subsequent
17 felony offense, order the unsealing of prior felony
18 conviction records previously ordered sealed by the court.

19 (5) Notice of eligibility for sealing. Upon entry of a
20 disposition for an eligible record under this subsection
21 (c), the petitioner shall be informed by the court of the
22 right to have the records sealed and the procedures for
23 the sealing of the records.

24 (d) Procedure. The following procedures apply to
25 expungement under subsections (b), (e), and (e-6) and sealing
26 under subsections (c) and (e-5):

1 (1) Filing the petition. Upon becoming eligible to
2 petition for the expungement or sealing of records under
3 this Section, the petitioner shall file a petition
4 requesting the expungement or sealing of records with the
5 clerk of the court where the arrests occurred or the
6 charges were brought, or both. If arrests occurred or
7 charges were brought in multiple jurisdictions, a petition
8 must be filed in each such jurisdiction. The petitioner
9 shall pay the applicable fee, except no fee shall be
10 required if the petitioner has obtained a court order
11 waiving fees under Supreme Court Rule 298 or it is
12 otherwise waived.

13 (1.5) County fee waiver pilot program. From August 9,
14 2019 (the effective date of Public Act 101-306) through
15 December 31, 2020, in a county of 3,000,000 or more
16 inhabitants, no fee shall be required to be paid by a
17 petitioner if the records sought to be expunged or sealed
18 were arrests resulting in release without charging or
19 arrests or charges not initiated by arrest resulting in
20 acquittal, dismissal, or conviction when the conviction
21 was reversed or vacated, unless excluded by subsection
22 (a) (3) (B). The provisions of this paragraph (1.5), other
23 than this sentence, are inoperative on and after January
24 1, 2022.

25 (2) Contents of petition. The petition shall be
26 verified and shall contain the petitioner's name, date of

1 birth, current address and, for each arrest or charge not
2 initiated by arrest sought to be sealed or expunged, the
3 case number, the date of arrest (if any), the identity of
4 the arresting authority, and such other information as the
5 court may require. During the pendency of the proceeding,
6 the petitioner shall promptly notify the circuit court
7 clerk of any change of his or her address. If the
8 petitioner has received a certificate of eligibility for
9 sealing from the Prisoner Review Board under paragraph
10 (10) of subsection (a) of Section 3-3-2 of the Unified
11 Code of Corrections, the certificate shall be attached to
12 the petition.

13 (3) Drug test. The petitioner must attach to the
14 petition proof that the petitioner has passed a test taken
15 within 30 days before the filing of the petition showing
16 the absence within his or her body of all illegal
17 substances as defined by the Illinois Controlled
18 Substances Act, the Methamphetamine Control and Community
19 Protection Act, and the Cannabis Control Act if he or she
20 is petitioning to:

21 (A) seal felony records under clause (c) (2) (E);

22 (B) seal felony records for a violation of the
23 Illinois Controlled Substances Act, the
24 Methamphetamine Control and Community Protection Act,
25 or the Cannabis Control Act under clause (c) (2) (F);

26 (C) seal felony records under subsection (e-5); or

1 (D) expunge felony records of a qualified
2 probation under clause (b) (1) (iv).

3 (4) Service of petition. The circuit court clerk shall
4 promptly serve a copy of the petition and documentation to
5 support the petition under subsection (e-5) or (e-6) on
6 the State's Attorney or prosecutor charged with the duty
7 of prosecuting the offense, the Department of State
8 Police, the arresting agency and the chief legal officer
9 of the unit of local government effecting the arrest.

10 (5) Objections.

11 (A) Any party entitled to notice of the petition
12 may file an objection to the petition. All objections
13 shall be in writing, shall be filed with the circuit
14 court clerk, and shall state with specificity the
15 basis of the objection. Whenever a person who has been
16 convicted of an offense is granted a pardon by the
17 Governor which specifically authorizes expungement, an
18 objection to the petition may not be filed.

19 (B) Objections to a petition to expunge or seal
20 must be filed within 60 days of the date of service of
21 the petition.

22 (6) Entry of order.

23 (A) The Chief Judge of the circuit wherein the
24 charge was brought, any judge of that circuit
25 designated by the Chief Judge, or in counties of less
26 than 3,000,000 inhabitants, the presiding trial judge

1 at the petitioner's trial, if any, shall rule on the
2 petition to expunge or seal as set forth in this
3 subsection (d) (6).

4 (B) Unless the State's Attorney or prosecutor, the
5 Department of State Police, the arresting agency, or
6 the chief legal officer files an objection to the
7 petition to expunge or seal within 60 days from the
8 date of service of the petition, the court shall enter
9 an order granting or denying the petition.

10 (C) Notwithstanding any other provision of law,
11 the court shall not deny a petition for sealing under
12 this Section because the petitioner has not satisfied
13 an outstanding legal financial obligation established,
14 imposed, or originated by a court, law enforcement
15 agency, or a municipal, State, county, or other unit
16 of local government, including, but not limited to,
17 any cost, assessment, fine, or fee. An outstanding
18 legal financial obligation does not include any court
19 ordered restitution to a victim under Section 5-5-6 of
20 the Unified Code of Corrections, unless the
21 restitution has been converted to a civil judgment.
22 Nothing in this subparagraph (C) waives, rescinds, or
23 abrogates a legal financial obligation or otherwise
24 eliminates or affects the right of the holder of any
25 financial obligation to pursue collection under
26 applicable federal, State, or local law.

1 (7) Hearings. If an objection is filed, the court
2 shall set a date for a hearing and notify the petitioner
3 and all parties entitled to notice of the petition of the
4 hearing date at least 30 days prior to the hearing. Prior
5 to the hearing, the State's Attorney shall consult with
6 the Department as to the appropriateness of the relief
7 sought in the petition to expunge or seal. At the hearing,
8 the court shall hear evidence on whether the petition
9 should or should not be granted, and shall grant or deny
10 the petition to expunge or seal the records based on the
11 evidence presented at the hearing. The court may consider
12 the following:

13 (A) the strength of the evidence supporting the
14 defendant's conviction;

15 (B) the reasons for retention of the conviction
16 records by the State;

17 (C) the petitioner's age, criminal record history,
18 and employment history;

19 (D) the period of time between the petitioner's
20 arrest on the charge resulting in the conviction and
21 the filing of the petition under this Section; and

22 (E) the specific adverse consequences the
23 petitioner may be subject to if the petition is
24 denied.

25 (8) Service of order. After entering an order to
26 expunge or seal records, the court must provide copies of

1 the order to the Department, in a form and manner
2 prescribed by the Department, to the petitioner, to the
3 State's Attorney or prosecutor charged with the duty of
4 prosecuting the offense, to the arresting agency, to the
5 chief legal officer of the unit of local government
6 effecting the arrest, and to such other criminal justice
7 agencies as may be ordered by the court.

8 (9) Implementation of order.

9 (A) Upon entry of an order to expunge records
10 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

11 (i) the records shall be expunged (as defined
12 in subsection (a) (1) (E)) by the arresting agency,
13 the Department, and any other agency as ordered by
14 the court, within 60 days of the date of service of
15 the order, unless a motion to vacate, modify, or
16 reconsider the order is filed pursuant to
17 paragraph (12) of subsection (d) of this Section;

18 (ii) the records of the circuit court clerk
19 shall be impounded until further order of the
20 court upon good cause shown and the name of the
21 petitioner obliterated on the official index
22 required to be kept by the circuit court clerk
23 under Section 16 of the Clerks of Courts Act, but
24 the order shall not affect any index issued by the
25 circuit court clerk before the entry of the order;
26 and

1 (iii) in response to an inquiry for expunged
2 records, the court, the Department, or the agency
3 receiving such inquiry, shall reply as it does in
4 response to inquiries when no records ever
5 existed.

6 (B) Upon entry of an order to expunge records
7 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

8 (i) the records shall be expunged (as defined
9 in subsection (a) (1) (E)) by the arresting agency
10 and any other agency as ordered by the court,
11 within 60 days of the date of service of the order,
12 unless a motion to vacate, modify, or reconsider
13 the order is filed pursuant to paragraph (12) of
14 subsection (d) of this Section;

15 (ii) the records of the circuit court clerk
16 shall be impounded until further order of the
17 court upon good cause shown and the name of the
18 petitioner obliterated on the official index
19 required to be kept by the circuit court clerk
20 under Section 16 of the Clerks of Courts Act, but
21 the order shall not affect any index issued by the
22 circuit court clerk before the entry of the order;

23 (iii) the records shall be impounded by the
24 Department within 60 days of the date of service
25 of the order as ordered by the court, unless a
26 motion to vacate, modify, or reconsider the order

1 is filed pursuant to paragraph (12) of subsection
2 (d) of this Section;

3 (iv) records impounded by the Department may
4 be disseminated by the Department only as required
5 by law or to the arresting authority, the State's
6 Attorney, and the court upon a later arrest for
7 the same or a similar offense or for the purpose of
8 sentencing for any subsequent felony, and to the
9 Department of Corrections upon conviction for any
10 offense; and

11 (v) in response to an inquiry for such records
12 from anyone not authorized by law to access such
13 records, the court, the Department, or the agency
14 receiving such inquiry shall reply as it does in
15 response to inquiries when no records ever
16 existed.

17 (B-5) Upon entry of an order to expunge records
18 under subsection (e-6):

19 (i) the records shall be expunged (as defined
20 in subsection (a)(1)(E)) by the arresting agency
21 and any other agency as ordered by the court,
22 within 60 days of the date of service of the order,
23 unless a motion to vacate, modify, or reconsider
24 the order is filed under paragraph (12) of
25 subsection (d) of this Section;

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the
2 court upon good cause shown and the name of the
3 petitioner obliterated on the official index
4 required to be kept by the circuit court clerk
5 under Section 16 of the Clerks of Courts Act, but
6 the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order;

8 (iii) the records shall be impounded by the
9 Department within 60 days of the date of service
10 of the order as ordered by the court, unless a
11 motion to vacate, modify, or reconsider the order
12 is filed under paragraph (12) of subsection (d) of
13 this Section;

14 (iv) records impounded by the Department may
15 be disseminated by the Department only as required
16 by law or to the arresting authority, the State's
17 Attorney, and the court upon a later arrest for
18 the same or a similar offense or for the purpose of
19 sentencing for any subsequent felony, and to the
20 Department of Corrections upon conviction for any
21 offense; and

22 (v) in response to an inquiry for these
23 records from anyone not authorized by law to
24 access the records, the court, the Department, or
25 the agency receiving the inquiry shall reply as it
26 does in response to inquiries when no records ever

1 existed.

2 (C) Upon entry of an order to seal records under
3 subsection (c), the arresting agency, any other agency
4 as ordered by the court, the Department, and the court
5 shall seal the records (as defined in subsection
6 (a)(1)(K)). In response to an inquiry for such
7 records, from anyone not authorized by law to access
8 such records, the court, the Department, or the agency
9 receiving such inquiry shall reply as it does in
10 response to inquiries when no records ever existed.

11 (D) The Department shall send written notice to
12 the petitioner of its compliance with each order to
13 expunge or seal records within 60 days of the date of
14 service of that order or, if a motion to vacate,
15 modify, or reconsider is filed, within 60 days of
16 service of the order resolving the motion, if that
17 order requires the Department to expunge or seal
18 records. In the event of an appeal from the circuit
19 court order, the Department shall send written notice
20 to the petitioner of its compliance with an Appellate
21 Court or Supreme Court judgment to expunge or seal
22 records within 60 days of the issuance of the court's
23 mandate. The notice is not required while any motion
24 to vacate, modify, or reconsider, or any appeal or
25 petition for discretionary appellate review, is
26 pending.

1 (E) Upon motion, the court may order that a sealed
2 judgment or other court record necessary to
3 demonstrate the amount of any legal financial
4 obligation due and owing be made available for the
5 limited purpose of collecting any legal financial
6 obligations owed by the petitioner that were
7 established, imposed, or originated in the criminal
8 proceeding for which those records have been sealed.
9 The records made available under this subparagraph (E)
10 shall not be entered into the official index required
11 to be kept by the circuit court clerk under Section 16
12 of the Clerks of Courts Act and shall be immediately
13 re-impounded upon the collection of the outstanding
14 financial obligations.

15 (F) Notwithstanding any other provision of this
16 Section, a circuit court clerk may access a sealed
17 record for the limited purpose of collecting payment
18 for any legal financial obligations that were
19 established, imposed, or originated in the criminal
20 proceedings for which those records have been sealed.

21 (10) Fees. The Department may charge the petitioner a
22 fee equivalent to the cost of processing any order to
23 expunge or seal records. Notwithstanding any provision of
24 the Clerks of Courts Act to the contrary, the circuit
25 court clerk may charge a fee equivalent to the cost
26 associated with the sealing or expungement of records by

1 the circuit court clerk. From the total filing fee
2 collected for the petition to seal or expunge, the circuit
3 court clerk shall deposit \$10 into the Circuit Court Clerk
4 Operation and Administrative Fund, to be used to offset
5 the costs incurred by the circuit court clerk in
6 performing the additional duties required to serve the
7 petition to seal or expunge on all parties. The circuit
8 court clerk shall collect and forward the Department of
9 State Police portion of the fee to the Department and it
10 shall be deposited in the State Police Services Fund. If
11 the record brought under an expungement petition was
12 previously sealed under this Section, the fee for the
13 expungement petition for that same record shall be waived.

14 (11) Final Order. No court order issued under the
15 expungement or sealing provisions of this Section shall
16 become final for purposes of appeal until 30 days after
17 service of the order on the petitioner and all parties
18 entitled to notice of the petition.

19 (12) Motion to Vacate, Modify, or Reconsider. Under
20 Section 2-1203 of the Code of Civil Procedure, the
21 petitioner or any party entitled to notice may file a
22 motion to vacate, modify, or reconsider the order granting
23 or denying the petition to expunge or seal within 60 days
24 of service of the order. If filed more than 60 days after
25 service of the order, a petition to vacate, modify, or
26 reconsider shall comply with subsection (c) of Section

1 2-1401 of the Code of Civil Procedure. Upon filing of a
2 motion to vacate, modify, or reconsider, notice of the
3 motion shall be served upon the petitioner and all parties
4 entitled to notice of the petition.

5 (13) Effect of Order. An order granting a petition
6 under the expungement or sealing provisions of this
7 Section shall not be considered void because it fails to
8 comply with the provisions of this Section or because of
9 any error asserted in a motion to vacate, modify, or
10 reconsider. The circuit court retains jurisdiction to
11 determine whether the order is voidable and to vacate,
12 modify, or reconsider its terms based on a motion filed
13 under paragraph (12) of this subsection (d).

14 (14) Compliance with Order Granting Petition to Seal
15 Records. Unless a court has entered a stay of an order
16 granting a petition to seal, all parties entitled to
17 notice of the petition must fully comply with the terms of
18 the order within 60 days of service of the order even if a
19 party is seeking relief from the order through a motion
20 filed under paragraph (12) of this subsection (d) or is
21 appealing the order.

22 (15) Compliance with Order Granting Petition to
23 Expunge Records. While a party is seeking relief from the
24 order granting the petition to expunge through a motion
25 filed under paragraph (12) of this subsection (d) or is
26 appealing the order, and unless a court has entered a stay

1 of that order, the parties entitled to notice of the
2 petition must seal, but need not expunge, the records
3 until there is a final order on the motion for relief or,
4 in the case of an appeal, the issuance of that court's
5 mandate.

6 (16) The changes to this subsection (d) made by Public
7 Act 98-163 apply to all petitions pending on August 5,
8 2013 (the effective date of Public Act 98-163) and to all
9 orders ruling on a petition to expunge or seal on or after
10 August 5, 2013 (the effective date of Public Act 98-163).

11 (e) Whenever a person who has been convicted of an offense
12 is granted a pardon by the Governor which specifically
13 authorizes expungement, he or she may, upon verified petition
14 to the Chief Judge of the circuit where the person had been
15 convicted, any judge of the circuit designated by the Chief
16 Judge, or in counties of less than 3,000,000 inhabitants, the
17 presiding trial judge at the defendant's trial, have a court
18 order entered expunging the record of arrest from the official
19 records of the arresting authority and order that the records
20 of the circuit court clerk and the Department be sealed until
21 further order of the court upon good cause shown or as
22 otherwise provided herein, and the name of the defendant
23 obliterated from the official index requested to be kept by
24 the circuit court clerk under Section 16 of the Clerks of
25 Courts Act in connection with the arrest and conviction for
26 the offense for which he or she had been pardoned but the order

1 shall not affect any index issued by the circuit court clerk
2 before the entry of the order. All records sealed by the
3 Department may be disseminated by the Department only to the
4 arresting authority, the State's Attorney, and the court upon
5 a later arrest for the same or similar offense or for the
6 purpose of sentencing for any subsequent felony. Upon
7 conviction for any subsequent offense, the Department of
8 Corrections shall have access to all sealed records of the
9 Department pertaining to that individual. Upon entry of the
10 order of expungement, the circuit court clerk shall promptly
11 mail a copy of the order to the person who was pardoned.

12 (e-5) Whenever a person who has been convicted of an
13 offense is granted a certificate of eligibility for sealing by
14 the Prisoner Review Board which specifically authorizes
15 sealing, he or she may, upon verified petition to the Chief
16 Judge of the circuit where the person had been convicted, any
17 judge of the circuit designated by the Chief Judge, or in
18 counties of less than 3,000,000 inhabitants, the presiding
19 trial judge at the petitioner's trial, have a court order
20 entered sealing the record of arrest from the official records
21 of the arresting authority and order that the records of the
22 circuit court clerk and the Department be sealed until further
23 order of the court upon good cause shown or as otherwise
24 provided herein, and the name of the petitioner obliterated
25 from the official index requested to be kept by the circuit
26 court clerk under Section 16 of the Clerks of Courts Act in

1 connection with the arrest and conviction for the offense for
2 which he or she had been granted the certificate but the order
3 shall not affect any index issued by the circuit court clerk
4 before the entry of the order. All records sealed by the
5 Department may be disseminated by the Department only as
6 required by this Act or to the arresting authority, a law
7 enforcement agency, the State's Attorney, and the court upon a
8 later arrest for the same or similar offense or for the purpose
9 of sentencing for any subsequent felony. Upon conviction for
10 any subsequent offense, the Department of Corrections shall
11 have access to all sealed records of the Department pertaining
12 to that individual. Upon entry of the order of sealing, the
13 circuit court clerk shall promptly mail a copy of the order to
14 the person who was granted the certificate of eligibility for
15 sealing.

16 (e-6) Whenever a person who has been convicted of an
17 offense is granted a certificate of eligibility for
18 expungement by the Prisoner Review Board which specifically
19 authorizes expungement, he or she may, upon verified petition
20 to the Chief Judge of the circuit where the person had been
21 convicted, any judge of the circuit designated by the Chief
22 Judge, or in counties of less than 3,000,000 inhabitants, the
23 presiding trial judge at the petitioner's trial, have a court
24 order entered expunging the record of arrest from the official
25 records of the arresting authority and order that the records
26 of the circuit court clerk and the Department be sealed until

1 further order of the court upon good cause shown or as
2 otherwise provided herein, and the name of the petitioner
3 obliterated from the official index requested to be kept by
4 the circuit court clerk under Section 16 of the Clerks of
5 Courts Act in connection with the arrest and conviction for
6 the offense for which he or she had been granted the
7 certificate but the order shall not affect any index issued by
8 the circuit court clerk before the entry of the order. All
9 records sealed by the Department may be disseminated by the
10 Department only as required by this Act or to the arresting
11 authority, a law enforcement agency, the State's Attorney, and
12 the court upon a later arrest for the same or similar offense
13 or for the purpose of sentencing for any subsequent felony.
14 Upon conviction for any subsequent offense, the Department of
15 Corrections shall have access to all expunged records of the
16 Department pertaining to that individual. Upon entry of the
17 order of expungement, the circuit court clerk shall promptly
18 mail a copy of the order to the person who was granted the
19 certificate of eligibility for expungement.

20 (f) Subject to available funding, the Illinois Department
21 of Corrections shall conduct a study of the impact of sealing,
22 especially on employment and recidivism rates, utilizing a
23 random sample of those who apply for the sealing of their
24 criminal records under Public Act 93-211. At the request of
25 the Illinois Department of Corrections, records of the
26 Illinois Department of Employment Security shall be utilized

1 as appropriate to assist in the study. The study shall not
2 disclose any data in a manner that would allow the
3 identification of any particular individual or employing unit.
4 The study shall be made available to the General Assembly no
5 later than September 1, 2010.

6 (g) Immediate Sealing.

7 (1) Applicability. Notwithstanding any other provision
8 of this Act to the contrary, and cumulative with any
9 rights to expungement or sealing of criminal records, this
10 subsection authorizes the immediate sealing of criminal
11 records of adults and of minors prosecuted as adults.

12 (2) Eligible Records. Arrests or charges not initiated
13 by arrest resulting in acquittal or dismissal with
14 prejudice, except as excluded by subsection (a)(3)(B),
15 that occur on or after January 1, 2018 (the effective date
16 of Public Act 100-282), may be sealed immediately if the
17 petition is filed with the circuit court clerk on the same
18 day and during the same hearing in which the case is
19 disposed.

20 (3) When Records are Eligible to be Immediately
21 Sealed. Eligible records under paragraph (2) of this
22 subsection (g) may be sealed immediately after entry of
23 the final disposition of a case, notwithstanding the
24 disposition of other charges in the same case.

25 (4) Notice of Eligibility for Immediate Sealing. Upon
26 entry of a disposition for an eligible record under this

1 subsection (g), the defendant shall be informed by the
2 court of his or her right to have eligible records
3 immediately sealed and the procedure for the immediate
4 sealing of these records.

5 (5) Procedure. The following procedures apply to
6 immediate sealing under this subsection (g).

7 (A) Filing the Petition. Upon entry of the final
8 disposition of the case, the defendant's attorney may
9 immediately petition the court, on behalf of the
10 defendant, for immediate sealing of eligible records
11 under paragraph (2) of this subsection (g) that are
12 entered on or after January 1, 2018 (the effective
13 date of Public Act 100-282). The immediate sealing
14 petition may be filed with the circuit court clerk
15 during the hearing in which the final disposition of
16 the case is entered. If the defendant's attorney does
17 not file the petition for immediate sealing during the
18 hearing, the defendant may file a petition for sealing
19 at any time as authorized under subsection (c) (3) (A).

20 (B) Contents of Petition. The immediate sealing
21 petition shall be verified and shall contain the
22 petitioner's name, date of birth, current address, and
23 for each eligible record, the case number, the date of
24 arrest if applicable, the identity of the arresting
25 authority if applicable, and other information as the
26 court may require.

1 (C) Drug Test. The petitioner shall not be
2 required to attach proof that he or she has passed a
3 drug test.

4 (D) Service of Petition. A copy of the petition
5 shall be served on the State's Attorney in open court.
6 The petitioner shall not be required to serve a copy of
7 the petition on any other agency.

8 (E) Entry of Order. The presiding trial judge
9 shall enter an order granting or denying the petition
10 for immediate sealing during the hearing in which it
11 is filed. Petitions for immediate sealing shall be
12 ruled on in the same hearing in which the final
13 disposition of the case is entered.

14 (F) Hearings. The court shall hear the petition
15 for immediate sealing on the same day and during the
16 same hearing in which the disposition is rendered.

17 (G) Service of Order. An order to immediately seal
18 eligible records shall be served in conformance with
19 subsection (d) (8).

20 (H) Implementation of Order. An order to
21 immediately seal records shall be implemented in
22 conformance with subsections (d) (9) (C) and (d) (9) (D).

23 (I) Fees. The fee imposed by the circuit court
24 clerk and the Department of State Police shall comply
25 with paragraph (1) of subsection (d) of this Section.

26 (J) Final Order. No court order issued under this

1 subsection (g) shall become final for purposes of
2 appeal until 30 days after service of the order on the
3 petitioner and all parties entitled to service of the
4 order in conformance with subsection (d) (8).

5 (K) Motion to Vacate, Modify, or Reconsider. Under
6 Section 2-1203 of the Code of Civil Procedure, the
7 petitioner, State's Attorney, or the Department of
8 State Police may file a motion to vacate, modify, or
9 reconsider the order denying the petition to
10 immediately seal within 60 days of service of the
11 order. If filed more than 60 days after service of the
12 order, a petition to vacate, modify, or reconsider
13 shall comply with subsection (c) of Section 2-1401 of
14 the Code of Civil Procedure.

15 (L) Effect of Order. An order granting an
16 immediate sealing petition shall not be considered
17 void because it fails to comply with the provisions of
18 this Section or because of an error asserted in a
19 motion to vacate, modify, or reconsider. The circuit
20 court retains jurisdiction to determine whether the
21 order is voidable, and to vacate, modify, or
22 reconsider its terms based on a motion filed under
23 subparagraph (L) of this subsection (g).

24 (M) Compliance with Order Granting Petition to
25 Seal Records. Unless a court has entered a stay of an
26 order granting a petition to immediately seal, all

1 parties entitled to service of the order must fully
2 comply with the terms of the order within 60 days of
3 service of the order.

4 (h) Sealing; trafficking victims.

5 (1) A trafficking victim as defined by paragraph (10)
6 of subsection (a) of Section 10-9 of the Criminal Code of
7 2012 shall be eligible to petition for immediate sealing
8 of his or her criminal record upon the completion of his or
9 her last sentence if his or her participation in the
10 underlying offense was a direct result of human
11 trafficking under Section 10-9 of the Criminal Code of
12 2012 or a severe form of trafficking under the federal
13 Trafficking Victims Protection Act.

14 (2) A petitioner under this subsection (h), in
15 addition to the requirements provided under paragraph (4)
16 of subsection (d) of this Section, shall include in his or
17 her petition a clear and concise statement that: (A) he or
18 she was a victim of human trafficking at the time of the
19 offense; and (B) that his or her participation in the
20 offense was a direct result of human trafficking under
21 Section 10-9 of the Criminal Code of 2012 or a severe form
22 of trafficking under the federal Trafficking Victims
23 Protection Act.

24 (3) If an objection is filed alleging that the
25 petitioner is not entitled to immediate sealing under this
26 subsection (h), the court shall conduct a hearing under

1 paragraph (7) of subsection (d) of this Section and the
2 court shall determine whether the petitioner is entitled
3 to immediate sealing under this subsection (h). A
4 petitioner is eligible for immediate relief under this
5 subsection (h) if he or she shows, by a preponderance of
6 the evidence, that: (A) he or she was a victim of human
7 trafficking at the time of the offense; and (B) that his or
8 her participation in the offense was a direct result of
9 human trafficking under Section 10-9 of the Criminal Code
10 of 2012 or a severe form of trafficking under the federal
11 Trafficking Victims Protection Act.

12 (i) Minor Cannabis Offenses under the Cannabis Control
13 Act.

14 (1) Expungement of Arrest Records of Minor Cannabis
15 Offenses.

16 (A) The Department of State Police and all law
17 enforcement agencies within the State shall
18 automatically expunge all criminal history records of
19 an arrest, charge not initiated by arrest, order of
20 supervision, or order of qualified probation for a
21 Minor Cannabis Offense committed prior to June 25,
22 2019 (the effective date of Public Act 101-27) if:

23 (i) One year or more has elapsed since the
24 date of the arrest or law enforcement interaction
25 documented in the records; and

26 (ii) No criminal charges were filed relating

1 to the arrest or law enforcement interaction or
2 criminal charges were filed and subsequently
3 dismissed or vacated or the arrestee was
4 acquitted.

5 (B) If the law enforcement agency is unable to
6 verify satisfaction of condition (ii) in paragraph
7 (A), records that satisfy condition (i) in paragraph
8 (A) shall be automatically expunged.

9 (C) Records shall be expunged by the law
10 enforcement agency under the following timelines:

11 (i) Records created prior to June 25, 2019
12 (the effective date of Public Act 101-27), but on
13 or after January 1, 2013, shall be automatically
14 expunged prior to January 1, 2021;

15 (ii) Records created prior to January 1, 2013,
16 but on or after January 1, 2000, shall be
17 automatically expunged prior to January 1, 2023;

18 (iii) Records created prior to January 1, 2000
19 shall be automatically expunged prior to January
20 1, 2025.

21 In response to an inquiry for expunged records,
22 the law enforcement agency receiving such inquiry
23 shall reply as it does in response to inquiries when no
24 records ever existed; however, it shall provide a
25 certificate of disposition or confirmation that the
26 record was expunged to the individual whose record was

1 expunged if such a record exists.

2 (D) Nothing in this Section shall be construed to
3 restrict or modify an individual's right to have that
4 individual's records expunged except as otherwise may
5 be provided in this Act, or diminish or abrogate any
6 rights or remedies otherwise available to the
7 individual.

8 (2) Pardons Authorizing Expungement of Minor Cannabis
9 Offenses.

10 (A) Upon June 25, 2019 (the effective date of
11 Public Act 101-27), the Department of State Police
12 shall review all criminal history record information
13 and identify all records that meet all of the
14 following criteria:

15 (i) one or more convictions for a Minor
16 Cannabis Offense;

17 (ii) the conviction identified in paragraph
18 (2)(A)(i) did not include a penalty enhancement
19 under Section 7 of the Cannabis Control Act; and

20 (iii) the conviction identified in paragraph
21 (2)(A)(i) is not associated with a conviction for
22 a violent crime as defined in subsection (c) of
23 Section 3 of the Rights of Crime Victims and
24 Witnesses Act.

25 (B) Within 180 days after June 25, 2019 (the
26 effective date of Public Act 101-27), the Department

1 of State Police shall notify the Prisoner Review Board
2 of all such records that meet the criteria established
3 in paragraph (2) (A).

4 (i) The Prisoner Review Board shall notify the
5 State's Attorney of the county of conviction of
6 each record identified by State Police in
7 paragraph (2) (A) that is classified as a Class 4
8 felony. The State's Attorney may provide a written
9 objection to the Prisoner Review Board on the sole
10 basis that the record identified does not meet the
11 criteria established in paragraph (2) (A). Such an
12 objection must be filed within 60 days or by such
13 later date set by the Prisoner Review Board in the
14 notice after the State's Attorney received notice
15 from the Prisoner Review Board.

16 (ii) In response to a written objection from a
17 State's Attorney, the Prisoner Review Board is
18 authorized to conduct a non-public hearing to
19 evaluate the information provided in the
20 objection.

21 (iii) The Prisoner Review Board shall make a
22 confidential and privileged recommendation to the
23 Governor as to whether to grant a pardon
24 authorizing expungement for each of the records
25 identified by the Department of State Police as
26 described in paragraph (2) (A).

1 (C) If an individual has been granted a pardon
2 authorizing expungement as described in this Section,
3 the Prisoner Review Board, through the Attorney
4 General, shall file a petition for expungement with
5 the Chief Judge of the circuit or any judge of the
6 circuit designated by the Chief Judge where the
7 individual had been convicted. Such petition may
8 include more than one individual. Whenever an
9 individual who has been convicted of an offense is
10 granted a pardon by the Governor that specifically
11 authorizes expungement, an objection to the petition
12 may not be filed. Petitions to expunge under this
13 subsection (i) may include more than one individual.
14 Within 90 days of the filing of such a petition, the
15 court shall enter an order expunging the records of
16 arrest from the official records of the arresting
17 authority and order that the records of the circuit
18 court clerk and the Department of State Police be
19 expunged and the name of the defendant obliterated
20 from the official index requested to be kept by the
21 circuit court clerk under Section 16 of the Clerks of
22 Courts Act in connection with the arrest and
23 conviction for the offense for which the individual
24 had received a pardon but the order shall not affect
25 any index issued by the circuit court clerk before the
26 entry of the order. Upon entry of the order of

1 expungement, the circuit court clerk shall promptly
2 provide a copy of the order and a certificate of
3 disposition to the individual who was pardoned to the
4 individual's last known address or by electronic means
5 (if available) or otherwise make it available to the
6 individual upon request.

7 (D) Nothing in this Section is intended to
8 diminish or abrogate any rights or remedies otherwise
9 available to the individual.

10 (3) Any individual may file a motion to vacate and
11 expunge a conviction for a misdemeanor or Class 4 felony
12 violation of Section 4 or Section 5 of the Cannabis
13 Control Act. Motions to vacate and expunge under this
14 subsection (i) may be filed with the circuit court, Chief
15 Judge of a judicial circuit or any judge of the circuit
16 designated by the Chief Judge. The circuit court clerk
17 shall promptly serve a copy of the motion to vacate and
18 expunge, and any supporting documentation, on the State's
19 Attorney or prosecutor charged with the duty of
20 prosecuting the offense. When considering such a motion to
21 vacate and expunge, a court shall consider the following:
22 the reasons to retain the records provided by law
23 enforcement, the petitioner's age, the petitioner's age at
24 the time of offense, the time since the conviction, and
25 the specific adverse consequences if denied. An individual
26 may file such a petition after the completion of any

1 non-financial sentence or non-financial condition imposed
2 by the conviction. Within 60 days of the filing of such
3 motion, a State's Attorney may file an objection to such a
4 petition along with supporting evidence. If a motion to
5 vacate and expunge is granted, the records shall be
6 expunged in accordance with subparagraphs (d)(8) and
7 (d)(9)(A) of this Section. An agency providing civil legal
8 aid, as defined by Section 15 of the Public Interest
9 Attorney Assistance Act, assisting individuals seeking to
10 file a motion to vacate and expunge under this subsection
11 may file motions to vacate and expunge with the Chief
12 Judge of a judicial circuit or any judge of the circuit
13 designated by the Chief Judge, and the motion may include
14 more than one individual. Motions filed by an agency
15 providing civil legal aid concerning more than one
16 individual may be prepared, presented, and signed
17 electronically.

18 (4) Any State's Attorney may file a motion to vacate
19 and expunge a conviction for a misdemeanor or Class 4
20 felony violation of Section 4 or Section 5 of the Cannabis
21 Control Act. Motions to vacate and expunge under this
22 subsection (i) may be filed with the circuit court, Chief
23 Judge of a judicial circuit or any judge of the circuit
24 designated by the Chief Judge, and may include more than
25 one individual. Motions filed by a State's Attorney
26 concerning more than one individual may be prepared,

1 presented, and signed electronically. When considering
2 such a motion to vacate and expunge, a court shall
3 consider the following: the reasons to retain the records
4 provided by law enforcement, the individual's age, the
5 individual's age at the time of offense, the time since
6 the conviction, and the specific adverse consequences if
7 denied. Upon entry of an order granting a motion to vacate
8 and expunge records pursuant to this Section, the State's
9 Attorney shall notify the Prisoner Review Board within 30
10 days. Upon entry of the order of expungement, the circuit
11 court clerk shall promptly provide a copy of the order and
12 a certificate of disposition to the individual whose
13 records will be expunged to the individual's last known
14 address or by electronic means (if available) or otherwise
15 make available to the individual upon request. If a motion
16 to vacate and expunge is granted, the records shall be
17 expunged in accordance with subparagraphs (d)(8) and
18 (d)(9)(A) of this Section.

19 (5) In the public interest, the State's Attorney of a
20 county has standing to file motions to vacate and expunge
21 pursuant to this Section in the circuit court with
22 jurisdiction over the underlying conviction.

23 (6) If a person is arrested for a Minor Cannabis
24 Offense as defined in this Section before June 25, 2019
25 (the effective date of Public Act 101-27) and the person's
26 case is still pending but a sentence has not been imposed,

1 the person may petition the court in which the charges are
2 pending for an order to summarily dismiss those charges
3 against him or her, and expunge all official records of
4 his or her arrest, plea, trial, conviction, incarceration,
5 supervision, or expungement. If the court determines, upon
6 review, that: (A) the person was arrested before June 25,
7 2019 (the effective date of Public Act 101-27) for an
8 offense that has been made eligible for expungement; (B)
9 the case is pending at the time; and (C) the person has not
10 been sentenced of the minor cannabis violation eligible
11 for expungement under this subsection, the court shall
12 consider the following: the reasons to retain the records
13 provided by law enforcement, the petitioner's age, the
14 petitioner's age at the time of offense, the time since
15 the conviction, and the specific adverse consequences if
16 denied. If a motion to dismiss and expunge is granted, the
17 records shall be expunged in accordance with subparagraph
18 (d) (9) (A) of this Section.

19 (7) A person imprisoned solely as a result of one or
20 more convictions for Minor Cannabis Offenses under this
21 subsection (i) shall be released from incarceration upon
22 the issuance of an order under this subsection.

23 (8) The Department of State Police shall allow a
24 person to use the access and review process, established
25 in the Department of State Police, for verifying that his
26 or her records relating to Minor Cannabis Offenses of the

1 Cannabis Control Act eligible under this Section have been
2 expunged.

3 (9) No conviction vacated pursuant to this Section
4 shall serve as the basis for damages for time unjustly
5 served as provided in the Court of Claims Act.

6 (10) Effect of Expungement. A person's right to
7 expunge an expungeable offense shall not be limited under
8 this Section. The effect of an order of expungement shall
9 be to restore the person to the status he or she occupied
10 before the arrest, charge, or conviction.

11 (11) Information. The Department of State Police shall
12 post general information on its website about the
13 expungement process described in this subsection (i).

14 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;
15 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.
16 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,
17 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
18 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
19 12-4-19; 101-645, eff. 6-26-20; revised 8-18-20.)

20 Section 150. The Department of Transportation Law of the
21 Civil Administrative Code of Illinois is amended by changing
22 Sections 2705-610 and 2705-615 as follows:

23 (20 ILCS 2705/2705-610)

24 Sec. 2705-610. Disadvantaged business revolving loan and

1 grant program.

2 (a) Purpose. The purpose of this Section is to provide for
3 assistance to disadvantaged business enterprises with project
4 financing costs for those firms that are ready, willing, and
5 able to participate on Department construction contracts. The
6 Department's disparity study recommends and supports a
7 financing program to address this barrier faced by
8 disadvantaged business enterprises.

9 (b) For the purposes of this Section:

10 "Construction" means building, altering, repairing,
11 improving, or demolishing any public structure or building, or
12 making improvements of any kind to public real property.
13 Construction does not include the routine operation, routine
14 repair, or routine maintenance of existing structures,
15 buildings, or real property.

16 "Construction-related services" means those services
17 including construction design, layout, inspection, support,
18 feasibility or location study, research, development,
19 planning, or other investigative study undertaken by a
20 construction agency concerning construction or potential
21 construction.

22 "Contractor" means one who participates, through a
23 contract or subcontract at any tier, in a United States
24 Department of Transportation-assisted or Illinois Department
25 of Transportation-assisted highway, rail, transit, or airport
26 program.

1 "Escrow account" means a fiduciary account established
2 with (1) a banking corporation which is both organized under
3 the Illinois Banking Act and authorized to accept and
4 administer trusts in this State; or (2) a national banking
5 association which has its principal place of business in this
6 State and which is authorized to accept and administer trusts
7 in this State.

8 "Fund Control Agent" means a person who provides
9 managerial and technical assistance to disadvantaged business
10 enterprises and holds the authority to manage a loan under
11 this Section. The Fund Control Agent will be procured by the
12 Department under a request for proposal process governed by
13 the Illinois Procurement Code and rules adopted under that
14 Code.

15 "Loan" or "loan assistance funds" means a low-interest
16 line of credit made available to a selected disadvantaged
17 business enterprise under this program for the purposes set
18 forth in subsection (f) below.

19 (c) The Department may enter into agreements to make loans
20 to disadvantaged business enterprises certified by the
21 Department for participation on Department-procured
22 construction and construction-related contracts. For purposes
23 of this Section, the term "disadvantaged business enterprise"
24 has the meaning ascribed to it by 49 CFR Part 26.

25 The Department shall establish a loan selection committee
26 to review applications and select eligible disadvantaged

1 business enterprises for low-interest loans under this
2 program. A selection committee shall be comprised of at least
3 3 members appointed by the Secretary of the Department and
4 shall include at least one public member from the construction
5 or financing industry. The public member may not be employed
6 or associated with any disadvantaged business enterprise
7 holding a contract with the Department nor may the public
8 member's firm be considered for a contract with the Department
9 while he or she is serving as a public member of the committee.
10 Terms of service for public members shall not exceed 5 years.
11 No public member of the loan selection committee shall hold
12 consecutive terms, nor shall any member receive any
13 compensation other than for reasonable expenses for service
14 related to this committee.

15 The Department shall establish through administrative
16 rules the requirements for eligibility and criteria for loan
17 applications, approved use of funds, amount of loans, interest
18 rates, collateral, and terms. The Department is authorized to
19 adopt rules to implement this Section.

20 The Department shall notify the prime contractor on a
21 project that a subcontractor on the same project has been
22 awarded a loan from the Working Capital Revolving Loan Fund.
23 If the loan agreement is amended by the parties of the loan
24 agreement, the prime contractor shall not be a party to any
25 disadvantaged business enterprise loan agreement between the
26 Department and participating subcontractor and shall not incur

1 any liability for loan debt accrued as a result of the loan
2 agreement.

3 (d) Loan funds shall be disbursed to the escrow account,
4 subject to appropriation, from the Working Capital Revolving
5 Loan Fund established as a special fund in the State treasury.
6 Loaned funds that are repaid to the Department shall be
7 deposited into the Working Capital Revolving Loan Fund. Other
8 appropriations, grants, awards, and donations to the
9 Department for the purpose of the revolving loan program
10 established by this Section shall be deposited into the
11 Working Capital Revolving Loan Fund.

12 (e) A funds control process shall be established to serve
13 as an intermediary between the Department and the contractor
14 to verify payments and to ensure paperwork is properly filed.
15 The Fund Control Agent and contractor shall enter into an
16 agreement regarding the control and disbursement of all
17 payments to be made by the Fund Control Agent under the
18 contract. The Department shall authorize and direct the Fund
19 Control Agent to review all disbursement requests and
20 supporting documents received from the contractor. The Fund
21 Control Agent shall direct the escrow account to disburse
22 escrow funds to the subcontractor, material supplier, and
23 other appropriate entities by written request for the
24 disbursement. The disadvantaged business enterprise shall
25 maintain control over its business operations by directing the
26 payments of the loan funds through its relationship with the

1 Funds Control Agent. The funds control process shall require
2 the Fund Control Agent to intercept payments made from a
3 contractor to a subcontractor receiving a loan made under this
4 Act and allow the Fund Control Agent to deduct any unpaid loan
5 repayments owed to the State before releasing the payment to
6 the subcontractor.

7 (f) Loan assistance funds shall be allowed for current
8 liabilities or working capital expenses associated with
9 participation in the performance of contracts procured and
10 awarded by the Department for transportation construction and
11 construction-related purposes. Loan funds shall not be used
12 for:

- 13 (1) refinancing or payment of existing long-term debt;
14 (2) payment of non-current taxes;
15 (3) payments, advances, or loans to stockholders,
16 officers, directors, partners, or member owners of limited
17 liability companies; or
18 (4) the purchase or lease of non-construction motor
19 vehicles or equipment.

20 The loan agreement shall provide for the terms and
21 conditions of repayment which shall not extend repayment
22 longer than final payment made by the Department following
23 completion and acceptance of the work authorized for loan
24 assistance under the program. The funds shall be loaned with
25 interest.

26 (g) The number of loans one disadvantaged business

1 enterprise may receive under this program is limited to 3.
2 Loans shall not be granted simultaneously. An applicant shall
3 not be permitted to obtain a loan under this program for a
4 different and additional project until payment in full of any
5 outstanding loans granted under this program have been
6 received by the Department.

7 (h) The rate of interest for any loan shall be set by rule.

8 (i) The loan amount to any successful applicant shall not
9 exceed 55% ~~percent~~ of the contract or subcontract supporting
10 the loan.

11 (j) Nothing in this Section shall impair the contractual
12 rights of the Department and the prime contractor or the
13 contractual rights between a prime contractor and
14 subcontractor.

15 (k) Nothing in this Section is intended nor shall be
16 construed to vest applicants denied funds by the Department in
17 accordance with this Section a right to challenge, protest, or
18 contest the awarding of funds by the Department to successful
19 applicants or any loan or agreement executed in connection
20 with it.

21 (l) The debt delinquency prohibition under Section 50-11
22 of the Illinois Procurement Code applies to any future
23 contracts or subcontracts in the event of a loan default.

24 (m) Investment income which is attributable to the
25 investment of moneys in the Working Capital Revolving Loan
26 Fund shall be retained in the Working Capital Revolving Loan

1 Fund.

2 (n) By January 1, 2014 and January 1 of each succeeding
3 year, the Department shall report to the Governor and the
4 General Assembly on the utilization and status of the
5 revolving loan program. The report shall, at a minimum,
6 include the amount transferred from the Road Fund to the
7 Working Capital Revolving Loan Fund, the number and size of
8 approved loans, the amounts disbursed to and from the escrow
9 account, the amounts, if any, repaid to the Working Capital
10 Revolving Loan Fund, the interest and fees paid by loan
11 recipients, and the interest earned on balances in the Working
12 Capital Revolving Loan Fund, and the names of any contractors
13 who are delinquent or in default of payment. The January 1,
14 2017 report shall include an evaluation of the program by the
15 Department to determine the program's viability and progress
16 towards its stated purpose.

17 (o) The Department's authority to execute additional loans
18 or request transfers to the Working Capital Revolving Loan
19 Fund expires on June 1, 2018. The Comptroller shall order
20 transferred and the Treasurer shall transfer any available
21 balance remaining in the Working Capital Revolving Loan Fund
22 to the Road Fund on January 1, 2019, or as soon thereafter as
23 may be practical. Any loan repayments, interest, or fees that
24 are by the terms of a loan agreement payable to the Working
25 Capital Revolving Loan Fund after June 20, 2018 shall instead
26 be paid into the Road Fund as the successor fund to the Working

1 Capital Revolving Loan Fund.

2 (Source: P.A. 98-117, eff. 7-30-13; revised 7-16-19.)

3 (20 ILCS 2705/2705-615)

4 Sec. 2705-615. Supplemental funding; Illinois
5 Transportation Enhancement Program.

6 (a) In addition to any other funding that may be provided
7 to the Illinois Transportation Enhancement Program from
8 federal, State, or other sources, including, but not limited
9 to, the Transportation Alternatives Set-Aside of the Surface
10 Transportation Block Grant Program, the Department shall set
11 aside \$50,000,000 received by the Department from the Road
12 Fund for the projects in the following categories: pedestrian
13 and bicycle facilities and the conversion of abandoned
14 railroad corridors to trails.

15 (b) Except as provided in subsection (c), funds set aside
16 under subsection (a) shall be administered according to the
17 requirements of the current Guidelines Manual published by the
18 Department for the Illinois Transportation Enhancement
19 Program, including, but not limited to, decision-making by the
20 Department and the applicable Metropolitan Planning
21 Organization and proportional fund distribution according to
22 population size.

23 (c) For projects funded under this Section:

24 (1) local matching funding shall be required according
25 to a sliding scale based on community size, median income,

1 and total property tax base;

2 (2) Phase I Studies and Phase I Engineering Reports
3 are not required to be completed before application is
4 made; and

5 (3) at least 25% of funding shall be directed towards
6 projects in high-need communities, based on community
7 median income and total property tax base.

8 (d) The Department shall adopt rules necessary to
9 implement this Section.

10 (e) The Department shall adhere to a 2-year funding cycle
11 for the Illinois Transportation Enhancement Program with calls
12 for projects at least every other year.

13 (f) The Department shall make all funded and unfunded ~~the~~
14 Illinois Transportation Enhancement Program applications
15 publicly available upon completion of each funding cycle,
16 including how each application scored on the program criteria.
17 (Source: P.A. 101-32, eff. 6-28-19; revised 7-24-19.)

18 Section 155. The State Fire Marshal Act is amended by
19 changing Section 3 as follows:

20 (20 ILCS 2905/3) (from Ch. 127 1/2, par. 3)

21 Sec. 3. There is created the Illinois Fire Advisory
22 Commission which shall advise the Office in the exercise of
23 its powers and duties. The Commission shall be appointed by
24 the Governor as follows:

1 (1) 3 professional, full-time ~~fulltime~~ paid
2 firefighters;

3 (2) one volunteer firefighter;

4 (3) one Fire Protection Engineer who is registered in
5 Illinois;

6 (4) one person who is a representative of the fire
7 insurance ~~Fire Insurance~~ industry in Illinois;

8 (5) one person who is a representative of a registered
9 United States Department of Labor apprenticeship program
10 primarily instructing in the installation and repair of
11 fire extinguishing systems;

12 (6) one ~~a~~ licensed operating or stationary engineer
13 who has an associate degree in facilities engineering
14 technology and has knowledge of the operation and
15 maintenance ~~maintenance~~ of fire alarm and fire
16 extinguishing systems primarily for the life safety of
17 occupants in a variety of commercial or residential
18 structures; and

19 (7) 3 persons with an interest in and knowledgeable
20 about fire prevention methods.

21 In addition, the following shall serve as ex officio
22 members of the Commission: the Chicago Fire Commissioner, or
23 his or her designee; the executive officer, or his or her
24 designee, of each of the following organizations: the Illinois
25 Fire Chiefs Association, the Illinois Fire Protection District
26 Association, the Illinois Fire Inspectors Association, the

1 Illinois Professional Firefighters Association, the Illinois
2 Firemen's Association, the Associated Firefighters of
3 Illinois, the Illinois Society of Fire Service Instructors,
4 and the Fire Service Institute, University of Illinois.

5 The Governor shall designate, at the time of appointment,
6 3 members to serve terms expiring on the third Monday in
7 January, 1979; 3 members to serve terms expiring the third
8 Monday in January, 1980; and 2 members to serve terms expiring
9 the third Monday in January, 1981. The additional member
10 appointed by the Governor pursuant to Public Act 85-718 ~~this~~
11 ~~amendatory Act of 1987~~ shall serve for a term expiring the
12 third Monday in January, 1990. Thereafter, all terms shall be
13 for 3 years. A member shall serve until his or her successor is
14 appointed and qualified. A vacancy shall be filled for the
15 unexpired term.

16 The Governor shall designate one of the appointed members
17 to be chairman of the Commission.

18 Members shall serve without compensation but shall be
19 reimbursed for their actual reasonable expenses incurred in
20 the performance of their duties.

21 (Source: P.A. 101-234, eff. 8-9-19; revised 9-12-19.)

22 Section 160. The Capital Development Board Act is amended
23 by changing Sections 10.09-1 and 12 as follows:

24 (20 ILCS 3105/10.09-1)

1 Sec. 10.09-1. Certification of inspection.

2 (a) After July 1, 2011, no person may occupy a newly
3 constructed commercial building in a non-building code
4 jurisdiction until:

5 (1) The property owner or his or her agent has first
6 contracted for the inspection of the building by an
7 inspector who meets the qualifications established by the
8 Board; and

9 (2) The qualified inspector files a certification of
10 inspection with the municipality or county having such
11 jurisdiction over the property indicating that the
12 building meets compliance with the building codes adopted
13 by the Board for non-building code jurisdictions based on
14 the following:

15 (A) The current edition or most recent preceding
16 editions of the following codes developed by the
17 International Code Council:

18 (i) International Building Code;

19 (ii) International Existing Building Code; and

20 (B) The current edition or most recent preceding
21 edition of the National Electrical Code NFPA 70.

22 (b) This Section does not apply to any area in a
23 municipality or county having jurisdiction that has registered
24 its adopted building code with the Board as required by
25 Section 55 of the Illinois Building Commission Act.

26 (c) The qualification requirements of this Section do not

1 apply to building enforcement personnel employed by
2 jurisdictions as defined in subsection (b).

3 (d) For purposes of this Section:

4 "Commercial building" means any building other than a
5 single-family home or a dwelling containing 2 or fewer
6 apartments, condominiums, or townhomes or a farm building as
7 exempted from Section 3 of the Illinois Architecture Practice
8 Act of 1989.

9 "Newly constructed commercial building" means any
10 commercial building for which original construction has
11 commenced on or after July 1, 2011.

12 "Non-building code jurisdiction" means any area of the
13 State not subject to a building code imposed by either a county
14 or municipality.

15 "Qualified inspector" means an individual qualified by the
16 State of Illinois, certified by a nationally recognized
17 building official certification organization, qualified by an
18 apprentice program certified by the Bureau of Apprentice
19 Training, or who has filed verification of inspection
20 experience according to rules adopted by the Board for the
21 purposes of conducting inspections in non-building code
22 jurisdictions.

23 (e) New residential construction is exempt from this
24 Section and is defined as any original construction of a
25 single-family home or a dwelling containing 2 or fewer
26 apartments, condominiums, or townhomes in accordance with the

1 Illinois Residential Building Code Act.

2 (f) Local governments may establish agreements with other
3 governmental entities within the State to issue permits and
4 enforce building codes and may hire third-party providers that
5 are qualified in accordance with this Section to provide
6 inspection services.

7 (g) This Section does not regulate any other statutorily
8 authorized code or regulation administered by State agencies.
9 These include without limitation the Illinois Plumbing Code,
10 the Illinois Environmental Barriers Act, the International
11 Energy Conservation Code, and administrative rules adopted by
12 the Office of the State Fire Marshal.

13 (h) This Section applies beginning July 1, 2011.

14 (Source: P.A. 101-369, eff. 12-15-19; revised 11-26-19.)

15 (20 ILCS 3105/12) (from Ch. 127, par. 782)

16 Sec. 12. Nothing in this Act shall be construed to include
17 the power to abrogate those powers vested in the boards of the
18 local public community college districts and the Illinois
19 Community College Board by the Public Community College Act,
20 the Board of Trustees of the University of Illinois, The Board
21 of Trustees of Southern Illinois University, the Board of
22 Trustees of Chicago State University, the Board of Trustees of
23 Eastern Illinois University, the Board of Trustees of
24 Governors State University, the Board of Trustees of Illinois
25 State University, the Board of Trustees of Northeastern

1 Illinois University, the Board of Trustees of Northern
2 Illinois University, and the Board of Trustees of Western
3 Illinois University, hereinafter referred to as Governing
4 Boards. In the exercise of the powers conferred by law upon the
5 Board and in the exercise of the powers vested in such
6 Governing Boards, it is hereby provided that (i) the Board and
7 any such Governing Board may contract with each other and
8 other parties as to the design and construction of any project
9 to be constructed for or upon the property of such Governing
10 Board or any institution under its jurisdiction; (ii) in
11 connection with any such project, compliance with the
12 provisions of the Illinois Procurement Code by either the
13 Board or such Governing Board shall be deemed to be compliance
14 by the other; (iii) funds appropriated to any such Governing
15 Board may be expended for any project constructed by the Board
16 for such Governing Board; (iv) in connection with any such
17 project, the architects and engineers retained for the project
18 and the plans and specifications for the project must be
19 approved by both the Governing Board and the Board before
20 undertaking either design or construction of the project, as
21 the case may be.

22 (Source: P.A. 101-369, eff. 12-15-19; revised 11-26-19.)

23 Section 165. The General Assembly Compensation Act is
24 amended by changing Section 1 as follows:

1 (25 ILCS 115/1) (from Ch. 63, par. 14)

2 Sec. 1. Each member of the General Assembly shall receive
3 an annual salary of \$28,000 or as set by the Compensation
4 Review Board, whichever is greater. The following named
5 officers, committee chairmen and committee minority spokesmen
6 shall receive additional amounts per year for their services
7 as such officers, committee chairmen and committee minority
8 spokesmen respectively, as set by the Compensation Review
9 Board or, as follows, whichever is greater: Beginning the
10 second Wednesday in January 1989, the Speaker and the minority
11 leader of the House of Representatives and the President and
12 the minority leader of the Senate, \$16,000 each; the majority
13 leader in the House of Representatives \$13,500; 5 assistant
14 majority leaders and 5 assistant minority leaders in the
15 Senate, \$12,000 each; 6 assistant majority leaders and 6
16 assistant minority leaders in the House of Representatives,
17 \$10,500 each; 2 Deputy Majority leaders in the House of
18 Representatives \$11,500 each; and 2 Deputy Minority leaders in
19 the House of Representatives, \$11,500 each; the majority
20 caucus chairman and minority caucus chairman in the Senate,
21 \$12,000 each; and beginning the second Wednesday in January,
22 1989, the majority conference chairman and the minority
23 conference chairman in the House of Representatives, \$10,500
24 each; beginning the second Wednesday in January, 1989, the
25 chairman and minority spokesman of each standing committee of
26 the Senate, except the Rules Committee, the Committee on

1 Committees, and the Committee on Assignment of Bills, \$6,000
2 each; and beginning the second Wednesday in January, 1989, the
3 chairman and minority spokesman of each standing and select
4 committee of the House of Representatives, \$6,000 each; and
5 beginning fiscal year 2020, the majority leader in the Senate,
6 an amount equal to the majority leader in the House. A member
7 who serves in more than one position as an officer, committee
8 chairman, or committee minority spokesman shall receive only
9 one additional amount based on the position paying the highest
10 additional amount. The compensation provided for in this
11 Section to be paid per year to members of the General Assembly,
12 including the additional sums payable per year to officers of
13 the General Assembly shall be paid in 12 equal monthly
14 installments. The first such installment is payable on January
15 31, 1977. All subsequent equal monthly installments are
16 payable on the last working day of the month. A member who has
17 held office any part of a month is entitled to compensation for
18 an entire month.

19 Mileage shall be paid at the rate of 20 cents per mile
20 before January 9, 1985, and at the mileage allowance rate in
21 effect under regulations promulgated pursuant to 5 U.S.C.
22 5707(b)(2) beginning January 9, 1985, for the number of actual
23 highway miles necessarily and conveniently traveled by the
24 most feasible route to be present upon convening of the
25 sessions of the General Assembly by such member in each and
26 every trip during each session in going to and returning from

1 the seat of government, to be computed by the Comptroller. A
2 member traveling by public transportation for such purposes,
3 however, shall be paid his actual cost of that transportation
4 instead of on the mileage rate if his cost of public
5 transportation exceeds the amount to which he would be
6 entitled on a mileage basis. No member may be paid, whether on
7 a mileage basis or for actual costs of public transportation,
8 for more than one such trip for each week the General Assembly
9 is actually in session. Each member shall also receive an
10 allowance of \$36 per day for lodging and meals while in
11 attendance at sessions of the General Assembly before January
12 9, 1985; beginning January 9, 1985, such food and lodging
13 allowance shall be equal to the amount per day permitted to be
14 deducted for such expenses under the Internal Revenue Code;
15 however, beginning May 31, 1995, no allowance for food and
16 lodging while in attendance at sessions is authorized for
17 periods of time after the last day in May of each calendar
18 year, except (i) if the General Assembly is convened in
19 special session by either the Governor or the presiding
20 officers of both houses, as provided by subsection (b) of
21 Section 5 of Article IV of the Illinois Constitution or (ii) if
22 the General Assembly is convened to consider bills vetoed,
23 item vetoed, reduced, or returned with specific
24 recommendations for change by the Governor as provided in
25 Section 9 of Article IV of the Illinois Constitution. For
26 fiscal year 2011 and for session days in fiscal years 2012,

1 2013, 2014, 2015, 2016, 2017, 2018, and 2019 only (i) the
2 allowance for lodging and meals is \$111 per day and (ii)
3 mileage for automobile travel shall be reimbursed at a rate of
4 \$0.39 per mile.

5 Notwithstanding any other provision of law to the
6 contrary, beginning in fiscal year 2012, travel reimbursement
7 for General Assembly members on non-session days shall be
8 calculated using the guidelines set forth by the Legislative
9 Travel Control Board, except that fiscal year 2012, 2013,
10 2014, 2015, 2016, 2017, 2018, and 2019 mileage reimbursement
11 is set at a rate of \$0.39 per mile.

12 If a member dies having received only a portion of the
13 amount payable as compensation, the unpaid balance shall be
14 paid to the surviving spouse of such member, or, if there be
15 none, to the estate of such member.

16 (Source: P.A. 100-25, eff. 7-26-17; 100-587, eff. 6-4-18;
17 101-10, eff. 6-5-19; revised 7-17-19.)

18 Section 170. The Legislative Commission Reorganization Act
19 of 1984 is amended by changing the headings of Articles 3A and
20 8A as follows:

21 (25 ILCS 130/Art. 3A heading)

22 ARTICLE 3A.

23 (Source: P.A. 89-113; revised 8-18-20.)

1 (25 ILCS 130/Art. 8A heading)

2 ARTICLE 8A.

3 (Source: P.A. 93-632, eff. 2-1-04; revised 8-18-20.)

4 Section 175. The State Finance Act is amended by setting
5 forth, renumbering, and changing Sections 5.891, 5.893, 5.894,
6 5.895, 5.896, and 6z-107, by setting forth and renumbering
7 Sections 5.892 and 5.897, and by changing Sections 8.25g, 8g,
8 9.02, and 10 as follows:

9 (30 ILCS 105/5.891)

10 Sec. 5.891. The Governor's Administrative Fund.

11 (Source: P.A. 101-10, Article 5, Section 5-35, eff. 6-5-19.)

12 (30 ILCS 105/5.892)

13 Sec. 5.892. The Firearm Dealer License Certification Fund.

14 (Source: P.A. 100-1178, eff. 1-18-19; 101-81, eff. 7-12-19.)

15 (30 ILCS 105/5.893)

16 Sec. 5.893. The Local Government Aviation Trust Fund.

17 (Source: P.A. 101-10, eff. 6-5-19.)

18 (30 ILCS 105/5.894)

19 Sec. 5.894. The Aviation Fuel Sales Tax Refund Fund.

20 (Source: P.A. 101-10, eff. 6-5-19.)

1 (30 ILCS 105/5.895)

2 Sec. 5.895. The Sound-Reducing Windows and Doors
3 Replacement Fund.

4 (Source: P.A. 101-10, eff. 6-5-19.)

5 (30 ILCS 105/5.896)

6 Sec. 5.896. The Rebuild Illinois Projects Fund.

7 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

8 (30 ILCS 105/5.897)

9 Sec. 5.897. The Civic and Transit Infrastructure Fund.

10 (Source: P.A. 101-10, eff. 6-5-19.)

11 (30 ILCS 105/5.898)

12 Sec. 5.898 ~~5.891~~. The State Aviation Program Fund.

13 (Source: P.A. 101-10, Article 15, Section 15-5, eff. 6-5-19;
14 revised 10-2-19.)

15 (30 ILCS 105/5.899)

16 Sec. 5.899 ~~5.891~~. The Cannabis Regulation Fund.

17 (Source: P.A. 101-27, eff. 6-25-19; revised 10-2-19.)

18 (30 ILCS 105/5.900)

19 Sec. 5.900 ~~5.891~~. The Multi-modal Transportation Bond
20 Fund.

21 (Source: P.A. 101-30, eff. 6-28-19; revised 10-2-19.)

1 (30 ILCS 105/5.901)

2 Sec. 5.901 ~~5.891~~. The Transportation Renewal Fund.

3 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;
4 revised 10-2-19.)

5 (30 ILCS 105/5.902)

6 Sec. 5.902 ~~5.891~~. The Illinois Property Tax Relief Fund.

7 (Source: P.A. 101-77, eff. 7-12-19; revised 10-2-19.)

8 (30 ILCS 105/5.903)

9 Sec. 5.903 ~~5.891~~. The Attorney General Whistleblower
10 Reward and Protection Fund.

11 (Source: P.A. 101-148, eff. 7-26-19; revised 10-2-19.)

12 (30 ILCS 105/5.904)

13 Sec. 5.904 ~~5.891~~. The Coal Combustion Residual Surface
14 Impoundment Financial Assurance Fund.

15 (Source: P.A. 101-171, eff. 7-30-19; revised 10-2-19.)

16 (30 ILCS 105/5.905)

17 Sec. 5.905 ~~5.891~~. The Scott's Law Fund.

18 (Source: P.A. 101-173, eff. 1-1-20; revised 10-2-19.)

19 (30 ILCS 105/5.906)

20 Sec. 5.906 ~~5.891~~. The DUI Prevention and Education Fund.

1 (Source: P.A. 101-196, eff. 1-1-20; revised 10-2-19.)

2 (30 ILCS 105/5.907)

3 Sec. 5.907 ~~5.891~~. The Post-Traumatic Stress Disorder
4 Awareness Fund.

5 (Source: P.A. 101-248, eff. 1-1-20; revised 10-2-19.)

6 (30 ILCS 105/5.908)

7 Sec. 5.908 ~~5.891~~. The Guide Dogs of America Fund.

8 (Source: P.A. 101-256, eff. 1-1-20; revised 10-2-19.)

9 (30 ILCS 105/5.909)

10 Sec. 5.909 ~~5.891~~. The Theresa Tracy Trot-Illinois
11 CancerCare Foundation Fund.

12 (Source: P.A. 101-276, eff. 8-9-19; revised 10-2-19.)

13 (30 ILCS 105/5.910)

14 Sec. 5.910 ~~5.891~~. The Developmental Disabilities Awareness
15 Fund.

16 (Source: P.A. 101-282, eff. 1-1-20; revised 10-2-19.)

17 (30 ILCS 105/5.911)

18 Sec. 5.911 ~~5.891~~. The Pediatric Cancer Awareness Fund.

19 (Source: P.A. 101-372, eff. 1-1-20; revised 10-2-19.)

20 (30 ILCS 105/5.912)

1 Sec. 5.912 ~~5.891~~. The Training in the Building Trades
2 Fund.

3 (Source: P.A. 101-469, eff. 1-1-20; revised 10-2-19.)

4 (30 ILCS 105/5.913)

5 Sec. 5.913 ~~5.891~~. The School STEAM Grant Program Fund.

6 (Source: P.A. 101-561, eff. 8-23-19; revised 10-2-19.)

7 (30 ILCS 105/5.914)

8 Sec. 5.914 ~~5.891~~. The Water Workforce Development Fund.

9 (Source: P.A. 101-576, eff. 1-1-20; revised 10-2-19.)

10 (30 ILCS 105/5.915)

11 Sec. 5.915 ~~5.892~~. The Cannabis Business Development Fund.

12 (Source: P.A. 101-27, eff. 6-25-19; revised 10-17-19.)

13 (30 ILCS 105/5.916)

14 Sec. 5.916 ~~5.893~~. The Local Cannabis Consumer Excise Tax
15 Trust Fund.

16 (Source: P.A. 101-27, eff. 6-25-19; revised 10-17-19.)

17 (30 ILCS 105/5.917)

18 Sec. 5.917 ~~5.893~~. The Transportation Renewal Fund.

19 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

20 (30 ILCS 105/5.918)

1 Sec. 5.918 ~~5.893~~. The Regional Transportation Authority
2 Capital Improvement Fund.
3 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19;
4 revised 10-17-19.)

5 (30 ILCS 105/5.920)

6 Sec. 5.920 ~~5.893~~. The State Police Whistleblower Reward
7 and Protection Fund.
8 (Source: P.A. 101-148, eff. 7-26-19; revised 10-17-19.)

9 (30 ILCS 105/5.921)

10 Sec. 5.921 ~~5.893~~. The Mechanics Training Fund.
11 (Source: P.A. 101-256, eff. 1-1-20; revised 10-17-19.)

12 (30 ILCS 105/5.922)

13 Sec. 5.922 ~~5.894~~. The Cannabis Expungement Fund.
14 (Source: P.A. 101-27, eff. 6-25-19; revised 10-17-19.)

15 (30 ILCS 105/5.923)

16 Sec. 5.923 ~~5.894~~. The Regional Transportation Authority
17 Capital Improvement Fund.
18 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

19 (30 ILCS 105/5.924)

20 Sec. 5.924 ~~5.894~~. The Downstate Mass Transportation
21 Capital Improvement Fund.

1 (Source: P.A. 101-31, eff. 6-28-19; 101-32, eff. 6-28-19.)

2 (30 ILCS 105/5.925)

3 Sec. 5.925 ~~5.895~~. The Downstate Mass Transportation
4 Capital Improvement Fund.

5 (Source: P.A. 101-30, eff. 6-28-19; revised 10-17-19.)

6 (30 ILCS 105/5.926)

7 Sec. 5.926 ~~5.895~~. The Illinois Works Fund.

8 (Source: P.A. 101-31, eff. 6-28-19; revised 10-17-19.)

9 (30 ILCS 105/5.927)

10 Sec. 5.927 ~~5.896~~. The Sports Wagering Fund.

11 (Source: P.A. 101-31, eff. 6-28-19; revised 10-17-19.)

12 (30 ILCS 105/5.928)

13 Sec. 5.928 ~~5.897~~. The State Fairgrounds Capital
14 Improvements and Harness Racing Fund.

15 (Source: P.A. 101-31, eff. 6-28-19; revised 10-17-19.)

16 (30 ILCS 105/6z-107)

17 Sec. 6z-107. Governor's Administrative Fund. The
18 Governor's Administrative Fund is established as a special
19 fund in the State Treasury. The Fund may accept moneys from any
20 public source in the form of grants, deposits, and transfers,
21 and shall be used for purposes designated by the source of the

1 moneys and, if no specific purposes are designated, then for
2 the general administrative and operational costs of the
3 Governor's Office.

4 (Source: P.A. 101-10, eff. 6-5-19.)

5 (30 ILCS 105/6z-112)

6 Sec. 6z-112 ~~6z-107~~. The Cannabis Regulation Fund.

7 (a) There is created the Cannabis Regulation Fund in the
8 State treasury, subject to appropriations unless otherwise
9 provided in this Section. All moneys collected under the
10 Cannabis Regulation and Tax Act shall be deposited into the
11 Cannabis Regulation Fund, consisting of taxes, license fees,
12 other fees, and any other amounts required to be deposited or
13 transferred into the Fund.

14 (b) Whenever the Department of Revenue determines that a
15 refund should be made under the Cannabis Regulation and Tax
16 Act to a claimant, the Department of Revenue shall submit a
17 voucher for payment to the State Comptroller, who shall cause
18 the order to be drawn for the amount specified and to the
19 person named in the notification from the Department of
20 Revenue. This subsection (b) shall constitute an irrevocable
21 and continuing appropriation of all amounts necessary for the
22 payment of refunds out of the Fund as authorized under this
23 subsection (b).

24 (c) On or before the 25th day of each calendar month, the
25 Department of Revenue shall prepare and certify to the State

1 Comptroller the transfer and allocations of stated sums of
2 money from the Cannabis Regulation Fund to other named funds
3 in the State treasury. The amount subject to transfer shall be
4 the amount of the taxes, license fees, other fees, and any
5 other amounts paid into the Fund during the second preceding
6 calendar month, minus the refunds made under subsection (b)
7 during the second preceding calendar month by the Department.
8 The transfers shall be certified as follows:

9 (1) The Department of Revenue shall first determine
10 the allocations which shall remain in the Cannabis
11 Regulation Fund, subject to appropriations, to pay for the
12 direct and indirect costs associated with the
13 implementation, administration, and enforcement of the
14 Cannabis Regulation and Tax Act by the Department of
15 Revenue, the Department of State Police, the Department of
16 Financial and Professional Regulation, the Department of
17 Agriculture, the Department of Public Health, the
18 Department of Commerce and Economic Opportunity, and the
19 Illinois Criminal Justice Information Authority.

20 (2) After the allocations have been made as provided
21 in paragraph (1) of this subsection (c), of the remainder
22 of the amount subject to transfer for the month as
23 determined in this subsection (c), the Department shall
24 certify the transfer into the Cannabis Expungement Fund
25 1/12 of the fiscal year amount appropriated from the
26 Cannabis Expungement Fund for payment of costs incurred by

1 State courts, the Attorney General, State's Attorneys,
2 civil legal aid, as defined by Section 15 of the Public
3 Interest Attorney Assistance Act, and the Department of
4 State Police to facilitate petitions for expungement of
5 Minor Cannabis Offenses pursuant to Public Act 101-27 ~~this~~
6 ~~amendatory Act of the 101st General Assembly~~, as adjusted
7 by any supplemental appropriation, plus cumulative
8 deficiencies in such transfers for prior months.

9 (3) After the allocations have been made as provided
10 in paragraphs (1) and (2) of this subsection (c), the
11 Department of Revenue shall certify to the State
12 Comptroller and the State Treasurer shall transfer the
13 amounts that the Department of Revenue determines shall be
14 transferred into the following named funds according to
15 the following:

16 (A) 2% shall be transferred to the Drug Treatment
17 Fund to be used by the Department of Human Services
18 for: (i) developing and administering a scientifically
19 and medically accurate public education campaign
20 educating youth and adults about the health and safety
21 risks of alcohol, tobacco, illegal drug use (including
22 prescription drugs), and cannabis, including use by
23 pregnant women; and (ii) data collection and analysis
24 of the public health impacts of legalizing the
25 recreational use of cannabis. Expenditures for these
26 purposes shall be subject to appropriations.

1 (B) 8% shall be transferred to the Local
2 Government Distributive Fund and allocated as provided
3 in Section 2 of the State Revenue Sharing Act. The
4 moneys shall be used to fund crime prevention
5 programs, training, and interdiction efforts,
6 including detection, enforcement, and prevention
7 efforts, relating to the illegal cannabis market and
8 driving under the influence of cannabis.

9 (C) 25% shall be transferred to the Criminal
10 Justice Information Projects Fund to be used for the
11 purposes of the Restore, Reinvest, and Renew Program
12 to address economic development, violence prevention
13 services, re-entry services, youth development, and
14 civil legal aid, as defined by Section 15 of the Public
15 Interest Attorney Assistance Act. The Restore,
16 Reinvest, and Renew Program shall address these issues
17 through targeted investments and intervention programs
18 and promotion of an employment infrastructure and
19 capacity building related to the social determinants
20 of health in impacted community areas. Expenditures
21 for these purposes shall be subject to appropriations.

22 (D) 20% shall be transferred to the Department of
23 Human Services Community Services Fund, to be used to
24 address substance abuse and prevention and mental
25 health concerns, including treatment, education, and
26 prevention to address the negative impacts of

1 substance abuse and mental health issues, including
2 concentrated poverty, violence, and the historical
3 overuse of criminal justice responses in certain
4 communities, on the individual, family, and community,
5 including federal, State, and local governments,
6 health care institutions and providers, and
7 correctional facilities. Expenditures for these
8 purposes shall be subject to appropriations.

9 (E) 10% shall be transferred to the Budget
10 Stabilization Fund.

11 (F) 35%, or any remaining balance, shall be
12 transferred to the General Revenue Fund.

13 As soon as may be practical, but no later than 10 days
14 after receipt, by the State Comptroller of the transfer
15 certification provided for in this subsection (c) to be given
16 to the State Comptroller by the Department of Revenue, the
17 State Comptroller shall direct and the State Treasurer shall
18 transfer the respective amounts in accordance with the
19 directions contained in such certification.

20 (d) On July 1, 2019 the Department of Revenue shall
21 certify to the State Comptroller and the State Treasurer shall
22 transfer \$5,000,000 from the Compassionate Use of Medical
23 Cannabis Fund to the Cannabis Regulation Fund.

24 (e) Notwithstanding any other law to the contrary and
25 except as otherwise provided in this Section, this Fund is not
26 subject to sweeps, administrative charge-backs, or any other

1 fiscal or budgetary maneuver that would in any way transfer
2 any amounts from this Fund into any other fund of the State.

3 (f) The Cannabis Regulation Fund shall retain a balance of
4 \$1,000,000 for the purposes of administrative costs.

5 (g) In Fiscal Year 2024 the allocations in subsection (c)
6 of this Section shall be reviewed and adjusted if the General
7 Assembly finds there is a greater need for funding for a
8 specific purpose in the State as it relates to Public Act
9 101-27 ~~this amendatory Act of the 101st General Assembly.~~

10 (Source: P.A. 101-27, eff. 6-25-19; revised 9-23-19.)

11 (30 ILCS 105/6z-113)

12 Sec. 6z-113 ~~6z-107~~. Illinois Property Tax Relief Fund;
13 creation.

14 (a) Beginning in State fiscal year 2021, the Illinois
15 Property Tax Relief Fund is hereby created as a special fund in
16 the State treasury. Moneys in the Fund shall be used by the
17 State Comptroller to pay rebates to residential property
18 taxpayers in the State as provided in this Section. The Fund
19 may accept moneys from any lawful source.

20 (b) Beginning in State fiscal year 2021, within 30 days
21 after the last day of the application period for general
22 homestead exemptions in the county, each chief county
23 assessment officer shall certify to the State Comptroller the
24 total number of general homestead exemptions granted for
25 homestead property in that county for the applicable property

1 tax year. As soon as possible after receiving certifications
2 from each county under this subsection, the State Comptroller
3 shall calculate a property tax rebate amount for the
4 applicable property tax year by dividing the total amount
5 appropriated from the Illinois Property Tax Relief Fund for
6 the purpose of making rebates under this Section by the total
7 number of homestead exemptions granted for homestead property
8 in the State. The county treasurer shall reduce each property
9 tax bill for homestead property by the property tax rebate
10 amount and shall include a separate line item on each property
11 tax bill stating the property tax rebate amount from the
12 Illinois Property Tax Relief Fund. Within 60 days after
13 calculating the property tax rebate amount, the State
14 Comptroller shall make distributions from the Illinois
15 Property Tax Relief Fund to each county. The amount allocated
16 to each county shall be the property tax rebate amount
17 multiplied by the number of general homestead exemptions
18 granted in the county for the applicable property tax year.
19 The county treasurer shall distribute each taxing district's
20 share of property tax collections and distributions from the
21 Illinois Property Tax Relief Fund to those taxing districts as
22 provided by law.

23 (c) As used in this Section:

24 "Applicable property tax year" means the tax year for
25 which a rebate was applied to property tax bills under this
26 Section.

1 "General homestead exemption" means a general homestead
2 exemption that was granted for the property under Section
3 15-175 of the Property Tax Code.

4 "Homestead property" means property that meets both of the
5 following criteria: (1) a general homestead exemption was
6 granted for the property; and (2) the property tax liability
7 for the property is current as of the date of the
8 certification.

9 (Source: P.A. 101-77, eff. 7-12-19; revised 9-23-19.)

10 (30 ILCS 105/8.25g)

11 Sec. 8.25g. The Civic and Transit Infrastructure Fund. The
12 Civic and Transit Infrastructure Fund is created as a special
13 fund in the State Treasury. Money in the Civic and Transit
14 Infrastructure Fund shall, when the State of Illinois incurs
15 infrastructure indebtedness pursuant to the public-private
16 ~~public-private~~ partnership entered into by the public agency
17 on behalf of the State of Illinois with private entity
18 pursuant to the Public-Private Partnership for Civic and
19 Transit Infrastructure Project Act ~~enacted in this amendatory~~
20 ~~Act of the 101th General Assembly~~, be used for the purpose of
21 paying and discharging monthly the principal and interest on
22 that infrastructure indebtedness then due and payable
23 consistent with the term established in the public-private
24 ~~public-private~~ agreement entered into by the public agency on
25 behalf of the State of Illinois. The public agency shall,

1 pursuant to its authority under the Public-Private Partnership
2 for Civic and Transit Infrastructure Project Act, annually
3 certify to the State Comptroller and the State Treasurer the
4 amount necessary and required, during the fiscal year with
5 respect to which the certification is made, to pay the amounts
6 due under the Public-Private Partnership for Civic and Transit
7 Infrastructure Project Act. On or before the last day of each
8 month, the State Comptroller and State Treasurer shall
9 transfer the moneys required to be deposited into the Fund
10 under Section 3 of the Retailers' Occupation Tax Act and the
11 Public-Private Partnership for Civic and Transit
12 Infrastructure Project Act and shall pay from that Fund the
13 required amount certified by the public agency, plus any
14 cumulative deficiency in such transfers and payments for prior
15 months, to the public agency for distribution pursuant to the
16 Public-Private Partnership for Civic and Transit
17 Infrastructure Project Act. Such transferred amount shall be
18 sufficient to pay all amounts due under the Public-Private
19 Partnership for Civic and Transit Infrastructure Project Act.
20 Provided that all amounts deposited in the Fund have been paid
21 accordingly under the Public-Private Partnership for Civic and
22 Transit Infrastructure Project Act, all amounts remaining in
23 the Civic and Transit Infrastructure Fund shall be held in
24 that Fund for other subsequent payments required under the
25 Public-Private Partnership for Civic and Transit
26 Infrastructure Project Act. In the event the State fails to

1 pay the amount necessary and required under the Public-Private
2 Partnership for Civic and Transit Infrastructure Project Act
3 for any reason during the fiscal year with respect to which the
4 certification is made or if the State takes any steps that
5 result in an impact to the irrevocable, first priority pledge
6 of and lien on moneys on deposit in the Civic and Transit
7 Infrastructure Fund, the public agency shall certify such
8 delinquent amounts to the State Comptroller and the State
9 Treasurer and the State Comptroller and the State Treasurer
10 shall take all steps required to intercept the tax revenues
11 collected from within the boundary of the civic transit
12 infrastructure project pursuant to Section 3 of the Retailers'
13 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
14 the Service Use Tax Act, Section 9 of the Service Occupation
15 Tax Act, Section 4.03 of the Regional Transportation Authority
16 Act, and Section 6 of the Hotel Operators' Occupation Tax Act,
17 and shall pay such amounts to the Fund for distribution by the
18 public agency for the time period ~~time period~~ required to
19 ensure that the State's distribution requirements under the
20 Public-Private Partnership for Civic and Transit
21 Infrastructure Project Act are fully met.

22 As used in the Section, "private entity", "public-private
23 ~~private-public~~ agreement", and "public agency" have meanings
24 provided in Section 25-10 of the Public-Private Partnership
25 for Civic and Transit Infrastructure Project Act.

26 (Source: P.A. 101-10, eff. 6-5-19; revised 7-22-19.)

1 (30 ILCS 105/8g)

2 Sec. 8g. Fund transfers.

3 (a) (Blank).

4 (b) (Blank).

5 (c) In addition to any other transfers that may be
6 provided for by law, on August 30 of each fiscal year's license
7 period, the Illinois Liquor Control Commission shall direct
8 and the State Comptroller and State Treasurer shall transfer
9 from the General Revenue Fund to the Youth Alcoholism and
10 Substance Abuse Prevention Fund an amount equal to the number
11 of retail liquor licenses issued for that fiscal year
12 multiplied by \$50.

13 (d) The payments to programs required under subsection (d)
14 of Section 28.1 of the Illinois Horse Racing Act of 1975 shall
15 be made, pursuant to appropriation, from the special funds
16 referred to in the statutes cited in that subsection, rather
17 than directly from the General Revenue Fund.

18 Beginning January 1, 2000, on the first day of each month,
19 or as soon as may be practical thereafter, the State
20 Comptroller shall direct and the State Treasurer shall
21 transfer from the General Revenue Fund to each of the special
22 funds from which payments are to be made under subsection (d)
23 of Section 28.1 of the Illinois Horse Racing Act of 1975 an
24 amount equal to 1/12 of the annual amount required for those
25 payments from that special fund, which annual amount shall not

1 exceed the annual amount for those payments from that special
2 fund for the calendar year 1998. The special funds to which
3 transfers shall be made under this subsection (d) include, but
4 are not necessarily limited to, the Agricultural Premium Fund;
5 the Metropolitan Exposition, Auditorium and Office Building
6 Fund; the Fair and Exposition Fund; the Illinois Standardbred
7 Breeders Fund; the Illinois Thoroughbred Breeders Fund; and
8 the Illinois Veterans' Rehabilitation Fund. Except for
9 transfers attributable to prior fiscal years, during State
10 fiscal year 2020 only, no transfers shall be made from the
11 General Revenue Fund to the Agricultural Premium Fund, the
12 Fair and Exposition Fund, the Illinois Standardbred Breeders
13 Fund, or the Illinois Thoroughbred Breeders Fund.

14 ~~(e) (Blank).~~

15 ~~(f) (Blank).~~

16 ~~(f 1) (Blank).~~

17 ~~(g) (Blank).~~

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- 19 ~~(eeee) (Blank).~~

20 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
21 100-863, eff. 8-14-18; 101-10, eff. 6-5-19; revised 7-17-19.)

22 (30 ILCS 105/9.02) (from Ch. 127, par. 145c)
23 Sec. 9.02. Vouchers; signature; delegation; electronic
24 submission.

25 (a) (1) Any new contract or contract renewal in the amount

1 of \$250,000 or more in a fiscal year, or any order against a
2 master contract in the amount of \$250,000 or more in a fiscal
3 year, or any contract amendment or change to an existing
4 contract that increases the value of the contract to or by
5 \$250,000 or more in a fiscal year, shall be signed or approved
6 in writing by the chief executive officer of the agency or his
7 or her designee, and shall also be signed or approved in
8 writing by the agency's chief legal counsel or his or her
9 designee and chief fiscal officer or his or her designee. If
10 the agency does not have a chief legal counsel or a chief
11 fiscal officer, the chief executive officer of the agency
12 shall designate in writing a senior executive as the
13 individual responsible for signature or approval.

14 (2) No document identified in paragraph (1) may be filed
15 with the Comptroller, nor may any authorization for payment
16 pursuant to such documents be filed with the Comptroller, if
17 the required signatures or approvals are lacking.

18 (3) Any person who, with knowledge the signatures or
19 approvals required in paragraph (1) are lacking, either files
20 or directs another to file documents or payment authorizations
21 in violation of paragraph (2) shall be subject to discipline
22 up to and including discharge.

23 (4) Procurements shall not be artificially divided so as
24 to avoid the necessity of complying with paragraph (1).

25 (5) Each State agency shall develop and implement
26 procedures to ensure the necessary signatures or approvals are

1 obtained. Each State agency may establish, maintain and follow
2 procedures that are more restrictive than those required
3 herein.

4 (6) This subsection (a) applies to all State agencies as
5 defined in Section 1-7 of the Illinois State Auditing Act,
6 which includes without limitation the General Assembly and its
7 agencies. For purposes of this subsection (a), in the case of
8 the General Assembly, the "chief executive officer of the
9 agency" means (i) the Senate Operations Commission for Senate
10 general operations as provided in Section 4 of the General
11 Assembly Operations Act, (ii) the Speaker of the House of
12 Representatives for House general operations as provided in
13 Section 5 of the General Assembly Operations Act, (iii) the
14 Speaker of the House for majority leadership staff and
15 operations, (iv) the Minority Leader of the House for minority
16 leadership staff and operations, (v) the President of the
17 Senate for majority leadership staff and operations, (vi) the
18 Minority Leader of the Senate for minority staff and
19 operations, and (vii) the Joint Committee on Legislative
20 Support Services for the legislative support services agencies
21 as provided in the Legislative Commission Reorganization Act
22 of 1984. For purposes of this subsection (a), in the case of
23 agencies, the "chief executive officer of the agency" means
24 the head of the agency.

25 (b) (1) Every voucher or corresponding balancing report, as
26 submitted by the agency or office in which it originates,

1 shall bear (i) the signature of the officer responsible for
2 approving and certifying vouchers under this Act and (ii) if
3 authority to sign the responsible officer's name has been
4 properly delegated, also the signature of the person actually
5 signing the voucher.

6 (2) When an officer delegates authority to approve and
7 certify vouchers, he shall send a copy of such authorization
8 containing the signature of the person to whom delegation is
9 made to each office that checks or approves such vouchers and
10 to the State Comptroller. Such delegation may be general or
11 limited. If the delegation is limited, the authorization shall
12 designate the particular types of vouchers that the person is
13 authorized to approve and certify.

14 (3) When any delegation of authority hereunder is revoked,
15 a copy of the revocation of authority shall be sent to the
16 Comptroller and to each office to which a copy of the
17 authorization was sent.

18 The Comptroller may require State agencies to maintain
19 signature documents and records of delegations of voucher
20 signature authority and revocations of those delegations,
21 instead of transmitting those documents to the Comptroller.
22 The Comptroller may inspect such documents and records at any
23 time.

24 (c) The Comptroller may authorize the submission of
25 vouchers through electronic transmissions, on magnetic tape,
26 or otherwise.

1 (Source: P.A. 101-34, eff. 6-28-19; 101-359, eff. 8-9-19;
2 revised 9-12-19.)

3 (30 ILCS 105/10) (from Ch. 127, par. 146)

4 Sec. 10. When an appropriation has been made by the
5 General Assembly for the ordinary and contingent expenses of
6 the operation, maintenance, and administration of the several
7 offices, departments, institutions, boards, commissions, and
8 agencies of the State government, the State Comptroller shall
9 draw his warrant on the State Treasurer for the payment of the
10 same upon the presentation of itemized vouchers, issued,
11 certified, and approved ~~for, as follows: For~~ appropriations
12 to:

13 (1) Elective State officers in the executive
14 Department, to be certified and approved by such officers,
15 respectively;

16 (2) The Supreme Court, to be certified and approved by
17 the Chief Justice thereof;

18 (3) Appellate Court, to be certified and approved by
19 the Chief Justice of each judicial district;

20 (4) The State Senate, to be certified and approved by
21 the President;

22 (5) The House of Representatives, to be certified and
23 approved by the Speaker;

24 (6) The Auditor General, to be certified and approved
25 by the Auditor General;

1 (7) Clerks of courts, to be certified and approved by
2 the clerk incurring expenditures;

3 (8) The departments under the Civil Administrative
4 Code, to be certified and approved by the Director or
5 Secretary of the Department;

6 (9) The University of Illinois, to be certified by the
7 president of the University;

8 (10) The State Universities Retirement System, to be
9 certified to by the President and Secretary of the Board
10 of Trustees of the System;

11 (11) Illinois State University, to be certified to by
12 the president of that University;

13 (12) Northern Illinois University, to be certified to
14 by the president of that University;

15 (12a) Chicago State University, certified to by the
16 president of that University;

17 (12b) Eastern Illinois University, certified to by the
18 president of that University;

19 (12c) Governors State University, certified to by the
20 president of that University;

21 (12d) Northeastern Illinois University, certified to
22 by the president of that University;

23 (12e) Western Illinois University, certified to by the
24 president of that University;

25 (13) Southern Illinois University, to be certified to
26 by the President of the University;

1 (14) The Adjutant General, to be certified and
2 approved by the Adjutant General;

3 (15) The Illinois Legislative Investigating
4 Commission, to be certified and approved by its Chairman,
5 or when it is organized with Co-Chairmen, by either of its
6 Co-Chairmen;

7 (16) All other officers, boards, commissions, and
8 agencies of the State government, certified and approved
9 by such officer or by the president or chairman and
10 secretary or by the executive officer of such board,
11 commission, or agency;

12 (17) Individuals, to be certified by such individuals;

13 (18) The farmers' institute, agricultural, livestock,
14 poultry, scientific, benevolent, and other private
15 associations, or corporations of whatsoever nature, to be
16 certified and approved by the president and secretary of
17 such society.

18 Nothing contained in this Section shall be construed to
19 amend or modify the "Personnel Code".

20 This Section is subject to Section 9.02.

21 (Source: P.A. 98-788, eff. 7-25-14; revised 8-18-20.)

22 Section 180. The Public Use Trust Act is amended by
23 changing Section 2 as follows:

24 (30 ILCS 160/2) (from Ch. 127, par. 4002)

1 Sec. 2. (a) The Department of Agriculture, the Department
2 of Natural Resources, and the Abraham Lincoln Presidential
3 Library and Museum have the power to enter into a trust
4 agreement with a person or group of persons under which the
5 State agency may receive or collect money or other property
6 from the person or group of persons and may expend such money
7 or property solely for a public purpose within the powers and
8 duties of that State agency and stated in the trust agreement.
9 The State agency shall be the trustee under any such trust
10 agreement.

11 (b) Money or property received under a trust agreement
12 shall not be deposited in the State treasury and is not subject
13 to appropriation by the General Assembly, but shall be held
14 and invested by the trustee separate and apart from the State
15 treasury. The trustee shall invest money or property received
16 under a trust agreement as provided for trustees under the
17 Illinois Trust Code or as otherwise provided in the trust
18 agreement.

19 (c) The trustee shall maintain detailed records of all
20 receipts and disbursements in the same manner as required for
21 trustees under the Illinois Trust Code. The trustee shall
22 provide an annual accounting of all receipts, disbursements,
23 and inventory to all donors to the trust and the Auditor
24 General. The annual accounting shall be made available to any
25 member of the public upon request.

26 (Source: P.A. 100-695, eff. 8-3-18; 101-48, eff. 1-1-20;

1 101-636, eff. 6-10-20; revised 7-28-20.)

2 Section 185. The General Obligation Bond Act is amended by
3 changing Section 19 as follows:

4 (30 ILCS 330/19) (from Ch. 127, par. 669)

5 Sec. 19. Investment of money not needed for current
6 expenditures; application of earnings ~~Money Not Needed for~~
7 ~~Current Expenditures—Application of Earnings.~~

8 (a) The State Treasurer may, with the Governor's approval,
9 invest and reinvest any money from the Capital Development
10 Fund, the Transportation Bond, Series A Fund, the
11 Transportation Bond, Series B Fund, the Multi-modal
12 Transportation Bond Fund, the School Construction Fund, the
13 Anti-Pollution Fund, the Coal Development Fund and the General
14 Obligation Bond Retirement and Interest Fund, in the State
15 Treasury, which is not needed for current expenditures due or
16 about to become due from these funds.

17 (b) Monies received from the sale or redemption of
18 investments from the Transportation Bond, Series A Fund and
19 the Multi-modal Transportation Bond Fund shall be deposited by
20 the State Treasurer in the Road Fund.

21 Monies received from the sale or redemption of investments
22 from the Capital Development Fund, the Transportation Bond,
23 Series B Fund, the School Construction Fund, the
24 Anti-Pollution Fund, and the Coal Development Fund shall be

1 deposited by the State Treasurer in the General Revenue Fund.

2 Monies from the sale or redemption of investments from the
3 General Obligation Bond Retirement and Interest Fund shall be
4 deposited in the General Obligation Bond Retirement and
5 Interest Fund.

6 (c) Monies from the Capital Development Fund, the
7 Transportation Bond, Series A Fund, the Transportation Bond,
8 Series B Fund, the Multi-modal Transportation Bond Fund, the
9 School Construction Fund, the Anti-Pollution Fund, and the
10 Coal Development Fund may be invested as permitted in the
11 Deposit of State Moneys Act ~~"AN ACT in relation to State~~
12 ~~moneys", approved June 28, 1919, as amended~~ and in the Public
13 Funds Investment Act ~~"AN ACT relating to certain investments~~
14 ~~of public funds by public agencies", approved July 23, 1943,~~
15 ~~as amended~~. Monies from the General Obligation Bond Retirement
16 and Interest Fund may be invested in securities constituting
17 direct obligations of the United States Government, or
18 obligations, the principal of and interest on which are
19 guaranteed by the United States Government, or certificates of
20 deposit of any state or national bank or savings and loan
21 association. For amounts not insured by the Federal Deposit
22 Insurance Corporation or the Federal Savings and Loan
23 Insurance Corporation, as security the State Treasurer shall
24 accept securities constituting direct obligations of the
25 United States Government, or obligations, the principal of and
26 interest on which are guaranteed by the United States

1 Government.

2 (d) Accrued interest paid to the State at the time of the
3 delivery of the Bonds shall be deposited into the General
4 Obligation Bond Retirement and Interest Fund in the State
5 Treasury.

6 (Source: P.A. 101-30, eff. 6-28-19; revised 8-13-19.)

7 Section 190. The Illinois Procurement Code is amended by
8 changing Sections 1-10 and 45-35 and by setting forth,
9 renumbering, and changing multiple versions of Section 1-35 as
10 follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which
14 bidders, offerors, potential contractors, or contractors were
15 first solicited on or after July 1, 1998. This Code shall not
16 be construed to affect or impair any contract, or any
17 provision of a contract, entered into based on a solicitation
18 prior to the implementation date of this Code as described in
19 Article 99, including, but not limited to, any covenant
20 entered into with respect to any revenue bonds or similar
21 instruments. All procurements for which contracts are
22 solicited between the effective date of Articles 50 and 99 and
23 July 1, 1998 shall be substantially in accordance with this
24 Code and its intent.

1 (b) This Code shall apply regardless of the source of the
2 funds with which the contracts are paid, including federal
3 assistance moneys. This Code shall not apply to:

4 (1) Contracts between the State and its political
5 subdivisions or other governments, or between State
6 governmental bodies, except as specifically provided in
7 this Code.

8 (2) Grants, except for the filing requirements of
9 Section 20-80.

10 (3) Purchase of care, except as provided in Section
11 5-30.6 of the Illinois Public Aid Code and this Section.

12 (4) Hiring of an individual as employee and not as an
13 independent contractor, whether pursuant to an employment
14 code or policy or by contract directly with that
15 individual.

16 (5) Collective bargaining contracts.

17 (6) Purchase of real estate, except that notice of
18 this type of contract with a value of more than \$25,000
19 must be published in the Procurement Bulletin within 10
20 calendar days after the deed is recorded in the county of
21 jurisdiction. The notice shall identify the real estate
22 purchased, the names of all parties to the contract, the
23 value of the contract, and the effective date of the
24 contract.

25 (7) Contracts necessary to prepare for anticipated
26 litigation, enforcement actions, or investigations,

1 provided that the chief legal counsel to the Governor
2 shall give his or her prior approval when the procuring
3 agency is one subject to the jurisdiction of the Governor,
4 and provided that the chief legal counsel of any other
5 procuring entity subject to this Code shall give his or
6 her prior approval when the procuring entity is not one
7 subject to the jurisdiction of the Governor.

8 (8) (Blank).

9 (9) Procurement expenditures by the Illinois
10 Conservation Foundation when only private funds are used.

11 (10) (Blank).

12 (11) Public-private agreements entered into according
13 to the procurement requirements of Section 20 of the
14 Public-Private Partnerships for Transportation Act and
15 design-build agreements entered into according to the
16 procurement requirements of Section 25 of the
17 Public-Private Partnerships for Transportation Act.

18 (12) Contracts for legal, financial, and other
19 professional and artistic services entered into on or
20 before December 31, 2018 by the Illinois Finance Authority
21 in which the State of Illinois is not obligated. Such
22 contracts shall be awarded through a competitive process
23 authorized by the Board of the Illinois Finance Authority
24 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
25 50-35, and 50-37 of this Code, as well as the final
26 approval by the Board of the Illinois Finance Authority of

1 the terms of the contract.

2 (13) Contracts for services, commodities, and
3 equipment to support the delivery of timely forensic
4 science services in consultation with and subject to the
5 approval of the Chief Procurement Officer as provided in
6 subsection (d) of Section 5-4-3a of the Unified Code of
7 Corrections, except for the requirements of Sections
8 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
9 Code; however, the Chief Procurement Officer may, in
10 writing with justification, waive any certification
11 required under Article 50 of this Code. For any contracts
12 for services which are currently provided by members of a
13 collective bargaining agreement, the applicable terms of
14 the collective bargaining agreement concerning
15 subcontracting shall be followed.

16 On and after January 1, 2019, this paragraph (13),
17 except for this sentence, is inoperative.

18 (14) Contracts for participation expenditures required
19 by a domestic or international trade show or exhibition of
20 an exhibitor, member, or sponsor.

21 (15) Contracts with a railroad or utility that
22 requires the State to reimburse the railroad or utilities
23 for the relocation of utilities for construction or other
24 public purpose. Contracts included within this paragraph
25 (15) shall include, but not be limited to, those
26 associated with: relocations, crossings, installations,

1 and maintenance. For the purposes of this paragraph (15),
2 "railroad" means any form of non-highway ground
3 transportation that runs on rails or electromagnetic
4 guideways and "utility" means: (1) public utilities as
5 defined in Section 3-105 of the Public Utilities Act, (2)
6 telecommunications carriers as defined in Section 13-202
7 of the Public Utilities Act, (3) electric cooperatives as
8 defined in Section 3.4 of the Electric Supplier Act, (4)
9 telephone or telecommunications cooperatives as defined in
10 Section 13-212 of the Public Utilities Act, (5) rural
11 water or waste water systems with 10,000 connections or
12 less, (6) a holder as defined in Section 21-201 of the
13 Public Utilities Act, and (7) municipalities owning or
14 operating utility systems consisting of public utilities
15 as that term is defined in Section 11-117-2 of the
16 Illinois Municipal Code.

17 (16) Procurement expenditures necessary for the
18 Department of Public Health to provide the delivery of
19 timely newborn screening services in accordance with the
20 Newborn Metabolic Screening Act.

21 (17) Procurement expenditures necessary for the
22 Department of Agriculture, the Department of Financial and
23 Professional Regulation, the Department of Human Services,
24 and the Department of Public Health to implement the
25 Compassionate Use of Medical Cannabis Program and Opioid
26 Alternative Pilot Program requirements and ensure access

1 to medical cannabis for patients with debilitating medical
2 conditions in accordance with the Compassionate Use of
3 Medical Cannabis Program Act.

4 (18) This Code does not apply to any procurements
5 necessary for the Department of Agriculture, the
6 Department of Financial and Professional Regulation, the
7 Department of Human Services, the Department of Commerce
8 and Economic Opportunity, and the Department of Public
9 Health to implement the Cannabis Regulation and Tax Act if
10 the applicable agency has made a good faith determination
11 that it is necessary and appropriate for the expenditure
12 to fall within this exemption and if the process is
13 conducted in a manner substantially in accordance with the
14 requirements of Sections 20-160, 25-60, 30-22, 50-5,
15 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
16 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
17 Section 50-35, compliance applies only to contracts or
18 subcontracts over \$100,000. Notice of each contract
19 entered into under this paragraph (18) that is related to
20 the procurement of goods and services identified in
21 paragraph (1) through (9) of this subsection shall be
22 published in the Procurement Bulletin within 14 calendar
23 days after contract execution. The Chief Procurement
24 Officer shall prescribe the form and content of the
25 notice. Each agency shall provide the Chief Procurement
26 Officer, on a monthly basis, in the form and content

1 prescribed by the Chief Procurement Officer, a report of
2 contracts that are related to the procurement of goods and
3 services identified in this subsection. At a minimum, this
4 report shall include the name of the contractor, a
5 description of the supply or service provided, the total
6 amount of the contract, the term of the contract, and the
7 exception to this Code utilized. A copy of any or all of
8 these contracts shall be made available to the Chief
9 Procurement Officer immediately upon request. The Chief
10 Procurement Officer shall submit a report to the Governor
11 and General Assembly no later than November 1 of each year
12 that includes, at a minimum, an annual summary of the
13 monthly information reported to the Chief Procurement
14 Officer. This exemption becomes inoperative 5 years after
15 June 25, 2019 (the effective date of Public Act 101-27)
16 ~~this amendatory Act of the 101st General Assembly.~~

17 Notwithstanding any other provision of law, for contracts
18 entered into on or after October 1, 2017 under an exemption
19 provided in any paragraph of this subsection (b), except
20 paragraph (1), (2), or (5), each State agency shall post to the
21 appropriate procurement bulletin the name of the contractor, a
22 description of the supply or service provided, the total
23 amount of the contract, the term of the contract, and the
24 exception to the Code utilized. The chief procurement officer
25 shall submit a report to the Governor and General Assembly no
26 later than November 1 of each year that shall include, at a

1 minimum, an annual summary of the monthly information reported
2 to the chief procurement officer.

3 (c) This Code does not apply to the electric power
4 procurement process provided for under Section 1-75 of the
5 Illinois Power Agency Act and Section 16-111.5 of the Public
6 Utilities Act.

7 (d) Except for Section 20-160 and Article 50 of this Code,
8 and as expressly required by Section 9.1 of the Illinois
9 Lottery Law, the provisions of this Code do not apply to the
10 procurement process provided for under Section 9.1 of the
11 Illinois Lottery Law.

12 (e) This Code does not apply to the process used by the
13 Capital Development Board to retain a person or entity to
14 assist the Capital Development Board with its duties related
15 to the determination of costs of a clean coal SNG brownfield
16 facility, as defined by Section 1-10 of the Illinois Power
17 Agency Act, as required in subsection (h-3) of Section 9-220
18 of the Public Utilities Act, including calculating the range
19 of capital costs, the range of operating and maintenance
20 costs, or the sequestration costs or monitoring the
21 construction of clean coal SNG brownfield facility for the
22 full duration of construction.

23 (f) (Blank).

24 (g) (Blank).

25 (h) This Code does not apply to the process to procure or
26 contracts entered into in accordance with Sections 11-5.2 and

1 11-5.3 of the Illinois Public Aid Code.

2 (i) Each chief procurement officer may access records
3 necessary to review whether a contract, purchase, or other
4 expenditure is or is not subject to the provisions of this
5 Code, unless such records would be subject to attorney-client
6 privilege.

7 (j) This Code does not apply to the process used by the
8 Capital Development Board to retain an artist or work or works
9 of art as required in Section 14 of the Capital Development
10 Board Act.

11 (k) This Code does not apply to the process to procure
12 contracts, or contracts entered into, by the State Board of
13 Elections or the State Electoral Board for hearing officers
14 appointed pursuant to the Election Code.

15 (l) This Code does not apply to the processes used by the
16 Illinois Student Assistance Commission to procure supplies and
17 services paid for from the private funds of the Illinois
18 Prepaid Tuition Fund. As used in this subsection (l), "private
19 funds" means funds derived from deposits paid into the
20 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

21 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
22 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
23 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
24 9-17-19.)

25 (30 ILCS 500/1-35)

1 (Section scheduled to be repealed on July 17, 2021)

2 Sec. 1-35. Application to Quincy Veterans' Home. This
3 Code does not apply to any procurements related to the
4 renovation, restoration, rehabilitation, or rebuilding of the
5 Quincy Veterans' Home under the Quincy Veterans' Home
6 Rehabilitation and Rebuilding Act, provided that the process
7 shall be conducted in a manner substantially in accordance
8 with the requirements of the following Sections of this ~~the~~
9 ~~Illinois Procurement~~ Code: 20-160, 25-60, 30-22, 50-5, 50-10,
10 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36,
11 50-37, 50-38, and 50-50; however, for Section 50-35,
12 compliance shall apply only to contracts or subcontracts over
13 \$100,000.

14 This Section is repealed 3 years after becoming law.

15 (Source: P.A. 100-610, eff. 7-17-18; revised 4-25-19.)

16 (30 ILCS 500/1-40)

17 Sec. 1-40 ~~1-35~~. Application to James R. Thompson Center.
18 In accordance with Section 7.4 of the State Property Control
19 Act, this Code does not apply to any procurements related to
20 the sale of the James R. Thompson Center, provided that the
21 process shall be conducted in a manner substantially in
22 accordance with the requirements of the following Sections of
23 this ~~the Illinois Procurement~~ Code: 20-160, 50-5, 50-10,
24 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36,
25 50-37, 50-38, and 50-50. The exemption contained in this

1 Section does not apply to any leases involving the James R.
2 Thompson Center, including a leaseback authorized under
3 Section 7.4 of the State Property Control Act.

4 (Source: P.A. 100-1184, eff. 4-5-19; revised 4-25-19.)

5 (30 ILCS 500/45-35)

6 Sec. 45-35. Not-for-profit agencies for persons with
7 significant disabilities.

8 (a) Qualification. Supplies and services may be procured
9 without advertising or calling for bids from any qualified
10 not-for-profit agency for persons with significant
11 disabilities that:

12 (1) complies with Illinois laws governing private
13 not-for-profit organizations;

14 (2) is certified as a work center by the Wage and Hour
15 Division of the United States Department of Labor or is an
16 accredited vocational program that provides transition
17 services to youth between the ages of 14 1/2 and 22 in
18 accordance with individualized education plans under
19 Section 14-8.03 of the School Code and that provides
20 residential services at a child care institution, as
21 defined under Section 2.06 of the Child Care Act of 1969,
22 or at a group home, as defined under Section 2.16 of the
23 Child Care Act of 1969; and

24 (3) is accredited by a nationally-recognized
25 accrediting organization or certified as a developmental

1 training provider by the Department of Human Services.

2 (b) Participation. To participate, the not-for-profit
3 agency must have indicated an interest in providing the
4 supplies and services, must meet the specifications and needs
5 of the using agency, and must set a fair and reasonable price.

6 (c) Committee. There is created within the Department of
7 Central Management Services a committee to facilitate the
8 purchase of products and services of persons with a
9 significant physical, developmental, or mental disability or a
10 combination of any of those disabilities who cannot engage in
11 normal competitive employment due to the significant
12 disability or combination of those disabilities. This
13 committee is called the State Use Committee. The State Use
14 Committee shall consist of the Director of the Department of
15 Central Management Services or his or her designee, the
16 Secretary ~~Director~~ of the Department of Human Services or his
17 or her designee, one public member representing private
18 business who is knowledgeable of the employment needs and
19 concerns of persons with developmental disabilities, one
20 public member representing private business who is
21 knowledgeable of the needs and concerns of rehabilitation
22 facilities, one public member who is knowledgeable of the
23 employment needs and concerns of persons with developmental
24 disabilities, one public member who is knowledgeable of the
25 needs and concerns of rehabilitation facilities, and 2 public
26 members from a statewide association that represents

1 community-based rehabilitation facilities, all appointed by
2 the Governor. The public members shall serve 2 year terms,
3 commencing upon appointment and every 2 years thereafter. A
4 public member may be reappointed, and vacancies shall be
5 filled by appointment for the completion of the term. In the
6 event there is a vacancy on the State Use Committee, the
7 Governor must make an appointment to fill that vacancy within
8 30 calendar days after the notice of vacancy. The members
9 shall serve without compensation but shall be reimbursed for
10 expenses at a rate equal to that of State employees on a per
11 diem basis by the Department of Central Management Services.
12 All members shall be entitled to vote on issues before the
13 State Use Committee.

14 The State Use Committee shall have the following powers
15 and duties:

16 (1) To request from any State agency information as to
17 product specification and service requirements in order to
18 carry out its purpose.

19 (2) To meet quarterly or more often as necessary to
20 carry out its purposes.

21 (3) To request a quarterly report from each
22 participating qualified not-for-profit agency for persons
23 with significant disabilities describing the volume of
24 sales for each product or service sold under this Section.

25 (4) To prepare a report for the Governor and General
26 Assembly no later than December 31 of each year. The

1 requirement for reporting to the General Assembly shall be
2 satisfied by following the procedures set forth in Section
3 3.1 of the General Assembly Organization Act.

4 (5) To prepare a publication that lists all supplies
5 and services currently available from any qualified
6 not-for-profit agency for persons with significant
7 disabilities. This list and any revisions shall be
8 distributed to all purchasing agencies.

9 (6) To encourage diversity in supplies and services
10 provided by qualified not-for-profit agencies for persons
11 with significant disabilities and discourage unnecessary
12 duplication or competition among not-for-profit agencies.

13 (7) To develop guidelines to be followed by qualifying
14 agencies for participation under the provisions of this
15 Section. Guidelines shall include a list of national
16 accrediting organizations which satisfy the requirements
17 of item (3) of subsection (a) of this Section. The
18 guidelines shall be developed within 6 months after the
19 effective date of this Code and made available on a
20 nondiscriminatory basis to all qualifying agencies. The
21 new guidelines required under this item (7) by Public Act
22 100-203 ~~this amendatory Act of the 100th General Assembly~~
23 shall be developed within 6 months after August 18, 2017
24 (the effective date of Public Act 100-203) ~~this amendatory~~
25 ~~Act of the 100th General Assembly~~ and made available on a
26 non-discriminatory basis to all qualifying not-for-profit

1 agencies.

2 (8) To review all pricing submitted under the
3 provisions of this Section and may approve a proposed
4 agreement for supplies or services where the price
5 submitted is fair and reasonable.

6 (9) To, not less than every 3 years, adopt a strategic
7 plan for increasing the number of products and services
8 purchased from qualified not-for-profit agencies for
9 persons with significant disabilities, including the
10 feasibility of developing mandatory set-aside contracts.

11 (c-5) Conditions for Use. Each chief procurement officer
12 shall, in consultation with the State Use Committee, determine
13 which articles, materials, services, food stuffs, and supplies
14 that are produced, manufactured, or provided by persons with
15 significant disabilities in qualified not-for-profit agencies
16 shall be given preference by purchasing agencies procuring
17 those items.

18 (d) (Blank).

19 (e) Subcontracts. Subcontracts shall be permitted for
20 agreements authorized under this Section. For the purposes of
21 this subsection (e), "subcontract" means any acquisition from
22 another source of supplies, not including raw materials, or
23 services required by a qualified not-for-profit agency to
24 provide the supplies or services that are the subject of the
25 contract between the State and the qualified not-for-profit
26 agency.

1 The State Use Committee shall develop guidelines to be
2 followed by qualified not-for-profit agencies when seeking and
3 establishing subcontracts with other persons or not-for-profit
4 agencies in order to fulfill State contract requirements.
5 These guidelines shall include the following:

6 (i) The State Use Committee must approve all
7 subcontracts and substantive amendments to subcontracts
8 prior to execution or amendment of the subcontract.

9 (ii) A qualified not-for-profit agency shall not enter
10 into a subcontract, or any combination of subcontracts, to
11 fulfill an entire requirement, contract, or order without
12 written State Use Committee approval.

13 (iii) A qualified not-for-profit agency shall make
14 reasonable efforts to utilize subcontracts with other
15 not-for-profit agencies for persons with significant
16 disabilities.

17 (iv) For any subcontract not currently performed by a
18 qualified not-for-profit agency, the primary qualified
19 not-for-profit agency must provide to the State Use
20 Committee the following: (A) a written explanation as to
21 why the subcontract is not performed by a qualified
22 not-for-profit agency, and (B) a written plan to transfer
23 the subcontract to a qualified not-for-profit agency, as
24 reasonable.

25 (Source: P.A. 100-203, eff. 8-18-17; revised 7-18-19.)

1 Section 195. The Public-Private Partnership for Civic and
2 Transit Infrastructure Project Act is amended by changing the
3 heading of Article 25 and Sections 25-10, 25-20, 25-40, 25-45,
4 25-50, and 25-55 as follows:

5 (30 ILCS 558/Art. 25 heading)

6 Article 25. Public-Private ~~Private-Public~~ Partnership

7 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

8 (30 ILCS 558/25-10)

9 Sec. 25-10. Definitions. As used in this Act:

10 "Civic and Transit Infrastructure Project" or "civic
11 build" or "Project" means civic infrastructure, whether
12 publicly or privately owned, located in the City of Chicago,
13 generally within the boundaries of East 14th Street; extending
14 east to Lake Shore Drive; south to McCormick Place's North
15 Building; west to the outer boundary of the McCormick Place
16 busway and, where it extends farther west, the St. Charles
17 Airline; northwest to South Indiana Avenue; north to East 15th
18 Place; east to the McCormick Place busway; and north to East
19 14th Street, in total comprising approximately 34 acres,
20 including, without limitation: (1) streets, roadways,
21 pedestrian ways, commuter linkages and circulator transit
22 systems, bridges, tunnels, overpasses, bus ways, and guideways
23 connected to or adjacent to the Project; (2) utilities systems
24 and related facilities, utility relocations and replacements,

1 utility-line extensions, network and communication systems,
2 streetscape improvements, drainage systems, sewer and water
3 systems, subgrade structures and associated improvements; (3)
4 landscaping, facade construction and restoration, wayfinding,
5 and signage; (4) public transportation and transit facilities
6 and related infrastructure, vehicle parking facilities, and
7 other facilities that encourage intermodal transportation and
8 public transit connected to or adjacent to the Project; (5)
9 railroad infrastructure, stations, maintenance and storage
10 facilities; (6) parks, plazas, atriums, civic and cultural
11 facilities, community and recreational facilities, facilities
12 to promote tourism and hospitality, educational facilities,
13 conferencing and conventions, broadcast and related multimedia
14 infrastructure, destination and community retail, dining and
15 entertainment facilities; and (7) other facilities with the
16 primary purpose of attracting and fostering economic
17 development within the area of the Civic and Transit
18 Infrastructure Project by generating additional tax base, all
19 as agreed upon in a public-private ~~public-private~~ agreement.
20 "Civic build" includes any improvements or substantial
21 enhancements or modifications to civic infrastructure located
22 on or connected or adjacent to the Civic and Transit
23 Infrastructure Project. "Civic Build" does not include
24 commercial office, residential, or hotel facilities, or any
25 retail, dining, and entertainment included within such
26 facilities as part of a private build, constructed on or

1 adjacent to the civic build.

2 "Civic build cost" means all costs of the civic build, as
3 specified in the public-private agreement, and includes,
4 without limitation, the cost of the following activities as
5 part of the Civic and Transit Infrastructure Project: (1)
6 acquiring or leasing real property, including air rights, and
7 other assets associated with the Project; (2) demolishing,
8 repairing, or rehabilitating buildings; (3) remediating land
9 and buildings as required to prepare the property for
10 development; (4) installing, constructing, or reconstructing,
11 elements of civic infrastructure required to support the
12 overall Project, including, without limitation, streets,
13 roadways, pedestrian ways and commuter linkages, utilities
14 systems and related facilities, utility relocations and
15 replacements, network and communication systems, streetscape
16 improvements, drainage systems, sewer and water systems,
17 subgrade structures and associated improvements, landscaping,
18 facade construction and restoration, wayfinding and signage,
19 and other components of community infrastructure; (5)
20 acquiring, constructing or reconstructing, and equipping
21 transit stations, parking facilities, and other facilities
22 that encourage intermodal transportation and public transit;
23 (6) installing, constructing or reconstructing, and equipping
24 core elements of civic infrastructure to promote and encourage
25 economic development, including, without limitation, parks,
26 cultural facilities, community and recreational facilities,

1 facilities to promote tourism and hospitality, educational
2 facilities, conferencing and conventions, broadcast and
3 related multimedia infrastructure, destination and community
4 retail, dining and entertainment facilities, and other
5 facilities with the primary purpose of attracting and
6 fostering economic development within the area by generating a
7 new tax base; (7) providing related improvements, including,
8 without limitation, excavation, earth retention, soil
9 stabilization and correction, site improvements, and future
10 capital improvements and expenses; (8) planning, engineering,
11 legal, marketing, development, insurance, finance, and other
12 related professional services and costs associated with the
13 civic build; and (9) the commissioning or operational start-up
14 of any component of the civic build.

15 "Develop" or "development" means to do one or more of the
16 following: plan, design, develop, lease, acquire, install,
17 construct, reconstruct, repair, rehabilitate, replace, or
18 extend the Civic and Transit Infrastructure Project as
19 provided under this Act.

20 "Maintain" or "maintenance" includes ordinary maintenance,
21 repair, rehabilitation, capital maintenance, maintenance
22 replacement, and other categories of maintenance that may be
23 designated by the public-private agreement for the Civic and
24 Transit Infrastructure Project as provided under this Act.

25 "Operate" or "operation" means to do one or more of the
26 following: maintain, improve, equip, modify, or otherwise

1 operate the Civic and Transit Infrastructure Project as
2 provided under this Act.

3 "Private build" means all commercial, industrial or
4 residential facilities, or property that is not included in
5 the definition of civic build. The private build may include
6 commercial office, residential, educational, health and
7 wellness, or hotel facilities constructed on or adjacent to
8 the civic build, and retail, dining, and entertainment
9 facilities that are not included as part of the civic build
10 under the public-private agreement.

11 "Private entity" means any private entity associated with
12 the Civic and Transit Infrastructure Project at the time of
13 execution and delivery of a public-private agreement, and its
14 successors or assigns. The private entity may enter into a
15 public-private agreement with the public agency on behalf of
16 the State for the development, financing, construction,
17 operational, or management of the Civic and Transit
18 Infrastructure Project under this Act.

19 "Public agency" means the Governor's Office of Management
20 and Budget.

21 "Public-private ~~Public-private~~ agreement" or "agreement"
22 means one or more agreements or contracts entered into between
23 the public agency on behalf of the State and private entity,
24 and all schedules, exhibits, and attachments thereto, entered
25 into under this Act for the development, financing,
26 construction, operation, or management of the Civic and

1 Transit Infrastructure Project, whereby the private entity
2 will develop, finance, construct, own, operate, and manage the
3 Project for a definite term in return for the right to receive
4 the revenues generated from the Project and other required
5 payments from the State, including, but not limited to, a
6 portion of the State sales taxes, as provided under this Act.

7 "Revenues" means all revenues, including, but not limited
8 to, income user fees; ticket fees; earnings, interest, lease
9 payments, allocations, moneys from the federal government,
10 grants, loans, lines of credit, credit guarantees, bond
11 proceeds, equity investments, service payments, or other
12 receipts arising out of or in connection with the financing,
13 development, construction, operation, and management of the
14 Project under this Act. "Revenues" does not include the State
15 payments to the Civic and Transit Infrastructure Fund as
16 required under this Act.

17 "State" means the State of Illinois.

18 "User fees" means the tolls, rates, fees, or other charges
19 imposed by the State or private entity for use of all or part
20 of the civic build.

21 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

22 (30 ILCS 558/25-20)

23 Sec. 25-20. Provisions of the public-private agreement.
24 The public-private agreement shall include at a minimum all of
25 the following provisions:

1 (1) the term of the public-private ~~public-private~~
2 agreement;

3 (2) a detailed description of the civic build,
4 including the retail, dining, and entertainment components
5 of the civic build and a general description of the
6 anticipated future private build;

7 (3) the powers, duties, responsibilities, obligations,
8 and functions of the public agency and private entity;

9 (4) compensation or payments, including any
10 reimbursement for work performed and goods or services
11 provided, if any, owed to the public agency as the
12 administrator of the public-private agreement on behalf of
13 the State, as specified in the public-private agreement;

14 (5) compensation or payments to the private entity for
15 civic build costs, plus any required debt service payments
16 for the civic build, debt service reserves or sinking
17 funds, financing costs, payments for operation and
18 management of the civic build, payments representing the
19 reasonable return on the private equity investment in the
20 civic build, and payments in respect of the public use of
21 private land, air rights, or other real property interests
22 for the civic build;

23 (6) a provision granting the private entity with the
24 express authority to structure, negotiate, and execute
25 contracts and subcontracts with third parties to enable
26 the private entity to carry out its duties,

1 responsibilities and obligations under this Act relating
2 to the development, financing, construction, management,
3 and operation of the civic build;

4 (7) a provision imposing an affirmative duty on the
5 private entity to provide the public agency with any
6 information the private entity reasonably believes the
7 public agency would need related to the civic build to
8 enable the public agency to exercise its powers, carry out
9 its duties, responsibilities, and obligations, and perform
10 its functions under this Act or the public-private
11 agreement;

12 (8) a provision requiring the private entity to
13 provide the public agency with advance notice of any
14 decision that has a material adverse impact on the public
15 interest related to the civic build so that the public
16 agency has a reasonable opportunity to evaluate that
17 decision;

18 (9) a requirement that the public agency monitor and
19 oversee the civic build and take action that the public
20 agency considers appropriate to ensure that the private
21 entity is in compliance with the terms of the
22 public-private ~~public-private~~ agreement;

23 (10) the authority to impose user fees and the amounts
24 of those fees, if applicable, related to the civic build
25 subject to agreement with the private entity;

26 (11) a provision stating that the private entity shall

1 have the right to all revenues generated from the civic
2 build until such time that the State takes ownership over
3 the civic build, at which point the State shall have the
4 right to all revenues generated from the civic build,
5 except as set forth in Section 25-45 ~~45~~;

6 (12) a provision governing the rights to real and
7 personal property of the State, the public agency, the
8 private entity, and other third parties, if applicable,
9 relating to the civic build, including, but not limited
10 to, a provision relating to the State's ability to
11 exercise an option to purchase the civic build at varying
12 milestones of the Project agreed to amongst the parties in
13 the public-private ~~public-private~~ agreement and consistent
14 with Section 25-45 ~~45~~ of this Act;

15 (13) a provision regarding the implementation and
16 delivery of certain progress reports related to cost,
17 timelines, deadlines, and scheduling of the civic build;

18 (14) procedural requirements for obtaining the prior
19 approval of the public agency when rights that are the
20 subject of the public-private agreement relating to the
21 civic build, including, but not limited to, development
22 rights, construction rights, property rights, and rights
23 to certain revenues, are sold, assigned, transferred, or
24 pledged as collateral to secure financing or for any other
25 reason;

26 (15) grounds for termination of the public-private

1 agreement by the public agency and the private entity;

2 (16) review of plans, including development,
3 construction, management, or operations plans by the
4 public agency related to the civic build;

5 (17) inspections by the public agency, including
6 inspections of construction work and improvements, related
7 to the civic build;

8 (18) rights and remedies of the public agency in the
9 event that the private entity defaults or otherwise fails
10 to comply with the terms of the public-private agreement
11 and the rights and remedies of the private entity in the
12 event that the public agency defaults or otherwise fails
13 to comply with the terms of the public-private agreement;

14 (19) a code of ethics for the private entity's
15 officers and employees;

16 (20) maintenance of public liability insurance or
17 other insurance requirements related to the civic build;

18 (21) provisions governing grants and loans, including
19 those received, or anticipated to be received, from the
20 federal government or any agency or instrumentality of the
21 federal government or from any State or local agency;

22 (22) the private entity's targeted business and
23 workforce participation program to meet the State's
24 utilization goals for business enterprises and workforce
25 involving minorities, women, persons with disabilities,
26 and veterans;

1 (23) a provision regarding the rights of the public
2 agency and the State following completion of the civic
3 build and transfer to the State consistent with Section
4 25-45 ~~45~~ of this Act;

5 (24) a provision detailing the Project's projected
6 long-range economic impacts, including projections of new
7 spending, construction jobs, and permanent, full-time
8 equivalent jobs;

9 (25) a provision detailing the Project's projected
10 support for regional and statewide transit impacts,
11 transportation mode shifts, and increased transit
12 ridership;

13 (26) a provision detailing the Project's projected
14 impact on increased convention and events visitation;

15 (27) procedures for amendment to the public-private
16 agreement;

17 (28) a provision detailing the processes and
18 procedures that will be followed for contracts and
19 purchases for the civic build; and

20 (29) all other terms, conditions, and provisions
21 acceptable to the public agency that the public agency
22 deems necessary and proper and in the best interest of the
23 State and the public.

24 (Source: P.A. 101-10, eff. 6-5-19; revised 7-22-19.)

25 (30 ILCS 558/25-40)

1 Sec. 25-40. Financial arrangements.

2 (a) The public agency may apply for, execute, or endorse
3 applications submitted by the private entity to obtain
4 federal, State, or local credit assistance to develop,
5 maintain, or operate the Project.

6 (b) The private entity may take any action to obtain
7 federal, State, or local assistance for the civic build that
8 serves the public purpose of this Act and may enter into any
9 contracts required to receive the assistance. The public
10 agency shall take all reasonable steps to support action by
11 the private entity to obtain federal, State, or local
12 assistance for the civic build. The assistance may include,
13 but not be limited to, federal credit assistance pursuant to
14 Railroad Rehabilitation and Improvement Financing and the
15 Transportation Infrastructure Finance and Innovation Act. In
16 the event the private entity obtains federal, State, or local
17 assistance for the civic build that serves the public purpose
18 of this Act, the financial assistance shall reduce the State's
19 required payments under this Act on terms as mutually agreed
20 to by the parties in the public-private agreement.

21 (c) Any financing of the civic build costs may be in the
22 amounts and subject to the terms and conditions contained in
23 the public-private agreement.

24 (d) For the purpose of financing or refinancing the civic
25 build costs, the private entity and the public agency may do
26 the following: (1) enter into grant agreements; (2) accept

1 grants from any public or private agency or entity; (3)
2 receive the required payments from the State under this Act;
3 and (4) receive any other payments or monies permitted under
4 this Act or agreed to by the parties in the public-private
5 agreement.

6 (e) For the purpose of financing or refinancing the civic
7 build, public funds may be used and mixed and aggregated with
8 private funds provided by or on behalf of the private entity or
9 other private entities. However, that the required payments
10 from the State under Sections 25-50 ~~50~~ and 25-55 ~~55~~ of this Act
11 shall be solely used for civic build costs, plus debt service
12 requirements of the civic build, debt service reserves or
13 sinking funds, financing costs, payments for operation and
14 management of the civic build, payments representing the
15 reasonable return on the private equity investment in the
16 civic build, and payments in respect of the public use of
17 private land, air rights, or other real property interests for
18 the civic build, if applicable.

19 (f) The public agency is authorized to facilitate conduit
20 tax-exempt or taxable debt financing, if agreed to between the
21 public agency and the private entity.

22 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

23 (30 ILCS 558/25-45)

24 Sec. 25-45. Term of agreement; transfer of the civic build
25 to the State. Following the completion of the Project and the

1 termination of the public-private agreement, the private
2 entity's authority and duties under the public-private
3 agreement shall cease, except for those duties and obligations
4 that extend beyond the termination, as set forth in the
5 public-private ~~public-private~~ agreement, which may include
6 ongoing management and operations of the civic build, and all
7 interests and ownership in the civic build shall transfer to
8 the State; provided that the State has made all required
9 payments to the private entity as required under this Act and
10 the public-private agreement. The State may also exercise an
11 option to not accept its interest and ownership in the civic
12 build. In the event the State exercises its option to not
13 accept its interest and ownership in the civic build, the
14 private entity shall maintain its interest and ownership in
15 the civic build and shall have the authority to maintain,
16 further develop, encumber, or sell the civic build consistent
17 with its authority as the owner of the civic build. In the
18 event the State exercises its option to have its interest and
19 ownership in the civic build after all required payments have
20 been made to the private entity consistent with the
21 public-private agreement and this Act, the private entity
22 shall have the authority to enter into an operating agreement
23 with the public agency, on such terms that are reasonable and
24 customary for operating agreements, to operate and manage the
25 civic build for an annual operator fee and payment from the
26 State representing a portion of the net operating income of

1 the civic build as further defined and described in the
2 public-private ~~public-private~~ agreement between the private
3 entity and the public agency.

4 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

5 (30 ILCS 558/25-50)

6 Sec. 25-50. Payment to the private entity.

7 (a) Notwithstanding anything in the public-private ~~public~~
8 ~~private~~ agreement to the contrary: (1) the civic build cost
9 shall not exceed a total of \$3,800,000,000; and (2) no State
10 equity payment shall be made prior to State fiscal year 2024 or
11 prior to completion of the civic build.

12 (b) The public agency shall be required to take all steps
13 necessary to facilitate the required payments to the Civic and
14 Transit Infrastructure Fund as set forth in Section 3 of the
15 Retailers' Occupation Tax and Section 8.25g of the State
16 Finance Act.

17 (Source: P.A. 101-10, eff. 6-5-19; revised 7-18-19.)

18 (30 ILCS 558/25-55)

19 Sec. 25-55. The Civic and Transit Infrastructure Fund. The
20 Civic and Transit Infrastructure Fund is created as a special
21 fund in the State Treasury. All moneys transferred to the
22 Civic and Transit Infrastructure Fund pursuant to Section
23 8.25g of the State Finance Act, Section 3 of the Retailers'
24 Occupation Act, and this Act shall be used only for the

1 purposes authorized by and subject to the limitations and
2 conditions of this Act and the public-private ~~public-private~~
3 agreement entered into by private entity and the public agency
4 on behalf of the State. All payments required under such Acts
5 shall be direct, limited obligations of the State of Illinois
6 payable solely from and secured by an irrevocable, first
7 priority pledge of and lien on moneys on deposit in the Civic
8 and Transit Infrastructure Fund. The State of Illinois hereby
9 pledges the applicable sales tax revenues consistent with the
10 State Finance Act and this Act for the time period provided in
11 the public-private ~~public-private~~ agreement between the
12 private entity and the Authority, on behalf of the State.
13 Moneys in the Civic and Transit Infrastructure Fund shall be
14 utilized by the public agency on behalf of the State to pay the
15 private entity for the development, financing, construction,
16 operation and management of the civic and transit
17 infrastructure project consistent with this Act and the
18 public-private ~~public-private~~ agreement. Investment income, if
19 any, which is attributable to the investment of moneys in the
20 Civic and Transit Infrastructure Fund shall be retained in the
21 Fund for any required payment to the private entity under this
22 Act and the public-private ~~public-private~~ agreement.

23 (Source: P.A. 101-10, eff. 6-5-19; revised 7-22-19.)

24 Section 200. The Business Enterprise for Minorities,
25 Women, and Persons with Disabilities Act is amended by

1 changing Sections 4 and 5 as follows:

2 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

3 (Section scheduled to be repealed on June 30, 2024)

4 Sec. 4. Award of State contracts.

5 (a) Except as provided in subsection (b), not less than
6 20% of the total dollar amount of State contracts, as defined
7 by the Secretary of the Council and approved by the Council,
8 shall be established as an aspirational goal to be awarded to
9 businesses owned by minorities, women, and persons with
10 disabilities; provided, however, that of the total amount of
11 all State contracts awarded to businesses owned by minorities,
12 women, and persons with disabilities pursuant to this Section,
13 contracts representing at least 11% shall be awarded to
14 businesses owned by minorities, contracts representing at
15 least 7% shall be awarded to women-owned businesses, and
16 contracts representing at least 2% shall be awarded to
17 businesses owned by persons with disabilities.

18 The above percentage relates to the total dollar amount of
19 State contracts during each State fiscal year, calculated by
20 examining independently each type of contract for each agency
21 or public institutions of higher education which lets such
22 contracts. Only that percentage of arrangements which
23 represents the participation of businesses owned by
24 minorities, women, and persons with disabilities on such
25 contracts shall be included. State contracts subject to the

1 requirements of this Act shall include the requirement that
2 only expenditures to businesses owned by minorities, women,
3 and persons with disabilities that perform a commercially
4 useful function may be counted toward the goals set forth by
5 this Act. Contracts shall include a definition of
6 "commercially useful function" that is consistent with 49 CFR
7 26.55(c).

8 (b) Not less than 20% of the total dollar amount of State
9 construction contracts is established as an aspirational goal
10 to be awarded to businesses owned by minorities, women, and
11 persons with disabilities; provided that, contracts
12 representing at least 11% of the total dollar amount of State
13 construction contracts shall be awarded to businesses owned by
14 minorities; contracts representing at least 7% of the total
15 dollar amount of State construction contracts shall be awarded
16 to women-owned businesses; and contracts representing at least
17 2% of the total dollar amount of State construction contracts
18 shall be awarded to businesses owned by persons with
19 disabilities.

20 (c) (Blank).

21 (d) Within one year after April 28, 2009 (the effective
22 date of Public Act 96-8), the Department of Central Management
23 Services shall conduct a social scientific study that measures
24 the impact of discrimination on minority and women business
25 development in Illinois. Within 18 months after April 28, 2009
26 (the effective date of Public Act 96-8), the Department shall

1 issue a report of its findings and any recommendations on
2 whether to adjust the goals for minority and women
3 participation established in this Act. Copies of this report
4 and the social scientific study shall be filed with the
5 Governor and the General Assembly.

6 By December 1, 2020, the Department of Central Management
7 Services shall conduct a new social scientific study that
8 measures the impact of discrimination on minority and women
9 business development in Illinois. By June 1, 2022, the
10 Department shall issue a report of its findings and any
11 recommendations on whether to adjust the goals for minority
12 and women participation established in this Act. Copies of
13 this report and the social scientific study shall be filed
14 with the Governor, ~~the Advisory Board,~~ and the General
15 Assembly. By December 1, 2022, the Department of Central
16 Management Services Business Enterprise Program shall develop
17 a model for social scientific disparity study sourcing for
18 local governmental units to adapt and implement to address
19 regional disparities in public procurement.

20 (e) Except as permitted under this Act or as otherwise
21 mandated by federal law or regulation, those who submit bids
22 or proposals for State contracts subject to the provisions of
23 this Act, whose bids or proposals are successful and include a
24 utilization plan but that fail to meet the goals set forth in
25 subsection (b) of this Section, shall be notified of that
26 deficiency and shall be afforded a period not to exceed 10

1 calendar days from the date of notification to cure that
2 deficiency in the bid or proposal. The deficiency in the bid or
3 proposal may only be cured by contracting with additional
4 subcontractors who are owned by minorities or women. Any
5 increase in cost to a contract for the addition of a
6 subcontractor to cure a bid's deficiency shall not affect the
7 bid price, shall not be used in the request for an exemption in
8 this Act, and in no case shall an identified subcontractor
9 with a certification made pursuant to this Act be terminated
10 from the contract without the written consent of the State
11 agency or public institution of higher education entering into
12 the contract.

13 (f) Non-construction solicitations that include Business
14 Enterprise Program participation goals shall require bidders
15 and offerors to include utilization plans. Utilization plans
16 are due at the time of bid or offer submission. Failure to
17 complete and include a utilization plan, including
18 documentation demonstrating good faith effort when requesting
19 a waiver, shall render the bid or offer non-responsive.

20 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
21 101-601, eff. 1-1-20; revised 10-26-20.)

22 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

23 (Section scheduled to be repealed on June 30, 2024)

24 Sec. 5. Business Enterprise Council.

25 (1) To help implement, monitor, and enforce the goals of

1 this Act, there is created the Business Enterprise Council for
2 Minorities, Women, and Persons with Disabilities, hereinafter
3 referred to as the Council, composed of the Secretary of Human
4 Services and the Directors of the Department of Human Rights,
5 the Department of Commerce and Economic Opportunity, the
6 Department of Central Management Services, the Department of
7 Transportation and the Capital Development Board, or their
8 duly appointed representatives, with the Comptroller, or his
9 or her designee, serving as an advisory member of the Council.
10 Ten individuals representing businesses that are
11 minority-owned, ~~or~~ women-owned, or owned by persons with
12 disabilities, 2 individuals representing the business
13 community, and a representative of public institutions of
14 higher education shall be appointed by the Governor. These
15 members shall serve 2-year ~~2-year~~ terms and shall be eligible
16 for reappointment. Any vacancy occurring on the Council shall
17 also be filled by the Governor. Any member appointed to fill a
18 vacancy occurring prior to the expiration of the term for
19 which his or her predecessor was appointed shall be appointed
20 for the remainder of such term. Members of the Council shall
21 serve without compensation but shall be reimbursed for any
22 ordinary and necessary expenses incurred in the performance of
23 their duties.

24 The Director of the Department of Central Management
25 Services shall serve as the Council chairperson and shall
26 select, subject to approval of the council, a Secretary

1 responsible for the operation of the program who shall serve
2 as the Division Manager of the Business Enterprise for
3 Minorities, Women, and Persons with Disabilities Division of
4 the Department of Central Management Services.

5 The Director of each State agency and the chief executive
6 officer of each public institution ~~institutions~~ of higher
7 education shall appoint a liaison to the Council. The liaison
8 shall be responsible for submitting to the Council any reports
9 and documents necessary under this Act.

10 (2) The Council's authority and responsibility shall be
11 to:

12 (a) Devise a certification procedure to assure that
13 businesses taking advantage of this Act are legitimately
14 classified as businesses owned by minorities, women, or
15 persons with disabilities and a registration procedure to
16 recognize, without additional evidence of Business
17 Enterprise Program eligibility, the certification of
18 businesses owned by minorities, women, or persons with
19 disabilities certified by the City of Chicago, Cook
20 County, or other jurisdictional programs with requirements
21 and procedures equaling or exceeding those in this Act.

22 (b) Maintain a list of all businesses legitimately
23 classified as businesses owned by minorities, women, or
24 persons with disabilities to provide to State agencies and
25 public institutions of higher education.

26 (c) Review rules and regulations for the

1 implementation of the program for businesses owned by
2 minorities, women, and persons with disabilities.

3 (d) Review compliance plans submitted by each State
4 agency and public institution ~~institutions~~ of higher
5 education pursuant to this Act.

6 (e) Make annual reports as provided in Section 8f to
7 the Governor and the General Assembly on the status of the
8 program.

9 (f) Serve as a central clearinghouse for information
10 on State contracts, including the maintenance of a list of
11 all pending State contracts upon which businesses owned by
12 minorities, women, and persons with disabilities may bid.
13 At the Council's discretion, maintenance of the list may
14 include 24-hour electronic access to the list along with
15 the bid and application information.

16 (g) Establish a toll-free ~~toll-free~~ telephone number
17 to facilitate information requests concerning the
18 certification process and pending contracts.

19 (3) No premium bond rate of a surety company for a bond
20 required of a business owned by a minority, woman, or person
21 with a disability bidding for a State contract shall be higher
22 than the lowest rate charged by that surety company for a
23 similar bond in the same classification of work that would be
24 written for a business not owned by a minority, woman, or
25 person with a disability.

26 (4) Any Council member who has direct financial or

1 personal interest in any measure pending before the Council
2 shall disclose this fact to the Council and refrain from
3 participating in the determination upon such measure.

4 (5) The Secretary shall have the following duties and
5 responsibilities:

6 (a) To be responsible for the day-to-day operation of
7 the Council.

8 (b) To serve as a coordinator for all of the State's
9 programs for businesses owned by minorities, women, and
10 persons with disabilities and as the information and
11 referral center for all State initiatives for businesses
12 owned by minorities, women, and persons with disabilities.

13 (c) To establish an enforcement procedure whereby the
14 Council may recommend to the appropriate State legal
15 officer that the State exercise its legal remedies which
16 shall include (1) termination of the contract involved,
17 (2) prohibition of participation by the respondent in
18 public contracts for a period not to exceed 3 years, (3)
19 imposition of a penalty not to exceed any profit acquired
20 as a result of violation, or (4) any combination thereof.
21 Such procedures shall require prior approval by Council.
22 All funds collected as penalties under this subsection
23 shall be used exclusively for maintenance and further
24 development of the Business Enterprise Program and
25 encouragement of participation in State procurement by
26 minorities, women, and persons with disabilities.

1 (d) To devise appropriate policies, regulations, and
2 procedures for including participation by businesses owned
3 by minorities, women, and persons with disabilities as
4 prime contractors, including, but not limited to: (i)
5 encouraging the inclusions of qualified businesses owned
6 by minorities, women, and persons with disabilities on
7 solicitation lists, (ii) investigating the potential of
8 blanket bonding programs for small construction jobs, and
9 (iii) investigating and making recommendations concerning
10 the use of the sheltered market process.

11 (e) To devise procedures for the waiver of the
12 participation goals in appropriate circumstances.

13 (f) To accept donations and, with the approval of the
14 Council or the Director of Central Management Services,
15 grants related to the purposes of this Act; to conduct
16 seminars related to the purpose of this Act and to charge
17 reasonable registration fees; and to sell directories,
18 vendor lists, and other such information to interested
19 parties, except that forms necessary to become eligible
20 for the program shall be provided free of charge to a
21 business or individual applying for the program.

22 (Source: P.A. 100-391, eff. 8-25-17; 100-801, eff. 8-10-18;
23 101-601, eff. 1-1-20; revised 8-18-20.)

24 Section 205. The State Property Control Act is amended by
25 setting forth, renumbering, and changing multiple versions of

1 Section 7.7 as follows:

2 (30 ILCS 605/7.7)

3 Sec. 7.7. Michael A. Bilandic Building.

4 (a) On or prior to the disposition of the James R. Thompson
5 Center the existing executive offices of the Governor,
6 Lieutenant Governor, Secretary of State, Comptroller, and
7 Treasurer shall be relocated in the Michael A. Bilandic
8 Building located at 160 North LaSalle Street, Chicago,
9 Illinois. An officer shall occupy the designated space on the
10 same terms and conditions applicable on April 5, 2019 (the
11 effective date of Public Act 100-1184) ~~this amendatory Act of~~
12 ~~the 100th General Assembly~~. An executive officer may choose to
13 locate in alternative offices within the City of Chicago.

14 (b) The four caucuses of the General Assembly shall be
15 given space within the Michael A. Bilandic Building. Any
16 caucus located in the building on or prior to April 5, 2019
17 (the effective date of Public Act 100-1184) ~~this amendatory~~
18 ~~Act of the 100th General Assembly~~ shall continue to occupy
19 their designated space on the same terms and conditions
20 applicable on April 5, 2019 (the effective date of Public Act
21 100-1184) ~~this amendatory Act of the 100th General Assembly~~.

22 (Source: P.A. 100-1184, eff. 4-5-19; revised 9-24-19.)

23 (30 ILCS 605/7.8)

24 Sec. 7.8 ~~7.7~~. Public university surplus real estate.

1 (a) Notwithstanding any other provision of this Act or any
2 other law to the contrary, the Board of Trustees of any public
3 institution of higher education in this State, as defined in
4 subsection (d), is authorized to dispose of surplus real
5 estate of that public institution of higher education as
6 provided under subsection (b).

7 (b) The Board of Trustees of any public institution of
8 higher education in this State may sell, lease, or otherwise
9 transfer and convey all or part of real estate deemed by the
10 Board to be surplus real estate, together with the
11 improvements situated thereon, to a bona fide purchaser for
12 value and on such terms as the Board shall determine are in the
13 best interests of that public institution of higher education
14 and consistent with that institution's objects and purposes.

15 (c) A Board of Trustees disposing of surplus real estate
16 may retain the proceeds from the sale, lease, or other
17 transfer of all or any part of the real estate deemed surplus
18 real estate under subsection (b), including the improvements
19 situated thereon, in a separate account in the treasury of the
20 public institution of higher education for the purpose of
21 deferred maintenance and emergency repair of institution
22 property. The Auditor General shall examine the separate
23 account to ensure the use or deposit of the proceeds
24 authorized under this subsection (c) in a manner consistent
25 with the stated purpose.

26 (d) For the purposes of this Section, "public institution

1 of higher education" or "institution" means the University of
2 Illinois; Southern Illinois University; Chicago State
3 University; Eastern Illinois University; Governors State
4 University; Illinois State University; Northeastern Illinois
5 University; Northern Illinois University; Western Illinois
6 University; and any other public universities, now or
7 hereafter established or authorized by the General Assembly.

8 (Source: P.A. 101-213, eff. 8-7-19; revised 9-24-19.)

9 Section 210. The Park and Recreational Facility
10 Construction Act of 2009 is amended by changing Section 10-1
11 as follows:

12 (30 ILCS 764/10-1)

13 Sec. 10-1. Short title. This Article ~~Act~~ may be cited as
14 the Park and Recreational Facility Construction Act of 2009.
15 References in this Article to "this Act" mean this Article.

16 (Source: P.A. 96-820, eff. 11-18-09; revised 7-18-19.)

17 Section 215. The State Mandates Act is amended by changing
18 Sections 8.43 and 8.44 as follows:

19 (30 ILCS 805/8.43)

20 Sec. 8.43. Exempt mandate.

21 (a) Notwithstanding Sections 6 and 8 of this Act, no
22 reimbursement by the State is required for the implementation

1 of any mandate created by Public Act 101-11, 101-49, 101-275,
2 101-320, 101-377, 101-387, 101-474, 101-492, 101-502, 101-504,
3 101-522, 101-610, or 101-627 ~~or this amendatory Act of the~~
4 ~~101st General Assembly.~~

5 (b) Notwithstanding Sections 6 and 8 of this Act, no
6 reimbursement by the State is required for the implementation
7 of any mandate created by the Seizure Smart School Act.

8 (Source: P.A. 101-11, eff. 6-7-19; 101-49, eff. 7-12-19;
9 101-50, eff. 7-1-20; 101-275, eff. 8-9-19; 101-320, eff.
10 8-9-19; 101-377, eff. 8-16-19; 101-387, eff. 8-16-19; 101-474,
11 eff. 8-23-19; 101-492, eff. 8-23-19; 101-502, eff. 8-23-19;
12 101-504, eff. 7-1-20; 101-522, eff. 8-23-19; 101-610, eff.
13 1-1-20; 101-627, eff. 1-24-20; revised 8-4-20.)

14 (30 ILCS 805/8.44)

15 Sec. 8.44. Exempt mandate.

16 (a) Notwithstanding Sections 6 and 8 of this Act, no
17 reimbursement by the State is required for the implementation
18 of any mandate created by Section 4-7 of the Illinois Local
19 Library Act or Section 30-55.60 of the Public Library District
20 Act of 1991.

21 (b) Notwithstanding Sections 6 and 8 of this Act, no
22 reimbursement by the State is required for the implementation
23 of any mandate created by Public Act 101-633 ~~this amendatory~~
24 ~~Act of the 101st General Assembly.~~

25 (Source: P.A. 101-632, eff. 6-5-20; 101-633, eff. 6-5-20;

1 revised 7-28-20.)

2 Section 220. The Illinois Income Tax Act is amended by
3 changing Sections 203, 304, and 701 and by setting forth and
4 renumbering multiple versions of Section 229 as follows:

5 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

6 Sec. 203. Base income defined.

7 (a) Individuals.

8 (1) In general. In the case of an individual, base
9 income means an amount equal to the taxpayer's adjusted
10 gross income for the taxable year as modified by paragraph
11 (2).

12 (2) Modifications. The adjusted gross income referred
13 to in paragraph (1) shall be modified by adding thereto
14 the sum of the following amounts:

15 (A) An amount equal to all amounts paid or accrued
16 to the taxpayer as interest or dividends during the
17 taxable year to the extent excluded from gross income
18 in the computation of adjusted gross income, except
19 stock dividends of qualified public utilities
20 described in Section 305(e) of the Internal Revenue
21 Code;

22 (B) An amount equal to the amount of tax imposed by
23 this Act to the extent deducted from gross income in
24 the computation of adjusted gross income for the

1 taxable year;

2 (C) An amount equal to the amount received during
3 the taxable year as a recovery or refund of real
4 property taxes paid with respect to the taxpayer's
5 principal residence under the Revenue Act of 1939 and
6 for which a deduction was previously taken under
7 subparagraph (L) of this paragraph (2) prior to July
8 1, 1991, the retrospective application date of Article
9 4 of Public Act 87-17. In the case of multi-unit or
10 multi-use structures and farm dwellings, the taxes on
11 the taxpayer's principal residence shall be that
12 portion of the total taxes for the entire property
13 which is attributable to such principal residence;

14 (D) An amount equal to the amount of the capital
15 gain deduction allowable under the Internal Revenue
16 Code, to the extent deducted from gross income in the
17 computation of adjusted gross income;

18 (D-5) An amount, to the extent not included in
19 adjusted gross income, equal to the amount of money
20 withdrawn by the taxpayer in the taxable year from a
21 medical care savings account and the interest earned
22 on the account in the taxable year of a withdrawal
23 pursuant to subsection (b) of Section 20 of the
24 Medical Care Savings Account Act or subsection (b) of
25 Section 20 of the Medical Care Savings Account Act of
26 2000;

1 (D-10) For taxable years ending after December 31,
2 1997, an amount equal to any eligible remediation
3 costs that the individual deducted in computing
4 adjusted gross income and for which the individual
5 claims a credit under subsection (l) of Section 201;

6 (D-15) For taxable years 2001 and thereafter, an
7 amount equal to the bonus depreciation deduction taken
8 on the taxpayer's federal income tax return for the
9 taxable year under subsection (k) of Section 168 of
10 the Internal Revenue Code;

11 (D-16) If the taxpayer sells, transfers, abandons,
12 or otherwise disposes of property for which the
13 taxpayer was required in any taxable year to make an
14 addition modification under subparagraph (D-15), then
15 an amount equal to the aggregate amount of the
16 deductions taken in all taxable years under
17 subparagraph (Z) with respect to that property.

18 If the taxpayer continues to own property through
19 the last day of the last tax year for which the
20 taxpayer may claim a depreciation deduction for
21 federal income tax purposes and for which the taxpayer
22 was allowed in any taxable year to make a subtraction
23 modification under subparagraph (Z), then an amount
24 equal to that subtraction modification.

25 The taxpayer is required to make the addition
26 modification under this subparagraph only once with

1 respect to any one piece of property;

2 (D-17) An amount equal to the amount otherwise
3 allowed as a deduction in computing base income for
4 interest paid, accrued, or incurred, directly or
5 indirectly, (i) for taxable years ending on or after
6 December 31, 2004, to a foreign person who would be a
7 member of the same unitary business group but for the
8 fact that foreign person's business activity outside
9 the United States is 80% or more of the foreign
10 person's total business activity and (ii) for taxable
11 years ending on or after December 31, 2008, to a person
12 who would be a member of the same unitary business
13 group but for the fact that the person is prohibited
14 under Section 1501(a)(27) from being included in the
15 unitary business group because he or she is ordinarily
16 required to apportion business income under different
17 subsections of Section 304. The addition modification
18 required by this subparagraph shall be reduced to the
19 extent that dividends were included in base income of
20 the unitary group for the same taxable year and
21 received by the taxpayer or by a member of the
22 taxpayer's unitary business group (including amounts
23 included in gross income under Sections 951 through
24 964 of the Internal Revenue Code and amounts included
25 in gross income under Section 78 of the Internal
26 Revenue Code) with respect to the stock of the same

1 person to whom the interest was paid, accrued, or
2 incurred.

3 This paragraph shall not apply to the following:

4 (i) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a person who
6 is subject in a foreign country or state, other
7 than a state which requires mandatory unitary
8 reporting, to a tax on or measured by net income
9 with respect to such interest; or

10 (ii) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a person if
12 the taxpayer can establish, based on a
13 preponderance of the evidence, both of the
14 following:

15 (a) the person, during the same taxable
16 year, paid, accrued, or incurred, the interest
17 to a person that is not a related member, and

18 (b) the transaction giving rise to the
19 interest expense between the taxpayer and the
20 person did not have as a principal purpose the
21 avoidance of Illinois income tax, and is paid
22 pursuant to a contract or agreement that
23 reflects an arm's-length interest rate and
24 terms; or

25 (iii) the taxpayer can establish, based on
26 clear and convincing evidence, that the interest

1 paid, accrued, or incurred relates to a contract
2 or agreement entered into at arm's-length rates
3 and terms and the principal purpose for the
4 payment is not federal or Illinois tax avoidance;
5 or

6 (iv) an item of interest paid, accrued, or
7 incurred, directly or indirectly, to a person if
8 the taxpayer establishes by clear and convincing
9 evidence that the adjustments are unreasonable; or
10 if the taxpayer and the Director agree in writing
11 to the application or use of an alternative method
12 of apportionment under Section 304(f).

13 Nothing in this subsection shall preclude the
14 Director from making any other adjustment
15 otherwise allowed under Section 404 of this Act
16 for any tax year beginning after the effective
17 date of this amendment provided such adjustment is
18 made pursuant to regulation adopted by the
19 Department and such regulations provide methods
20 and standards by which the Department will utilize
21 its authority under Section 404 of this Act;

22 (D-18) An amount equal to the amount of intangible
23 expenses and costs otherwise allowed as a deduction in
24 computing base income, and that were paid, accrued, or
25 incurred, directly or indirectly, (i) for taxable
26 years ending on or after December 31, 2004, to a

1 foreign person who would be a member of the same
2 unitary business group but for the fact that the
3 foreign person's business activity outside the United
4 States is 80% or more of that person's total business
5 activity and (ii) for taxable years ending on or after
6 December 31, 2008, to a person who would be a member of
7 the same unitary business group but for the fact that
8 the person is prohibited under Section 1501(a)(27)
9 from being included in the unitary business group
10 because he or she is ordinarily required to apportion
11 business income under different subsections of Section
12 304. The addition modification required by this
13 subparagraph shall be reduced to the extent that
14 dividends were included in base income of the unitary
15 group for the same taxable year and received by the
16 taxpayer or by a member of the taxpayer's unitary
17 business group (including amounts included in gross
18 income under Sections 951 through 964 of the Internal
19 Revenue Code and amounts included in gross income
20 under Section 78 of the Internal Revenue Code) with
21 respect to the stock of the same person to whom the
22 intangible expenses and costs were directly or
23 indirectly paid, incurred, or accrued. The preceding
24 sentence does not apply to the extent that the same
25 dividends caused a reduction to the addition
26 modification required under Section 203(a)(2)(D-17) of

1 this Act. As used in this subparagraph, the term
2 "intangible expenses and costs" includes (1) expenses,
3 losses, and costs for, or related to, the direct or
4 indirect acquisition, use, maintenance or management,
5 ownership, sale, exchange, or any other disposition of
6 intangible property; (2) losses incurred, directly or
7 indirectly, from factoring transactions or discounting
8 transactions; (3) royalty, patent, technical, and
9 copyright fees; (4) licensing fees; and (5) other
10 similar expenses and costs. For purposes of this
11 subparagraph, "intangible property" includes patents,
12 patent applications, trade names, trademarks, service
13 marks, copyrights, mask works, trade secrets, and
14 similar types of intangible assets.

15 This paragraph shall not apply to the following:

16 (i) any item of intangible expenses or costs
17 paid, accrued, or incurred, directly or
18 indirectly, from a transaction with a person who
19 is subject in a foreign country or state, other
20 than a state which requires mandatory unitary
21 reporting, to a tax on or measured by net income
22 with respect to such item; or

23 (ii) any item of intangible expense or cost
24 paid, accrued, or incurred, directly or
25 indirectly, if the taxpayer can establish, based
26 on a preponderance of the evidence, both of the

1 following:

2 (a) the person during the same taxable
3 year paid, accrued, or incurred, the
4 intangible expense or cost to a person that is
5 not a related member, and

6 (b) the transaction giving rise to the
7 intangible expense or cost between the
8 taxpayer and the person did not have as a
9 principal purpose the avoidance of Illinois
10 income tax, and is paid pursuant to a contract
11 or agreement that reflects arm's-length terms;
12 or

13 (iii) any item of intangible expense or cost
14 paid, accrued, or incurred, directly or
15 indirectly, from a transaction with a person if
16 the taxpayer establishes by clear and convincing
17 evidence, that the adjustments are unreasonable;
18 or if the taxpayer and the Director agree in
19 writing to the application or use of an
20 alternative method of apportionment under Section
21 304(f);

22 Nothing in this subsection shall preclude the
23 Director from making any other adjustment
24 otherwise allowed under Section 404 of this Act
25 for any tax year beginning after the effective
26 date of this amendment provided such adjustment is

1 made pursuant to regulation adopted by the
2 Department and such regulations provide methods
3 and standards by which the Department will utilize
4 its authority under Section 404 of this Act;

5 (D-19) For taxable years ending on or after
6 December 31, 2008, an amount equal to the amount of
7 insurance premium expenses and costs otherwise allowed
8 as a deduction in computing base income, and that were
9 paid, accrued, or incurred, directly or indirectly, to
10 a person who would be a member of the same unitary
11 business group but for the fact that the person is
12 prohibited under Section 1501(a)(27) from being
13 included in the unitary business group because he or
14 she is ordinarily required to apportion business
15 income under different subsections of Section 304. The
16 addition modification required by this subparagraph
17 shall be reduced to the extent that dividends were
18 included in base income of the unitary group for the
19 same taxable year and received by the taxpayer or by a
20 member of the taxpayer's unitary business group
21 (including amounts included in gross income under
22 Sections 951 through 964 of the Internal Revenue Code
23 and amounts included in gross income under Section 78
24 of the Internal Revenue Code) with respect to the
25 stock of the same person to whom the premiums and costs
26 were directly or indirectly paid, incurred, or

1 accrued. The preceding sentence does not apply to the
2 extent that the same dividends caused a reduction to
3 the addition modification required under Section
4 203(a)(2)(D-17) or Section 203(a)(2)(D-18) of this
5 Act; ~~and~~

6 (D-20) For taxable years beginning on or after
7 January 1, 2002 and ending on or before December 31,
8 2006, in the case of a distribution from a qualified
9 tuition program under Section 529 of the Internal
10 Revenue Code, other than (i) a distribution from a
11 College Savings Pool created under Section 16.5 of the
12 State Treasurer Act or (ii) a distribution from the
13 Illinois Prepaid Tuition Trust Fund, an amount equal
14 to the amount excluded from gross income under Section
15 529(c)(3)(B). For taxable years beginning on or after
16 January 1, 2007, in the case of a distribution from a
17 qualified tuition program under Section 529 of the
18 Internal Revenue Code, other than (i) a distribution
19 from a College Savings Pool created under Section 16.5
20 of the State Treasurer Act, (ii) a distribution from
21 the Illinois Prepaid Tuition Trust Fund, or (iii) a
22 distribution from a qualified tuition program under
23 Section 529 of the Internal Revenue Code that (I)
24 adopts and determines that its offering materials
25 comply with the College Savings Plans Network's
26 disclosure principles and (II) has made reasonable

1 efforts to inform in-state residents of the existence
2 of in-state qualified tuition programs by informing
3 Illinois residents directly and, where applicable, to
4 inform financial intermediaries distributing the
5 program to inform in-state residents of the existence
6 of in-state qualified tuition programs at least
7 annually, an amount equal to the amount excluded from
8 gross income under Section 529(c)(3)(B).

9 For the purposes of this subparagraph (D-20), a
10 qualified tuition program has made reasonable efforts
11 if it makes disclosures (which may use the term
12 "in-state program" or "in-state plan" and need not
13 specifically refer to Illinois or its qualified
14 programs by name) (i) directly to prospective
15 participants in its offering materials or makes a
16 public disclosure, such as a website posting; and (ii)
17 where applicable, to intermediaries selling the
18 out-of-state program in the same manner that the
19 out-of-state program distributes its offering
20 materials;

21 (D-20.5) For taxable years beginning on or after
22 January 1, 2018, in the case of a distribution from a
23 qualified ABLE program under Section 529A of the
24 Internal Revenue Code, other than a distribution from
25 a qualified ABLE program created under Section 16.6 of
26 the State Treasurer Act, an amount equal to the amount

1 excluded from gross income under Section 529A(c)(1)(B)
2 of the Internal Revenue Code;

3 (D-21) For taxable years beginning on or after
4 January 1, 2007, in the case of transfer of moneys from
5 a qualified tuition program under Section 529 of the
6 Internal Revenue Code that is administered by the
7 State to an out-of-state program, an amount equal to
8 the amount of moneys previously deducted from base
9 income under subsection (a)(2)(Y) of this Section;

10 (D-21.5) For taxable years beginning on or after
11 January 1, 2018, in the case of the transfer of moneys
12 from a qualified tuition program under Section 529 or
13 a qualified ABLE program under Section 529A of the
14 Internal Revenue Code that is administered by this
15 State to an ABLE account established under an
16 out-of-state ABLE account program, an amount equal to
17 the contribution component of the transferred amount
18 that was previously deducted from base income under
19 subsection (a)(2)(Y) or subsection (a)(2)(HH) of this
20 Section;

21 (D-22) For taxable years beginning on or after
22 January 1, 2009, and prior to January 1, 2018, in the
23 case of a nonqualified withdrawal or refund of moneys
24 from a qualified tuition program under Section 529 of
25 the Internal Revenue Code administered by the State
26 that is not used for qualified expenses at an eligible

1 education institution, an amount equal to the
2 contribution component of the nonqualified withdrawal
3 or refund that was previously deducted from base
4 income under subsection (a)(2)(y) of this Section,
5 provided that the withdrawal or refund did not result
6 from the beneficiary's death or disability. For
7 taxable years beginning on or after January 1, 2018:
8 (1) in the case of a nonqualified withdrawal or
9 refund, as defined under Section 16.5 of the State
10 Treasurer Act, of moneys from a qualified tuition
11 program under Section 529 of the Internal Revenue Code
12 administered by the State, an amount equal to the
13 contribution component of the nonqualified withdrawal
14 or refund that was previously deducted from base
15 income under subsection (a)(2)(Y) of this Section, and
16 (2) in the case of a nonqualified withdrawal or refund
17 from a qualified ABLE program under Section 529A of
18 the Internal Revenue Code administered by the State
19 that is not used for qualified disability expenses, an
20 amount equal to the contribution component of the
21 nonqualified withdrawal or refund that was previously
22 deducted from base income under subsection (a)(2)(HH)
23 of this Section;

24 (D-23) An amount equal to the credit allowable to
25 the taxpayer under Section 218(a) of this Act,
26 determined without regard to Section 218(c) of this

1 Act;

2 (D-24) For taxable years ending on or after
3 December 31, 2017, an amount equal to the deduction
4 allowed under Section 199 of the Internal Revenue Code
5 for the taxable year;

6 and by deducting from the total so obtained the sum of the
7 following amounts:

8 (E) For taxable years ending before December 31,
9 2001, any amount included in such total in respect of
10 any compensation (including but not limited to any
11 compensation paid or accrued to a serviceman while a
12 prisoner of war or missing in action) paid to a
13 resident by reason of being on active duty in the Armed
14 Forces of the United States and in respect of any
15 compensation paid or accrued to a resident who as a
16 governmental employee was a prisoner of war or missing
17 in action, and in respect of any compensation paid to a
18 resident in 1971 or thereafter for annual training
19 performed pursuant to Sections 502 and 503, Title 32,
20 United States Code as a member of the Illinois
21 National Guard or, beginning with taxable years ending
22 on or after December 31, 2007, the National Guard of
23 any other state. For taxable years ending on or after
24 December 31, 2001, any amount included in such total
25 in respect of any compensation (including but not
26 limited to any compensation paid or accrued to a

1 serviceman while a prisoner of war or missing in
2 action) paid to a resident by reason of being a member
3 of any component of the Armed Forces of the United
4 States and in respect of any compensation paid or
5 accrued to a resident who as a governmental employee
6 was a prisoner of war or missing in action, and in
7 respect of any compensation paid to a resident in 2001
8 or thereafter by reason of being a member of the
9 Illinois National Guard or, beginning with taxable
10 years ending on or after December 31, 2007, the
11 National Guard of any other state. The provisions of
12 this subparagraph (E) are exempt from the provisions
13 of Section 250;

14 (F) An amount equal to all amounts included in
15 such total pursuant to the provisions of Sections
16 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and
17 408 of the Internal Revenue Code, or included in such
18 total as distributions under the provisions of any
19 retirement or disability plan for employees of any
20 governmental agency or unit, or retirement payments to
21 retired partners, which payments are excluded in
22 computing net earnings from self employment by Section
23 1402 of the Internal Revenue Code and regulations
24 adopted pursuant thereto;

25 (G) The valuation limitation amount;

26 (H) An amount equal to the amount of any tax

1 imposed by this Act which was refunded to the taxpayer
2 and included in such total for the taxable year;

3 (I) An amount equal to all amounts included in
4 such total pursuant to the provisions of Section 111
5 of the Internal Revenue Code as a recovery of items
6 previously deducted from adjusted gross income in the
7 computation of taxable income;

8 (J) An amount equal to those dividends included in
9 such total which were paid by a corporation which
10 conducts business operations in a River Edge
11 Redevelopment Zone or zones created under the River
12 Edge Redevelopment Zone Act, and conducts
13 substantially all of its operations in a River Edge
14 Redevelopment Zone or zones. This subparagraph (J) is
15 exempt from the provisions of Section 250;

16 (K) An amount equal to those dividends included in
17 such total that were paid by a corporation that
18 conducts business operations in a federally designated
19 Foreign Trade Zone or Sub-Zone and that is designated
20 a High Impact Business located in Illinois; provided
21 that dividends eligible for the deduction provided in
22 subparagraph (J) of paragraph (2) of this subsection
23 shall not be eligible for the deduction provided under
24 this subparagraph (K);

25 (L) For taxable years ending after December 31,
26 1983, an amount equal to all social security benefits

1 and railroad retirement benefits included in such
2 total pursuant to Sections 72(r) and 86 of the
3 Internal Revenue Code;

4 (M) With the exception of any amounts subtracted
5 under subparagraph (N), an amount equal to the sum of
6 all amounts disallowed as deductions by (i) Sections
7 171(a)(2) ~~7~~ and 265(a)(2) of the Internal Revenue Code,
8 and all amounts of expenses allocable to interest and
9 disallowed as deductions by Section 265(a)(1) of the
10 Internal Revenue Code; and (ii) for taxable years
11 ending on or after August 13, 1999, Sections
12 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
13 Internal Revenue Code, plus, for taxable years ending
14 on or after December 31, 2011, Section 45G(e)(3) of
15 the Internal Revenue Code and, for taxable years
16 ending on or after December 31, 2008, any amount
17 included in gross income under Section 87 of the
18 Internal Revenue Code; the provisions of this
19 subparagraph are exempt from the provisions of Section
20 250;

21 (N) An amount equal to all amounts included in
22 such total which are exempt from taxation by this
23 State either by reason of its statutes or Constitution
24 or by reason of the Constitution, treaties or statutes
25 of the United States; provided that, in the case of any
26 statute of this State that exempts income derived from

1 bonds or other obligations from the tax imposed under
2 this Act, the amount exempted shall be the interest
3 net of bond premium amortization;

4 (O) An amount equal to any contribution made to a
5 job training project established pursuant to the Tax
6 Increment Allocation Redevelopment Act;

7 (P) An amount equal to the amount of the deduction
8 used to compute the federal income tax credit for
9 restoration of substantial amounts held under claim of
10 right for the taxable year pursuant to Section 1341 of
11 the Internal Revenue Code or of any itemized deduction
12 taken from adjusted gross income in the computation of
13 taxable income for restoration of substantial amounts
14 held under claim of right for the taxable year;

15 (Q) An amount equal to any amounts included in
16 such total, received by the taxpayer as an
17 acceleration in the payment of life, endowment or
18 annuity benefits in advance of the time they would
19 otherwise be payable as an indemnity for a terminal
20 illness;

21 (R) An amount equal to the amount of any federal or
22 State bonus paid to veterans of the Persian Gulf War;

23 (S) An amount, to the extent included in adjusted
24 gross income, equal to the amount of a contribution
25 made in the taxable year on behalf of the taxpayer to a
26 medical care savings account established under the

1 Medical Care Savings Account Act or the Medical Care
2 Savings Account Act of 2000 to the extent the
3 contribution is accepted by the account administrator
4 as provided in that Act;

5 (T) An amount, to the extent included in adjusted
6 gross income, equal to the amount of interest earned
7 in the taxable year on a medical care savings account
8 established under the Medical Care Savings Account Act
9 or the Medical Care Savings Account Act of 2000 on
10 behalf of the taxpayer, other than interest added
11 pursuant to item (D-5) of this paragraph (2);

12 (U) For one taxable year beginning on or after
13 January 1, 1994, an amount equal to the total amount of
14 tax imposed and paid under subsections (a) and (b) of
15 Section 201 of this Act on grant amounts received by
16 the taxpayer under the Nursing Home Grant Assistance
17 Act during the taxpayer's taxable years 1992 and 1993;

18 (V) Beginning with tax years ending on or after
19 December 31, 1995 and ending with tax years ending on
20 or before December 31, 2004, an amount equal to the
21 amount paid by a taxpayer who is a self-employed
22 taxpayer, a partner of a partnership, or a shareholder
23 in a Subchapter S corporation for health insurance or
24 long-term care insurance for that taxpayer or that
25 taxpayer's spouse or dependents, to the extent that
26 the amount paid for that health insurance or long-term

1 care insurance may be deducted under Section 213 of
2 the Internal Revenue Code, has not been deducted on
3 the federal income tax return of the taxpayer, and
4 does not exceed the taxable income attributable to
5 that taxpayer's income, self-employment income, or
6 Subchapter S corporation income; except that no
7 deduction shall be allowed under this item (V) if the
8 taxpayer is eligible to participate in any health
9 insurance or long-term care insurance plan of an
10 employer of the taxpayer or the taxpayer's spouse. The
11 amount of the health insurance and long-term care
12 insurance subtracted under this item (V) shall be
13 determined by multiplying total health insurance and
14 long-term care insurance premiums paid by the taxpayer
15 times a number that represents the fractional
16 percentage of eligible medical expenses under Section
17 213 of the Internal Revenue Code of 1986 not actually
18 deducted on the taxpayer's federal income tax return;

19 (W) For taxable years beginning on or after
20 January 1, 1998, all amounts included in the
21 taxpayer's federal gross income in the taxable year
22 from amounts converted from a regular IRA to a Roth
23 IRA. This paragraph is exempt from the provisions of
24 Section 250;

25 (X) For taxable year 1999 and thereafter, an
26 amount equal to the amount of any (i) distributions,

1 to the extent includible in gross income for federal
2 income tax purposes, made to the taxpayer because of
3 his or her status as a victim of persecution for racial
4 or religious reasons by Nazi Germany or any other Axis
5 regime or as an heir of the victim and (ii) items of
6 income, to the extent includible in gross income for
7 federal income tax purposes, attributable to, derived
8 from or in any way related to assets stolen from,
9 hidden from, or otherwise lost to a victim of
10 persecution for racial or religious reasons by Nazi
11 Germany or any other Axis regime immediately prior to,
12 during, and immediately after World War II, including,
13 but not limited to, interest on the proceeds
14 receivable as insurance under policies issued to a
15 victim of persecution for racial or religious reasons
16 by Nazi Germany or any other Axis regime by European
17 insurance companies immediately prior to and during
18 World War II; provided, however, this subtraction from
19 federal adjusted gross income does not apply to assets
20 acquired with such assets or with the proceeds from
21 the sale of such assets; provided, further, this
22 paragraph shall only apply to a taxpayer who was the
23 first recipient of such assets after their recovery
24 and who is a victim of persecution for racial or
25 religious reasons by Nazi Germany or any other Axis
26 regime or as an heir of the victim. The amount of and

1 the eligibility for any public assistance, benefit, or
2 similar entitlement is not affected by the inclusion
3 of items (i) and (ii) of this paragraph in gross income
4 for federal income tax purposes. This paragraph is
5 exempt from the provisions of Section 250;

6 (Y) For taxable years beginning on or after
7 January 1, 2002 and ending on or before December 31,
8 2004, moneys contributed in the taxable year to a
9 College Savings Pool account under Section 16.5 of the
10 State Treasurer Act, except that amounts excluded from
11 gross income under Section 529(c)(3)(C)(i) of the
12 Internal Revenue Code shall not be considered moneys
13 contributed under this subparagraph (Y). For taxable
14 years beginning on or after January 1, 2005, a maximum
15 of \$10,000 contributed in the taxable year to (i) a
16 College Savings Pool account under Section 16.5 of the
17 State Treasurer Act or (ii) the Illinois Prepaid
18 Tuition Trust Fund, except that amounts excluded from
19 gross income under Section 529(c)(3)(C)(i) of the
20 Internal Revenue Code shall not be considered moneys
21 contributed under this subparagraph (Y). For purposes
22 of this subparagraph, contributions made by an
23 employer on behalf of an employee, or matching
24 contributions made by an employee, shall be treated as
25 made by the employee. This subparagraph (Y) is exempt
26 from the provisions of Section 250;

1 (Z) For taxable years 2001 and thereafter, for the
2 taxable year in which the bonus depreciation deduction
3 is taken on the taxpayer's federal income tax return
4 under subsection (k) of Section 168 of the Internal
5 Revenue Code and for each applicable taxable year
6 thereafter, an amount equal to "x", where:

7 (1) "y" equals the amount of the depreciation
8 deduction taken for the taxable year on the
9 taxpayer's federal income tax return on property
10 for which the bonus depreciation deduction was
11 taken in any year under subsection (k) of Section
12 168 of the Internal Revenue Code, but not
13 including the bonus depreciation deduction;

14 (2) for taxable years ending on or before
15 December 31, 2005, "x" equals "y" multiplied by 30
16 and then divided by 70 (or "y" multiplied by
17 0.429); and

18 (3) for taxable years ending after December
19 31, 2005:

20 (i) for property on which a bonus
21 depreciation deduction of 30% of the adjusted
22 basis was taken, "x" equals "y" multiplied by
23 30 and then divided by 70 (or "y" multiplied
24 by 0.429); and

25 (ii) for property on which a bonus
26 depreciation deduction of 50% of the adjusted

1 basis was taken, "x" equals "y" multiplied by
2 1.0.

3 The aggregate amount deducted under this
4 subparagraph in all taxable years for any one piece of
5 property may not exceed the amount of the bonus
6 depreciation deduction taken on that property on the
7 taxpayer's federal income tax return under subsection
8 (k) of Section 168 of the Internal Revenue Code. This
9 subparagraph (Z) is exempt from the provisions of
10 Section 250;

11 (AA) If the taxpayer sells, transfers, abandons,
12 or otherwise disposes of property for which the
13 taxpayer was required in any taxable year to make an
14 addition modification under subparagraph (D-15), then
15 an amount equal to that addition modification.

16 If the taxpayer continues to own property through
17 the last day of the last tax year for which the
18 taxpayer may claim a depreciation deduction for
19 federal income tax purposes and for which the taxpayer
20 was required in any taxable year to make an addition
21 modification under subparagraph (D-15), then an amount
22 equal to that addition modification.

23 The taxpayer is allowed to take the deduction
24 under this subparagraph only once with respect to any
25 one piece of property.

26 This subparagraph (AA) is exempt from the

1 provisions of Section 250;

2 (BB) Any amount included in adjusted gross income,
3 other than salary, received by a driver in a
4 ridesharing arrangement using a motor vehicle;

5 (CC) The amount of (i) any interest income (net of
6 the deductions allocable thereto) taken into account
7 for the taxable year with respect to a transaction
8 with a taxpayer that is required to make an addition
9 modification with respect to such transaction under
10 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
11 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
12 the amount of that addition modification, and (ii) any
13 income from intangible property (net of the deductions
14 allocable thereto) taken into account for the taxable
15 year with respect to a transaction with a taxpayer
16 that is required to make an addition modification with
17 respect to such transaction under Section
18 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
19 203(d)(2)(D-8), but not to exceed the amount of that
20 addition modification. This subparagraph (CC) is
21 exempt from the provisions of Section 250;

22 (DD) An amount equal to the interest income taken
23 into account for the taxable year (net of the
24 deductions allocable thereto) with respect to
25 transactions with (i) a foreign person who would be a
26 member of the taxpayer's unitary business group but

1 for the fact that the foreign person's business
2 activity outside the United States is 80% or more of
3 that person's total business activity and (ii) for
4 taxable years ending on or after December 31, 2008, to
5 a person who would be a member of the same unitary
6 business group but for the fact that the person is
7 prohibited under Section 1501(a)(27) from being
8 included in the unitary business group because he or
9 she is ordinarily required to apportion business
10 income under different subsections of Section 304, but
11 not to exceed the addition modification required to be
12 made for the same taxable year under Section
13 203(a)(2)(D-17) for interest paid, accrued, or
14 incurred, directly or indirectly, to the same person.
15 This subparagraph (DD) is exempt from the provisions
16 of Section 250;

17 (EE) An amount equal to the income from intangible
18 property taken into account for the taxable year (net
19 of the deductions allocable thereto) with respect to
20 transactions with (i) a foreign person who would be a
21 member of the taxpayer's unitary business group but
22 for the fact that the foreign person's business
23 activity outside the United States is 80% or more of
24 that person's total business activity and (ii) for
25 taxable years ending on or after December 31, 2008, to
26 a person who would be a member of the same unitary

1 business group but for the fact that the person is
2 prohibited under Section 1501(a)(27) from being
3 included in the unitary business group because he or
4 she is ordinarily required to apportion business
5 income under different subsections of Section 304, but
6 not to exceed the addition modification required to be
7 made for the same taxable year under Section
8 203(a)(2)(D-18) for intangible expenses and costs
9 paid, accrued, or incurred, directly or indirectly, to
10 the same foreign person. This subparagraph (EE) is
11 exempt from the provisions of Section 250;

12 (FF) An amount equal to any amount awarded to the
13 taxpayer during the taxable year by the Court of
14 Claims under subsection (c) of Section 8 of the Court
15 of Claims Act for time unjustly served in a State
16 prison. This subparagraph (FF) is exempt from the
17 provisions of Section 250;

18 (GG) For taxable years ending on or after December
19 31, 2011, in the case of a taxpayer who was required to
20 add back any insurance premiums under Section
21 203(a)(2)(D-19), such taxpayer may elect to subtract
22 that part of a reimbursement received from the
23 insurance company equal to the amount of the expense
24 or loss (including expenses incurred by the insurance
25 company) that would have been taken into account as a
26 deduction for federal income tax purposes if the

1 expense or loss had been uninsured. If a taxpayer
2 makes the election provided for by this subparagraph
3 (GG), the insurer to which the premiums were paid must
4 add back to income the amount subtracted by the
5 taxpayer pursuant to this subparagraph (GG). This
6 subparagraph (GG) is exempt from the provisions of
7 Section 250; and

8 (HH) For taxable years beginning on or after
9 January 1, 2018 and prior to January 1, 2023, a maximum
10 of \$10,000 contributed in the taxable year to a
11 qualified ABLE account under Section 16.6 of the State
12 Treasurer Act, except that amounts excluded from gross
13 income under Section 529(c)(3)(C)(i) or Section
14 529A(c)(1)(C) of the Internal Revenue Code shall not
15 be considered moneys contributed under this
16 subparagraph (HH). For purposes of this subparagraph
17 (HH), contributions made by an employer on behalf of
18 an employee, or matching contributions made by an
19 employee, shall be treated as made by the employee.

20 (b) Corporations.

21 (1) In general. In the case of a corporation, base
22 income means an amount equal to the taxpayer's taxable
23 income for the taxable year as modified by paragraph (2).

24 (2) Modifications. The taxable income referred to in
25 paragraph (1) shall be modified by adding thereto the sum

1 of the following amounts:

2 (A) An amount equal to all amounts paid or accrued
3 to the taxpayer as interest and all distributions
4 received from regulated investment companies during
5 the taxable year to the extent excluded from gross
6 income in the computation of taxable income;

7 (B) An amount equal to the amount of tax imposed by
8 this Act to the extent deducted from gross income in
9 the computation of taxable income for the taxable
10 year;

11 (C) In the case of a regulated investment company,
12 an amount equal to the excess of (i) the net long-term
13 capital gain for the taxable year, over (ii) the
14 amount of the capital gain dividends designated as
15 such in accordance with Section 852(b)(3)(C) of the
16 Internal Revenue Code and any amount designated under
17 Section 852(b)(3)(D) of the Internal Revenue Code,
18 attributable to the taxable year (this amendatory Act
19 of 1995 (Public Act 89-89) is declarative of existing
20 law and is not a new enactment);

21 (D) The amount of any net operating loss deduction
22 taken in arriving at taxable income, other than a net
23 operating loss carried forward from a taxable year
24 ending prior to December 31, 1986;

25 (E) For taxable years in which a net operating
26 loss carryback or carryforward from a taxable year

1 ending prior to December 31, 1986 is an element of
2 taxable income under paragraph (1) of subsection (e)
3 or subparagraph (E) of paragraph (2) of subsection
4 (e), the amount by which addition modifications other
5 than those provided by this subparagraph (E) exceeded
6 subtraction modifications in such earlier taxable
7 year, with the following limitations applied in the
8 order that they are listed:

9 (i) the addition modification relating to the
10 net operating loss carried back or forward to the
11 taxable year from any taxable year ending prior to
12 December 31, 1986 shall be reduced by the amount
13 of addition modification under this subparagraph
14 (E) which related to that net operating loss and
15 which was taken into account in calculating the
16 base income of an earlier taxable year, and

17 (ii) the addition modification relating to the
18 net operating loss carried back or forward to the
19 taxable year from any taxable year ending prior to
20 December 31, 1986 shall not exceed the amount of
21 such carryback or carryforward;

22 For taxable years in which there is a net
23 operating loss carryback or carryforward from more
24 than one other taxable year ending prior to December
25 31, 1986, the addition modification provided in this
26 subparagraph (E) shall be the sum of the amounts

1 computed independently under the preceding provisions
2 of this subparagraph (E) for each such taxable year;

3 (E-5) For taxable years ending after December 31,
4 1997, an amount equal to any eligible remediation
5 costs that the corporation deducted in computing
6 adjusted gross income and for which the corporation
7 claims a credit under subsection (l) of Section 201;

8 (E-10) For taxable years 2001 and thereafter, an
9 amount equal to the bonus depreciation deduction taken
10 on the taxpayer's federal income tax return for the
11 taxable year under subsection (k) of Section 168 of
12 the Internal Revenue Code;

13 (E-11) If the taxpayer sells, transfers, abandons,
14 or otherwise disposes of property for which the
15 taxpayer was required in any taxable year to make an
16 addition modification under subparagraph (E-10), then
17 an amount equal to the aggregate amount of the
18 deductions taken in all taxable years under
19 subparagraph (T) with respect to that property.

20 If the taxpayer continues to own property through
21 the last day of the last tax year for which the
22 taxpayer may claim a depreciation deduction for
23 federal income tax purposes and for which the taxpayer
24 was allowed in any taxable year to make a subtraction
25 modification under subparagraph (T), then an amount
26 equal to that subtraction modification.

1 The taxpayer is required to make the addition
2 modification under this subparagraph only once with
3 respect to any one piece of property;

4 (E-12) An amount equal to the amount otherwise
5 allowed as a deduction in computing base income for
6 interest paid, accrued, or incurred, directly or
7 indirectly, (i) for taxable years ending on or after
8 December 31, 2004, to a foreign person who would be a
9 member of the same unitary business group but for the
10 fact the foreign person's business activity outside
11 the United States is 80% or more of the foreign
12 person's total business activity and (ii) for taxable
13 years ending on or after December 31, 2008, to a person
14 who would be a member of the same unitary business
15 group but for the fact that the person is prohibited
16 under Section 1501(a)(27) from being included in the
17 unitary business group because he or she is ordinarily
18 required to apportion business income under different
19 subsections of Section 304. The addition modification
20 required by this subparagraph shall be reduced to the
21 extent that dividends were included in base income of
22 the unitary group for the same taxable year and
23 received by the taxpayer or by a member of the
24 taxpayer's unitary business group (including amounts
25 included in gross income pursuant to Sections 951
26 through 964 of the Internal Revenue Code and amounts

1 included in gross income under Section 78 of the
2 Internal Revenue Code) with respect to the stock of
3 the same person to whom the interest was paid,
4 accrued, or incurred.

5 This paragraph shall not apply to the following:

6 (i) an item of interest paid, accrued, or
7 incurred, directly or indirectly, to a person who
8 is subject in a foreign country or state, other
9 than a state which requires mandatory unitary
10 reporting, to a tax on or measured by net income
11 with respect to such interest; or

12 (ii) an item of interest paid, accrued, or
13 incurred, directly or indirectly, to a person if
14 the taxpayer can establish, based on a
15 preponderance of the evidence, both of the
16 following:

17 (a) the person, during the same taxable
18 year, paid, accrued, or incurred, the interest
19 to a person that is not a related member, and

20 (b) the transaction giving rise to the
21 interest expense between the taxpayer and the
22 person did not have as a principal purpose the
23 avoidance of Illinois income tax, and is paid
24 pursuant to a contract or agreement that
25 reflects an arm's-length interest rate and
26 terms; or

1 (iii) the taxpayer can establish, based on
2 clear and convincing evidence, that the interest
3 paid, accrued, or incurred relates to a contract
4 or agreement entered into at arm's-length rates
5 and terms and the principal purpose for the
6 payment is not federal or Illinois tax avoidance;
7 or

8 (iv) an item of interest paid, accrued, or
9 incurred, directly or indirectly, to a person if
10 the taxpayer establishes by clear and convincing
11 evidence that the adjustments are unreasonable; or
12 if the taxpayer and the Director agree in writing
13 to the application or use of an alternative method
14 of apportionment under Section 304(f).

15 Nothing in this subsection shall preclude the
16 Director from making any other adjustment
17 otherwise allowed under Section 404 of this Act
18 for any tax year beginning after the effective
19 date of this amendment provided such adjustment is
20 made pursuant to regulation adopted by the
21 Department and such regulations provide methods
22 and standards by which the Department will utilize
23 its authority under Section 404 of this Act;

24 (E-13) An amount equal to the amount of intangible
25 expenses and costs otherwise allowed as a deduction in
26 computing base income, and that were paid, accrued, or

1 incurred, directly or indirectly, (i) for taxable
2 years ending on or after December 31, 2004, to a
3 foreign person who would be a member of the same
4 unitary business group but for the fact that the
5 foreign person's business activity outside the United
6 States is 80% or more of that person's total business
7 activity and (ii) for taxable years ending on or after
8 December 31, 2008, to a person who would be a member of
9 the same unitary business group but for the fact that
10 the person is prohibited under Section 1501(a)(27)
11 from being included in the unitary business group
12 because he or she is ordinarily required to apportion
13 business income under different subsections of Section
14 304. The addition modification required by this
15 subparagraph shall be reduced to the extent that
16 dividends were included in base income of the unitary
17 group for the same taxable year and received by the
18 taxpayer or by a member of the taxpayer's unitary
19 business group (including amounts included in gross
20 income pursuant to Sections 951 through 964 of the
21 Internal Revenue Code and amounts included in gross
22 income under Section 78 of the Internal Revenue Code)
23 with respect to the stock of the same person to whom
24 the intangible expenses and costs were directly or
25 indirectly paid, incurred, or accrued. The preceding
26 sentence shall not apply to the extent that the same

1 dividends caused a reduction to the addition
2 modification required under Section 203(b)(2)(E-12) of
3 this Act. As used in this subparagraph, the term
4 "intangible expenses and costs" includes (1) expenses,
5 losses, and costs for, or related to, the direct or
6 indirect acquisition, use, maintenance or management,
7 ownership, sale, exchange, or any other disposition of
8 intangible property; (2) losses incurred, directly or
9 indirectly, from factoring transactions or discounting
10 transactions; (3) royalty, patent, technical, and
11 copyright fees; (4) licensing fees; and (5) other
12 similar expenses and costs. For purposes of this
13 subparagraph, "intangible property" includes patents,
14 patent applications, trade names, trademarks, service
15 marks, copyrights, mask works, trade secrets, and
16 similar types of intangible assets.

17 This paragraph shall not apply to the following:

18 (i) any item of intangible expenses or costs
19 paid, accrued, or incurred, directly or
20 indirectly, from a transaction with a person who
21 is subject in a foreign country or state, other
22 than a state which requires mandatory unitary
23 reporting, to a tax on or measured by net income
24 with respect to such item; or

25 (ii) any item of intangible expense or cost
26 paid, accrued, or incurred, directly or

1 indirectly, if the taxpayer can establish, based
2 on a preponderance of the evidence, both of the
3 following:

4 (a) the person during the same taxable
5 year paid, accrued, or incurred, the
6 intangible expense or cost to a person that is
7 not a related member, and

8 (b) the transaction giving rise to the
9 intangible expense or cost between the
10 taxpayer and the person did not have as a
11 principal purpose the avoidance of Illinois
12 income tax, and is paid pursuant to a contract
13 or agreement that reflects arm's-length terms;
14 or

15 (iii) any item of intangible expense or cost
16 paid, accrued, or incurred, directly or
17 indirectly, from a transaction with a person if
18 the taxpayer establishes by clear and convincing
19 evidence, that the adjustments are unreasonable;
20 or if the taxpayer and the Director agree in
21 writing to the application or use of an
22 alternative method of apportionment under Section
23 304(f);

24 Nothing in this subsection shall preclude the
25 Director from making any other adjustment
26 otherwise allowed under Section 404 of this Act

1 for any tax year beginning after the effective
2 date of this amendment provided such adjustment is
3 made pursuant to regulation adopted by the
4 Department and such regulations provide methods
5 and standards by which the Department will utilize
6 its authority under Section 404 of this Act;

7 (E-14) For taxable years ending on or after
8 December 31, 2008, an amount equal to the amount of
9 insurance premium expenses and costs otherwise allowed
10 as a deduction in computing base income, and that were
11 paid, accrued, or incurred, directly or indirectly, to
12 a person who would be a member of the same unitary
13 business group but for the fact that the person is
14 prohibited under Section 1501(a)(27) from being
15 included in the unitary business group because he or
16 she is ordinarily required to apportion business
17 income under different subsections of Section 304. The
18 addition modification required by this subparagraph
19 shall be reduced to the extent that dividends were
20 included in base income of the unitary group for the
21 same taxable year and received by the taxpayer or by a
22 member of the taxpayer's unitary business group
23 (including amounts included in gross income under
24 Sections 951 through 964 of the Internal Revenue Code
25 and amounts included in gross income under Section 78
26 of the Internal Revenue Code) with respect to the

1 stock of the same person to whom the premiums and costs
2 were directly or indirectly paid, incurred, or
3 accrued. The preceding sentence does not apply to the
4 extent that the same dividends caused a reduction to
5 the addition modification required under Section
6 203(b)(2)(E-12) or Section 203(b)(2)(E-13) of this
7 Act;

8 (E-15) For taxable years beginning after December
9 31, 2008, any deduction for dividends paid by a
10 captive real estate investment trust that is allowed
11 to a real estate investment trust under Section
12 857(b)(2)(B) of the Internal Revenue Code for
13 dividends paid;

14 (E-16) An amount equal to the credit allowable to
15 the taxpayer under Section 218(a) of this Act,
16 determined without regard to Section 218(c) of this
17 Act;

18 (E-17) For taxable years ending on or after
19 December 31, 2017, an amount equal to the deduction
20 allowed under Section 199 of the Internal Revenue Code
21 for the taxable year;

22 (E-18) for taxable years beginning after December
23 31, 2018, an amount equal to the deduction allowed
24 under Section 250(a)(1)(A) of the Internal Revenue
25 Code for the taxable year.

26 and by deducting from the total so obtained the sum of the

1 following amounts:

2 (F) An amount equal to the amount of any tax
3 imposed by this Act which was refunded to the taxpayer
4 and included in such total for the taxable year;

5 (G) An amount equal to any amount included in such
6 total under Section 78 of the Internal Revenue Code;

7 (H) In the case of a regulated investment company,
8 an amount equal to the amount of exempt interest
9 dividends as defined in subsection (b)(5) of Section
10 852 of the Internal Revenue Code, paid to shareholders
11 for the taxable year;

12 (I) With the exception of any amounts subtracted
13 under subparagraph (J), an amount equal to the sum of
14 all amounts disallowed as deductions by (i) Sections
15 171(a)(2),~~7~~ and 265(a)(2) and amounts disallowed as
16 interest expense by Section 291(a)(3) of the Internal
17 Revenue Code, and all amounts of expenses allocable to
18 interest and disallowed as deductions by Section
19 265(a)(1) of the Internal Revenue Code; and (ii) for
20 taxable years ending on or after August 13, 1999,
21 Sections 171(a)(2), 265, 280C, 291(a)(3), and
22 832(b)(5)(B)(i) of the Internal Revenue Code, plus,
23 for tax years ending on or after December 31, 2011,
24 amounts disallowed as deductions by Section 45G(e)(3)
25 of the Internal Revenue Code and, for taxable years
26 ending on or after December 31, 2008, any amount

1 included in gross income under Section 87 of the
2 Internal Revenue Code and the policyholders' share of
3 tax-exempt interest of a life insurance company under
4 Section 807(a)(2)(B) of the Internal Revenue Code (in
5 the case of a life insurance company with gross income
6 from a decrease in reserves for the tax year) or
7 Section 807(b)(1)(B) of the Internal Revenue Code (in
8 the case of a life insurance company allowed a
9 deduction for an increase in reserves for the tax
10 year); the provisions of this subparagraph are exempt
11 from the provisions of Section 250;

12 (J) An amount equal to all amounts included in
13 such total which are exempt from taxation by this
14 State either by reason of its statutes or Constitution
15 or by reason of the Constitution, treaties or statutes
16 of the United States; provided that, in the case of any
17 statute of this State that exempts income derived from
18 bonds or other obligations from the tax imposed under
19 this Act, the amount exempted shall be the interest
20 net of bond premium amortization;

21 (K) An amount equal to those dividends included in
22 such total which were paid by a corporation which
23 conducts business operations in a River Edge
24 Redevelopment Zone or zones created under the River
25 Edge Redevelopment Zone Act and conducts substantially
26 all of its operations in a River Edge Redevelopment

1 Zone or zones. This subparagraph (K) is exempt from
2 the provisions of Section 250;

3 (L) An amount equal to those dividends included in
4 such total that were paid by a corporation that
5 conducts business operations in a federally designated
6 Foreign Trade Zone or Sub-Zone and that is designated
7 a High Impact Business located in Illinois; provided
8 that dividends eligible for the deduction provided in
9 subparagraph (K) of paragraph 2 of this subsection
10 shall not be eligible for the deduction provided under
11 this subparagraph (L);

12 (M) For any taxpayer that is a financial
13 organization within the meaning of Section 304(c) of
14 this Act, an amount included in such total as interest
15 income from a loan or loans made by such taxpayer to a
16 borrower, to the extent that such a loan is secured by
17 property which is eligible for the River Edge
18 Redevelopment Zone Investment Credit. To determine the
19 portion of a loan or loans that is secured by property
20 eligible for a Section 201(f) investment credit to the
21 borrower, the entire principal amount of the loan or
22 loans between the taxpayer and the borrower should be
23 divided into the basis of the Section 201(f)
24 investment credit property which secures the loan or
25 loans, using for this purpose the original basis of
26 such property on the date that it was placed in service

1 in the River Edge Redevelopment Zone. The subtraction
2 modification available to the taxpayer in any year
3 under this subsection shall be that portion of the
4 total interest paid by the borrower with respect to
5 such loan attributable to the eligible property as
6 calculated under the previous sentence. This
7 subparagraph (M) is exempt from the provisions of
8 Section 250;

9 (M-1) For any taxpayer that is a financial
10 organization within the meaning of Section 304(c) of
11 this Act, an amount included in such total as interest
12 income from a loan or loans made by such taxpayer to a
13 borrower, to the extent that such a loan is secured by
14 property which is eligible for the High Impact
15 Business Investment Credit. To determine the portion
16 of a loan or loans that is secured by property eligible
17 for a Section 201(h) investment credit to the
18 borrower, the entire principal amount of the loan or
19 loans between the taxpayer and the borrower should be
20 divided into the basis of the Section 201(h)
21 investment credit property which secures the loan or
22 loans, using for this purpose the original basis of
23 such property on the date that it was placed in service
24 in a federally designated Foreign Trade Zone or
25 Sub-Zone located in Illinois. No taxpayer that is
26 eligible for the deduction provided in subparagraph

1 (M) of paragraph (2) of this subsection shall be
2 eligible for the deduction provided under this
3 subparagraph (M-1). The subtraction modification
4 available to taxpayers in any year under this
5 subsection shall be that portion of the total interest
6 paid by the borrower with respect to such loan
7 attributable to the eligible property as calculated
8 under the previous sentence;

9 (N) Two times any contribution made during the
10 taxable year to a designated zone organization to the
11 extent that the contribution (i) qualifies as a
12 charitable contribution under subsection (c) of
13 Section 170 of the Internal Revenue Code and (ii)
14 must, by its terms, be used for a project approved by
15 the Department of Commerce and Economic Opportunity
16 under Section 11 of the Illinois Enterprise Zone Act
17 or under Section 10-10 of the River Edge Redevelopment
18 Zone Act. This subparagraph (N) is exempt from the
19 provisions of Section 250;

20 (O) An amount equal to: (i) 85% for taxable years
21 ending on or before December 31, 1992, or, a
22 percentage equal to the percentage allowable under
23 Section 243(a)(1) of the Internal Revenue Code of 1986
24 for taxable years ending after December 31, 1992, of
25 the amount by which dividends included in taxable
26 income and received from a corporation that is not

1 created or organized under the laws of the United
2 States or any state or political subdivision thereof,
3 including, for taxable years ending on or after
4 December 31, 1988, dividends received or deemed
5 received or paid or deemed paid under Sections 951
6 through 965 of the Internal Revenue Code, exceed the
7 amount of the modification provided under subparagraph
8 (G) of paragraph (2) of this subsection (b) which is
9 related to such dividends, and including, for taxable
10 years ending on or after December 31, 2008, dividends
11 received from a captive real estate investment trust;
12 plus (ii) 100% of the amount by which dividends,
13 included in taxable income and received, including,
14 for taxable years ending on or after December 31,
15 1988, dividends received or deemed received or paid or
16 deemed paid under Sections 951 through 964 of the
17 Internal Revenue Code and including, for taxable years
18 ending on or after December 31, 2008, dividends
19 received from a captive real estate investment trust,
20 from any such corporation specified in clause (i) that
21 would but for the provisions of Section 1504(b)(3) of
22 the Internal Revenue Code be treated as a member of the
23 affiliated group which includes the dividend
24 recipient, exceed the amount of the modification
25 provided under subparagraph (G) of paragraph (2) of
26 this subsection (b) which is related to such

1 dividends. This subparagraph (O) is exempt from the
2 provisions of Section 250 of this Act;

3 (P) An amount equal to any contribution made to a
4 job training project established pursuant to the Tax
5 Increment Allocation Redevelopment Act;

6 (Q) An amount equal to the amount of the deduction
7 used to compute the federal income tax credit for
8 restoration of substantial amounts held under claim of
9 right for the taxable year pursuant to Section 1341 of
10 the Internal Revenue Code;

11 (R) On and after July 20, 1999, in the case of an
12 attorney-in-fact with respect to whom an interinsurer
13 or a reciprocal insurer has made the election under
14 Section 835 of the Internal Revenue Code, 26 U.S.C.
15 835, an amount equal to the excess, if any, of the
16 amounts paid or incurred by that interinsurer or
17 reciprocal insurer in the taxable year to the
18 attorney-in-fact over the deduction allowed to that
19 interinsurer or reciprocal insurer with respect to the
20 attorney-in-fact under Section 835(b) of the Internal
21 Revenue Code for the taxable year; the provisions of
22 this subparagraph are exempt from the provisions of
23 Section 250;

24 (S) For taxable years ending on or after December
25 31, 1997, in the case of a Subchapter S corporation, an
26 amount equal to all amounts of income allocable to a

1 shareholder subject to the Personal Property Tax
2 Replacement Income Tax imposed by subsections (c) and
3 (d) of Section 201 of this Act, including amounts
4 allocable to organizations exempt from federal income
5 tax by reason of Section 501(a) of the Internal
6 Revenue Code. This subparagraph (S) is exempt from the
7 provisions of Section 250;

8 (T) For taxable years 2001 and thereafter, for the
9 taxable year in which the bonus depreciation deduction
10 is taken on the taxpayer's federal income tax return
11 under subsection (k) of Section 168 of the Internal
12 Revenue Code and for each applicable taxable year
13 thereafter, an amount equal to "x", where:

14 (1) "y" equals the amount of the depreciation
15 deduction taken for the taxable year on the
16 taxpayer's federal income tax return on property
17 for which the bonus depreciation deduction was
18 taken in any year under subsection (k) of Section
19 168 of the Internal Revenue Code, but not
20 including the bonus depreciation deduction;

21 (2) for taxable years ending on or before
22 December 31, 2005, "x" equals "y" multiplied by 30
23 and then divided by 70 (or "y" multiplied by
24 0.429); and

25 (3) for taxable years ending after December
26 31, 2005:

1 (i) for property on which a bonus
2 depreciation deduction of 30% of the adjusted
3 basis was taken, "x" equals "y" multiplied by
4 30 and then divided by 70 (or "y" multiplied
5 by 0.429); and

6 (ii) for property on which a bonus
7 depreciation deduction of 50% of the adjusted
8 basis was taken, "x" equals "y" multiplied by
9 1.0.

10 The aggregate amount deducted under this
11 subparagraph in all taxable years for any one piece of
12 property may not exceed the amount of the bonus
13 depreciation deduction taken on that property on the
14 taxpayer's federal income tax return under subsection
15 (k) of Section 168 of the Internal Revenue Code. This
16 subparagraph (T) is exempt from the provisions of
17 Section 250;

18 (U) If the taxpayer sells, transfers, abandons, or
19 otherwise disposes of property for which the taxpayer
20 was required in any taxable year to make an addition
21 modification under subparagraph (E-10), then an amount
22 equal to that addition modification.

23 If the taxpayer continues to own property through
24 the last day of the last tax year for which the
25 taxpayer may claim a depreciation deduction for
26 federal income tax purposes and for which the taxpayer

1 was required in any taxable year to make an addition
2 modification under subparagraph (E-10), then an amount
3 equal to that addition modification.

4 The taxpayer is allowed to take the deduction
5 under this subparagraph only once with respect to any
6 one piece of property.

7 This subparagraph (U) is exempt from the
8 provisions of Section 250;

9 (V) The amount of: (i) any interest income (net of
10 the deductions allocable thereto) taken into account
11 for the taxable year with respect to a transaction
12 with a taxpayer that is required to make an addition
13 modification with respect to such transaction under
14 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
15 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
16 the amount of such addition modification, (ii) any
17 income from intangible property (net of the deductions
18 allocable thereto) taken into account for the taxable
19 year with respect to a transaction with a taxpayer
20 that is required to make an addition modification with
21 respect to such transaction under Section
22 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
23 203(d)(2)(D-8), but not to exceed the amount of such
24 addition modification, and (iii) any insurance premium
25 income (net of deductions allocable thereto) taken
26 into account for the taxable year with respect to a

1 transaction with a taxpayer that is required to make
2 an addition modification with respect to such
3 transaction under Section 203(a)(2)(D-19), Section
4 203(b)(2)(E-14), Section 203(c)(2)(G-14), or Section
5 203(d)(2)(D-9), but not to exceed the amount of that
6 addition modification. This subparagraph (V) is exempt
7 from the provisions of Section 250;

8 (W) An amount equal to the interest income taken
9 into account for the taxable year (net of the
10 deductions allocable thereto) with respect to
11 transactions with (i) a foreign person who would be a
12 member of the taxpayer's unitary business group but
13 for the fact that the foreign person's business
14 activity outside the United States is 80% or more of
15 that person's total business activity and (ii) for
16 taxable years ending on or after December 31, 2008, to
17 a person who would be a member of the same unitary
18 business group but for the fact that the person is
19 prohibited under Section 1501(a)(27) from being
20 included in the unitary business group because he or
21 she is ordinarily required to apportion business
22 income under different subsections of Section 304, but
23 not to exceed the addition modification required to be
24 made for the same taxable year under Section
25 203(b)(2)(E-12) for interest paid, accrued, or
26 incurred, directly or indirectly, to the same person.

1 This subparagraph (W) is exempt from the provisions of
2 Section 250;

3 (X) An amount equal to the income from intangible
4 property taken into account for the taxable year (net
5 of the deductions allocable thereto) with respect to
6 transactions with (i) a foreign person who would be a
7 member of the taxpayer's unitary business group but
8 for the fact that the foreign person's business
9 activity outside the United States is 80% or more of
10 that person's total business activity and (ii) for
11 taxable years ending on or after December 31, 2008, to
12 a person who would be a member of the same unitary
13 business group but for the fact that the person is
14 prohibited under Section 1501(a)(27) from being
15 included in the unitary business group because he or
16 she is ordinarily required to apportion business
17 income under different subsections of Section 304, but
18 not to exceed the addition modification required to be
19 made for the same taxable year under Section
20 203(b)(2)(E-13) for intangible expenses and costs
21 paid, accrued, or incurred, directly or indirectly, to
22 the same foreign person. This subparagraph (X) is
23 exempt from the provisions of Section 250;

24 (Y) For taxable years ending on or after December
25 31, 2011, in the case of a taxpayer who was required to
26 add back any insurance premiums under Section

1 203(b)(2)(E-14), such taxpayer may elect to subtract
2 that part of a reimbursement received from the
3 insurance company equal to the amount of the expense
4 or loss (including expenses incurred by the insurance
5 company) that would have been taken into account as a
6 deduction for federal income tax purposes if the
7 expense or loss had been uninsured. If a taxpayer
8 makes the election provided for by this subparagraph
9 (Y), the insurer to which the premiums were paid must
10 add back to income the amount subtracted by the
11 taxpayer pursuant to this subparagraph (Y). This
12 subparagraph (Y) is exempt from the provisions of
13 Section 250; and

14 (Z) The difference between the nondeductible
15 controlled foreign corporation dividends under Section
16 965(e)(3) of the Internal Revenue Code over the
17 taxable income of the taxpayer, computed without
18 regard to Section 965(e)(2)(A) of the Internal Revenue
19 Code, and without regard to any net operating loss
20 deduction. This subparagraph (Z) is exempt from the
21 provisions of Section 250.

22 (3) Special rule. For purposes of paragraph (2)(A),
23 "gross income" in the case of a life insurance company,
24 for tax years ending on and after December 31, 1994, and
25 prior to December 31, 2011, shall mean the gross
26 investment income for the taxable year and, for tax years

1 ending on or after December 31, 2011, shall mean all
2 amounts included in life insurance gross income under
3 Section 803(a)(3) of the Internal Revenue Code.

4 (c) Trusts and estates.

5 (1) In general. In the case of a trust or estate, base
6 income means an amount equal to the taxpayer's taxable
7 income for the taxable year as modified by paragraph (2).

8 (2) Modifications. Subject to the provisions of
9 paragraph (3), the taxable income referred to in paragraph
10 (1) shall be modified by adding thereto the sum of the
11 following amounts:

12 (A) An amount equal to all amounts paid or accrued
13 to the taxpayer as interest or dividends during the
14 taxable year to the extent excluded from gross income
15 in the computation of taxable income;

16 (B) In the case of (i) an estate, \$600; (ii) a
17 trust which, under its governing instrument, is
18 required to distribute all of its income currently,
19 \$300; and (iii) any other trust, \$100, but in each such
20 case, only to the extent such amount was deducted in
21 the computation of taxable income;

22 (C) An amount equal to the amount of tax imposed by
23 this Act to the extent deducted from gross income in
24 the computation of taxable income for the taxable
25 year;

1 (D) The amount of any net operating loss deduction
2 taken in arriving at taxable income, other than a net
3 operating loss carried forward from a taxable year
4 ending prior to December 31, 1986;

5 (E) For taxable years in which a net operating
6 loss carryback or carryforward from a taxable year
7 ending prior to December 31, 1986 is an element of
8 taxable income under paragraph (1) of subsection (e)
9 or subparagraph (E) of paragraph (2) of subsection
10 (e), the amount by which addition modifications other
11 than those provided by this subparagraph (E) exceeded
12 subtraction modifications in such taxable year, with
13 the following limitations applied in the order that
14 they are listed:

15 (i) the addition modification relating to the
16 net operating loss carried back or forward to the
17 taxable year from any taxable year ending prior to
18 December 31, 1986 shall be reduced by the amount
19 of addition modification under this subparagraph
20 (E) which related to that net operating loss and
21 which was taken into account in calculating the
22 base income of an earlier taxable year, and

23 (ii) the addition modification relating to the
24 net operating loss carried back or forward to the
25 taxable year from any taxable year ending prior to
26 December 31, 1986 shall not exceed the amount of

1 such carryback or carryforward;

2 For taxable years in which there is a net
3 operating loss carryback or carryforward from more
4 than one other taxable year ending prior to December
5 31, 1986, the addition modification provided in this
6 subparagraph (E) shall be the sum of the amounts
7 computed independently under the preceding provisions
8 of this subparagraph (E) for each such taxable year;

9 (F) For taxable years ending on or after January
10 1, 1989, an amount equal to the tax deducted pursuant
11 to Section 164 of the Internal Revenue Code if the
12 trust or estate is claiming the same tax for purposes
13 of the Illinois foreign tax credit under Section 601
14 of this Act;

15 (G) An amount equal to the amount of the capital
16 gain deduction allowable under the Internal Revenue
17 Code, to the extent deducted from gross income in the
18 computation of taxable income;

19 (G-5) For taxable years ending after December 31,
20 1997, an amount equal to any eligible remediation
21 costs that the trust or estate deducted in computing
22 adjusted gross income and for which the trust or
23 estate claims a credit under subsection (1) of Section
24 201;

25 (G-10) For taxable years 2001 and thereafter, an
26 amount equal to the bonus depreciation deduction taken

1 on the taxpayer's federal income tax return for the
2 taxable year under subsection (k) of Section 168 of
3 the Internal Revenue Code; and

4 (G-11) If the taxpayer sells, transfers, abandons,
5 or otherwise disposes of property for which the
6 taxpayer was required in any taxable year to make an
7 addition modification under subparagraph (G-10), then
8 an amount equal to the aggregate amount of the
9 deductions taken in all taxable years under
10 subparagraph (R) with respect to that property.

11 If the taxpayer continues to own property through
12 the last day of the last tax year for which the
13 taxpayer may claim a depreciation deduction for
14 federal income tax purposes and for which the taxpayer
15 was allowed in any taxable year to make a subtraction
16 modification under subparagraph (R), then an amount
17 equal to that subtraction modification.

18 The taxpayer is required to make the addition
19 modification under this subparagraph only once with
20 respect to any one piece of property;

21 (G-12) An amount equal to the amount otherwise
22 allowed as a deduction in computing base income for
23 interest paid, accrued, or incurred, directly or
24 indirectly, (i) for taxable years ending on or after
25 December 31, 2004, to a foreign person who would be a
26 member of the same unitary business group but for the

1 fact that the foreign person's business activity
2 outside the United States is 80% or more of the foreign
3 person's total business activity and (ii) for taxable
4 years ending on or after December 31, 2008, to a person
5 who would be a member of the same unitary business
6 group but for the fact that the person is prohibited
7 under Section 1501(a)(27) from being included in the
8 unitary business group because he or she is ordinarily
9 required to apportion business income under different
10 subsections of Section 304. The addition modification
11 required by this subparagraph shall be reduced to the
12 extent that dividends were included in base income of
13 the unitary group for the same taxable year and
14 received by the taxpayer or by a member of the
15 taxpayer's unitary business group (including amounts
16 included in gross income pursuant to Sections 951
17 through 964 of the Internal Revenue Code and amounts
18 included in gross income under Section 78 of the
19 Internal Revenue Code) with respect to the stock of
20 the same person to whom the interest was paid,
21 accrued, or incurred.

22 This paragraph shall not apply to the following:

23 (i) an item of interest paid, accrued, or
24 incurred, directly or indirectly, to a person who
25 is subject in a foreign country or state, other
26 than a state which requires mandatory unitary

1 reporting, to a tax on or measured by net income
2 with respect to such interest; or

3 (ii) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a person if
5 the taxpayer can establish, based on a
6 preponderance of the evidence, both of the
7 following:

8 (a) the person, during the same taxable
9 year, paid, accrued, or incurred, the interest
10 to a person that is not a related member, and

11 (b) the transaction giving rise to the
12 interest expense between the taxpayer and the
13 person did not have as a principal purpose the
14 avoidance of Illinois income tax, and is paid
15 pursuant to a contract or agreement that
16 reflects an arm's-length interest rate and
17 terms; or

18 (iii) the taxpayer can establish, based on
19 clear and convincing evidence, that the interest
20 paid, accrued, or incurred relates to a contract
21 or agreement entered into at arm's-length rates
22 and terms and the principal purpose for the
23 payment is not federal or Illinois tax avoidance;
24 or

25 (iv) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a person if

1 the taxpayer establishes by clear and convincing
2 evidence that the adjustments are unreasonable; or
3 if the taxpayer and the Director agree in writing
4 to the application or use of an alternative method
5 of apportionment under Section 304(f).

6 Nothing in this subsection shall preclude the
7 Director from making any other adjustment
8 otherwise allowed under Section 404 of this Act
9 for any tax year beginning after the effective
10 date of this amendment provided such adjustment is
11 made pursuant to regulation adopted by the
12 Department and such regulations provide methods
13 and standards by which the Department will utilize
14 its authority under Section 404 of this Act;

15 (G-13) An amount equal to the amount of intangible
16 expenses and costs otherwise allowed as a deduction in
17 computing base income, and that were paid, accrued, or
18 incurred, directly or indirectly, (i) for taxable
19 years ending on or after December 31, 2004, to a
20 foreign person who would be a member of the same
21 unitary business group but for the fact that the
22 foreign person's business activity outside the United
23 States is 80% or more of that person's total business
24 activity and (ii) for taxable years ending on or after
25 December 31, 2008, to a person who would be a member of
26 the same unitary business group but for the fact that

1 the person is prohibited under Section 1501(a)(27)
2 from being included in the unitary business group
3 because he or she is ordinarily required to apportion
4 business income under different subsections of Section
5 304. The addition modification required by this
6 subparagraph shall be reduced to the extent that
7 dividends were included in base income of the unitary
8 group for the same taxable year and received by the
9 taxpayer or by a member of the taxpayer's unitary
10 business group (including amounts included in gross
11 income pursuant to Sections 951 through 964 of the
12 Internal Revenue Code and amounts included in gross
13 income under Section 78 of the Internal Revenue Code)
14 with respect to the stock of the same person to whom
15 the intangible expenses and costs were directly or
16 indirectly paid, incurred, or accrued. The preceding
17 sentence shall not apply to the extent that the same
18 dividends caused a reduction to the addition
19 modification required under Section 203(c)(2)(G-12) of
20 this Act. As used in this subparagraph, the term
21 "intangible expenses and costs" includes: (1)
22 expenses, losses, and costs for or related to the
23 direct or indirect acquisition, use, maintenance or
24 management, ownership, sale, exchange, or any other
25 disposition of intangible property; (2) losses
26 incurred, directly or indirectly, from factoring

1 transactions or discounting transactions; (3) royalty,
2 patent, technical, and copyright fees; (4) licensing
3 fees; and (5) other similar expenses and costs. For
4 purposes of this subparagraph, "intangible property"
5 includes patents, patent applications, trade names,
6 trademarks, service marks, copyrights, mask works,
7 trade secrets, and similar types of intangible assets.

8 This paragraph shall not apply to the following:

9 (i) any item of intangible expenses or costs
10 paid, accrued, or incurred, directly or
11 indirectly, from a transaction with a person who
12 is subject in a foreign country or state, other
13 than a state which requires mandatory unitary
14 reporting, to a tax on or measured by net income
15 with respect to such item; or

16 (ii) any item of intangible expense or cost
17 paid, accrued, or incurred, directly or
18 indirectly, if the taxpayer can establish, based
19 on a preponderance of the evidence, both of the
20 following:

21 (a) the person during the same taxable
22 year paid, accrued, or incurred, the
23 intangible expense or cost to a person that is
24 not a related member, and

25 (b) the transaction giving rise to the
26 intangible expense or cost between the

1 taxpayer and the person did not have as a
2 principal purpose the avoidance of Illinois
3 income tax, and is paid pursuant to a contract
4 or agreement that reflects arm's-length terms;
5 or

6 (iii) any item of intangible expense or cost
7 paid, accrued, or incurred, directly or
8 indirectly, from a transaction with a person if
9 the taxpayer establishes by clear and convincing
10 evidence, that the adjustments are unreasonable;
11 or if the taxpayer and the Director agree in
12 writing to the application or use of an
13 alternative method of apportionment under Section
14 304(f);

15 Nothing in this subsection shall preclude the
16 Director from making any other adjustment
17 otherwise allowed under Section 404 of this Act
18 for any tax year beginning after the effective
19 date of this amendment provided such adjustment is
20 made pursuant to regulation adopted by the
21 Department and such regulations provide methods
22 and standards by which the Department will utilize
23 its authority under Section 404 of this Act;

24 (G-14) For taxable years ending on or after
25 December 31, 2008, an amount equal to the amount of
26 insurance premium expenses and costs otherwise allowed

1 as a deduction in computing base income, and that were
2 paid, accrued, or incurred, directly or indirectly, to
3 a person who would be a member of the same unitary
4 business group but for the fact that the person is
5 prohibited under Section 1501(a)(27) from being
6 included in the unitary business group because he or
7 she is ordinarily required to apportion business
8 income under different subsections of Section 304. The
9 addition modification required by this subparagraph
10 shall be reduced to the extent that dividends were
11 included in base income of the unitary group for the
12 same taxable year and received by the taxpayer or by a
13 member of the taxpayer's unitary business group
14 (including amounts included in gross income under
15 Sections 951 through 964 of the Internal Revenue Code
16 and amounts included in gross income under Section 78
17 of the Internal Revenue Code) with respect to the
18 stock of the same person to whom the premiums and costs
19 were directly or indirectly paid, incurred, or
20 accrued. The preceding sentence does not apply to the
21 extent that the same dividends caused a reduction to
22 the addition modification required under Section
23 203(c)(2)(G-12) or Section 203(c)(2)(G-13) of this
24 Act;

25 (G-15) An amount equal to the credit allowable to
26 the taxpayer under Section 218(a) of this Act,

1 determined without regard to Section 218(c) of this
2 Act;

3 (G-16) For taxable years ending on or after
4 December 31, 2017, an amount equal to the deduction
5 allowed under Section 199 of the Internal Revenue Code
6 for the taxable year;

7 and by deducting from the total so obtained the sum of the
8 following amounts:

9 (H) An amount equal to all amounts included in
10 such total pursuant to the provisions of Sections
11 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and 408
12 of the Internal Revenue Code or included in such total
13 as distributions under the provisions of any
14 retirement or disability plan for employees of any
15 governmental agency or unit, or retirement payments to
16 retired partners, which payments are excluded in
17 computing net earnings from self employment by Section
18 1402 of the Internal Revenue Code and regulations
19 adopted pursuant thereto;

20 (I) The valuation limitation amount;

21 (J) An amount equal to the amount of any tax
22 imposed by this Act which was refunded to the taxpayer
23 and included in such total for the taxable year;

24 (K) An amount equal to all amounts included in
25 taxable income as modified by subparagraphs (A), (B),
26 (C), (D), (E), (F) and (G) which are exempt from

1 taxation by this State either by reason of its
2 statutes or Constitution or by reason of the
3 Constitution, treaties or statutes of the United
4 States; provided that, in the case of any statute of
5 this State that exempts income derived from bonds or
6 other obligations from the tax imposed under this Act,
7 the amount exempted shall be the interest net of bond
8 premium amortization;

9 (L) With the exception of any amounts subtracted
10 under subparagraph (K), an amount equal to the sum of
11 all amounts disallowed as deductions by (i) Sections
12 171(a)(2) and 265(a)(2) of the Internal Revenue Code,
13 and all amounts of expenses allocable to interest and
14 disallowed as deductions by Section 265(a)(1) of the
15 Internal Revenue Code; and (ii) for taxable years
16 ending on or after August 13, 1999, Sections
17 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
18 Internal Revenue Code, plus, (iii) for taxable years
19 ending on or after December 31, 2011, Section
20 45G(e)(3) of the Internal Revenue Code and, for
21 taxable years ending on or after December 31, 2008,
22 any amount included in gross income under Section 87
23 of the Internal Revenue Code; the provisions of this
24 subparagraph are exempt from the provisions of Section
25 250;

26 (M) An amount equal to those dividends included in

1 such total which were paid by a corporation which
2 conducts business operations in a River Edge
3 Redevelopment Zone or zones created under the River
4 Edge Redevelopment Zone Act and conducts substantially
5 all of its operations in a River Edge Redevelopment
6 Zone or zones. This subparagraph (M) is exempt from
7 the provisions of Section 250;

8 (N) An amount equal to any contribution made to a
9 job training project established pursuant to the Tax
10 Increment Allocation Redevelopment Act;

11 (O) An amount equal to those dividends included in
12 such total that were paid by a corporation that
13 conducts business operations in a federally designated
14 Foreign Trade Zone or Sub-Zone and that is designated
15 a High Impact Business located in Illinois; provided
16 that dividends eligible for the deduction provided in
17 subparagraph (M) of paragraph (2) of this subsection
18 shall not be eligible for the deduction provided under
19 this subparagraph (O);

20 (P) An amount equal to the amount of the deduction
21 used to compute the federal income tax credit for
22 restoration of substantial amounts held under claim of
23 right for the taxable year pursuant to Section 1341 of
24 the Internal Revenue Code;

25 (Q) For taxable year 1999 and thereafter, an
26 amount equal to the amount of any (i) distributions,

1 to the extent includible in gross income for federal
2 income tax purposes, made to the taxpayer because of
3 his or her status as a victim of persecution for racial
4 or religious reasons by Nazi Germany or any other Axis
5 regime or as an heir of the victim and (ii) items of
6 income, to the extent includible in gross income for
7 federal income tax purposes, attributable to, derived
8 from or in any way related to assets stolen from,
9 hidden from, or otherwise lost to a victim of
10 persecution for racial or religious reasons by Nazi
11 Germany or any other Axis regime immediately prior to,
12 during, and immediately after World War II, including,
13 but not limited to, interest on the proceeds
14 receivable as insurance under policies issued to a
15 victim of persecution for racial or religious reasons
16 by Nazi Germany or any other Axis regime by European
17 insurance companies immediately prior to and during
18 World War II; provided, however, this subtraction from
19 federal adjusted gross income does not apply to assets
20 acquired with such assets or with the proceeds from
21 the sale of such assets; provided, further, this
22 paragraph shall only apply to a taxpayer who was the
23 first recipient of such assets after their recovery
24 and who is a victim of persecution for racial or
25 religious reasons by Nazi Germany or any other Axis
26 regime or as an heir of the victim. The amount of and

1 the eligibility for any public assistance, benefit, or
2 similar entitlement is not affected by the inclusion
3 of items (i) and (ii) of this paragraph in gross income
4 for federal income tax purposes. This paragraph is
5 exempt from the provisions of Section 250;

6 (R) For taxable years 2001 and thereafter, for the
7 taxable year in which the bonus depreciation deduction
8 is taken on the taxpayer's federal income tax return
9 under subsection (k) of Section 168 of the Internal
10 Revenue Code and for each applicable taxable year
11 thereafter, an amount equal to "x", where:

12 (1) "y" equals the amount of the depreciation
13 deduction taken for the taxable year on the
14 taxpayer's federal income tax return on property
15 for which the bonus depreciation deduction was
16 taken in any year under subsection (k) of Section
17 168 of the Internal Revenue Code, but not
18 including the bonus depreciation deduction;

19 (2) for taxable years ending on or before
20 December 31, 2005, "x" equals "y" multiplied by 30
21 and then divided by 70 (or "y" multiplied by
22 0.429); and

23 (3) for taxable years ending after December
24 31, 2005:

25 (i) for property on which a bonus
26 depreciation deduction of 30% of the adjusted

1 basis was taken, "x" equals "y" multiplied by
2 30 and then divided by 70 (or "y" multiplied
3 by 0.429); and

4 (ii) for property on which a bonus
5 depreciation deduction of 50% of the adjusted
6 basis was taken, "x" equals "y" multiplied by
7 1.0.

8 The aggregate amount deducted under this
9 subparagraph in all taxable years for any one piece of
10 property may not exceed the amount of the bonus
11 depreciation deduction taken on that property on the
12 taxpayer's federal income tax return under subsection
13 (k) of Section 168 of the Internal Revenue Code. This
14 subparagraph (R) is exempt from the provisions of
15 Section 250;

16 (S) If the taxpayer sells, transfers, abandons, or
17 otherwise disposes of property for which the taxpayer
18 was required in any taxable year to make an addition
19 modification under subparagraph (G-10), then an amount
20 equal to that addition modification.

21 If the taxpayer continues to own property through
22 the last day of the last tax year for which the
23 taxpayer may claim a depreciation deduction for
24 federal income tax purposes and for which the taxpayer
25 was required in any taxable year to make an addition
26 modification under subparagraph (G-10), then an amount

1 equal to that addition modification.

2 The taxpayer is allowed to take the deduction
3 under this subparagraph only once with respect to any
4 one piece of property.

5 This subparagraph (S) is exempt from the
6 provisions of Section 250;

7 (T) The amount of (i) any interest income (net of
8 the deductions allocable thereto) taken into account
9 for the taxable year with respect to a transaction
10 with a taxpayer that is required to make an addition
11 modification with respect to such transaction under
12 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
13 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
14 the amount of such addition modification and (ii) any
15 income from intangible property (net of the deductions
16 allocable thereto) taken into account for the taxable
17 year with respect to a transaction with a taxpayer
18 that is required to make an addition modification with
19 respect to such transaction under Section
20 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
21 203(d)(2)(D-8), but not to exceed the amount of such
22 addition modification. This subparagraph (T) is exempt
23 from the provisions of Section 250;

24 (U) An amount equal to the interest income taken
25 into account for the taxable year (net of the
26 deductions allocable thereto) with respect to

1 transactions with (i) a foreign person who would be a
2 member of the taxpayer's unitary business group but
3 for the fact the foreign person's business activity
4 outside the United States is 80% or more of that
5 person's total business activity and (ii) for taxable
6 years ending on or after December 31, 2008, to a person
7 who would be a member of the same unitary business
8 group but for the fact that the person is prohibited
9 under Section 1501(a)(27) from being included in the
10 unitary business group because he or she is ordinarily
11 required to apportion business income under different
12 subsections of Section 304, but not to exceed the
13 addition modification required to be made for the same
14 taxable year under Section 203(c)(2)(G-12) for
15 interest paid, accrued, or incurred, directly or
16 indirectly, to the same person. This subparagraph (U)
17 is exempt from the provisions of Section 250;

18 (V) An amount equal to the income from intangible
19 property taken into account for the taxable year (net
20 of the deductions allocable thereto) with respect to
21 transactions with (i) a foreign person who would be a
22 member of the taxpayer's unitary business group but
23 for the fact that the foreign person's business
24 activity outside the United States is 80% or more of
25 that person's total business activity and (ii) for
26 taxable years ending on or after December 31, 2008, to

1 a person who would be a member of the same unitary
2 business group but for the fact that the person is
3 prohibited under Section 1501(a)(27) from being
4 included in the unitary business group because he or
5 she is ordinarily required to apportion business
6 income under different subsections of Section 304, but
7 not to exceed the addition modification required to be
8 made for the same taxable year under Section
9 203(c)(2)(G-13) for intangible expenses and costs
10 paid, accrued, or incurred, directly or indirectly, to
11 the same foreign person. This subparagraph (V) is
12 exempt from the provisions of Section 250;

13 (W) in the case of an estate, an amount equal to
14 all amounts included in such total pursuant to the
15 provisions of Section 111 of the Internal Revenue Code
16 as a recovery of items previously deducted by the
17 decedent from adjusted gross income in the computation
18 of taxable income. This subparagraph (W) is exempt
19 from Section 250;

20 (X) an amount equal to the refund included in such
21 total of any tax deducted for federal income tax
22 purposes, to the extent that deduction was added back
23 under subparagraph (F). This subparagraph (X) is
24 exempt from the provisions of Section 250;

25 (Y) For taxable years ending on or after December
26 31, 2011, in the case of a taxpayer who was required to

1 add back any insurance premiums under Section
2 203(c)(2)(G-14), such taxpayer may elect to subtract
3 that part of a reimbursement received from the
4 insurance company equal to the amount of the expense
5 or loss (including expenses incurred by the insurance
6 company) that would have been taken into account as a
7 deduction for federal income tax purposes if the
8 expense or loss had been uninsured. If a taxpayer
9 makes the election provided for by this subparagraph
10 (Y), the insurer to which the premiums were paid must
11 add back to income the amount subtracted by the
12 taxpayer pursuant to this subparagraph (Y). This
13 subparagraph (Y) is exempt from the provisions of
14 Section 250; and

15 (Z) For taxable years beginning after December 31,
16 2018 and before January 1, 2026, the amount of excess
17 business loss of the taxpayer disallowed as a
18 deduction by Section 461(1)(1)(B) of the Internal
19 Revenue Code.

20 (3) Limitation. The amount of any modification
21 otherwise required under this subsection shall, under
22 regulations prescribed by the Department, be adjusted by
23 any amounts included therein which were properly paid,
24 credited, or required to be distributed, or permanently
25 set aside for charitable purposes pursuant to Internal
26 Revenue Code Section 642(c) during the taxable year.

1 (d) Partnerships.

2 (1) In general. In the case of a partnership, base
3 income means an amount equal to the taxpayer's taxable
4 income for the taxable year as modified by paragraph (2).

5 (2) Modifications. The taxable income referred to in
6 paragraph (1) shall be modified by adding thereto the sum
7 of the following amounts:

8 (A) An amount equal to all amounts paid or accrued
9 to the taxpayer as interest or dividends during the
10 taxable year to the extent excluded from gross income
11 in the computation of taxable income;

12 (B) An amount equal to the amount of tax imposed by
13 this Act to the extent deducted from gross income for
14 the taxable year;

15 (C) The amount of deductions allowed to the
16 partnership pursuant to Section 707 (c) of the
17 Internal Revenue Code in calculating its taxable
18 income;

19 (D) An amount equal to the amount of the capital
20 gain deduction allowable under the Internal Revenue
21 Code, to the extent deducted from gross income in the
22 computation of taxable income;

23 (D-5) For taxable years 2001 and thereafter, an
24 amount equal to the bonus depreciation deduction taken
25 on the taxpayer's federal income tax return for the

1 taxable year under subsection (k) of Section 168 of
2 the Internal Revenue Code;

3 (D-6) If the taxpayer sells, transfers, abandons,
4 or otherwise disposes of property for which the
5 taxpayer was required in any taxable year to make an
6 addition modification under subparagraph (D-5), then
7 an amount equal to the aggregate amount of the
8 deductions taken in all taxable years under
9 subparagraph (O) with respect to that property.

10 If the taxpayer continues to own property through
11 the last day of the last tax year for which the
12 taxpayer may claim a depreciation deduction for
13 federal income tax purposes and for which the taxpayer
14 was allowed in any taxable year to make a subtraction
15 modification under subparagraph (O), then an amount
16 equal to that subtraction modification.

17 The taxpayer is required to make the addition
18 modification under this subparagraph only once with
19 respect to any one piece of property;

20 (D-7) An amount equal to the amount otherwise
21 allowed as a deduction in computing base income for
22 interest paid, accrued, or incurred, directly or
23 indirectly, (i) for taxable years ending on or after
24 December 31, 2004, to a foreign person who would be a
25 member of the same unitary business group but for the
26 fact the foreign person's business activity outside

1 the United States is 80% or more of the foreign
2 person's total business activity and (ii) for taxable
3 years ending on or after December 31, 2008, to a person
4 who would be a member of the same unitary business
5 group but for the fact that the person is prohibited
6 under Section 1501(a)(27) from being included in the
7 unitary business group because he or she is ordinarily
8 required to apportion business income under different
9 subsections of Section 304. The addition modification
10 required by this subparagraph shall be reduced to the
11 extent that dividends were included in base income of
12 the unitary group for the same taxable year and
13 received by the taxpayer or by a member of the
14 taxpayer's unitary business group (including amounts
15 included in gross income pursuant to Sections 951
16 through 964 of the Internal Revenue Code and amounts
17 included in gross income under Section 78 of the
18 Internal Revenue Code) with respect to the stock of
19 the same person to whom the interest was paid,
20 accrued, or incurred.

21 This paragraph shall not apply to the following:

22 (i) an item of interest paid, accrued, or
23 incurred, directly or indirectly, to a person who
24 is subject in a foreign country or state, other
25 than a state which requires mandatory unitary
26 reporting, to a tax on or measured by net income

1 with respect to such interest; or

2 (ii) an item of interest paid, accrued, or
3 incurred, directly or indirectly, to a person if
4 the taxpayer can establish, based on a
5 preponderance of the evidence, both of the
6 following:

7 (a) the person, during the same taxable
8 year, paid, accrued, or incurred, the interest
9 to a person that is not a related member, and

10 (b) the transaction giving rise to the
11 interest expense between the taxpayer and the
12 person did not have as a principal purpose the
13 avoidance of Illinois income tax, and is paid
14 pursuant to a contract or agreement that
15 reflects an arm's-length interest rate and
16 terms; or

17 (iii) the taxpayer can establish, based on
18 clear and convincing evidence, that the interest
19 paid, accrued, or incurred relates to a contract
20 or agreement entered into at arm's-length rates
21 and terms and the principal purpose for the
22 payment is not federal or Illinois tax avoidance;
23 or

24 (iv) an item of interest paid, accrued, or
25 incurred, directly or indirectly, to a person if
26 the taxpayer establishes by clear and convincing

1 evidence that the adjustments are unreasonable; or
2 if the taxpayer and the Director agree in writing
3 to the application or use of an alternative method
4 of apportionment under Section 304(f).

5 Nothing in this subsection shall preclude the
6 Director from making any other adjustment
7 otherwise allowed under Section 404 of this Act
8 for any tax year beginning after the effective
9 date of this amendment provided such adjustment is
10 made pursuant to regulation adopted by the
11 Department and such regulations provide methods
12 and standards by which the Department will utilize
13 its authority under Section 404 of this Act; and

14 (D-8) An amount equal to the amount of intangible
15 expenses and costs otherwise allowed as a deduction in
16 computing base income, and that were paid, accrued, or
17 incurred, directly or indirectly, (i) for taxable
18 years ending on or after December 31, 2004, to a
19 foreign person who would be a member of the same
20 unitary business group but for the fact that the
21 foreign person's business activity outside the United
22 States is 80% or more of that person's total business
23 activity and (ii) for taxable years ending on or after
24 December 31, 2008, to a person who would be a member of
25 the same unitary business group but for the fact that
26 the person is prohibited under Section 1501(a)(27)

1 from being included in the unitary business group
2 because he or she is ordinarily required to apportion
3 business income under different subsections of Section
4 304. The addition modification required by this
5 subparagraph shall be reduced to the extent that
6 dividends were included in base income of the unitary
7 group for the same taxable year and received by the
8 taxpayer or by a member of the taxpayer's unitary
9 business group (including amounts included in gross
10 income pursuant to Sections 951 through 964 of the
11 Internal Revenue Code and amounts included in gross
12 income under Section 78 of the Internal Revenue Code)
13 with respect to the stock of the same person to whom
14 the intangible expenses and costs were directly or
15 indirectly paid, incurred or accrued. The preceding
16 sentence shall not apply to the extent that the same
17 dividends caused a reduction to the addition
18 modification required under Section 203(d)(2)(D-7) of
19 this Act. As used in this subparagraph, the term
20 "intangible expenses and costs" includes (1) expenses,
21 losses, and costs for, or related to, the direct or
22 indirect acquisition, use, maintenance or management,
23 ownership, sale, exchange, or any other disposition of
24 intangible property; (2) losses incurred, directly or
25 indirectly, from factoring transactions or discounting
26 transactions; (3) royalty, patent, technical, and

1 copyright fees; (4) licensing fees; and (5) other
2 similar expenses and costs. For purposes of this
3 subparagraph, "intangible property" includes patents,
4 patent applications, trade names, trademarks, service
5 marks, copyrights, mask works, trade secrets, and
6 similar types of intangible assets;

7 This paragraph shall not apply to the following:

8 (i) any item of intangible expenses or costs
9 paid, accrued, or incurred, directly or
10 indirectly, from a transaction with a person who
11 is subject in a foreign country or state, other
12 than a state which requires mandatory unitary
13 reporting, to a tax on or measured by net income
14 with respect to such item; or

15 (ii) any item of intangible expense or cost
16 paid, accrued, or incurred, directly or
17 indirectly, if the taxpayer can establish, based
18 on a preponderance of the evidence, both of the
19 following:

20 (a) the person during the same taxable
21 year paid, accrued, or incurred, the
22 intangible expense or cost to a person that is
23 not a related member, and

24 (b) the transaction giving rise to the
25 intangible expense or cost between the
26 taxpayer and the person did not have as a

1 principal purpose the avoidance of Illinois
2 income tax, and is paid pursuant to a contract
3 or agreement that reflects arm's-length terms;
4 or

5 (iii) any item of intangible expense or cost
6 paid, accrued, or incurred, directly or
7 indirectly, from a transaction with a person if
8 the taxpayer establishes by clear and convincing
9 evidence, that the adjustments are unreasonable;
10 or if the taxpayer and the Director agree in
11 writing to the application or use of an
12 alternative method of apportionment under Section
13 304(f);

14 Nothing in this subsection shall preclude the
15 Director from making any other adjustment
16 otherwise allowed under Section 404 of this Act
17 for any tax year beginning after the effective
18 date of this amendment provided such adjustment is
19 made pursuant to regulation adopted by the
20 Department and such regulations provide methods
21 and standards by which the Department will utilize
22 its authority under Section 404 of this Act;

23 (D-9) For taxable years ending on or after
24 December 31, 2008, an amount equal to the amount of
25 insurance premium expenses and costs otherwise allowed
26 as a deduction in computing base income, and that were

1 paid, accrued, or incurred, directly or indirectly, to
2 a person who would be a member of the same unitary
3 business group but for the fact that the person is
4 prohibited under Section 1501(a)(27) from being
5 included in the unitary business group because he or
6 she is ordinarily required to apportion business
7 income under different subsections of Section 304. The
8 addition modification required by this subparagraph
9 shall be reduced to the extent that dividends were
10 included in base income of the unitary group for the
11 same taxable year and received by the taxpayer or by a
12 member of the taxpayer's unitary business group
13 (including amounts included in gross income under
14 Sections 951 through 964 of the Internal Revenue Code
15 and amounts included in gross income under Section 78
16 of the Internal Revenue Code) with respect to the
17 stock of the same person to whom the premiums and costs
18 were directly or indirectly paid, incurred, or
19 accrued. The preceding sentence does not apply to the
20 extent that the same dividends caused a reduction to
21 the addition modification required under Section
22 203(d)(2)(D-7) or Section 203(d)(2)(D-8) of this Act;

23 (D-10) An amount equal to the credit allowable to
24 the taxpayer under Section 218(a) of this Act,
25 determined without regard to Section 218(c) of this
26 Act;

1 (D-11) For taxable years ending on or after
2 December 31, 2017, an amount equal to the deduction
3 allowed under Section 199 of the Internal Revenue Code
4 for the taxable year;

5 and by deducting from the total so obtained the following
6 amounts:

7 (E) The valuation limitation amount;

8 (F) An amount equal to the amount of any tax
9 imposed by this Act which was refunded to the taxpayer
10 and included in such total for the taxable year;

11 (G) An amount equal to all amounts included in
12 taxable income as modified by subparagraphs (A), (B),
13 (C) and (D) which are exempt from taxation by this
14 State either by reason of its statutes or Constitution
15 or by reason of the Constitution, treaties or statutes
16 of the United States; provided that, in the case of any
17 statute of this State that exempts income derived from
18 bonds or other obligations from the tax imposed under
19 this Act, the amount exempted shall be the interest
20 net of bond premium amortization;

21 (H) Any income of the partnership which
22 constitutes personal service income as defined in
23 Section 1348(b)(1) of the Internal Revenue Code (as in
24 effect December 31, 1981) or a reasonable allowance
25 for compensation paid or accrued for services rendered
26 by partners to the partnership, whichever is greater;

1 this subparagraph (H) is exempt from the provisions of
2 Section 250;

3 (I) An amount equal to all amounts of income
4 distributable to an entity subject to the Personal
5 Property Tax Replacement Income Tax imposed by
6 subsections (c) and (d) of Section 201 of this Act
7 including amounts distributable to organizations
8 exempt from federal income tax by reason of Section
9 501(a) of the Internal Revenue Code; this subparagraph
10 (I) is exempt from the provisions of Section 250;

11 (J) With the exception of any amounts subtracted
12 under subparagraph (G), an amount equal to the sum of
13 all amounts disallowed as deductions by (i) Sections
14 171(a)(2), 265(a)(2) of the Internal Revenue Code,
15 and all amounts of expenses allocable to interest and
16 disallowed as deductions by Section 265(a)(1) of the
17 Internal Revenue Code; and (ii) for taxable years
18 ending on or after August 13, 1999, Sections
19 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
20 Internal Revenue Code, plus, (iii) for taxable years
21 ending on or after December 31, 2011, Section
22 45G(e)(3) of the Internal Revenue Code and, for
23 taxable years ending on or after December 31, 2008,
24 any amount included in gross income under Section 87
25 of the Internal Revenue Code; the provisions of this
26 subparagraph are exempt from the provisions of Section

1 250;

2 (K) An amount equal to those dividends included in
3 such total which were paid by a corporation which
4 conducts business operations in a River Edge
5 Redevelopment Zone or zones created under the River
6 Edge Redevelopment Zone Act and conducts substantially
7 all of its operations from a River Edge Redevelopment
8 Zone or zones. This subparagraph (K) is exempt from
9 the provisions of Section 250;

10 (L) An amount equal to any contribution made to a
11 job training project established pursuant to the Real
12 Property Tax Increment Allocation Redevelopment Act;

13 (M) An amount equal to those dividends included in
14 such total that were paid by a corporation that
15 conducts business operations in a federally designated
16 Foreign Trade Zone or Sub-Zone and that is designated
17 a High Impact Business located in Illinois; provided
18 that dividends eligible for the deduction provided in
19 subparagraph (K) of paragraph (2) of this subsection
20 shall not be eligible for the deduction provided under
21 this subparagraph (M);

22 (N) An amount equal to the amount of the deduction
23 used to compute the federal income tax credit for
24 restoration of substantial amounts held under claim of
25 right for the taxable year pursuant to Section 1341 of
26 the Internal Revenue Code;

1 (O) For taxable years 2001 and thereafter, for the
2 taxable year in which the bonus depreciation deduction
3 is taken on the taxpayer's federal income tax return
4 under subsection (k) of Section 168 of the Internal
5 Revenue Code and for each applicable taxable year
6 thereafter, an amount equal to "x", where:

7 (1) "y" equals the amount of the depreciation
8 deduction taken for the taxable year on the
9 taxpayer's federal income tax return on property
10 for which the bonus depreciation deduction was
11 taken in any year under subsection (k) of Section
12 168 of the Internal Revenue Code, but not
13 including the bonus depreciation deduction;

14 (2) for taxable years ending on or before
15 December 31, 2005, "x" equals "y" multiplied by 30
16 and then divided by 70 (or "y" multiplied by
17 0.429); and

18 (3) for taxable years ending after December
19 31, 2005:

20 (i) for property on which a bonus
21 depreciation deduction of 30% of the adjusted
22 basis was taken, "x" equals "y" multiplied by
23 30 and then divided by 70 (or "y" multiplied
24 by 0.429); and

25 (ii) for property on which a bonus
26 depreciation deduction of 50% of the adjusted

1 basis was taken, "x" equals "y" multiplied by
2 1.0.

3 The aggregate amount deducted under this
4 subparagraph in all taxable years for any one piece of
5 property may not exceed the amount of the bonus
6 depreciation deduction taken on that property on the
7 taxpayer's federal income tax return under subsection
8 (k) of Section 168 of the Internal Revenue Code. This
9 subparagraph (O) is exempt from the provisions of
10 Section 250;

11 (P) If the taxpayer sells, transfers, abandons, or
12 otherwise disposes of property for which the taxpayer
13 was required in any taxable year to make an addition
14 modification under subparagraph (D-5), then an amount
15 equal to that addition modification.

16 If the taxpayer continues to own property through
17 the last day of the last tax year for which the
18 taxpayer may claim a depreciation deduction for
19 federal income tax purposes and for which the taxpayer
20 was required in any taxable year to make an addition
21 modification under subparagraph (D-5), then an amount
22 equal to that addition modification.

23 The taxpayer is allowed to take the deduction
24 under this subparagraph only once with respect to any
25 one piece of property.

26 This subparagraph (P) is exempt from the

1 provisions of Section 250;

2 (Q) The amount of (i) any interest income (net of
3 the deductions allocable thereto) taken into account
4 for the taxable year with respect to a transaction
5 with a taxpayer that is required to make an addition
6 modification with respect to such transaction under
7 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
8 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
9 the amount of such addition modification and (ii) any
10 income from intangible property (net of the deductions
11 allocable thereto) taken into account for the taxable
12 year with respect to a transaction with a taxpayer
13 that is required to make an addition modification with
14 respect to such transaction under Section
15 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
16 203(d)(2)(D-8), but not to exceed the amount of such
17 addition modification. This subparagraph (Q) is exempt
18 from Section 250;

19 (R) An amount equal to the interest income taken
20 into account for the taxable year (net of the
21 deductions allocable thereto) with respect to
22 transactions with (i) a foreign person who would be a
23 member of the taxpayer's unitary business group but
24 for the fact that the foreign person's business
25 activity outside the United States is 80% or more of
26 that person's total business activity and (ii) for

1 taxable years ending on or after December 31, 2008, to
2 a person who would be a member of the same unitary
3 business group but for the fact that the person is
4 prohibited under Section 1501(a)(27) from being
5 included in the unitary business group because he or
6 she is ordinarily required to apportion business
7 income under different subsections of Section 304, but
8 not to exceed the addition modification required to be
9 made for the same taxable year under Section
10 203(d)(2)(D-7) for interest paid, accrued, or
11 incurred, directly or indirectly, to the same person.
12 This subparagraph (R) is exempt from Section 250;

13 (S) An amount equal to the income from intangible
14 property taken into account for the taxable year (net
15 of the deductions allocable thereto) with respect to
16 transactions with (i) a foreign person who would be a
17 member of the taxpayer's unitary business group but
18 for the fact that the foreign person's business
19 activity outside the United States is 80% or more of
20 that person's total business activity and (ii) for
21 taxable years ending on or after December 31, 2008, to
22 a person who would be a member of the same unitary
23 business group but for the fact that the person is
24 prohibited under Section 1501(a)(27) from being
25 included in the unitary business group because he or
26 she is ordinarily required to apportion business

1 income under different subsections of Section 304, but
2 not to exceed the addition modification required to be
3 made for the same taxable year under Section
4 203(d)(2)(D-8) for intangible expenses and costs paid,
5 accrued, or incurred, directly or indirectly, to the
6 same person. This subparagraph (S) is exempt from
7 Section 250; and

8 (T) For taxable years ending on or after December
9 31, 2011, in the case of a taxpayer who was required to
10 add back any insurance premiums under Section
11 203(d)(2)(D-9), such taxpayer may elect to subtract
12 that part of a reimbursement received from the
13 insurance company equal to the amount of the expense
14 or loss (including expenses incurred by the insurance
15 company) that would have been taken into account as a
16 deduction for federal income tax purposes if the
17 expense or loss had been uninsured. If a taxpayer
18 makes the election provided for by this subparagraph
19 (T), the insurer to which the premiums were paid must
20 add back to income the amount subtracted by the
21 taxpayer pursuant to this subparagraph (T). This
22 subparagraph (T) is exempt from the provisions of
23 Section 250.

24 (e) Gross income; adjusted gross income; taxable income.

25 (1) In general. Subject to the provisions of paragraph

1 (2) and subsection (b)(3), for purposes of this Section
2 and Section 803(e), a taxpayer's gross income, adjusted
3 gross income, or taxable income for the taxable year shall
4 mean the amount of gross income, adjusted gross income or
5 taxable income properly reportable for federal income tax
6 purposes for the taxable year under the provisions of the
7 Internal Revenue Code. Taxable income may be less than
8 zero. However, for taxable years ending on or after
9 December 31, 1986, net operating loss carryforwards from
10 taxable years ending prior to December 31, 1986, may not
11 exceed the sum of federal taxable income for the taxable
12 year before net operating loss deduction, plus the excess
13 of addition modifications over subtraction modifications
14 for the taxable year. For taxable years ending prior to
15 December 31, 1986, taxable income may never be an amount
16 in excess of the net operating loss for the taxable year as
17 defined in subsections (c) and (d) of Section 172 of the
18 Internal Revenue Code, provided that when taxable income
19 of a corporation (other than a Subchapter S corporation),
20 trust, or estate is less than zero and addition
21 modifications, other than those provided by subparagraph
22 (E) of paragraph (2) of subsection (b) for corporations or
23 subparagraph (E) of paragraph (2) of subsection (c) for
24 trusts and estates, exceed subtraction modifications, an
25 addition modification must be made under those
26 subparagraphs for any other taxable year to which the

1 taxable income less than zero (net operating loss) is
2 applied under Section 172 of the Internal Revenue Code or
3 under subparagraph (E) of paragraph (2) of this subsection
4 (e) applied in conjunction with Section 172 of the
5 Internal Revenue Code.

6 (2) Special rule. For purposes of paragraph (1) of
7 this subsection, the taxable income properly reportable
8 for federal income tax purposes shall mean:

9 (A) Certain life insurance companies. In the case
10 of a life insurance company subject to the tax imposed
11 by Section 801 of the Internal Revenue Code, life
12 insurance company taxable income, plus the amount of
13 distribution from pre-1984 policyholder surplus
14 accounts as calculated under Section 815a of the
15 Internal Revenue Code;

16 (B) Certain other insurance companies. In the case
17 of mutual insurance companies subject to the tax
18 imposed by Section 831 of the Internal Revenue Code,
19 insurance company taxable income;

20 (C) Regulated investment companies. In the case of
21 a regulated investment company subject to the tax
22 imposed by Section 852 of the Internal Revenue Code,
23 investment company taxable income;

24 (D) Real estate investment trusts. In the case of
25 a real estate investment trust subject to the tax
26 imposed by Section 857 of the Internal Revenue Code,

1 real estate investment trust taxable income;

2 (E) Consolidated corporations. In the case of a
3 corporation which is a member of an affiliated group
4 of corporations filing a consolidated income tax
5 return for the taxable year for federal income tax
6 purposes, taxable income determined as if such
7 corporation had filed a separate return for federal
8 income tax purposes for the taxable year and each
9 preceding taxable year for which it was a member of an
10 affiliated group. For purposes of this subparagraph,
11 the taxpayer's separate taxable income shall be
12 determined as if the election provided by Section
13 243(b)(2) of the Internal Revenue Code had been in
14 effect for all such years;

15 (F) Cooperatives. In the case of a cooperative
16 corporation or association, the taxable income of such
17 organization determined in accordance with the
18 provisions of Section 1381 through 1388 of the
19 Internal Revenue Code, but without regard to the
20 prohibition against offsetting losses from patronage
21 activities against income from nonpatronage
22 activities; except that a cooperative corporation or
23 association may make an election to follow its federal
24 income tax treatment of patronage losses and
25 nonpatronage losses. In the event such election is
26 made, such losses shall be computed and carried over

1 in a manner consistent with subsection (a) of Section
2 207 of this Act and apportioned by the apportionment
3 factor reported by the cooperative on its Illinois
4 income tax return filed for the taxable year in which
5 the losses are incurred. The election shall be
6 effective for all taxable years with original returns
7 due on or after the date of the election. In addition,
8 the cooperative may file an amended return or returns,
9 as allowed under this Act, to provide that the
10 election shall be effective for losses incurred or
11 carried forward for taxable years occurring prior to
12 the date of the election. Once made, the election may
13 only be revoked upon approval of the Director. The
14 Department shall adopt rules setting forth
15 requirements for documenting the elections and any
16 resulting Illinois net loss and the standards to be
17 used by the Director in evaluating requests to revoke
18 elections. Public Act 96-932 is declaratory of
19 existing law;

20 (G) Subchapter S corporations. In the case of: (i)
21 a Subchapter S corporation for which there is in
22 effect an election for the taxable year under Section
23 1362 of the Internal Revenue Code, the taxable income
24 of such corporation determined in accordance with
25 Section 1363(b) of the Internal Revenue Code, except
26 that taxable income shall take into account those

1 items which are required by Section 1363(b)(1) of the
2 Internal Revenue Code to be separately stated; and
3 (ii) a Subchapter S corporation for which there is in
4 effect a federal election to opt out of the provisions
5 of the Subchapter S Revision Act of 1982 and have
6 applied instead the prior federal Subchapter S rules
7 as in effect on July 1, 1982, the taxable income of
8 such corporation determined in accordance with the
9 federal Subchapter S rules as in effect on July 1,
10 1982; and

11 (H) Partnerships. In the case of a partnership,
12 taxable income determined in accordance with Section
13 703 of the Internal Revenue Code, except that taxable
14 income shall take into account those items which are
15 required by Section 703(a)(1) to be separately stated
16 but which would be taken into account by an individual
17 in calculating his taxable income.

18 (3) Recapture of business expenses on disposition of
19 asset or business. Notwithstanding any other law to the
20 contrary, if in prior years income from an asset or
21 business has been classified as business income and in a
22 later year is demonstrated to be non-business income, then
23 all expenses, without limitation, deducted in such later
24 year and in the 2 immediately preceding taxable years
25 related to that asset or business that generated the
26 non-business income shall be added back and recaptured as

1 business income in the year of the disposition of the
2 asset or business. Such amount shall be apportioned to
3 Illinois using the greater of the apportionment fraction
4 computed for the business under Section 304 of this Act
5 for the taxable year or the average of the apportionment
6 fractions computed for the business under Section 304 of
7 this Act for the taxable year and for the 2 immediately
8 preceding taxable years.

9 (f) Valuation limitation amount.

10 (1) In general. The valuation limitation amount
11 referred to in subsections (a)(2)(G), (c)(2)(I) and
12 (d)(2)(E) is an amount equal to:

13 (A) The sum of the pre-August 1, 1969 appreciation
14 amounts (to the extent consisting of gain reportable
15 under the provisions of Section 1245 or 1250 of the
16 Internal Revenue Code) for all property in respect of
17 which such gain was reported for the taxable year;
18 plus

19 (B) The lesser of (i) the sum of the pre-August 1,
20 1969 appreciation amounts (to the extent consisting of
21 capital gain) for all property in respect of which
22 such gain was reported for federal income tax purposes
23 for the taxable year, or (ii) the net capital gain for
24 the taxable year, reduced in either case by any amount
25 of such gain included in the amount determined under

1 subsection (a) (2) (F) or (c) (2) (H) .

2 (2) Pre-August 1, 1969 appreciation amount.

3 (A) If the fair market value of property referred
4 to in paragraph (1) was readily ascertainable on
5 August 1, 1969, the pre-August 1, 1969 appreciation
6 amount for such property is the lesser of (i) the
7 excess of such fair market value over the taxpayer's
8 basis (for determining gain) for such property on that
9 date (determined under the Internal Revenue Code as in
10 effect on that date), or (ii) the total gain realized
11 and reportable for federal income tax purposes in
12 respect of the sale, exchange or other disposition of
13 such property.

14 (B) If the fair market value of property referred
15 to in paragraph (1) was not readily ascertainable on
16 August 1, 1969, the pre-August 1, 1969 appreciation
17 amount for such property is that amount which bears
18 the same ratio to the total gain reported in respect of
19 the property for federal income tax purposes for the
20 taxable year, as the number of full calendar months in
21 that part of the taxpayer's holding period for the
22 property ending July 31, 1969 bears to the number of
23 full calendar months in the taxpayer's entire holding
24 period for the property.

25 (C) The Department shall prescribe such
26 regulations as may be necessary to carry out the

1 purposes of this paragraph.

2 (g) Double deductions. Unless specifically provided
3 otherwise, nothing in this Section shall permit the same item
4 to be deducted more than once.

5 (h) Legislative intention. Except as expressly provided by
6 this Section there shall be no modifications or limitations on
7 the amounts of income, gain, loss or deduction taken into
8 account in determining gross income, adjusted gross income or
9 taxable income for federal income tax purposes for the taxable
10 year, or in the amount of such items entering into the
11 computation of base income and net income under this Act for
12 such taxable year, whether in respect of property values as of
13 August 1, 1969 or otherwise.

14 (Source: P.A. 100-22, eff. 7-6-17; 100-905, eff. 8-17-18;
15 101-9, eff. 6-5-19; 101-81, eff. 7-12-19; revised 9-20-19.)

16 (35 ILCS 5/229)

17 Sec. 229. Data center construction employment tax credit.

18 (a) A taxpayer who has been awarded a credit by the
19 Department of Commerce and Economic Opportunity under Section
20 605-1025 of the Department of Commerce and Economic
21 Opportunity Law of the Civil Administrative Code of Illinois
22 is entitled to a credit against the taxes imposed under
23 subsections (a) and (b) of Section 201 of this Act. The amount

1 of the credit shall be 20% of the wages paid during the taxable
2 year to a full-time or part-time employee of a construction
3 contractor employed by a certified data center if those wages
4 are paid for the construction of a new data center in a
5 geographic area that meets any one of the following criteria:

6 (1) the area has a poverty rate of at least 20%,
7 according to the U.S. Census Bureau American Community
8 Survey 5-Year Estimates;

9 (2) 75% or more of the children in the area
10 participate in the federal free lunch program, according
11 to reported statistics from the State Board of Education;

12 (3) 20% or more of the households in the area receive
13 assistance under the Supplemental Nutrition Assistance
14 Program (SNAP), according to data from the U.S. Census
15 Bureau American Community Survey 5-year Estimates; or

16 (4) the area has an average unemployment rate, as
17 determined by the Department of Employment Security, that
18 is more than 120% of the national unemployment average, as
19 determined by the U.S. Department of Labor, for a period
20 of at least 2 consecutive calendar years preceding the
21 date of the application.

22 If the taxpayer is a partnership, a Subchapter S
23 corporation, or a limited liability company that has elected
24 partnership tax treatment, the credit shall be allowed to the
25 partners, shareholders, or members in accordance with the
26 determination of income and distributive share of income under

1 Sections 702 and 704 and subchapter S of the Internal Revenue
2 Code, as applicable. The Department, in cooperation with the
3 Department of Commerce and Economic Opportunity, shall adopt
4 rules to enforce and administer this Section. This Section is
5 exempt from the provisions of Section 250 of this Act.

6 (b) In no event shall a credit under this Section reduce
7 the taxpayer's liability to less than zero. If the amount of
8 the credit exceeds the tax liability for the year, the excess
9 may be carried forward and applied to the tax liability of the
10 5 taxable years following the excess credit year. The tax
11 credit shall be applied to the earliest year for which there is
12 a tax liability. If there are credits for more than one year
13 that are available to offset a liability, the earlier credit
14 shall be applied first.

15 (c) No credit shall be allowed with respect to any
16 certification for any taxable year ending after the revocation
17 of the certification by the Department of Commerce and
18 Economic Opportunity. Upon receiving notification by the
19 Department of Commerce and Economic Opportunity of the
20 revocation of certification, the Department shall notify the
21 taxpayer that no credit is allowed for any taxable year ending
22 after the revocation date, as stated in such notification. If
23 any credit has been allowed with respect to a certification
24 for a taxable year ending after the revocation date, any
25 refund paid to the taxpayer for that taxable year shall, to the
26 extent of that credit allowed, be an erroneous refund within

1 the meaning of Section 912 of this Act.

2 (Source: P.A. 101-31, eff. 6-28-19; 101-604, eff. 12-13-19.)

3 (35 ILCS 5/230)

4 (This Section was added by P.A. 101-8, which did not take
5 effect (see Section 99 of P.A. 101-8))

6 Sec. 230 ~~229~~. Child tax credit.

7 (a) For taxable years beginning on or after January 1,
8 2021, there shall be allowed as a credit against the tax
9 imposed by Section 201 for the taxable year with respect to
10 each child of the taxpayer who is under the age of 17 and for
11 whom the taxpayer is allowed an additional exemption under
12 Section 204 an amount equal to \$100.

13 (b) The amount of the credit allowed under subsection (a)
14 shall be reduced by \$5 for each \$2,000 by which the taxpayer's
15 net income exceeds \$60,000 in the case of a joint return or
16 exceeds \$40,000 in the case of any other form of return.

17 (c) In no event shall a credit under this Section reduce
18 the taxpayer's liability to less than zero.

19 (d) This Section is exempt from the provisions of Section
20 250.

21 (Source: P.A. 101-8, see Section 99 for effective date;
22 revised 11-18-20.)

23 (35 ILCS 5/231)

24 Sec. 231 ~~229~~. Apprenticeship education expense credit.

1 (a) As used in this Section:

2 "Department" means the Department of Commerce and Economic
3 Opportunity.

4 "Employer" means an Illinois taxpayer who is the employer
5 of the qualifying apprentice.

6 "Qualifying apprentice" means an individual who: (i) is a
7 resident of the State of Illinois; (ii) is at least 16 years
8 old at the close of the school year for which a credit is
9 sought; (iii) during the school year for which a credit is
10 sought, was a full-time apprentice enrolled in an
11 apprenticeship program which is registered with the United
12 States Department of Labor, Office of Apprenticeship; and (iv)
13 is employed in Illinois by the taxpayer who is the employer.

14 "Qualified education expense" means the amount incurred on
15 behalf of a qualifying apprentice not to exceed \$3,500 for
16 tuition, book fees, and lab fees at the school or community
17 college in which the apprentice is enrolled during the regular
18 school year.

19 "School" means any public or nonpublic secondary school in
20 Illinois that is: (i) an institution of higher education that
21 provides a program that leads to an industry-recognized
22 postsecondary credential or degree; (ii) an entity that
23 carries out programs registered under the federal National
24 Apprenticeship Act; or (iii) another public or private
25 provider of a program of training services, which may include
26 a joint labor-management organization.

1 (b) For taxable years beginning on or after January 1,
2 2020, and beginning on or before January 1, 2025, the employer
3 of one or more qualifying apprentices shall be allowed a
4 credit against the tax imposed by subsections (a) and (b) of
5 Section 201 of the Illinois Income Tax Act for qualified
6 education expenses incurred on behalf of a qualifying
7 apprentice. The credit shall be equal to 100% of the qualified
8 education expenses, but in no event may the total credit
9 amount awarded to a single taxpayer in a single taxable year
10 exceed \$3,500 per qualifying apprentice. A taxpayer shall be
11 entitled to an additional \$1,500 credit against the tax
12 imposed by subsections (a) and (b) of Section 201 of the
13 Illinois Income Tax Act if (i) the qualifying apprentice
14 resides in an underserved area as defined in Section 5-5 of the
15 Economic Development for a Growing Economy Tax Credit Act
16 during the school year for which a credit is sought by an
17 employer or (ii) the employer's principal place of business is
18 located in an underserved area, as defined in Section 5-5 of
19 the Economic Development for a Growing Economy Tax Credit Act.
20 In no event shall a credit under this Section reduce the
21 taxpayer's liability under this Act to less than zero. For
22 partners, shareholders of Subchapter S corporations, and
23 owners of limited liability companies, if the liability
24 company is treated as a partnership for purposes of federal
25 and State income taxation, there shall be allowed a credit
26 under this Section to be determined in accordance with the

1 determination of income and distributive share of income under
2 Sections 702 and 704 and Subchapter S of the Internal Revenue
3 Code.

4 (c) The Department shall implement a program to certify
5 applicants for an apprenticeship credit under this Section.
6 Upon satisfactory review, the Department shall issue a tax
7 credit certificate to an employer incurring costs on behalf of
8 a qualifying apprentice stating the amount of the tax credit
9 to which the employer is entitled. If the employer is seeking a
10 tax credit for multiple qualifying apprentices, the Department
11 may issue a single tax credit certificate that encompasses the
12 aggregate total of tax credits for qualifying apprentices for
13 a single employer.

14 (d) The Department, in addition to those powers granted
15 under the Civil Administrative Code of Illinois, is granted
16 and shall have all the powers necessary or convenient to carry
17 out and effectuate the purposes and provisions of this
18 Section, including, but not limited to, power and authority
19 to:

20 (1) Adopt rules deemed necessary and appropriate for
21 the administration of this Section; establish forms for
22 applications, notifications, contracts, or any other
23 agreements; and accept applications at any time during the
24 year and require that all applications be submitted via
25 the Internet. The Department shall require that
26 applications be submitted in electronic form.

1 (2) Provide guidance and assistance to applicants
2 pursuant to the provisions of this Section and cooperate
3 with applicants to promote, foster, and support job
4 creation within the State.

5 (3) Enter into agreements and memoranda of
6 understanding for participation of and engage in
7 cooperation with agencies of the federal government, units
8 of local government, universities, research foundations or
9 institutions, regional economic development corporations,
10 or other organizations for the purposes of this Section.

11 (4) Gather information and conduct inquiries, in the
12 manner and by the methods it deems desirable, including,
13 without limitation, gathering information with respect to
14 applicants for the purpose of making any designations or
15 certifications necessary or desirable or to gather
16 information in furtherance of the purposes of this Act.

17 (5) Establish, negotiate, and effectuate any term,
18 agreement, or other document with any person necessary or
19 appropriate to accomplish the purposes of this Section,
20 and consent, subject to the provisions of any agreement
21 with another party, to the modification or restructuring
22 of any agreement to which the Department is a party.

23 (6) Provide for sufficient personnel to permit
24 administration, staffing, operation, and related support
25 required to adequately discharge its duties and
26 responsibilities described in this Section from funds made

1 available through charges to applicants or from funds as
2 may be appropriated by the General Assembly for the
3 administration of this Section.

4 (7) Require applicants, upon written request, to issue
5 any necessary authorization to the appropriate federal,
6 State, or local authority or any other person for the
7 release to the Department of information requested by the
8 Department, including, but not be limited to, financial
9 reports, returns, or records relating to the applicant or
10 to the amount of credit allowable under this Section.

11 (8) Require that an applicant shall, at all times,
12 keep proper books of record and account in accordance with
13 generally accepted accounting principles consistently
14 applied, with the books, records, or papers related to the
15 agreement in the custody or control of the applicant open
16 for reasonable Department inspection and audits,
17 including, without limitation, the making of copies of the
18 books, records, or papers.

19 (9) Take whatever actions are necessary or appropriate
20 to protect the State's interest in the event of
21 bankruptcy, default, foreclosure, or noncompliance with
22 the terms and conditions of financial assistance or
23 participation required under this Section or any agreement
24 entered into under this Section, including the power to
25 sell, dispose of, lease, or rent, upon terms and
26 conditions determined by the Department to be appropriate,

1 real or personal property that the Department may recover
2 as a result of these actions.

3 (e) The Department, in consultation with the Department of
4 Revenue, shall adopt rules to administer this Section. The
5 aggregate amount of the tax credits that may be claimed under
6 this Section for qualified education expenses incurred by an
7 employer on behalf of a qualifying apprentice shall be limited
8 to \$5,000,000 per calendar year. If applications for a greater
9 amount are received, credits shall be allowed on a first-come
10 first-served basis, based on the date on which each properly
11 completed application for a certificate of eligibility is
12 received by the Department. If more than one certificate is
13 received on the same day, the credits will be awarded based on
14 the time of submission for that particular day.

15 (f) An employer may not sell or otherwise transfer a
16 credit awarded under this Section to another person or
17 taxpayer.

18 (g) The employer shall provide the Department such
19 information as the Department may require, including but not
20 limited to: (i) the name, age, and taxpayer identification
21 number of each qualifying apprentice employed by the taxpayer
22 during the taxable year; (ii) the amount of qualified
23 education expenses incurred with respect to each qualifying
24 apprentice; and (iii) the name of the school at which the
25 qualifying apprentice is enrolled and the qualified education
26 expenses are incurred.

1 (h) On or before July 1 of each year, the Department shall
2 report to the Governor and the General Assembly on the tax
3 credit certificates awarded under this Section for the prior
4 calendar year. The report must include:

5 (1) the name of each employer awarded or allocated a
6 credit;

7 (2) the number of qualifying apprentices for whom the
8 employer has incurred qualified education expenses;

9 (3) the North American Industry Classification System
10 (NAICS) code applicable to each employer awarded or
11 allocated a credit;

12 (4) the amount of the credit awarded or allocated to
13 each employer;

14 (5) the total number of employers awarded or allocated
15 a credit;

16 (6) the total number of qualifying apprentices for
17 whom employers receiving credits under this Section
18 incurred qualified education expenses; and

19 (7) the average cost to the employer of all
20 apprenticeships receiving credits under this Section.

21 (Source: P.A. 101-207, eff. 8-2-19; revised 9-5-19.)

22 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

23 Sec. 304. Business income of persons other than residents.

24 (a) In general. The business income of a person other than
25 a resident shall be allocated to this State if such person's

1 business income is derived solely from this State. If a person
2 other than a resident derives business income from this State
3 and one or more other states, then, for tax years ending on or
4 before December 30, 1998, and except as otherwise provided by
5 this Section, such person's business income shall be
6 apportioned to this State by multiplying the income by a
7 fraction, the numerator of which is the sum of the property
8 factor (if any), the payroll factor (if any) and 200% of the
9 sales factor (if any), and the denominator of which is 4
10 reduced by the number of factors other than the sales factor
11 which have a denominator of zero and by an additional 2 if the
12 sales factor has a denominator of zero. For tax years ending on
13 or after December 31, 1998, and except as otherwise provided
14 by this Section, persons other than residents who derive
15 business income from this State and one or more other states
16 shall compute their apportionment factor by weighting their
17 property, payroll, and sales factors as provided in subsection
18 (h) of this Section.

19 (1) Property factor.

20 (A) The property factor is a fraction, the numerator
21 of which is the average value of the person's real and
22 tangible personal property owned or rented and used in the
23 trade or business in this State during the taxable year
24 and the denominator of which is the average value of all
25 the person's real and tangible personal property owned or
26 rented and used in the trade or business during the

1 taxable year.

2 (B) Property owned by the person is valued at its
3 original cost. Property rented by the person is valued at
4 8 times the net annual rental rate. Net annual rental rate
5 is the annual rental rate paid by the person less any
6 annual rental rate received by the person from
7 sub-rentals.

8 (C) The average value of property shall be determined
9 by averaging the values at the beginning and ending of the
10 taxable year but the Director may require the averaging of
11 monthly values during the taxable year if reasonably
12 required to reflect properly the average value of the
13 person's property.

14 (2) Payroll factor.

15 (A) The payroll factor is a fraction, the numerator of
16 which is the total amount paid in this State during the
17 taxable year by the person for compensation, and the
18 denominator of which is the total compensation paid
19 everywhere during the taxable year.

20 (B) Compensation is paid in this State if:

21 (i) The individual's service is performed entirely
22 within this State;

23 (ii) The individual's service is performed both
24 within and without this State, but the service
25 performed without this State is incidental to the
26 individual's service performed within this State; or

1 (iii) For tax years ending prior to December 31,
2 2020, some of the service is performed within this
3 State and either the base of operations, or if there is
4 no base of operations, the place from which the
5 service is directed or controlled is within this
6 State, or the base of operations or the place from
7 which the service is directed or controlled is not in
8 any state in which some part of the service is
9 performed, but the individual's residence is in this
10 State. For tax years ending on or after December 31,
11 2020, compensation is paid in this State if some of the
12 individual's service is performed within this State,
13 the individual's service performed within this State
14 is nonincidental to the individual's service performed
15 without this State, and the individual's service is
16 performed within this State for more than 30 working
17 days during the tax year. The amount of compensation
18 paid in this State shall include the portion of the
19 individual's total compensation for services performed
20 on behalf of his or her employer during the tax year
21 which the number of working days spent within this
22 State during the tax year bears to the total number of
23 working days spent both within and without this State
24 during the tax year. For purposes of this paragraph:

25 (a) The term "working day" means all days
26 during the tax year in which the individual

1 performs duties on behalf of his or her employer.
2 All days in which the individual performs no
3 duties on behalf of his or her employer (e.g.,
4 weekends, vacation days, sick days, and holidays)
5 are not working days.

6 (b) A working day is spent within this State
7 if:

8 (1) the individual performs service on
9 behalf of the employer and a greater amount of
10 time on that day is spent by the individual
11 performing duties on behalf of the employer
12 within this State, without regard to time
13 spent traveling, than is spent performing
14 duties on behalf of the employer without this
15 State; or

16 (2) the only service the individual
17 performs on behalf of the employer on that day
18 is traveling to a destination within this
19 State, and the individual arrives on that day.

20 (c) Working days spent within this State do
21 not include any day in which the employee is
22 performing services in this State during a
23 disaster period solely in response to a request
24 made to his or her employer by the government of
25 this State, by any political subdivision of this
26 State, or by a person conducting business in this

1 State to perform disaster or emergency-related
2 services in this State. For purposes of this item
3 (c):

4 "Declared State disaster or emergency"
5 means a disaster or emergency event (i) for
6 which a Governor's proclamation of a state of
7 emergency has been issued or (ii) for which a
8 Presidential declaration of a federal major
9 disaster or emergency has been issued.

10 "Disaster period" means a period that
11 begins 10 days prior to the date of the
12 Governor's proclamation or the President's
13 declaration (whichever is earlier) and extends
14 for a period of 60 calendar days after the end
15 of the declared disaster or emergency period.

16 "Disaster or emergency-related services"
17 means repairing, renovating, installing,
18 building, or rendering services or conducting
19 other business activities that relate to
20 infrastructure that has been damaged,
21 impaired, or destroyed by the declared State
22 disaster or emergency.

23 "Infrastructure" means property and
24 equipment owned or used by a public utility,
25 communications network, broadband and internet
26 service provider, cable and video service

1 provider, electric or gas distribution system,
2 or water pipeline that provides service to
3 more than one customer or person, including
4 related support facilities. "Infrastructure"
5 includes, but is not limited to, real and
6 personal property such as buildings, offices,
7 power lines, cable lines, poles,
8 communications lines, pipes, structures, and
9 equipment.

10 (iv) Compensation paid to nonresident professional
11 athletes.

12 (a) General. The Illinois source income of a
13 nonresident individual who is a member of a
14 professional athletic team includes the portion of the
15 individual's total compensation for services performed
16 as a member of a professional athletic team during the
17 taxable year which the number of duty days spent
18 within this State performing services for the team in
19 any manner during the taxable year bears to the total
20 number of duty days spent both within and without this
21 State during the taxable year.

22 (b) Travel days. Travel days that do not involve
23 either a game, practice, team meeting, or other
24 similar team event are not considered duty days spent
25 in this State. However, such travel days are
26 considered in the total duty days spent both within

1 and without this State.

2 (c) Definitions. For purposes of this subpart
3 (iv):

4 (1) The term "professional athletic team"
5 includes, but is not limited to, any professional
6 baseball, basketball, football, soccer, or hockey
7 team.

8 (2) The term "member of a professional
9 athletic team" includes those employees who are
10 active players, players on the disabled list, and
11 any other persons required to travel and who
12 travel with and perform services on behalf of a
13 professional athletic team on a regular basis.
14 This includes, but is not limited to, coaches,
15 managers, and trainers.

16 (3) Except as provided in items (C) and (D) of
17 this subpart (3), the term "duty days" means all
18 days during the taxable year from the beginning of
19 the professional athletic team's official
20 pre-season training period through the last game
21 in which the team competes or is scheduled to
22 compete. Duty days shall be counted for the year
23 in which they occur, including where a team's
24 official pre-season training period through the
25 last game in which the team competes or is
26 scheduled to compete, occurs during more than one

1 tax year.

2 (A) Duty days shall also include days on
3 which a member of a professional athletic team
4 performs service for a team on a date that
5 does not fall within the foregoing period
6 (e.g., participation in instructional leagues,
7 the "All Star Game", or promotional
8 "caravans"). Performing a service for a
9 professional athletic team includes conducting
10 training and rehabilitation activities, when
11 such activities are conducted at team
12 facilities.

13 (B) Also included in duty days are game
14 days, practice days, days spent at team
15 meetings, promotional caravans, preseason
16 training camps, and days served with the team
17 through all post-season games in which the
18 team competes or is scheduled to compete.

19 (C) Duty days for any person who joins a
20 team during the period from the beginning of
21 the professional athletic team's official
22 pre-season training period through the last
23 game in which the team competes, or is
24 scheduled to compete, shall begin on the day
25 that person joins the team. Conversely, duty
26 days for any person who leaves a team during

1 this period shall end on the day that person
2 leaves the team. Where a person switches teams
3 during a taxable year, a separate duty-day
4 calculation shall be made for the period the
5 person was with each team.

6 (D) Days for which a member of a
7 professional athletic team is not compensated
8 and is not performing services for the team in
9 any manner, including days when such member of
10 a professional athletic team has been
11 suspended without pay and prohibited from
12 performing any services for the team, shall
13 not be treated as duty days.

14 (E) Days for which a member of a
15 professional athletic team is on the disabled
16 list and does not conduct rehabilitation
17 activities at facilities of the team, and is
18 not otherwise performing services for the team
19 in Illinois, shall not be considered duty days
20 spent in this State. All days on the disabled
21 list, however, are considered to be included
22 in total duty days spent both within and
23 without this State.

24 (4) The term "total compensation for services
25 performed as a member of a professional athletic
26 team" means the total compensation received during

1 the taxable year for services performed:

2 (A) from the beginning of the official
3 pre-season training period through the last
4 game in which the team competes or is
5 scheduled to compete during that taxable year;
6 and

7 (B) during the taxable year on a date
8 which does not fall within the foregoing
9 period (e.g., participation in instructional
10 leagues, the "All Star Game", or promotional
11 caravans).

12 This compensation shall include, but is not
13 limited to, salaries, wages, bonuses as described
14 in this subpart, and any other type of
15 compensation paid during the taxable year to a
16 member of a professional athletic team for
17 services performed in that year. This compensation
18 does not include strike benefits, severance pay,
19 termination pay, contract or option year buy-out
20 payments, expansion or relocation payments, or any
21 other payments not related to services performed
22 for the team.

23 For purposes of this subparagraph, "bonuses"
24 included in "total compensation for services
25 performed as a member of a professional athletic
26 team" subject to the allocation described in

1 Section 302(c)(1) are: bonuses earned as a result
2 of play (i.e., performance bonuses) during the
3 season, including bonuses paid for championship,
4 playoff or "bowl" games played by a team, or for
5 selection to all-star league or other honorary
6 positions; and bonuses paid for signing a
7 contract, unless the payment of the signing bonus
8 is not conditional upon the signee playing any
9 games for the team or performing any subsequent
10 services for the team or even making the team, the
11 signing bonus is payable separately from the
12 salary and any other compensation, and the signing
13 bonus is nonrefundable.

14 (3) Sales factor.

15 (A) The sales factor is a fraction, the numerator of
16 which is the total sales of the person in this State during
17 the taxable year, and the denominator of which is the
18 total sales of the person everywhere during the taxable
19 year.

20 (B) Sales of tangible personal property are in this
21 State if:

22 (i) The property is delivered or shipped to a
23 purchaser, other than the United States government,
24 within this State regardless of the f. o. b. point or
25 other conditions of the sale; or

26 (ii) The property is shipped from an office,

1 store, warehouse, factory or other place of storage in
2 this State and either the purchaser is the United
3 States government or the person is not taxable in the
4 state of the purchaser; provided, however, that
5 premises owned or leased by a person who has
6 independently contracted with the seller for the
7 printing of newspapers, periodicals or books shall not
8 be deemed to be an office, store, warehouse, factory
9 or other place of storage for purposes of this
10 Section. Sales of tangible personal property are not
11 in this State if the seller and purchaser would be
12 members of the same unitary business group but for the
13 fact that either the seller or purchaser is a person
14 with 80% or more of total business activity outside of
15 the United States and the property is purchased for
16 resale.

17 (B-1) Patents, copyrights, trademarks, and similar
18 items of intangible personal property.

19 (i) Gross receipts from the licensing, sale, or
20 other disposition of a patent, copyright, trademark,
21 or similar item of intangible personal property, other
22 than gross receipts governed by paragraph (B-7) of
23 this item (3), are in this State to the extent the item
24 is utilized in this State during the year the gross
25 receipts are included in gross income.

26 (ii) Place of utilization.

1 (I) A patent is utilized in a state to the
2 extent that it is employed in production,
3 fabrication, manufacturing, or other processing in
4 the state or to the extent that a patented product
5 is produced in the state. If a patent is utilized
6 in more than one state, the extent to which it is
7 utilized in any one state shall be a fraction
8 equal to the gross receipts of the licensee or
9 purchaser from sales or leases of items produced,
10 fabricated, manufactured, or processed within that
11 state using the patent and of patented items
12 produced within that state, divided by the total
13 of such gross receipts for all states in which the
14 patent is utilized.

15 (II) A copyright is utilized in a state to the
16 extent that printing or other publication
17 originates in the state. If a copyright is
18 utilized in more than one state, the extent to
19 which it is utilized in any one state shall be a
20 fraction equal to the gross receipts from sales or
21 licenses of materials printed or published in that
22 state divided by the total of such gross receipts
23 for all states in which the copyright is utilized.

24 (III) Trademarks and other items of intangible
25 personal property governed by this paragraph (B-1)
26 are utilized in the state in which the commercial

1 domicile of the licensee or purchaser is located.

2 (iii) If the state of utilization of an item of
3 property governed by this paragraph (B-1) cannot be
4 determined from the taxpayer's books and records or
5 from the books and records of any person related to the
6 taxpayer within the meaning of Section 267(b) of the
7 Internal Revenue Code, 26 U.S.C. 267, the gross
8 receipts attributable to that item shall be excluded
9 from both the numerator and the denominator of the
10 sales factor.

11 (B-2) Gross receipts from the license, sale, or other
12 disposition of patents, copyrights, trademarks, and
13 similar items of intangible personal property, other than
14 gross receipts governed by paragraph (B-7) of this item
15 (3), may be included in the numerator or denominator of
16 the sales factor only if gross receipts from licenses,
17 sales, or other disposition of such items comprise more
18 than 50% of the taxpayer's total gross receipts included
19 in gross income during the tax year and during each of the
20 2 immediately preceding tax years; provided that, when a
21 taxpayer is a member of a unitary business group, such
22 determination shall be made on the basis of the gross
23 receipts of the entire unitary business group.

24 (B-5) For taxable years ending on or after December
25 31, 2008, except as provided in subsections (ii) through
26 (vii), receipts from the sale of telecommunications

1 service or mobile telecommunications service are in this
2 State if the customer's service address is in this State.

3 (i) For purposes of this subparagraph (B-5), the
4 following terms have the following meanings:

5 "Ancillary services" means services that are
6 associated with or incidental to the provision of
7 "telecommunications services", including, but not
8 limited to, "detailed telecommunications billing",
9 "directory assistance", "vertical service", and "voice
10 mail services".

11 "Air-to-Ground Radiotelephone service" means a
12 radio service, as that term is defined in 47 CFR 22.99,
13 in which common carriers are authorized to offer and
14 provide radio telecommunications service for hire to
15 subscribers in aircraft.

16 "Call-by-call Basis" means any method of charging
17 for telecommunications services where the price is
18 measured by individual calls.

19 "Communications Channel" means a physical or
20 virtual path of communications over which signals are
21 transmitted between or among customer channel
22 termination points.

23 "Conference bridging service" means an "ancillary
24 service" that links two or more participants of an
25 audio or video conference call and may include the
26 provision of a telephone number. "Conference bridging

1 service" does not include the "telecommunications
2 services" used to reach the conference bridge.

3 "Customer Channel Termination Point" means the
4 location where the customer either inputs or receives
5 the communications.

6 "Detailed telecommunications billing service"
7 means an "ancillary service" of separately stating
8 information pertaining to individual calls on a
9 customer's billing statement.

10 "Directory assistance" means an "ancillary
11 service" of providing telephone number information,
12 and/or address information.

13 "Home service provider" means the facilities based
14 carrier or reseller with which the customer contracts
15 for the provision of mobile telecommunications
16 services.

17 "Mobile telecommunications service" means
18 commercial mobile radio service, as defined in Section
19 20.3 of Title 47 of the Code of Federal Regulations as
20 in effect on June 1, 1999.

21 "Place of primary use" means the street address
22 representative of where the customer's use of the
23 telecommunications service primarily occurs, which
24 must be the residential street address or the primary
25 business street address of the customer. In the case
26 of mobile telecommunications services, "place of

1 primary use" must be within the licensed service area
2 of the home service provider.

3 "Post-paid telecommunication service" means the
4 telecommunications service obtained by making a
5 payment on a call-by-call basis either through the use
6 of a credit card or payment mechanism such as a bank
7 card, travel card, credit card, or debit card, or by
8 charge made to a telephone number which is not
9 associated with the origination or termination of the
10 telecommunications service. A post-paid calling
11 service includes telecommunications service, except a
12 prepaid wireless calling service, that would be a
13 prepaid calling service except it is not exclusively a
14 telecommunication service.

15 "Prepaid telecommunication service" means the
16 right to access exclusively telecommunications
17 services, which must be paid for in advance and which
18 enables the origination of calls using an access
19 number or authorization code, whether manually or
20 electronically dialed, and that is sold in
21 predetermined units or dollars of which the number
22 declines with use in a known amount.

23 "Prepaid Mobile telecommunication service" means a
24 telecommunications service that provides the right to
25 utilize mobile wireless service as well as other
26 non-telecommunication services, including, but not

1 limited to, ancillary services, which must be paid for
2 in advance that is sold in predetermined units or
3 dollars of which the number declines with use in a
4 known amount.

5 "Private communication service" means a
6 telecommunication service that entitles the customer
7 to exclusive or priority use of a communications
8 channel or group of channels between or among
9 termination points, regardless of the manner in which
10 such channel or channels are connected, and includes
11 switching capacity, extension lines, stations, and any
12 other associated services that are provided in
13 connection with the use of such channel or channels.

14 "Service address" means:

15 (a) The location of the telecommunications
16 equipment to which a customer's call is charged
17 and from which the call originates or terminates,
18 regardless of where the call is billed or paid;

19 (b) If the location in line (a) is not known,
20 service address means the origination point of the
21 signal of the telecommunications services first
22 identified by either the seller's
23 telecommunications system or in information
24 received by the seller from its service provider
25 where the system used to transport such signals is
26 not that of the seller; and

1 (c) If the locations in line (a) and line (b)
2 are not known, the service address means the
3 location of the customer's place of primary use.

4 "Telecommunications service" means the electronic
5 transmission, conveyance, or routing of voice, data,
6 audio, video, or any other information or signals to a
7 point, or between or among points. The term
8 "telecommunications service" includes such
9 transmission, conveyance, or routing in which computer
10 processing applications are used to act on the form,
11 code or protocol of the content for purposes of
12 transmission, conveyance or routing without regard to
13 whether such service is referred to as voice over
14 Internet protocol services or is classified by the
15 Federal Communications Commission as enhanced or value
16 added. "Telecommunications service" does not include:

17 (a) Data processing and information services
18 that allow data to be generated, acquired, stored,
19 processed, or retrieved and delivered by an
20 electronic transmission to a purchaser when such
21 purchaser's primary purpose for the underlying
22 transaction is the processed data or information;

23 (b) Installation or maintenance of wiring or
24 equipment on a customer's premises;

25 (c) Tangible personal property;

26 (d) Advertising, including, but not limited

1 to, directory advertising;

2 (e) Billing and collection services provided
3 to third parties;

4 (f) Internet access service;

5 (g) Radio and television audio and video
6 programming services, regardless of the medium,
7 including the furnishing of transmission,
8 conveyance and routing of such services by the
9 programming service provider. Radio and television
10 audio and video programming services shall
11 include, but not be limited to, cable service as
12 defined in 47 USC 522(6) and audio and video
13 programming services delivered by commercial
14 mobile radio service providers, as defined in 47
15 CFR 20.3;

16 (h) "Ancillary services"; or

17 (i) Digital products "delivered
18 electronically", including, but not limited to,
19 software, music, video, reading materials or ring
20 tones.

21 "Vertical service" means an "ancillary service"
22 that is offered in connection with one or more
23 "telecommunications services", which offers advanced
24 calling features that allow customers to identify
25 callers and to manage multiple calls and call
26 connections, including "conference bridging services".

1 "Voice mail service" means an "ancillary service"
2 that enables the customer to store, send or receive
3 recorded messages. "Voice mail service" does not
4 include any "vertical services" that the customer may
5 be required to have in order to utilize the "voice mail
6 service".

7 (ii) Receipts from the sale of telecommunications
8 service sold on an individual call-by-call basis are
9 in this State if either of the following applies:

10 (a) The call both originates and terminates in
11 this State.

12 (b) The call either originates or terminates
13 in this State and the service address is located
14 in this State.

15 (iii) Receipts from the sale of postpaid
16 telecommunications service at retail are in this State
17 if the origination point of the telecommunication
18 signal, as first identified by the service provider's
19 telecommunication system or as identified by
20 information received by the seller from its service
21 provider if the system used to transport
22 telecommunication signals is not the seller's, is
23 located in this State.

24 (iv) Receipts from the sale of prepaid
25 telecommunications service or prepaid mobile
26 telecommunications service at retail are in this State

1 if the purchaser obtains the prepaid card or similar
2 means of conveyance at a location in this State.
3 Receipts from recharging a prepaid telecommunications
4 service or mobile telecommunications service is in
5 this State if the purchaser's billing information
6 indicates a location in this State.

7 (v) Receipts from the sale of private
8 communication services are in this State as follows:

9 (a) 100% of receipts from charges imposed at
10 each channel termination point in this State.

11 (b) 100% of receipts from charges for the
12 total channel mileage between each channel
13 termination point in this State.

14 (c) 50% of the total receipts from charges for
15 service segments when those segments are between 2
16 customer channel termination points, 1 of which is
17 located in this State and the other is located
18 outside of this State, which segments are
19 separately charged.

20 (d) The receipts from charges for service
21 segments with a channel termination point located
22 in this State and in two or more other states, and
23 which segments are not separately billed, are in
24 this State based on a percentage determined by
25 dividing the number of customer channel
26 termination points in this State by the total

1 number of customer channel termination points.

2 (vi) Receipts from charges for ancillary services
3 for telecommunications service sold to customers at
4 retail are in this State if the customer's primary
5 place of use of telecommunications services associated
6 with those ancillary services is in this State. If the
7 seller of those ancillary services cannot determine
8 where the associated telecommunications are located,
9 then the ancillary services shall be based on the
10 location of the purchaser.

11 (vii) Receipts to access a carrier's network or
12 from the sale of telecommunication services or
13 ancillary services for resale are in this State as
14 follows:

15 (a) 100% of the receipts from access fees
16 attributable to intrastate telecommunications
17 service that both originates and terminates in
18 this State.

19 (b) 50% of the receipts from access fees
20 attributable to interstate telecommunications
21 service if the interstate call either originates
22 or terminates in this State.

23 (c) 100% of the receipts from interstate end
24 user access line charges, if the customer's
25 service address is in this State. As used in this
26 subdivision, "interstate end user access line

1 charges" includes, but is not limited to, the
2 surcharge approved by the federal communications
3 commission and levied pursuant to 47 CFR 69.

4 (d) Gross receipts from sales of
5 telecommunication services or from ancillary
6 services for telecommunications services sold to
7 other telecommunication service providers for
8 resale shall be sourced to this State using the
9 apportionment concepts used for non-resale
10 receipts of telecommunications services if the
11 information is readily available to make that
12 determination. If the information is not readily
13 available, then the taxpayer may use any other
14 reasonable and consistent method.

15 (B-7) For taxable years ending on or after December
16 31, 2008, receipts from the sale of broadcasting services
17 are in this State if the broadcasting services are
18 received in this State. For purposes of this paragraph
19 (B-7), the following terms have the following meanings:

20 "Advertising revenue" means consideration received
21 by the taxpayer in exchange for broadcasting services
22 or allowing the broadcasting of commercials or
23 announcements in connection with the broadcasting of
24 film or radio programming, from sponsorships of the
25 programming, or from product placements in the
26 programming.

1 "Audience factor" means the ratio that the
2 audience or subscribers located in this State of a
3 station, a network, or a cable system bears to the
4 total audience or total subscribers for that station,
5 network, or cable system. The audience factor for film
6 or radio programming shall be determined by reference
7 to the books and records of the taxpayer or by
8 reference to published rating statistics provided the
9 method used by the taxpayer is consistently used from
10 year to year for this purpose and fairly represents
11 the taxpayer's activity in this State.

12 "Broadcast" or "broadcasting" or "broadcasting
13 services" means the transmission or provision of film
14 or radio programming, whether through the public
15 airwaves, by cable, by direct or indirect satellite
16 transmission, or by any other means of communication,
17 either through a station, a network, or a cable
18 system.

19 "Film" or "film programming" means the broadcast
20 on television of any and all performances, events, or
21 productions, including, but not limited to, news,
22 sporting events, plays, stories, or other literary,
23 commercial, educational, or artistic works, either
24 live or through the use of video tape, disc, or any
25 other type of format or medium. Each episode of a
26 series of films produced for television shall

1 constitute separate "film" notwithstanding that the
2 series relates to the same principal subject and is
3 produced during one or more tax periods.

4 "Radio" or "radio programming" means the broadcast
5 on radio of any and all performances, events, or
6 productions, including, but not limited to, news,
7 sporting events, plays, stories, or other literary,
8 commercial, educational, or artistic works, either
9 live or through the use of an audio tape, disc, or any
10 other format or medium. Each episode in a series of
11 radio programming produced for radio broadcast shall
12 constitute a separate "radio programming"
13 notwithstanding that the series relates to the same
14 principal subject and is produced during one or more
15 tax periods.

16 (i) In the case of advertising revenue from
17 broadcasting, the customer is the advertiser and
18 the service is received in this State if the
19 commercial domicile of the advertiser is in this
20 State.

21 (ii) In the case where film or radio
22 programming is broadcast by a station, a network,
23 or a cable system for a fee or other remuneration
24 received from the recipient of the broadcast, the
25 portion of the service that is received in this
26 State is measured by the portion of the recipients

1 of the broadcast located in this State.
2 Accordingly, the fee or other remuneration for
3 such service that is included in the Illinois
4 numerator of the sales factor is the total of
5 those fees or other remuneration received from
6 recipients in Illinois. For purposes of this
7 paragraph, a taxpayer may determine the location
8 of the recipients of its broadcast using the
9 address of the recipient shown in its contracts
10 with the recipient or using the billing address of
11 the recipient in the taxpayer's records.

12 (iii) In the case where film or radio
13 programming is broadcast by a station, a network,
14 or a cable system for a fee or other remuneration
15 from the person providing the programming, the
16 portion of the broadcast service that is received
17 by such station, network, or cable system in this
18 State is measured by the portion of recipients of
19 the broadcast located in this State. Accordingly,
20 the amount of revenue related to such an
21 arrangement that is included in the Illinois
22 numerator of the sales factor is the total fee or
23 other total remuneration from the person providing
24 the programming related to that broadcast
25 multiplied by the Illinois audience factor for
26 that broadcast.

1 (iv) In the case where film or radio
2 programming is provided by a taxpayer that is a
3 network or station to a customer for broadcast in
4 exchange for a fee or other remuneration from that
5 customer the broadcasting service is received at
6 the location of the office of the customer from
7 which the services were ordered in the regular
8 course of the customer's trade or business.
9 Accordingly, in such a case the revenue derived by
10 the taxpayer that is included in the taxpayer's
11 Illinois numerator of the sales factor is the
12 revenue from such customers who receive the
13 broadcasting service in Illinois.

14 (v) In the case where film or radio
15 programming is provided by a taxpayer that is not
16 a network or station to another person for
17 broadcasting in exchange for a fee or other
18 remuneration from that person, the broadcasting
19 service is received at the location of the office
20 of the customer from which the services were
21 ordered in the regular course of the customer's
22 trade or business. Accordingly, in such a case the
23 revenue derived by the taxpayer that is included
24 in the taxpayer's Illinois numerator of the sales
25 factor is the revenue from such customers who
26 receive the broadcasting service in Illinois.

1 (B-8) Gross receipts from winnings under the Illinois
2 Lottery Law from the assignment of a prize under Section
3 13.1 of the Illinois Lottery Law are received in this
4 State. This paragraph (B-8) applies only to taxable years
5 ending on or after December 31, 2013.

6 (B-9) For taxable years ending on or after December
7 31, 2019, gross receipts from winnings from pari-mutuel
8 wagering conducted at a wagering facility licensed under
9 the Illinois Horse Racing Act of 1975 or from winnings
10 from gambling games conducted on a riverboat or in a
11 casino or organization gaming facility licensed under the
12 Illinois Gambling Act are in this State.

13 (C) For taxable years ending before December 31, 2008,
14 sales, other than sales governed by paragraphs (B), (B-1),
15 (B-2), and (B-8) are in this State if:

16 (i) The income-producing activity is performed in
17 this State; or

18 (ii) The income-producing activity is performed
19 both within and without this State and a greater
20 proportion of the income-producing activity is
21 performed within this State than without this State,
22 based on performance costs.

23 (C-5) For taxable years ending on or after December
24 31, 2008, sales, other than sales governed by paragraphs
25 (B), (B-1), (B-2), (B-5), and (B-7), are in this State if
26 any of the following criteria are met:

1 (i) Sales from the sale or lease of real property
2 are in this State if the property is located in this
3 State.

4 (ii) Sales from the lease or rental of tangible
5 personal property are in this State if the property is
6 located in this State during the rental period. Sales
7 from the lease or rental of tangible personal property
8 that is characteristically moving property, including,
9 but not limited to, motor vehicles, rolling stock,
10 aircraft, vessels, or mobile equipment are in this
11 State to the extent that the property is used in this
12 State.

13 (iii) In the case of interest, net gains (but not
14 less than zero) and other items of income from
15 intangible personal property, the sale is in this
16 State if:

17 (a) in the case of a taxpayer who is a dealer
18 in the item of intangible personal property within
19 the meaning of Section 475 of the Internal Revenue
20 Code, the income or gain is received from a
21 customer in this State. For purposes of this
22 subparagraph, a customer is in this State if the
23 customer is an individual, trust or estate who is
24 a resident of this State and, for all other
25 customers, if the customer's commercial domicile
26 is in this State. Unless the dealer has actual

1 knowledge of the residence or commercial domicile
2 of a customer during a taxable year, the customer
3 shall be deemed to be a customer in this State if
4 the billing address of the customer, as shown in
5 the records of the dealer, is in this State; or

6 (b) in all other cases, if the
7 income-producing activity of the taxpayer is
8 performed in this State or, if the
9 income-producing activity of the taxpayer is
10 performed both within and without this State, if a
11 greater proportion of the income-producing
12 activity of the taxpayer is performed within this
13 State than in any other state, based on
14 performance costs.

15 (iv) Sales of services are in this State if the
16 services are received in this State. For the purposes
17 of this section, gross receipts from the performance
18 of services provided to a corporation, partnership, or
19 trust may only be attributed to a state where that
20 corporation, partnership, or trust has a fixed place
21 of business. If the state where the services are
22 received is not readily determinable or is a state
23 where the corporation, partnership, or trust receiving
24 the service does not have a fixed place of business,
25 the services shall be deemed to be received at the
26 location of the office of the customer from which the

1 services were ordered in the regular course of the
2 customer's trade or business. If the ordering office
3 cannot be determined, the services shall be deemed to
4 be received at the office of the customer to which the
5 services are billed. If the taxpayer is not taxable in
6 the state in which the services are received, the sale
7 must be excluded from both the numerator and the
8 denominator of the sales factor. The Department shall
9 adopt rules prescribing where specific types of
10 service are received, including, but not limited to,
11 publishing, and utility service.

12 (D) For taxable years ending on or after December 31,
13 1995, the following items of income shall not be included
14 in the numerator or denominator of the sales factor:
15 dividends; amounts included under Section 78 of the
16 Internal Revenue Code; and Subpart F income as defined in
17 Section 952 of the Internal Revenue Code. No inference
18 shall be drawn from the enactment of this paragraph (D) in
19 construing this Section for taxable years ending before
20 December 31, 1995.

21 (E) Paragraphs (B-1) and (B-2) shall apply to tax
22 years ending on or after December 31, 1999, provided that
23 a taxpayer may elect to apply the provisions of these
24 paragraphs to prior tax years. Such election shall be made
25 in the form and manner prescribed by the Department, shall
26 be irrevocable, and shall apply to all tax years; provided

1 that, if a taxpayer's Illinois income tax liability for
2 any tax year, as assessed under Section 903 prior to
3 January 1, 1999, was computed in a manner contrary to the
4 provisions of paragraphs (B-1) or (B-2), no refund shall
5 be payable to the taxpayer for that tax year to the extent
6 such refund is the result of applying the provisions of
7 paragraph (B-1) or (B-2) retroactively. In the case of a
8 unitary business group, such election shall apply to all
9 members of such group for every tax year such group is in
10 existence, but shall not apply to any taxpayer for any
11 period during which that taxpayer is not a member of such
12 group.

13 (b) Insurance companies.

14 (1) In general. Except as otherwise provided by
15 paragraph (2), business income of an insurance company for
16 a taxable year shall be apportioned to this State by
17 multiplying such income by a fraction, the numerator of
18 which is the direct premiums written for insurance upon
19 property or risk in this State, and the denominator of
20 which is the direct premiums written for insurance upon
21 property or risk everywhere. For purposes of this
22 subsection, the term "direct premiums written" means the
23 total amount of direct premiums written, assessments and
24 annuity considerations as reported for the taxable year on
25 the annual statement filed by the company with the
26 Illinois Director of Insurance in the form approved by the

1 National Convention of Insurance Commissioners or such
2 other form as may be prescribed in lieu thereof.

3 (2) Reinsurance. If the principal source of premiums
4 written by an insurance company consists of premiums for
5 reinsurance accepted by it, the business income of such
6 company shall be apportioned to this State by multiplying
7 such income by a fraction, the numerator of which is the
8 sum of (i) direct premiums written for insurance upon
9 property or risk in this State, plus (ii) premiums written
10 for reinsurance accepted in respect of property or risk in
11 this State, and the denominator of which is the sum of
12 (iii) direct premiums written for insurance upon property
13 or risk everywhere, plus (iv) premiums written for
14 reinsurance accepted in respect of property or risk
15 everywhere. For purposes of this paragraph, premiums
16 written for reinsurance accepted in respect of property or
17 risk in this State, whether or not otherwise determinable,
18 may, at the election of the company, be determined on the
19 basis of the proportion which premiums written for
20 reinsurance accepted from companies commercially domiciled
21 in Illinois bears to premiums written for reinsurance
22 accepted from all sources, or, alternatively, in the
23 proportion which the sum of the direct premiums written
24 for insurance upon property or risk in this State by each
25 ceding company from which reinsurance is accepted bears to
26 the sum of the total direct premiums written by each such

1 ceding company for the taxable year. The election made by
2 a company under this paragraph for its first taxable year
3 ending on or after December 31, 2011, shall be binding for
4 that company for that taxable year and for all subsequent
5 taxable years, and may be altered only with the written
6 permission of the Department, which shall not be
7 unreasonably withheld.

8 (c) Financial organizations.

9 (1) In general. For taxable years ending before
10 December 31, 2008, business income of a financial
11 organization shall be apportioned to this State by
12 multiplying such income by a fraction, the numerator of
13 which is its business income from sources within this
14 State, and the denominator of which is its business income
15 from all sources. For the purposes of this subsection, the
16 business income of a financial organization from sources
17 within this State is the sum of the amounts referred to in
18 subparagraphs (A) through (E) following, but excluding the
19 adjusted income of an international banking facility as
20 determined in paragraph (2):

21 (A) Fees, commissions or other compensation for
22 financial services rendered within this State;

23 (B) Gross profits from trading in stocks, bonds or
24 other securities managed within this State;

25 (C) Dividends, and interest from Illinois
26 customers, which are received within this State;

1 (D) Interest charged to customers at places of
2 business maintained within this State for carrying
3 debit balances of margin accounts, without deduction
4 of any costs incurred in carrying such accounts; and

5 (E) Any other gross income resulting from the
6 operation as a financial organization within this
7 State.

8 In computing the amounts referred to in paragraphs (A)
9 through (E) of this subsection, any amount received by a
10 member of an affiliated group (determined under Section
11 1504(a) of the Internal Revenue Code but without reference
12 to whether any such corporation is an "includible
13 corporation" under Section 1504(b) of the Internal Revenue
14 Code) from another member of such group shall be included
15 only to the extent such amount exceeds expenses of the
16 recipient directly related thereto.

17 (2) International Banking Facility. For taxable years
18 ending before December 31, 2008:

19 (A) Adjusted Income. The adjusted income of an
20 international banking facility is its income reduced
21 by the amount of the floor amount.

22 (B) Floor Amount. The floor amount shall be the
23 amount, if any, determined by multiplying the income
24 of the international banking facility by a fraction,
25 not greater than one, which is determined as follows:

26 (i) The numerator shall be:

1 The average aggregate, determined on a
2 quarterly basis, of the financial organization's
3 loans to banks in foreign countries, to foreign
4 domiciled borrowers (except where secured
5 primarily by real estate) and to foreign
6 governments and other foreign official
7 institutions, as reported for its branches,
8 agencies and offices within the state on its
9 "Consolidated Report of Condition", Schedule A,
10 Lines 2.c., 5.b., and 7.a., which was filed with
11 the Federal Deposit Insurance Corporation and
12 other regulatory authorities, for the year 1980,
13 minus

14 The average aggregate, determined on a
15 quarterly basis, of such loans (other than loans
16 of an international banking facility), as reported
17 by the financial institution for its branches,
18 agencies and offices within the state, on the
19 corresponding Schedule and lines of the
20 Consolidated Report of Condition for the current
21 taxable year, provided, however, that in no case
22 shall the amount determined in this clause (the
23 subtrahend) exceed the amount determined in the
24 preceding clause (the minuend); and

25 (ii) the denominator shall be the average
26 aggregate, determined on a quarterly basis, of the

1 international banking facility's loans to banks in
2 foreign countries, to foreign domiciled borrowers
3 (except where secured primarily by real estate)
4 and to foreign governments and other foreign
5 official institutions, which were recorded in its
6 financial accounts for the current taxable year.

7 (C) Change to Consolidated Report of Condition and
8 in Qualification. In the event the Consolidated Report
9 of Condition which is filed with the Federal Deposit
10 Insurance Corporation and other regulatory authorities
11 is altered so that the information required for
12 determining the floor amount is not found on Schedule
13 A, lines 2.c., 5.b. and 7.a., the financial
14 institution shall notify the Department and the
15 Department may, by regulations or otherwise, prescribe
16 or authorize the use of an alternative source for such
17 information. The financial institution shall also
18 notify the Department should its international banking
19 facility fail to qualify as such, in whole or in part,
20 or should there be any amendment or change to the
21 Consolidated Report of Condition, as originally filed,
22 to the extent such amendment or change alters the
23 information used in determining the floor amount.

24 (3) For taxable years ending on or after December 31,
25 2008, the business income of a financial organization
26 shall be apportioned to this State by multiplying such

1 income by a fraction, the numerator of which is its gross
2 receipts from sources in this State or otherwise
3 attributable to this State's marketplace and the
4 denominator of which is its gross receipts everywhere
5 during the taxable year. "Gross receipts" for purposes of
6 this subparagraph (3) means gross income, including net
7 taxable gain on disposition of assets, including
8 securities and money market instruments, when derived from
9 transactions and activities in the regular course of the
10 financial organization's trade or business. The following
11 examples are illustrative:

12 (i) Receipts from the lease or rental of real or
13 tangible personal property are in this State if the
14 property is located in this State during the rental
15 period. Receipts from the lease or rental of tangible
16 personal property that is characteristically moving
17 property, including, but not limited to, motor
18 vehicles, rolling stock, aircraft, vessels, or mobile
19 equipment are from sources in this State to the extent
20 that the property is used in this State.

21 (ii) Interest income, commissions, fees, gains on
22 disposition, and other receipts from assets in the
23 nature of loans that are secured primarily by real
24 estate or tangible personal property are from sources
25 in this State if the security is located in this State.

26 (iii) Interest income, commissions, fees, gains on

1 disposition, and other receipts from consumer loans
2 that are not secured by real or tangible personal
3 property are from sources in this State if the debtor
4 is a resident of this State.

5 (iv) Interest income, commissions, fees, gains on
6 disposition, and other receipts from commercial loans
7 and installment obligations that are not secured by
8 real or tangible personal property are from sources in
9 this State if the proceeds of the loan are to be
10 applied in this State. If it cannot be determined
11 where the funds are to be applied, the income and
12 receipts are from sources in this State if the office
13 of the borrower from which the loan was negotiated in
14 the regular course of business is located in this
15 State. If the location of this office cannot be
16 determined, the income and receipts shall be excluded
17 from the numerator and denominator of the sales
18 factor.

19 (v) Interest income, fees, gains on disposition,
20 service charges, merchant discount income, and other
21 receipts from credit card receivables are from sources
22 in this State if the card charges are regularly billed
23 to a customer in this State.

24 (vi) Receipts from the performance of services,
25 including, but not limited to, fiduciary, advisory,
26 and brokerage services, are in this State if the

1 services are received in this State within the meaning
2 of subparagraph (a) (3) (C-5) (iv) of this Section.

3 (vii) Receipts from the issuance of travelers
4 checks and money orders are from sources in this State
5 if the checks and money orders are issued from a
6 location within this State.

7 (viii) Receipts from investment assets and
8 activities and trading assets and activities are
9 included in the receipts factor as follows:

10 (1) Interest, dividends, net gains (but not
11 less than zero) and other income from investment
12 assets and activities from trading assets and
13 activities shall be included in the receipts
14 factor. Investment assets and activities and
15 trading assets and activities include, but are not
16 limited to: investment securities; trading account
17 assets; federal funds; securities purchased and
18 sold under agreements to resell or repurchase;
19 options; futures contracts; forward contracts;
20 notional principal contracts such as swaps;
21 equities; and foreign currency transactions. With
22 respect to the investment and trading assets and
23 activities described in subparagraphs (A) and (B)
24 of this paragraph, the receipts factor shall
25 include the amounts described in such
26 subparagraphs.

1 (A) The receipts factor shall include the
2 amount by which interest from federal funds
3 sold and securities purchased under resale
4 agreements exceeds interest expense on federal
5 funds purchased and securities sold under
6 repurchase agreements.

7 (B) The receipts factor shall include the
8 amount by which interest, dividends, gains and
9 other income from trading assets and
10 activities, including, but not limited to,
11 assets and activities in the matched book, in
12 the arbitrage book, and foreign currency
13 transactions, exceed amounts paid in lieu of
14 interest, amounts paid in lieu of dividends,
15 and losses from such assets and activities.

16 (2) The numerator of the receipts factor
17 includes interest, dividends, net gains (but not
18 less than zero), and other income from investment
19 assets and activities and from trading assets and
20 activities described in paragraph (1) of this
21 subsection that are attributable to this State.

22 (A) The amount of interest, dividends, net
23 gains (but not less than zero), and other
24 income from investment assets and activities
25 in the investment account to be attributed to
26 this State and included in the numerator is

1 determined by multiplying all such income from
2 such assets and activities by a fraction, the
3 numerator of which is the gross income from
4 such assets and activities which are properly
5 assigned to a fixed place of business of the
6 taxpayer within this State and the denominator
7 of which is the gross income from all such
8 assets and activities.

9 (B) The amount of interest from federal
10 funds sold and purchased and from securities
11 purchased under resale agreements and
12 securities sold under repurchase agreements
13 attributable to this State and included in the
14 numerator is determined by multiplying the
15 amount described in subparagraph (A) of
16 paragraph (1) of this subsection from such
17 funds and such securities by a fraction, the
18 numerator of which is the gross income from
19 such funds and such securities which are
20 properly assigned to a fixed place of business
21 of the taxpayer within this State and the
22 denominator of which is the gross income from
23 all such funds and such securities.

24 (C) The amount of interest, dividends,
25 gains, and other income from trading assets
26 and activities, including, but not limited to,

1 assets and activities in the matched book, in
2 the arbitrage book and foreign currency
3 transactions (but excluding amounts described
4 in subparagraphs (A) or (B) of this
5 paragraph), attributable to this State and
6 included in the numerator is determined by
7 multiplying the amount described in
8 subparagraph (B) of paragraph (1) of this
9 subsection by a fraction, the numerator of
10 which is the gross income from such trading
11 assets and activities which are properly
12 assigned to a fixed place of business of the
13 taxpayer within this State and the denominator
14 of which is the gross income from all such
15 assets and activities.

16 (D) Properly assigned, for purposes of
17 this paragraph (2) of this subsection, means
18 the investment or trading asset or activity is
19 assigned to the fixed place of business with
20 which it has a preponderance of substantive
21 contacts. An investment or trading asset or
22 activity assigned by the taxpayer to a fixed
23 place of business without the State shall be
24 presumed to have been properly assigned if:

25 (i) the taxpayer has assigned, in the
26 regular course of its business, such asset

1 or activity on its records to a fixed
2 place of business consistent with federal
3 or state regulatory requirements;

4 (ii) such assignment on its records is
5 based upon substantive contacts of the
6 asset or activity to such fixed place of
7 business; and

8 (iii) the taxpayer uses such records
9 reflecting assignment of such assets or
10 activities for the filing of all state and
11 local tax returns for which an assignment
12 of such assets or activities to a fixed
13 place of business is required.

14 (E) The presumption of proper assignment
15 of an investment or trading asset or activity
16 provided in subparagraph (D) of paragraph (2)
17 of this subsection may be rebutted upon a
18 showing by the Department, supported by a
19 preponderance of the evidence, that the
20 preponderance of substantive contacts
21 regarding such asset or activity did not occur
22 at the fixed place of business to which it was
23 assigned on the taxpayer's records. If the
24 fixed place of business that has a
25 preponderance of substantive contacts cannot
26 be determined for an investment or trading

1 asset or activity to which the presumption in
2 subparagraph (D) of paragraph (2) of this
3 subsection does not apply or with respect to
4 which that presumption has been rebutted, that
5 asset or activity is properly assigned to the
6 state in which the taxpayer's commercial
7 domicile is located. For purposes of this
8 subparagraph (E), it shall be presumed,
9 subject to rebuttal, that taxpayer's
10 commercial domicile is in the state of the
11 United States or the District of Columbia to
12 which the greatest number of employees are
13 regularly connected with the management of the
14 investment or trading income or out of which
15 they are working, irrespective of where the
16 services of such employees are performed, as
17 of the last day of the taxable year.

18 (4) (Blank).

19 (5) (Blank).

20 (c-1) Federally regulated exchanges. For taxable years
21 ending on or after December 31, 2012, business income of a
22 federally regulated exchange shall, at the option of the
23 federally regulated exchange, be apportioned to this State by
24 multiplying such income by a fraction, the numerator of which
25 is its business income from sources within this State, and the
26 denominator of which is its business income from all sources.

1 For purposes of this subsection, the business income within
2 this State of a federally regulated exchange is the sum of the
3 following:

4 (1) Receipts attributable to transactions executed on
5 a physical trading floor if that physical trading floor is
6 located in this State.

7 (2) Receipts attributable to all other matching,
8 execution, or clearing transactions, including without
9 limitation receipts from the provision of matching,
10 execution, or clearing services to another entity,
11 multiplied by (i) for taxable years ending on or after
12 December 31, 2012 but before December 31, 2013, 63.77%;
13 and (ii) for taxable years ending on or after December 31,
14 2013, 27.54%.

15 (3) All other receipts not governed by subparagraphs
16 (1) or (2) of this subsection (c-1), to the extent the
17 receipts would be characterized as "sales in this State"
18 under item (3) of subsection (a) of this Section.

19 "Federally regulated exchange" means (i) a "registered
20 entity" within the meaning of 7 U.S.C. Section 1a(40) (A), (B),
21 or (C), (ii) an "exchange" or "clearing agency" within the
22 meaning of 15 U.S.C. Section 78c (a) (1) or (23), (iii) any such
23 entities regulated under any successor regulatory structure to
24 the foregoing, and (iv) all taxpayers who are members of the
25 same unitary business group as a federally regulated exchange,
26 determined without regard to the prohibition in Section

1 1501(a)(27) of this Act against including in a unitary
2 business group taxpayers who are ordinarily required to
3 apportion business income under different subsections of this
4 Section; provided that this subparagraph (iv) shall apply only
5 if 50% or more of the business receipts of the unitary business
6 group determined by application of this subparagraph (iv) for
7 the taxable year are attributable to the matching, execution,
8 or clearing of transactions conducted by an entity described
9 in subparagraph (i), (ii), or (iii) of this paragraph.

10 In no event shall the Illinois apportionment percentage
11 computed in accordance with this subsection (c-1) for any
12 taxpayer for any tax year be less than the Illinois
13 apportionment percentage computed under this subsection (c-1)
14 for that taxpayer for the first full tax year ending on or
15 after December 31, 2013 for which this subsection (c-1)
16 applied to the taxpayer.

17 (d) Transportation services. For taxable years ending
18 before December 31, 2008, business income derived from
19 furnishing transportation services shall be apportioned to
20 this State in accordance with paragraphs (1) and (2):

21 (1) Such business income (other than that derived from
22 transportation by pipeline) shall be apportioned to this
23 State by multiplying such income by a fraction, the
24 numerator of which is the revenue miles of the person in
25 this State, and the denominator of which is the revenue
26 miles of the person everywhere. For purposes of this

1 paragraph, a revenue mile is the transportation of 1
2 passenger or 1 net ton of freight the distance of 1 mile
3 for a consideration. Where a person is engaged in the
4 transportation of both passengers and freight, the
5 fraction above referred to shall be determined by means of
6 an average of the passenger revenue mile fraction and the
7 freight revenue mile fraction, weighted to reflect the
8 person's

9 (A) relative railway operating income from total
10 passenger and total freight service, as reported to
11 the Interstate Commerce Commission, in the case of
12 transportation by railroad, and

13 (B) relative gross receipts from passenger and
14 freight transportation, in case of transportation
15 other than by railroad.

16 (2) Such business income derived from transportation
17 by pipeline shall be apportioned to this State by
18 multiplying such income by a fraction, the numerator of
19 which is the revenue miles of the person in this State, and
20 the denominator of which is the revenue miles of the
21 person everywhere. For the purposes of this paragraph, a
22 revenue mile is the transportation by pipeline of 1 barrel
23 of oil, 1,000 cubic feet of gas, or of any specified
24 quantity of any other substance, the distance of 1 mile
25 for a consideration.

26 (3) For taxable years ending on or after December 31,

1 2008, business income derived from providing
2 transportation services other than airline services shall
3 be apportioned to this State by using a fraction, (a) the
4 numerator of which shall be (i) all receipts from any
5 movement or shipment of people, goods, mail, oil, gas, or
6 any other substance (other than by airline) that both
7 originates and terminates in this State, plus (ii) that
8 portion of the person's gross receipts from movements or
9 shipments of people, goods, mail, oil, gas, or any other
10 substance (other than by airline) that originates in one
11 state or jurisdiction and terminates in another state or
12 jurisdiction, that is determined by the ratio that the
13 miles traveled in this State bears to total miles
14 everywhere and (b) the denominator of which shall be all
15 revenue derived from the movement or shipment of people,
16 goods, mail, oil, gas, or any other substance (other than
17 by airline). Where a taxpayer is engaged in the
18 transportation of both passengers and freight, the
19 fraction above referred to shall first be determined
20 separately for passenger miles and freight miles. Then an
21 average of the passenger miles fraction and the freight
22 miles fraction shall be weighted to reflect the
23 taxpayer's:

24 (A) relative railway operating income from total
25 passenger and total freight service, as reported to
26 the Surface Transportation Board, in the case of

1 transportation by railroad; and

2 (B) relative gross receipts from passenger and
3 freight transportation, in case of transportation
4 other than by railroad.

5 (4) For taxable years ending on or after December 31,
6 2008, business income derived from furnishing airline
7 transportation services shall be apportioned to this State
8 by multiplying such income by a fraction, the numerator of
9 which is the revenue miles of the person in this State, and
10 the denominator of which is the revenue miles of the
11 person everywhere. For purposes of this paragraph, a
12 revenue mile is the transportation of one passenger or one
13 net ton of freight the distance of one mile for a
14 consideration. If a person is engaged in the
15 transportation of both passengers and freight, the
16 fraction above referred to shall be determined by means of
17 an average of the passenger revenue mile fraction and the
18 freight revenue mile fraction, weighted to reflect the
19 person's relative gross receipts from passenger and
20 freight airline transportation.

21 (e) Combined apportionment. Where 2 or more persons are
22 engaged in a unitary business as described in subsection
23 (a) (27) of Section 1501, a part of which is conducted in this
24 State by one or more members of the group, the business income
25 attributable to this State by any such member or members shall
26 be apportioned by means of the combined apportionment method.

1 (f) Alternative allocation. If the allocation and
2 apportionment provisions of subsections (a) through (e) and of
3 subsection (h) do not, for taxable years ending before
4 December 31, 2008, fairly represent the extent of a person's
5 business activity in this State, or, for taxable years ending
6 on or after December 31, 2008, fairly represent the market for
7 the person's goods, services, or other sources of business
8 income, the person may petition for, or the Director may,
9 without a petition, permit or require, in respect of all or any
10 part of the person's business activity, if reasonable:

11 (1) Separate accounting;

12 (2) The exclusion of any one or more factors;

13 (3) The inclusion of one or more additional factors
14 which will fairly represent the person's business
15 activities or market in this State; or

16 (4) The employment of any other method to effectuate
17 an equitable allocation and apportionment of the person's
18 business income.

19 (g) Cross reference. For allocation of business income by
20 residents, see Section 301(a).

21 (h) For tax years ending on or after December 31, 1998, the
22 apportionment factor of persons who apportion their business
23 income to this State under subsection (a) shall be equal to:

24 (1) for tax years ending on or after December 31, 1998
25 and before December 31, 1999, 16 2/3% of the property
26 factor plus 16 2/3% of the payroll factor plus 66 2/3% of

1 the sales factor;

2 (2) for tax years ending on or after December 31, 1999
3 and before December 31, 2000, 8 1/3% of the property
4 factor plus 8 1/3% of the payroll factor plus 83 1/3% of
5 the sales factor;

6 (3) for tax years ending on or after December 31,
7 2000, the sales factor.

8 If, in any tax year ending on or after December 31, 1998 and
9 before December 31, 2000, the denominator of the payroll,
10 property, or sales factor is zero, the apportionment factor
11 computed in paragraph (1) or (2) of this subsection for that
12 year shall be divided by an amount equal to 100% minus the
13 percentage weight given to each factor whose denominator is
14 equal to zero.

15 (Source: P.A. 100-201, eff. 8-18-17; 101-31, eff. 6-28-19;
16 101-585, eff. 8-26-19; revised 9-12-19.)

17 (35 ILCS 5/701) (from Ch. 120, par. 7-701)

18 Sec. 701. Requirement and amount of withholding.

19 (a) In General. Every employer maintaining an office or
20 transacting business within this State and required under the
21 provisions of the Internal Revenue Code to withhold a tax on:

22 (1) compensation paid in this State (as determined
23 under Section 304(a)(2)(B)) to an individual; or

24 (2) payments described in subsection (b) shall deduct
25 and withhold from such compensation for each payroll

1 period (as defined in Section 3401 of the Internal Revenue
2 Code) an amount equal to the amount by which such
3 individual's compensation exceeds the proportionate part
4 of this withholding exemption (computed as provided in
5 Section 702) attributable to the payroll period for which
6 such compensation is payable multiplied by a percentage
7 equal to the percentage tax rate for individuals provided
8 in subsection (b) of Section 201.

9 (a-5) Withholding from nonresident employees. For taxable
10 years beginning on or after January 1, 2020, for purposes of
11 determining compensation paid in this State under paragraph
12 (B) of item (2) of subsection (a) of Section 304:

13 (1) If an employer maintains a time and attendance
14 system that tracks where employees perform services on a
15 daily basis, then data from the time and attendance system
16 shall be used. For purposes of this paragraph, time and
17 attendance system means a system:

18 (A) in which the employee is required, on a
19 contemporaneous basis, to record the work location for
20 every day worked outside of the State where the
21 employment duties are primarily performed; and

22 (B) that is designed to allow the employer to
23 allocate the employee's wages for income tax purposes
24 among all states in which the employee performs
25 services.

26 (2) In all other cases, the employer shall obtain a

1 written statement from the employee of the number of days
2 reasonably expected to be spent performing services in
3 this State during the taxable year. Absent the employer's
4 actual knowledge of fraud or gross negligence by the
5 employee in making the determination or collusion between
6 the employer and the employee to evade tax, the
7 certification so made by the employee and maintained in
8 the employer's books and records shall be prima facie
9 evidence and constitute a rebuttable presumption of the
10 number of days spent performing services in this State.

11 (b) Payment to Residents. Any payment (including
12 compensation, but not including a payment from which
13 withholding is required under Section 710 of this Act) to a
14 resident by a payor maintaining an office or transacting
15 business within this State (including any agency, officer, or
16 employee of this State or of any political subdivision of this
17 State) and on which withholding of tax is required under the
18 provisions of the Internal Revenue Code shall be deemed to be
19 compensation paid in this State by an employer to an employee
20 for the purposes of Article 7 and Section 601(b)(1) to the
21 extent such payment is included in the recipient's base income
22 and not subjected to withholding by another state.
23 Notwithstanding any other provision to the contrary, no amount
24 shall be withheld from unemployment insurance benefit payments
25 made to an individual pursuant to the Unemployment Insurance
26 Act unless the individual has voluntarily elected the

1 withholding pursuant to rules promulgated by the Director of
2 Employment Security.

3 (c) Special Definitions. Withholding shall be considered
4 required under the provisions of the Internal Revenue Code to
5 the extent the Internal Revenue Code either requires
6 withholding or allows for voluntary withholding the payor and
7 recipient have entered into such a voluntary withholding
8 agreement. For the purposes of Article 7 and Section 1002(c)
9 the term "employer" includes any payor who is required to
10 withhold tax pursuant to this Section.

11 (d) Reciprocal Exemption. The Director may enter into an
12 agreement with the taxing authorities of any state which
13 imposes a tax on or measured by income to provide that
14 compensation paid in such state to residents of this State
15 shall be exempt from withholding of such tax; in such case, any
16 compensation paid in this State to residents of such state
17 shall be exempt from withholding. All reciprocal agreements
18 shall be subject to the requirements of Section 2505-575 of
19 the Department of Revenue Law (20 ILCS 2505/2505-575).

20 (e) Notwithstanding subsection (a)(2) of this Section, no
21 withholding is required on payments for which withholding is
22 required under Section 3405 or 3406 of the Internal Revenue
23 Code.

24 (Source: P.A. 101-585, eff. 8-26-19; revised 11-26-19.)

25 Section 225. The Economic Development for a Growing

1 Economy Tax Credit Act is amended by changing Sections 5-51
2 and 5-56 as follows:

3 (35 ILCS 10/5-51)

4 Sec. 5-51. New Construction EDGE Agreement.

5 (a) Notwithstanding any other provisions of this Act, and
6 in addition to any Credit otherwise allowed under this Act,
7 beginning on January 1, 2021, there is allowed a New
8 Construction EDGE Credit for eligible Applicants that meet the
9 following criteria:

10 (1) the Department has certified that the Applicant
11 meets all requirements of Sections 5-15, 5-20, and 5-25;
12 and

13 (2) the Department has certified that, pursuant to
14 Section 5-20, the Applicant's Agreement includes a capital
15 investment of at least \$10,000,000 in a New Construction
16 EDGE Project to be placed in service within the State as a
17 direct result of an Agreement entered into pursuant to
18 this Section.

19 (b) The Department shall notify each Applicant during the
20 application process that its ~~their~~ project is eligible for a
21 New Construction EDGE Credit. The Department shall create a
22 separate application to be filled out by the Applicant
23 regarding the New Construction EDGE credit. The Application
24 shall include the following:

25 (1) a detailed description of the New Construction

1 EDGE Project that is subject to the New Construction EDGE
2 Agreement, including the location and amount of the
3 investment and jobs created or retained;

4 (2) the duration of the New Construction EDGE Credit
5 and the first taxable year for which the Credit may be
6 claimed;

7 (3) the New Construction EDGE Credit amount that will
8 be allowed for each taxable year;

9 (4) a requirement that the Director is authorized to
10 verify with the appropriate State agencies the amount of
11 the incremental income tax withheld by a Taxpayer, and
12 after doing so, shall issue a certificate to the Taxpayer
13 stating that the amounts have been verified;

14 (5) the amount of the capital investment, which may at
15 no point be less than \$10,000,000, the time period of
16 placing the New Construction EDGE Project in service, and
17 the designated location in Illinois for the investment;

18 (6) a requirement that the Taxpayer shall provide
19 written notification to the Director not more than 30 days
20 after the Taxpayer determines that the capital investment
21 of at least \$10,000,000 is not or will not be achieved or
22 maintained as set forth in the terms and conditions of the
23 Agreement;

24 (7) a detailed provision that the Taxpayer shall be
25 awarded a New Construction EDGE Credit upon the verified
26 completion and occupancy of a New Construction EDGE

1 Project; and

2 (8) any other performance conditions, including the
3 ability to verify that a New Construction EDGE Project is
4 built and completed, or that contract provisions as the
5 Department determines are appropriate.

6 (c) The Department shall post on its website the terms of
7 each New Construction EDGE Agreement entered into under this
8 Act on or after June 5, 2019 (the effective date of Public Act
9 101-9) ~~this amendatory Act of the 101st General Assembly~~. Such
10 information shall be posted within 10 days after entering into
11 the Agreement and must include the following:

12 (1) the name of the recipient business;

13 (2) the location of the project;

14 (3) the estimated value of the credit; and

15 (4) whether or not the project is located in an
16 underserved area.

17 (d) The Department, in collaboration with the Department
18 of Labor, shall require that certified payroll reporting,
19 pursuant to Section 5-56 of this Act, be completed in order to
20 verify the wages and any other necessary information which the
21 Department may deem necessary to ascertain and certify the
22 total number of New Construction EDGE Employees subject to a
23 New Construction EDGE Agreement and amount of a New
24 Construction EDGE Credit.

25 (e) The total aggregate amount of credits awarded under
26 the Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~

1 ~~amendatory Act of the 101st General Assembly~~) shall not exceed
2 \$20,000,000 in any State fiscal year.

3 (Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

4 (35 ILCS 10/5-56)

5 Sec. 5-56. Certified payroll. ~~(a)~~ Each contractor and
6 subcontractor that is engaged in and is executing a New
7 Construction EDGE Project for a Taxpayer, pursuant to a New
8 Construction EDGE Agreement shall:

9 (1) make and keep, for a period of 5 years from the
10 date of the last payment made on or after June 5, 2019 (the
11 effective date of Public Act 101-9) ~~this amendatory Act of~~
12 ~~the 101st General Assembly~~ on a contract or subcontract
13 for a New Construction EDGE Project pursuant to a New
14 Construction EDGE Agreement, records of all laborers and
15 other workers employed by the contractor or subcontractor
16 on the project; the records shall include:

17 (A) the worker's name;

18 (B) the worker's address;

19 (C) the worker's telephone number, if available;

20 (D) the worker's social security number;

21 (E) the worker's classification or
22 classifications;

23 (F) the worker's gross and net wages paid in each
24 pay period;

25 (G) the worker's number of hours worked each day;

1 (H) the worker's starting and ending times of work
2 each day;

3 (I) the worker's hourly wage rate; and

4 (J) the worker's hourly overtime wage rate; and

5 (2) no later than the 15th day of each calendar month,
6 provide a certified payroll for the immediately preceding
7 month to the taxpayer in charge of the project; within 5
8 business days after receiving the certified payroll, the
9 taxpayer shall file the certified payroll with the
10 Department of Labor and the Department of Commerce and
11 Economic Opportunity; a certified payroll must be filed
12 for only those calendar months during which construction
13 on a New Construction EDGE Project has occurred; the
14 certified payroll shall consist of a complete copy of the
15 records identified in paragraph (1), but may exclude the
16 starting and ending times of work each day; the certified
17 payroll shall be accompanied by a statement signed by the
18 contractor or subcontractor or an officer, employee, or
19 agent of the contractor or subcontractor which avers that:

20 (A) he or she has examined the certified payroll
21 records required to be submitted by the Act and such
22 records are true and accurate; and

23 (B) the contractor or subcontractor is aware that
24 filing a certified payroll that he or she knows to be
25 false is a Class A misdemeanor.

26 A general contractor is not prohibited from relying on a

1 certified payroll of a lower-tier subcontractor, provided the
2 general contractor does not knowingly rely upon a
3 subcontractor's false certification.

4 Any contractor or subcontractor subject to this Section,
5 and any officer, employee, or agent of such contractor or
6 subcontractor whose duty as an officer, employee, or agent it
7 is to file a certified payroll under this Section, who
8 willfully fails to file such a certified payroll on or before
9 the date such certified payroll is required to be filed and any
10 person who willfully files a false certified payroll that is
11 false as to any material fact is in violation of this Act and
12 guilty of a Class A misdemeanor.

13 The taxpayer in charge of the project shall keep the
14 records submitted in accordance with this Section ~~subsection~~
15 on or after June 5, 2019 (the effective date of Public Act
16 101-9) ~~this amendatory Act of the 101st General Assembly~~ for a
17 period of 5 years from the date of the last payment for work on
18 a contract or subcontract for the project.

19 The records submitted in accordance with this Section
20 ~~subsection~~ shall be considered public records, except an
21 employee's address, telephone number, and social security
22 number, and made available in accordance with the Freedom of
23 Information Act. The Department of Labor shall accept any
24 reasonable submissions by the contractor that meet the
25 requirements of this Section ~~subsection~~ and shall share the
26 information with the Department in order to comply with the

1 awarding of New Construction EDGE Credits. A contractor,
2 subcontractor, or public body may retain records required
3 under this Section in paper or electronic format.

4 Upon 7 business days' notice, the contractor and each
5 subcontractor shall make available for inspection and copying
6 at a location within this State during reasonable hours, the
7 records identified in paragraph (1) of this Section ~~subsection~~
8 to the taxpayer in charge of the project, its officers and
9 agents, the Director of Labor and his or her deputies and
10 agents, and to federal, State, or local law enforcement
11 agencies and prosecutors.

12 (Source: P.A. 101-9, eff. 6-5-19; revised 8-22-19.)

13 Section 230. The Film Production Services Tax Credit Act
14 of 2008 is amended by changing Section 10 as follows:

15 (35 ILCS 16/10)

16 Sec. 10. Definitions. As used in this Act:

17 "Accredited production" means: (i) for productions
18 commencing before May 1, 2006, a film, video, or television
19 production that has been certified by the Department in which
20 the aggregate Illinois labor expenditures included in the cost
21 of the production, in the period that ends 12 months after the
22 time principal filming or taping of the production began,
23 exceed \$100,000 for productions of 30 minutes or longer, or
24 \$50,000 for productions of less than 30 minutes; and (ii) for

1 productions commencing on or after May 1, 2006, a film, video,
2 or television production that has been certified by the
3 Department in which the Illinois production spending included
4 in the cost of production in the period that ends 12 months
5 after the time principal filming or taping of the production
6 began exceeds \$100,000 for productions of 30 minutes or longer
7 or exceeds \$50,000 for productions of less than 30 minutes.

8 "Accredited production" does not include a production that:

9 (1) is news, current events, or public programming, or
10 a program that includes weather or market reports;

11 (2) is a talk show;

12 (3) is a production in respect of a game,
13 questionnaire, or contest;

14 (4) is a sports event or activity;

15 (5) is a gala presentation or awards show;

16 (6) is a finished production that solicits funds;

17 (7) is a production produced by a film production
18 company if records, as required by 18 U.S.C. 2257, are to
19 be maintained by that film production company with respect
20 to any performer portrayed in that single media or
21 multimedia program; or

22 (8) is a production produced primarily for industrial,
23 corporate, or institutional purposes.

24 "Accredited animated production" means an accredited
25 production in which movement and characters' performances are
26 created using a frame-by-frame technique and a significant

1 number of major characters are animated. Motion capture by
2 itself is not an animation technique.

3 "Accredited production certificate" means a certificate
4 issued by the Department certifying that the production is an
5 accredited production that meets the guidelines of this Act.

6 "Applicant" means a taxpayer that is a film production
7 company that is operating or has operated an accredited
8 production located within the State of Illinois and that (i)
9 owns the copyright in the accredited production throughout the
10 Illinois production period or (ii) has contracted directly
11 with the owner of the copyright in the accredited production
12 or a person acting on behalf of the owner to provide services
13 for the production, where the owner of the copyright is not an
14 eligible production corporation.

15 "Credit" means:

16 (1) for an accredited production approved by the
17 Department on or before January 1, 2005 and commencing
18 before May 1, 2006, the amount equal to 25% of the Illinois
19 labor expenditure approved by the Department. The
20 applicant is deemed to have paid, on its balance due day
21 for the year, an amount equal to 25% of its qualified
22 Illinois labor expenditure for the tax year. For Illinois
23 labor expenditures generated by the employment of
24 residents of geographic areas of high poverty or high
25 unemployment, as determined by the Department, in an
26 accredited production commencing before May 1, 2006 and

1 approved by the Department after January 1, 2005, the
2 applicant shall receive an enhanced credit of 10% in
3 addition to the 25% credit; and

4 (2) for an accredited production commencing on or
5 after May 1, 2006, the amount equal to:

6 (i) 20% of the Illinois production spending for
7 the taxable year; plus

8 (ii) 15% of the Illinois labor expenditures
9 generated by the employment of residents of geographic
10 areas of high poverty or high unemployment, as
11 determined by the Department; and

12 (3) for an accredited production commencing on or
13 after January 1, 2009, the amount equal to:

14 (i) 30% of the Illinois production spending for
15 the taxable year; plus

16 (ii) 15% of the Illinois labor expenditures
17 generated by the employment of residents of geographic
18 areas of high poverty or high unemployment, as
19 determined by the Department.

20 "Department" means the Department of Commerce and Economic
21 Opportunity.

22 "Director" means the Director of Commerce and Economic
23 Opportunity.

24 "Illinois labor expenditure" means salary or wages paid to
25 employees of the applicant for services on the accredited
26 production.†

1 To qualify as an Illinois labor expenditure, the
2 expenditure must be:

3 (1) Reasonable in the circumstances.

4 (2) Included in the federal income tax basis of the
5 property.

6 (3) Incurred by the applicant for services on or after
7 January 1, 2004.

8 (4) Incurred for the production stages of the
9 accredited production, from the final script stage to the
10 end of the post-production stage.

11 (5) Limited to the first \$25,000 of wages paid or
12 incurred to each employee of a production commencing
13 before May 1, 2006 and the first \$100,000 of wages paid or
14 incurred to each employee of a production commencing on or
15 after May 1, 2006.

16 (6) For a production commencing before May 1, 2006,
17 exclusive of the salary or wages paid to or incurred for
18 the 2 highest paid employees of the production.

19 (7) Directly attributable to the accredited
20 production.

21 (8) (Blank).

22 (9) Paid to persons resident in Illinois at the time
23 the payments were made.

24 (10) Paid for services rendered in Illinois.

25 "Illinois production spending" means the expenses incurred
26 by the applicant for an accredited production, including,

1 without limitation, all of the following:

2 (1) expenses to purchase, from vendors within
3 Illinois, tangible personal property that is used in the
4 accredited production;

5 (2) expenses to acquire services, from vendors in
6 Illinois, for film production, editing, or processing; and

7 (3) the compensation, not to exceed \$100,000 for any
8 one employee, for contractual or salaried employees who
9 are Illinois residents performing services with respect to
10 the accredited production.

11 "Qualified production facility" means stage facilities in
12 the State in which television shows and films are or are
13 intended to be regularly produced and that contain at least
14 one sound stage of at least 15,000 square feet.

15 Rulemaking authority to implement Public Act 95-1006 ~~this~~
16 ~~amendatory Act of the 95th General Assembly~~, if any, is
17 conditioned on the rules being adopted in accordance with all
18 provisions of the Illinois Administrative Procedure Act and
19 all rules and procedures of the Joint Committee on
20 Administrative Rules; any purported rule not so adopted, for
21 whatever reason, is unauthorized.

22 (Source: P.A. 97-796, eff. 7-13-12; revised 7-18-19.)

23 Section 235. The Service Occupation Tax Act is amended by
24 changing Section 2d as follows:

1 (35 ILCS 115/2d)

2 Sec. 2d. Motor vehicles; trailers; use as rolling stock
3 definition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) This subsection (c) applies to motor vehicles, other
7 than limousines, purchased through June 30, 2017. For motor
8 vehicles, other than limousines, purchased on or after July 1,
9 2017, subsection (d-5) applies. This subsection (c) applies to
10 limousines purchased before, on, or after July 1, 2017. "Use
11 as rolling stock moving in interstate commerce" in paragraph
12 (d-1) of the definition of "sale of service" in Section 2
13 occurs for motor vehicles, as defined in Section 1-146 of the
14 Illinois Vehicle Code, when during a 12-month period the
15 rolling stock has carried persons or property for hire in
16 interstate commerce for greater than 50% of its total trips
17 for that period or for greater than 50% of its total miles for
18 that period. The person claiming the exemption shall make an
19 election at the time of purchase to use either the trips or
20 mileage method. Persons who purchased motor vehicles prior to
21 July 1, 2004 shall make an election to use either the trips or
22 mileage method and document that election in their books and
23 records. If no election is made under this subsection to use
24 the trips or mileage method, the person shall be deemed to have
25 chosen the mileage method.

26 For purposes of determining qualifying trips or miles,

1 motor vehicles that carry persons or property for hire, even
2 just between points in Illinois, will be considered used for
3 hire in interstate commerce if the motor vehicle transports
4 persons whose journeys or property whose shipments originate
5 or terminate outside Illinois. The exemption for motor
6 vehicles used as rolling stock moving in interstate commerce
7 may be claimed only for the following vehicles: (i) motor
8 vehicles whose gross vehicle weight rating exceeds 16,000
9 pounds; and (ii) limousines, as defined in Section 1-139.1 of
10 the Illinois Vehicle Code. Through June 30, 2017, this
11 definition applies to all property purchased for the purpose
12 of being attached to those motor vehicles as a part thereof. On
13 and after July 1, 2017, this definition applies to property
14 purchased for the purpose of being attached to limousines as a
15 part thereof.

16 (d) For purchases made through June 30, 2017, "use as
17 rolling stock moving in interstate commerce" in paragraph
18 (d-1) of the definition of "sale of service" in Section 2
19 occurs for trailers, as defined in Section 1-209 of the
20 Illinois Vehicle Code, semitrailers as defined in Section
21 1-187 of the Illinois Vehicle Code, and pole trailers as
22 defined in Section 1-161 of the Illinois Vehicle Code, when
23 during a 12-month period the rolling stock has carried persons
24 or property for hire in interstate commerce for greater than
25 50% of its total trips for that period or for greater than 50%
26 of its total miles for that period. The person claiming the

1 exemption for a trailer or trailers that will not be dedicated
2 to a motor vehicle or group of motor vehicles shall make an
3 election at the time of purchase to use either the trips or
4 mileage method. Persons who purchased trailers prior to July
5 1, 2004 that are not dedicated to a motor vehicle or group of
6 motor vehicles shall make an election to use either the trips
7 or mileage method and document that election in their books
8 and records. If no election is made under this subsection to
9 use the trips or mileage method, the person shall be deemed to
10 have chosen the mileage method.

11 For purposes of determining qualifying trips or miles,
12 trailers, semitrailers, or pole trailers that carry property
13 for hire, even just between points in Illinois, will be
14 considered used for hire in interstate commerce if the
15 trailers, semitrailers, or pole trailers transport property
16 whose shipments originate or terminate outside Illinois. This
17 definition applies to all property purchased for the purpose
18 of being attached to those trailers, semitrailers, or pole
19 trailers as a part thereof. In lieu of a person providing
20 documentation regarding the qualifying use of each individual
21 trailer, semitrailer, or pole trailer, that person may
22 document such qualifying use by providing documentation of the
23 following:

24 (1) If a trailer, semitrailer, or pole trailer is
25 dedicated to a motor vehicle that qualifies as rolling
26 stock moving in interstate commerce under subsection (c)

1 of this Section, then that trailer, semitrailer, or pole
2 trailer qualifies as rolling stock moving in interstate
3 commerce under this subsection.

4 (2) If a trailer, semitrailer, or pole trailer is
5 dedicated to a group of motor vehicles that all qualify as
6 rolling stock moving in interstate commerce under
7 subsection (c) of this Section, then that trailer,
8 semitrailer, or pole trailer qualifies as rolling stock
9 moving in interstate commerce under this subsection.

10 (3) If one or more trailers, semitrailers, or pole
11 trailers are dedicated to a group of motor vehicles and
12 not all of those motor vehicles in that group qualify as
13 rolling stock moving in interstate commerce under
14 subsection (c) of this Section, then the percentage of
15 those trailers, semitrailers, or pole trailers that
16 qualifies as rolling stock moving in interstate commerce
17 under this subsection is equal to the percentage of those
18 motor vehicles in that group that qualify as rolling stock
19 moving in interstate commerce under subsection (c) of this
20 Section to which those trailers, semitrailers, or pole
21 trailers are dedicated. However, to determine the
22 qualification for the exemption provided under this item
23 (3), the mathematical application of the qualifying
24 percentage to one or more trailers, semitrailers, or pole
25 trailers under this subpart shall not be allowed as to any
26 fraction of a trailer, semitrailer, or pole trailer.

1 (d-5) For motor vehicles and trailers purchased on or
2 after July 1, 2017, "use as rolling stock moving in interstate
3 commerce" means that:

4 (1) the motor vehicle or trailer is used to transport
5 persons or property for hire;

6 (2) for purposes of the exemption under paragraph
7 (d-1) of the definition of "sale of service" in Section 2,
8 the purchaser who is an owner, lessor, or shipper claiming
9 the exemption certifies that the motor vehicle or trailer
10 will be utilized, from the time of purchase and continuing
11 through the statute of limitations for issuing a notice of
12 tax liability under this Act, by an interstate carrier or
13 carriers for hire who hold, and are required by Federal
14 Motor Carrier Safety Administration regulations to hold,
15 an active USDOT Number with the Carrier Operation listed
16 as "Interstate" and the Operation Classification listed as
17 "authorized for hire", "exempt for hire", or both
18 "authorized for hire" and "exempt for hire"; except that
19 this paragraph (2) does not apply to a motor vehicle or
20 trailer used at an airport to support the operation of an
21 aircraft moving in interstate commerce, as long as (i) in
22 the case of a motor vehicle, the motor vehicle meets
23 paragraphs (1) and (3) of this subsection (d-5) or (ii) in
24 the case of a trailer, the trailer meets paragraph (1) of
25 this subsection (d-5); and

26 (3) for motor vehicles, the gross vehicle weight

1 rating exceeds 16,000 pounds.

2 The definition of "use as rolling stock moving in
3 interstate commerce" in this subsection (d-5) applies to all
4 property purchased on or after July 1, 2017 for the purpose of
5 being attached to a motor vehicle or trailer as a part thereof,
6 regardless of whether the motor vehicle or trailer was
7 purchased before, on, or after July 1, 2017.

8 If an item ceases to meet requirements (1) through (3)
9 under this subsection (d-5), then the tax is imposed on the
10 selling price, allowing for a reasonable depreciation for the
11 period during which the item qualified for the exemption.

12 For purposes of this subsection (d-5):

13 "Motor vehicle" excludes limousines, but otherwise
14 means that term as defined in Section 1-146 of the
15 Illinois Vehicle Code.

16 "Trailer" means (i) "trailer", as defined in Section
17 1-209 of the Illinois Vehicle Code, (ii) "semitrailer", as
18 defined in Section 1-187 of the Illinois Vehicle Code, and
19 (iii) "pole trailer", as defined in Section 1-161 of the
20 Illinois Vehicle Code.

21 (e) For aircraft and watercraft purchased on or after
22 January 1, 2014, "use as rolling stock moving in interstate
23 commerce" in paragraph (d-1) of the definition of "sale of
24 service" in Section 2 occurs when, during a 12-month period,
25 the rolling stock has carried persons or property for hire in
26 interstate commerce for greater than 50% of its total trips

1 for that period or for greater than 50% of its total miles for
2 that period. The person claiming the exemption shall make an
3 election at the time of purchase to use either the trips or
4 mileage method and document that election in their books and
5 records. If no election is made under this subsection to use
6 the trips or mileage method, the person shall be deemed to have
7 chosen the mileage method. For aircraft, flight hours may be
8 used in lieu of recording miles in determining whether the
9 aircraft meets the mileage test in this subsection. For
10 watercraft, nautical miles or trip hours may be used in lieu of
11 recording miles in determining whether the watercraft meets
12 the mileage test in this subsection.

13 Notwithstanding any other provision of law to the
14 contrary, property purchased on or after January 1, 2014 for
15 the purpose of being attached to aircraft or watercraft as a
16 part thereof qualifies as rolling stock moving in interstate
17 commerce only if the aircraft or watercraft to which it will be
18 attached qualifies as rolling stock moving in interstate
19 commerce under the test set forth in this subsection (e),
20 regardless of when the aircraft or watercraft was purchased.
21 Persons who purchased aircraft or watercraft prior to January
22 1, 2014 shall make an election to use either the trips or
23 mileage method and document that election in their books and
24 records for the purpose of determining whether property
25 purchased on or after January 1, 2014 for the purpose of being
26 attached to aircraft or watercraft as a part thereof qualifies

1 as rolling stock moving in interstate commerce under this
2 subsection (e).

3 (f) The election to use either the trips or mileage method
4 made under the provisions of subsections (c), (d), or (e) of
5 this Section will remain in effect for the duration of the
6 purchaser's ownership of that item.

7 (Source: P.A. 100-321, eff. 8-24-17; revised 7-24-19.)

8 Section 240. The Retailers' Occupation Tax Act is amended
9 by changing Section 11 as follows:

10 (35 ILCS 120/11) (from Ch. 120, par. 450)

11 Sec. 11. All information received by the Department from
12 returns filed under this Act, or from any investigation
13 conducted under this Act, shall be confidential, except for
14 official purposes, and any person, including a third party as
15 defined in the Local Government Revenue Recapture Act, who
16 divulges any such information in any manner, except in
17 accordance with a proper judicial order or as otherwise
18 provided by law, including the Local Government Revenue
19 Recapture Act, shall be guilty of a Class B misdemeanor with a
20 fine not to exceed \$7,500.

21 Nothing in this Act prevents the Director of Revenue from
22 publishing or making available to the public the names and
23 addresses of persons filing returns under this Act, or
24 reasonable statistics concerning the operation of the tax by

1 grouping the contents of returns so the information in any
2 individual return is not disclosed.

3 Nothing in this Act prevents the Director of Revenue from
4 divulging to the United States Government or the government of
5 any other state, or any officer or agency thereof, for
6 exclusively official purposes, information received by the
7 Department in administering this Act, provided that such other
8 governmental agency agrees to divulge requested tax
9 information to the Department.

10 The Department's furnishing of information derived from a
11 taxpayer's return or from an investigation conducted under
12 this Act to the surety on a taxpayer's bond that has been
13 furnished to the Department under this Act, either to provide
14 notice to such surety of its potential liability under the
15 bond or, in order to support the Department's demand for
16 payment from such surety under the bond, is an official
17 purpose within the meaning of this Section.

18 The furnishing upon request of information obtained by the
19 Department from returns filed under this Act or investigations
20 conducted under this Act to the Illinois Liquor Control
21 Commission for official use is deemed to be an official
22 purpose within the meaning of this Section.

23 Notice to a surety of potential liability shall not be
24 given unless the taxpayer has first been notified, not less
25 than 10 days prior thereto, of the Department's intent to so
26 notify the surety.

1 The furnishing upon request of the Auditor General, or his
2 authorized agents, for official use, of returns filed and
3 information related thereto under this Act is deemed to be an
4 official purpose within the meaning of this Section.

5 Where an appeal or a protest has been filed on behalf of a
6 taxpayer, the furnishing upon request of the attorney for the
7 taxpayer of returns filed by the taxpayer and information
8 related thereto under this Act is deemed to be an official
9 purpose within the meaning of this Section.

10 The furnishing of financial information to a municipality
11 or county, upon request of the chief executive officer
12 thereof, is an official purpose within the meaning of this
13 Section, provided the municipality or county agrees in writing
14 to the requirements of this Section. Information provided to
15 municipalities and counties under this paragraph shall be
16 limited to: (1) the business name; (2) the business address;
17 (3) the standard classification number assigned to the
18 business; (4) net revenue distributed to the requesting
19 municipality or county that is directly related to the
20 requesting municipality's or county's local share of the
21 proceeds under the Use Tax Act, the Service Use Tax Act, the
22 Service Occupation Tax Act, and the Retailers' Occupation Tax
23 Act distributed from the Local Government Tax Fund, and, if
24 applicable, any locally imposed retailers' occupation tax or
25 service occupation tax; and (5) a listing of all businesses
26 within the requesting municipality or county by account

1 identification number and address. On and after July 1, 2015,
2 the furnishing of financial information to municipalities and
3 counties under this paragraph may be by electronic means. If
4 the Department may furnish financial information to a
5 municipality or county under this paragraph, then the chief
6 executive officer of the municipality or county may, in turn,
7 provide that financial information to a third party pursuant
8 to the Local Government Revenue Recapture Act. However, the
9 third party shall agree in writing to the requirements of this
10 Section and meet the requirements of the Local Government
11 Revenue Recapture Act.

12 Information so provided shall be subject to all
13 confidentiality provisions of this Section. The written
14 agreement shall provide for reciprocity, limitations on
15 access, disclosure, and procedures for requesting information.
16 For the purposes of furnishing financial information to a
17 municipality or county under this Section, "chief executive
18 officer" means the mayor of a city, the village board
19 president of a village, the mayor or president of an
20 incorporated town, the county executive of a county that has
21 adopted the county executive form of government, the president
22 of the board of commissioners of Cook County, or the
23 chairperson of the county board or board of county
24 commissioners of any other county.

25 The Department may make available to the Board of Trustees
26 of any Metro East Mass Transit District information contained

1 on transaction reporting returns required to be filed under
2 Section 3 of this Act that report sales made within the
3 boundary of the taxing authority of that Metro East Mass
4 Transit District, as provided in Section 5.01 of the Local
5 Mass Transit District Act. The disclosure shall be made
6 pursuant to a written agreement between the Department and the
7 Board of Trustees of a Metro East Mass Transit District, which
8 is an official purpose within the meaning of this Section. The
9 written agreement between the Department and the Board of
10 Trustees of a Metro East Mass Transit District shall provide
11 for reciprocity, limitations on access, disclosure, and
12 procedures for requesting information. Information so provided
13 shall be subject to all confidentiality provisions of this
14 Section.

15 The Director may make available to any State agency,
16 including the Illinois Supreme Court, which licenses persons
17 to engage in any occupation, information that a person
18 licensed by such agency has failed to file returns under this
19 Act or pay the tax, penalty and interest shown therein, or has
20 failed to pay any final assessment of tax, penalty or interest
21 due under this Act. The Director may make available to any
22 State agency, including the Illinois Supreme Court,
23 information regarding whether a bidder, contractor, or an
24 affiliate of a bidder or contractor has failed to collect and
25 remit Illinois Use tax on sales into Illinois, or any tax under
26 this Act or pay the tax, penalty, and interest shown therein,

1 or has failed to pay any final assessment of tax, penalty, or
2 interest due under this Act, for the limited purpose of
3 enforcing bidder and contractor certifications. The Director
4 may make available to units of local government and school
5 districts that require bidder and contractor certifications,
6 as set forth in Sections 50-11 and 50-12 of the Illinois
7 Procurement Code, information regarding whether a bidder,
8 contractor, or an affiliate of a bidder or contractor has
9 failed to collect and remit Illinois Use tax on sales into
10 Illinois, file returns under this Act, or pay the tax,
11 penalty, and interest shown therein, or has failed to pay any
12 final assessment of tax, penalty, or interest due under this
13 Act, for the limited purpose of enforcing bidder and
14 contractor certifications. For purposes of this Section, the
15 term "affiliate" means any entity that (1) directly,
16 indirectly, or constructively controls another entity, (2) is
17 directly, indirectly, or constructively controlled by another
18 entity, or (3) is subject to the control of a common entity.
19 For purposes of this Section, an entity controls another
20 entity if it owns, directly or individually, more than 10% of
21 the voting securities of that entity. As used in this Section,
22 the term "voting security" means a security that (1) confers
23 upon the holder the right to vote for the election of members
24 of the board of directors or similar governing body of the
25 business or (2) is convertible into, or entitles the holder to
26 receive upon its exercise, a security that confers such a

1 right to vote. A general partnership interest is a voting
2 security.

3 The Director may make available to any State agency,
4 including the Illinois Supreme Court, units of local
5 government, and school districts, information regarding
6 whether a bidder or contractor is an affiliate of a person who
7 is not collecting and remitting Illinois Use taxes for the
8 limited purpose of enforcing bidder and contractor
9 certifications.

10 The Director may also make available to the Secretary of
11 State information that a limited liability company, which has
12 filed articles of organization with the Secretary of State, or
13 corporation which has been issued a certificate of
14 incorporation by the Secretary of State has failed to file
15 returns under this Act or pay the tax, penalty and interest
16 shown therein, or has failed to pay any final assessment of
17 tax, penalty or interest due under this Act. An assessment is
18 final when all proceedings in court for review of such
19 assessment have terminated or the time for the taking thereof
20 has expired without such proceedings being instituted.

21 The Director shall make available for public inspection in
22 the Department's principal office and for publication, at
23 cost, administrative decisions issued on or after January 1,
24 1995. These decisions are to be made available in a manner so
25 that the following taxpayer information is not disclosed:

26 (1) The names, addresses, and identification numbers

1 of the taxpayer, related entities, and employees.

2 (2) At the sole discretion of the Director, trade
3 secrets or other confidential information identified as
4 such by the taxpayer, no later than 30 days after receipt
5 of an administrative decision, by such means as the
6 Department shall provide by rule.

7 The Director shall determine the appropriate extent of the
8 deletions allowed in paragraph (2). In the event the taxpayer
9 does not submit deletions, the Director shall make only the
10 deletions specified in paragraph (1).

11 The Director shall make available for public inspection
12 and publication an administrative decision within 180 days
13 after the issuance of the administrative decision. The term
14 "administrative decision" has the same meaning as defined in
15 Section 3-101 of Article III of the Code of Civil Procedure.
16 Costs collected under this Section shall be paid into the Tax
17 Compliance and Administration Fund.

18 Nothing contained in this Act shall prevent the Director
19 from divulging information to any person pursuant to a request
20 or authorization made by the taxpayer or by an authorized
21 representative of the taxpayer.

22 The furnishing of information obtained by the Department
23 from returns filed under Public Act 101-10 ~~this amendatory Act~~
24 ~~of the 101st General Assembly~~ to the Department of
25 Transportation for purposes of compliance with Public Act
26 101-10 ~~this amendatory Act of the 101st General Assembly~~

1 regarding aviation fuel is deemed to be an official purpose
2 within the meaning of this Section.

3 (Source: P.A. 101-10, eff. 6-5-19; 101-628, eff. 6-1-20;
4 revised 8-4-20.)

5 Section 245. The Property Tax Code is amended by changing
6 Sections 3-5, 18-185, and 18-246 and the heading of Division 6
7 of Article 10 as follows:

8 (35 ILCS 200/3-5)

9 Sec. 3-5. Supervisor of assessments. In counties with less
10 than 3,000,000 inhabitants and in which no county assessor has
11 been elected under Section 3-45, there shall be a county
12 supervisor of assessments, either appointed as provided in
13 this Section, or elected.

14 In counties with less than 3,000,000 inhabitants and not
15 having an elected county assessor or an elected supervisor of
16 assessments, the office of supervisor of assessments shall be
17 filled by appointment by the presiding officer of the county
18 board with the advice and consent of the county board.

19 To be eligible for appointment or to be eligible to file
20 nomination papers or participate as a candidate in any primary
21 or general election for, or be elected to, the office of
22 supervisor of assessments, or to enter upon the duties of the
23 office, a person must possess one of the following
24 qualifications as certified by the Department to the county

1 clerk:

2 (1) A currently active Certified Illinois Assessing
3 Officer designation from the Illinois Property Assessment
4 Institute.

5 (2) A currently active AAS, CAE, or MAS designation
6 from the International Association of Assessing Officers.

7 (3) A currently active MAI, SREA, SRPA, SRA, or RM
8 designation from the Appraisal Institute.

9 ~~(4) (blank).~~

10 In addition, a person must have had at least 2 years'
11 experience in the field of property sales, assessments,
12 finance or appraisals and must have passed an examination
13 conducted by the Department to determine his or her competence
14 to hold the office. The examination may be conducted by the
15 Department at a convenient location in the county or region.
16 Notice of the time and place shall be given by publication in a
17 newspaper of general circulation in the counties, at least one
18 week prior to the exam. The Department shall certify to the
19 county board a list of the names and scores of persons who pass
20 the examination. The Department may provide by rule the
21 maximum time that the name of a person who has passed the
22 examination will be included on a list of persons eligible for
23 appointment or election. The term of office shall be 4 years
24 from the date of appointment and until a successor is
25 appointed and qualified, or a successor is elected and
26 qualified under Section 3-52.

1 (Source: P.A. 101-150, eff. 7-26-19; 101-467, eff. 8-23-19;
2 revised 9-19-19.)

3 (35 ILCS 200/Art. 10 Div. 6 heading)

4 Division 6. Farmland, open space,
5 and forestry management plan~~er~~

6 (35 ILCS 200/18-185)

7 Sec. 18-185. Short title; definitions. This Division 5
8 may be cited as the Property Tax Extension Limitation Law. As
9 used in this Division 5:

10 "Consumer Price Index" means the Consumer Price Index for
11 All Urban Consumers for all items published by the United
12 States Department of Labor.

13 "Extension limitation" means (a) the lesser of 5% or the
14 percentage increase in the Consumer Price Index during the
15 12-month calendar year preceding the levy year or (b) the rate
16 of increase approved by voters under Section 18-205.

17 "Affected county" means a county of 3,000,000 or more
18 inhabitants or a county contiguous to a county of 3,000,000 or
19 more inhabitants.

20 "Taxing district" has the same meaning provided in Section
21 1-150, except as otherwise provided in this Section. For the
22 1991 through 1994 levy years only, "taxing district" includes
23 only each non-home rule taxing district having the majority of
24 its 1990 equalized assessed value within any county or

1 counties contiguous to a county with 3,000,000 or more
2 inhabitants. Beginning with the 1995 levy year, "taxing
3 district" includes only each non-home rule taxing district
4 subject to this Law before the 1995 levy year and each non-home
5 rule taxing district not subject to this Law before the 1995
6 levy year having the majority of its 1994 equalized assessed
7 value in an affected county or counties. Beginning with the
8 levy year in which this Law becomes applicable to a taxing
9 district as provided in Section 18-213, "taxing district" also
10 includes those taxing districts made subject to this Law as
11 provided in Section 18-213.

12 "Aggregate extension" for taxing districts to which this
13 Law applied before the 1995 levy year means the annual
14 corporate extension for the taxing district and those special
15 purpose extensions that are made annually for the taxing
16 district, excluding special purpose extensions: (a) made for
17 the taxing district to pay interest or principal on general
18 obligation bonds that were approved by referendum; (b) made
19 for any taxing district to pay interest or principal on
20 general obligation bonds issued before October 1, 1991; (c)
21 made for any taxing district to pay interest or principal on
22 bonds issued to refund or continue to refund those bonds
23 issued before October 1, 1991; (d) made for any taxing
24 district to pay interest or principal on bonds issued to
25 refund or continue to refund bonds issued after October 1,
26 1991 that were approved by referendum; (e) made for any taxing

1 district to pay interest or principal on revenue bonds issued
2 before October 1, 1991 for payment of which a property tax levy
3 or the full faith and credit of the unit of local government is
4 pledged; however, a tax for the payment of interest or
5 principal on those bonds shall be made only after the
6 governing body of the unit of local government finds that all
7 other sources for payment are insufficient to make those
8 payments; (f) made for payments under a building commission
9 lease when the lease payments are for the retirement of bonds
10 issued by the commission before October 1, 1991, to pay for the
11 building project; (g) made for payments due under installment
12 contracts entered into before October 1, 1991; (h) made for
13 payments of principal and interest on bonds issued under the
14 Metropolitan Water Reclamation District Act to finance
15 construction projects initiated before October 1, 1991; (i)
16 made for payments of principal and interest on limited bonds,
17 as defined in Section 3 of the Local Government Debt Reform
18 Act, in an amount not to exceed the debt service extension base
19 less the amount in items (b), (c), (e), and (h) of this
20 definition for non-referendum obligations, except obligations
21 initially issued pursuant to referendum; (j) made for payments
22 of principal and interest on bonds issued under Section 15 of
23 the Local Government Debt Reform Act; (k) made by a school
24 district that participates in the Special Education District
25 of Lake County, created by special education joint agreement
26 under Section 10-22.31 of the School Code, for payment of the

1 school district's share of the amounts required to be
2 contributed by the Special Education District of Lake County
3 to the Illinois Municipal Retirement Fund under Article 7 of
4 the Illinois Pension Code; the amount of any extension under
5 this item (k) shall be certified by the school district to the
6 county clerk; (l) made to fund expenses of providing joint
7 recreational programs for persons with disabilities under
8 Section 5-8 of the Park District Code or Section 11-95-14 of
9 the Illinois Municipal Code; (m) made for temporary relocation
10 loan repayment purposes pursuant to Sections 2-3.77 and
11 17-2.2d of the School Code; (n) made for payment of principal
12 and interest on any bonds issued under the authority of
13 Section 17-2.2d of the School Code; (o) made for contributions
14 to a firefighter's pension fund created under Article 4 of the
15 Illinois Pension Code, to the extent of the amount certified
16 under item (5) of Section 4-134 of the Illinois Pension Code;
17 and (p) made for road purposes in the first year after a
18 township assumes the rights, powers, duties, assets, property,
19 liabilities, obligations, and responsibilities of a road
20 district abolished under the provisions of Section 6-133 of
21 the Illinois Highway Code.

22 "Aggregate extension" for the taxing districts to which
23 this Law did not apply before the 1995 levy year (except taxing
24 districts subject to this Law in accordance with Section
25 18-213) means the annual corporate extension for the taxing
26 district and those special purpose extensions that are made

1 annually for the taxing district, excluding special purpose
2 extensions: (a) made for the taxing district to pay interest
3 or principal on general obligation bonds that were approved by
4 referendum; (b) made for any taxing district to pay interest
5 or principal on general obligation bonds issued before March
6 1, 1995; (c) made for any taxing district to pay interest or
7 principal on bonds issued to refund or continue to refund
8 those bonds issued before March 1, 1995; (d) made for any
9 taxing district to pay interest or principal on bonds issued
10 to refund or continue to refund bonds issued after March 1,
11 1995 that were approved by referendum; (e) made for any taxing
12 district to pay interest or principal on revenue bonds issued
13 before March 1, 1995 for payment of which a property tax levy
14 or the full faith and credit of the unit of local government is
15 pledged; however, a tax for the payment of interest or
16 principal on those bonds shall be made only after the
17 governing body of the unit of local government finds that all
18 other sources for payment are insufficient to make those
19 payments; (f) made for payments under a building commission
20 lease when the lease payments are for the retirement of bonds
21 issued by the commission before March 1, 1995 to pay for the
22 building project; (g) made for payments due under installment
23 contracts entered into before March 1, 1995; (h) made for
24 payments of principal and interest on bonds issued under the
25 Metropolitan Water Reclamation District Act to finance
26 construction projects initiated before October 1, 1991; (h-4)

1 made for stormwater management purposes by the Metropolitan
2 Water Reclamation District of Greater Chicago under Section 12
3 of the Metropolitan Water Reclamation District Act; (i) made
4 for payments of principal and interest on limited bonds, as
5 defined in Section 3 of the Local Government Debt Reform Act,
6 in an amount not to exceed the debt service extension base less
7 the amount in items (b), (c), and (e) of this definition for
8 non-referendum obligations, except obligations initially
9 issued pursuant to referendum and bonds described in
10 subsection (h) of this definition; (j) made for payments of
11 principal and interest on bonds issued under Section 15 of the
12 Local Government Debt Reform Act; (k) made for payments of
13 principal and interest on bonds authorized by Public Act
14 88-503 and issued under Section 20a of the Chicago Park
15 District Act for aquarium or museum projects; (l) made for
16 payments of principal and interest on bonds authorized by
17 Public Act 87-1191 or 93-601 and (i) issued pursuant to
18 Section 21.2 of the Cook County Forest Preserve District Act,
19 (ii) issued under Section 42 of the Cook County Forest
20 Preserve District Act for zoological park projects, or (iii)
21 issued under Section 44.1 of the Cook County Forest Preserve
22 District Act for botanical gardens projects; (m) made pursuant
23 to Section 34-53.5 of the School Code, whether levied annually
24 or not; (n) made to fund expenses of providing joint
25 recreational programs for persons with disabilities under
26 Section 5-8 of the Park District Code or Section 11-95-14 of

1 the Illinois Municipal Code; (o) made by the Chicago Park
2 District for recreational programs for persons with
3 disabilities under subsection (c) of Section 7.06 of the
4 Chicago Park District Act; (p) made for contributions to a
5 firefighter's pension fund created under Article 4 of the
6 Illinois Pension Code, to the extent of the amount certified
7 under item (5) of Section 4-134 of the Illinois Pension Code;
8 (q) made by Ford Heights School District 169 under Section
9 17-9.02 of the School Code; and (r) made for the purpose of
10 making employer contributions to the Public School Teachers'
11 Pension and Retirement Fund of Chicago under Section 34-53 of
12 the School Code.

13 "Aggregate extension" for all taxing districts to which
14 this Law applies in accordance with Section 18-213, except for
15 those taxing districts subject to paragraph (2) of subsection
16 (e) of Section 18-213, means the annual corporate extension
17 for the taxing district and those special purpose extensions
18 that are made annually for the taxing district, excluding
19 special purpose extensions: (a) made for the taxing district
20 to pay interest or principal on general obligation bonds that
21 were approved by referendum; (b) made for any taxing district
22 to pay interest or principal on general obligation bonds
23 issued before the date on which the referendum making this Law
24 applicable to the taxing district is held; (c) made for any
25 taxing district to pay interest or principal on bonds issued
26 to refund or continue to refund those bonds issued before the

1 date on which the referendum making this Law applicable to the
2 taxing district is held; (d) made for any taxing district to
3 pay interest or principal on bonds issued to refund or
4 continue to refund bonds issued after the date on which the
5 referendum making this Law applicable to the taxing district
6 is held if the bonds were approved by referendum after the date
7 on which the referendum making this Law applicable to the
8 taxing district is held; (e) made for any taxing district to
9 pay interest or principal on revenue bonds issued before the
10 date on which the referendum making this Law applicable to the
11 taxing district is held for payment of which a property tax
12 levy or the full faith and credit of the unit of local
13 government is pledged; however, a tax for the payment of
14 interest or principal on those bonds shall be made only after
15 the governing body of the unit of local government finds that
16 all other sources for payment are insufficient to make those
17 payments; (f) made for payments under a building commission
18 lease when the lease payments are for the retirement of bonds
19 issued by the commission before the date on which the
20 referendum making this Law applicable to the taxing district
21 is held to pay for the building project; (g) made for payments
22 due under installment contracts entered into before the date
23 on which the referendum making this Law applicable to the
24 taxing district is held; (h) made for payments of principal
25 and interest on limited bonds, as defined in Section 3 of the
26 Local Government Debt Reform Act, in an amount not to exceed

1 the debt service extension base less the amount in items (b),
2 (c), and (e) of this definition for non-referendum
3 obligations, except obligations initially issued pursuant to
4 referendum; (i) made for payments of principal and interest on
5 bonds issued under Section 15 of the Local Government Debt
6 Reform Act; (j) made for a qualified airport authority to pay
7 interest or principal on general obligation bonds issued for
8 the purpose of paying obligations due under, or financing
9 airport facilities required to be acquired, constructed,
10 installed or equipped pursuant to, contracts entered into
11 before March 1, 1996 (but not including any amendments to such
12 a contract taking effect on or after that date); (k) made to
13 fund expenses of providing joint recreational programs for
14 persons with disabilities under Section 5-8 of the Park
15 District Code or Section 11-95-14 of the Illinois Municipal
16 Code; (l) made for contributions to a firefighter's pension
17 fund created under Article 4 of the Illinois Pension Code, to
18 the extent of the amount certified under item (5) of Section
19 4-134 of the Illinois Pension Code; and (m) made for the taxing
20 district to pay interest or principal on general obligation
21 bonds issued pursuant to Section 19-3.10 of the School Code.

22 "Aggregate extension" for all taxing districts to which
23 this Law applies in accordance with paragraph (2) of
24 subsection (e) of Section 18-213 means the annual corporate
25 extension for the taxing district and those special purpose
26 extensions that are made annually for the taxing district,

1 excluding special purpose extensions: (a) made for the taxing
2 district to pay interest or principal on general obligation
3 bonds that were approved by referendum; (b) made for any
4 taxing district to pay interest or principal on general
5 obligation bonds issued before March 7, 1997 (the effective
6 date of Public Act 89-718) ~~this amendatory Act of 1997~~; (c)
7 made for any taxing district to pay interest or principal on
8 bonds issued to refund or continue to refund those bonds
9 issued before March 7, 1997 (the effective date of Public Act
10 89-718) ~~this amendatory Act of 1997~~; (d) made for any taxing
11 district to pay interest or principal on bonds issued to
12 refund or continue to refund bonds issued after March 7, 1997
13 (the effective date of Public Act 89-718) ~~this amendatory Act~~
14 ~~of 1997~~ if the bonds were approved by referendum after March 7,
15 1997 (the effective date of Public Act 89-718) ~~this amendatory~~
16 ~~Act of 1997~~; (e) made for any taxing district to pay interest
17 or principal on revenue bonds issued before March 7, 1997 (the
18 effective date of Public Act 89-718) ~~this amendatory Act of~~
19 ~~1997~~ for payment of which a property tax levy or the full faith
20 and credit of the unit of local government is pledged;
21 however, a tax for the payment of interest or principal on
22 those bonds shall be made only after the governing body of the
23 unit of local government finds that all other sources for
24 payment are insufficient to make those payments; (f) made for
25 payments under a building commission lease when the lease
26 payments are for the retirement of bonds issued by the

1 commission before March 7, 1997 (the effective date of Public
2 Act 89-718) ~~this amendatory Act of 1997~~ to pay for the building
3 project; (g) made for payments due under installment contracts
4 entered into before March 7, 1997 (the effective date of
5 Public Act 89-718) ~~this amendatory Act of 1997~~; (h) made for
6 payments of principal and interest on limited bonds, as
7 defined in Section 3 of the Local Government Debt Reform Act,
8 in an amount not to exceed the debt service extension base less
9 the amount in items (b), (c), and (e) of this definition for
10 non-referendum obligations, except obligations initially
11 issued pursuant to referendum; (i) made for payments of
12 principal and interest on bonds issued under Section 15 of the
13 Local Government Debt Reform Act; (j) made for a qualified
14 airport authority to pay interest or principal on general
15 obligation bonds issued for the purpose of paying obligations
16 due under, or financing airport facilities required to be
17 acquired, constructed, installed or equipped pursuant to,
18 contracts entered into before March 1, 1996 (but not including
19 any amendments to such a contract taking effect on or after
20 that date); (k) made to fund expenses of providing joint
21 recreational programs for persons with disabilities under
22 Section 5-8 of the Park District Code or Section 11-95-14 of
23 the Illinois Municipal Code; and (l) made for contributions to
24 a firefighter's pension fund created under Article 4 of the
25 Illinois Pension Code, to the extent of the amount certified
26 under item (5) of Section 4-134 of the Illinois Pension Code.

1 "Debt service extension base" means an amount equal to
2 that portion of the extension for a taxing district for the
3 1994 levy year, or for those taxing districts subject to this
4 Law in accordance with Section 18-213, except for those
5 subject to paragraph (2) of subsection (e) of Section 18-213,
6 for the levy year in which the referendum making this Law
7 applicable to the taxing district is held, or for those taxing
8 districts subject to this Law in accordance with paragraph (2)
9 of subsection (e) of Section 18-213 for the 1996 levy year,
10 constituting an extension for payment of principal and
11 interest on bonds issued by the taxing district without
12 referendum, but not including excluded non-referendum bonds.
13 For park districts (i) that were first subject to this Law in
14 1991 or 1995 and (ii) whose extension for the 1994 levy year
15 for the payment of principal and interest on bonds issued by
16 the park district without referendum (but not including
17 excluded non-referendum bonds) was less than 51% of the amount
18 for the 1991 levy year constituting an extension for payment
19 of principal and interest on bonds issued by the park district
20 without referendum (but not including excluded non-referendum
21 bonds), "debt service extension base" means an amount equal to
22 that portion of the extension for the 1991 levy year
23 constituting an extension for payment of principal and
24 interest on bonds issued by the park district without
25 referendum (but not including excluded non-referendum bonds).
26 A debt service extension base established or increased at any

1 time pursuant to any provision of this Law, except Section
2 18-212, shall be increased each year commencing with the later
3 of (i) the 2009 levy year or (ii) the first levy year in which
4 this Law becomes applicable to the taxing district, by the
5 lesser of 5% or the percentage increase in the Consumer Price
6 Index during the 12-month calendar year preceding the levy
7 year. The debt service extension base may be established or
8 increased as provided under Section 18-212. "Excluded
9 non-referendum bonds" means (i) bonds authorized by Public Act
10 88-503 and issued under Section 20a of the Chicago Park
11 District Act for aquarium and museum projects; (ii) bonds
12 issued under Section 15 of the Local Government Debt Reform
13 Act; or (iii) refunding obligations issued to refund or to
14 continue to refund obligations initially issued pursuant to
15 referendum.

16 "Special purpose extensions" include, but are not limited
17 to, extensions for levies made on an annual basis for
18 unemployment and workers' compensation, self-insurance,
19 contributions to pension plans, and extensions made pursuant
20 to Section 6-601 of the Illinois Highway Code for a road
21 district's permanent road fund whether levied annually or not.
22 The extension for a special service area is not included in the
23 aggregate extension.

24 "Aggregate extension base" means the taxing district's
25 last preceding aggregate extension as adjusted under Sections
26 18-135, 18-215, 18-230, and 18-206. An adjustment under

1 Section 18-135 shall be made for the 2007 levy year and all
2 subsequent levy years whenever one or more counties within
3 which a taxing district is located (i) used estimated
4 valuations or rates when extending taxes in the taxing
5 district for the last preceding levy year that resulted in the
6 over or under extension of taxes, or (ii) increased or
7 decreased the tax extension for the last preceding levy year
8 as required by Section 18-135(c). Whenever an adjustment is
9 required under Section 18-135, the aggregate extension base of
10 the taxing district shall be equal to the amount that the
11 aggregate extension of the taxing district would have been for
12 the last preceding levy year if either or both (i) actual,
13 rather than estimated, valuations or rates had been used to
14 calculate the extension of taxes for the last levy year, or
15 (ii) the tax extension for the last preceding levy year had not
16 been adjusted as required by subsection (c) of Section 18-135.

17 Notwithstanding any other provision of law, for levy year
18 2012, the aggregate extension base for West Northfield School
19 District No. 31 in Cook County shall be \$12,654,592.

20 "Levy year" has the same meaning as "year" under Section
21 1-155.

22 "New property" means (i) the assessed value, after final
23 board of review or board of appeals action, of new
24 improvements or additions to existing improvements on any
25 parcel of real property that increase the assessed value of
26 that real property during the levy year multiplied by the

1 equalization factor issued by the Department under Section
2 17-30, (ii) the assessed value, after final board of review or
3 board of appeals action, of real property not exempt from real
4 estate taxation, which real property was exempt from real
5 estate taxation for any portion of the immediately preceding
6 levy year, multiplied by the equalization factor issued by the
7 Department under Section 17-30, including the assessed value,
8 upon final stabilization of occupancy after new construction
9 is complete, of any real property located within the
10 boundaries of an otherwise or previously exempt military
11 reservation that is intended for residential use and owned by
12 or leased to a private corporation or other entity, (iii) in
13 counties that classify in accordance with Section 4 of Article
14 IX of the Illinois Constitution, an incentive property's
15 additional assessed value resulting from a scheduled increase
16 in the level of assessment as applied to the first year final
17 board of review market value, and (iv) any increase in
18 assessed value due to oil or gas production from an oil or gas
19 well required to be permitted under the Hydraulic Fracturing
20 Regulatory Act that was not produced in or accounted for
21 during the previous levy year. In addition, the county clerk
22 in a county containing a population of 3,000,000 or more shall
23 include in the 1997 recovered tax increment value for any
24 school district, any recovered tax increment value that was
25 applicable to the 1995 tax year calculations.

26 "Qualified airport authority" means an airport authority

1 organized under the Airport Authorities Act and located in a
2 county bordering on the State of Wisconsin and having a
3 population in excess of 200,000 and not greater than 500,000.

4 "Recovered tax increment value" means, except as otherwise
5 provided in this paragraph, the amount of the current year's
6 equalized assessed value, in the first year after a
7 municipality terminates the designation of an area as a
8 redevelopment project area previously established under the
9 Tax Increment Allocation Redevelopment ~~Development~~ Act in the
10 Illinois Municipal Code, previously established under the
11 Industrial Jobs Recovery Law in the Illinois Municipal Code,
12 previously established under the Economic Development Project
13 Area Tax Increment Act of 1995, or previously established
14 under the Economic Development Area Tax Increment Allocation
15 Act, of each taxable lot, block, tract, or parcel of real
16 property in the redevelopment project area over and above the
17 initial equalized assessed value of each property in the
18 redevelopment project area. For the taxes which are extended
19 for the 1997 levy year, the recovered tax increment value for a
20 non-home rule taxing district that first became subject to
21 this Law for the 1995 levy year because a majority of its 1994
22 equalized assessed value was in an affected county or counties
23 shall be increased if a municipality terminated the
24 designation of an area in 1993 as a redevelopment project area
25 previously established under the Tax Increment Allocation
26 Redevelopment ~~Development~~ Act in the Illinois Municipal Code,

1 previously established under the Industrial Jobs Recovery Law
2 in the Illinois Municipal Code, or previously established
3 under the Economic Development Area Tax Increment Allocation
4 Act, by an amount equal to the 1994 equalized assessed value of
5 each taxable lot, block, tract, or parcel of real property in
6 the redevelopment project area over and above the initial
7 equalized assessed value of each property in the redevelopment
8 project area. In the first year after a municipality removes a
9 taxable lot, block, tract, or parcel of real property from a
10 redevelopment project area established under the Tax Increment
11 Allocation Redevelopment ~~Development~~ Act in the Illinois
12 Municipal Code, the Industrial Jobs Recovery Law in the
13 Illinois Municipal Code, or the Economic Development Area Tax
14 Increment Allocation Act, "recovered tax increment value"
15 means the amount of the current year's equalized assessed
16 value of each taxable lot, block, tract, or parcel of real
17 property removed from the redevelopment project area over and
18 above the initial equalized assessed value of that real
19 property before removal from the redevelopment project area.

20 Except as otherwise provided in this Section, "limiting
21 rate" means a fraction the numerator of which is the last
22 preceding aggregate extension base times an amount equal to
23 one plus the extension limitation defined in this Section and
24 the denominator of which is the current year's equalized
25 assessed value of all real property in the territory under the
26 jurisdiction of the taxing district during the prior levy

1 year. For those taxing districts that reduced their aggregate
2 extension for the last preceding levy year, except for school
3 districts that reduced their extension for educational
4 purposes pursuant to Section 18-206, the highest aggregate
5 extension in any of the last 3 preceding levy years shall be
6 used for the purpose of computing the limiting rate. The
7 denominator shall not include new property or the recovered
8 tax increment value. If a new rate, a rate decrease, or a
9 limiting rate increase has been approved at an election held
10 after March 21, 2006, then (i) the otherwise applicable
11 limiting rate shall be increased by the amount of the new rate
12 or shall be reduced by the amount of the rate decrease, as the
13 case may be, or (ii) in the case of a limiting rate increase,
14 the limiting rate shall be equal to the rate set forth in the
15 proposition approved by the voters for each of the years
16 specified in the proposition, after which the limiting rate of
17 the taxing district shall be calculated as otherwise provided.
18 In the case of a taxing district that obtained referendum
19 approval for an increased limiting rate on March 20, 2012, the
20 limiting rate for tax year 2012 shall be the rate that
21 generates the approximate total amount of taxes extendable for
22 that tax year, as set forth in the proposition approved by the
23 voters; this rate shall be the final rate applied by the county
24 clerk for the aggregate of all capped funds of the district for
25 tax year 2012.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-521, eff. 6-1-17;

1 100-465, eff. 8-31-17; revised 8-12-19.)

2 (35 ILCS 200/18-246)

3 Sec. 18-246. Short title; definitions. This Division 5.1
4 may be cited as the One-year Property Tax Extension Limitation
5 Law.

6 As used in this Division 5.1:

7 "Taxing district" has the same meaning provided in Section
8 1-150, except that it includes only each non-home rule taxing
9 district with the majority of its 1993 equalized assessed
10 value contained in one or more affected counties, as defined
11 in Section 18-185, other than those taxing districts subject
12 to the Property Tax Extension Limitation Law before February
13 12, 1995 (the effective date of Public Act 89-1) ~~this~~
14 ~~amendatory Act of 1995.~~

15 "Aggregate extension" means the annual corporate extension
16 for the taxing district and those special purpose extensions
17 that are made annually for the taxing district, excluding
18 special purpose extensions: (a) made for the taxing district
19 to pay interest or principal on general obligation bonds that
20 were approved by referendum; (b) made for any taxing district
21 to pay interest or principal on general obligation bonds
22 issued before March 1, 1995; (c) made for any taxing district
23 to pay interest or principal on bonds issued to refund or
24 continue to refund those bonds issued before March 1, 1995;
25 (d) made for any taxing district to pay interest or principal

1 on bonds issued to refund or continue to refund bonds issued
2 after March 1, 1995 that were approved by referendum; (e) made
3 for any taxing district to pay interest or principal on
4 revenue bonds issued before March 1, 1995 for payment of which
5 a property tax levy or the full faith and credit of the unit of
6 local government is pledged; however, a tax for the payment of
7 interest or principal on those bonds shall be made only after
8 the governing body of the unit of local government finds that
9 all other sources for payment are insufficient to make those
10 payments; (f) made for payments under a building commission
11 lease when the lease payments are for the retirement of bonds
12 issued by the commission before March 1, 1995, to pay for the
13 building project; (g) made for payments due under installment
14 contracts entered into before March 1, 1995; and (h) made for
15 payments of principal and interest on bonds issued under the
16 Metropolitan Water Reclamation District Act to finance
17 construction projects initiated before October 1, 1991.

18 "Special purpose extensions" includes, but is not limited
19 to, extensions for levies made on an annual basis for
20 unemployment compensation, workers' compensation,
21 self-insurance, contributions to pension plans, and extensions
22 made under Section 6-601 of the Illinois Highway Code for a
23 road district's permanent road fund, whether levied annually
24 or not. The extension for a special service area is not
25 included in the aggregate extension.

26 "Aggregate extension base" means the taxing district's

1 aggregate extension for the 1993 levy year as adjusted under
2 Section 18-248.

3 "Levy year" has the same meaning as "year" under Section
4 1-155.

5 "New property" means (i) the assessed value, after final
6 board of review or board of appeals action, of new
7 improvements or additions to existing improvements on any
8 parcel of real property that increase the assessed value of
9 that real property during the levy year multiplied by the
10 equalization factor issued by the Department under Section
11 17-30 and (ii) the assessed value, after final board of review
12 or board of appeals action, of real property not exempt from
13 real estate taxation, which real property was exempt from real
14 estate taxation for any portion of the immediately preceding
15 levy year, multiplied by the equalization factor issued by the
16 Department under Section 17-30.

17 "Recovered tax increment value" means the amount of the
18 1994 equalized assessed value, in the first year after a city
19 terminates the designation of an area as a redevelopment
20 project area previously established under the Tax Increment
21 Allocation Redevelopment ~~Development~~ Act of the Illinois
22 Municipal Code or previously established under the Industrial
23 Jobs Recovery Law of the Illinois Municipal Code, or
24 previously established under the Economic Development Area Tax
25 Increment Allocation Act, of each taxable lot, block, tract,
26 or parcel of real property in the redevelopment project area

1 over and above the initial equalized assessed value of each
2 property in the redevelopment project area.

3 Except as otherwise provided in this Section, "limiting
4 rate" means a fraction the numerator of which is the aggregate
5 extension base times 1.05 and the denominator of which is the
6 1994 equalized assessed value of all real property in the
7 territory under the jurisdiction of the taxing district during
8 the 1993 levy year. The denominator shall not include new
9 property and shall not include the recovered tax increment
10 value.

11 (Source: P.A. 91-357, eff. 7-29-99; revised 8-20-19.)

12 Section 250. The Motor Fuel Tax Law is amended by changing
13 Section 8 as follows:

14 (35 ILCS 505/8) (from Ch. 120, par. 424)

15 Sec. 8. Except as provided in subsection (a-1) of this
16 Section, Section 8a, subdivision (h)(1) of Section 12a,
17 Section 13a.6, and items 13, 14, 15, and 16 of Section 15, all
18 money received by the Department under this Act, including
19 payments made to the Department by member jurisdictions
20 participating in the International Fuel Tax Agreement, shall
21 be deposited in a special fund in the State treasury, to be
22 known as the "Motor Fuel Tax Fund", and shall be used as
23 follows:

24 (a) 2 1/2 cents per gallon of the tax collected on special

1 fuel under paragraph (b) of Section 2 and Section 13a of this
2 Act shall be transferred to the State Construction Account
3 Fund in the State Treasury; the remainder of the tax collected
4 on special fuel under paragraph (b) of Section 2 and Section
5 13a of this Act shall be deposited into the Road Fund;

6 (a-1) Beginning on July 1, 2019, an amount equal to the
7 amount of tax collected under subsection (a) of Section 2 as a
8 result of the increase in the tax rate under Public Act 101-32
9 ~~this amendatory Act of the 101st General Assembly~~ shall be
10 transferred each month into the Transportation Renewal Fund;~~;~~

11 (b) \$420,000 shall be transferred each month to the State
12 Boating Act Fund to be used by the Department of Natural
13 Resources for the purposes specified in Article X of the Boat
14 Registration and Safety Act;

15 (c) \$3,500,000 shall be transferred each month to the
16 Grade Crossing Protection Fund to be used as follows: not less
17 than \$12,000,000 each fiscal year shall be used for the
18 construction or reconstruction of rail highway grade
19 separation structures; \$2,250,000 in fiscal years 2004 through
20 2009 and \$3,000,000 in fiscal year 2010 and each fiscal year
21 thereafter shall be transferred to the Transportation
22 Regulatory Fund and shall be accounted for as part of the rail
23 carrier portion of such funds and shall be used to pay the cost
24 of administration of the Illinois Commerce Commission's
25 railroad safety program in connection with its duties under
26 subsection (3) of Section 18c-7401 of the Illinois Vehicle

1 Code, with the remainder to be used by the Department of
2 Transportation upon order of the Illinois Commerce Commission,
3 to pay that part of the cost apportioned by such Commission to
4 the State to cover the interest of the public in the use of
5 highways, roads, streets, or pedestrian walkways in the county
6 highway system, township and district road system, or
7 municipal street system as defined in the Illinois Highway
8 Code, as the same may from time to time be amended, for
9 separation of grades, for installation, construction or
10 reconstruction of crossing protection or reconstruction,
11 alteration, relocation including construction or improvement
12 of any existing highway necessary for access to property or
13 improvement of any grade crossing and grade crossing surface
14 including the necessary highway approaches thereto of any
15 railroad across the highway or public road, or for the
16 installation, construction, reconstruction, or maintenance of
17 a pedestrian walkway over or under a railroad right-of-way, as
18 provided for in and in accordance with Section 18c-7401 of the
19 Illinois Vehicle Code. The Commission may order up to
20 \$2,000,000 per year in Grade Crossing Protection Fund moneys
21 for the improvement of grade crossing surfaces and up to
22 \$300,000 per year for the maintenance and renewal of
23 4-quadrant gate vehicle detection systems located at non-high
24 speed rail grade crossings. The Commission shall not order
25 more than \$2,000,000 per year in Grade Crossing Protection
26 Fund moneys for pedestrian walkways. In entering orders for

1 projects for which payments from the Grade Crossing Protection
2 Fund will be made, the Commission shall account for
3 expenditures authorized by the orders on a cash rather than an
4 accrual basis. For purposes of this requirement an "accrual
5 basis" assumes that the total cost of the project is expended
6 in the fiscal year in which the order is entered, while a "cash
7 basis" allocates the cost of the project among fiscal years as
8 expenditures are actually made. To meet the requirements of
9 this subsection, the Illinois Commerce Commission shall
10 develop annual and 5-year project plans of rail crossing
11 capital improvements that will be paid for with moneys from
12 the Grade Crossing Protection Fund. The annual project plan
13 shall identify projects for the succeeding fiscal year and the
14 5-year project plan shall identify projects for the 5 directly
15 succeeding fiscal years. The Commission shall submit the
16 annual and 5-year project plans for this Fund to the Governor,
17 the President of the Senate, the Senate Minority Leader, the
18 Speaker of the House of Representatives, and the Minority
19 Leader of the House of Representatives on the first Wednesday
20 in April of each year;

21 (d) of the amount remaining after allocations provided for
22 in subsections (a), (a-1), (b)1 and (c), a sufficient amount
23 shall be reserved to pay all of the following:

24 (1) the costs of the Department of Revenue in
25 administering this Act;

26 (2) the costs of the Department of Transportation in

1 performing its duties imposed by the Illinois Highway Code
2 for supervising the use of motor fuel tax funds
3 apportioned to municipalities, counties and road
4 districts;

5 (3) refunds provided for in Section 13, refunds for
6 overpayment of decal fees paid under Section 13a.4 of this
7 Act, and refunds provided for under the terms of the
8 International Fuel Tax Agreement referenced in Section
9 14a;

10 (4) from October 1, 1985 until June 30, 1994, the
11 administration of the Vehicle Emissions Inspection Law,
12 which amount shall be certified monthly by the
13 Environmental Protection Agency to the State Comptroller
14 and shall promptly be transferred by the State Comptroller
15 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
16 Inspection Fund, and for the period July 1, 1994 through
17 June 30, 2000, one-twelfth of \$25,000,000 each month, for
18 the period July 1, 2000 through June 30, 2003, one-twelfth
19 of \$30,000,000 each month, and \$15,000,000 on July 1,
20 2003, and \$15,000,000 on January 1, 2004, and \$15,000,000
21 on each July 1 and October 1, or as soon thereafter as may
22 be practical, during the period July 1, 2004 through June
23 30, 2012, and \$30,000,000 on June 1, 2013, or as soon
24 thereafter as may be practical, and \$15,000,000 on July 1
25 and October 1, or as soon thereafter as may be practical,
26 during the period of July 1, 2013 through June 30, 2015,

1 for the administration of the Vehicle Emissions Inspection
2 Law of 2005, to be transferred by the State Comptroller
3 and Treasurer from the Motor Fuel Tax Fund into the
4 Vehicle Inspection Fund;

5 (4.5) beginning on July 1, 2019, the costs of the
6 Environmental Protection Agency for the administration of
7 the Vehicle Emissions Inspection Law of 2005 shall be
8 paid, subject to appropriation, from the Motor Fuel Tax
9 Fund into the Vehicle Inspection Fund; beginning in 2019,
10 no later than December 31 of each year, or as soon
11 thereafter as practical, the State Comptroller shall
12 direct and the State Treasurer shall transfer from the
13 Vehicle Inspection Fund to the Motor Fuel Tax Fund any
14 balance remaining in the Vehicle Inspection Fund in excess
15 of \$2,000,000;

16 (5) amounts ordered paid by the Court of Claims; and

17 (6) payment of motor fuel use taxes due to member
18 jurisdictions under the terms of the International Fuel
19 Tax Agreement. The Department shall certify these amounts
20 to the Comptroller by the 15th day of each month; the
21 Comptroller shall cause orders to be drawn for such
22 amounts, and the Treasurer shall administer those amounts
23 on or before the last day of each month;

24 (e) after allocations for the purposes set forth in
25 subsections (a), (a-1), (b), (c), and (d), the remaining
26 amount shall be apportioned as follows:

1 (1) Until January 1, 2000, 58.4%, and beginning
2 January 1, 2000, 45.6% shall be deposited as follows:

3 (A) 37% into the State Construction Account Fund,
4 and

5 (B) 63% into the Road Fund, \$1,250,000 of which
6 shall be reserved each month for the Department of
7 Transportation to be used in accordance with the
8 provisions of Sections 6-901 through 6-906 of the
9 Illinois Highway Code;

10 (2) Until January 1, 2000, 41.6%, and beginning
11 January 1, 2000, 54.4% shall be transferred to the
12 Department of Transportation to be distributed as follows:

13 (A) 49.10% to the municipalities of the State,

14 (B) 16.74% to the counties of the State having
15 1,000,000 or more inhabitants,

16 (C) 18.27% to the counties of the State having
17 less than 1,000,000 inhabitants,

18 (D) 15.89% to the road districts of the State.

19 If a township is dissolved under Article 24 of the
20 Township Code, McHenry County shall receive any moneys
21 that would have been distributed to the township under
22 this subparagraph, except that a municipality that assumes
23 the powers and responsibilities of a road district under
24 paragraph (6) of Section 24-35 of the Township Code shall
25 receive any moneys that would have been distributed to the
26 township in a percent equal to the area of the dissolved

1 road district or portion of the dissolved road district
2 over which the municipality assumed the powers and
3 responsibilities compared to the total area of the
4 dissolved township. The moneys received under this
5 subparagraph shall be used in the geographic area of the
6 dissolved township. If a township is reconstituted as
7 provided under Section 24-45 of the Township Code, McHenry
8 County or a municipality shall no longer be distributed
9 moneys under this subparagraph.

10 As soon as may be after the first day of each month, the
11 Department of Transportation shall allot to each municipality
12 its share of the amount apportioned to the several
13 municipalities which shall be in proportion to the population
14 of such municipalities as determined by the last preceding
15 municipal census if conducted by the Federal Government or
16 Federal census. If territory is annexed to any municipality
17 subsequent to the time of the last preceding census the
18 corporate authorities of such municipality may cause a census
19 to be taken of such annexed territory and the population so
20 ascertained for such territory shall be added to the
21 population of the municipality as determined by the last
22 preceding census for the purpose of determining the allotment
23 for that municipality. If the population of any municipality
24 was not determined by the last Federal census preceding any
25 apportionment, the apportionment to such municipality shall be
26 in accordance with any census taken by such municipality. Any

1 municipal census used in accordance with this Section shall be
2 certified to the Department of Transportation by the clerk of
3 such municipality, and the accuracy thereof shall be subject
4 to approval of the Department which may make such corrections
5 as it ascertains to be necessary.

6 As soon as may be after the first day of each month, the
7 Department of Transportation shall allot to each county its
8 share of the amount apportioned to the several counties of the
9 State as herein provided. Each allotment to the several
10 counties having less than 1,000,000 inhabitants shall be in
11 proportion to the amount of motor vehicle license fees
12 received from the residents of such counties, respectively,
13 during the preceding calendar year. The Secretary of State
14 shall, on or before April 15 of each year, transmit to the
15 Department of Transportation a full and complete report
16 showing the amount of motor vehicle license fees received from
17 the residents of each county, respectively, during the
18 preceding calendar year. The Department of Transportation
19 shall, each month, use for allotment purposes the last such
20 report received from the Secretary of State.

21 As soon as may be after the first day of each month, the
22 Department of Transportation shall allot to the several
23 counties their share of the amount apportioned for the use of
24 road districts. The allotment shall be apportioned among the
25 several counties in the State in the proportion which the
26 total mileage of township or district roads in the respective

1 counties bears to the total mileage of all township and
2 district roads in the State. Funds allotted to the respective
3 counties for the use of road districts therein shall be
4 allocated to the several road districts in the county in the
5 proportion which the total mileage of such township or
6 district roads in the respective road districts bears to the
7 total mileage of all such township or district roads in the
8 county. After July 1 of any year prior to 2011, no allocation
9 shall be made for any road district unless it levied a tax for
10 road and bridge purposes in an amount which will require the
11 extension of such tax against the taxable property in any such
12 road district at a rate of not less than either .08% of the
13 value thereof, based upon the assessment for the year
14 immediately prior to the year in which such tax was levied and
15 as equalized by the Department of Revenue or, in DuPage
16 County, an amount equal to or greater than \$12,000 per mile of
17 road under the jurisdiction of the road district, whichever is
18 less. Beginning July 1, 2011 and each July 1 thereafter, an
19 allocation shall be made for any road district if it levied a
20 tax for road and bridge purposes. In counties other than
21 DuPage County, if the amount of the tax levy requires the
22 extension of the tax against the taxable property in the road
23 district at a rate that is less than 0.08% of the value
24 thereof, based upon the assessment for the year immediately
25 prior to the year in which the tax was levied and as equalized
26 by the Department of Revenue, then the amount of the

1 allocation for that road district shall be a percentage of the
2 maximum allocation equal to the percentage obtained by
3 dividing the rate extended by the district by 0.08%. In DuPage
4 County, if the amount of the tax levy requires the extension of
5 the tax against the taxable property in the road district at a
6 rate that is less than the lesser of (i) 0.08% of the value of
7 the taxable property in the road district, based upon the
8 assessment for the year immediately prior to the year in which
9 such tax was levied and as equalized by the Department of
10 Revenue, or (ii) a rate that will yield an amount equal to
11 \$12,000 per mile of road under the jurisdiction of the road
12 district, then the amount of the allocation for the road
13 district shall be a percentage of the maximum allocation equal
14 to the percentage obtained by dividing the rate extended by
15 the district by the lesser of (i) 0.08% or (ii) the rate that
16 will yield an amount equal to \$12,000 per mile of road under
17 the jurisdiction of the road district.

18 Prior to 2011, if any road district has levied a special
19 tax for road purposes pursuant to Sections 6-601, 6-602, and
20 6-603 of the Illinois Highway Code, and such tax was levied in
21 an amount which would require extension at a rate of not less
22 than .08% of the value of the taxable property thereof, as
23 equalized or assessed by the Department of Revenue, or, in
24 DuPage County, an amount equal to or greater than \$12,000 per
25 mile of road under the jurisdiction of the road district,
26 whichever is less, such levy shall, however, be deemed a

1 proper compliance with this Section and shall qualify such
2 road district for an allotment under this Section. Beginning
3 in 2011 and thereafter, if any road district has levied a
4 special tax for road purposes under Sections 6-601, 6-602, and
5 6-603 of the Illinois Highway Code, and the tax was levied in
6 an amount that would require extension at a rate of not less
7 than 0.08% of the value of the taxable property of that road
8 district, as equalized or assessed by the Department of
9 Revenue or, in DuPage County, an amount equal to or greater
10 than \$12,000 per mile of road under the jurisdiction of the
11 road district, whichever is less, that levy shall be deemed a
12 proper compliance with this Section and shall qualify such
13 road district for a full, rather than proportionate, allotment
14 under this Section. If the levy for the special tax is less
15 than 0.08% of the value of the taxable property, or, in DuPage
16 County if the levy for the special tax is less than the lesser
17 of (i) 0.08% or (ii) \$12,000 per mile of road under the
18 jurisdiction of the road district, and if the levy for the
19 special tax is more than any other levy for road and bridge
20 purposes, then the levy for the special tax qualifies the road
21 district for a proportionate, rather than full, allotment
22 under this Section. If the levy for the special tax is equal to
23 or less than any other levy for road and bridge purposes, then
24 any allotment under this Section shall be determined by the
25 other levy for road and bridge purposes.

26 Prior to 2011, if a township has transferred to the road

1 and bridge fund money which, when added to the amount of any
2 tax levy of the road district would be the equivalent of a tax
3 levy requiring extension at a rate of at least .08%, or, in
4 DuPage County, an amount equal to or greater than \$12,000 per
5 mile of road under the jurisdiction of the road district,
6 whichever is less, such transfer, together with any such tax
7 levy, shall be deemed a proper compliance with this Section
8 and shall qualify the road district for an allotment under
9 this Section.

10 In counties in which a property tax extension limitation
11 is imposed under the Property Tax Extension Limitation Law,
12 road districts may retain their entitlement to a motor fuel
13 tax allotment or, beginning in 2011, their entitlement to a
14 full allotment if, at the time the property tax extension
15 limitation was imposed, the road district was levying a road
16 and bridge tax at a rate sufficient to entitle it to a motor
17 fuel tax allotment and continues to levy the maximum allowable
18 amount after the imposition of the property tax extension
19 limitation. Any road district may in all circumstances retain
20 its entitlement to a motor fuel tax allotment or, beginning in
21 2011, its entitlement to a full allotment if it levied a road
22 and bridge tax in an amount that will require the extension of
23 the tax against the taxable property in the road district at a
24 rate of not less than 0.08% of the assessed value of the
25 property, based upon the assessment for the year immediately
26 preceding the year in which the tax was levied and as equalized

1 by the Department of Revenue or, in DuPage County, an amount
2 equal to or greater than \$12,000 per mile of road under the
3 jurisdiction of the road district, whichever is less.

4 As used in this Section, the term "road district" means
5 any road district, including a county unit road district,
6 provided for by the Illinois Highway Code; and the term
7 "township or district road" means any road in the township and
8 district road system as defined in the Illinois Highway Code.
9 For the purposes of this Section, "township or district road"
10 also includes such roads as are maintained by park districts,
11 forest preserve districts and conservation districts. The
12 Department of Transportation shall determine the mileage of
13 all township and district roads for the purposes of making
14 allotments and allocations of motor fuel tax funds for use in
15 road districts.

16 Payment of motor fuel tax moneys to municipalities and
17 counties shall be made as soon as possible after the allotment
18 is made. The treasurer of the municipality or county may
19 invest these funds until their use is required and the
20 interest earned by these investments shall be limited to the
21 same uses as the principal funds.

22 (Source: P.A. 101-32, eff. 6-28-19; 101-230, eff. 8-9-19;
23 101-493, eff. 8-23-19; revised 9-24-19.)

24 Section 255. The Illinois Pension Code is amended by
25 changing Sections 1-109, 4-117, 4-118, 4-141, 14-125, 15-155,

1 16-158, 16-190.5, 16-203, and 22C-115 as follows:

2 (40 ILCS 5/1-109) (from Ch. 108 1/2, par. 1-109)

3 Sec. 1-109. Duties of fiduciaries. A fiduciary with
4 respect to a retirement system or pension fund established
5 under this Code shall discharge his or her duties with respect
6 to the retirement system or pension fund solely in the
7 interest of the participants and beneficiaries and:

8 (a) for the exclusive purpose of:

9 (1) providing benefits to participants and their
10 beneficiaries; and

11 (2) defraying reasonable expenses of administering
12 the retirement system or pension fund;

13 (b) with the care, skill, prudence and diligence under
14 the circumstances then prevailing that a prudent man
15 acting in a like capacity and familiar with such matters
16 would use in the conduct of an enterprise of a like
17 character with like aims;

18 (c) by diversifying the investments of the retirement
19 system or pension fund so as to minimize the risk of large
20 losses, unless under the circumstances it is clearly
21 prudent not to do so; and

22 (d) in accordance with the provisions of the Article
23 of this ~~the Pension~~ Code governing the retirement system
24 or pension fund.

25 (Source: P.A. 82-960; revised 11-26-19.)

1 (40 ILCS 5/4-117) (from Ch. 108 1/2, par. 4-117)

2 Sec. 4-117. Reentry into active service.

3 (a) If a firefighter receiving pension payments reenters
4 active service, pension payments shall be suspended while he
5 or she is in service. If the firefighter again retires or is
6 discharged, his or her monthly pension shall be resumed in the
7 same amount as was paid upon first retirement or discharge
8 unless he or she remained in active service 3 or more years
9 after re-entry in which case the monthly pension shall be
10 based on the salary attached to the firefighter's rank at the
11 date of last retirement.

12 (b) If a deferred pensioner re-enters active service, and
13 again retires or is discharged from the fire service, his or
14 her pension shall be based on the salary attached to the rank
15 held in the fire service at the date of earlier retirement,
16 unless the firefighter remains in active service for 3 or more
17 years after re-entry, in which case the monthly pension shall
18 be based on the salary attached to the firefighter's rank at
19 the date of last retirement.

20 (c) If a pensioner or deferred pensioner re-enters or is
21 recalled to active service and is thereafter injured, and the
22 injury is not related to an injury for which he or she was
23 previously receiving a disability pension, the 3-year ~~3-year~~
24 service requirement shall not apply in order for the
25 firefighter to qualify for the increased pension based on the

1 rate of pay at the time of the new injury.

2 (Source: P.A. 83-1440; revised 7-17-19.)

3 (40 ILCS 5/4-118) (from Ch. 108 1/2, par. 4-118)

4 Sec. 4-118. Financing.

5 (a) The city council or the board of trustees of the
6 municipality shall annually levy a tax upon all the taxable
7 property of the municipality at the rate on the dollar which
8 will produce an amount which, when added to the deductions
9 from the salaries or wages of firefighters and revenues
10 available from other sources, will equal a sum sufficient to
11 meet the annual actuarial requirements of the pension fund, as
12 determined by an enrolled actuary employed by the Illinois
13 Department of Insurance or by an enrolled actuary retained by
14 the pension fund or municipality. For the purposes of this
15 Section, the annual actuarial requirements of the pension fund
16 are equal to (1) the normal cost of the pension fund, or 17.5%
17 of the salaries and wages to be paid to firefighters for the
18 year involved, whichever is greater, plus (2) an annual amount
19 sufficient to bring the total assets of the pension fund up to
20 90% of the total actuarial liabilities of the pension fund by
21 the end of municipal fiscal year 2040, as annually updated and
22 determined by an enrolled actuary employed by the Illinois
23 Department of Insurance or by an enrolled actuary retained by
24 the pension fund or the municipality. In making these
25 determinations, the required minimum employer contribution

1 shall be calculated each year as a level percentage of payroll
2 over the years remaining up to and including fiscal year 2040
3 and shall be determined under the projected unit credit
4 actuarial cost method. The amount to be applied towards the
5 amortization of the unfunded accrued liability in any year
6 shall not be less than the annual amount required to amortize
7 the unfunded accrued liability, including interest, as a level
8 percentage of payroll over the number of years remaining in
9 the 40-year ~~40-year~~ amortization period.

10 (a-2) A municipality that has established a pension fund
11 under this Article and that ~~who~~ employs a full-time
12 firefighter, as defined in Section 4-106, shall be deemed a
13 primary employer with respect to that full-time firefighter.
14 Any municipality of 5,000 or more inhabitants that employs or
15 enrolls a firefighter while that firefighter continues to earn
16 service credit as a participant in a primary employer's
17 pension fund under this Article shall be deemed a secondary
18 employer and such employees shall be deemed to be secondary
19 employee firefighters. To ensure that the primary employer's
20 pension fund under this Article is aware of additional
21 liabilities and risks to which firefighters are exposed when
22 performing work as firefighters for secondary employers, a
23 secondary employer shall annually prepare a report accounting
24 for all hours worked by and wages and salaries paid to the
25 secondary employee firefighters it receives services from or
26 employs for each fiscal year in which such firefighters are

1 employed and transmit a certified copy of that report to the
2 primary employer's pension fund and the secondary employee
3 firefighter no later than 30 days after the end of any fiscal
4 year in which wages were paid to the secondary employee
5 firefighters.

6 Nothing in this Section shall be construed to allow a
7 secondary employee to qualify for benefits or creditable
8 service for employment as a firefighter for a secondary
9 employer.

10 (a-5) For purposes of determining the required employer
11 contribution to a pension fund, the value of the pension
12 fund's assets shall be equal to the actuarial value of the
13 pension fund's assets, which shall be calculated as follows:

14 (1) On March 30, 2011, the actuarial value of a
15 pension fund's assets shall be equal to the market value
16 of the assets as of that date.

17 (2) In determining the actuarial value of the pension
18 fund's assets for fiscal years after March 30, 2011, any
19 actuarial gains or losses from investment return incurred
20 in a fiscal year shall be recognized in equal annual
21 amounts over the 5-year period following that fiscal year.

22 (b) The tax shall be levied and collected in the same
23 manner as the general taxes of the municipality, and shall be
24 in addition to all other taxes now or hereafter authorized to
25 be levied upon all property within the municipality, and in
26 addition to the amount authorized to be levied for general

1 purposes, under Section 8-3-1 of the Illinois Municipal Code
2 or under Section 14 of the Fire Protection District Act. The
3 tax shall be forwarded directly to the treasurer of the board
4 within 30 business days of receipt by the county (or, in the
5 case of amounts added to the tax levy under subsection (f),
6 used by the municipality to pay the employer contributions
7 required under subsection (b-1) of Section 15-155 of this
8 Code).

9 (b-5) If a participating municipality fails to transmit to
10 the fund contributions required of it under this Article for
11 more than 90 days after the payment of those contributions is
12 due, the fund may, after giving notice to the municipality,
13 certify to the State Comptroller the amounts of the delinquent
14 payments in accordance with any applicable rules of the
15 Comptroller, and the Comptroller must, beginning in fiscal
16 year 2016, deduct and remit to the fund the certified amounts
17 or a portion of those amounts from the following proportions
18 of payments of State funds to the municipality:

19 (1) in fiscal year 2016, one-third of the total amount
20 of any payments of State funds to the municipality;

21 (2) in fiscal year 2017, two-thirds of the total
22 amount of any payments of State funds to the municipality;
23 and

24 (3) in fiscal year 2018 and each fiscal year
25 thereafter, the total amount of any payments of State
26 funds to the municipality.

1 The State Comptroller may not deduct from any payments of
2 State funds to the municipality more than the amount of
3 delinquent payments certified to the State Comptroller by the
4 fund.

5 (c) The board shall make available to the membership and
6 the general public for inspection and copying at reasonable
7 times the most recent Actuarial Valuation Balance Sheet and
8 Tax Levy Requirement issued to the fund by the Department of
9 Insurance.

10 (d) The firefighters' pension fund shall consist of the
11 following moneys which shall be set apart by the treasurer of
12 the municipality: (1) all moneys derived from the taxes levied
13 hereunder; (2) contributions by firefighters as provided under
14 Section 4-118.1; (2.5) all moneys received from the
15 Firefighters' Pension Investment Fund as provided in Article
16 22C of this Code; (3) all rewards in money, fees, gifts, and
17 emoluments that may be paid or given for or on account of
18 extraordinary service by the fire department or any member
19 thereof, except when allowed to be retained by competitive
20 awards; and (4) any money, real estate or personal property
21 received by the board.

22 (e) For the purposes of this Section, "enrolled actuary"
23 means an actuary: (1) who is a member of the Society of
24 Actuaries or the American Academy of Actuaries; and (2) who is
25 enrolled under Subtitle C of Title III of the Employee
26 Retirement Income Security Act of 1974, or who has been

1 engaged in providing actuarial services to one or more public
2 retirement systems for a period of at least 3 years as of July
3 1, 1983.

4 (f) The corporate authorities of a municipality that
5 employs a person who is described in subdivision (d) of
6 Section 4-106 may add to the tax levy otherwise provided for in
7 this Section an amount equal to the projected cost of the
8 employer contributions required to be paid by the municipality
9 to the State Universities Retirement System under subsection
10 (b-1) of Section 15-155 of this Code.

11 (g) The Commission on Government Forecasting and
12 Accountability shall conduct a study of all funds established
13 under this Article and shall report its findings to the
14 General Assembly on or before January 1, 2013. To the fullest
15 extent possible, the study shall include, but not be limited
16 to, the following:

17 (1) fund balances;

18 (2) historical employer contribution rates for each
19 fund;

20 (3) the actuarial formulas used as a basis for
21 employer contributions, including the actual assumed rate
22 of return for each year, for each fund;

23 (4) available contribution funding sources;

24 (5) the impact of any revenue limitations caused by
25 PTELL and employer home rule or non-home rule status; and

26 (6) existing statutory funding compliance procedures

1 and funding enforcement mechanisms for all municipal
2 pension funds.

3 (Source: P.A. 101-522, eff. 8-23-19; 101-610, eff. 1-1-20;
4 revised 8-20-20.)

5 (40 ILCS 5/4-141) (from Ch. 108 1/2, par. 4-141)

6 Sec. 4-141. Referendum in municipalities less than 5,000.
7 This Article shall become effective in any municipality of
8 less than 5,000~~7~~ population if the proposition to adopt the
9 Article is submitted to and approved by the voters of the
10 municipality in the manner herein provided.

11 Whenever the electors of the municipality equal in number
12 to 5% of the number of legal votes cast at the last preceding
13 general municipal election for mayor or president, as the case
14 may be, petition the corporate authorities of the municipality
15 to submit the proposition whether that municipality shall
16 adopt this Article, the municipal clerk shall certify the
17 proposition to the proper election official who shall submit
18 it to the electors in accordance with the general election law
19 at the next succeeding regular election in the municipality.
20 If the proposition is not adopted at that election, it may be
21 submitted in like manner at any regular election thereafter.

22 The proposition shall be substantially in the following
23 form:

24 -----

25 Shall the city (or village or

1	incorporated town as the case may be)	YES
2	of.... adopt Article 4 of the	
3	"Illinois Pension Code",	-----
4	providing for a Firefighters'	NO
5	Pension Fund and the levying	
6	of an annual tax therefor?	
7	-----	

8 If a majority of the votes cast on the proposition is for
9 the proposition, this Article is adopted in that municipality.
10 (Source: P.A. 83-1440; revised 7-17-19.)

11 (40 ILCS 5/14-125) (from Ch. 108 1/2, par. 14-125)
12 Sec. 14-125. Nonoccupational disability benefit; amount
13 ~~benefit—Amount~~ of. The nonoccupational disability benefit
14 shall be 50% of the member's final average compensation at the
15 time disability occurred. In the case of a member whose
16 benefit was resumed due to the same disability, the amount of
17 the benefit shall be the same as that last paid before
18 resumption of State employment. In the event that a temporary
19 disability benefit has been received, the nonoccupational
20 disability benefit shall be subject to adjustment by the Board
21 under Section 14-123.1.

22 If a covered employee is eligible for a disability benefit
23 before attaining the Social Security full retirement age or a
24 retirement benefit on or after attaining the Social Security
25 full retirement age under the federal ~~Federal~~ Social Security

1 Act, the amount of the member's nonoccupational disability
2 benefit shall be reduced by the amount of primary benefit the
3 member would be eligible to receive under such Act, whether or
4 not entitlement thereto came about as the result of service as
5 a covered employee under this Article. The Board may make such
6 reduction if it appears that the employee may be so eligible
7 pending determination of eligibility and make an appropriate
8 adjustment if necessary after such determination. The amount
9 of any nonoccupational disability benefit payable under this
10 Article shall not be reduced by reason of any increase under
11 the federal ~~Federal~~ Social Security Act which occurs after the
12 offset required by this Section is first applied to that
13 benefit.

14 As used in this Section ~~subsection~~, "Social Security full
15 retirement age" means the age at which an individual is
16 eligible to receive full Social Security retirement benefits.
17 (Source: P.A. 101-54, eff. 7-12-19; revised 8-13-19.)

18 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

19 Sec. 15-155. Employer contributions.

20 (a) The State of Illinois shall make contributions by
21 appropriations of amounts which, together with the other
22 employer contributions from trust, federal, and other funds,
23 employee contributions, income from investments, and other
24 income of this System, will be sufficient to meet the cost of
25 maintaining and administering the System on a 90% funded basis

1 in accordance with actuarial recommendations.

2 The Board shall determine the amount of State
3 contributions required for each fiscal year on the basis of
4 the actuarial tables and other assumptions adopted by the
5 Board and the recommendations of the actuary, using the
6 formula in subsection (a-1).

7 (a-1) For State fiscal years 2012 through 2045, the
8 minimum contribution to the System to be made by the State for
9 each fiscal year shall be an amount determined by the System to
10 be sufficient to bring the total assets of the System up to 90%
11 of the total actuarial liabilities of the System by the end of
12 State fiscal year 2045. In making these determinations, the
13 required State contribution shall be calculated each year as a
14 level percentage of payroll over the years remaining to and
15 including fiscal year 2045 and shall be determined under the
16 projected unit credit actuarial cost method.

17 For each of State fiscal years 2018, 2019, and 2020, the
18 State shall make an additional contribution to the System
19 equal to 2% of the total payroll of each employee who is deemed
20 to have elected the benefits under Section 1-161 or who has
21 made the election under subsection (c) of Section 1-161.

22 A change in an actuarial or investment assumption that
23 increases or decreases the required State contribution and
24 first applies in State fiscal year 2018 or thereafter shall be
25 implemented in equal annual amounts over a 5-year period
26 beginning in the State fiscal year in which the actuarial

1 change first applies to the required State contribution.

2 A change in an actuarial or investment assumption that
3 increases or decreases the required State contribution and
4 first applied to the State contribution in fiscal year 2014,
5 2015, 2016, or 2017 shall be implemented:

6 (i) as already applied in State fiscal years before
7 2018; and

8 (ii) in the portion of the 5-year period beginning in
9 the State fiscal year in which the actuarial change first
10 applied that occurs in State fiscal year 2018 or
11 thereafter, by calculating the change in equal annual
12 amounts over that 5-year period and then implementing it
13 at the resulting annual rate in each of the remaining
14 fiscal years in that 5-year period.

15 For State fiscal years 1996 through 2005, the State
16 contribution to the System, as a percentage of the applicable
17 employee payroll, shall be increased in equal annual
18 increments so that by State fiscal year 2011, the State is
19 contributing at the rate required under this Section.

20 Notwithstanding any other provision of this Article, the
21 total required State contribution for State fiscal year 2006
22 is \$166,641,900.

23 Notwithstanding any other provision of this Article, the
24 total required State contribution for State fiscal year 2007
25 is \$252,064,100.

26 For each of State fiscal years 2008 through 2009, the

1 State contribution to the System, as a percentage of the
2 applicable employee payroll, shall be increased in equal
3 annual increments from the required State contribution for
4 State fiscal year 2007, so that by State fiscal year 2011, the
5 State is contributing at the rate otherwise required under
6 this Section.

7 Notwithstanding any other provision of this Article, the
8 total required State contribution for State fiscal year 2010
9 is \$702,514,000 and shall be made from the State Pensions Fund
10 and proceeds of bonds sold in fiscal year 2010 pursuant to
11 Section 7.2 of the General Obligation Bond Act, less (i) the
12 pro rata share of bond sale expenses determined by the
13 System's share of total bond proceeds, (ii) any amounts
14 received from the General Revenue Fund in fiscal year 2010,
15 (iii) any reduction in bond proceeds due to the issuance of
16 discounted bonds, if applicable.

17 Notwithstanding any other provision of this Article, the
18 total required State contribution for State fiscal year 2011
19 is the amount recertified by the System on or before April 1,
20 2011 pursuant to Section 15-165 and shall be made from the
21 State Pensions Fund and proceeds of bonds sold in fiscal year
22 2011 pursuant to Section 7.2 of the General Obligation Bond
23 Act, less (i) the pro rata share of bond sale expenses
24 determined by the System's share of total bond proceeds, (ii)
25 any amounts received from the General Revenue Fund in fiscal
26 year 2011, and (iii) any reduction in bond proceeds due to the

1 issuance of discounted bonds, if applicable.

2 Beginning in State fiscal year 2046, the minimum State
3 contribution for each fiscal year shall be the amount needed
4 to maintain the total assets of the System at 90% of the total
5 actuarial liabilities of the System.

6 Amounts received by the System pursuant to Section 25 of
7 the Budget Stabilization Act or Section 8.12 of the State
8 Finance Act in any fiscal year do not reduce and do not
9 constitute payment of any portion of the minimum State
10 contribution required under this Article in that fiscal year.
11 Such amounts shall not reduce, and shall not be included in the
12 calculation of, the required State contributions under this
13 Article in any future year until the System has reached a
14 funding ratio of at least 90%. A reference in this Article to
15 the "required State contribution" or any substantially similar
16 term does not include or apply to any amounts payable to the
17 System under Section 25 of the Budget Stabilization Act.

18 Notwithstanding any other provision of this Section, the
19 required State contribution for State fiscal year 2005 and for
20 fiscal year 2008 and each fiscal year thereafter, as
21 calculated under this Section and certified under Section
22 15-165, shall not exceed an amount equal to (i) the amount of
23 the required State contribution that would have been
24 calculated under this Section for that fiscal year if the
25 System had not received any payments under subsection (d) of
26 Section 7.2 of the General Obligation Bond Act, minus (ii) the

1 portion of the State's total debt service payments for that
2 fiscal year on the bonds issued in fiscal year 2003 for the
3 purposes of that Section 7.2, as determined and certified by
4 the Comptroller, that is the same as the System's portion of
5 the total moneys distributed under subsection (d) of Section
6 7.2 of the General Obligation Bond Act. In determining this
7 maximum for State fiscal years 2008 through 2010, however, the
8 amount referred to in item (i) shall be increased, as a
9 percentage of the applicable employee payroll, in equal
10 increments calculated from the sum of the required State
11 contribution for State fiscal year 2007 plus the applicable
12 portion of the State's total debt service payments for fiscal
13 year 2007 on the bonds issued in fiscal year 2003 for the
14 purposes of Section 7.2 of the General Obligation Bond Act, so
15 that, by State fiscal year 2011, the State is contributing at
16 the rate otherwise required under this Section.

17 (a-2) Beginning in fiscal year 2018, each employer under
18 this Article shall pay to the System a required contribution
19 determined as a percentage of projected payroll and sufficient
20 to produce an annual amount equal to:

21 (i) for each of fiscal years 2018, 2019, and 2020, the
22 defined benefit normal cost of the defined benefit plan,
23 less the employee contribution, for each employee of that
24 employer who has elected or who is deemed to have elected
25 the benefits under Section 1-161 or who has made the
26 election under subsection (c) of Section 1-161; for fiscal

1 year 2021 and each fiscal year thereafter, the defined
2 benefit normal cost of the defined benefit plan, less the
3 employee contribution, plus 2%, for each employee of that
4 employer who has elected or who is deemed to have elected
5 the benefits under Section 1-161 or who has made the
6 election under subsection (c) of Section 1-161; plus

7 (ii) the amount required for that fiscal year to
8 amortize any unfunded actuarial accrued liability
9 associated with the present value of liabilities
10 attributable to the employer's account under Section
11 15-155.2, determined as a level percentage of payroll over
12 a 30-year rolling amortization period.

13 In determining contributions required under item (i) of
14 this subsection, the System shall determine an aggregate rate
15 for all employers, expressed as a percentage of projected
16 payroll.

17 In determining the contributions required under item (ii)
18 of this subsection, the amount shall be computed by the System
19 on the basis of the actuarial assumptions and tables used in
20 the most recent actuarial valuation of the System that is
21 available at the time of the computation.

22 The contributions required under this subsection (a-2)
23 shall be paid by an employer concurrently with that employer's
24 payroll payment period. The State, as the actual employer of
25 an employee, shall make the required contributions under this
26 subsection.

1 As used in this subsection, "academic year" means the
2 12-month period beginning September 1.

3 (b) If an employee is paid from trust or federal funds, the
4 employer shall pay to the Board contributions from those funds
5 which are sufficient to cover the accruing normal costs on
6 behalf of the employee. However, universities having employees
7 who are compensated out of local auxiliary funds, income
8 funds, or service enterprise funds are not required to pay
9 such contributions on behalf of those employees. The local
10 auxiliary funds, income funds, and service enterprise funds of
11 universities shall not be considered trust funds for the
12 purpose of this Article, but funds of alumni associations,
13 foundations, and athletic associations which are affiliated
14 with the universities included as employers under this Article
15 and other employers which do not receive State appropriations
16 are considered to be trust funds for the purpose of this
17 Article.

18 (b-1) The City of Urbana and the City of Champaign shall
19 each make employer contributions to this System for their
20 respective firefighter employees who participate in this
21 System pursuant to subsection (h) of Section 15-107. The rate
22 of contributions to be made by those municipalities shall be
23 determined annually by the Board on the basis of the actuarial
24 assumptions adopted by the Board and the recommendations of
25 the actuary, and shall be expressed as a percentage of salary
26 for each such employee. The Board shall certify the rate to the

1 affected municipalities as soon as may be practical. The
2 employer contributions required under this subsection shall be
3 remitted by the municipality to the System at the same time and
4 in the same manner as employee contributions.

5 (c) Through State fiscal year 1995: The total employer
6 contribution shall be apportioned among the various funds of
7 the State and other employers, whether trust, federal, or
8 other funds, in accordance with actuarial procedures approved
9 by the Board. State of Illinois contributions for employers
10 receiving State appropriations for personal services shall be
11 payable from appropriations made to the employers or to the
12 System. The contributions for Class I community colleges
13 covering earnings other than those paid from trust and federal
14 funds, shall be payable solely from appropriations to the
15 Illinois Community College Board or the System for employer
16 contributions.

17 (d) Beginning in State fiscal year 1996, the required
18 State contributions to the System shall be appropriated
19 directly to the System and shall be payable through vouchers
20 issued in accordance with subsection (c) of Section 15-165,
21 except as provided in subsection (g).

22 (e) The State Comptroller shall draw warrants payable to
23 the System upon proper certification by the System or by the
24 employer in accordance with the appropriation laws and this
25 Code.

26 (f) Normal costs under this Section means liability for

1 pensions and other benefits which accrues to the System
2 because of the credits earned for service rendered by the
3 participants during the fiscal year and expenses of
4 administering the System, but shall not include the principal
5 of or any redemption premium or interest on any bonds issued by
6 the Board or any expenses incurred or deposits required in
7 connection therewith.

8 (g) If ~~June 4, 2018 (Public Act 100-587)~~ the amount of a
9 participant's earnings for any academic year used to determine
10 the final rate of earnings, determined on a full-time
11 equivalent basis, exceeds the amount of his or her earnings
12 with the same employer for the previous academic year,
13 determined on a full-time equivalent basis, by more than 6%,
14 the participant's employer shall pay to the System, in
15 addition to all other payments required under this Section and
16 in accordance with guidelines established by the System, the
17 present value of the increase in benefits resulting from the
18 portion of the increase in earnings that is in excess of 6%.
19 This present value shall be computed by the System on the basis
20 of the actuarial assumptions and tables used in the most
21 recent actuarial valuation of the System that is available at
22 the time of the computation. The System may require the
23 employer to provide any pertinent information or
24 documentation.

25 Whenever it determines that a payment is or may be
26 required under this subsection (g), the System shall calculate

1 the amount of the payment and bill the employer for that
2 amount. The bill shall specify the calculations used to
3 determine the amount due. If the employer disputes the amount
4 of the bill, it may, within 30 days after receipt of the bill,
5 apply to the System in writing for a recalculation. The
6 application must specify in detail the grounds of the dispute
7 and, if the employer asserts that the calculation is subject
8 to subsection (h) or (i) of this Section, must include an
9 affidavit setting forth and attesting to all facts within the
10 employer's knowledge that are pertinent to the applicability
11 of that subsection. Upon receiving a timely application for
12 recalculation, the System shall review the application and, if
13 appropriate, recalculate the amount due.

14 The employer contributions required under this subsection
15 (g) may be paid in the form of a lump sum within 90 days after
16 receipt of the bill. If the employer contributions are not
17 paid within 90 days after receipt of the bill, then interest
18 will be charged at a rate equal to the System's annual
19 actuarially assumed rate of return on investment compounded
20 annually from the 91st day after receipt of the bill. Payments
21 must be concluded within 3 years after the employer's receipt
22 of the bill.

23 When assessing payment for any amount due under this
24 subsection (g), the System shall include earnings, to the
25 extent not established by a participant under Section
26 15-113.11 or 15-113.12, that would have been paid to the

1 participant had the participant not taken (i) periods of
2 voluntary or involuntary furlough occurring on or after July
3 1, 2015 and on or before June 30, 2017 or (ii) periods of
4 voluntary pay reduction in lieu of furlough occurring on or
5 after July 1, 2015 and on or before June 30, 2017. Determining
6 earnings that would have been paid to a participant had the
7 participant not taken periods of voluntary or involuntary
8 furlough or periods of voluntary pay reduction shall be the
9 responsibility of the employer, and shall be reported in a
10 manner prescribed by the System.

11 This subsection (g) does not apply to (1) Tier 2 hybrid
12 plan members and (2) Tier 2 defined benefit members who first
13 participate under this Article on or after the implementation
14 date of the Optional Hybrid Plan.

15 (g-1) (Blank). ~~June 4, 2018 (Public Act 100-587)~~

16 (h) This subsection (h) applies only to payments made or
17 salary increases given on or after June 1, 2005 but before July
18 1, 2011. The changes made by Public Act 94-1057 shall not
19 require the System to refund any payments received before July
20 31, 2006 (the effective date of Public Act 94-1057).

21 When assessing payment for any amount due under subsection
22 (g), the System shall exclude earnings increases paid to
23 participants under contracts or collective bargaining
24 agreements entered into, amended, or renewed before June 1,
25 2005.

26 When assessing payment for any amount due under subsection

1 (g), the System shall exclude earnings increases paid to a
2 participant at a time when the participant is 10 or more years
3 from retirement eligibility under Section 15-135.

4 When assessing payment for any amount due under subsection
5 (g), the System shall exclude earnings increases resulting
6 from overload work, including a contract for summer teaching,
7 or overtime when the employer has certified to the System, and
8 the System has approved the certification, that: (i) in the
9 case of overloads (A) the overload work is for the sole purpose
10 of academic instruction in excess of the standard number of
11 instruction hours for a full-time employee occurring during
12 the academic year that the overload is paid and (B) the
13 earnings increases are equal to or less than the rate of pay
14 for academic instruction computed using the participant's
15 current salary rate and work schedule; and (ii) in the case of
16 overtime, the overtime was necessary for the educational
17 mission.

18 When assessing payment for any amount due under subsection
19 (g), the System shall exclude any earnings increase resulting
20 from (i) a promotion for which the employee moves from one
21 classification to a higher classification under the State
22 Universities Civil Service System, (ii) a promotion in
23 academic rank for a tenured or tenure-track faculty position,
24 or (iii) a promotion that the Illinois Community College Board
25 has recommended in accordance with subsection (k) of this
26 Section. These earnings increases shall be excluded only if

1 the promotion is to a position that has existed and been filled
2 by a member for no less than one complete academic year and the
3 earnings increase as a result of the promotion is an increase
4 that results in an amount no greater than the average salary
5 paid for other similar positions.

6 (i) When assessing payment for any amount due under
7 subsection (g), the System shall exclude any salary increase
8 described in subsection (h) of this Section given on or after
9 July 1, 2011 but before July 1, 2014 under a contract or
10 collective bargaining agreement entered into, amended, or
11 renewed on or after June 1, 2005 but before July 1, 2011.
12 Notwithstanding any other provision of this Section, any
13 payments made or salary increases given after June 30, 2014
14 shall be used in assessing payment for any amount due under
15 subsection (g) of this Section.

16 (j) The System shall prepare a report and file copies of
17 the report with the Governor and the General Assembly by
18 January 1, 2007 that contains all of the following
19 information:

20 (1) The number of recalculations required by the
21 changes made to this Section by Public Act 94-1057 for
22 each employer.

23 (2) The dollar amount by which each employer's
24 contribution to the System was changed due to
25 recalculations required by Public Act 94-1057.

26 (3) The total amount the System received from each

1 employer as a result of the changes made to this Section by
2 Public Act 94-4.

3 (4) The increase in the required State contribution
4 resulting from the changes made to this Section by Public
5 Act 94-1057.

6 (j-5) For State fiscal years beginning on or after July 1,
7 2017, if the amount of a participant's earnings for any State
8 fiscal year exceeds the amount of the salary set by law for the
9 Governor that is in effect on July 1 of that fiscal year, the
10 participant's employer shall pay to the System, in addition to
11 all other payments required under this Section and in
12 accordance with guidelines established by the System, an
13 amount determined by the System to be equal to the employer
14 normal cost, as established by the System and expressed as a
15 total percentage of payroll, multiplied by the amount of
16 earnings in excess of the amount of the salary set by law for
17 the Governor. This amount shall be computed by the System on
18 the basis of the actuarial assumptions and tables used in the
19 most recent actuarial valuation of the System that is
20 available at the time of the computation. The System may
21 require the employer to provide any pertinent information or
22 documentation.

23 Whenever it determines that a payment is or may be
24 required under this subsection, the System shall calculate the
25 amount of the payment and bill the employer for that amount.
26 The bill shall specify the calculation used to determine the

1 amount due. If the employer disputes the amount of the bill, it
2 may, within 30 days after receipt of the bill, apply to the
3 System in writing for a recalculation. The application must
4 specify in detail the grounds of the dispute. Upon receiving a
5 timely application for recalculation, the System shall review
6 the application and, if appropriate, recalculate the amount
7 due.

8 The employer contributions required under this subsection
9 may be paid in the form of a lump sum within 90 days after
10 issuance of the bill. If the employer contributions are not
11 paid within 90 days after issuance of the bill, then interest
12 will be charged at a rate equal to the System's annual
13 actuarially assumed rate of return on investment compounded
14 annually from the 91st day after issuance of the bill. All
15 payments must be received within 3 years after issuance of the
16 bill. If the employer fails to make complete payment,
17 including applicable interest, within 3 years, then the System
18 may, after giving notice to the employer, certify the
19 delinquent amount to the State Comptroller, and the
20 Comptroller shall thereupon deduct the certified delinquent
21 amount from State funds payable to the employer and pay them
22 instead to the System.

23 This subsection (j-5) does not apply to a participant's
24 earnings to the extent an employer pays the employer normal
25 cost of such earnings.

26 The changes made to this subsection (j-5) by Public Act

1 100-624 are intended to apply retroactively to July 6, 2017
2 (the effective date of Public Act 100-23).

3 (k) The Illinois Community College Board shall adopt rules
4 for recommending lists of promotional positions submitted to
5 the Board by community colleges and for reviewing the
6 promotional lists on an annual basis. When recommending
7 promotional lists, the Board shall consider the similarity of
8 the positions submitted to those positions recognized for
9 State universities by the State Universities Civil Service
10 System. The Illinois Community College Board shall file a copy
11 of its findings with the System. The System shall consider the
12 findings of the Illinois Community College Board when making
13 determinations under this Section. The System shall not
14 exclude any earnings increases resulting from a promotion when
15 the promotion was not submitted by a community college.
16 Nothing in this subsection (k) shall require any community
17 college to submit any information to the Community College
18 Board.

19 (l) For purposes of determining the required State
20 contribution to the System, the value of the System's assets
21 shall be equal to the actuarial value of the System's assets,
22 which shall be calculated as follows:

23 As of June 30, 2008, the actuarial value of the System's
24 assets shall be equal to the market value of the assets as of
25 that date. In determining the actuarial value of the System's
26 assets for fiscal years after June 30, 2008, any actuarial

1 gains or losses from investment return incurred in a fiscal
2 year shall be recognized in equal annual amounts over the
3 5-year period following that fiscal year.

4 (m) For purposes of determining the required State
5 contribution to the system for a particular year, the
6 actuarial value of assets shall be assumed to earn a rate of
7 return equal to the system's actuarially assumed rate of
8 return.

9 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
10 100-624, eff. 7-20-18; 101-10, eff. 6-5-19; 101-81, eff.
11 7-12-19; revised 8-6-19.)

12 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

13 Sec. 16-158. Contributions by State and other employing
14 units.

15 (a) The State shall make contributions to the System by
16 means of appropriations from the Common School Fund and other
17 State funds of amounts which, together with other employer
18 contributions, employee contributions, investment income, and
19 other income, will be sufficient to meet the cost of
20 maintaining and administering the System on a 90% funded basis
21 in accordance with actuarial recommendations.

22 The Board shall determine the amount of State
23 contributions required for each fiscal year on the basis of
24 the actuarial tables and other assumptions adopted by the
25 Board and the recommendations of the actuary, using the

1 formula in subsection (b-3).

2 (a-1) Annually, on or before November 15 until November
3 15, 2011, the Board shall certify to the Governor the amount of
4 the required State contribution for the coming fiscal year.
5 The certification under this subsection (a-1) shall include a
6 copy of the actuarial recommendations upon which it is based
7 and shall specifically identify the System's projected State
8 normal cost for that fiscal year.

9 On or before May 1, 2004, the Board shall recalculate and
10 recertify to the Governor the amount of the required State
11 contribution to the System for State fiscal year 2005, taking
12 into account the amounts appropriated to and received by the
13 System under subsection (d) of Section 7.2 of the General
14 Obligation Bond Act.

15 On or before July 1, 2005, the Board shall recalculate and
16 recertify to the Governor the amount of the required State
17 contribution to the System for State fiscal year 2006, taking
18 into account the changes in required State contributions made
19 by Public Act 94-4.

20 On or before April 1, 2011, the Board shall recalculate
21 and recertify to the Governor the amount of the required State
22 contribution to the System for State fiscal year 2011,
23 applying the changes made by Public Act 96-889 to the System's
24 assets and liabilities as of June 30, 2009 as though Public Act
25 96-889 was approved on that date.

26 (a-5) On or before November 1 of each year, beginning

1 November 1, 2012, the Board shall submit to the State Actuary,
2 the Governor, and the General Assembly a proposed
3 certification of the amount of the required State contribution
4 to the System for the next fiscal year, along with all of the
5 actuarial assumptions, calculations, and data upon which that
6 proposed certification is based. On or before January 1 of
7 each year, beginning January 1, 2013, the State Actuary shall
8 issue a preliminary report concerning the proposed
9 certification and identifying, if necessary, recommended
10 changes in actuarial assumptions that the Board must consider
11 before finalizing its certification of the required State
12 contributions. On or before January 15, 2013 and each January
13 15 thereafter, the Board shall certify to the Governor and the
14 General Assembly the amount of the required State contribution
15 for the next fiscal year. The Board's certification must note
16 any deviations from the State Actuary's recommended changes,
17 the reason or reasons for not following the State Actuary's
18 recommended changes, and the fiscal impact of not following
19 the State Actuary's recommended changes on the required State
20 contribution.

21 (a-10) By November 1, 2017, the Board shall recalculate
22 and recertify to the State Actuary, the Governor, and the
23 General Assembly the amount of the State contribution to the
24 System for State fiscal year 2018, taking into account the
25 changes in required State contributions made by Public Act
26 100-23. The State Actuary shall review the assumptions and

1 valuations underlying the Board's revised certification and
2 issue a preliminary report concerning the proposed
3 recertification and identifying, if necessary, recommended
4 changes in actuarial assumptions that the Board must consider
5 before finalizing its certification of the required State
6 contributions. The Board's final certification must note any
7 deviations from the State Actuary's recommended changes, the
8 reason or reasons for not following the State Actuary's
9 recommended changes, and the fiscal impact of not following
10 the State Actuary's recommended changes on the required State
11 contribution.

12 (a-15) On or after June 15, 2019, but no later than June
13 30, 2019, the Board shall recalculate and recertify to the
14 Governor and the General Assembly the amount of the State
15 contribution to the System for State fiscal year 2019, taking
16 into account the changes in required State contributions made
17 by Public Act 100-587. The recalculation shall be made using
18 assumptions adopted by the Board for the original fiscal year
19 2019 certification. The monthly voucher for the 12th month of
20 fiscal year 2019 shall be paid by the Comptroller after the
21 recertification required pursuant to this subsection is
22 submitted to the Governor, Comptroller, and General Assembly.
23 The recertification submitted to the General Assembly shall be
24 filed with the Clerk of the House of Representatives and the
25 Secretary of the Senate in electronic form only, in the manner
26 that the Clerk and the Secretary shall direct.

1 (b) Through State fiscal year 1995, the State
2 contributions shall be paid to the System in accordance with
3 Section 18-7 of the School Code.

4 (b-1) Beginning in State fiscal year 1996, on the 15th day
5 of each month, or as soon thereafter as may be practicable, the
6 Board shall submit vouchers for payment of State contributions
7 to the System, in a total monthly amount of one-twelfth of the
8 required annual State contribution certified under subsection
9 (a-1). From March 5, 2004 (the effective date of Public Act
10 93-665) through June 30, 2004, the Board shall not submit
11 vouchers for the remainder of fiscal year 2004 in excess of the
12 fiscal year 2004 certified contribution amount determined
13 under this Section after taking into consideration the
14 transfer to the System under subsection (a) of Section 6z-61
15 of the State Finance Act. These vouchers shall be paid by the
16 State Comptroller and Treasurer by warrants drawn on the funds
17 appropriated to the System for that fiscal year.

18 If in any month the amount remaining unexpended from all
19 other appropriations to the System for the applicable fiscal
20 year (including the appropriations to the System under Section
21 8.12 of the State Finance Act and Section 1 of the State
22 Pension Funds Continuing Appropriation Act) is less than the
23 amount lawfully vouchered under this subsection, the
24 difference shall be paid from the Common School Fund under the
25 continuing appropriation authority provided in Section 1.1 of
26 the State Pension Funds Continuing Appropriation Act.

1 (b-2) Allocations from the Common School Fund apportioned
2 to school districts not coming under this System shall not be
3 diminished or affected by the provisions of this Article.

4 (b-3) For State fiscal years 2012 through 2045, the
5 minimum contribution to the System to be made by the State for
6 each fiscal year shall be an amount determined by the System to
7 be sufficient to bring the total assets of the System up to 90%
8 of the total actuarial liabilities of the System by the end of
9 State fiscal year 2045. In making these determinations, the
10 required State contribution shall be calculated each year as a
11 level percentage of payroll over the years remaining to and
12 including fiscal year 2045 and shall be determined under the
13 projected unit credit actuarial cost method.

14 For each of State fiscal years 2018, 2019, and 2020, the
15 State shall make an additional contribution to the System
16 equal to 2% of the total payroll of each employee who is deemed
17 to have elected the benefits under Section 1-161 or who has
18 made the election under subsection (c) of Section 1-161.

19 A change in an actuarial or investment assumption that
20 increases or decreases the required State contribution and
21 first applies in State fiscal year 2018 or thereafter shall be
22 implemented in equal annual amounts over a 5-year period
23 beginning in the State fiscal year in which the actuarial
24 change first applies to the required State contribution.

25 A change in an actuarial or investment assumption that
26 increases or decreases the required State contribution and

1 first applied to the State contribution in fiscal year 2014,
2 2015, 2016, or 2017 shall be implemented:

3 (i) as already applied in State fiscal years before
4 2018; and

5 (ii) in the portion of the 5-year period beginning in
6 the State fiscal year in which the actuarial change first
7 applied that occurs in State fiscal year 2018 or
8 thereafter, by calculating the change in equal annual
9 amounts over that 5-year period and then implementing it
10 at the resulting annual rate in each of the remaining
11 fiscal years in that 5-year period.

12 For State fiscal years 1996 through 2005, the State
13 contribution to the System, as a percentage of the applicable
14 employee payroll, shall be increased in equal annual
15 increments so that by State fiscal year 2011, the State is
16 contributing at the rate required under this Section; except
17 that in the following specified State fiscal years, the State
18 contribution to the System shall not be less than the
19 following indicated percentages of the applicable employee
20 payroll, even if the indicated percentage will produce a State
21 contribution in excess of the amount otherwise required under
22 this subsection and subsection (a), and notwithstanding any
23 contrary certification made under subsection (a-1) before May
24 27, 1998 (the effective date of Public Act 90-582): 10.02% in
25 FY 1999; 10.77% in FY 2000; 11.47% in FY 2001; 12.16% in FY
26 2002; 12.86% in FY 2003; and 13.56% in FY 2004.

1 Notwithstanding any other provision of this Article, the
2 total required State contribution for State fiscal year 2006
3 is \$534,627,700.

4 Notwithstanding any other provision of this Article, the
5 total required State contribution for State fiscal year 2007
6 is \$738,014,500.

7 For each of State fiscal years 2008 through 2009, the
8 State contribution to the System, as a percentage of the
9 applicable employee payroll, shall be increased in equal
10 annual increments from the required State contribution for
11 State fiscal year 2007, so that by State fiscal year 2011, the
12 State is contributing at the rate otherwise required under
13 this Section.

14 Notwithstanding any other provision of this Article, the
15 total required State contribution for State fiscal year 2010
16 is \$2,089,268,000 and shall be made from the proceeds of bonds
17 sold in fiscal year 2010 pursuant to Section 7.2 of the General
18 Obligation Bond Act, less (i) the pro rata share of bond sale
19 expenses determined by the System's share of total bond
20 proceeds, (ii) any amounts received from the Common School
21 Fund in fiscal year 2010, and (iii) any reduction in bond
22 proceeds due to the issuance of discounted bonds, if
23 applicable.

24 Notwithstanding any other provision of this Article, the
25 total required State contribution for State fiscal year 2011
26 is the amount recertified by the System on or before April 1,

1 2011 pursuant to subsection (a-1) of this Section and shall be
2 made from the proceeds of bonds sold in fiscal year 2011
3 pursuant to Section 7.2 of the General Obligation Bond Act,
4 less (i) the pro rata share of bond sale expenses determined by
5 the System's share of total bond proceeds, (ii) any amounts
6 received from the Common School Fund in fiscal year 2011, and
7 (iii) any reduction in bond proceeds due to the issuance of
8 discounted bonds, if applicable. This amount shall include, in
9 addition to the amount certified by the System, an amount
10 necessary to meet employer contributions required by the State
11 as an employer under paragraph (e) of this Section, which may
12 also be used by the System for contributions required by
13 paragraph (a) of Section 16-127.

14 Beginning in State fiscal year 2046, the minimum State
15 contribution for each fiscal year shall be the amount needed
16 to maintain the total assets of the System at 90% of the total
17 actuarial liabilities of the System.

18 Amounts received by the System pursuant to Section 25 of
19 the Budget Stabilization Act or Section 8.12 of the State
20 Finance Act in any fiscal year do not reduce and do not
21 constitute payment of any portion of the minimum State
22 contribution required under this Article in that fiscal year.
23 Such amounts shall not reduce, and shall not be included in the
24 calculation of, the required State contributions under this
25 Article in any future year until the System has reached a
26 funding ratio of at least 90%. A reference in this Article to

1 the "required State contribution" or any substantially similar
2 term does not include or apply to any amounts payable to the
3 System under Section 25 of the Budget Stabilization Act.

4 Notwithstanding any other provision of this Section, the
5 required State contribution for State fiscal year 2005 and for
6 fiscal year 2008 and each fiscal year thereafter, as
7 calculated under this Section and certified under subsection
8 (a-1), shall not exceed an amount equal to (i) the amount of
9 the required State contribution that would have been
10 calculated under this Section for that fiscal year if the
11 System had not received any payments under subsection (d) of
12 Section 7.2 of the General Obligation Bond Act, minus (ii) the
13 portion of the State's total debt service payments for that
14 fiscal year on the bonds issued in fiscal year 2003 for the
15 purposes of that Section 7.2, as determined and certified by
16 the Comptroller, that is the same as the System's portion of
17 the total moneys distributed under subsection (d) of Section
18 7.2 of the General Obligation Bond Act. In determining this
19 maximum for State fiscal years 2008 through 2010, however, the
20 amount referred to in item (i) shall be increased, as a
21 percentage of the applicable employee payroll, in equal
22 increments calculated from the sum of the required State
23 contribution for State fiscal year 2007 plus the applicable
24 portion of the State's total debt service payments for fiscal
25 year 2007 on the bonds issued in fiscal year 2003 for the
26 purposes of Section 7.2 of the General Obligation Bond Act, so

1 that, by State fiscal year 2011, the State is contributing at
2 the rate otherwise required under this Section.

3 (b-4) Beginning in fiscal year 2018, each employer under
4 this Article shall pay to the System a required contribution
5 determined as a percentage of projected payroll and sufficient
6 to produce an annual amount equal to:

7 (i) for each of fiscal years 2018, 2019, and 2020, the
8 defined benefit normal cost of the defined benefit plan,
9 less the employee contribution, for each employee of that
10 employer who has elected or who is deemed to have elected
11 the benefits under Section 1-161 or who has made the
12 election under subsection (b) of Section 1-161; for fiscal
13 year 2021 and each fiscal year thereafter, the defined
14 benefit normal cost of the defined benefit plan, less the
15 employee contribution, plus 2%, for each employee of that
16 employer who has elected or who is deemed to have elected
17 the benefits under Section 1-161 or who has made the
18 election under subsection (b) of Section 1-161; plus

19 (ii) the amount required for that fiscal year to
20 amortize any unfunded actuarial accrued liability
21 associated with the present value of liabilities
22 attributable to the employer's account under Section
23 16-158.3, determined as a level percentage of payroll over
24 a 30-year rolling amortization period.

25 In determining contributions required under item (i) of
26 this subsection, the System shall determine an aggregate rate

1 for all employers, expressed as a percentage of projected
2 payroll.

3 In determining the contributions required under item (ii)
4 of this subsection, the amount shall be computed by the System
5 on the basis of the actuarial assumptions and tables used in
6 the most recent actuarial valuation of the System that is
7 available at the time of the computation.

8 The contributions required under this subsection (b-4)
9 shall be paid by an employer concurrently with that employer's
10 payroll payment period. The State, as the actual employer of
11 an employee, shall make the required contributions under this
12 subsection.

13 (c) Payment of the required State contributions and of all
14 pensions, retirement annuities, death benefits, refunds, and
15 other benefits granted under or assumed by this System, and
16 all expenses in connection with the administration and
17 operation thereof, are obligations of the State.

18 If members are paid from special trust or federal funds
19 which are administered by the employing unit, whether school
20 district or other unit, the employing unit shall pay to the
21 System from such funds the full accruing retirement costs
22 based upon that service, which, beginning July 1, 2017, shall
23 be at a rate, expressed as a percentage of salary, equal to the
24 total employer's normal cost, expressed as a percentage of
25 payroll, as determined by the System. Employer contributions,
26 based on salary paid to members from federal funds, may be

1 forwarded by the distributing agency of the State of Illinois
2 to the System prior to allocation, in an amount determined in
3 accordance with guidelines established by such agency and the
4 System. Any contribution for fiscal year 2015 collected as a
5 result of the change made by Public Act 98-674 shall be
6 considered a State contribution under subsection (b-3) of this
7 Section.

8 (d) Effective July 1, 1986, any employer of a teacher as
9 defined in paragraph (8) of Section 16-106 shall pay the
10 employer's normal cost of benefits based upon the teacher's
11 service, in addition to employee contributions, as determined
12 by the System. Such employer contributions shall be forwarded
13 monthly in accordance with guidelines established by the
14 System.

15 However, with respect to benefits granted under Section
16 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
17 of Section 16-106, the employer's contribution shall be 12%
18 (rather than 20%) of the member's highest annual salary rate
19 for each year of creditable service granted, and the employer
20 shall also pay the required employee contribution on behalf of
21 the teacher. For the purposes of Sections 16-133.4 and
22 16-133.5, a teacher as defined in paragraph (8) of Section
23 16-106 who is serving in that capacity while on leave of
24 absence from another employer under this Article shall not be
25 considered an employee of the employer from which the teacher
26 is on leave.

1 (e) Beginning July 1, 1998, every employer of a teacher
2 shall pay to the System an employer contribution computed as
3 follows:

4 (1) Beginning July 1, 1998 through June 30, 1999, the
5 employer contribution shall be equal to 0.3% of each
6 teacher's salary.

7 (2) Beginning July 1, 1999 and thereafter, the
8 employer contribution shall be equal to 0.58% of each
9 teacher's salary.

10 The school district or other employing unit may pay these
11 employer contributions out of any source of funding available
12 for that purpose and shall forward the contributions to the
13 System on the schedule established for the payment of member
14 contributions.

15 These employer contributions are intended to offset a
16 portion of the cost to the System of the increases in
17 retirement benefits resulting from Public Act 90-582.

18 Each employer of teachers is entitled to a credit against
19 the contributions required under this subsection (e) with
20 respect to salaries paid to teachers for the period January 1,
21 2002 through June 30, 2003, equal to the amount paid by that
22 employer under subsection (a-5) of Section 6.6 of the State
23 Employees Group Insurance Act of 1971 with respect to salaries
24 paid to teachers for that period.

25 The additional 1% employee contribution required under
26 Section 16-152 by Public Act 90-582 is the responsibility of

1 the teacher and not the teacher's employer, unless the
2 employer agrees, through collective bargaining or otherwise,
3 to make the contribution on behalf of the teacher.

4 If an employer is required by a contract in effect on May
5 1, 1998 between the employer and an employee organization to
6 pay, on behalf of all its full-time employees covered by this
7 Article, all mandatory employee contributions required under
8 this Article, then the employer shall be excused from paying
9 the employer contribution required under this subsection (e)
10 for the balance of the term of that contract. The employer and
11 the employee organization shall jointly certify to the System
12 the existence of the contractual requirement, in such form as
13 the System may prescribe. This exclusion shall cease upon the
14 termination, extension, or renewal of the contract at any time
15 after May 1, 1998.

16 (f) If ~~June 4, 2018 (Public Act 100-587)~~ the amount of a
17 teacher's salary for any school year used to determine final
18 average salary exceeds the member's annual full-time salary
19 rate with the same employer for the previous school year by
20 more than 6%, the teacher's employer shall pay to the System,
21 in addition to all other payments required under this Section
22 and in accordance with guidelines established by the System,
23 the present value of the increase in benefits resulting from
24 the portion of the increase in salary that is in excess of 6%.
25 This present value shall be computed by the System on the basis
26 of the actuarial assumptions and tables used in the most

1 recent actuarial valuation of the System that is available at
2 the time of the computation. If a teacher's salary for the
3 2005-2006 school year is used to determine final average
4 salary under this subsection (f), then the changes made to
5 this subsection (f) by Public Act 94-1057 shall apply in
6 calculating whether the increase in his or her salary is in
7 excess of 6%. For the purposes of this Section, change in
8 employment under Section 10-21.12 of the School Code on or
9 after June 1, 2005 shall constitute a change in employer. The
10 System may require the employer to provide any pertinent
11 information or documentation. The changes made to this
12 subsection (f) by Public Act 94-1111 apply without regard to
13 whether the teacher was in service on or after its effective
14 date.

15 Whenever it determines that a payment is or may be
16 required under this subsection, the System shall calculate the
17 amount of the payment and bill the employer for that amount.
18 The bill shall specify the calculations used to determine the
19 amount due. If the employer disputes the amount of the bill, it
20 may, within 30 days after receipt of the bill, apply to the
21 System in writing for a recalculation. The application must
22 specify in detail the grounds of the dispute and, if the
23 employer asserts that the calculation is subject to subsection
24 (g) or (h) of this Section, must include an affidavit setting
25 forth and attesting to all facts within the employer's
26 knowledge that are pertinent to the applicability of that

1 subsection. Upon receiving a timely application for
2 recalculation, the System shall review the application and, if
3 appropriate, recalculate the amount due.

4 The employer contributions required under this subsection
5 (f) may be paid in the form of a lump sum within 90 days after
6 receipt of the bill. If the employer contributions are not
7 paid within 90 days after receipt of the bill, then interest
8 will be charged at a rate equal to the System's annual
9 actuarially assumed rate of return on investment compounded
10 annually from the 91st day after receipt of the bill. Payments
11 must be concluded within 3 years after the employer's receipt
12 of the bill.

13 (f-1) (Blank). ~~June 4, 2018 (Public Act 100-587)~~

14 (g) This subsection (g) applies only to payments made or
15 salary increases given on or after June 1, 2005 but before July
16 1, 2011. The changes made by Public Act 94-1057 shall not
17 require the System to refund any payments received before July
18 31, 2006 (the effective date of Public Act 94-1057).

19 When assessing payment for any amount due under subsection
20 (f), the System shall exclude salary increases paid to
21 teachers under contracts or collective bargaining agreements
22 entered into, amended, or renewed before June 1, 2005.

23 When assessing payment for any amount due under subsection
24 (f), the System shall exclude salary increases paid to a
25 teacher at a time when the teacher is 10 or more years from
26 retirement eligibility under Section 16-132 or 16-133.2.

1 When assessing payment for any amount due under subsection
2 (f), the System shall exclude salary increases resulting from
3 overload work, including summer school, when the school
4 district has certified to the System, and the System has
5 approved the certification, that (i) the overload work is for
6 the sole purpose of classroom instruction in excess of the
7 standard number of classes for a full-time teacher in a school
8 district during a school year and (ii) the salary increases
9 are equal to or less than the rate of pay for classroom
10 instruction computed on the teacher's current salary and work
11 schedule.

12 When assessing payment for any amount due under subsection
13 (f), the System shall exclude a salary increase resulting from
14 a promotion (i) for which the employee is required to hold a
15 certificate or supervisory endorsement issued by the State
16 Teacher Certification Board that is a different certification
17 or supervisory endorsement than is required for the teacher's
18 previous position and (ii) to a position that has existed and
19 been filled by a member for no less than one complete academic
20 year and the salary increase from the promotion is an increase
21 that results in an amount no greater than the lesser of the
22 average salary paid for other similar positions in the
23 district requiring the same certification or the amount
24 stipulated in the collective bargaining agreement for a
25 similar position requiring the same certification.

26 When assessing payment for any amount due under subsection

1 (f), the System shall exclude any payment to the teacher from
2 the State of Illinois or the State Board of Education over
3 which the employer does not have discretion, notwithstanding
4 that the payment is included in the computation of final
5 average salary.

6 (h) When assessing payment for any amount due under
7 subsection (f), the System shall exclude any salary increase
8 described in subsection (g) of this Section given on or after
9 July 1, 2011 but before July 1, 2014 under a contract or
10 collective bargaining agreement entered into, amended, or
11 renewed on or after June 1, 2005 but before July 1, 2011.
12 Notwithstanding any other provision of this Section, any
13 payments made or salary increases given after June 30, 2014
14 shall be used in assessing payment for any amount due under
15 subsection (f) of this Section.

16 (i) The System shall prepare a report and file copies of
17 the report with the Governor and the General Assembly by
18 January 1, 2007 that contains all of the following
19 information:

20 (1) The number of recalculations required by the
21 changes made to this Section by Public Act 94-1057 for
22 each employer.

23 (2) The dollar amount by which each employer's
24 contribution to the System was changed due to
25 recalculations required by Public Act 94-1057.

26 (3) The total amount the System received from each

1 employer as a result of the changes made to this Section by
2 Public Act 94-4.

3 (4) The increase in the required State contribution
4 resulting from the changes made to this Section by Public
5 Act 94-1057.

6 (i-5) For school years beginning on or after July 1, 2017,
7 if the amount of a participant's salary for any school year
8 exceeds the amount of the salary set for the Governor, the
9 participant's employer shall pay to the System, in addition to
10 all other payments required under this Section and in
11 accordance with guidelines established by the System, an
12 amount determined by the System to be equal to the employer
13 normal cost, as established by the System and expressed as a
14 total percentage of payroll, multiplied by the amount of
15 salary in excess of the amount of the salary set for the
16 Governor. This amount shall be computed by the System on the
17 basis of the actuarial assumptions and tables used in the most
18 recent actuarial valuation of the System that is available at
19 the time of the computation. The System may require the
20 employer to provide any pertinent information or
21 documentation.

22 Whenever it determines that a payment is or may be
23 required under this subsection, the System shall calculate the
24 amount of the payment and bill the employer for that amount.
25 The bill shall specify the calculations used to determine the
26 amount due. If the employer disputes the amount of the bill, it

1 may, within 30 days after receipt of the bill, apply to the
2 System in writing for a recalculation. The application must
3 specify in detail the grounds of the dispute. Upon receiving a
4 timely application for recalculation, the System shall review
5 the application and, if appropriate, recalculate the amount
6 due.

7 The employer contributions required under this subsection
8 may be paid in the form of a lump sum within 90 days after
9 receipt of the bill. If the employer contributions are not
10 paid within 90 days after receipt of the bill, then interest
11 will be charged at a rate equal to the System's annual
12 actuarially assumed rate of return on investment compounded
13 annually from the 91st day after receipt of the bill. Payments
14 must be concluded within 3 years after the employer's receipt
15 of the bill.

16 (j) For purposes of determining the required State
17 contribution to the System, the value of the System's assets
18 shall be equal to the actuarial value of the System's assets,
19 which shall be calculated as follows:

20 As of June 30, 2008, the actuarial value of the System's
21 assets shall be equal to the market value of the assets as of
22 that date. In determining the actuarial value of the System's
23 assets for fiscal years after June 30, 2008, any actuarial
24 gains or losses from investment return incurred in a fiscal
25 year shall be recognized in equal annual amounts over the
26 5-year period following that fiscal year.

1 (k) For purposes of determining the required State
2 contribution to the system for a particular year, the
3 actuarial value of assets shall be assumed to earn a rate of
4 return equal to the system's actuarially assumed rate of
5 return.

6 (Source: P.A. 100-23, eff. 7-6-17; 100-340, eff. 8-25-17;
7 100-587, eff. 6-4-18; 100-624, eff. 7-20-18; 100-863, eff.
8 8-14-18; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19; revised
9 8-13-19.)

10 (40 ILCS 5/16-190.5)

11 Sec. 16-190.5. Accelerated pension benefit payment in lieu
12 of any pension benefit.

13 (a) As used in this Section:

14 "Eligible person" means a person who:

15 (1) has terminated service;

16 (2) has accrued sufficient service credit to be
17 eligible to receive a retirement annuity under this
18 Article;

19 (3) has not received any retirement annuity under this
20 Article; and

21 (4) has not made the election under Section 16-190.6.

22 "Pension benefit" means the benefits under this Article,
23 or Article 1 as it relates to those benefits, including any
24 anticipated annual increases, that an eligible person is
25 entitled to upon attainment of the applicable retirement age.

1 "Pension benefit" also includes applicable survivor's or
2 disability benefits.

3 (b) As soon as practical after June 4, 2018 (the effective
4 date of Public Act 100-587), the System shall calculate, using
5 actuarial tables and other assumptions adopted by the Board,
6 the present value of pension benefits for each eligible person
7 who requests that information and shall offer each eligible
8 person the opportunity to irrevocably elect to receive an
9 amount determined by the System to be equal to 60% of the
10 present value of his or her pension benefits in lieu of
11 receiving any pension benefit. The offer shall specify the
12 dollar amount that the eligible person will receive if he or
13 she so elects and shall expire when a subsequent offer is made
14 to an eligible person. The System shall make a good faith
15 effort to contact every eligible person to notify him or her of
16 the election.

17 Until June 30, 2024, an eligible person may irrevocably
18 elect to receive an accelerated pension benefit payment in the
19 amount that the System offers under this subsection in lieu of
20 receiving any pension benefit. A person who elects to receive
21 an accelerated pension benefit payment under this Section may
22 not elect to proceed under the Retirement Systems Reciprocal
23 Act with respect to service under this Article.

24 (c) A person's creditable service under this Article shall
25 be terminated upon the person's receipt of an accelerated
26 pension benefit payment under this Section, and no other

1 benefit shall be paid under this Article based on the
2 terminated creditable service, including any retirement,
3 survivor, or other benefit; except that to the extent that
4 participation, benefits, or premiums under the State Employees
5 Group Insurance Act of 1971 are based on the amount of service
6 credit, the terminated service credit shall be used for that
7 purpose.

8 (d) If a person who has received an accelerated pension
9 benefit payment under this Section returns to active service
10 under this Article, then:

11 (1) Any benefits under the System earned as a result
12 of that return to active service shall be based solely on
13 the person's creditable service arising from the return to
14 active service.

15 (2) The accelerated pension benefit payment may not be
16 repaid to the System, and the terminated creditable
17 service may not under any circumstances be reinstated.

18 (e) As a condition of receiving an accelerated pension
19 benefit payment, the accelerated pension benefit payment must
20 be transferred into a tax qualified retirement plan or
21 account. The accelerated pension benefit payment under this
22 Section may be subject to withholding or payment of applicable
23 taxes, but to the extent permitted by federal law, a person who
24 receives an accelerated pension benefit payment under this
25 Section must direct the System to pay all of that payment as a
26 rollover into another retirement plan or account qualified

1 under the Internal Revenue Code of 1986, as amended.

2 (f) Upon receipt of a member's irrevocable election to
3 receive an accelerated pension benefit payment under this
4 Section, the System shall submit a voucher to the Comptroller
5 for payment of the member's accelerated pension benefit
6 payment. The Comptroller shall transfer the amount of the
7 voucher from the State Pension Obligation Acceleration Bond
8 Fund to the System, and the System shall transfer the amount
9 into the member's eligible retirement plan or qualified
10 account.

11 (g) The Board shall adopt any rules, including emergency
12 rules, necessary to implement this Section.

13 (h) No provision of Public Act 100-587 ~~this amendatory Act~~
14 ~~of the 100th General Assembly~~ shall be interpreted in a way
15 that would cause the applicable System to cease to be a
16 qualified plan under the Internal Revenue Code of 1986.

17 (Source: P.A. 100-587, eff. 6-4-18; 101-10, eff. 6-5-19;
18 revised 9-20-19.)

19 (40 ILCS 5/16-203)

20 Sec. 16-203. Application and expiration of new benefit
21 increases.

22 (a) As used in this Section, "new benefit increase" means
23 an increase in the amount of any benefit provided under this
24 Article, or an expansion of the conditions of eligibility for
25 any benefit under this Article, that results from an amendment

1 to this Code that takes effect after June 1, 2005 (the
2 effective date of Public Act 94-4). "New benefit increase",
3 however, does not include any benefit increase resulting from
4 the changes made to Article 1 or this Article by Public Act
5 95-910, Public Act 100-23, Public Act 100-587, Public Act
6 100-743, ~~or~~ Public Act 100-769, Public Act 101-10, or Public
7 Act 101-49 ~~or this amendatory Act of the 101st General~~
8 ~~Assembly.~~

9 (b) Notwithstanding any other provision of this Code or
10 any subsequent amendment to this Code, every new benefit
11 increase is subject to this Section and shall be deemed to be
12 granted only in conformance with and contingent upon
13 compliance with the provisions of this Section.

14 (c) The Public Act enacting a new benefit increase must
15 identify and provide for payment to the System of additional
16 funding at least sufficient to fund the resulting annual
17 increase in cost to the System as it accrues.

18 Every new benefit increase is contingent upon the General
19 Assembly providing the additional funding required under this
20 subsection. The Commission on Government Forecasting and
21 Accountability shall analyze whether adequate additional
22 funding has been provided for the new benefit increase and
23 shall report its analysis to the Public Pension Division of
24 the Department of Insurance. A new benefit increase created by
25 a Public Act that does not include the additional funding
26 required under this subsection is null and void. If the Public

1 Pension Division determines that the additional funding
2 provided for a new benefit increase under this subsection is
3 or has become inadequate, it may so certify to the Governor and
4 the State Comptroller and, in the absence of corrective action
5 by the General Assembly, the new benefit increase shall expire
6 at the end of the fiscal year in which the certification is
7 made.

8 (d) Every new benefit increase shall expire 5 years after
9 its effective date or on such earlier date as may be specified
10 in the language enacting the new benefit increase or provided
11 under subsection (c). This does not prevent the General
12 Assembly from extending or re-creating a new benefit increase
13 by law.

14 (e) Except as otherwise provided in the language creating
15 the new benefit increase, a new benefit increase that expires
16 under this Section continues to apply to persons who applied
17 and qualified for the affected benefit while the new benefit
18 increase was in effect and to the affected beneficiaries and
19 alternate payees of such persons, but does not apply to any
20 other person, including, without limitation, a person who
21 continues in service after the expiration date and did not
22 apply and qualify for the affected benefit while the new
23 benefit increase was in effect.

24 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
25 100-743, eff. 8-10-18; 100-769, eff. 8-10-18; 101-10, eff.
26 6-5-19; 101-49, eff. 7-12-19; 101-81, eff. 7-12-19; revised

1 8-13-19.)

2 (40 ILCS 5/22C-115)

3 Sec. 22C-115. Board of Trustees of the Fund.

4 (a) No later than February 1, 2020 (one month after the
5 effective date of Public Act 101-610) ~~this amendatory Act of~~
6 ~~the 101st General Assembly~~ or as soon thereafter as may be
7 practicable, the Governor shall appoint, by and with the
8 advice and consent of the Senate, a transition board of
9 trustees consisting of 9 members as follows:

10 (1) three members representing municipalities and fire
11 protection districts who are mayors, presidents, chief
12 executive officers, chief financial officers, or other
13 officers, executives, or department heads of
14 municipalities or fire protection districts and appointed
15 from among candidates recommended by the Illinois
16 Municipal League;

17 (2) three members representing participants who are
18 participants and appointed from among candidates
19 recommended by the statewide labor organization
20 representing firefighters employed by at least 85
21 municipalities that is affiliated with the Illinois State
22 Federation of Labor;

23 (3) one member representing beneficiaries who is a
24 beneficiary and appointed from among the candidate or
25 candidates recommended by the statewide labor organization

1 representing firefighters employed by at least 85
2 municipalities that is affiliated with the Illinois State
3 Federation of Labor; ~~and~~

4 (4) one member recommended by the Illinois Municipal
5 League; and

6 (5) one member who is a participant recommended by the
7 statewide labor organization representing firefighters
8 employed by at least 85 municipalities and that is
9 affiliated with the Illinois State Federation of Labor.

10 The transition board members shall serve until the initial
11 permanent board members are elected and qualified.

12 The transition board of trustees shall select the
13 chairperson of the transition board of trustees from among the
14 trustees for the duration of the transition board's tenure.

15 (b) The permanent board of trustees shall consist of 9
16 members comprised as follows:

17 (1) Three members who are mayors, presidents, chief
18 executive officers, chief financial officers, or other
19 officers, executives, or department heads of
20 municipalities or fire protection districts that have
21 participating pension funds and are elected by the mayors
22 and presidents of municipalities or fire protection
23 districts that have participating pension funds.

24 (2) Three members who are participants of
25 participating pension funds and elected by the
26 participants of participating pension funds.

1 (3) One member who is a beneficiary of a participating
2 pension fund and is elected by the beneficiaries of
3 participating pension funds.

4 (4) One member recommended by the Illinois Municipal
5 League who shall be appointed by the Governor with the
6 advice and consent of the Senate.

7 (5) One member recommended by the statewide labor
8 organization representing firefighters employed by at
9 least 85 municipalities and that is affiliated with the
10 Illinois State Federation of Labor who shall be appointed
11 by the Governor with the advice and consent of the Senate.

12 The permanent board of trustees shall select the
13 chairperson of the permanent board of trustees from among the
14 trustees for a term of 2 years. The holder of the office of
15 chairperson shall alternate between a person elected or
16 appointed under item (1) or (4) of this subsection (b) and a
17 person elected or appointed under item (2), (3), or (5) of this
18 subsection (b).

19 (c) Each trustee shall qualify by taking an oath of office
20 before the Secretary of State stating that he or she will
21 diligently and honestly administer the affairs of the board
22 and will not violate or knowingly permit the violation of any
23 provision of this Article.

24 (d) Trustees shall receive no salary for service on the
25 board but shall be reimbursed for travel expenses incurred
26 while on business for the board according to the standards in

1 effect for members of the Commission on Government Forecasting
2 and Accountability.

3 A municipality or fire protection district employing a
4 firefighter who is an elected or appointed trustee of the
5 board must allow reasonable time off with compensation for the
6 firefighter to conduct official business related to his or her
7 position on the board, including time for travel. The board
8 shall notify the municipality or fire protection district in
9 advance of the dates, times, and locations of this official
10 business. The Fund shall timely reimburse the municipality or
11 fire protection district for the reasonable costs incurred
12 that are due to the firefighter's absence.

13 (e) No trustee shall have any interest in any brokerage
14 fee, commission, or other profit or gain arising out of any
15 investment directed by the board. This subsection does not
16 preclude ownership by any member of any minority interest in
17 any common stock or any corporate obligation in which an
18 investment is directed by the board.

19 (f) Notwithstanding any provision or interpretation of law
20 to the contrary, any member of the transition board may also be
21 elected or appointed as a member of the permanent board.

22 Notwithstanding any provision or interpretation of law to
23 the contrary, any trustee of a fund established under Article
24 4 of this Code may also be appointed as a member of the
25 transition board or elected or appointed as a member of the
26 permanent board.

1 The restriction in Section 3.1 of the Lobbyist
2 Registration Act shall not apply to a member of the transition
3 board appointed pursuant to items (4) or (5) of subsection (a)
4 or to a member of the permanent board appointed pursuant to
5 items (4) or (5) of subsection (b).

6 (Source: P.A. 101-610, eff. 1-1-20; revised 8-20-20.)

7 Section 260. The Local Government Antitrust Exemption Act
8 is amended by changing Section 1 as follows:

9 (50 ILCS 35/1) (from Ch. 85, par. 2901)

10 Sec. 1. (a) The General Assembly declares that it is in the
11 interest of the people of Illinois that decisions regarding
12 provision of local services and regulation of local activities
13 should be made at the local level where possible, to the extent
14 authorized by the General Assembly or the Illinois
15 Constitution. It is and has long been the policy of the State
16 that such decisions be made by local government units as
17 authorized by State statute and the Illinois Constitution. The
18 General Assembly intends that actions permitted, either
19 expressly or by necessary implication, by State statute or the
20 Illinois Constitution be considered affirmatively authorized
21 for subsidiary units of government.

22 Inasmuch as the grant of home rule ~~home rule~~ authority in
23 the Illinois Constitution, Article VII, Section 6 was
24 intentionally made broad so as to avoid unduly restricting its

1 exercise, the scope of the home rule ~~home-rule~~ powers cannot
2 be precisely described. The General Assembly intends that all
3 actions which are either (1) granted to home rule ~~home-rule~~
4 units, whether expressly or by necessary implication or (2)
5 within traditional areas of local government activity, except
6 as limited by the Illinois Constitution or a proper limiting
7 statute, be considered affirmatively authorized for home rule
8 ~~home-rule~~ units of government.

9 The General Assembly intends that the "State action
10 exemption" to application of the federal antitrust laws be
11 fully available to local governments to the extent their
12 activities are either (1) expressly or by necessary
13 implication authorized by Illinois law or (2) within
14 traditional areas of local governmental activity.

15 The "State action exemption" for which provision is made
16 by this Section shall be liberally construed in favor of local
17 governments, the agents, employees and officers thereof and
18 such exemption shall be available notwithstanding that the
19 action of the municipality or its agents, officers or
20 employees constitutes an irregular exercise of constitutional
21 or statutory powers. However, this exemption shall not apply
22 where the action alleged to be in violation of antitrust law
23 exceeds either (1) powers granted, either expressly or by
24 necessary implication, by Illinois statute or the Illinois
25 Constitution or (2) powers granted to a home rule municipality
26 to perform any function pertaining to its government and

1 affairs or to act within traditional areas of municipal
2 activity, except as limited by the Illinois Constitution or a
3 proper limiting statute.

4 (b) It is the policy of this State that all powers granted,
5 either expressly or by necessary implication by any Illinois
6 statute or by the Illinois Constitution to any Library
7 District, its officers, employees and agents may be exercised
8 by any such Library District, its officers, agents and
9 employees notwithstanding effects on competition. It is the
10 intention of the General Assembly that the "State action
11 exemption" to the application of federal antitrust statutes be
12 fully available to any such Library District, its officers,
13 agents and employees to the extent they are exercising
14 authority pursuant to law.

15 (c) It is the policy of this State that all powers granted,
16 either expressly or by necessary implication by any Illinois
17 statute or by the Illinois Constitution to any Sanitary
18 District, its officers, employees and agents may be exercised
19 by any Sanitary District, its officers, agents and employees
20 notwithstanding effects on competition. It is the intention of
21 the General Assembly that the "State action exemption" to the
22 application of federal antitrust statutes be fully available
23 to any such Sanitary District, its officers, agents and
24 employees to the extent they are exercising authority pursuant
25 to law.

26 (d) It is the policy of this State that all powers granted,

1 either expressly or by necessary implication by any Illinois
2 statute or by the Illinois Constitution to any Park District
3 and its officers, employees and agents may be exercised by any
4 such Park District, its officers, agents and employees
5 notwithstanding effects on competition. It is the intention of
6 the General Assembly that the "State action exemption" to the
7 application of federal antitrust statutes be fully available
8 to any such Park District, its officers, agents and employees
9 to the extent they are exercising authority pursuant to law.

10 (e) Notwithstanding the foregoing, where it is alleged
11 that a violation of the antitrust laws has occurred, the
12 relief available to the plaintiffs shall be limited to an
13 injunction which enjoins the alleged activity.

14 (f) Nothing in this Section is intended to prohibit or
15 limit any cause of action other than under an antitrust
16 theory.

17 (Source: P.A. 84-1050; revised 9-20-19.)

18 Section 265. The Property Assessed Clean Energy Act is
19 amended by changing Sections 15 and 20 as follows:

20 (50 ILCS 50/15)

21 Sec. 15. Program established.

22 (a) To establish a property assessed clean energy program,
23 the governing body shall adopt a resolution or ordinance that
24 includes all of the following:

1 (1) a finding that the financing or refinancing of
2 energy projects is a valid public purpose;

3 (2) a statement of intent to facilitate access to
4 capital (which may be from one or more program
5 administrators or as otherwise permitted by this Act) to
6 provide funds for energy projects, which will be repaid by
7 assessments on the property benefited with the agreement
8 of the record owners;

9 (3) a description of the proposed arrangements for
10 financing the program through the issuance of PACE bonds
11 under or in accordance with Section 35, which PACE bonds
12 may be purchased by one or more capital providers;

13 (4) the types of energy projects that may be financed
14 or refinanced;

15 (5) a description of the territory within the PACE
16 area;

17 (6) a transcript of public comments if any
18 discretionary public hearing on the proposed program was
19 previously held by the governmental unit prior to the
20 consideration of the resolution or ordinance establishing
21 the program; and~~;~~

22 ~~(7) (blank);~~

23 (7) ~~(8)~~ the report on the proposed program as
24 described in Section 20; for this purpose, the resolution
25 or ordinance may incorporate the report or an amended
26 version thereof by reference and shall be available for

1 public inspection.

2 ~~(9) (blank).~~

3 (b) A property assessed clean energy program may be
4 amended in accordance with the resolution or ordinance
5 establishing the program.

6 (Source: P.A. 100-77, eff. 8-11-17; 100-863, eff. 8-14-18;
7 100-980, eff. 1-1-19; 101-169, eff. 7-29-19; revised 9-20-19.)

8 (50 ILCS 50/20)

9 Sec. 20. Program report. The report on the proposed
10 program required under Section 15 shall include all of the
11 following:

12 (1) a form of assessment contract between the
13 governmental unit and record owner governing the terms and
14 conditions of financing and assessment under the program;

15 (2) identification of one or more officials authorized
16 to enter into an assessment contract on behalf of the
17 governmental unit;

18 (3) (blank);

19 (4) an application process and eligibility
20 requirements for financing or refinancing energy projects
21 under the program;

22 (5) a method for determining interest rates on amounts
23 financed or refinanced under assessment contracts,
24 repayment periods, and the maximum amount of an
25 assessment, if any;

1 (6) an explanation of the process for billing and
2 collecting assessments;

3 (7) a plan to finance the program pursuant to the
4 issuance of PACE bonds under or in accordance with Section
5 35;

6 (8) information regarding all of the following, to the
7 extent known, or procedures to determine the following in
8 the future:

9 (A) any revenue source or reserve fund or funds to
10 be used as security for PACE bonds described in
11 paragraph (7); and

12 (B) any application, administration, or other
13 program fees to be charged to record owners
14 participating in the program that will be used to
15 finance and reimburse all or a portion of costs
16 incurred by the governmental unit as a result of its
17 program;

18 (9) a requirement that the term of an assessment not
19 exceed the useful life of the energy project financed or
20 refinanced under an assessment contract; provided that an
21 assessment contract financing or refinancing multiple
22 energy projects with varying lengths of useful life may
23 have a term that is calculated in accordance with the
24 principles established by the program report;

25 (10) a requirement for an appropriate ratio of the
26 amount of the assessment to the greater of any of the

1 following:

2 (A) the value of the property as determined by the
3 office of the county assessor; or

4 (B) the value of the property as determined by an
5 appraisal conducted by a licensed appraiser;

6 (11) a requirement that the record owner of property
7 subject to a mortgage obtain written consent from the
8 mortgage holder before participating in the program;

9 (12) provisions for marketing and participant
10 education; ~~and~~

11 (13) (blank); and

12 (14) quality assurance and antifraud measures.

13 (Source: P.A. 100-77, eff. 8-11-17; 100-980, eff. 1-1-19;
14 101-169, eff. 7-29-19; revised 9-20-19.)

15 Section 270. The Governmental Account Audit Act is amended
16 by changing Section 4 as follows:

17 (50 ILCS 310/4) (from Ch. 85, par. 704)

18 Sec. 4. Overdue report.

19 (a) If the required report for a governmental unit is not
20 filed with the Comptroller in accordance with Section 2 or
21 Section 3, whichever is applicable, within 180 days after the
22 close of the fiscal year of the governmental unit, the
23 Comptroller shall notify the governing body of that unit in
24 writing that the report is due and may also grant a 60-day ~~60~~

1 ~~day~~ extension for the filing of the audit report. If the
2 required report is not filed within the time specified in such
3 written notice, the Comptroller shall cause an audit to be
4 made by an ~~a~~ auditor, and the governmental unit shall pay to
5 the Comptroller actual compensation and expenses to reimburse
6 him or her for the cost of preparing or completing such report.

7 (b) The Comptroller may decline to order an audit and the
8 preparation of an audit report (i) if an initial examination
9 of the books and records of the governmental unit indicates
10 that the books and records of the governmental unit are
11 inadequate or unavailable due to the passage of time or the
12 occurrence of a natural disaster or (ii) if the Comptroller
13 determines that the cost of an audit would impose an
14 unreasonable financial burden on the governmental unit.

15 (c) The State Comptroller may grant extensions for
16 delinquent audits or reports. The Comptroller may charge a
17 governmental unit a fee for a delinquent audit or report of \$5
18 per day for the first 15 days past due, \$10 per day for 16
19 through 30 days past due, \$15 per day for 31 through 45 days
20 past due, and \$20 per day for the 46th day and every day
21 thereafter. These amounts may be reduced at the Comptroller's
22 discretion. All fees collected under this subsection (c) shall
23 be deposited into the Comptroller's Administrative Fund.

24 (Source: P.A. 101-419, eff. 1-1-20; revised 11-26-19.)

25 Section 275. The Local Governmental Acceptance of Credit

1 Cards Act is amended by changing Section 15 as follows:

2 (50 ILCS 345/15)

3 Sec. 15. Local government credit card acceptance program.

4 (a) Any unit of local government and any community college
5 district that has the authority to accept the payment of funds
6 for any purpose is authorized, but not required, to accept
7 payment by credit card.

8 (b) This Act shall be broadly construed to authorize, but
9 not require, acceptance of credit card payments by all units
10 of local government and community college districts.

11 (c) This Act authorizes the acceptance of credit card
12 payments for all types of authorized obligations.

13 (d) This Act does not limit the authority of clerks of
14 court to accept payment by credit card pursuant to the Clerks
15 of Courts ~~Court~~ Act or the Unified Code of Corrections.

16 (e) A local governmental entity may not receive and
17 retain, directly or indirectly, any convenience fee,
18 surcharge, or other fee in excess of the amount paid in
19 connection with the credit card transaction. In addition, a
20 financial institution or service provider may not pay, refund,
21 rebate, or return, directly or indirectly, to a local
22 governmental entity for final retention any portion of a
23 surcharge, convenience fee, or other fee paid in connection
24 with a credit card transaction.

25 (Source: P.A. 90-518, eff. 8-22-97; revised 8-20-20.)

1 Section 280. The Local Government Revenue Recapture Act is
2 amended by changing Section 10-15 as follows:

3 (50 ILCS 355/10-15)

4 Sec. 10-15. Definitions. As used in this Article:

5 "Audit" means an agreed-upon procedures engagement in
6 accordance with Statements on Standards for ~~the~~ Attestation
7 Engagements (AICPA Professional Standards, AT-C Section 315
8 (Compliance Attestation ~~Attest~~)).

9 "Certification program" means an instructional curriculum,
10 examination, and process for certification, recertification,
11 and revocation of certification of certified public
12 accountants that is administered by the Department with the
13 assistance of the Illinois CPA Society and that is officially
14 approved by the Department to ensure that a certified public
15 accountant possesses the necessary skills and abilities to
16 successfully perform an attestation engagement for a
17 limited-scope tax compliance review in a certified audit
18 project under this Act.

19 "Department" means the Department of Revenue.

20 "Family member" means the following, whether by whole
21 blood, half-blood, or adoption:

22 (1) a parent or step-parent;

23 (2) a child or step-child;

24 (3) a grandparent or step-grandparent;

- 1 (4) an aunt, uncle, great-aunt, or great-uncle;
- 2 (5) a sibling;
- 3 (6) a spouse or domestic partner; and
- 4 (7) the spouse or domestic partner of any person
- 5 referenced in items (1) through (5).

6 "Misallocation" means tax paid by the taxpayer and
7 allocated to one unit of local government that should have
8 been allocated to a different unit of local government.

9 "Misallocation" does not include amounts overpaid by the
10 taxpayer and therefore not owed to any unit of local
11 government, nor amounts underpaid by the taxpayer and
12 therefore not previously allocated to any unit of local
13 government.

14 "Participating taxpayer" means any person subject to the
15 revenue laws administered by the Department who is the subject
16 of a tax compliance referral by a municipality, county, or
17 third party, who enters into an engagement with a qualified
18 practitioner for a limited-scope tax compliance review under
19 this Act, and who is approved by the Department under the local
20 government revenue recapture certified audit pilot project.

21 "Qualified practitioner" means a certified public
22 accountant who is licensed or registered to perform
23 accountancy activities in Illinois under Section 8.05 of the
24 Illinois Public Accounting Act and who has met all
25 requirements for the local government revenue recapture
26 certified audit training course, achieved the required score

1 on the certification test as approved by the Department, and
2 been certified by the Department. "Qualified practitioner"
3 does not include a third party, as defined by Section 5-5 of
4 this Act, or any employee, contractual employee, officer,
5 manager, or director thereof, any person or persons owning in
6 the aggregate more than 5% of such third party, or a person who
7 is a family member of any person who is employed by or is an
8 appointed or elected member of any corporate authorities, as
9 defined in the Illinois Municipal Code.

10 (Source: P.A. 101-628, eff. 6-1-20; revised 8-20-20.)

11 Section 285. The Illinois Police Training Act is amended
12 by changing Sections 7, 10.2, 10.7, and 10.11 and by setting
13 forth, renumbering, and changing multiple versions of Section
14 10.23 as follows:

15 (50 ILCS 705/7) (from Ch. 85, par. 507)

16 Sec. 7. Rules and standards for schools. The Board shall
17 adopt rules and minimum standards for such schools which shall
18 include, but not be limited to, the following:

19 a. The curriculum for probationary police officers
20 which shall be offered by all certified schools shall
21 include, but not be limited to, courses of procedural
22 justice, arrest and use and control tactics, search and
23 seizure, including temporary questioning, civil rights,
24 human rights, human relations, cultural competency,

1 including implicit bias and racial and ethnic sensitivity,
2 criminal law, law of criminal procedure, constitutional
3 and proper use of law enforcement authority, vehicle and
4 traffic law including uniform and non-discriminatory
5 enforcement of the Illinois Vehicle Code, traffic control
6 and accident investigation, techniques of obtaining
7 physical evidence, court testimonies, statements, reports,
8 firearms training, training in the use of electronic
9 control devices, including the psychological and
10 physiological effects of the use of those devices on
11 humans, first-aid (including cardiopulmonary
12 resuscitation), training in the administration of opioid
13 antagonists as defined in paragraph (1) of subsection (e)
14 of Section 5-23 of the Substance Use Disorder Act,
15 handling of juvenile offenders, recognition of mental
16 conditions and crises, including, but not limited to, the
17 disease of addiction, which require immediate assistance
18 and response and methods to safeguard and provide
19 assistance to a person in need of mental treatment,
20 recognition of abuse, neglect, financial exploitation, and
21 self-neglect of adults with disabilities and older adults,
22 as defined in Section 2 of the Adult Protective Services
23 Act, crimes against the elderly, law of evidence, the
24 hazards of high-speed police vehicle chases with an
25 emphasis on alternatives to the high-speed chase, and
26 physical training. The curriculum shall include specific

1 training in techniques for immediate response to and
2 investigation of cases of domestic violence and of sexual
3 assault of adults and children, including cultural
4 perceptions and common myths of sexual assault and sexual
5 abuse as well as interview techniques that are age
6 sensitive and are trauma informed, victim centered, and
7 victim sensitive. The curriculum shall include training in
8 techniques designed to promote effective communication at
9 the initial contact with crime victims and ways to
10 comprehensively explain to victims and witnesses their
11 rights under the Rights of Crime Victims and Witnesses Act
12 and the Crime Victims Compensation Act. The curriculum
13 shall also include training in effective recognition of
14 and responses to stress, trauma, and post-traumatic stress
15 experienced by police officers that is consistent with
16 Section 25 of the Illinois Mental Health First Aid
17 Training Act in a peer setting, including recognizing
18 signs and symptoms of work-related cumulative stress,
19 issues that may lead to suicide, and solutions for
20 intervention with peer support resources. The curriculum
21 shall include a block of instruction addressing the
22 mandatory reporting requirements under the Abused and
23 Neglected Child Reporting Act. The curriculum shall also
24 include a block of instruction aimed at identifying and
25 interacting with persons with autism and other
26 developmental or physical disabilities, reducing barriers

1 to reporting crimes against persons with autism, and
2 addressing the unique challenges presented by cases
3 involving victims or witnesses with autism and other
4 developmental disabilities. The curriculum shall include
5 training in the detection and investigation of all forms
6 of human trafficking. The curriculum shall also include
7 instruction in trauma-informed responses designed to
8 ensure the physical safety and well-being of a child of an
9 arrested parent or immediate family member; this
10 instruction must include, but is not limited to: (1)
11 understanding the trauma experienced by the child while
12 maintaining the integrity of the arrest and safety of
13 officers, suspects, and other involved individuals; (2)
14 de-escalation tactics that would include the use of force
15 when reasonably necessary; and (3) inquiring whether a
16 child will require supervision and care. The curriculum
17 for permanent police officers shall include, but not be
18 limited to: (1) refresher and in-service training in any
19 of the courses listed above in this subparagraph, (2)
20 advanced courses in any of the subjects listed above in
21 this subparagraph, (3) training for supervisory personnel,
22 and (4) specialized training in subjects and fields to be
23 selected by the board. The training in the use of
24 electronic control devices shall be conducted for
25 probationary police officers, including University police
26 officers.

1 b. Minimum courses of study, attendance requirements
2 and equipment requirements.

3 c. Minimum requirements for instructors.

4 d. Minimum basic training requirements, which a
5 probationary police officer must satisfactorily complete
6 before being eligible for permanent employment as a local
7 law enforcement officer for a participating local
8 governmental agency. Those requirements shall include
9 training in first aid (including cardiopulmonary
10 resuscitation).

11 e. Minimum basic training requirements, which a
12 probationary county corrections officer must
13 satisfactorily complete before being eligible for
14 permanent employment as a county corrections officer for a
15 participating local governmental agency.

16 f. Minimum basic training requirements which a
17 probationary court security officer must satisfactorily
18 complete before being eligible for permanent employment as
19 a court security officer for a participating local
20 governmental agency. The Board shall establish those
21 training requirements which it considers appropriate for
22 court security officers and shall certify schools to
23 conduct that training.

24 A person hired to serve as a court security officer
25 must obtain from the Board a certificate (i) attesting to
26 his or her successful completion of the training course;

1 (ii) attesting to his or her satisfactory completion of a
2 training program of similar content and number of hours
3 that has been found acceptable by the Board under the
4 provisions of this Act; or (iii) attesting to the Board's
5 determination that the training course is unnecessary
6 because of the person's extensive prior law enforcement
7 experience.

8 Individuals who currently serve as court security
9 officers shall be deemed qualified to continue to serve in
10 that capacity so long as they are certified as provided by
11 this Act within 24 months of June 1, 1997 (the effective
12 date of Public Act 89-685). Failure to be so certified,
13 absent a waiver from the Board, shall cause the officer to
14 forfeit his or her position.

15 All individuals hired as court security officers on or
16 after June 1, 1997 (the effective date of Public Act
17 89-685) shall be certified within 12 months of the date of
18 their hire, unless a waiver has been obtained by the
19 Board, or they shall forfeit their positions.

20 The Sheriff's Merit Commission, if one exists, or the
21 Sheriff's Office if there is no Sheriff's Merit
22 Commission, shall maintain a list of all individuals who
23 have filed applications to become court security officers
24 and who meet the eligibility requirements established
25 under this Act. Either the Sheriff's Merit Commission, or
26 the Sheriff's Office if no Sheriff's Merit Commission

1 exists, shall establish a schedule of reasonable intervals
2 for verification of the applicants' qualifications under
3 this Act and as established by the Board.

4 g. Minimum in-service training requirements, which a
5 police officer must satisfactorily complete every 3 years.
6 Those requirements shall include constitutional and proper
7 use of law enforcement authority, procedural justice,
8 civil rights, human rights, mental health awareness and
9 response, officer wellness, reporting child abuse and
10 neglect, and cultural competency.

11 h. Minimum in-service training requirements, which a
12 police officer must satisfactorily complete at least
13 annually. Those requirements shall include law updates and
14 use of force training which shall include scenario based
15 training, or similar training approved by the Board.

16 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
17 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
18 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
19 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
20 101-564, eff. 1-1-20; revised 9-10-19.)

21 (50 ILCS 705/10.2)

22 Sec. 10.2. Criminal background investigations.

23 (a) On and after March 14, 2002 (the effective date of
24 Public Act 92-533) ~~this amendatory Act of the 92nd General~~
25 ~~Assembly~~, an applicant for employment as a peace officer, or

1 for annual certification as a retired law enforcement officer
2 qualified under federal law to carry a concealed weapon, shall
3 authorize an investigation to determine if the applicant has
4 been convicted of, or entered a plea of guilty to, any criminal
5 offense that disqualifies the person as a peace officer.

6 (b) No law enforcement agency may knowingly employ a
7 person, or certify a retired law enforcement officer qualified
8 under federal law to carry a concealed weapon, unless (i) a
9 criminal background investigation of that person has been
10 completed and (ii) that investigation reveals no convictions
11 of or pleas of guilty to ~~of~~ offenses specified in subsection
12 (a) of Section 6.1 of this Act.

13 (Source: P.A. 101-187, eff. 1-1-20; revised 9-23-19.)

14 (50 ILCS 705/10.7)

15 Sec. 10.7. Mandatory training; police chief and deputy
16 police chief. Each police chief and deputy police chief shall
17 obtain at least 20 hours of training each year. The training
18 must be approved by the Illinois Law Enforcement Training ~~and~~
19 Standards Board and must be related to law enforcement,
20 management or executive development, or ethics. This
21 requirement may be satisfied by attending any training portion
22 of a conference held by an association that represents chiefs
23 of police that has been approved by the Illinois Law
24 Enforcement Training ~~and~~ Standards Board. Any police chief and
25 any deputy police chief, upon presentation of a certificate of

1 completion from the person or entity conducting the training,
2 shall be reimbursed by the municipality in accordance with the
3 municipal policy regulating the terms of reimbursement, for
4 his or her reasonable expenses in obtaining the training
5 required under this Section. No police chief or deputy police
6 chief may attend any recognized training offering without the
7 prior approval of his or her municipal mayor, manager, or
8 immediate supervisor.

9 This Section does not apply to the City of Chicago or the
10 Sheriff's Police Department in Cook County.

11 (Source: P.A. 94-354, eff. 1-1-06; revised 11-16-20.)

12 (50 ILCS 705/10.11)

13 Sec. 10.11. Training; death and homicide investigation.
14 The Illinois Law Enforcement Training ~~and~~ Standards Board
15 shall conduct or approve a training program in death and
16 homicide investigation for the training of law enforcement
17 officers of local government agencies. Only law enforcement
18 officers who successfully complete the training program may be
19 assigned as lead investigators in death and homicide
20 investigations. Satisfactory completion of the training
21 program shall be evidenced by a certificate issued to the law
22 enforcement officer by the Illinois Law Enforcement Training
23 ~~and~~ Standards Board.

24 The Illinois Law Enforcement Training ~~and~~ Standards Board
25 shall develop a process for waiver applications sent by a

1 local law enforcement agency administrator for those officers
2 whose prior training and experience as homicide investigators
3 may qualify them for a waiver. The Board may issue a waiver at
4 its discretion, based solely on the prior training and
5 experience of an officer as a homicide investigator. This
6 Section does not affect or impede the powers of the office of
7 the coroner to investigate all deaths as provided in Division
8 3-3 of the Counties Code and the Coroner Training Board Act.

9 (Source: P.A. 99-408, eff. 1-1-16; revised 11-16-20.)

10 (50 ILCS 705/10.23)

11 Sec. 10.23. Training; human trafficking. The Board shall
12 conduct or approve an in-service training program in the
13 detection and investigation of all forms of human trafficking,
14 including, but not limited to, "involuntary servitude" under
15 subsection (b) of Section 10-9 of the Criminal Code of 2012,
16 "involuntary sexual servitude of a minor" under subsection (c)
17 of Section 10-9 of the Criminal Code of 2012, and "trafficking
18 in persons" under subsection (d) of Section 10-9 of the
19 Criminal Code of 2012. This program shall be made available to
20 all certified law enforcement, correctional, and court
21 security officers.

22 (Source: P.A. 101-18, eff. 1-1-20; revised 9-25-19.)

23 (50 ILCS 705/10.24)

24 Sec. 10.24 ~~10.23~~. Officer wellness and suicide prevention.

1 The Board shall create, develop, or approve an in-service
2 course addressing issues of officer wellness and suicide
3 prevention. The course shall include instruction on
4 job-related stress management techniques, skills for
5 recognizing signs and symptoms of work-related cumulative
6 stress, recognition of other issues that may lead to officer
7 suicide, solutions for intervention, and a presentation on
8 available peer support resources.

9 (Source: P.A. 101-215, eff. 1-1-20; revised 9-25-19.)

10 Section 290. The Law Enforcement Officer-Worn Body Camera
11 Act is amended by changing Section 10-1 as follows:

12 (50 ILCS 706/10-1)

13 Sec. 10-1. Short title. This Article Act may be cited as
14 the Law Enforcement Officer-Worn Body Camera Act. References
15 in this Article to "this Act" mean this Article.

16 (Source: P.A. 99-352, eff. 1-1-16; revised 8-7-19.)

17 Section 295. The Illinois Fire Protection Training Act is
18 amended by changing Sections 2 and 8 as follows:

19 (50 ILCS 740/2) (from Ch. 85, par. 532)

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

22 a. "Office" means the Office of the State Fire Marshal.

1 b. "Local governmental agency" means any local
2 governmental unit or municipal corporation in this State. It
3 does not include the State of Illinois or any office, officer,
4 department, division, bureau, board, commission, or agency of
5 the State except: (i) a State controlled university, college,
6 or public community college, or (ii) the Office of the State
7 Fire Marshal.

8 c. "School" means any school located within the State of
9 Illinois whether privately or publicly owned which offers a
10 course in fire protection training or related subjects and
11 which has been approved by the Office.

12 d. "Trainee" means a recruit fire fighter required to
13 complete initial minimum basic training requirements at an
14 approved school to be eligible for permanent employment as a
15 fire fighter.

16 e. "Fire protection personnel" and "fire fighter" means
17 any person engaged in fire administration, fire prevention,
18 fire suppression, fire education and arson investigation,
19 including any permanently employed, trainee, or volunteer fire
20 fighter, whether or not such person, trainee, or volunteer is
21 compensated for all or any fraction of his time.

22 f. "Basic training" and "basic level" shall mean the entry
23 level fire fighter program established by the Office.

24 g. "Advanced training" means the advanced level fire
25 fighter programs established by the Office.

26 (Source: P.A. 100-600, eff. 1-1-19; revised 8-7-19.)

1 (50 ILCS 740/8) (from Ch. 85, par. 538)

2 Sec. 8. Rules and minimum standards for schools. The
3 Office shall adopt rules and minimum standards for such
4 schools which shall include, but not be limited to, the
5 following:

6 a. Minimum courses of study, resources, facilities,
7 apparatus, equipment, reference material, established
8 records and procedures as determined by the Office.

9 b. Minimum requirements for instructors.

10 c. Minimum basic training requirements, which a
11 trainee must satisfactorily complete before being eligible
12 for permanent employment as a firefighter in the fire
13 department of a participating local governmental agency.
14 Those requirements shall include training in first aid
15 (including cardiopulmonary resuscitation), training in the
16 administration of opioid antagonists as defined in
17 paragraph (1) of subsection (e) of Section 5-23 of the
18 Substance Use Disorder Act, and training in the history of
19 the fire service labor movement using curriculum and
20 instructors provided by a statewide organization
21 representing professional union firefighters in Illinois.

22 d. Training in effective recognition of and responses
23 to stress, trauma, and post-traumatic stress experienced
24 by firefighters that is consistent with Section 25 of the
25 Illinois Mental Health First Aid Training Act in a peer

1 setting.

2 (Source: P.A. 100-759, eff. 1-1-19; 101-375, eff. 8-16-19;
3 101-620, eff. 12-20-19; revised 12-21-20.)

4 Section 300. The Illinois Public Safety Agency Network Act
5 is amended by changing Section 20 as follows:

6 (50 ILCS 752/20)

7 Sec. 20. Board of directors. IPSAN shall be governed by a
8 board of directors. The IPSAN Board shall consist of 6 voting
9 members. Three members shall be appointed by the Illinois
10 Sheriffs' Association, and 3 members shall be appointed by the
11 Illinois Association of Chiefs of Police. To the extent
12 practical, voting members should be active or retired chiefs
13 of police or sheriffs, should represent Statewide interests of
14 the Associations that appointed them, and should attend board
15 meetings. The Director of Corrections, the Director of the
16 Illinois Emergency Management Agency, the Director of the
17 Illinois State Police, the Sheriff of Cook County, and the
18 Superintendent of the Chicago Police Department, or the
19 designee of each, may be invited by the board of directors to
20 serve as non-voting ex officio members. The Executive Director
21 appointed under Section 30 of this Act shall serve as a
22 non-voting ex officio ~~ex-officio~~ member of the board.

23 Members shall serve terms of one year at the pleasure of
24 the Association making the appointment, but shall be eligible

1 for re-appointment. A vacancy among members appointed shall be
2 filled in the same manner as the original appointment for the
3 remainder of the vacated term.

4 Members of the Board shall receive no compensation but
5 shall be reimbursed for reasonable expenses incurred in the
6 performance of their duties. However, a board member who is a
7 retired chief of police or retired sheriff may be entitled to
8 reimbursement for services provided to or on behalf of IPSAN
9 as may be appropriate.

10 The Board shall designate a temporary president of the
11 Board from among the members, who shall serve until a
12 permanent president is elected by the Board of Directors. The
13 Board shall meet at the call of the president, or as otherwise
14 provided in the bylaws, rules, and policies of the board.

15 IPSAN shall comply with reporting requirements under the
16 General Not for Profit Corporation Act of 1986 and related
17 regulations promulgated by the Secretary of State. The
18 Executive Director appointed under Section 30 of this Act
19 shall have the authority to sign and file all required
20 reports.

21 (Source: P.A. 98-745, eff. 7-16-14; revised 11-16-20.)

22 Section 305. The Counties Code is amended by changing
23 Sections 5-1009 and 5-10004 and by setting forth and
24 renumbering multiple versions of Section 5-1184 as follows:

1 (55 ILCS 5/5-1009) (from Ch. 34, par. 5-1009)

2 Sec. 5-1009. Limitation on home rule powers. Except as
3 provided in Sections 5-1006, 5-1006.5, 5-1006.8, 5-1007, and
4 5-1008, on and after September 1, 1990, no home rule county has
5 the authority to impose, pursuant to its home rule authority,
6 a retailers' ~~retailer's~~ occupation tax, service occupation
7 tax, use tax, sales tax or other tax on the use, sale or
8 purchase of tangible personal property based on the gross
9 receipts from such sales or the selling or purchase price of
10 said tangible personal property. Notwithstanding the
11 foregoing, this Section does not preempt any home rule imposed
12 tax such as the following: (1) a tax on alcoholic beverages,
13 whether based on gross receipts, volume sold or any other
14 measurement; (2) a tax based on the number of units of
15 cigarettes or tobacco products; (3) a tax, however measured,
16 based on the use of a hotel or motel room or similar facility;
17 (4) a tax, however measured, on the sale or transfer of real
18 property; (5) a tax, however measured, on lease receipts; (6)
19 a tax on food prepared for immediate consumption and on
20 alcoholic beverages sold by a business which provides for on
21 premise consumption of said food or alcoholic beverages; or
22 (7) other taxes not based on the selling or purchase price or
23 gross receipts from the use, sale or purchase of tangible
24 personal property. This Section does not preempt a home rule
25 county from imposing a tax, however measured, on the use, for
26 consideration, of a parking lot, garage, or other parking

1 facility.

2 On and after December 1, 2019, no home rule county has the
3 authority to impose, pursuant to its home rule authority, a
4 tax, however measured, on sales of aviation fuel, as defined
5 in Section 3 of the Retailers' Occupation Tax Act, unless the
6 tax revenue is expended for airport-related purposes. For
7 purposes of this Section, "airport-related purposes" has the
8 meaning ascribed in Section 6z-20.2 of the State Finance Act.
9 Aviation fuel shall be excluded from tax only for so long as
10 the revenue use requirements of 49 U.S.C. 47017(b) and 49
11 U.S.C. 47133 are binding on the county.

12 This Section is a limitation, pursuant to subsection (g)
13 of Section 6 of Article VII of the Illinois Constitution, on
14 the power of home rule units to tax. The changes made to this
15 Section by Public Act 101-10 ~~this amendatory Act of the 101st~~
16 ~~General Assembly~~ are a denial and limitation of home rule
17 powers and functions under subsection (g) of Section 6 of
18 Article VII of the Illinois Constitution.

19 (Source: P.A. 101-10, eff. 6-5-19; 101-27, eff. 6-25-19;
20 revised 8-19-19.)

21 (55 ILCS 5/5-1184)

22 Sec. 5-1184. (Repealed).

23 (Source: P.A. 101-10, eff. 6-5-19. Repealed by P.A. 101-604,
24 eff. 12-13-19.)

1 (55 ILCS 5/5-1185)

2 Sec. 5-1185 ~~5-1184~~. Dissolution of townships in McHenry
3 County. If a township in McHenry County dissolves as provided
4 in Article 24 of the Township Code, McHenry County shall
5 assume the powers, duties, and obligations of each dissolved
6 township as provided in Article 24 of the Township Code.

7 (Source: P.A. 101-230, eff. 8-9-19; revised 10-7-19.)

8 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

9 Sec. 5-10004. Qualifications for license. A license to
10 operate or maintain a dance hall may be issued by the county
11 board to any citizen, firm, or corporation of the State: ~~who~~

12 (1) who submits a written application for a license,
13 which application shall state, and the applicant shall
14 state under oath:

15 (a) the name, address, and residence of the
16 applicant, and the length of time he has lived at that
17 residence;

18 (b) the place of birth of the applicant, ~~and~~, and if
19 the applicant is a naturalized citizen, the time and
20 place of such naturalization;

21 (c) whether the applicant has a prior felony
22 conviction; and

23 (d) the location of the place or building where
24 the applicant intends to operate or maintain the dance
25 hall; and.

1 (2) ~~and~~ who establishes:

2 (a) that he is a person of good moral character;

3 and

4 (b) that the place or building where the dance
5 hall or road house is to be operated or maintained,
6 reasonably conforms to all laws,
7 and health and fire regulations applicable thereto, ~~and~~ is properly
8 ventilated and supplied with separate and sufficient
9 toilet arrangements for each sex, and is a safe and
10 proper place or building for a public dance hall or
11 road house.

12 (Source: P.A. 100-286, eff. 1-1-18; revised 8-7-19.)

13 Section 310. The Illinois Municipal Code is amended by
14 changing Sections 1-1-10, 10-1-7.1, 10-1-48, 10-2.1-6.3,
15 11-74.4-8, 11-74.6-35, and 11-101-3 as follows:

16 (65 ILCS 5/1-1-10) (from Ch. 24, par. 1-1-10)

17 Sec. 1-1-10. It is the policy of this State that all powers
18 granted, either expressly or by necessary implication, by this
19 Code, by Illinois statute, or by the Illinois Constitution to
20 municipalities may be exercised by those municipalities,
21 the officers, employees,
22 and agents of each,
23 notwithstanding effects on competition.

23 It is further the policy of this State that home rule
24 ~~home rule~~ municipalities and, the officers, employees,
and

1 agents of each may (1) exercise any power and perform any
2 function pertaining to their government and affairs or (2)
3 exercise those powers within traditional areas of municipal
4 activity, except as limited by the Illinois Constitution or a
5 proper limiting statute, notwithstanding effects on
6 competition.

7 It is the intention of the General Assembly that the
8 "State action exemption" to the application of federal
9 antitrust statutes be fully available to all municipalities,
10 and the agents, officers, and employees of each to the extent
11 they are exercising authority as aforesaid, including, but not
12 limited to, the provisions of Sections 6, 7, and 10 of Article
13 VII of the Illinois Constitution or the provisions of the
14 following Illinois statutes, as each is now in existence or
15 may hereinafter be amended:

16 (a) The Illinois Local Library Act; Article 27 of the
17 Property Tax Code ~~"An Act to provide the manner of levying or~~
18 ~~imposing taxes for the provision of special services to areas~~
19 ~~within the boundaries of home rule units and non home rule~~
20 ~~municipalities and counties", approved September 21, 1973, as~~
21 ~~amended; the Housing Development and Construction Act ~~"An Act~~
22 ~~to facilitate the development and construction of housing, to~~
23 ~~provide governmental assistance therefor, and to repeal an Act~~
24 ~~herein named", approved July 2, 1947, as amended; or the~~
25 Housing Authorities Act, the Housing Cooperation Law, the
26 Blighted Areas Redevelopment Act of 1947, the Blighted Vacant~~

1 Areas Development Act of 1949, the Urban Community
2 Conservation Act, the Illinois Enterprise Zone Act, or any
3 other power exercised pursuant to the Intergovernmental
4 Cooperation Act; or

5 (b) Divisions 1, 2, 3, 4, 5, and 6 of Article 7 of the
6 Illinois Municipal Code; Divisions 9, 10, and 11 of Article 8
7 of the Illinois Municipal Code; Divisions 1, 2, 3, 4, and 5 of
8 Article 9 of the Illinois Municipal Code; and all of Divisions
9 of Articles 10 and 11 of the Illinois Municipal Code; or

10 (c) Any other Illinois statute or constitutional provision
11 now existing or which may be enacted in the future, by which
12 any municipality may exercise authority.

13 The "State action exemption" for which provision is made
14 by this Section shall be liberally construed in favor of such
15 municipalities and the agents, employees, and officers
16 thereof, and such exemption shall be available notwithstanding
17 that the action of the municipality or its agents, officers,
18 or employees constitutes an irregular exercise of
19 constitutional or statutory powers. However, this exemption
20 shall not apply where the action alleged to be in violation of
21 antitrust law exceeds either (1) powers granted, either
22 expressly or by necessary implication, by Illinois statute or
23 the Illinois Constitution or (2) powers granted to a home rule
24 municipality to perform any function pertaining to its
25 government and affairs or to act within traditional areas of
26 municipal activity, except as limited by the Illinois

1 Constitution or a proper limiting statute.

2 Notwithstanding the foregoing, where it is alleged that a
3 violation of the antitrust laws has occurred, the relief
4 available to the plaintiffs shall be limited to an injunction
5 which enjoins the alleged activity.

6 Nothing in this Section is intended to prohibit or limit
7 any cause of action other than under an antitrust theory.

8 (Source: P.A. 84-1050; revised 8-7-19.)

9 (65 ILCS 5/10-1-7.1)

10 Sec. 10-1-7.1. Original appointments; full-time fire
11 department.

12 (a) Applicability. Unless a commission elects to follow
13 the provisions of Section 10-1-7.2, this Section shall apply
14 to all original appointments to an affected full-time fire
15 department. Existing registers of eligibles shall continue to
16 be valid until their expiration dates, or up to a maximum of 2
17 years after August 4, 2011 (the effective date of Public Act
18 97-251) ~~this amendatory Act of the 97th General Assembly.~~

19 Notwithstanding any statute, ordinance, rule, or other law
20 to the contrary, all original appointments to an affected
21 department to which this Section applies shall be administered
22 in the manner provided for in this Section. Provisions of the
23 Illinois Municipal Code, municipal ordinances, and rules
24 adopted pursuant to such authority and other laws relating to
25 initial hiring of firefighters in affected departments shall

1 continue to apply to the extent they are compatible with this
2 Section, but in the event of a conflict between this Section
3 and any other law, this Section shall control.

4 A home rule or non-home rule municipality may not
5 administer its fire department process for original
6 appointments in a manner that is less stringent than this
7 Section. This Section is a limitation under subsection (i) of
8 Section 6 of Article VII of the Illinois Constitution on the
9 concurrent exercise by home rule units of the powers and
10 functions exercised by the State.

11 A municipality that is operating under a court order or
12 consent decree regarding original appointments to a full-time
13 fire department before August 4, 2011 (the effective date of
14 Public Act 97-251) ~~this amendatory Act of the 97th General~~
15 ~~Assembly~~ is exempt from the requirements of this Section for
16 the duration of the court order or consent decree.

17 Notwithstanding any other provision of this subsection
18 (a), this Section does not apply to a municipality with more
19 than 1,000,000 inhabitants.

20 (b) Original appointments. All original appointments made
21 to an affected fire department shall be made from a register of
22 eligibles established in accordance with the processes
23 established by this Section. Only persons who meet or exceed
24 the performance standards required by this Section shall be
25 placed on a register of eligibles for original appointment to
26 an affected fire department.

1 Whenever an appointing authority authorizes action to hire
2 a person to perform the duties of a firefighter or to hire a
3 firefighter-paramedic to fill a position that is a new
4 position or vacancy due to resignation, discharge, promotion,
5 death, the granting of a disability or retirement pension, or
6 any other cause, the appointing authority shall appoint to
7 that position the person with the highest ranking on the final
8 eligibility list. If the appointing authority has reason to
9 conclude that the highest ranked person fails to meet the
10 minimum standards for the position or if the appointing
11 authority believes an alternate candidate would better serve
12 the needs of the department, then the appointing authority has
13 the right to pass over the highest ranked person and appoint
14 either: (i) any person who has a ranking in the top 5% of the
15 register of eligibles or (ii) any person who is among the top 5
16 highest ranked persons on the list of eligibles if the number
17 of people who have a ranking in the top 5% of the register of
18 eligibles is less than 5 people.

19 Any candidate may pass on an appointment once without
20 losing his or her position on the register of eligibles. Any
21 candidate who passes a second time may be removed from the list
22 by the appointing authority provided that such action shall
23 not prejudice a person's opportunities to participate in
24 future examinations, including an examination held during the
25 time a candidate is already on the municipality's register of
26 eligibles.

1 The sole authority to issue certificates of appointment
2 shall be vested in the Civil Service Commission. All
3 certificates of appointment issued to any officer or member of
4 an affected department shall be signed by the chairperson and
5 secretary, respectively, of the commission upon appointment of
6 such officer or member to the affected department by the
7 commission. After being selected from the register of
8 eligibles to fill a vacancy in the affected department, each
9 appointee shall be presented with his or her certificate of
10 appointment on the day on which he or she is sworn in as a
11 classified member of the affected department. Firefighters who
12 were not issued a certificate of appointment when originally
13 appointed shall be provided with a certificate within 10 days
14 after making a written request to the chairperson of the Civil
15 Service Commission. Each person who accepts a certificate of
16 appointment and successfully completes his or her probationary
17 period shall be enrolled as a firefighter and as a regular
18 member of the fire department.

19 For the purposes of this Section, "firefighter" means any
20 person who has been prior to, on, or after August 4, 2011 (the
21 effective date of Public Act 97-251) ~~this amendatory Act of~~
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 Division 1
2 has not been appointed to a firefighter position within one
3 year after the date of his or her physical ability
4 examination, the commission may cause a second examination to
5 be made of that applicant's physical ability prior to his or
6 her appointment. If, after the second examination, the
7 physical ability of the applicant shall be found to be less
8 than the minimum standard fixed by the rules of the
9 commission, the applicant shall not be appointed. The
10 applicant's name may be retained upon the register of
11 candidates eligible for appointment and when next reached for
12 certification and appointment that applicant may be again
13 examined as provided in this Section, and if the physical
14 ability of that applicant is found to be less than the minimum
15 standard fixed by the rules of the commission, the applicant
16 shall not be appointed, and the name of the applicant shall be
17 removed from the register.

18 (d) Notice, examination, and testing components. Notice of
19 the time, place, general scope, merit criteria for any
20 subjective component, and fee of every examination shall be
21 given by the commission, by a publication at least 2 weeks
22 preceding the examination: (i) in one or more newspapers
23 published in the municipality, or if no newspaper is published
24 therein, then in one or more newspapers with a general
25 circulation within the municipality, or (ii) on the
26 municipality's Internet website. Additional notice of the

1 examination may be given as the commission shall prescribe.

2 The examination and qualifying standards for employment of
3 firefighters shall be based on: mental aptitude, physical
4 ability, preferences, moral character, and health. The mental
5 aptitude, physical ability, and preference components shall
6 determine an applicant's qualification for and placement on
7 the final register of eligibles. The examination may also
8 include a subjective component based on merit criteria as
9 determined by the commission. Scores from the examination must
10 be made available to the public.

11 (e) Mental aptitude. No person who does not possess at
12 least a high school diploma or an equivalent high school
13 education shall be placed on a register of eligibles.
14 Examination of an applicant's mental aptitude shall be based
15 upon a written examination. The examination shall be practical
16 in character and relate to those matters that fairly test the
17 capacity of the persons examined to discharge the duties
18 performed by members of a fire department. Written
19 examinations shall be administered in a manner that ensures
20 the security and accuracy of the scores achieved.

21 (f) Physical ability. All candidates shall be required to
22 undergo an examination of their physical ability to perform
23 the essential functions included in the duties they may be
24 called upon to perform as a member of a fire department. For
25 the purposes of this Section, essential functions of the job
26 are functions associated with duties that a firefighter may be

1 called upon to perform in response to emergency calls. The
2 frequency of the occurrence of those duties as part of the fire
3 department's regular routine shall not be a controlling factor
4 in the design of examination criteria or evolutions selected
5 for testing. These physical examinations shall be open,
6 competitive, and based on industry standards designed to test
7 each applicant's physical abilities in the following
8 dimensions:

9 (1) Muscular strength to perform tasks and evolutions
10 that may be required in the performance of duties
11 including grip strength, leg strength, and arm strength.
12 Tests shall be conducted under anaerobic as well as
13 aerobic conditions to test both the candidate's speed and
14 endurance in performing tasks and evolutions. Tasks tested
15 may be based on standards developed, or approved, by the
16 local appointing authority.

17 (2) The ability to climb ladders, operate from
18 heights, walk or crawl in the dark along narrow and uneven
19 surfaces, and operate in proximity to hazardous
20 environments.

21 (3) The ability to carry out critical, time-sensitive,
22 and complex problem solving during physical exertion in
23 stressful and hazardous environments. The testing
24 environment may be hot and dark with tightly enclosed
25 spaces, flashing lights, sirens, and other distractions.

26 The tests utilized to measure each applicant's

1 capabilities in each of these dimensions may be tests based on
2 industry standards currently in use or equivalent tests
3 approved by the Joint Labor-Management Committee of the Office
4 of the State Fire Marshal.

5 Physical ability examinations administered under this
6 Section shall be conducted with a reasonable number of
7 proctors and monitors, open to the public, and subject to
8 reasonable regulations of the commission.

9 (g) Scoring of examination components. Appointing
10 authorities may create a preliminary eligibility register. A
11 person shall be placed on the list based upon his or her
12 passage of the written examination or the passage of the
13 written examination and the physical ability component.
14 Passage of the written examination means attaining the minimum
15 score set by the commission. Minimum scores should be set by
16 the commission so as to demonstrate a candidate's ability to
17 perform the essential functions of the job. The minimum score
18 set by the commission shall be supported by appropriate
19 validation evidence and shall comply with all applicable State
20 and federal laws. The appointing authority may conduct the
21 physical ability component and any subjective components
22 subsequent to the posting of the preliminary eligibility
23 register.

24 The examination components for an initial eligibility
25 register shall be graded on a 100-point scale. A person's
26 position on the list shall be determined by the following: (i)

1 the person's score on the written examination, (ii) the person
2 successfully passing the physical ability component, and (iii)
3 the person's results on any subjective component as described
4 in subsection (d).

5 In order to qualify for placement on the final eligibility
6 register, an applicant's score on the written examination,
7 before any applicable preference points or subjective points
8 are applied, shall be at or above the minimum score set by the
9 commission. The local appointing authority may prescribe the
10 score to qualify for placement on the final eligibility
11 register, but the score shall not be less than the minimum
12 score set by the commission.

13 The commission shall prepare and keep a register of
14 persons whose total score is not less than the minimum score
15 for passage and who have passed the physical ability
16 examination. These persons shall take rank upon the register
17 as candidates in the order of their relative excellence based
18 on the highest to the lowest total points scored on the mental
19 aptitude, subjective component, and preference components of
20 the test administered in accordance with this Section. No more
21 than 60 days after each examination, an initial eligibility
22 list shall be posted by the commission. The list shall include
23 the final grades of the candidates without reference to
24 priority of the time of examination and subject to claim for
25 preference credit.

26 Commissions may conduct additional examinations, including

1 without limitation a polygraph test, after a final eligibility
2 register is established and before it expires with the
3 candidates ranked by total score without regard to date of
4 examination. No more than 60 days after each examination, an
5 initial eligibility list shall be posted by the commission
6 showing the final grades of the candidates without reference
7 to priority of time of examination and subject to claim for
8 preference credit.

9 (h) Preferences. The following are preferences:

10 (1) Veteran preference. Persons who were engaged in
11 the military service of the United States for a period of
12 at least one year of active duty and who were honorably
13 discharged therefrom, or who are now or have been members
14 on inactive or reserve duty in such military or naval
15 service, shall be preferred for appointment to and
16 employment with the fire department of an affected
17 department.

18 (2) Fire cadet preference. Persons who have
19 successfully completed 2 years of study in fire techniques
20 or cadet training within a cadet program established under
21 the rules of the Joint Labor and Management Committee
22 (JLMC), as defined in Section 50 of the Fire Department
23 Promotion Act, may be preferred for appointment to and
24 employment with the fire department.

25 (3) Educational preference. Persons who have
26 successfully obtained an associate's degree in the field

1 of fire service or emergency medical services, or a
2 bachelor's degree from an accredited college or university
3 may be preferred for appointment to and employment with
4 the fire department.

5 (4) Paramedic preference. Persons who have obtained a
6 license as a paramedic may be preferred for appointment to
7 and employment with the fire department of an affected
8 department providing emergency medical services.

9 (5) Experience preference. All persons employed by a
10 municipality who have been paid-on-call or part-time
11 certified Firefighter II, certified Firefighter III, State
12 of Illinois or nationally licensed EMT, EMT-I, A-EMT, or
13 paramedic, or any combination of those capacities may be
14 awarded up to a maximum of 5 points. However, the
15 applicant may not be awarded more than 0.5 points for each
16 complete year of paid-on-call or part-time service.
17 Applicants from outside the municipality who were employed
18 as full-time firefighters or firefighter-paramedics by a
19 fire protection district or another municipality may be
20 awarded up to 5 experience preference points. However, the
21 applicant may not be awarded more than one point for each
22 complete year of full-time service.

23 Upon request by the commission, the governing body of
24 the municipality or in the case of applicants from outside
25 the municipality the governing body of any fire protection
26 district or any other municipality shall certify to the

1 commission, within 10 days after the request, the number
2 of years of successful paid-on-call, part-time, or
3 full-time service of any person. A candidate may not
4 receive the full amount of preference points under this
5 subsection if the amount of points awarded would place the
6 candidate before a veteran on the eligibility list. If
7 more than one candidate receiving experience preference
8 points is prevented from receiving all of their points due
9 to not being allowed to pass a veteran, the candidates
10 shall be placed on the list below the veteran in rank order
11 based on the totals received if all points under this
12 subsection were to be awarded. Any remaining ties on the
13 list shall be determined by lot.

14 (6) Residency preference. Applicants whose principal
15 residence is located within the fire department's
16 jurisdiction may be preferred for appointment to and
17 employment with the fire department.

18 (7) Additional preferences. Up to 5 additional
19 preference points may be awarded for unique categories
20 based on an applicant's experience or background as
21 identified by the commission.

22 (7.5) Apprentice preferences. A person who has
23 performed fire suppression service for a department as a
24 firefighter apprentice and otherwise meet the
25 qualifications for original appointment as a firefighter
26 specified in this Section may be awarded up to 20

1 preference points. To qualify for preference points, an
2 applicant shall have completed a minimum of 600 hours of
3 fire suppression work on a regular shift for the affected
4 fire department over a 12-month period. The fire
5 suppression work must be in accordance with Section
6 10-1-14 of this Division and the terms established by a
7 Joint Apprenticeship Committee included in a collective
8 bargaining agreement agreed between the employer and its
9 certified bargaining agent. An eligible applicant must
10 apply to the Joint Apprenticeship Committee for preference
11 points under this item. The Joint Apprenticeship Committee
12 shall evaluate the merit of the applicant's performance,
13 determine the preference points to be awarded, and certify
14 the amount of points awarded to the commissioners. The
15 commissioners may add the certified preference points to
16 the final grades achieved by the applicant on the other
17 components of the examination.

18 (8) Scoring of preferences. The commission shall give
19 preference for original appointment to persons designated
20 in item (1) by adding to the final grade that they receive
21 5 points for the recognized preference achieved. The
22 commission may give preference for original appointment to
23 persons designated in item (7.5) by adding to the final
24 grade the amount of points designated by the Joint
25 Apprenticeship Committee as defined in item (7.5). The
26 commission shall determine the number of preference points

1 for each category, except (1) and (7.5). The number of
2 preference points for each category shall range from 0 to
3 5, except item (7.5). In determining the number of
4 preference points, the commission shall prescribe that if
5 a candidate earns the maximum number of preference points
6 in all categories except item (7.5), that number may not
7 be less than 10 nor more than 30. The commission shall give
8 preference for original appointment to persons designated
9 in items (2) through (7) by adding the requisite number of
10 points to the final grade for each recognized preference
11 achieved. The numerical result thus attained shall be
12 applied by the commission in determining the final
13 eligibility list and appointment from the eligibility
14 list. The local appointing authority may prescribe the
15 total number of preference points awarded under this
16 Section, but the total number of preference points, except
17 item (7.5), shall not be less than 10 points or more than
18 30 points. Apprentice preference points may be added in
19 addition to other preference points awarded by the
20 commission.

21 No person entitled to any preference shall be required to
22 claim the credit before any examination held under the
23 provisions of this Section, but the preference shall be given
24 after the posting or publication of the initial eligibility
25 list or register at the request of a person entitled to a
26 credit before any certification or appointments are made from

1 the eligibility register, upon the furnishing of verifiable
2 evidence and proof of qualifying preference credit. Candidates
3 who are eligible for preference credit shall make a claim in
4 writing within 10 days after the posting of the initial
5 eligibility list, or the claim shall be deemed waived. Final
6 eligibility registers shall be established after the awarding
7 of verified preference points. However, apprentice preference
8 credit earned subsequent to the establishment of the final
9 eligibility register may be applied to the applicant's score
10 upon certification by the Joint Apprenticeship Committee to
11 the commission and the rank order of candidates on the final
12 eligibility register shall be adjusted accordingly. All
13 employment shall be subject to the commission's initial hire
14 background review including, but not limited to, criminal
15 history, employment history, moral character, oral
16 examination, and medical and psychological examinations, all
17 on a pass-fail basis. The medical and psychological
18 examinations must be conducted last, and may only be performed
19 after a conditional offer of employment has been extended.

20 Any person placed on an eligibility list who exceeds the
21 age requirement before being appointed to a fire department
22 shall remain eligible for appointment until the list is
23 abolished, or his or her name has been on the list for a period
24 of 2 years. No person who has attained the age of 35 years
25 shall be inducted into a fire department, except as otherwise
26 provided in this Section.

1 The commission shall strike off the names of candidates
2 for original appointment after the names have been on the list
3 for more than 2 years.

4 (i) Moral character. No person shall be appointed to a
5 fire department unless he or she is a person of good character;
6 not a habitual drunkard, a gambler, or a person who has been
7 convicted of a felony or a crime involving moral turpitude.
8 However, no person shall be disqualified from appointment to
9 the fire department because of the person's record of
10 misdemeanor convictions except those under Sections 11-6,
11 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
12 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
13 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
14 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
15 1961 or the Criminal Code of 2012, or arrest for any cause
16 without conviction thereon. Any such person who is in the
17 department may be removed on charges brought for violating
18 this subsection and after a trial as hereinafter provided.

19 A classifiable set of the fingerprints of every person who
20 is offered employment as a certificated member of an affected
21 fire department whether with or without compensation, shall be
22 furnished to the Illinois Department of State Police and to
23 the Federal Bureau of Investigation by the commission.

24 Whenever a commission is authorized or required by law to
25 consider some aspect of criminal history record information
26 for the purpose of carrying out its statutory powers and

1 responsibilities, then, upon request and payment of fees in
2 conformance with the requirements of Section 2605-400 of the
3 State Police Law of the Civil Administrative Code of Illinois,
4 the Department of State Police is authorized to furnish,
5 pursuant to positive identification, the information contained
6 in State files as is necessary to fulfill the request.

7 (j) Temporary appointments. In order to prevent a stoppage
8 of public business, to meet extraordinary exigencies, or to
9 prevent material impairment of the fire department, the
10 commission may make temporary appointments, to remain in force
11 only until regular appointments are made under the provisions
12 of this Division, but never to exceed 60 days. No temporary
13 appointment of any one person shall be made more than twice in
14 any calendar year.

15 (k) A person who knowingly divulges or receives test
16 questions or answers before a written examination, or
17 otherwise knowingly violates or subverts any requirement of
18 this Section, commits a violation of this Section and may be
19 subject to charges for official misconduct.

20 A person who is the knowing recipient of test information
21 in advance of the examination shall be disqualified from the
22 examination or discharged from the position to which he or she
23 was appointed, as applicable, and otherwise subjected to
24 disciplinary actions.

25 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
26 revised 11-26-19.)

1 (65 ILCS 5/10-1-48) (from Ch. 24, par. 10-1-48)

2 Sec. 10-1-48. This division is subject to the provisions
3 of the "The Illinois Police Training Act", ~~approved August 18,~~
4 ~~1965, as amended~~ and the provisions of the "Illinois Fire
5 Protection Training Act", ~~certified November 9, 1971.~~

6 Public Act 78-951 ~~This amendatory Act of 1973~~ is not a
7 limit on any municipality which is a home rule unit.

8 (Source: P.A. 78-951; revised 8-8-19.)

9 (65 ILCS 5/10-2.1-6.3)

10 Sec. 10-2.1-6.3. Original appointments; full-time fire
11 department.

12 (a) Applicability. Unless a commission elects to follow
13 the provisions of Section 10-2.1-6.4, this Section shall apply
14 to all original appointments to an affected full-time fire
15 department. Existing registers of eligibles shall continue to
16 be valid until their expiration dates, or up to a maximum of 2
17 years after August 4, 2011 (the effective date of Public Act
18 97-251) ~~this amendatory Act of the 97th General Assembly.~~

19 Notwithstanding any statute, ordinance, rule, or other law
20 to the contrary, all original appointments to an affected
21 department to which this Section applies shall be administered
22 in the manner provided for in this Section. Provisions of the
23 Illinois Municipal Code, municipal ordinances, and rules
24 adopted pursuant to such authority and other laws relating to

1 initial hiring of firefighters in affected departments shall
2 continue to apply to the extent they are compatible with this
3 Section, but in the event of a conflict between this Section
4 and any other law, this Section shall control.

5 A home rule or non-home rule municipality may not
6 administer its fire department process for original
7 appointments in a manner that is less stringent than this
8 Section. This Section is a limitation under subsection (i) of
9 Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of the powers and
11 functions exercised by the State.

12 A municipality that is operating under a court order or
13 consent decree regarding original appointments to a full-time
14 fire department before August 4, 2011 (the effective date of
15 Public Act 97-251) ~~this amendatory Act of the 97th General~~
16 ~~Assembly~~ is exempt from the requirements of this Section for
17 the duration of the court order or consent decree.

18 Notwithstanding any other provision of this subsection
19 (a), this Section does not apply to a municipality with more
20 than 1,000,000 inhabitants.

21 (b) Original appointments. All original appointments made
22 to an affected fire department shall be made from a register of
23 eligibles established in accordance with the processes
24 established by this Section. Only persons who meet or exceed
25 the performance standards required by this Section shall be
26 placed on a register of eligibles for original appointment to

1 an affected fire department.

2 Whenever an appointing authority authorizes action to hire
3 a person to perform the duties of a firefighter or to hire a
4 firefighter-paramedic to fill a position that is a new
5 position or vacancy due to resignation, discharge, promotion,
6 death, the granting of a disability or retirement pension, or
7 any other cause, the appointing authority shall appoint to
8 that position the person with the highest ranking on the final
9 eligibility list. If the appointing authority has reason to
10 conclude that the highest ranked person fails to meet the
11 minimum standards for the position or if the appointing
12 authority believes an alternate candidate would better serve
13 the needs of the department, then the appointing authority has
14 the right to pass over the highest ranked person and appoint
15 either: (i) any person who has a ranking in the top 5% of the
16 register of eligibles or (ii) any person who is among the top 5
17 highest ranked persons on the list of eligibles if the number
18 of people who have a ranking in the top 5% of the register of
19 eligibles is less than 5 people.

20 Any candidate may pass on an appointment once without
21 losing his or her position on the register of eligibles. Any
22 candidate who passes a second time may be removed from the list
23 by the appointing authority provided that such action shall
24 not prejudice a person's opportunities to participate in
25 future examinations, including an examination held during the
26 time a candidate is already on the municipality's register of

1 eligibles.

2 The sole authority to issue certificates of appointment
3 shall be vested in the board of fire and police commissioners.
4 All certificates of appointment issued to any officer or
5 member of an affected department shall be signed by the
6 chairperson and secretary, respectively, of the board upon
7 appointment of such officer or member to the affected
8 department by action of the board. After being selected from
9 the register of eligibles to fill a vacancy in the affected
10 department, each appointee shall be presented with his or her
11 certificate of appointment on the day on which he or she is
12 sworn in as a classified member of the affected department.
13 Firefighters who were not issued a certificate of appointment
14 when originally appointed shall be provided with a certificate
15 within 10 days after making a written request to the
16 chairperson of the board of fire and police commissioners.
17 Each person who accepts a certificate of appointment and
18 successfully completes his or her probationary period shall be
19 enrolled as a firefighter and as a regular member of the fire
20 department.

21 For the purposes of this Section, "firefighter" means any
22 person who has been prior to, on, or after August 4, 2011 (the
23 effective date of Public Act 97-251) ~~this amendatory Act of~~
24 ~~the 97th General Assembly~~ appointed to a fire department or
25 fire protection district or employed by a State university and
26 sworn or commissioned to perform firefighter duties or

1 paramedic duties, or both, except that the following persons
2 are not included: part-time firefighters; auxiliary, reserve,
3 or voluntary firefighters, including paid-on-call
4 firefighters; clerks and dispatchers or other civilian
5 employees of a fire department or fire protection district who
6 are not routinely expected to perform firefighter duties; and
7 elected officials.

8 (c) Qualification for placement on register of eligibles.
9 The purpose of establishing a register of eligibles is to
10 identify applicants who possess and demonstrate the mental
11 aptitude and physical ability to perform the duties required
12 of members of the fire department in order to provide the
13 highest quality of service to the public. To this end, all
14 applicants for original appointment to an affected fire
15 department shall be subject to examination and testing which
16 shall be public, competitive, and open to all applicants
17 unless the municipality shall by ordinance limit applicants to
18 residents of the municipality, county or counties in which the
19 municipality is located, State, or nation. Any examination and
20 testing procedure utilized under subsection (e) of this
21 Section shall be supported by appropriate validation evidence
22 and shall comply with all applicable State and federal laws.
23 Municipalities may establish educational, emergency medical
24 service licensure, and other prerequisites ~~prerequisites~~ for
25 participation in an examination or for hire as a firefighter.
26 Any municipality may charge a fee to cover the costs of the

1 application process.

2 Residency requirements in effect at the time an individual
3 enters the fire service of a municipality cannot be made more
4 restrictive for that individual during his or her period of
5 service for that municipality, or be made a condition of
6 promotion, except for the rank or position of fire chief and
7 for no more than 2 positions that rank immediately below that
8 of the chief rank which are appointed positions pursuant to
9 the Fire Department Promotion Act.

10 No person who is 35 years of age or older shall be eligible
11 to take an examination for a position as a firefighter unless
12 the person has had previous employment status as a firefighter
13 in the regularly constituted fire department of the
14 municipality, except as provided in this Section. The age
15 limitation does not apply to:

16 (1) any person previously employed as a full-time
17 firefighter in a regularly constituted fire department of
18 (i) any municipality or fire protection district located
19 in Illinois, (ii) a fire protection district whose
20 obligations were assumed by a municipality under Section
21 21 of the Fire Protection District Act, or (iii) a
22 municipality whose obligations were taken over by a fire
23 protection district,

24 (2) any person who has served a municipality as a
25 regularly enrolled volunteer, paid-on-call, or part-time
26 firefighter for the 5 years immediately preceding the time

1 that the municipality begins to use full-time firefighters
2 to provide all or part of its fire protection service, or

3 (3) any person who turned 35 while serving as a member
4 of the active or reserve components of any of the branches
5 of the Armed Forces of the United States or the National
6 Guard of any state, whose service was characterized as
7 honorable or under honorable, if separated from the
8 military, and is currently under the age of 40.

9 No person who is under 21 years of age shall be eligible
10 for employment as a firefighter.

11 No applicant shall be examined concerning his or her
12 political or religious opinions or affiliations. The
13 examinations shall be conducted by the commissioners of the
14 municipality or their designees and agents.

15 No municipality shall require that any firefighter
16 appointed to the lowest rank serve a probationary employment
17 period of longer than one year of actual active employment,
18 which may exclude periods of training, or injury or illness
19 leaves, including duty related leave, in excess of 30 calendar
20 days. Notwithstanding anything to the contrary in this
21 Section, the probationary employment period limitation may be
22 extended for a firefighter who is required, as a condition of
23 employment, to be a licensed paramedic, during which time the
24 sole reason that a firefighter may be discharged without a
25 hearing is for failing to meet the requirements for paramedic
26 licensure.

1 In the event that any applicant who has been found
2 eligible for appointment and whose name has been placed upon
3 the final eligibility register provided for in this Section
4 has not been appointed to a firefighter position within one
5 year after the date of his or her physical ability
6 examination, the commission may cause a second examination to
7 be made of that applicant's physical ability prior to his or
8 her appointment. If, after the second examination, the
9 physical ability of the applicant shall be found to be less
10 than the minimum standard fixed by the rules of the
11 commission, the applicant shall not be appointed. The
12 applicant's name may be retained upon the register of
13 candidates eligible for appointment and when next reached for
14 certification and appointment that applicant may be again
15 examined as provided in this Section, and if the physical
16 ability of that applicant is found to be less than the minimum
17 standard fixed by the rules of the commission, the applicant
18 shall not be appointed, and the name of the applicant shall be
19 removed from the register.

20 (d) Notice, examination, and testing components. Notice of
21 the time, place, general scope, merit criteria for any
22 subjective component, and fee of every examination shall be
23 given by the commission, by a publication at least 2 weeks
24 preceding the examination: (i) in one or more newspapers
25 published in the municipality, or if no newspaper is published
26 therein, then in one or more newspapers with a general

1 circulation within the municipality, or (ii) on the
2 municipality's Internet website. Additional notice of the
3 examination may be given as the commission shall prescribe.

4 The examination and qualifying standards for employment of
5 firefighters shall be based on: mental aptitude, physical
6 ability, preferences, moral character, and health. The mental
7 aptitude, physical ability, and preference components shall
8 determine an applicant's qualification for and placement on
9 the final register of eligibles. The examination may also
10 include a subjective component based on merit criteria as
11 determined by the commission. Scores from the examination must
12 be made available to the public.

13 (e) Mental aptitude. No person who does not possess at
14 least a high school diploma or an equivalent high school
15 education shall be placed on a register of eligibles.
16 Examination of an applicant's mental aptitude shall be based
17 upon a written examination. The examination shall be practical
18 in character and relate to those matters that fairly test the
19 capacity of the persons examined to discharge the duties
20 performed by members of a fire department. Written
21 examinations shall be administered in a manner that ensures
22 the security and accuracy of the scores achieved.

23 (f) Physical ability. All candidates shall be required to
24 undergo an examination of their physical ability to perform
25 the essential functions included in the duties they may be
26 called upon to perform as a member of a fire department. For

1 the purposes of this Section, essential functions of the job
2 are functions associated with duties that a firefighter may be
3 called upon to perform in response to emergency calls. The
4 frequency of the occurrence of those duties as part of the fire
5 department's regular routine shall not be a controlling factor
6 in the design of examination criteria or evolutions selected
7 for testing. These physical examinations shall be open,
8 competitive, and based on industry standards designed to test
9 each applicant's physical abilities in the following
10 dimensions:

11 (1) Muscular strength to perform tasks and evolutions
12 that may be required in the performance of duties
13 including grip strength, leg strength, and arm strength.
14 Tests shall be conducted under anaerobic as well as
15 aerobic conditions to test both the candidate's speed and
16 endurance in performing tasks and evolutions. Tasks tested
17 may be based on standards developed, or approved, by the
18 local appointing authority.

19 (2) The ability to climb ladders, operate from
20 heights, walk or crawl in the dark along narrow and uneven
21 surfaces, and operate in proximity to hazardous
22 environments.

23 (3) The ability to carry out critical, time-sensitive,
24 and complex problem solving during physical exertion in
25 stressful and hazardous environments. The testing
26 environment may be hot and dark with tightly enclosed

1 spaces, flashing lights, sirens, and other distractions.

2 The tests utilized to measure each applicant's
3 capabilities in each of these dimensions may be tests based on
4 industry standards currently in use or equivalent tests
5 approved by the Joint Labor-Management Committee of the Office
6 of the State Fire Marshal.

7 Physical ability examinations administered under this
8 Section shall be conducted with a reasonable number of
9 proctors and monitors, open to the public, and subject to
10 reasonable regulations of the commission.

11 (g) Scoring of examination components. Appointing
12 authorities may create a preliminary eligibility register. A
13 person shall be placed on the list based upon his or her
14 passage of the written examination or the passage of the
15 written examination and the physical ability component.
16 Passage of the written examination means attaining the minimum
17 score set by the commission. Minimum scores should be set by
18 the commission so as to demonstrate a candidate's ability to
19 perform the essential functions of the job. The minimum score
20 set by the commission shall be supported by appropriate
21 validation evidence and shall comply with all applicable State
22 and federal laws. The appointing authority may conduct the
23 physical ability component and any subjective components
24 subsequent to the posting of the preliminary eligibility
25 register.

26 The examination components for an initial eligibility

1 register shall be graded on a 100-point scale. A person's
2 position on the list shall be determined by the following: (i)
3 the person's score on the written examination, (ii) the person
4 successfully passing the physical ability component, and (iii)
5 the person's results on any subjective component as described
6 in subsection (d).

7 In order to qualify for placement on the final eligibility
8 register, an applicant's score on the written examination,
9 before any applicable preference points or subjective points
10 are applied, shall be at or above the minimum score as set by
11 the commission. The local appointing authority may prescribe
12 the score to qualify for placement on the final eligibility
13 register, but the score shall not be less than the minimum
14 score set by the commission.

15 The commission shall prepare and keep a register of
16 persons whose total score is not less than the minimum score
17 for passage and who have passed the physical ability
18 examination. These persons shall take rank upon the register
19 as candidates in the order of their relative excellence based
20 on the highest to the lowest total points scored on the mental
21 aptitude, subjective component, and preference components of
22 the test administered in accordance with this Section. No more
23 than 60 days after each examination, an initial eligibility
24 list shall be posted by the commission. The list shall include
25 the final grades of the candidates without reference to
26 priority of the time of examination and subject to claim for

1 preference credit.

2 Commissions may conduct additional examinations, including
3 without limitation a polygraph test, after a final eligibility
4 register is established and before it expires with the
5 candidates ranked by total score without regard to date of
6 examination. No more than 60 days after each examination, an
7 initial eligibility list shall be posted by the commission
8 showing the final grades of the candidates without reference
9 to priority of time of examination and subject to claim for
10 preference credit.

11 (h) Preferences. The following are preferences:

12 (1) Veteran preference. Persons who were engaged in
13 the military service of the United States for a period of
14 at least one year of active duty and who were honorably
15 discharged therefrom, or who are now or have been members
16 on inactive or reserve duty in such military or naval
17 service, shall be preferred for appointment to and
18 employment with the fire department of an affected
19 department.

20 (2) Fire cadet preference. Persons who have
21 successfully completed 2 years of study in fire techniques
22 or cadet training within a cadet program established under
23 the rules of the Joint Labor and Management Committee
24 (JLMC), as defined in Section 50 of the Fire Department
25 Promotion Act, may be preferred for appointment to and
26 employment with the fire department.

1 (3) Educational preference. Persons who have
2 successfully obtained an associate's degree in the field
3 of fire service or emergency medical services, or a
4 bachelor's degree from an accredited college or university
5 may be preferred for appointment to and employment with
6 the fire department.

7 (4) Paramedic preference. Persons who have obtained a
8 license as a paramedic shall be preferred for appointment
9 to and employment with the fire department of an affected
10 department providing emergency medical services.

11 (5) Experience preference. All persons employed by a
12 municipality who have been paid-on-call or part-time
13 certified Firefighter II, State of Illinois or nationally
14 licensed EMT, EMT-I, A-EMT, or any combination of those
15 capacities shall be awarded 0.5 point for each year of
16 successful service in one or more of those capacities, up
17 to a maximum of 5 points. Certified Firefighter III and
18 State of Illinois or nationally licensed paramedics shall
19 be awarded one point per year up to a maximum of 5 points.
20 Applicants from outside the municipality who were employed
21 as full-time firefighters or firefighter-paramedics by a
22 fire protection district or another municipality for at
23 least 2 years shall be awarded 5 experience preference
24 points. These additional points presuppose a rating scale
25 totaling 100 points available for the eligibility list. If
26 more or fewer points are used in the rating scale for the

1 eligibility list, the points awarded under this subsection
2 shall be increased or decreased by a factor equal to the
3 total possible points available for the examination
4 divided by 100.

5 Upon request by the commission, the governing body of
6 the municipality or in the case of applicants from outside
7 the municipality the governing body of any fire protection
8 district or any other municipality shall certify to the
9 commission, within 10 days after the request, the number
10 of years of successful paid-on-call, part-time, or
11 full-time service of any person. A candidate may not
12 receive the full amount of preference points under this
13 subsection if the amount of points awarded would place the
14 candidate before a veteran on the eligibility list. If
15 more than one candidate receiving experience preference
16 points is prevented from receiving all of their points due
17 to not being allowed to pass a veteran, the candidates
18 shall be placed on the list below the veteran in rank order
19 based on the totals received if all points under this
20 subsection were to be awarded. Any remaining ties on the
21 list shall be determined by lot.

22 (6) Residency preference. Applicants whose principal
23 residence is located within the fire department's
24 jurisdiction shall be preferred for appointment to and
25 employment with the fire department.

26 (7) Additional preferences. Up to 5 additional

1 preference points may be awarded for unique categories
2 based on an applicant's experience or background as
3 identified by the commission.

4 (7.5) Apprentice preferences. A person who has
5 performed fire suppression service for a department as a
6 firefighter apprentice and otherwise meet the
7 qualifications for original appointment as a firefighter
8 specified in this Section are eligible to be awarded up to
9 20 preference points. To qualify for preference points, an
10 applicant shall have completed a minimum of 600 hours of
11 fire suppression work on a regular shift for the affected
12 fire department over a 12-month period. The fire
13 suppression work must be in accordance with Section
14 10-2.1-4 of this Division and the terms established by a
15 Joint Apprenticeship Committee included in a collective
16 bargaining agreement agreed between the employer and its
17 certified bargaining agent. An eligible applicant must
18 apply to the Joint Apprenticeship Committee for preference
19 points under this item. The Joint Apprenticeship Committee
20 shall evaluate the merit of the applicant's performance,
21 determine the preference points to be awarded, and certify
22 the amount of points awarded to the commissioners. The
23 commissioners may add the certified preference points to
24 the final grades achieved by the applicant on the other
25 components of the examination.

26 (8) Scoring of preferences. The commission may give

1 preference for original appointment to persons designated
2 in item (1) by adding to the final grade that they receive
3 5 points for the recognized preference achieved. The
4 commission may give preference for original appointment to
5 persons designated in item (7.5) by adding to the final
6 grade the amount of points designated by the Joint
7 Apprenticeship Committee as defined in item (7.5). The
8 commission shall determine the number of preference points
9 for each category, except (1) and (7.5). The number of
10 preference points for each category shall range from 0 to
11 5, except item (7.5). In determining the number of
12 preference points, the commission shall prescribe that if
13 a candidate earns the maximum number of preference points
14 in all categories except item (7.5), that number may not
15 be less than 10 nor more than 30. The commission shall give
16 preference for original appointment to persons designated
17 in items (2) through (7) by adding the requisite number of
18 points to the final grade for each recognized preference
19 achieved. The numerical result thus attained shall be
20 applied by the commission in determining the final
21 eligibility list and appointment from the eligibility
22 list. The local appointing authority may prescribe the
23 total number of preference points awarded under this
24 Section, but the total number of preference points, except
25 item (7.5), shall not be less than 10 points or more than
26 30 points. Apprentice preference points may be added in

1 addition to other preference points awarded by the
2 commission.

3 No person entitled to any preference shall be required to
4 claim the credit before any examination held under the
5 provisions of this Section, but the preference may be given
6 after the posting or publication of the initial eligibility
7 list or register at the request of a person entitled to a
8 credit before any certification or appointments are made from
9 the eligibility register, upon the furnishing of verifiable
10 evidence and proof of qualifying preference credit. Candidates
11 who are eligible for preference credit may make a claim in
12 writing within 10 days after the posting of the initial
13 eligibility list, or the claim may be deemed waived. Final
14 eligibility registers may be established after the awarding of
15 verified preference points. However, apprentice preference
16 credit earned subsequent to the establishment of the final
17 eligibility register may be applied to the applicant's score
18 upon certification by the Joint Apprenticeship Committee to
19 the commission and the rank order of candidates on the final
20 eligibility register shall be adjusted accordingly. All
21 employment shall be subject to the commission's initial hire
22 background review, including, but not limited to, criminal
23 history, employment history, moral character, oral
24 examination, and medical and psychological examinations, all
25 on a pass-fail basis. The medical and psychological
26 examinations must be conducted last, and may only be performed

1 after a conditional offer of employment has been extended.

2 Any person placed on an eligibility list who exceeds the
3 age requirement before being appointed to a fire department
4 shall remain eligible for appointment until the list is
5 abolished, or his or her name has been on the list for a period
6 of 2 years. No person who has attained the age of 35 years
7 shall be inducted into a fire department, except as otherwise
8 provided in this Section.

9 The commission shall strike off the names of candidates
10 for original appointment after the names have been on the list
11 for more than 2 years.

12 (i) Moral character. No person shall be appointed to a
13 fire department unless he or she is a person of good character;
14 not a habitual drunkard, a gambler, or a person who has been
15 convicted of a felony or a crime involving moral turpitude.
16 However, no person shall be disqualified from appointment to
17 the fire department because of the person's record of
18 misdemeanor convictions except those under Sections 11-6,
19 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
20 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
21 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
22 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
23 1961 or the Criminal Code of 2012, or arrest for any cause
24 without conviction thereon. Any such person who is in the
25 department may be removed on charges brought for violating
26 this subsection and after a trial as hereinafter provided.

1 A classifiable set of the fingerprints of every person who
2 is offered employment as a certificated member of an affected
3 fire department whether with or without compensation, shall be
4 furnished to the Illinois Department of State Police and to
5 the Federal Bureau of Investigation by the commission.

6 Whenever a commission is authorized or required by law to
7 consider some aspect of criminal history record information
8 for the purpose of carrying out its statutory powers and
9 responsibilities, then, upon request and payment of fees in
10 conformance with the requirements of Section 2605-400 of the
11 State Police Law of the Civil Administrative Code of Illinois,
12 the Department of State Police is authorized to furnish,
13 pursuant to positive identification, the information contained
14 in State files as is necessary to 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 Division, 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 (65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

10 Sec. 11-74.4-8. Tax increment allocation financing. A
11 municipality may not adopt tax increment financing in a
12 redevelopment project area after July 30, 1997 (the effective
13 date of Public Act 90-258) ~~this amendatory Act of 1997~~ that
14 will encompass an area that is currently included in an
15 enterprise zone created under the Illinois Enterprise Zone Act
16 unless that municipality, pursuant to Section 5.4 of the
17 Illinois Enterprise Zone Act, amends the enterprise zone
18 designating ordinance to limit the eligibility for tax
19 abatements as provided in Section 5.4.1 of the Illinois
20 Enterprise Zone Act. A municipality, at the time a
21 redevelopment project area is designated, may adopt tax
22 increment allocation financing by passing an ordinance
23 providing that the ad valorem taxes, if any, arising from the
24 levies upon taxable real property in such redevelopment
25 project area by taxing districts and tax rates determined in

1 the manner provided in paragraph (c) of Section 11-74.4-9 each
2 year after the effective date of the ordinance until
3 redevelopment project costs and all municipal obligations
4 financing redevelopment project costs incurred under this
5 Division have been paid shall be divided as follows, provided,
6 however, that with respect to any redevelopment project area
7 located within a transit facility improvement area established
8 pursuant to Section 11-74.4-3.3 in a municipality with a
9 population of 1,000,000 or more, ad valorem taxes, if any,
10 arising from the levies upon taxable real property in such
11 redevelopment project area shall be allocated as specifically
12 provided in this Section:

13 (a) That portion of taxes levied upon each taxable
14 lot, block, tract, or parcel of real property which is
15 attributable to the lower of the current equalized
16 assessed value or the initial equalized assessed value of
17 each such taxable lot, block, tract, or parcel of real
18 property in the redevelopment project area shall be
19 allocated to and when collected shall be paid by the
20 county collector to the respective affected taxing
21 districts in the manner required by law in the absence of
22 the adoption of tax increment allocation financing.

23 (b) Except from a tax levied by a township to retire
24 bonds issued to satisfy court-ordered damages, that
25 portion, if any, of such taxes which is attributable to
26 the increase in the current equalized assessed valuation

1 of each taxable lot, block, tract, or parcel of real
2 property in the redevelopment project area over and above
3 the initial equalized assessed value of each property in
4 the project area shall be allocated to and when collected
5 shall be paid to the municipal treasurer who shall deposit
6 said taxes into a special fund called the special tax
7 allocation fund of the municipality for the purpose of
8 paying redevelopment project costs and obligations
9 incurred in the payment thereof. In any county with a
10 population of 3,000,000 or more that has adopted a
11 procedure for collecting taxes that provides for one or
12 more of the installments of the taxes to be billed and
13 collected on an estimated basis, the municipal treasurer
14 shall be paid for deposit in the special tax allocation
15 fund of the municipality, from the taxes collected from
16 estimated bills issued for property in the redevelopment
17 project area, the difference between the amount actually
18 collected from each taxable lot, block, tract, or parcel
19 of real property within the redevelopment project area and
20 an amount determined by multiplying the rate at which
21 taxes were last extended against the taxable lot, block,
22 tract ~~tract~~, or parcel of real property in the manner
23 provided in subsection (c) of Section 11-74.4-9 by the
24 initial equalized assessed value of the property divided
25 by the number of installments in which real estate taxes
26 are billed and collected within the county; provided that

1 the payments on or before December 31, 1999 to a municipal
2 treasurer shall be made only if each of the following
3 conditions are met:

4 (1) The total equalized assessed value of the
5 redevelopment project area as last determined was not
6 less than 175% of the total initial equalized assessed
7 value.

8 (2) Not more than 50% of the total equalized
9 assessed value of the redevelopment project area as
10 last determined is attributable to a piece of property
11 assigned a single real estate index number.

12 (3) The municipal clerk has certified to the
13 county clerk that the municipality has issued its
14 obligations to which there has been pledged the
15 incremental property taxes of the redevelopment
16 project area or taxes levied and collected on any or
17 all property in the municipality or the full faith and
18 credit of the municipality to pay or secure payment
19 for all or a portion of the redevelopment project
20 costs. The certification shall be filed annually no
21 later than September 1 for the estimated taxes to be
22 distributed in the following year; however, for the
23 year 1992 the certification shall be made at any time
24 on or before March 31, 1992.

25 (4) The municipality has not requested that the
26 total initial equalized assessed value of real

1 property be adjusted as provided in subsection (b) of
2 Section 11-74.4-9.

3 The conditions of paragraphs (1) through (4) do not
4 apply after December 31, 1999 to payments to a municipal
5 treasurer made by a county with 3,000,000 or more
6 inhabitants that has adopted an estimated billing
7 procedure for collecting taxes. If a county that has
8 adopted the estimated billing procedure makes an erroneous
9 overpayment of tax revenue to the municipal treasurer,
10 then the county may seek a refund of that overpayment. The
11 county shall send the municipal treasurer a notice of
12 liability for the overpayment on or before the mailing
13 date of the next real estate tax bill within the county.
14 The refund shall be limited to the amount of the
15 overpayment.

16 It is the intent of this Division that after July 29,
17 1988 (the effective date of Public Act 85-1142) ~~this~~
18 ~~amendatory Act of 1988~~ a municipality's own ad valorem tax
19 arising from levies on taxable real property be included
20 in the determination of incremental revenue in the manner
21 provided in paragraph (c) of Section 11-74.4-9. If the
22 municipality does not extend such a tax, it shall annually
23 deposit in the municipality's Special Tax Increment Fund
24 an amount equal to 10% of the total contributions to the
25 fund from all other taxing districts in that year. The
26 annual 10% deposit required by this paragraph shall be

1 limited to the actual amount of municipally produced
2 incremental tax revenues available to the municipality
3 from taxpayers located in the redevelopment project area
4 in that year if: (a) the plan for the area restricts the
5 use of the property primarily to industrial purposes, (b)
6 the municipality establishing the redevelopment project
7 area is a home rule ~~home rule~~ community with a 1990
8 population of between 25,000 and 50,000, (c) the
9 municipality is wholly located within a county with a 1990
10 population of over 750,000 and (d) the redevelopment
11 project area was established by the municipality prior to
12 June 1, 1990. This payment shall be in lieu of a
13 contribution of ad valorem taxes on real property. If no
14 such payment is made, any redevelopment project area of
15 the municipality shall be dissolved.

16 If a municipality has adopted tax increment allocation
17 financing by ordinance and the County Clerk thereafter
18 certifies the "total initial equalized assessed value as
19 adjusted" of the taxable real property within such
20 redevelopment project area in the manner provided in
21 paragraph (b) of Section 11-74.4-9, each year after the
22 date of the certification of the total initial equalized
23 assessed value as adjusted until redevelopment project
24 costs and all municipal obligations financing
25 redevelopment project costs have been paid the ad valorem
26 taxes, if any, arising from the levies upon the taxable

1 real property in such redevelopment project area by taxing
2 districts and tax rates determined in the manner provided
3 in paragraph (c) of Section 11-74.4-9 shall be divided as
4 follows, provided, however, that with respect to any
5 redevelopment project area located within a transit
6 facility improvement area established pursuant to Section
7 11-74.4-3.3 in a municipality with a population of
8 1,000,000 or more, ad valorem taxes, if any, arising from
9 the levies upon the taxable real property in such
10 redevelopment project area shall be allocated as
11 specifically provided in this Section:

12 (1) That portion of the taxes levied upon each
13 taxable lot, block, tract, or parcel of real property
14 which is attributable to the lower of the current
15 equalized assessed value or "current equalized
16 assessed value as adjusted" or the initial equalized
17 assessed value of each such taxable lot, block, tract,
18 or parcel of real property existing at the time tax
19 increment financing was adopted, minus the total
20 current homestead exemptions under Article 15 of the
21 Property Tax Code in the redevelopment project area
22 shall be allocated to and when collected shall be paid
23 by the county collector to the respective affected
24 taxing districts in the manner required by law in the
25 absence of the adoption of tax increment allocation
26 financing.

1 (2) That portion, if any, of such taxes which is
2 attributable to the increase in the current equalized
3 assessed valuation of each taxable lot, block, tract,
4 or parcel of real property in the redevelopment
5 project area, over and above the initial equalized
6 assessed value of each property existing at the time
7 tax increment financing was adopted, minus the total
8 current homestead exemptions pertaining to each piece
9 of property provided by Article 15 of the Property Tax
10 Code in the redevelopment project area, shall be
11 allocated to and when collected shall be paid to the
12 municipal Treasurer, who shall deposit said taxes into
13 a special fund called the special tax allocation fund
14 of the municipality for the purpose of paying
15 redevelopment project costs and obligations incurred
16 in the payment thereof.

17 The municipality may pledge in the ordinance the funds
18 in and to be deposited in the special tax allocation fund
19 for the payment of such costs and obligations. No part of
20 the current equalized assessed valuation of each property
21 in the redevelopment project area attributable to any
22 increase above the total initial equalized assessed value,
23 or the total initial equalized assessed value as adjusted,
24 of such properties shall be used in calculating the
25 general State aid formula, provided for in Section 18-8 of
26 the School Code, or the evidence-based funding formula,

1 provided for in Section 18-8.15 of the School Code, until
2 such time as all redevelopment project costs have been
3 paid as provided for in this Section.

4 Whenever a municipality issues bonds for the purpose
5 of financing redevelopment project costs, such
6 municipality may provide by ordinance for the appointment
7 of a trustee, which may be any trust company within the
8 State, and for the establishment of such funds or accounts
9 to be maintained by such trustee as the municipality shall
10 deem necessary to provide for the security and payment of
11 the bonds. If such municipality provides for the
12 appointment of a trustee, such trustee shall be considered
13 the assignee of any payments assigned by the municipality
14 pursuant to such ordinance and this Section. Any amounts
15 paid to such trustee as assignee shall be deposited in the
16 funds or accounts established pursuant to such trust
17 agreement, and shall be held by such trustee in trust for
18 the benefit of the holders of the bonds, and such holders
19 shall have a lien on and a security interest in such funds
20 or accounts so long as the bonds remain outstanding and
21 unpaid. Upon retirement of the bonds, the trustee shall
22 pay over any excess amounts held to the municipality for
23 deposit in the special tax allocation fund.

24 When such redevelopment projects costs, including,
25 without limitation, all municipal obligations financing
26 redevelopment project costs incurred under this Division,

1 have been paid, all surplus funds then remaining in the
2 special tax allocation fund shall be distributed by being
3 paid by the municipal treasurer to the Department of
4 Revenue, the municipality and the county collector; first
5 to the Department of Revenue and the municipality in
6 direct proportion to the tax incremental revenue received
7 from the State and the municipality, but not to exceed the
8 total incremental revenue received from the State or the
9 municipality less any annual surplus distribution of
10 incremental revenue previously made; with any remaining
11 funds to be paid to the County Collector who shall
12 immediately thereafter pay said funds to the taxing
13 districts in the redevelopment project area in the same
14 manner and proportion as the most recent distribution by
15 the county collector to the affected districts of real
16 property taxes from real property in the redevelopment
17 project area.

18 Upon the payment of all redevelopment project costs,
19 the retirement of obligations, the distribution of any
20 excess monies pursuant to this Section, and final closing
21 of the books and records of the redevelopment project
22 area, the municipality shall adopt an ordinance dissolving
23 the special tax allocation fund for the redevelopment
24 project area and terminating the designation of the
25 redevelopment project area as a redevelopment project
26 area. Title to real or personal property and public

1 improvements acquired by or for the municipality as a
2 result of the redevelopment project and plan shall vest in
3 the municipality when acquired and shall continue to be
4 held by the municipality after the redevelopment project
5 area has been terminated. Municipalities shall notify
6 affected taxing districts prior to November 1 if the
7 redevelopment project area is to be terminated by December
8 31 of that same year. If a municipality extends estimated
9 dates of completion of a redevelopment project and
10 retirement of obligations to finance a redevelopment
11 project, as allowed by Public Act 87-1272 ~~this amendatory~~
12 ~~Act of 1993~~, that extension shall not extend the property
13 tax increment allocation financing authorized by this
14 Section. Thereafter the rates of the taxing districts
15 shall be extended and taxes levied, collected and
16 distributed in the manner applicable in the absence of the
17 adoption of tax increment allocation financing.

18 If a municipality with a population of 1,000,000 or
19 more has adopted by ordinance tax increment allocation
20 financing for a redevelopment project area located in a
21 transit facility improvement area established pursuant to
22 Section 11-74.4-3.3, for each year after the effective
23 date of the ordinance until redevelopment project costs
24 and all municipal obligations financing redevelopment
25 project costs have been paid, the ad valorem taxes, if
26 any, arising from the levies upon the taxable real

1 property in that redevelopment project area by taxing
2 districts and tax rates determined in the manner provided
3 in paragraph (c) of Section 11-74.4-9 shall be divided as
4 follows:

5 (1) That portion of the taxes levied upon each
6 taxable lot, block, tract, or parcel of real property
7 which is attributable to the lower of (i) the current
8 equalized assessed value or "current equalized
9 assessed value as adjusted" or (ii) the initial
10 equalized assessed value of each such taxable lot,
11 block, tract, or parcel of real property existing at
12 the time tax increment financing was adopted, minus
13 the total current homestead exemptions under Article
14 15 of the Property Tax Code in the redevelopment
15 project area shall be allocated to and when collected
16 shall be paid by the county collector to the
17 respective affected taxing districts in the manner
18 required by law in the absence of the adoption of tax
19 increment allocation financing.

20 (2) That portion, if any, of such taxes which is
21 attributable to the increase in the current equalized
22 assessed valuation of each taxable lot, block, tract,
23 or parcel of real property in the redevelopment
24 project area, over and above the initial equalized
25 assessed value of each property existing at the time
26 tax increment financing was adopted, minus the total

1 current homestead exemptions pertaining to each piece
2 of property provided by Article 15 of the Property Tax
3 Code in the redevelopment project area, shall be
4 allocated to and when collected shall be paid by the
5 county collector as follows:

6 (A) First, that portion which would be payable
7 to a school district whose boundaries are
8 coterminous with such municipality in the absence
9 of the adoption of tax increment allocation
10 financing, shall be paid to such school district
11 in the manner required by law in the absence of the
12 adoption of tax increment allocation financing;
13 then

14 (B) 80% of the remaining portion shall be paid
15 to the municipal Treasurer, who shall deposit said
16 taxes into a special fund called the special tax
17 allocation fund of the municipality for the
18 purpose of paying redevelopment project costs and
19 obligations incurred in the payment thereof; and
20 then

21 (C) 20% of the remaining portion shall be paid
22 to the respective affected taxing districts, other
23 than the school district described in clause (a)
24 above, in the manner required by law in the
25 absence of the adoption of tax increment
26 allocation financing.

1 Nothing in this Section shall be construed as relieving
2 property in such redevelopment project areas from being
3 assessed as provided in the Property Tax Code or as relieving
4 owners of such property from paying a uniform rate of taxes, as
5 required by Section 4 of Article IX of the Illinois
6 Constitution.

7 (Source: P.A. 99-792, eff. 8-12-16; 100-465, eff. 8-31-17;
8 revised 8-8-19.)

9 (65 ILCS 5/11-74.6-35)

10 Sec. 11-74.6-35. Ordinance for tax increment allocation
11 financing.

12 (a) A municipality, at the time a redevelopment project
13 area is designated, may adopt tax increment allocation
14 financing by passing an ordinance providing that the ad
15 valorem taxes, if any, arising from the levies upon taxable
16 real property within the redevelopment project area by taxing
17 districts and tax rates determined in the manner provided in
18 subsection (b) of Section 11-74.6-40 each year after the
19 effective date of the ordinance until redevelopment project
20 costs and all municipal obligations financing redevelopment
21 project costs incurred under this Act have been paid shall be
22 divided as follows:

23 (1) That portion of the taxes levied upon each taxable
24 lot, block, tract, or parcel of real property that is
25 attributable to the lower of the current equalized

1 assessed value or the initial equalized assessed value or
2 the updated initial equalized assessed value of each
3 taxable lot, block, tract, or parcel of real property in
4 the redevelopment project area shall be allocated to and
5 when collected shall be paid by the county collector to
6 the respective affected taxing districts in the manner
7 required by law without regard to the adoption of tax
8 increment allocation financing.

9 (2) That portion, if any, of those taxes that is
10 attributable to the increase in the current equalized
11 assessed value of each taxable lot, block, tract, or
12 parcel of real property in the redevelopment project area,
13 over and above the initial equalized assessed value or the
14 updated initial equalized assessed value of each property
15 in the project area, shall be allocated to and when
16 collected shall be paid by the county collector to the
17 municipal treasurer who shall deposit that portion of
18 those taxes into a special fund called the special tax
19 allocation fund of the municipality for the purpose of
20 paying redevelopment project costs and obligations
21 incurred in the payment of those costs and obligations. In
22 any county with a population of 3,000,000 or more that has
23 adopted a procedure for collecting taxes that provides for
24 one or more of the installments of the taxes to be billed
25 and collected on an estimated basis, the municipal
26 treasurer shall be paid for deposit in the special tax

1 allocation fund of the municipality, from the taxes
2 collected from estimated bills issued for property in the
3 redevelopment project area, the difference between the
4 amount actually collected from each taxable lot, block,
5 tract, or parcel of real property within the redevelopment
6 project area and an amount determined by multiplying the
7 rate at which taxes were last extended against the taxable
8 lot, block, tract ~~track~~, or parcel of real property in the
9 manner provided in subsection (b) of Section 11-74.6-40 by
10 the initial equalized assessed value or the updated
11 initial equalized assessed value of the property divided
12 by the number of installments in which real estate taxes
13 are billed and collected within the county, provided that
14 the payments on or before December 31, 1999 to a municipal
15 treasurer shall be made only if each of the following
16 conditions are met:

17 (A) The total equalized assessed value of the
18 redevelopment project area as last determined was not
19 less than 175% of the total initial equalized assessed
20 value.

21 (B) Not more than 50% of the total equalized
22 assessed value of the redevelopment project area as
23 last determined is attributable to a piece of property
24 assigned a single real estate index number.

25 (C) The municipal clerk has certified to the
26 county clerk that the municipality has issued its

1 obligations to which there has been pledged the
2 incremental property taxes of the redevelopment
3 project area or taxes levied and collected on any or
4 all property in the municipality or the full faith and
5 credit of the municipality to pay or secure payment
6 for all or a portion of the redevelopment project
7 costs. The certification shall be filed annually no
8 later than September 1 for the estimated taxes to be
9 distributed in the following year.

10 The conditions of paragraphs (A) through (C) do not apply
11 after December 31, 1999 to payments to a municipal treasurer
12 made by a county with 3,000,000 or more inhabitants that has
13 adopted an estimated billing procedure for collecting taxes.
14 If a county that has adopted the estimated billing procedure
15 makes an erroneous overpayment of tax revenue to the municipal
16 treasurer, then the county may seek a refund of that
17 overpayment. The county shall send the municipal treasurer a
18 notice of liability for the overpayment on or before the
19 mailing date of the next real estate tax bill within the
20 county. The refund shall be limited to the amount of the
21 overpayment.

22 (b) It is the intent of this Act that a municipality's own
23 ad valorem tax arising from levies on taxable real property be
24 included in the determination of incremental revenue in the
25 manner provided in paragraph (b) of Section 11-74.6-40.

26 (c) If a municipality has adopted tax increment allocation

1 financing for a redevelopment project area by ordinance and
2 the county clerk thereafter certifies the total initial
3 equalized assessed value or the total updated initial
4 equalized assessed value of the taxable real property within
5 such redevelopment project area in the manner provided in
6 paragraph (a) or (b) of Section 11-74.6-40, each year after
7 the date of the certification of the total initial equalized
8 assessed value or the total updated initial equalized assessed
9 value until redevelopment project costs and all municipal
10 obligations financing redevelopment project costs have been
11 paid, the ad valorem taxes, if any, arising from the levies
12 upon the taxable real property in the redevelopment project
13 area by taxing districts and tax rates determined in the
14 manner provided in paragraph (b) of Section 11-74.6-40 shall
15 be divided as follows:

16 (1) That portion of the taxes levied upon each taxable
17 lot, block, tract or parcel of real property that is
18 attributable to the lower of the current equalized
19 assessed value or the initial equalized assessed value, or
20 the updated initial equalized assessed value of each
21 parcel if the updated initial equalized assessed value of
22 that parcel has been certified in accordance with Section
23 11-74.6-40, whichever has been most recently certified, of
24 each taxable lot, block, tract, or parcel of real property
25 existing at the time tax increment allocation financing
26 was adopted in the redevelopment project area, shall be

1 allocated to and when collected shall be paid by the
2 county collector to the respective affected taxing
3 districts in the manner required by law without regard to
4 the adoption of tax increment allocation financing.

5 (2) That portion, if any, of those taxes that is
6 attributable to the increase in the current equalized
7 assessed value of each taxable lot, block, tract, or
8 parcel of real property in the redevelopment project area,
9 over and above the initial equalized assessed value of
10 each property existing at the time tax increment
11 allocation financing was adopted in the redevelopment
12 project area, or the updated initial equalized assessed
13 value of each parcel if the updated initial equalized
14 assessed value of that parcel has been certified in
15 accordance with Section 11-74.6-40, shall be allocated to
16 and when collected shall be paid to the municipal
17 treasurer, who shall deposit those taxes into a special
18 fund called the special tax allocation fund of the
19 municipality for the purpose of paying redevelopment
20 project costs and obligations incurred in the payment
21 thereof.

22 (d) The municipality may pledge in the ordinance the funds
23 in and to be deposited in the special tax allocation fund for
24 the payment of redevelopment project costs and obligations. No
25 part of the current equalized assessed value of each property
26 in the redevelopment project area attributable to any increase

1 above the total initial equalized assessed value or the total
2 initial updated equalized assessed value of the property,
3 shall be used in calculating the general State aid formula,
4 provided for in Section 18-8 of the School Code, or the
5 evidence-based funding formula, provided for in Section
6 18-8.15 of the School Code, until all redevelopment project
7 costs have been paid as provided for in this Section.

8 Whenever a municipality issues bonds for the purpose of
9 financing redevelopment project costs, that municipality may
10 provide by ordinance for the appointment of a trustee, which
11 may be any trust company within the State, and for the
12 establishment of any funds or accounts to be maintained by
13 that trustee, as the municipality deems necessary to provide
14 for the security and payment of the bonds. If the municipality
15 provides for the appointment of a trustee, the trustee shall
16 be considered the assignee of any payments assigned by the
17 municipality under that ordinance and this Section. Any
18 amounts paid to the trustee as assignee shall be deposited
19 into the funds or accounts established under the trust
20 agreement, and shall be held by the trustee in trust for the
21 benefit of the holders of the bonds. The holders of those bonds
22 shall have a lien on and a security interest in those funds or
23 accounts while the bonds remain outstanding and unpaid. Upon
24 retirement of the bonds, the trustee shall pay over any excess
25 amounts held to the municipality for deposit in the special
26 tax allocation fund.

1 When the redevelopment projects costs, including without
2 limitation all municipal obligations financing redevelopment
3 project costs incurred under this Law, have been paid, all
4 surplus funds then remaining in the special tax allocation
5 fund shall be distributed by being paid by the municipal
6 treasurer to the municipality and the county collector; first
7 to the municipality in direct proportion to the tax
8 incremental revenue received from the municipality, but not to
9 exceed the total incremental revenue received from the
10 municipality, minus any annual surplus distribution of
11 incremental revenue previously made. Any remaining funds shall
12 be paid to the county collector who shall immediately
13 distribute that payment to the taxing districts in the
14 redevelopment project area in the same manner and proportion
15 as the most recent distribution by the county collector to the
16 affected districts of real property taxes from real property
17 situated in the redevelopment project area.

18 Upon the payment of all redevelopment project costs,
19 retirement of obligations and the distribution of any excess
20 moneys under this Section, the municipality shall adopt an
21 ordinance dissolving the special tax allocation fund for the
22 redevelopment project area and terminating the designation of
23 the redevelopment project area as a redevelopment project
24 area. Thereafter the tax levies of taxing districts shall be
25 extended, collected and distributed in the same manner
26 applicable before the adoption of tax increment allocation

1 financing. Municipality shall notify affected taxing districts
2 prior to November if the redevelopment project area is to be
3 terminated by December 31 of that same year.

4 Nothing in this Section shall be construed as relieving
5 property in a redevelopment project area from being assessed
6 as provided in the Property Tax Code or as relieving owners of
7 that property from paying a uniform rate of taxes, as required
8 by Section 4 of Article IX of the Illinois Constitution.

9 (Source: P.A. 100-465, eff. 8-31-17; revised 8-8-19.)

10 (65 ILCS 5/11-101-3)

11 Sec. 11-101-3. Noise mitigation; air quality.

12 (a) A municipality that has implemented a Residential
13 Sound Insulation Program to mitigate aircraft noise shall
14 perform indoor air quality monitoring and laboratory analysis
15 of windows and doors installed pursuant to the Residential
16 Sound Insulation Program to determine whether there are any
17 adverse health impacts associated with off-gassing from such
18 windows and doors. Such monitoring and analysis shall be
19 consistent with applicable professional and industry
20 standards. The municipality shall make any final reports
21 resulting from such monitoring and analysis available to the
22 public on the municipality's website. The municipality shall
23 develop a science-based mitigation plan to address significant
24 health-related impacts, if any, associated with such windows
25 and doors as determined by the results of the monitoring and

1 analysis. In a municipality that has implemented a Residential
2 Sound Insulation Program to mitigate aircraft noise, if
3 requested by the homeowner pursuant to a process established
4 by the municipality, which process shall include, at a
5 minimum, notification in a newspaper of general circulation
6 and a mailer sent to every address identified as a recipient of
7 windows and doors installed under the Residential Sound
8 Insulation Program, the municipality shall replace all windows
9 and doors installed under the Residential Sound Insulation
10 Program in such homes where one or more windows or doors have
11 been found to have caused offensive odors. Only those
12 homeowners who request that the municipality perform an odor
13 inspection as prescribed by the process established by the
14 municipality within 6 months of notification being published
15 and mailers being sent shall be eligible for odorous window
16 and odorous door replacement. Homes that have been identified
17 by the municipality as having odorous windows or doors are not
18 required to make said request to the municipality. The right
19 to make a claim for replacement and have it considered
20 pursuant to this Section shall not be affected by the fact of
21 odor-related claims made or odor-related products received
22 pursuant to the Residential Sound Insulation Program prior to
23 June 5, 2019 (the effective date of this Section). The
24 municipality shall also perform in-home air quality testing in
25 residences in which windows and doors are replaced under this
26 Section. In order to receive in-home air quality testing, a

1 homeowner must request such testing from the municipality, and
2 the total number of homes tested in any given year shall not
3 exceed 25% of the total number of homes in which windows and
4 doors were replaced under this Section in the prior calendar
5 year.

6 (b) An advisory committee shall be formed, composed of the
7 following: (i) 2 members of the municipality who reside in
8 homes that have received windows or doors pursuant to the
9 Residential Sound Insulation Program and have been identified
10 by the municipality as having odorous windows or doors,
11 appointed by the Secretary of Transportation; (ii) one
12 employee of the Aeronautics Division of the Department of
13 Transportation; and (iii) 2 employees of the municipality that
14 implemented the Residential Sound Insulation Program in
15 question. The advisory committee shall determine by majority
16 vote which homes contain windows or doors that cause offensive
17 odors and thus are eligible for replacement, shall promulgate
18 a list of such homes, and shall develop recommendations as to
19 the order in which homes are to receive window replacement.
20 The recommendations shall include reasonable and objective
21 criteria for determining which windows or doors are odorous,
22 consideration of the date of odor confirmation for
23 prioritization, severity of odor, geography and individual
24 hardship, and shall provide such recommendations to the
25 municipality. The advisory committee shall comply with the
26 requirements of the Open Meetings Act. The Chicago Department

1 of Aviation shall provide administrative support to the
2 committee ~~commission~~. The municipality shall consider the
3 recommendations of the committee but shall retain final
4 decision-making authority over replacement of windows and
5 doors installed under the Residential Sound Insulation
6 Program, and shall comply with all federal, State, and local
7 laws involving procurement. A municipality administering
8 claims pursuant to this Section shall provide to every address
9 identified as having submitted a valid claim under this
10 Section a quarterly report setting forth the municipality's
11 activities undertaken pursuant to this Section for that
12 quarter. However, the municipality shall replace windows and
13 doors pursuant to this Section only if, and to the extent,
14 grants are distributed to, and received by, the municipality
15 from the Sound-Reducing Windows and Doors Replacement Fund for
16 the costs associated with the replacement of sound-reducing
17 windows and doors installed under the Residential Sound
18 Insulation Program pursuant to Section 6z-20.1 of the State
19 Finance Act. In addition, the municipality shall revise its
20 specifications for procurement of windows for the Residential
21 Sound Insulation Program to address potential off-gassing from
22 such windows in future phases of the program. A municipality
23 subject to the Section shall not legislate or otherwise
24 regulate with regard to indoor air quality monitoring,
25 laboratory analysis or replacement requirements, except as
26 provided in this Section, but the foregoing restriction shall

1 not limit said municipality's taxing power.

2 (c) A home rule unit may not regulate indoor air quality
3 monitoring and laboratory analysis, and related mitigation and
4 mitigation plans, in a manner inconsistent with this Section.
5 This Section is a limitation of home rule powers and functions
6 under subsection (i) of Section 6 of Article VII of the
7 Illinois Constitution on the concurrent exercise by home rule
8 units of powers and functions exercised by the State.

9 (d) This Section shall not be construed to create a
10 private right of action.

11 (Source: P.A. 101-10, eff. 6-5-19; 101-604, eff. 12-13-19;
12 101-636, eff. 6-10-20; revised 8-20-20.)

13 Section 315. The River Edge Redevelopment Zone Act is
14 amended by changing Section 10-10.4 as follows:

15 (65 ILCS 115/10-10.4)

16 Sec. 10-10.4. Certified payroll. ~~(a)~~ Any contractor and
17 each subcontractor who is engaged in and is executing a River
18 Edge construction jobs project for a taxpayer that is entitled
19 to a credit pursuant to Section 10-10.3 of this Act shall:

20 (1) make and keep, for a period of 5 years from the
21 date of the last payment made on or after June 5, 2019 (the
22 effective date of Public Act 101-9) ~~this amendatory Act of~~
23 ~~the 101st General Assembly~~ on a contract or subcontract
24 for a River Edge Construction Jobs Project in a River Edge

1 Redevelopment Zone records of all laborers and other
2 workers employed by them on the project; the records shall
3 include:

4 (A) the worker's name;

5 (B) the worker's address;

6 (C) the worker's telephone number, if available;

7 (D) the worker's social security number;

8 (E) the worker's classification or
9 classifications;

10 (F) the worker's gross and net wages paid in each
11 pay period;

12 (G) the worker's number of hours worked each day;

13 (H) the worker's starting and ending times of work
14 each day;

15 (I) the worker's hourly wage rate; and

16 (J) the worker's hourly overtime wage rate; and

17 (2) no later than the 15th day of each calendar month,
18 provide a certified payroll for the immediately preceding
19 month to the taxpayer in charge of the project; within 5
20 business days after receiving the certified payroll, the
21 taxpayer shall file the certified payroll with the
22 Department of Labor and the Department of Commerce and
23 Economic Opportunity; a certified payroll must be filed
24 for only those calendar months during which construction
25 on a River Edge Construction Jobs Project has occurred;
26 the certified payroll shall consist of a complete copy of

1 the records identified in paragraph (1), but may exclude
2 the starting and ending times of work each day; the
3 certified payroll shall be accompanied by a statement
4 signed by the contractor or subcontractor or an officer,
5 employee, or agent of the contractor or subcontractor
6 which avers that:

7 (A) he or she has examined the certified payroll
8 records required to be submitted and such records are
9 true and accurate; and

10 (B) the contractor or subcontractor is aware that
11 filing a certified payroll that he or she knows to be
12 false is a Class A misdemeanor.

13 A general contractor is not prohibited from relying on a
14 certified payroll of a lower-tier subcontractor, provided the
15 general contractor does not knowingly rely upon a
16 subcontractor's false certification.

17 Any contractor or subcontractor subject to this Section,
18 and any officer, employee, or agent of such contractor or
19 subcontractor whose duty as an officer, employee, or agent it
20 is to file a certified payroll under this Section, who
21 willfully fails to file such a certified payroll on or before
22 the date such certified payroll is required to be filed and any
23 person who willfully files a false certified payroll that is
24 false as to any material fact is in violation of this Act and
25 guilty of a Class A misdemeanor.

26 The taxpayer in charge of the project shall keep the

1 records submitted in accordance with this Section on or after
2 June 5, 2019 (the effective date of Public Act 101-9) ~~this~~
3 ~~amendatory Act of the 101st General Assembly~~ for a period of 5
4 years from the date of the last payment for work on a contract
5 or subcontract for the project.

6 The records submitted in accordance with this Section
7 ~~subsection~~ shall be considered public records, except an
8 employee's address, telephone number, and social security
9 number, and made available in accordance with the Freedom of
10 Information Act. The Department of Labor shall accept any
11 reasonable submissions by the contractor that meet the
12 requirements of this Section ~~subsection~~ and shall share the
13 information with the Department in order to comply with the
14 awarding of River Edge construction jobs credits. A
15 contractor, subcontractor, or public body may retain records
16 required under this Section in paper or electronic format.

17 Upon 7 business days' notice, the contractor and each
18 subcontractor shall make available for inspection and copying
19 at a location within this State during reasonable hours, the
20 records identified in paragraph (1) of this Section ~~subsection~~
21 to the taxpayer in charge of the project, its officers and
22 agents, the Director of Labor and his or her deputies and
23 agents, and to federal, State, or local law enforcement
24 agencies and prosecutors.

25 (Source: P.A. 101-9, eff. 6-5-19; revised 8-9-19.)

1 Section 320. The Metropolitan Pier and Exposition
2 Authority Act is amended by changing Section 13.2 as follows:

3 (70 ILCS 210/13.2) (from Ch. 85, par. 1233.2)

4 Sec. 13.2. The McCormick Place Expansion Project Fund is
5 created in the State Treasury. All moneys in the McCormick
6 Place Expansion Project Fund are allocated to and shall be
7 appropriated and used only for the purposes authorized by and
8 subject to the limitations and conditions of this Section.
9 Those amounts may be appropriated by law to the Authority for
10 the purposes of paying the debt service requirements on all
11 bonds and notes, including bonds and notes issued to refund or
12 advance refund bonds and notes issued under this Section,
13 Section 13.1, or issued to refund or advance refund bonds and
14 notes otherwise issued under this Act, (collectively referred
15 to as "bonds") to be issued by the Authority under this Section
16 in an aggregate original principal amount (excluding the
17 amount of any bonds and notes issued to refund or advance
18 refund bonds or notes issued under this Section and Section
19 13.1) not to exceed \$2,850,000,000 for the purposes of
20 carrying out and performing its duties and exercising its
21 powers under this Act. The increased debt authorization of
22 \$450,000,000 provided by Public Act 96-898 shall be used
23 solely for the purpose of: (i) hotel construction and related
24 necessary capital improvements; (ii) other needed capital
25 improvements to existing facilities; and (iii) land

1 acquisition for and construction of one multi-use facility on
2 property bounded by East Cermak Road on the south, East 21st
3 Street on the north, South Indiana Avenue on the west, and
4 South Prairie Avenue on the east in the City of Chicago, Cook
5 County, Illinois; these limitations do not apply to the
6 increased debt authorization provided by Public Act 100-23. No
7 bonds issued to refund or advance refund bonds issued under
8 this Section may mature later than 40 years from the date of
9 issuance of the refunding or advance refunding bonds. After
10 the aggregate original principal amount of bonds authorized in
11 this Section has been issued, the payment of any principal
12 amount of such bonds does not authorize the issuance of
13 additional bonds (except refunding bonds). Any bonds and notes
14 issued under this Section in any year in which there is an
15 outstanding "post-2010 deficiency amount" as that term is
16 defined in Section 13 (g) (3) of this Act shall provide for the
17 payment to the State Treasurer of the amount of that
18 deficiency. Proceeds from the sale of bonds issued pursuant to
19 the increased debt authorization provided by Public Act 100-23
20 may be used for any corporate purpose of the Authority in
21 fiscal years 2021 and 2022 and for the payment to the State
22 Treasurer of any unpaid amounts described in paragraph (3) of
23 subsection (g) of Section 13 of this Act as part of the "2010
24 deficiency amount" or the "Post-2010 deficiency amount".

25 On the first day of each month commencing after July 1,
26 1993, amounts, if any, on deposit in the McCormick Place

1 Expansion Project Fund shall, subject to appropriation, be
2 paid in full to the Authority or, upon its direction, to the
3 trustee or trustees for bondholders of bonds that by their
4 terms are payable from the moneys received from the McCormick
5 Place Expansion Project Fund, until an amount equal to 100% of
6 the aggregate amount of the principal and interest in the
7 fiscal year, including that pursuant to sinking fund
8 requirements, has been so paid and deficiencies in reserves
9 shall have been remedied.

10 The State of Illinois pledges to and agrees with the
11 holders of the bonds of the Metropolitan Pier and Exposition
12 Authority issued under this Section that the State will not
13 limit or alter the rights and powers vested in the Authority by
14 this Act so as to impair the terms of any contract made by the
15 Authority with those holders or in any way impair the rights
16 and remedies of those holders until the bonds, together with
17 interest thereon, interest on any unpaid installments of
18 interest, and all costs and expenses in connection with any
19 action or proceedings by or on behalf of those holders are
20 fully met and discharged; provided that any increase in the
21 Tax Act Amounts specified in Section 3 of the Retailers'
22 Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of
23 the Service Use Tax Act, and Section 9 of the Service
24 Occupation Tax Act required to be deposited into the Build
25 Illinois Bond Account in the Build Illinois Fund pursuant to
26 any law hereafter enacted shall not be deemed to impair the

1 rights of such holders so long as the increase does not result
2 in the aggregate debt service payable in the current or any
3 future fiscal year of the State on all bonds issued pursuant to
4 the Build Illinois Bond Act and the Metropolitan Pier and
5 Exposition Authority Act and payable from tax revenues
6 specified in Section 3 of the Retailers' Occupation Tax Act,
7 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
8 Act, and Section 9 of the Service Occupation Tax Act exceeding
9 33 1/3% of such tax revenues for the most recently completed
10 fiscal year of the State at the time of such increase. In
11 addition, the State pledges to and agrees with the holders of
12 the bonds of the Authority issued under this Section that the
13 State will not limit or alter the basis on which State funds
14 are to be paid to the Authority as provided in this Act or the
15 use of those funds so as to impair the terms of any such
16 contract; provided that any increase in the Tax Act Amounts
17 specified in Section 3 of the Retailers' Occupation Tax Act,
18 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
19 Act, and Section 9 of the Service Occupation Tax Act required
20 to be deposited into the Build Illinois Bond Account in the
21 Build Illinois Fund pursuant to any law hereafter enacted
22 shall not be deemed to impair the terms of any such contract so
23 long as the increase does not result in the aggregate debt
24 service payable in the current or any future fiscal year of the
25 State on all bonds issued pursuant to the Build Illinois Bond
26 Act and the Metropolitan Pier and Exposition Authority Act and

1 payable from tax revenues specified in Section 3 of the
2 Retailers' Occupation Tax Act, Section 9 of the Use Tax Act,
3 Section 9 of the Service Use Tax Act, and Section 9 of the
4 Service Occupation Tax Act exceeding 33 1/3% of such tax
5 revenues for the most recently completed fiscal year of the
6 State at the time of such increase. The Authority is
7 authorized to include these pledges and agreements with the
8 State in any contract with the holders of bonds issued under
9 this Section.

10 The State shall not be liable on bonds of the Authority
11 issued under this Section, and those bonds shall not be a debt of
12 the State, and this Act shall not be construed as a guarantee
13 by the State of the debts of the Authority. The bonds shall
14 contain a statement to this effect on the face of the bonds.

15 (Source: P.A. 100-23, eff. 7-6-17; 101-636, eff. 6-10-20;
16 revised 8-20-20.)

17 Section 325. The Fire Protection District Act is amended
18 by changing Sections 11k and 16.06b as follows:

19 (70 ILCS 705/11k)

20 Sec. 11k. Competitive bidding; notice requirements.

21 (a) The board of trustees shall have the power to acquire
22 by gift, legacy, or purchase any personal property necessary
23 for its corporate purposes provided that all contracts for
24 supplies, materials, or work involving an expenditure in

1 excess of \$20,000 shall be let to the lowest responsible
2 bidder after advertising as required under subsection (b) of
3 this Section. The board is not required to accept a bid that
4 does not meet the district's established specifications, terms
5 of delivery, quality, and serviceability requirements.
6 Contracts which, by their nature, are not adapted to award by
7 competitive bidding, are not subject to competitive bidding,
8 including, but not limited to:

9 (1) contracts for the services of individuals
10 possessing a high degree of professional skill where the
11 ability or fitness of the individual plays an important
12 part;

13 (2) contracts for the printing of finance committee
14 reports and departmental reports;

15 (3) contracts for the printing or engraving of bonds,
16 tax warrants, and other evidences of indebtedness;

17 (4) contracts for the maintenance or servicing of, or
18 provision of repair parts for, equipment which are made
19 with the manufacturer or authorized service agent of that
20 equipment where the provision of parts, maintenance, or
21 servicing can best be performed by the manufacturer or
22 authorized service agent, or which involve proprietary
23 parts or technology not otherwise available;

24 (5) purchases and contracts for the use, purchase,
25 delivery, movement, or installation of data processing
26 equipment, software, or services and telecommunications

- 1 and interconnect equipment, software, and services;
- 2 (6) contracts for duplicating machines and supplies;
- 3 (7) contracts for utility services such as water,
4 light, heat, telephone or telegraph;
- 5 (8) contracts for goods or services procured from
6 another governmental agency;
- 7 (9) purchases of equipment previously owned by some
8 entity other than the district itself; and
- 9 (10) contracts for goods or services which are
10 economically procurable from only one source, such as for
11 the purchase of magazines, books, periodicals, pamphlets,
12 reports, and online subscriptions.

13 Contracts for emergency expenditures are also exempt from
14 competitive bidding when the emergency expenditure is approved
15 by a vote of 3/4 of the members of the board.

16 (b) Except as otherwise provided in subsection (a) of this
17 Section, all proposals to award contracts involving amounts in
18 excess of \$20,000 shall be published at least 10 days,
19 excluding Sundays and legal holidays, in advance of the date
20 announced for the receiving of bids, in a secular English
21 language newspaper of general circulation throughout the
22 district. In addition, a fire protection district that has a
23 website that the full-time staff of the district maintains
24 shall post notice on its website of all proposals to award
25 contracts in excess of \$20,000. Advertisements for bids shall
26 describe the character of the proposed contract or agreement

1 in sufficient detail to enable the bidders thereon to know
2 what their obligations will be, either in the advertisement
3 itself, or by reference to detailed plans and specifications
4 on file at the time of the publication of the first
5 announcement. Such advertisement shall also state the date,
6 time and place assigned for the opening of bids, and no bids
7 shall be received at any time subsequent to the time indicated
8 in the announcement. All competitive bids for contracts
9 involving an expenditure in excess of \$20,000 must be sealed
10 by the bidder and must be opened by a member of the board or an
11 employee of the district at a public bid opening at which the
12 contents of the bids must be announced. Each bidder must
13 receive at least 3 days' ~~days~~ notice of the time and place of
14 the bid opening.

15 (c) In addition to contracts entered into under the
16 Governmental Joint Purchasing Act, a board of trustees may
17 enter into contracts for supplies, materials, or work
18 involving an expenditure in excess of \$20,000 through
19 participation in a joint governmental or nongovernmental
20 purchasing program that requires as part of its selection
21 procedure a competitive solicitation and procurement process.

22 (Source: P.A. 101-41, eff. 7-12-19; 101-139, eff. 7-26-19;
23 revised 8-19-19.)

24 (70 ILCS 705/16.06b)

25 Sec. 16.06b. Original appointments; full-time fire

1 department.

2 (a) Applicability. Unless a commission elects to follow
3 the provisions of Section 16.06c, this Section shall apply to
4 all original appointments to an affected full-time fire
5 department. Existing registers of eligibles shall continue to
6 be valid until their expiration dates, or up to a maximum of 2
7 years after August 4, 2011 (the effective date of Public Act
8 97-251) ~~this amendatory Act of the 97th General Assembly~~.

9 Notwithstanding any statute, ordinance, rule, or other law
10 to the contrary, all original appointments to an affected
11 department to which this Section applies shall be administered
12 in a no less stringent manner than the manner provided for in
13 this Section. Provisions of the Illinois Municipal Code, Fire
14 Protection District Act, fire district ordinances, and rules
15 adopted pursuant to such authority and other laws relating to
16 initial hiring of firefighters in affected departments shall
17 continue to apply to the extent they are compatible with this
18 Section, but in the event of a conflict between this Section
19 and any other law, this Section shall control.

20 A fire protection district that is operating under a court
21 order or consent decree regarding original appointments to a
22 full-time fire department before August 4, 2011 (the effective
23 date of Public Act 97-251) ~~this amendatory Act of the 97th~~
24 ~~General Assembly~~ is exempt from the requirements of this
25 Section for the duration of the court order or consent decree.

26 (b) Original appointments. All original appointments made

1 to an affected fire department shall be made from a register of
2 eligibles established in accordance with the processes
3 required by this Section. Only persons who meet or exceed the
4 performance standards required by the Section shall be placed
5 on a register of eligibles for original appointment to an
6 affected fire department.

7 Whenever an appointing authority authorizes action to hire
8 a person to perform the duties of a firefighter or to hire a
9 firefighter-paramedic to fill a position that is a new
10 position or vacancy due to resignation, discharge, promotion,
11 death, the granting of a disability or retirement pension, or
12 any other cause, the appointing authority shall appoint to
13 that position the person with the highest ranking on the final
14 eligibility list. If the appointing authority has reason to
15 conclude that the highest ranked person fails to meet the
16 minimum standards for the position or if the appointing
17 authority believes an alternate candidate would better serve
18 the needs of the department, then the appointing authority has
19 the right to pass over the highest ranked person and appoint
20 either: (i) any person who has a ranking in the top 5% of the
21 register of eligibles or (ii) any person who is among the top 5
22 highest ranked persons on the list of eligibles if the number
23 of people who have a ranking in the top 5% of the register of
24 eligibles is less than 5 people.

25 Any candidate may pass on an appointment once without
26 losing his or her position on the register of eligibles. Any

1 candidate who passes a second time may be removed from the list
2 by the appointing authority provided that such action shall
3 not prejudice a person's opportunities to participate in
4 future examinations, including an examination held during the
5 time a candidate is already on the fire district's register of
6 eligibles.

7 The sole authority to issue certificates of appointment
8 shall be vested in the board of fire commissioners, or board of
9 trustees serving in the capacity of a board of fire
10 commissioners. All certificates of appointment issued to any
11 officer or member of an affected department shall be signed by
12 the chairperson and secretary, respectively, of the commission
13 upon appointment of such officer or member to the affected
14 department by action of the commission. After being selected
15 from the register of eligibles to fill a vacancy in the
16 affected department, each appointee shall be presented with
17 his or her certificate of appointment on the day on which he or
18 she is sworn in as a classified member of the affected
19 department. Firefighters who were not issued a certificate of
20 appointment when originally appointed shall be provided with a
21 certificate within 10 days after making a written request to
22 the chairperson of the board of fire commissioners, or board
23 of trustees serving in the capacity of a board of fire
24 commissioners. Each person who accepts a certificate of
25 appointment and successfully completes his or her probationary
26 period shall be enrolled as a firefighter and as a regular

1 member of the fire department.

2 For the purposes of this Section, "firefighter" means any
3 person who has been prior to, on, or after August 4, 2011 (the
4 effective date of Public Act 97-251) ~~this amendatory Act of~~
5 ~~the 97th General Assembly~~ appointed to a fire department or
6 fire protection district or employed by a State university and
7 sworn or commissioned to perform firefighter duties or
8 paramedic duties, or both, except that the following persons
9 are not included: part-time firefighters; auxiliary, reserve,
10 or voluntary firefighters, including paid-on-call
11 firefighters; clerks and dispatchers or other civilian
12 employees of a fire department or fire protection district who
13 are not routinely expected to perform firefighter duties; and
14 elected officials.

15 (c) Qualification for placement on register of eligibles.
16 The purpose of establishing a register of eligibles is to
17 identify applicants who possess and demonstrate the mental
18 aptitude and physical ability to perform the duties required
19 of members of the fire department in order to provide the
20 highest quality of service to the public. To this end, all
21 applicants for original appointment to an affected fire
22 department shall be subject to examination and testing which
23 shall be public, competitive, and open to all applicants
24 unless the district shall by ordinance limit applicants to
25 residents of the district, county or counties in which the
26 district is located, State, or nation. Any examination and

1 testing procedure utilized under subsection (e) of this
2 Section shall be supported by appropriate validation evidence
3 and shall comply with all applicable State and federal laws.
4 Districts may establish educational, emergency medical service
5 licensure, and other prerequisites ~~prerequites~~ for
6 participation in an examination or for hire as a firefighter.
7 Any fire protection district may charge a fee to cover the
8 costs of the application process.

9 Residency requirements in effect at the time an individual
10 enters the fire service of a district cannot be made more
11 restrictive for that individual during his or her period of
12 service for that district, or be made a condition of
13 promotion, except for the rank or position of fire chief and
14 for no more than 2 positions that rank immediately below that
15 of the chief rank which are appointed positions pursuant to
16 the Fire Department Promotion Act.

17 No person who is 35 years of age or older shall be eligible
18 to take an examination for a position as a firefighter unless
19 the person has had previous employment status as a firefighter
20 in the regularly constituted fire department of the district,
21 except as provided in this Section. The age limitation does
22 not apply to:

- 23 (1) any person previously employed as a full-time
24 firefighter in a regularly constituted fire department of
25 (i) any municipality or fire protection district located
26 in Illinois, (ii) a fire protection district whose

1 obligations were assumed by a municipality under Section
2 21 of the Fire Protection District Act, or (iii) a
3 municipality whose obligations were taken over by a fire
4 protection district;

5 (2) any person who has served a fire district as a
6 regularly enrolled volunteer, paid-on-call, or part-time
7 firefighter for the 5 years immediately preceding the time
8 that the district begins to use full-time firefighters to
9 provide all or part of its fire protection service; or

10 (3) any person who turned 35 while serving as a member
11 of the active or reserve components of any of the branches
12 of the Armed Forces of the United States or the National
13 Guard of any state, whose service was characterized as
14 honorable or under honorable, if separated from the
15 military, and is currently under the age of 40.

16 No person who is under 21 years of age shall be eligible
17 for employment as a firefighter.

18 No applicant shall be examined concerning his or her
19 political or religious opinions or affiliations. The
20 examinations shall be conducted by the commissioners of the
21 district or their designees and agents.

22 No district shall require that any firefighter appointed
23 to the lowest rank serve a probationary employment period of
24 longer than one year of actual active employment, which may
25 exclude periods of training, or injury or illness leaves,
26 including duty related leave, in excess of 30 calendar days.

1 Notwithstanding anything to the contrary in this Section, the
2 probationary employment period limitation may be extended for
3 a firefighter who is required, as a condition of employment,
4 to be a licensed paramedic, during which time the sole reason
5 that a firefighter may be discharged without a hearing is for
6 failing to meet the requirements for paramedic licensure.

7 In the event that any applicant who has been found
8 eligible for appointment and whose name has been placed upon
9 the final eligibility register provided for in this Section
10 has not been appointed to a firefighter position within one
11 year after the date of his or her physical ability
12 examination, the commission may cause a second examination to
13 be made of that applicant's physical ability prior to his or
14 her appointment. If, after the second examination, the
15 physical ability of the applicant shall be found to be less
16 than the minimum standard fixed by the rules of the
17 commission, the applicant shall not be appointed. The
18 applicant's name may be retained upon the register of
19 candidates eligible for appointment and when next reached for
20 certification and appointment that applicant may be again
21 examined as provided in this Section, and if the physical
22 ability of that applicant is found to be less than the minimum
23 standard fixed by the rules of the commission, the applicant
24 shall not be appointed, and the name of the applicant shall be
25 removed from the register.

26 (d) Notice, examination, and testing components. Notice of

1 the time, place, general scope, merit criteria for any
2 subjective component, and fee of every examination shall be
3 given by the commission, by a publication at least 2 weeks
4 preceding the examination: (i) in one or more newspapers
5 published in the district, or if no newspaper is published
6 therein, then in one or more newspapers with a general
7 circulation within the district, or (ii) on the fire
8 protection district's Internet website. Additional notice of
9 the examination may be given as the commission shall
10 prescribe.

11 The examination and qualifying standards for employment of
12 firefighters shall be based on: mental aptitude, physical
13 ability, preferences, moral character, and health. The mental
14 aptitude, physical ability, and preference components shall
15 determine an applicant's qualification for and placement on
16 the final register of eligibles. The examination may also
17 include a subjective component based on merit criteria as
18 determined by the commission. Scores from the examination must
19 be made available to the public.

20 (e) Mental aptitude. No person who does not possess at
21 least a high school diploma or an equivalent high school
22 education shall be placed on a register of eligibles.
23 Examination of an applicant's mental aptitude shall be based
24 upon a written examination. The examination shall be practical
25 in character and relate to those matters that fairly test the
26 capacity of the persons examined to discharge the duties

1 performed by members of a fire department. Written
2 examinations shall be administered in a manner that ensures
3 the security and accuracy of the scores achieved.

4 (f) Physical ability. All candidates shall be required to
5 undergo an examination of their physical ability to perform
6 the essential functions included in the duties they may be
7 called upon to perform as a member of a fire department. For
8 the purposes of this Section, essential functions of the job
9 are functions associated with duties that a firefighter may be
10 called upon to perform in response to emergency calls. The
11 frequency of the occurrence of those duties as part of the fire
12 department's regular routine shall not be a controlling factor
13 in the design of examination criteria or evolutions selected
14 for testing. These physical examinations shall be open,
15 competitive, and based on industry standards designed to test
16 each applicant's physical abilities in the following
17 dimensions:

18 (1) Muscular strength to perform tasks and evolutions
19 that may be required in the performance of duties
20 including grip strength, leg strength, and arm strength.
21 Tests shall be conducted under anaerobic as well as
22 aerobic conditions to test both the candidate's speed and
23 endurance in performing tasks and evolutions. Tasks tested
24 may be based on standards developed, or approved, by the
25 local appointing authority.

26 (2) The ability to climb ladders, operate from

1 heights, walk or crawl in the dark along narrow and uneven
2 surfaces, and operate in proximity to hazardous
3 environments.

4 (3) The ability to carry out critical, time-sensitive,
5 and complex problem solving during physical exertion in
6 stressful and hazardous environments. The testing
7 environment may be hot and dark with tightly enclosed
8 spaces, flashing lights, sirens, and other distractions.

9 The tests utilized to measure each applicant's
10 capabilities in each of these dimensions may be tests based on
11 industry standards currently in use or equivalent tests
12 approved by the Joint Labor-Management Committee of the Office
13 of the State Fire Marshal.

14 Physical ability examinations administered under this
15 Section shall be conducted with a reasonable number of
16 proctors and monitors, open to the public, and subject to
17 reasonable regulations of the commission.

18 (g) Scoring of examination components. Appointing
19 authorities may create a preliminary eligibility register. A
20 person shall be placed on the list based upon his or her
21 passage of the written examination or the passage of the
22 written examination and the physical ability component.
23 Passage of the written examination means attaining the minimum
24 score set by the commission. Minimum scores should be set by
25 the appointing authorities so as to demonstrate a candidate's
26 ability to perform the essential functions of the job. The

1 minimum score set by the commission shall be supported by
2 appropriate validation evidence and shall comply with all
3 applicable State and federal laws. The appointing authority
4 may conduct the physical ability component and any subjective
5 components subsequent to the posting of the preliminary
6 eligibility register.

7 The examination components for an initial eligibility
8 register shall be graded on a 100-point scale. A person's
9 position on the list shall be determined by the following: (i)
10 the person's score on the written examination, (ii) the person
11 successfully passing the physical ability component, and (iii)
12 the person's results on any subjective component as described
13 in subsection (d).

14 In order to qualify for placement on the final eligibility
15 register, an applicant's score on the written examination,
16 before any applicable preference points or subjective points
17 are applied, shall be at or above the minimum score set by the
18 commission. The local appointing authority may prescribe the
19 score to qualify for placement on the final eligibility
20 register, but the score shall not be less than the minimum
21 score set by the commission.

22 The commission shall prepare and keep a register of
23 persons whose total score is not less than the minimum score
24 for passage and who have passed the physical ability
25 examination. These persons shall take rank upon the register
26 as candidates in the order of their relative excellence based

1 on the highest to the lowest total points scored on the mental
2 aptitude, subjective component, and preference components of
3 the test administered in accordance with this Section. No more
4 than 60 days after each examination, an initial eligibility
5 list shall be posted by the commission. The list shall include
6 the final grades of the candidates without reference to
7 priority of the time of examination and subject to claim for
8 preference credit.

9 Commissions may conduct additional examinations, including
10 without limitation a polygraph test, after a final eligibility
11 register is established and before it expires with the
12 candidates ranked by total score without regard to date of
13 examination. No more than 60 days after each examination, an
14 initial eligibility list shall be posted by the commission
15 showing the final grades of the candidates without reference
16 to priority of time of examination and subject to claim for
17 preference credit.

18 (h) Preferences. The following are preferences:

19 (1) Veteran preference. Persons who were engaged in
20 the military service of the United States for a period of
21 at least one year of active duty and who were honorably
22 discharged therefrom, or who are now or have been members
23 on inactive or reserve duty in such military or naval
24 service, shall be preferred for appointment to and
25 employment with the fire department of an affected
26 department.

1 (2) Fire cadet preference. Persons who have
2 successfully completed 2 years of study in fire techniques
3 or cadet training within a cadet program established under
4 the rules of the Joint Labor and Management Committee
5 (JLMC), as defined in Section 50 of the Fire Department
6 Promotion Act, may be preferred for appointment to and
7 employment with the fire department.

8 (3) Educational preference. Persons who have
9 successfully obtained an associate's degree in the field
10 of fire service or emergency medical services, or a
11 bachelor's degree from an accredited college or university
12 may be preferred for appointment to and employment with
13 the fire department.

14 (4) Paramedic preference. Persons who have obtained a
15 license as a paramedic may be preferred for appointment to
16 and employment with the fire department of an affected
17 department providing emergency medical services.

18 (5) Experience preference. All persons employed by a
19 district who have been paid-on-call or part-time certified
20 Firefighter II, certified Firefighter III, State of
21 Illinois or nationally licensed EMT, EMT-I, A-EMT, or
22 paramedic, or any combination of those capacities may be
23 awarded up to a maximum of 5 points. However, the
24 applicant may not be awarded more than 0.5 points for each
25 complete year of paid-on-call or part-time service.
26 Applicants from outside the district who were employed as

1 full-time firefighters or firefighter-paramedics by a fire
2 protection district or municipality for at least 2 years
3 may be awarded up to 5 experience preference points.
4 However, the applicant may not be awarded more than one
5 point for each complete year of full-time service.

6 Upon request by the commission, the governing body of
7 the district or in the case of applicants from outside the
8 district the governing body of any other fire protection
9 district or any municipality shall certify to the
10 commission, within 10 days after the request, the number
11 of years of successful paid-on-call, part-time, or
12 full-time service of any person. A candidate may not
13 receive the full amount of preference points under this
14 subsection if the amount of points awarded would place the
15 candidate before a veteran on the eligibility list. If
16 more than one candidate receiving experience preference
17 points is prevented from receiving all of their points due
18 to not being allowed to pass a veteran, the candidates
19 shall be placed on the list below the veteran in rank order
20 based on the totals received if all points under this
21 subsection were to be awarded. Any remaining ties on the
22 list shall be determined by lot.

23 (6) Residency preference. Applicants whose principal
24 residence is located within the fire department's
25 jurisdiction may be preferred for appointment to and
26 employment with the fire department.

1 (7) Additional preferences. Up to 5 additional
2 preference points may be awarded for unique categories
3 based on an applicant's experience or background as
4 identified by the commission.

5 (7.5) Apprentice preferences. A person who has
6 performed fire suppression service for a department as a
7 firefighter apprentice and otherwise meet the
8 qualifications for original appointment as a firefighter
9 specified in this Section are eligible to be awarded up to
10 20 preference points. To qualify for preference points, an
11 applicant shall have completed a minimum of 600 hours of
12 fire suppression work on a regular shift for the affected
13 fire department over a 12-month period. The fire
14 suppression work must be in accordance with Section 16.06
15 of this Act and the terms established by a Joint
16 Apprenticeship Committee included in a collective
17 bargaining agreement agreed between the employer and its
18 certified bargaining agent. An eligible applicant must
19 apply to the Joint Apprenticeship Committee for preference
20 points under this item. The Joint Apprenticeship Committee
21 shall evaluate the merit of the applicant's performance,
22 determine the preference points to be awarded, and certify
23 the amount of points awarded to the commissioners. The
24 commissioners may add the certified preference points to
25 the final grades achieved by the applicant on the other
26 components of the examination.

1 (8) Scoring of preferences. The commission shall give
2 preference for original appointment to persons designated
3 in item (1) by adding to the final grade that they receive
4 5 points for the recognized preference achieved. The
5 commission may give preference for original appointment to
6 persons designated in item (7.5) by adding to the final
7 grade the amount of points designated by the Joint
8 Apprenticeship Committee as defined in item (7.5). The
9 commission shall determine the number of preference points
10 for each category, except (1) and (7.5). The number of
11 preference points for each category shall range from 0 to
12 5, except item (7.5). In determining the number of
13 preference points, the commission shall prescribe that if
14 a candidate earns the maximum number of preference points
15 in all categories except item (7.5), that number may not
16 be less than 10 nor more than 30. The commission shall give
17 preference for original appointment to persons designated
18 in items (2) through (7) by adding the requisite number of
19 points to the final grade for each recognized preference
20 achieved. The numerical result thus attained shall be
21 applied by the commission in determining the final
22 eligibility list and appointment from the eligibility
23 list. The local appointing authority may prescribe the
24 total number of preference points awarded under this
25 Section, but the total number of preference points, except
26 item (7.5), shall not be less than 10 points or more than

1 30 points. Apprentice preference points may be added in
2 addition to other preference points awarded by the
3 commission.

4 No person entitled to any preference shall be required to
5 claim the credit before any examination held under the
6 provisions of this Section, but the preference shall be given
7 after the posting or publication of the initial eligibility
8 list or register at the request of a person entitled to a
9 credit before any certification or appointments are made from
10 the eligibility register, upon the furnishing of verifiable
11 evidence and proof of qualifying preference credit. Candidates
12 who are eligible for preference credit shall make a claim in
13 writing within 10 days after the posting of the initial
14 eligibility list, or the claim shall be deemed waived. Final
15 eligibility registers shall be established after the awarding
16 of verified preference points. However, apprentice preference
17 credit earned subsequent to the establishment of the final
18 eligibility register may be applied to the applicant's score
19 upon certification by the Joint Apprenticeship Committee to
20 the commission and the rank order of candidates on the final
21 eligibility register shall be adjusted accordingly. All
22 employment shall be subject to the commission's initial hire
23 background review including, but not limited to, criminal
24 history, employment history, moral character, oral
25 examination, and medical and psychological examinations, all
26 on a pass-fail basis. The medical and psychological

1 examinations must be conducted last, and may only be performed
2 after a conditional offer of employment has been extended.

3 Any person placed on an eligibility list who exceeds the
4 age requirement before being appointed to a fire department
5 shall remain eligible for appointment until the list is
6 abolished, or his or her name has been on the list for a period
7 of 2 years. No person who has attained the age of 35 years
8 shall be inducted into a fire department, except as otherwise
9 provided in this Section.

10 The commission shall strike off the names of candidates
11 for original appointment after the names have been on the list
12 for more than 2 years.

13 (i) Moral character. No person shall be appointed to a
14 fire department unless he or she is a person of good character;
15 not a habitual drunkard, a gambler, or a person who has been
16 convicted of a felony or a crime involving moral turpitude.
17 However, no person shall be disqualified from appointment to
18 the fire department because of the person's record of
19 misdemeanor convictions except those under Sections 11-6,
20 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
21 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
22 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8, and
23 subsections 1, 6, and 8 of Section 24-1 of the Criminal Code of
24 1961 or the Criminal Code of 2012, or arrest for any cause
25 without conviction thereon. Any such person who is in the
26 department may be removed on charges brought for violating

1 this subsection and after a trial as hereinafter provided.

2 A classifiable set of the fingerprints of every person who
3 is offered employment as a certificated member of an affected
4 fire department whether with or without compensation, shall be
5 furnished to the Illinois Department of State Police and to
6 the Federal Bureau of Investigation by the commission.

7 Whenever a commission 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 State Police Law of the Civil Administrative Code of Illinois,
13 the Department of State Police is authorized to furnish,
14 pursuant to positive identification, the information contained
15 in State files as is necessary to fulfill the request.

16 (j) Temporary appointments. In order to prevent a stoppage
17 of public business, to meet extraordinary exigencies, or to
18 prevent material impairment of the fire department, the
19 commission may make temporary appointments, to remain in force
20 only until regular appointments are made under the provisions
21 of this Section, but never to exceed 60 days. No temporary
22 appointment of any one person shall be made more than twice in
23 any calendar year.

24 (k) A person who knowingly divulges or receives test
25 questions or answers before a written examination, or
26 otherwise knowingly violates or subverts any requirement of

1 this Section, commits a violation of this Section and may be
2 subject to charges for official misconduct.

3 A person who is the knowing recipient of test information
4 in advance of the examination shall be disqualified from the
5 examination or discharged from the position to which he or she
6 was appointed, as applicable, and otherwise subjected to
7 disciplinary actions.

8 (Source: P.A. 100-252, eff. 8-22-17; 101-489, eff. 8-23-19;
9 revised 11-26-19.)

10 Section 330. The Park District Code is amended by changing
11 Sections 2-25 and 10-7 as follows:

12 (70 ILCS 1205/2-25) (from Ch. 105, par. 2-25)

13 Sec. 2-25. Vacancies. Whenever any member of the governing
14 board of any park district (i) dies, (ii) resigns, (iii)
15 becomes under legal disability, (iv) ceases to be a legal
16 voter in the district, (v) is convicted in any court located in
17 the United States of any infamous crime, bribery, perjury, or
18 other felony, (vi) refuses or neglects to take his or her oath
19 of office, (vii) neglects to perform the duties of his or her
20 office or attend meetings of the board for the length of time
21 as the board fixes by ordinance, or (viii) for any other reason
22 specified by law, that office may be declared vacant.
23 Vacancies shall be filled by appointment by a majority of the
24 remaining members of the board. Any person so appointed shall

1 hold his or her office until the next regular election for this
2 office, at which a member shall be elected to fill the vacancy
3 for the unexpired term, subject to the following conditions:

4 (1) If the vacancy occurs with less than 28 months
5 remaining in the term, the person appointed to fill the
6 vacancy shall hold his or her office until the expiration
7 of the term for which he or she has been appointed, and no
8 election to fill the vacancy shall be held.

9 (2) If the vacancy occurs with more than 28 months
10 left in the term, but less than 123 days before the next
11 regularly scheduled election for this office, the person
12 appointed to fill the vacancy shall hold his or her office
13 until the second regularly scheduled election for the
14 office following the appointment, at which a member shall
15 be elected to fill the vacancy for the unexpired term.

16 (Source: P.A. 101-257, eff. 8-9-19; revised 9-24-19.)

17 (70 ILCS 1205/10-7) (from Ch. 105, par. 10-7)

18 Sec. 10-7. Sale, lease, or exchange of realty.

19 (a) Any park district owning and holding any real estate
20 is authorized (1) to sell or lease that property to the State
21 of Illinois, with the State's consent, or another unit of
22 Illinois State or local government for public use, (2) to give
23 the property to the State of Illinois if the property is
24 contiguous to a State park, or (3) to lease that property upon
25 the terms and at the price that the board determines for a

1 period not to exceed 99 years to any corporation organized
2 under the laws of this State, for public use. The grantee or
3 lessee must covenant to hold and maintain the property for
4 public park or recreational purposes unless the park district
5 obtains other real property of substantially the same size or
6 larger and of substantially the same or greater suitability
7 for park purposes without additional cost to the district. In
8 the case of property given or sold under this subsection after
9 January 1, 2002 (the effective date of Public Act 92-401) ~~this~~
10 ~~amendatory Act of the 92nd General Assembly~~ for which this
11 covenant is required, the conveyance must provide that
12 ownership of the property automatically reverts to the grantor
13 if the grantee knowingly violates the required covenant by
14 allowing all or any part of the property to be used for
15 purposes other than park or recreational purposes. Real estate
16 given, sold, or leased to the State of Illinois under this
17 subsection (1) must be 50 acres or more in size, (2) may not be
18 located within the territorial limits of a municipality, and
19 (3) may not be the site of a known environmental liability or
20 hazard.

21 (b) Any park district owning or holding any real estate is
22 authorized to convey such property to a nongovernmental entity
23 in exchange for other real property of substantially equal or
24 greater value as determined by 2 appraisals of the property
25 and of substantially the same or greater suitability for park
26 purposes without additional cost to such district.

1 Prior to such exchange with a nongovernmental entity, the
2 park board shall hold a public meeting in order to consider the
3 proposed conveyance. Notice of such meeting shall be published
4 not less than 3 ~~three~~ times (the first and last publication
5 being not less than 10 days apart) in a newspaper of general
6 circulation within the park district. If there is no such
7 newspaper, then such notice shall be posted in not less than 3
8 public places in said park district and such notice shall not
9 become effective until 10 days after said publication or
10 posting.

11 (c) Notwithstanding any other provision of this Act, this
12 subsection (c) shall apply only to park districts that serve
13 territory within a municipality having more than 40,000
14 inhabitants and within a county having more than 260,000
15 inhabitants and bordering the Mississippi River. Any park
16 district owning or holding real estate is authorized to sell
17 that property to any not-for-profit corporation organized
18 under the laws of this State upon the condition that the
19 corporation uses the property for public park or recreational
20 programs for youth. The park district shall have the right of
21 re-entry for breach of condition subsequent. If the
22 corporation stops using the property for these purposes, the
23 property shall revert back to ownership of the park district.
24 Any temporary suspension of use caused by the construction of
25 improvements on the property for public park or recreational
26 programs for youth is not a breach of condition subsequent.

1 Prior to the sale of the property to a not-for-profit
2 corporation, the park board shall hold a public meeting to
3 consider the proposed sale. Notice of the meeting shall be
4 published not less than 3 times (the first and last
5 publication being not less than 10 days apart) in a newspaper
6 of general circulation within the park district. If there is
7 no such newspaper, then the notice shall be posted in not less
8 than 3 public places in the park district. The notice shall be
9 published or posted at least 10 days before the meeting. A
10 resolution to approve the sale of the property to a
11 not-for-profit corporation requires adoption by a majority of
12 the park board.

13 (d) Real estate, not subject to such covenant or which has
14 not been conveyed and replaced as provided in this Section,
15 may be conveyed in the manner provided by Sections 10-7a to
16 10-7d hereof, inclusive.

17 (d-5) Notwithstanding any provision of law to the contrary
18 and in addition to the means provided by Sections 10-7a,
19 10-7b, 10-7c, and 10-7d, real estate, not subject to a
20 covenant required under subsection (a) or not conveyed and
21 replaced as provided under subsection (a), may be conveyed to
22 another unit of local government or school district if the
23 park district board approves the sale to the unit of local
24 government or school district by a four-fifths vote and: (i)
25 the park district is situated wholly within the corporate
26 limits of that unit of local government or school district; or

1 (ii) the real estate is conveyed for a price not less than the
2 appraised value of the real estate as determined by the
3 average of 3 written MAI certified appraisals or by the
4 average of 3 written certified appraisals of State certified
5 or licensed real estate appraisers.

6 (e) In addition to any other power provided in this
7 Section, any park district owning or holding real estate that
8 the board deems is not required for park or recreational
9 purposes may lease such real estate to any individual or
10 entity and may collect rents therefrom. Such lease shall not
11 exceed 4 and one-half times the term of years provided for in
12 Section 8-15 governing installment purchase contracts.

13 (f) Notwithstanding any other provision of law, if (i) the
14 real estate that a park district with a population of 3,000 or
15 less transfers by lease, license, development agreement, or
16 other means to any private entity is greater than 70% of the
17 district's total property and (ii) the current use of the real
18 estate will be substantially altered by that private entity,
19 the real estate may be conveyed only in the manner provided for
20 in Sections 10-7a, 10-7b, and 10-7c.

21 (Source: P.A. 101-243, eff. 8-9-19; 101-322, eff. 8-9-19;
22 revised 9-10-19.)

23 Section 335. The North Shore Water Reclamation District
24 Act is amended by changing Section 28 as follows:

1 (70 ILCS 2305/28) (from Ch. 42, par. 296.8)

2 Sec. 28. Annexation of territory. The board of trustees of
3 any sanitary district may annex any territory which is not
4 within the corporate limits of the sanitary district,
5 provided:

6 (a) The territory is contiguous to the annexing
7 sanitary district or the territory is non-contiguous and
8 the owner or owners of record have entered into an
9 agreement requesting the annexation of the non-contiguous
10 territory; and

11 (b) The territory is served by the sanitary district
12 or by a municipality with sanitary sewers that are
13 connected and served by the sanitary district.

14 The annexation shall be accomplished only by ordinance and
15 the ordinance shall include a description of the annexed
16 territory. The ordinance annexing non-contiguous territory
17 shall designate the ward to which the land shall be assigned. A
18 copy of the ordinance and a map of the annexed territory
19 certified as true and accurate by the clerk of the annexing
20 sanitary district shall be filed with the county clerk of the
21 county in which the annexed territory is located. The new
22 boundary shall extend to the far side of any adjacent highway
23 and shall include all of every highway within the area
24 annexed. These highways shall be considered to be annexed even
25 though not included in the legal description set forth in the
26 annexation ordinance.

1 The territory to be annexed to the sanitary district shall
2 be considered to be contiguous to the sanitary district
3 notwithstanding that the territory to be annexed is divided
4 by, or that the territory to be annexed is separated from the
5 sanitary district by, one or more railroad rights-of-way
6 ~~rights-of-ways~~, public easements, or properties owned by a
7 public utility, a forest preserve district, a public agency,
8 or a not-for-profit corporation.

9 (Source: P.A. 100-31, eff. 8-4-17; revised 8-9-19.)

10 Section 340. The Street Light District Act is amended by
11 changing Section 0.01 as follows:

12 (70 ILCS 3305/0.01) (from Ch. 121, par. 354.9)

13 Sec. 0.01. Short title. This Act may be cited as the Street
14 Lighting ~~Light~~ District Act.

15 (Source: P.A. 86-1324; revised 8-9-19.)

16 Section 345. The Regional Transportation Authority Act is
17 amended by changing Section 4.04 as follows:

18 (70 ILCS 3615/4.04) (from Ch. 111 2/3, par. 704.04)

19 Sec. 4.04. Issuance and Pledge of Bonds and Notes.

20 (a) The Authority shall have the continuing power to
21 borrow money and to issue its negotiable bonds or notes as
22 provided in this Section. Unless otherwise indicated in this

1 Section, the term "notes" also includes bond anticipation
2 notes, which are notes which by their terms provide for their
3 payment from the proceeds of bonds thereafter to be issued.
4 Bonds or notes of the Authority may be issued for any or all of
5 the following purposes: to pay costs to the Authority or a
6 Service Board of constructing or acquiring any public
7 transportation facilities (including funds and rights relating
8 thereto, as provided in Section 2.05 of this Act); to repay
9 advances to the Authority or a Service Board made for such
10 purposes; to pay other expenses of the Authority or a Service
11 Board incident to or incurred in connection with such
12 construction or acquisition; to provide funds for any
13 transportation agency to pay principal of or interest or
14 redemption premium on any bonds or notes, whether as such
15 amounts become due or by earlier redemption, issued prior to
16 the date of this amendatory Act by such transportation agency
17 to construct or acquire public transportation facilities or to
18 provide funds to purchase such bonds or notes; and to provide
19 funds for any transportation agency to construct or acquire
20 any public transportation facilities, to repay advances made
21 for such purposes, and to pay other expenses incident to or
22 incurred in connection with such construction or acquisition;
23 and to provide funds for payment of obligations, including the
24 funding of reserves, under any self-insurance plan or joint
25 self-insurance pool or entity.

26 In addition to any other borrowing as may be authorized by

1 this Section, the Authority may issue its notes, from time to
2 time, in anticipation of tax receipts of the Authority or of
3 other revenues or receipts of the Authority, in order to
4 provide money for the Authority or the Service Boards to cover
5 any cash flow deficit which the Authority or a Service Board
6 anticipates incurring. Any such notes are referred to in this
7 Section as "Working Cash Notes". No Working Cash Notes shall
8 be issued for a term of longer than 24 months. Proceeds of
9 Working Cash Notes may be used to pay day to day operating
10 expenses of the Authority or the Service Boards, consisting of
11 wages, salaries, and fringe benefits, professional and
12 technical services (including legal, audit, engineering, and
13 other consulting services), office rental, furniture, fixtures
14 and equipment, insurance premiums, claims for self-insured
15 amounts under insurance policies, public utility obligations
16 for telephone, light, heat and similar items, travel expenses,
17 office supplies, postage, dues, subscriptions, public hearings
18 and information expenses, fuel purchases, and payments of
19 grants and payments under purchase of service agreements for
20 operations of transportation agencies, prior to the receipt by
21 the Authority or a Service Board from time to time of funds for
22 paying such expenses. In addition to any Working Cash Notes
23 that the Board of the Authority may determine to issue, the
24 Suburban Bus Board, the Commuter Rail Board or the Board of the
25 Chicago Transit Authority may demand and direct that the
26 Authority issue its Working Cash Notes in such amounts and

1 having such maturities as the Service Board may determine.

2 Notwithstanding any other provision of this Act, any
3 amounts necessary to pay principal of and interest on any
4 Working Cash Notes issued at the demand and direction of a
5 Service Board or any Working Cash Notes the proceeds of which
6 were used for the direct benefit of a Service Board or any
7 other Bonds or Notes of the Authority the proceeds of which
8 were used for the direct benefit of a Service Board shall
9 constitute a reduction of the amount of any other funds
10 provided by the Authority to that Service Board. The Authority
11 shall, after deducting any costs of issuance, tender the net
12 proceeds of any Working Cash Notes issued at the demand and
13 direction of a Service Board to such Service Board as soon as
14 may be practicable after the proceeds are received. The
15 Authority may also issue notes or bonds to pay, refund or
16 redeem any of its notes and bonds, including to pay redemption
17 premiums or accrued interest on such bonds or notes being
18 renewed, paid or refunded, and other costs in connection
19 therewith. The Authority may also utilize the proceeds of any
20 such bonds or notes to pay the legal, financial,
21 administrative and other expenses of such authorization,
22 issuance, sale or delivery of bonds or notes or to provide or
23 increase a debt service reserve fund with respect to any or all
24 of its bonds or notes. The Authority may also issue and deliver
25 its bonds or notes in exchange for any public transportation
26 facilities, (including funds and rights relating thereto, as

1 provided in Section 2.05 of this Act) or in exchange for
2 outstanding bonds or notes of the Authority, including any
3 accrued interest or redemption premium thereon, without
4 advertising or submitting such notes or bonds for public
5 bidding.

6 (b) The ordinance providing for the issuance of any such
7 bonds or notes shall fix the date or dates of maturity, the
8 dates on which interest is payable, any sinking fund account
9 or reserve fund account provisions and all other details of
10 such bonds or notes and may provide for such covenants or
11 agreements necessary or desirable with regard to the issue,
12 sale and security of such bonds or notes. The rate or rates of
13 interest on its bonds or notes may be fixed or variable and the
14 Authority shall determine or provide for the determination of
15 the rate or rates of interest of its bonds or notes issued
16 under this Act in an ordinance adopted by the Authority prior
17 to the issuance thereof, none of which rates of interest shall
18 exceed that permitted in the Bond Authorization Act. Interest
19 may be payable at such times as are provided for by the Board.
20 Bonds and notes issued under this Section may be issued as
21 serial or term obligations, shall be of such denomination or
22 denominations and form, including interest coupons to be
23 attached thereto, be executed in such manner, shall be payable
24 at such place or places and bear such date as the Authority
25 shall fix by the ordinance authorizing such bond or note and
26 shall mature at such time or times, within a period not to

1 exceed forty years from the date of issue, and may be
2 redeemable prior to maturity with or without premium, at the
3 option of the Authority, upon such terms and conditions as the
4 Authority shall fix by the ordinance authorizing the issuance
5 of such bonds or notes. No bond anticipation note or any
6 renewal thereof shall mature at any time or times exceeding 5
7 years from the date of the first issuance of such note. The
8 Authority may provide for the registration of bonds or notes
9 in the name of the owner as to the principal alone or as to
10 both principal and interest, upon such terms and conditions as
11 the Authority may determine. The ordinance authorizing bonds
12 or notes may provide for the exchange of such bonds or notes
13 which are fully registered, as to both principal and interest,
14 with bonds or notes which are registerable as to principal
15 only. All bonds or notes issued under this Section by the
16 Authority other than those issued in exchange for property or
17 for bonds or notes of the Authority shall be sold at a price
18 which may be at a premium or discount but such that the
19 interest cost (excluding any redemption premium) to the
20 Authority of the proceeds of an issue of such bonds or notes,
21 computed to stated maturity according to standard tables of
22 bond values, shall not exceed that permitted in the Bond
23 Authorization Act. The Authority shall notify the Governor's
24 Office of Management and Budget and the State Comptroller at
25 least 30 days before any bond sale and shall file with the
26 Governor's Office of Management and Budget and the State

1 Comptroller a certified copy of any ordinance authorizing the
2 issuance of bonds at or before the issuance of the bonds. After
3 December 31, 1994, any such bonds or notes shall be sold to the
4 highest and best bidder on sealed bids as the Authority shall
5 deem. As such bonds or notes are to be sold the Authority shall
6 advertise for proposals to purchase the bonds or notes which
7 advertisement shall be published at least once in a daily
8 newspaper of general circulation published in the metropolitan
9 region at least 10 days before the time set for the submission
10 of bids. The Authority shall have the right to reject any or
11 all bids. Notwithstanding any other provisions of this
12 Section, Working Cash Notes or bonds or notes to provide funds
13 for self-insurance or a joint self-insurance pool or entity
14 may be sold either upon competitive bidding or by negotiated
15 sale (without any requirement of publication of intention to
16 negotiate the sale of such Notes), as the Board shall
17 determine by ordinance adopted with the affirmative votes of
18 at least 9 Directors. In case any officer whose signature
19 appears on any bonds, notes or coupons authorized pursuant to
20 this Section shall cease to be such officer before delivery of
21 such bonds or notes, such signature shall nevertheless be
22 valid and sufficient for all purposes, the same as if such
23 officer had remained in office until such delivery. Neither
24 the Directors of the Authority nor any person executing any
25 bonds or notes thereof shall be liable personally on any such
26 bonds or notes or coupons by reason of the issuance thereof.

1 (c) All bonds or notes of the Authority issued pursuant to
2 this Section shall be general obligations of the Authority to
3 which shall be pledged the full faith and credit of the
4 Authority, as provided in this Section. Such bonds or notes
5 shall be secured as provided in the authorizing ordinance,
6 which may, notwithstanding any other provision of this Act,
7 include in addition to any other security, a specific pledge
8 or assignment of and lien on or security interest in any or all
9 tax receipts of the Authority and on any or all other revenues
10 or moneys of the Authority from whatever source, which may by
11 law be utilized for debt service purposes and a specific
12 pledge or assignment of and lien on or security interest in any
13 funds or accounts established or provided for by the ordinance
14 of the Authority authorizing the issuance of such bonds or
15 notes. Any such pledge, assignment, lien, or security interest
16 for the benefit of holders of bonds or notes of the Authority
17 shall be valid and binding from the time the bonds or notes are
18 issued without any physical delivery or further act and shall
19 be valid and binding as against and prior to the claims of all
20 other parties having claims of any kind against the Authority
21 or any other person irrespective of whether such other parties
22 have notice of such pledge, assignment, lien, or security
23 interest. The obligations of the Authority incurred pursuant
24 to this Section shall be superior to and have priority over any
25 other obligations of the Authority.

26 The Authority may provide in the ordinance authorizing the

1 issuance of any bonds or notes issued pursuant to this Section
2 for the creation of, deposits in, and regulation and
3 disposition of sinking fund or reserve accounts relating to
4 such bonds or notes. The ordinance authorizing the issuance of
5 any bonds or notes pursuant to this Section may contain
6 provisions as part of the contract with the holders of the
7 bonds or notes, for the creation of a separate fund to provide
8 for the payment of principal and interest on such bonds or
9 notes and for the deposit in such fund from any or all the tax
10 receipts of the Authority and from any or all such other moneys
11 or revenues of the Authority from whatever source which may by
12 law be utilized for debt service purposes, all as provided in
13 such ordinance, of amounts to meet the debt service
14 requirements on such bonds or notes, including principal and
15 interest, and any sinking fund or reserve fund account
16 requirements as may be provided by such ordinance, and all
17 expenses incident to or in connection with such fund and
18 accounts or the payment of such bonds or notes. Such ordinance
19 may also provide limitations on the issuance of additional
20 bonds or notes of the Authority. No such bonds or notes of the
21 Authority shall constitute a debt of the State of Illinois.
22 Nothing in this Act shall be construed to enable the Authority
23 to impose any ad valorem tax on property.

24 (d) The ordinance of the Authority authorizing the
25 issuance of any bonds or notes may provide additional security
26 for such bonds or notes by providing for appointment of a

1 corporate trustee (which may be any trust company or bank
2 having the powers of a trust company within the state) with
3 respect to such bonds or notes. The ordinance shall prescribe
4 the rights, duties, and powers of the trustee to be exercised
5 for the benefit of the Authority and the protection of the
6 holders of such bonds or notes. The ordinance may provide for
7 the trustee to hold in trust, invest, and use amounts in funds
8 and accounts created as provided by the ordinance with respect
9 to the bonds or notes. The ordinance may provide for the
10 assignment and direct payment to the trustee of any or all
11 amounts produced from the sources provided in Section 4.03 and
12 Section 4.09 of this Act and provided in Section 6z-17 of the
13 State Finance Act ~~"An Act in relation to State finance",~~
14 ~~approved June 10, 1919, as amended.~~ Upon receipt of notice of
15 any such assignment, the Department of Revenue and the
16 Comptroller of the State of Illinois shall thereafter,
17 notwithstanding the provisions of Section 4.03 and Section
18 4.09 of this Act and Section 6z-17 of the State Finance Act ~~"An~~
19 ~~Act in relation to State finance", approved June 10, 1919, as~~
20 ~~amended,~~ provide for such assigned amounts to be paid directly
21 to the trustee instead of the Authority, all in accordance
22 with the terms of the ordinance making the assignment. The
23 ordinance shall provide that amounts so paid to the trustee
24 which are not required to be deposited, held or invested in
25 funds and accounts created by the ordinance with respect to
26 bonds or notes or used for paying bonds or notes to be paid by

1 the trustee to the Authority.

2 (e) Any bonds or notes of the Authority issued pursuant to
3 this Section shall constitute a contract between the Authority
4 and the holders from time to time of such bonds or notes. In
5 issuing any bond or note, the Authority may include in the
6 ordinance authorizing such issue a covenant as part of the
7 contract with the holders of the bonds or notes, that as long
8 as such obligations are outstanding, it shall make such
9 deposits, as provided in paragraph (c) of this Section. It may
10 also so covenant that it shall impose and continue to impose
11 taxes, as provided in Section 4.03 of this Act and in addition
12 thereto as subsequently authorized by law, sufficient to make
13 such deposits and pay the principal and interest and to meet
14 other debt service requirements of such bonds or notes as they
15 become due. A certified copy of the ordinance authorizing the
16 issuance of any such obligations shall be filed at or prior to
17 the issuance of such obligations with the Comptroller of the
18 State of Illinois and the Illinois Department of Revenue.

19 (f) The State of Illinois pledges to and agrees with the
20 holders of the bonds and notes of the Authority issued
21 pursuant to this Section that the State will not limit or alter
22 the rights and powers vested in the Authority by this Act so as
23 to impair the terms of any contract made by the Authority with
24 such holders or in any way impair the rights and remedies of
25 such holders until such bonds and notes, together with
26 interest thereon, with interest on any unpaid installments of

1 interest, and all costs and expenses in connection with any
2 action or proceedings by or on behalf of such holders, are
3 fully met and discharged. In addition, the State pledges to
4 and agrees with the holders of the bonds and notes of the
5 Authority issued pursuant to this Section that the State will
6 not limit or alter the basis on which State funds are to be
7 paid to the Authority as provided in this Act, or the use of
8 such funds, so as to impair the terms of any such contract. The
9 Authority is authorized to include these pledges and
10 agreements of the State in any contract with the holders of
11 bonds or notes issued pursuant to this Section.

12 (g) (1) Except as provided in subdivisions (g) (2) and
13 (g) (3) of Section 4.04 of this Act, the Authority shall not at
14 any time issue, sell or deliver any bonds or notes (other than
15 Working Cash Notes and lines of credit) pursuant to this
16 Section 4.04 which will cause it to have issued and
17 outstanding at any time in excess of \$800,000,000 of such
18 bonds and notes (other than Working Cash Notes and lines of
19 credit). The Authority shall not issue, sell, or deliver any
20 Working Cash Notes or establish a line of credit pursuant to
21 this Section that will cause it to have issued and outstanding
22 at any time in excess of \$100,000,000. However, the Authority
23 may issue, sell, and deliver additional Working Cash Notes or
24 establish a line of credit before July 1, 2022 that are over
25 and above and in addition to the \$100,000,000 authorization
26 such that the outstanding amount of these additional Working

1 Cash Notes and lines of credit does ~~do~~ not exceed at any time
2 \$300,000,000. Bonds or notes which are being paid or retired
3 by such issuance, sale or delivery of bonds or notes, and bonds
4 or notes for which sufficient funds have been deposited with
5 the paying agency of such bonds or notes to provide for payment
6 of principal and interest thereon or to provide for the
7 redemption thereof, all pursuant to the ordinance authorizing
8 the issuance of such bonds or notes, shall not be considered to
9 be outstanding for the purposes of this subsection.

10 (2) In addition to the authority provided by paragraphs
11 (1) and (3), the Authority is authorized to issue, sell, and
12 deliver bonds or notes for Strategic Capital Improvement
13 Projects approved pursuant to Section 4.13 as follows:

14 \$100,000,000 is authorized to be issued on or after
15 January 1, 1990;

16 an additional \$100,000,000 is authorized to be issued
17 on or after January 1, 1991;

18 an additional \$100,000,000 is authorized to be issued
19 on or after January 1, 1992;

20 an additional \$100,000,000 is authorized to be issued
21 on or after January 1, 1993;

22 an additional \$100,000,000 is authorized to be issued
23 on or after January 1, 1994; and

24 the aggregate total authorization of bonds and notes
25 for Strategic Capital Improvement Projects as of January
26 1, 1994, shall be \$500,000,000.

1 The Authority is also authorized to issue, sell, and
2 deliver bonds or notes in such amounts as are necessary to
3 provide for the refunding or advance refunding of bonds or
4 notes issued for Strategic Capital Improvement Projects under
5 this subdivision (g) (2), provided that no such refunding bond
6 or note shall mature later than the final maturity date of the
7 series of bonds or notes being refunded, and provided further
8 that the debt service requirements for such refunding bonds or
9 notes in the current or any future fiscal year shall not exceed
10 the debt service requirements for that year on the refunded
11 bonds or notes.

12 (3) In addition to the authority provided by paragraphs
13 (1) and (2), the Authority is authorized to issue, sell, and
14 deliver bonds or notes for Strategic Capital Improvement
15 Projects approved pursuant to Section 4.13 as follows:

16 \$260,000,000 is authorized to be issued on or after
17 January 1, 2000;

18 an additional \$260,000,000 is authorized to be issued
19 on or after January 1, 2001;

20 an additional \$260,000,000 is authorized to be issued
21 on or after January 1, 2002;

22 an additional \$260,000,000 is authorized to be issued
23 on or after January 1, 2003;

24 an additional \$260,000,000 is authorized to be issued
25 on or after January 1, 2004; and

26 the aggregate total authorization of bonds and notes

1 for Strategic Capital Improvement Projects pursuant to
2 this paragraph (3) as of January 1, 2004 shall be
3 \$1,300,000,000.

4 The Authority is also authorized to issue, sell, and
5 deliver bonds or notes in such amounts as are necessary to
6 provide for the refunding or advance refunding of bonds or
7 notes issued for Strategic Capital Improvement projects under
8 this subdivision (g)(3), provided that no such refunding bond
9 or note shall mature later than the final maturity date of the
10 series of bonds or notes being refunded, and provided further
11 that the debt service requirements for such refunding bonds or
12 notes in the current or any future fiscal year shall not exceed
13 the debt service requirements for that year on the refunded
14 bonds or notes.

15 (h) The Authority, subject to the terms of any agreements
16 with noteholders or bond holders as may then exist, shall have
17 power, out of any funds available therefor, to purchase notes
18 or bonds of the Authority, which shall thereupon be cancelled.

19 (i) In addition to any other authority granted by law, the
20 State Treasurer may, with the approval of the Governor, invest
21 or reinvest, at a price not to exceed par, any State money in
22 the State Treasury which is not needed for current
23 expenditures due or about to become due in Working Cash Notes.
24 In the event of a default on a Working Cash Note issued by the
25 Regional Transportation Authority in which State money in the
26 State treasury was invested, the Treasurer may, after giving

1 notice to the Authority, certify to the Comptroller the
2 amounts of the defaulted Working Cash Note, in accordance with
3 any applicable rules of the Comptroller, and the Comptroller
4 must deduct and remit to the State treasury the certified
5 amounts or a portion of those amounts from the following
6 proportions of payments of State funds to the Authority:

7 (1) in the first year after default, one-third of the
8 total amount of any payments of State funds to the
9 Authority;

10 (2) in the second year after default, two-thirds of
11 the total amount of any payments of State funds to the
12 Authority; and

13 (3) in the third year after default and for each year
14 thereafter until the total invested amount is repaid, the
15 total amount of any payments of State funds to the
16 Authority.

17 (j) The Authority may establish a line of credit with a
18 bank or other financial institution as may be evidenced by the
19 issuance of notes or other obligations, secured by and payable
20 from all tax receipts of the Authority and any or all other
21 revenues or moneys of the Authority, in an amount not to exceed
22 the limitations set forth in paragraph (1) of subsection (g).
23 Money borrowed under this subsection (j) shall be used to
24 provide money for the Authority or the Service Boards to cover
25 any cash flow deficit that the Authority or a Service Board
26 anticipates incurring and shall be repaid within 24 months.

1 Before establishing a line of credit under this subsection
2 (j), the Authority shall authorize the line of credit by
3 ordinance. The ordinance shall set forth facts demonstrating
4 the need for the line of credit, state the amount to be
5 borrowed, establish a maximum interest rate limit not to
6 exceed the maximum rate authorized by the Bond Authorization
7 Act, and provide a date by which the borrowed funds shall be
8 repaid. The ordinance shall authorize and direct the relevant
9 officials to make arrangements to set apart and hold, as
10 applicable, the moneys that will be used to repay the
11 borrowing. In addition, the ordinance may authorize the
12 relevant officials to make partial repayments on the line of
13 credit as the moneys become available and may contain any
14 other terms, restrictions, or limitations desirable or
15 necessary to give effect to this subsection (j).

16 The Authority shall notify the Governor's Office of
17 Management and Budget and the State Comptroller at least 30
18 days before establishing a line of credit and shall file with
19 the Governor's Office of Management and Budget and the State
20 Comptroller a certified copy of any ordinance authorizing the
21 establishment of a line of credit upon or before establishing
22 the line of credit.

23 Moneys borrowed under a line of credit pursuant to this
24 subsection (j) are general obligations of the Authority that
25 are secured by the full faith and credit of the Authority.

26 (Source: P.A. 101-485, eff. 8-23-19; revised 8-24-20.)

1 Section 350. The School Code is amended by changing
2 Sections 2-3.80, 2-3.155, 2-3.159, 10-17a, 10-20.5b, 14-8.02,
3 18-8.15, 22-33, 24A-7, 27-24.1, 27-24.2, 27A-5, 34-18, and
4 34-18.11, by setting forth and renumbering multiple versions
5 of Sections 2-3.176, 10-20.69, 22-85, and 27-23.13, and by
6 setting forth, renumbering, and changing multiple versions of
7 Section 34-18.61 as follows:

8 (105 ILCS 5/2-3.80) (from Ch. 122, par. 2-3.80)

9 Sec. 2-3.80. (a) The General Assembly recognizes that
10 agriculture is the most basic and singularly important
11 industry in the State, that agriculture is of central
12 importance to the welfare and economic stability of the State,
13 and that the maintenance of this vital industry requires a
14 continued source of trained and qualified individuals for
15 employment in agriculture and agribusiness. The General
16 Assembly hereby declares that it is in the best interests of
17 the people of the State of Illinois that a comprehensive
18 education program in agriculture be created and maintained by
19 the State's public school system in order to ensure an
20 adequate supply of trained and skilled individuals and to
21 ensure appropriate representation of racial and ethnic groups
22 in all phases of the industry. It is the intent of the General
23 Assembly that a State program for agricultural education shall
24 be a part of the curriculum of the public school system K

1 through adult, and made readily available to all school
2 districts which may, at their option, include programs in
3 education in agriculture as a part of the curriculum of that
4 district.

5 (b) The State Board of Education shall adopt such rules
6 and regulations as are necessary to implement the provisions
7 of this Section. The rules and regulations shall not create
8 any new State mandates on school districts as a condition of
9 receiving federal, State, and local funds by those entities.
10 It is in the intent of the General Assembly that, although this
11 Section does not create any new mandates, school districts are
12 strongly advised to follow the guidelines set forth in this
13 Section.

14 (c) The State Superintendent of Education shall assume
15 responsibility for the administration of the State program
16 adopted under this Section throughout the public school system
17 as well as the articulation of the State program to the
18 requirements and mandates of federally assisted education.
19 There is currently within the State Board of Education an
20 agricultural education unit to assist school districts in the
21 establishment and maintenance of educational programs pursuant
22 to the provisions of this Section. The staffing of the unit
23 shall at all times be comprised of an appropriate number of
24 full-time employees who shall serve as program consultants in
25 agricultural education and shall be available to provide
26 assistance to school districts. At least one consultant shall

1 be responsible for the coordination of the State program, as
2 Head Consultant. At least one consultant shall be responsible
3 for the coordination of the activities of student and
4 agricultural organizations and associations.

5 (d) A committee of 13 agriculturalists representative of
6 the various and diverse areas of the agricultural industry in
7 Illinois shall be established to at least develop a curriculum
8 and overview the implementation of the Build Illinois through
9 Quality Agricultural Education plans of the Illinois
10 Leadership Council for Agricultural Education and to advise
11 the State Board of Education on vocational agricultural
12 education. The Committee shall be composed of the following: 6
13 ~~(6)~~ agriculturalists representing the Illinois Leadership
14 Council for Agricultural Education; 2 ~~(2)~~ Secondary
15 Agriculture Teachers; one ~~(1)~~ "Ag In The Classroom" Teacher;
16 one ~~(1)~~ Community College Agriculture Teacher; one ~~(1)~~ Adult
17 Agriculture Education Teacher; one ~~(1)~~ University Agriculture
18 Teacher Educator; and one ~~(1)~~ FFA Representative. All members
19 of the Committee shall be appointed by the Governor by and with
20 the advice and consent of the Senate. The terms of all members
21 so appointed shall be for 3 years, except that of the members
22 initially appointed, 5 shall be appointed to serve for terms
23 of one ~~1~~ year, 4 shall be appointed to serve for terms of 2
24 years, 1 and 4 shall be appointed to serve for terms of 3 years.
25 All members of the Committee shall serve until their
26 successors are appointed and qualified. Vacancies in terms

1 shall be filled by appointment of the Governor with the advice
2 and consent of the Senate for the extent of the unexpired term.
3 The State Board of Education shall implement a Build Illinois
4 through Quality Agricultural Education plan following receipt
5 of these recommendations which shall be made available on or
6 before March 31, 1987. Recommendations shall include, but not
7 be limited to, the development of a curriculum and a strategy
8 for the purpose of establishing a source of trained and
9 qualified individuals in agriculture, a strategy for
10 articulating the State program in agricultural education
11 throughout the public school system, and a consumer education
12 outreach strategy regarding the importance of agriculture in
13 Illinois. The committee of agriculturalists shall serve
14 without compensation.

15 (e) A school district that offers a secondary agricultural
16 education program that is approved for State and federal
17 funding must ensure that, at a minimum, all of the following
18 are available to its secondary agricultural education
19 students:

20 (1) An instructional sequence of courses approved by
21 the State Board of Education.

22 (2) A State and nationally affiliated FFA (Future
23 Farmers of America) chapter that is integral to
24 instruction and is not treated solely as an
25 extracurricular activity.

26 (3) A mechanism for ensuring the involvement of all

1 secondary agricultural education students in formal,
2 supervised, agricultural-experience activities and
3 programs.

4 (f) Nothing in this Section may prevent those secondary
5 agricultural education programs that are in operation before
6 January 1, 2007 (the effective date of Public Act 94-855) ~~this~~
7 ~~amendatory Act of the 94th General Assembly~~ and that do not
8 have an active State and nationally affiliated FFA chapter
9 from continuing to operate or from continuing to receive
10 funding from the State Board of Education.

11 (Source: P.A. 94-855, eff. 1-1-07; revised 8-24-20.)

12 (105 ILCS 5/2-3.155)

13 Sec. 2-3.155. Textbook block grant program.

14 (a) The provisions of this Section are in the public
15 interest, for the public benefit, and serve secular public
16 purposes.

17 (b) As used in this Section, "textbook" means any book or
18 book substitute that a pupil uses as a text or text substitute,
19 including electronic textbooks. "Textbook" includes books,
20 reusable workbooks, manuals, whether bound or in loose-leaf
21 form, instructional computer software, and electronic
22 textbooks and the technological equipment necessary to gain
23 access to and use electronic textbooks intended as a principal
24 source of study material for a given class or group of
25 students. "Textbook" also includes science curriculum

1 materials in a kit format that includes pre-packaged
2 consumable materials if (i) it is shown that the materials
3 serve as a textbook substitute, (ii) the materials are for use
4 by the pupils as a principal learning source, (iii) each
5 component of the materials is integrally necessary to teach
6 the requirements of the intended course, (iv) the kit includes
7 teacher guidance materials, and (v) the purchase of individual
8 consumable materials is not allowed.

9 (c) Subject to annual appropriation by the General
10 Assembly, the State Board of Education is authorized to
11 provide annual funding to public school districts and
12 State-recognized, non-public schools serving students in
13 grades kindergarten through 12 for the purchase of selected
14 textbooks. The textbooks authorized to be purchased under this
15 Section are limited without exception to textbooks for use in
16 any public school and that are secular, non-religious,
17 non-sectarian, and non-discriminatory as to any of the
18 characteristics under the Illinois Human Rights Act. Textbooks
19 authorized to be purchased under this Section must include the
20 roles and contributions of all people protected under the
21 Illinois Human Rights Act. Each public school district and
22 State-recognized, non-public school shall, subject to
23 appropriations for that purpose, receive a per pupil grant for
24 the purchase of secular and non-discriminatory textbooks. The
25 per pupil grant amount must be calculated by the State Board of
26 Education utilizing the total appropriation made for these

1 purposes divided by the most current student enrollment data
2 available.

3 (d) The State Board of Education may adopt rules as
4 necessary for the implementation of this Section and to ensure
5 the religious neutrality of the textbook block grant program,
6 as well as provide for the monitoring of all textbooks
7 authorized in this Section to be purchased directly by
8 State-recognized, nonpublic schools serving students in grades
9 kindergarten through 12.

10 (Source: P.A. 101-17, eff. 6-14-19; 101-227, eff. 7-1-20;
11 revised 8-4-20.)

12 (105 ILCS 5/2-3.159)

13 Sec. 2-3.159. State Seal of Biliteracy.

14 (a) In this Section, "foreign language" means any language
15 other than English, including all modern languages, Latin,
16 American Sign Language, Native American languages, and native
17 languages.

18 (b) The State Seal of Biliteracy program is established to
19 recognize public and non-public high school graduates who have
20 attained a high level of proficiency in one or more languages
21 in addition to English. School district and non-public school
22 participation in this program is voluntary.

23 (c) The purposes of the State Seal of Biliteracy are as
24 follows:

25 (1) To encourage pupils to study languages.

- 1 (2) To certify attainment of biliteracy.
- 2 (3) To provide employers with a method of identifying
3 people with language and biliteracy skills.
- 4 (4) To provide universities with an additional method
5 to recognize applicants seeking admission.
- 6 (5) To prepare pupils with 21st century skills.
- 7 (6) To recognize the value of foreign language and
8 native language instruction in public and non-public
9 schools.
- 10 (7) To strengthen intergroup relationships, affirm the
11 value of diversity, and honor the multiple cultures and
12 languages of a community.
- 13 (d) The State Seal of Biliteracy certifies attainment of a
14 high level of proficiency, sufficient for meaningful use in
15 college and a career, by a graduating public or non-public
16 high school pupil in one or more languages in addition to
17 English.
- 18 (e) The State Board of Education shall adopt such rules as
19 may be necessary to establish the criteria that pupils must
20 achieve to earn a State Seal of Biliteracy, which may include
21 without limitation attainment of units of credit in English
22 language arts and languages other than English and passage of
23 such assessments of foreign language proficiency as may be
24 approved by the State Board of Education for this purpose.
25 These rules shall ensure that the criteria that pupils must
26 achieve to earn a State Seal of Biliteracy meet the course

1 credit criteria established under subsection (i) of this
2 Section.

3 (e-5) To demonstrate sufficient English language
4 proficiency for eligibility to receive a State Seal of
5 Biliteracy under this Section, the State Board of Education
6 shall allow a pupil to provide his or her school district with
7 evidence of completion of any of the following, in accordance
8 with guidelines for proficiency adopted by the State Board:

9 (1) An AP (Advanced Placement) English Language and
10 Composition Exam.

11 (2) An English language arts dual credit course.

12 (3) Transitional coursework in English language arts
13 articulated in partnership with a public community college
14 as an ESSA (Every Student Succeeds Act) College and Career
15 Readiness Indicator.

16 (f) The State Board of Education shall do both of the
17 following:

18 (1) Prepare and deliver to participating school
19 districts and non-public schools an appropriate mechanism
20 for designating the State Seal of Biliteracy on the
21 diploma and transcript of the pupil indicating that the
22 pupil has been awarded a State Seal of Biliteracy by the
23 State Board of Education.

24 (2) Provide other information the State Board of
25 Education deems necessary for school districts and
26 non-public schools to successfully participate in the

1 program.

2 (g) A school district or non-public school that
3 participates in the program under this Section shall do both
4 of the following:

5 (1) Maintain appropriate records in order to identify
6 pupils who have earned a State Seal of Biliteracy.

7 (2) Make the appropriate designation on the diploma
8 and transcript of each pupil who earns a State Seal of
9 Biliteracy.

10 (h) No fee shall be charged to a pupil to receive the
11 designation pursuant to this Section. Notwithstanding this
12 prohibition, costs may be incurred by the pupil in
13 demonstrating proficiency, including without limitation any
14 assessments required under subsection (e) of this Section.

15 (i) For admissions purposes, each public university in
16 this State shall accept the State Seal of Biliteracy as
17 equivalent to 2 years of foreign language coursework taken
18 during high school if a student's high school transcript
19 indicates that he or she will be receiving or has received the
20 State Seal of Biliteracy.

21 (j) Each public community college and public university in
22 this State shall establish criteria to translate a State Seal
23 of Biliteracy into course credit based on foreign language
24 course equivalencies identified by the community college's or
25 university's faculty and staff and, upon request from an
26 enrolled student, the community college or university shall

1 award foreign language course credit to a student who has
2 received a State Seal of Biliteracy. Students enrolled in a
3 public community college or public university who have
4 received a State Seal of Biliteracy must request course credit
5 for their seal within 3 academic years after graduating from
6 high school.

7 (Source: P.A. 101-222, eff. 1-1-20; 101-503, eff. 8-23-19;
8 revised 9-9-19.)

9 (105 ILCS 5/2-3.176)

10 Sec. 2-3.176. Transfers to Governor's Grant Fund. In
11 addition to any other transfers that may be provided for by
12 law, the State Comptroller shall direct and the State
13 Treasurer shall transfer from the SBE Federal Agency Services
14 Fund and the SBE Federal Department of Education Fund into the
15 Governor's Grant Fund such amounts as may be directed in
16 writing by the State Board of Education.

17 (Source: P.A. 101-10, eff. 6-5-19.)

18 (105 ILCS 5/2-3.179)

19 Sec. 2-3.179 ~~2-3.176~~. Work-based learning database.

20 (a) In this Section, "work-based learning" means an
21 educational strategy that provides students with real-life
22 work experiences in which they can apply academic and
23 technical skills and develop their employability.

24 (b) The State Board must develop a work-based learning

1 database to help facilitate relationships between school
2 districts and businesses and expand work-based learning in
3 this State.

4 (Source: P.A. 101-389, eff. 8-16-19; revised 10-21-19.)

5 (105 ILCS 5/2-3.180)

6 Sec. 2-3.180 ~~2-3.176~~. School safety and security grants.
7 Subject to appropriation or private donations, the State Board
8 of Education shall award grants to school districts to support
9 school safety and security. Grant funds may be used for school
10 security improvements, including professional development,
11 safety-related upgrades to school buildings, equipment,
12 including metal detectors and x-ray machines, and facilities,
13 including school-based health centers. The State Board must
14 prioritize the distribution of grants under this Section to
15 school districts designated as Tier 1 or Tier 2 under Section
16 18-8.15.

17 (Source: P.A. 101-413, eff. 1-1-20; revised 10-21-19.)

18 (105 ILCS 5/2-3.181)

19 Sec. 2-3.181 ~~2-3.176~~. Safe Schools and Healthy Learning
20 Environments Grant Program.

21 (a) The State Board of Education, subject to
22 appropriation, is authorized to award competitive grants on an
23 annual basis under a Safe Schools and Healthy Learning
24 Environments Grant Program. The goal of this grant program is

1 to promote school safety and healthy learning environments by
2 providing schools with additional resources to implement
3 restorative interventions and resolution strategies as
4 alternatives to exclusionary discipline, and to address the
5 full range of students' intellectual, social, emotional,
6 physical, psychological, and moral developmental needs.

7 (b) To receive a grant under this program, a school
8 district must submit with its grant application a plan for
9 implementing evidence-based and promising practices that are
10 aligned with the goal of this program. The application may
11 include proposals to (i) hire additional school support
12 personnel, including, but not limited to, restorative justice
13 practitioners, school psychologists, school social workers,
14 and other mental and behavioral health specialists; (ii) use
15 existing school-based resources, community-based resources, or
16 other experts and practitioners to expand alternatives to
17 exclusionary discipline, mental and behavioral health
18 supports, wraparound services, or drug and alcohol treatment;
19 and (iii) provide training for school staff on trauma-informed
20 approaches to meeting students' developmental needs,
21 addressing the effects of toxic stress, restorative justice
22 approaches, conflict resolution techniques, and the effective
23 utilization of school support personnel and community-based
24 services. For purposes of this subsection, "promising
25 practices" means practices that present, based on preliminary
26 information, potential for becoming evidence-based practices.

1 Grant funds may not be used to increase the use of
2 school-based law enforcement or security personnel. Nothing in
3 this Section shall prohibit school districts from involving
4 law enforcement personnel when necessary and allowed by law.

5 (c) The State Board of Education, subject to appropriation
6 for the grant program, shall annually disseminate a request
7 for applications to this program, and funds shall be
8 distributed annually. The criteria to be considered by the
9 State Board of Education in awarding the funds shall be (i) the
10 average ratio of school support personnel to students in the
11 target schools over the preceding 3 school years, with
12 priority given to applications with a demonstrated shortage of
13 school support personnel to meet student needs; and (ii) the
14 degree to which the proposal articulates a comprehensive
15 approach for reducing exclusionary discipline while building
16 safe and healthy learning environments. Priority shall be
17 given to school districts that meet the metrics under
18 subsection (b) of Section 2-3.162.

19 (d) The State Board of Education, subject to appropriation
20 for the grant program, shall produce an annual report on the
21 program in cooperation with the school districts participating
22 in the program. The report shall include available
23 quantitative information on the progress being made in
24 reducing exclusionary discipline and the effects of the
25 program on school safety and school climate. This report shall
26 be posted on the State Board of Education's website by October

1 31 of each year, beginning in 2020.

2 (e) The State Board of Education may adopt any rules
3 necessary for the implementation of this program.

4 (Source: P.A. 101-438, eff. 8-20-19; revised 10-21-19.)

5 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

6 Sec. 10-17a. State, school district, and school report
7 cards.

8 (1) By October 31, 2013 and October 31 of each subsequent
9 school year, the State Board of Education, through the State
10 Superintendent of Education, shall prepare a State report
11 card, school district report cards, and school report cards,
12 and shall by the most economic means provide to each school
13 district in this State, including special charter districts
14 and districts subject to the provisions of Article 34, the
15 report cards for the school district and each of its schools.

16 (2) In addition to any information required by federal
17 law, the State Superintendent shall determine the indicators
18 and presentation of the school report card, which must
19 include, at a minimum, the most current data collected and
20 maintained by the State Board of Education related to the
21 following:

22 (A) school characteristics and student demographics,
23 including average class size, average teaching experience,
24 student racial/ethnic breakdown, and the percentage of
25 students classified as low-income; the percentage of

1 students classified as English learners; the percentage of
2 students who have individualized education plans or 504
3 plans that provide for special education services; the
4 number and percentage of all students who have been
5 assessed for placement in a gifted education or advanced
6 academic program and, of those students: (i) the racial
7 and ethnic breakdown, (ii) the percentage who are
8 classified as low-income, and (iii) the number and
9 percentage of students who received direct instruction
10 from a teacher who holds a gifted education endorsement
11 and, of those students, the percentage who are classified
12 as low-income; the percentage of students scoring at the
13 "exceeds expectations" level on the assessments required
14 under Section 2-3.64a-5 of this Code; the percentage of
15 students who annually transferred in or out of the school
16 district; average daily attendance; the per-pupil
17 operating expenditure of the school district; and the
18 per-pupil State average operating expenditure for the
19 district type (elementary, high school, or unit);

20 (B) curriculum information, including, where
21 applicable, Advanced Placement, International
22 Baccalaureate or equivalent courses, dual enrollment
23 courses, foreign language classes, school personnel
24 resources (including Career Technical Education teachers),
25 before and after school programs, extracurricular
26 activities, subjects in which elective classes are

1 offered, health and wellness initiatives (including the
2 average number of days of Physical Education per week per
3 student), approved programs of study, awards received,
4 community partnerships, and special programs such as
5 programming for the gifted and talented, students with
6 disabilities, and work-study students;

7 (C) student outcomes, including, where applicable, the
8 percentage of students deemed proficient on assessments of
9 State standards, the percentage of students in the eighth
10 grade who pass Algebra, the percentage of students who
11 participated in workplace learning experiences, the
12 percentage of students enrolled in post-secondary
13 institutions (including colleges, universities, community
14 colleges, trade/vocational schools, and training programs
15 leading to career certification within 2 semesters of high
16 school graduation), the percentage of students graduating
17 from high school who are college and career ready, and the
18 percentage of graduates enrolled in community colleges,
19 colleges, and universities who are in one or more courses
20 that the community college, college, or university
21 identifies as a developmental course;

22 (D) student progress, including, where applicable, the
23 percentage of students in the ninth grade who have earned
24 5 credits or more without failing more than one core
25 class, a measure of students entering kindergarten ready
26 to learn, a measure of growth, and the percentage of

1 students who enter high school on track for college and
2 career readiness;

3 (E) the school environment, including, where
4 applicable, the percentage of students with less than 10
5 absences in a school year, the percentage of teachers with
6 less than 10 absences in a school year for reasons other
7 than professional development, leaves taken pursuant to
8 the federal Family Medical Leave Act of 1993, long-term
9 disability, or parental leaves, the 3-year average of the
10 percentage of teachers returning to the school from the
11 previous year, the number of different principals at the
12 school in the last 6 years, the number of teachers who hold
13 a gifted education endorsement, the process and criteria
14 used by the district to determine whether a student is
15 eligible for participation in a gifted education program
16 or advanced academic program and the manner in which
17 parents and guardians are made aware of the process and
18 criteria, 2 or more indicators from any school climate
19 survey selected or approved by the State and administered
20 pursuant to Section 2-3.153 of this Code, with the same or
21 similar indicators included on school report cards for all
22 surveys selected or approved by the State pursuant to
23 Section 2-3.153 of this Code, and the combined percentage
24 of teachers rated as proficient or excellent in their most
25 recent evaluation;

26 (F) a school district's and its individual schools'

1 balanced accountability measure, in accordance with
2 Section 2-3.25a of this Code;

3 (G) the total and per pupil normal cost amount the
4 State contributed to the Teachers' Retirement System of
5 the State of Illinois in the prior fiscal year for the
6 school's employees, which shall be reported to the State
7 Board of Education by the Teachers' Retirement System of
8 the State of Illinois;

9 (H) for a school district organized under Article 34
10 of this Code only, State contributions to the Public
11 School Teachers' Pension and Retirement Fund of Chicago
12 and State contributions for health care for employees of
13 that school district;

14 (I) a school district's Final Percent of Adequacy, as
15 defined in paragraph (4) of subsection (f) of Section
16 18-8.15 of this Code;

17 (J) a school district's Local Capacity Target, as
18 defined in paragraph (2) of subsection (c) of Section
19 18-8.15 of this Code, displayed as a percentage amount;

20 (K) a school district's Real Receipts, as defined in
21 paragraph (1) of subsection (d) of Section 18-8.15 of this
22 Code, divided by a school district's Adequacy Target, as
23 defined in paragraph (1) of subsection (b) of Section
24 18-8.15 of this Code, displayed as a percentage amount;

25 (L) a school district's administrative costs; ~~and~~

26 (M) whether or not the school has participated in the

1 Illinois Youth Survey. In this paragraph (M), "Illinois
2 Youth Survey" means a self-report survey, administered in
3 school settings every 2 years, designed to gather
4 information about health and social indicators, including
5 substance abuse patterns and the attitudes of students in
6 grades 8, 10, and 12; and

7 (N) whether the school offered its students career and
8 technical education opportunities.

9 The school report card shall also provide information that
10 allows for comparing the current outcome, progress, and
11 environment data to the State average, to the school data from
12 the past 5 years, and to the outcomes, progress, and
13 environment of similar schools based on the type of school and
14 enrollment of low-income students, special education students,
15 and English learners.

16 As used in this subsection (2):

17 "Administrative costs" means costs associated with
18 executive, administrative, or managerial functions within the
19 school district that involve planning, organizing, managing,
20 or directing the school district.

21 "Advanced academic program" means a course of study to
22 which students are assigned based on advanced cognitive
23 ability or advanced academic achievement compared to local age
24 peers and in which the curriculum is substantially
25 differentiated from the general curriculum to provide
26 appropriate challenge and pace.

1 "Gifted education" means educational services, including
2 differentiated curricula and instructional methods, designed
3 to meet the needs of gifted children as defined in Article 14A
4 of this Code.

5 For the purposes of paragraph (A) of this subsection (2),
6 "average daily attendance" means the average of the actual
7 number of attendance days during the previous school year for
8 any enrolled student who is subject to compulsory attendance
9 by Section 26-1 of this Code at each school and charter school.

10 (3) At the discretion of the State Superintendent, the
11 school district report card shall include a subset of the
12 information identified in paragraphs (A) through (E) of
13 subsection (2) of this Section, as well as information
14 relating to the operating expense per pupil and other finances
15 of the school district, and the State report card shall
16 include a subset of the information identified in paragraphs
17 (A) through (E) and paragraph (N) of subsection (2) of this
18 Section. The school district report card shall include the
19 average daily attendance, as that term is defined in
20 subsection (2) of this Section, of students who have
21 individualized education programs and students who have 504
22 plans that provide for special education services within the
23 school district.

24 (4) Notwithstanding anything to the contrary in this
25 Section, in consultation with key education stakeholders, the
26 State Superintendent shall at any time have the discretion to

1 amend or update any and all metrics on the school, district, or
2 State report card.

3 (5) Annually, no more than 30 calendar days after receipt
4 of the school district and school report cards from the State
5 Superintendent of Education, each school district, including
6 special charter districts and districts subject to the
7 provisions of Article 34, shall present such report cards at a
8 regular school board meeting subject to applicable notice
9 requirements, post the report cards on the school district's
10 Internet web site, if the district maintains an Internet web
11 site, make the report cards available to a newspaper of
12 general circulation serving the district, and, upon request,
13 send the report cards home to a parent (unless the district
14 does not maintain an Internet web site, in which case the
15 report card shall be sent home to parents without request). If
16 the district posts the report card on its Internet web site,
17 the district shall send a written notice home to parents
18 stating (i) that the report card is available on the web site,
19 (ii) the address of the web site, (iii) that a printed copy of
20 the report card will be sent to parents upon request, and (iv)
21 the telephone number that parents may call to request a
22 printed copy of the report card.

23 (6) Nothing contained in Public Act 98-648 repeals,
24 supersedes, invalidates, or nullifies final decisions in
25 lawsuits pending on July 1, 2014 (the effective date of Public
26 Act 98-648) in Illinois courts involving the interpretation of

1 Public Act 97-8.

2 (Source: P.A. 100-227, eff. 8-18-17; 100-364, eff. 1-1-18;
3 100-448, eff. 7-1-19; 100-465, eff. 8-31-17; 100-807, eff.
4 8-10-18; 100-863, eff. 8-14-18; 100-1121, eff. 1-1-19; 101-68,
5 eff. 1-1-20; 101-81, eff. 7-12-19; revised 9-9-19.)

6 (105 ILCS 5/10-20.5b) (from Ch. 122, par. 10-20.5b)

7 Sec. 10-20.5b. Tobacco prohibition. Each school board
8 shall prohibit the use of tobacco on school property by any
9 school personnel, student, or other person when such property
10 is being used for any school purposes. The school board may not
11 authorize or permit any exception to or exemption from the
12 prohibition at any place or at any time, including, l without
13 limitation, l outside of school buildings or before or after the
14 regular school day or on days when school is not in session.
15 "School purposes" includes, but is ~~include but are~~ not limited
16 to, l all events or activities or other use of school property
17 that the school board or school officials authorize or permit
18 on school property, including, l without limitation, l all
19 interscholastic or extracurricular athletic, academic, or
20 other events sponsored by the school board or in which pupils
21 of the district participate. For purposes of this Section
22 "tobacco" shall mean a cigarette, a cigar, or tobacco in any
23 other form, including smokeless tobacco which is any loose,
24 cut, shredded, ground, powdered, compressed, l or leaf tobacco
25 that is intended to be placed in the mouth without being

1 smoked.

2 (Source: P.A. 89-181, eff. 7-19-95; revised 12-21-20.)

3 (105 ILCS 5/10-20.69)

4 Sec. 10-20.69. Policy on sexual harassment. Each school
5 district must create, maintain, and implement an
6 age-appropriate policy on sexual harassment that must be
7 posted on the school district's website and, if applicable,
8 any other area where policies, rules, and standards of conduct
9 are currently posted in each school and must also be included
10 in the school district's student code of conduct handbook.

11 (Source: P.A. 101-418, eff. 1-1-20.)

12 (105 ILCS 5/10-20.70)

13 Sec. 10-20.70 ~~10-20.69~~. Class size reporting. No later
14 than November 16, 2020, and annually thereafter, each school
15 district must report to the State Board of Education
16 information on the school district described under subsection
17 (b) of Section 2-3.136a and must make that information
18 available on its website.

19 (Source: P.A. 101-451, eff. 1-1-20; revised 10-21-19.)

20 (105 ILCS 5/10-20.71)

21 Sec. 10-20.71 ~~10-20.69~~. Sexual abuse investigations at
22 schools. Every 2 years, each school district must review all
23 existing policies and procedures concerning sexual abuse

1 investigations at schools to ensure consistency with Section
2 22-85.

3 (Source: P.A. 101-531, eff. 8-23-19; revised 10-21-19.)

4 (105 ILCS 5/10-20.72)

5 Sec. 10-20.72 ~~10-20.69~~. Door security locking means.

6 (a) In this Section, "door security locking means" means a
7 door locking means intended for use by a trained school
8 district employee in a school building for the purpose of
9 preventing ingress through a door of the building.

10 (b) A school district may install a door security locking
11 means on a door of a school building to prevent unwanted entry
12 through the door if all of the following requirements are met:

13 (1) The door security locking means can be engaged
14 without opening the door.

15 (2) The unlocking and unlatching of the door security
16 locking means from the occupied side of the door can be
17 accomplished without the use of a key or tool.

18 (3) The door security locking means complies with all
19 applicable State and federal accessibility requirements.

20 (4) Locks, if remotely engaged, can be unlocked from
21 the occupied side.

22 (5) The door security locking means is capable of
23 being disengaged from the outside by school district
24 employees, and school district employees may use a key or
25 other credentials to unlock the door from the outside.

1 (6) The door security locking means does not modify
2 the door-closing hardware, panic hardware, or fire exit
3 hardware.

4 (7) Any bolts, stops, brackets, or pins employed by
5 the door security locking means do not affect the fire
6 rating of a fire door assembly.

7 (8) School district employees are trained in the
8 engagement and release of the door security locking means,
9 from within and outside the room, as part of the emergency
10 response plan.

11 (9) For doors installed before July 1, 2019 only, the
12 unlocking and unlatching of a door security locking means
13 requires no more than 2 releasing operations. For doors
14 installed on or after July 1, 2019, the unlocking and
15 unlatching of a door security locking means requires no
16 more than one releasing operation. If doors installed
17 before July 1, 2019 are replaced on or after July 1, 2019,
18 the unlocking and unlatching of a door security locking
19 means on the replacement door requires no more than one
20 releasing operation.

21 (10) The door security locking means is no more than
22 48 inches above the finished floor.

23 (11) The door security locking means otherwise
24 complies with the school building code prepared by the
25 State Board of Education under Section 2-3.12.

26 A school district may install a door security locking

1 means that does not comply with paragraph (3) or (10) of this
2 subsection if (i) the school district meets all other
3 requirements under this subsection and (ii) prior to its
4 installation, local law enforcement officials, the local fire
5 department, and the school board agree, in writing, to the
6 installation and use of the door security locking means. The
7 school district must keep the agreement on file and must, upon
8 request, provide the agreement to its regional office of
9 education. The agreement must be included in the school
10 district's filed school safety plan under the School Safety
11 Drill Act.

12 (c) A school district must include the location of any
13 door security locking means and must address the use of the
14 locking and unlocking means from within and outside the room
15 in its filed school safety plan under the School Safety Drill
16 Act. Local law enforcement officials and the local fire
17 department must be notified of the location of any door
18 security locking means and how to disengage it. Any specific
19 tool needed to disengage the door security locking means from
20 the outside of the room must, upon request, be made available
21 to local law enforcement officials and the local fire
22 department.

23 (d) A door security locking means may be used only (i) by a
24 school district employee trained under subsection (e), (ii)
25 during an emergency that threatens the health and safety of
26 students and employees or during an active shooter drill, and

1 (iii) when local law enforcement officials and the local fire
2 department have been notified of its installation prior to its
3 use. The door security locking means must be engaged for a
4 finite period of time in accordance with the school district's
5 school safety plan adopted under the School Safety Drill Act.

6 (e) A school district that has installed a door security
7 locking means shall conduct an in-service training program for
8 school district employees on the proper use of the door
9 security locking means. The school district shall keep a file
10 verifying the employees who have completed the program and
11 must, upon request, provide the file to its regional office of
12 education and the local fire department and local law
13 enforcement agency.

14 (f) A door security locking means that requires 2
15 releasing operations must be discontinued from use when the
16 door is replaced or is a part of new construction. Replacement
17 and new construction door hardware must include mortise locks,
18 compliant with the applicable building code, and must be
19 lockable from the occupied side without opening the door.
20 However, mortise locks are not required if panic hardware or
21 fire exit hardware is required.

22 (Source: P.A. 101-548, eff. 8-23-19; revised 10-21-19.)

23 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

24 Sec. 14-8.02. Identification, evaluation, and placement of
25 children.

1 (a) The State Board of Education shall make rules under
2 which local school boards shall determine the eligibility of
3 children to receive special education. Such rules shall ensure
4 that a free appropriate public education be available to all
5 children with disabilities as defined in Section 14-1.02. The
6 State Board of Education shall require local school districts
7 to administer non-discriminatory procedures or tests to
8 English learners coming from homes in which a language other
9 than English is used to determine their eligibility to receive
10 special education. The placement of low English proficiency
11 students in special education programs and facilities shall be
12 made in accordance with the test results reflecting the
13 student's linguistic, cultural and special education needs.
14 For purposes of determining the eligibility of children the
15 State Board of Education shall include in the rules
16 definitions of "case study", "staff conference",
17 "individualized educational program", and "qualified
18 specialist" appropriate to each category of children with
19 disabilities as defined in this Article. For purposes of
20 determining the eligibility of children from homes in which a
21 language other than English is used, the State Board of
22 Education shall include in the rules definitions for
23 "qualified bilingual specialists" and "linguistically and
24 culturally appropriate individualized educational programs".
25 For purposes of this Section, as well as Sections 14-8.02a,
26 14-8.02b, and 14-8.02c of this Code, "parent" means a parent

1 as defined in the federal Individuals with Disabilities
2 Education Act (20 U.S.C. 1401(23)).

3 (b) No child shall be eligible for special education
4 facilities except with a carefully completed case study fully
5 reviewed by professional personnel in a multidisciplinary
6 staff conference and only upon the recommendation of qualified
7 specialists or a qualified bilingual specialist, if available.
8 At the conclusion of the multidisciplinary staff conference,
9 the parent of the child shall be given a copy of the
10 multidisciplinary conference summary report and
11 recommendations, which includes options considered, and be
12 informed of his or her ~~their~~ right to obtain an independent
13 educational evaluation if he or she disagrees ~~they disagree~~
14 with the evaluation findings conducted or obtained by the
15 school district. If the school district's evaluation is shown
16 to be inappropriate, the school district shall reimburse the
17 parent for the cost of the independent evaluation. The State
18 Board of Education shall, with advice from the State Advisory
19 Council on Education of Children with Disabilities on the
20 inclusion of specific independent educational evaluators,
21 prepare a list of suggested independent educational
22 evaluators. The State Board of Education shall include on the
23 list clinical psychologists licensed pursuant to the Clinical
24 Psychologist Licensing Act. Such psychologists shall not be
25 paid fees in excess of the amount that would be received by a
26 school psychologist for performing the same services. The

1 State Board of Education shall supply school districts with
2 such list and make the list available to parents at their
3 request. School districts shall make the list available to
4 parents at the time they are informed of their right to obtain
5 an independent educational evaluation. However, the school
6 district may initiate an impartial due process hearing under
7 this Section within 5 days of any written parent request for an
8 independent educational evaluation to show that its evaluation
9 is appropriate. If the final decision is that the evaluation
10 is appropriate, the parent still has a right to an independent
11 educational evaluation, but not at public expense. An
12 independent educational evaluation at public expense must be
13 completed within 30 days of a parent written request unless
14 the school district initiates an impartial due process hearing
15 or the parent or school district offers reasonable grounds to
16 show that such 30-day ~~30-day~~ time period should be extended. If
17 the due process hearing decision indicates that the parent is
18 entitled to an independent educational evaluation, it must be
19 completed within 30 days of the decision unless the parent or
20 the school district offers reasonable grounds to show that
21 such 30-day ~~30-day~~ period should be extended. If a parent
22 disagrees with the summary report or recommendations of the
23 multidisciplinary conference or the findings of any
24 educational evaluation which results therefrom, the school
25 district shall not proceed with a placement based upon such
26 evaluation and the child shall remain in his or her regular

1 classroom setting. No child shall be eligible for admission to
2 a special class for children with a mental disability who are
3 educable or for children with a mental disability who are
4 trainable except with a psychological evaluation and
5 recommendation by a school psychologist. Consent shall be
6 obtained from the parent of a child before any evaluation is
7 conducted. If consent is not given by the parent or if the
8 parent disagrees with the findings of the evaluation, then the
9 school district may initiate an impartial due process hearing
10 under this Section. The school district may evaluate the child
11 if that is the decision resulting from the impartial due
12 process hearing and the decision is not appealed or if the
13 decision is affirmed on appeal. The determination of
14 eligibility shall be made and the IEP meeting shall be
15 completed within 60 school days from the date of written
16 parental consent. In those instances when written parental
17 consent is obtained with fewer than 60 pupil attendance days
18 left in the school year, the eligibility determination shall
19 be made and the IEP meeting shall be completed prior to the
20 first day of the following school year. Special education and
21 related services must be provided in accordance with the
22 student's IEP no later than 10 school attendance days after
23 notice is provided to the parents pursuant to Section 300.503
24 of Title 34 of the Code of Federal Regulations and
25 implementing rules adopted by the State Board of Education.
26 The appropriate program pursuant to the individualized

1 educational program of students whose native tongue is a
2 language other than English shall reflect the special
3 education, cultural and linguistic needs. No later than
4 September 1, 1993, the State Board of Education shall
5 establish standards for the development, implementation and
6 monitoring of appropriate bilingual special individualized
7 educational programs. The State Board of Education shall
8 further incorporate appropriate monitoring procedures to
9 verify implementation of these standards. The district shall
10 indicate to the parent and the State Board of Education the
11 nature of the services the child will receive for the regular
12 school term while waiting placement in the appropriate special
13 education class. At the child's initial IEP meeting and at
14 each annual review meeting, the child's IEP team shall provide
15 the child's parent or guardian with a written notification
16 that informs the parent or guardian that the IEP team is
17 required to consider whether the child requires assistive
18 technology in order to receive free, appropriate public
19 education. The notification must also include a toll-free
20 telephone number and internet address for the State's
21 assistive technology program.

22 If the child is deaf, hard of hearing, blind, or visually
23 impaired and he or she might be eligible to receive services
24 from the Illinois School for the Deaf or the Illinois School
25 for the Visually Impaired, the school district shall notify
26 the parents, in writing, of the existence of these schools and

1 the services they provide and shall make a reasonable effort
2 to inform the parents of the existence of other, local schools
3 that provide similar services and the services that these
4 other schools provide. This notification shall include without
5 limitation information on school services, school admissions
6 criteria, and school contact information.

7 In the development of the individualized education program
8 for a student who has a disability on the autism spectrum
9 (which includes autistic disorder, Asperger's disorder,
10 pervasive developmental disorder not otherwise specified,
11 childhood disintegrative disorder, and Rett Syndrome, as
12 defined in the Diagnostic and Statistical Manual of Mental
13 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
14 consider all of the following factors:

15 (1) The verbal and nonverbal communication needs of
16 the child.

17 (2) The need to develop social interaction skills and
18 proficiencies.

19 (3) The needs resulting from the child's unusual
20 responses to sensory experiences.

21 (4) The needs resulting from resistance to
22 environmental change or change in daily routines.

23 (5) The needs resulting from engagement in repetitive
24 activities and stereotyped movements.

25 (6) The need for any positive behavioral
26 interventions, strategies, and supports to address any

1 behavioral difficulties resulting from autism spectrum
2 disorder.

3 (7) Other needs resulting from the child's disability
4 that impact progress in the general curriculum, including
5 social and emotional development.

6 Public Act 95-257 does not create any new entitlement to a
7 service, program, or benefit, but must not affect any
8 entitlement to a service, program, or benefit created by any
9 other law.

10 If the student may be eligible to participate in the
11 Home-Based Support Services Program for Adults with Mental
12 Disabilities authorized under the Developmental Disability and
13 Mental Disability Services Act upon becoming an adult, the
14 student's individualized education program shall include plans
15 for (i) determining the student's eligibility for those
16 home-based services, (ii) enrolling the student in the program
17 of home-based services, and (iii) developing a plan for the
18 student's most effective use of the home-based services after
19 the student becomes an adult and no longer receives special
20 educational services under this Article. The plans developed
21 under this paragraph shall include specific actions to be
22 taken by specified individuals, agencies, or officials.

23 (c) In the development of the individualized education
24 program for a student who is functionally blind, it shall be
25 presumed that proficiency in Braille reading and writing is
26 essential for the student's satisfactory educational progress.

1 For purposes of this subsection, the State Board of Education
2 shall determine the criteria for a student to be classified as
3 functionally blind. Students who are not currently identified
4 as functionally blind who are also entitled to Braille
5 instruction include: (i) those whose vision loss is so severe
6 that they are unable to read and write at a level comparable to
7 their peers solely through the use of vision, and (ii) those
8 who show evidence of progressive vision loss that may result
9 in functional blindness. Each student who is functionally
10 blind shall be entitled to Braille reading and writing
11 instruction that is sufficient to enable the student to
12 communicate with the same level of proficiency as other
13 students of comparable ability. Instruction should be provided
14 to the extent that the student is physically and cognitively
15 able to use Braille. Braille instruction may be used in
16 combination with other special education services appropriate
17 to the student's educational needs. The assessment of each
18 student who is functionally blind for the purpose of
19 developing the student's individualized education program
20 shall include documentation of the student's strengths and
21 weaknesses in Braille skills. Each person assisting in the
22 development of the individualized education program for a
23 student who is functionally blind shall receive information
24 describing the benefits of Braille instruction. The
25 individualized education program for each student who is
26 functionally blind shall specify the appropriate learning

1 medium or media based on the assessment report.

2 (d) To the maximum extent appropriate, the placement shall
3 provide the child with the opportunity to be educated with
4 children who do not have a disability; provided that children
5 with disabilities who are recommended to be placed into
6 regular education classrooms are provided with supplementary
7 services to assist the children with disabilities to benefit
8 from the regular classroom instruction and are included on the
9 teacher's regular education class register. Subject to the
10 limitation of the preceding sentence, placement in special
11 classes, separate schools or other removal of the child with a
12 disability from the regular educational environment shall
13 occur only when the nature of the severity of the disability is
14 such that education in the regular classes with the use of
15 supplementary aids and services cannot be achieved
16 satisfactorily. The placement of English learners with
17 disabilities shall be in non-restrictive environments which
18 provide for integration with peers who do not have
19 disabilities in bilingual classrooms. Annually, each January,
20 school districts shall report data on students from
21 non-English speaking backgrounds receiving special education
22 and related services in public and private facilities as
23 prescribed in Section 2-3.30. If there is a disagreement
24 between parties involved regarding the special education
25 placement of any child, either in-state or out-of-state, the
26 placement is subject to impartial due process procedures

1 described in Article 10 of the Rules and Regulations to Govern
2 the Administration and Operation of Special Education.

3 (e) No child who comes from a home in which a language
4 other than English is the principal language used may be
5 assigned to any class or program under this Article until he
6 has been given, in the principal language used by the child and
7 used in his home, tests reasonably related to his cultural
8 environment. All testing and evaluation materials and
9 procedures utilized for evaluation and placement shall not be
10 linguistically, racially or culturally discriminatory.

11 (f) Nothing in this Article shall be construed to require
12 any child to undergo any physical examination or medical
13 treatment whose parents object thereto on the grounds that
14 such examination or treatment conflicts with his religious
15 beliefs.

16 (g) School boards or their designee shall provide to the
17 parents of a child prior written notice of any decision (a)
18 proposing to initiate or change, or (b) refusing to initiate
19 or change, the identification, evaluation, or educational
20 placement of the child or the provision of a free appropriate
21 public education to their child, and the reasons therefor.
22 Such written notification shall also inform the parent of the
23 opportunity to present complaints with respect to any matter
24 relating to the educational placement of the student, or the
25 provision of a free appropriate public education and to have
26 an impartial due process hearing on the complaint. The notice

1 shall inform the parents in the parents' native language,
2 unless it is clearly not feasible to do so, of their rights and
3 all procedures available pursuant to this Act and the federal
4 Individuals with Disabilities Education Improvement Act of
5 2004 (Public Law 108-446); it shall be the responsibility of
6 the State Superintendent to develop uniform notices setting
7 forth the procedures available under this Act and the federal
8 Individuals with Disabilities Education Improvement Act of
9 2004 (Public Law 108-446) to be used by all school boards. The
10 notice shall also inform the parents of the availability upon
11 request of a list of free or low-cost legal and other relevant
12 services available locally to assist parents in initiating an
13 impartial due process hearing. The State Superintendent shall
14 revise the uniform notices required by this subsection (g) to
15 reflect current law and procedures at least once every 2
16 years. Any parent who is deaf, or does not normally
17 communicate using spoken English, who participates in a
18 meeting with a representative of a local educational agency
19 for the purposes of developing an individualized educational
20 program shall be entitled to the services of an interpreter.
21 The State Board of Education must adopt rules to establish the
22 criteria, standards, and competencies for a bilingual language
23 interpreter who attends an individualized education program
24 meeting under this subsection to assist a parent who has
25 limited English proficiency.

26 (g-5) For purposes of this subsection (g-5), "qualified

1 professional" means an individual who holds credentials to
2 evaluate the child in the domain or domains for which an
3 evaluation is sought or an intern working under the direct
4 supervision of a qualified professional, including a master's
5 or doctoral degree candidate.

6 To ensure that a parent can participate fully and
7 effectively with school personnel in the development of
8 appropriate educational and related services for his or her
9 child, the parent, an independent educational evaluator, or a
10 qualified professional retained by or on behalf of a parent or
11 child must be afforded reasonable access to educational
12 facilities, personnel, classrooms, and buildings and to the
13 child as provided in this subsection (g-5). The requirements
14 of this subsection (g-5) apply to any public school facility,
15 building, or program and to any facility, building, or program
16 supported in whole or in part by public funds. Prior to
17 visiting a school, school building, or school facility, the
18 parent, independent educational evaluator, or qualified
19 professional may be required by the school district to inform
20 the building principal or supervisor in writing of the
21 proposed visit, the purpose of the visit, and the approximate
22 duration of the visit. The visitor and the school district
23 shall arrange the visit or visits at times that are mutually
24 agreeable. Visitors shall comply with school safety, security,
25 and visitation policies at all times. School district
26 visitation policies must not conflict with this subsection

1 (g-5). Visitors shall be required to comply with the
2 requirements of applicable privacy laws, including those laws
3 protecting the confidentiality of education records such as
4 the federal Family Educational Rights and Privacy Act and the
5 Illinois School Student Records Act. The visitor shall not
6 disrupt the educational process.

7 (1) A parent must be afforded reasonable access of
8 sufficient duration and scope for the purpose of observing
9 his or her child in the child's current educational
10 placement, services, or program or for the purpose of
11 visiting an educational placement or program proposed for
12 the child.

13 (2) An independent educational evaluator or a
14 qualified professional retained by or on behalf of a
15 parent or child must be afforded reasonable access of
16 sufficient duration and scope for the purpose of
17 conducting an evaluation of the child, the child's
18 performance, the child's current educational program,
19 placement, services, or environment, or any educational
20 program, placement, services, or environment proposed for
21 the child, including interviews of educational personnel,
22 child observations, assessments, tests or assessments of
23 the child's educational program, services, or placement or
24 of any proposed educational program, services, or
25 placement. If one or more interviews of school personnel
26 are part of the evaluation, the interviews must be

1 conducted at a mutually agreed upon time, date, and place
2 that do not interfere with the school employee's school
3 duties. The school district may limit interviews to
4 personnel having information relevant to the child's
5 current educational services, program, or placement or to
6 a proposed educational service, program, or placement.

7 ~~(h) (Blank).~~

8 ~~(i) (Blank).~~

9 ~~(j) (Blank).~~

10 ~~(k) (Blank).~~

11 ~~(l) (Blank).~~

12 ~~(m) (Blank).~~

13 ~~(n) (Blank).~~

14 ~~(o) (Blank).~~

15 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;
16 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

17 (105 ILCS 5/18-8.15)

18 Sec. 18-8.15. Evidence-Based Funding for student success
19 for the 2017-2018 and subsequent school years.

20 (a) General provisions.

21 (1) The purpose of this Section is to ensure that, by
22 June 30, 2027 and beyond, this State has a kindergarten
23 through grade 12 public education system with the capacity
24 to ensure the educational development of all persons to
25 the limits of their capacities in accordance with Section

1 1 of Article X of the Constitution of the State of
2 Illinois. To accomplish that objective, this Section
3 creates a method of funding public education that is
4 evidence-based; is sufficient to ensure every student
5 receives a meaningful opportunity to learn irrespective of
6 race, ethnicity, sexual orientation, gender, or
7 community-income level; and is sustainable and
8 predictable. When fully funded under this Section, every
9 school shall have the resources, based on what the
10 evidence indicates is needed, to:

11 (A) provide all students with a high quality
12 education that offers the academic, enrichment, social
13 and emotional support, technical, and career-focused
14 programs that will allow them to become competitive
15 workers, responsible parents, productive citizens of
16 this State, and active members of our national
17 democracy;

18 (B) ensure all students receive the education they
19 need to graduate from high school with the skills
20 required to pursue post-secondary education and
21 training for a rewarding career;

22 (C) reduce, with a goal of eliminating, the
23 achievement gap between at-risk and non-at-risk
24 students by raising the performance of at-risk
25 students and not by reducing standards; and

26 (D) ensure this State satisfies its obligation to

1 assume the primary responsibility to fund public
2 education and simultaneously relieve the
3 disproportionate burden placed on local property taxes
4 to fund schools.

5 (2) The Evidence-Based Funding formula under this
6 Section shall be applied to all Organizational Units in
7 this State. The Evidence-Based Funding formula outlined in
8 this Act is based on the formula outlined in Senate Bill 1
9 of the 100th General Assembly, as passed by both
10 legislative chambers. As further defined and described in
11 this Section, there are 4 major components of the
12 Evidence-Based Funding model:

13 (A) First, the model calculates a unique Adequacy
14 Target for each Organizational Unit in this State that
15 considers the costs to implement research-based
16 activities, the unit's student demographics, and
17 regional wage differences.

18 (B) Second, the model calculates each
19 Organizational Unit's Local Capacity, or the amount
20 each Organizational Unit is assumed to contribute
21 toward its Adequacy Target from local resources.

22 (C) Third, the model calculates how much funding
23 the State currently contributes to the Organizational
24 Unit and adds that to the unit's Local Capacity to
25 determine the unit's overall current adequacy of
26 funding.

1 (D) Finally, the model's distribution method
2 allocates new State funding to those Organizational
3 Units that are least well-funded, considering both
4 Local Capacity and State funding, in relation to their
5 Adequacy Target.

6 (3) An Organizational Unit receiving any funding under
7 this Section may apply those funds to any fund so received
8 for which that Organizational Unit is authorized to make
9 expenditures by law.

10 (4) As used in this Section, the following terms shall
11 have the meanings ascribed in this paragraph (4):

12 "Adequacy Target" is defined in paragraph (1) of
13 subsection (b) of this Section.

14 "Adjusted EAV" is defined in paragraph (4) of
15 subsection (d) of this Section.

16 "Adjusted Local Capacity Target" is defined in
17 paragraph (3) of subsection (c) of this Section.

18 "Adjusted Operating Tax Rate" means a tax rate for all
19 Organizational Units, for which the State Superintendent
20 shall calculate and subtract for the Operating Tax Rate a
21 transportation rate based on total expenses for
22 transportation services under this Code, as reported on
23 the most recent Annual Financial Report in Pupil
24 Transportation Services, function 2550 in both the
25 Education and Transportation funds and functions 4110 and
26 4120 in the Transportation fund, less any corresponding

1 fiscal year State of Illinois scheduled payments excluding
2 net adjustments for prior years for regular, vocational,
3 or special education transportation reimbursement pursuant
4 to Section 29-5 or subsection (b) of Section 14-13.01 of
5 this Code divided by the Adjusted EAV. If an
6 Organizational Unit's corresponding fiscal year State of
7 Illinois scheduled payments excluding net adjustments for
8 prior years for regular, vocational, or special education
9 transportation reimbursement pursuant to Section 29-5 or
10 subsection (b) of Section 14-13.01 of this Code exceed the
11 total transportation expenses, as defined in this
12 paragraph, no transportation rate shall be subtracted from
13 the Operating Tax Rate.

14 "Allocation Rate" is defined in paragraph (3) of
15 subsection (g) of this Section.

16 "Alternative School" means a public school that is
17 created and operated by a regional superintendent of
18 schools and approved by the State Board.

19 "Applicable Tax Rate" is defined in paragraph (1) of
20 subsection (d) of this Section.

21 "Assessment" means any of those benchmark, progress
22 monitoring, formative, diagnostic, and other assessments,
23 in addition to the State accountability assessment, that
24 assist teachers' needs in understanding the skills and
25 meeting the needs of the students they serve.

26 "Assistant principal" means a school administrator

1 duly endorsed to be employed as an assistant principal in
2 this State.

3 "At-risk student" means a student who is at risk of
4 not meeting the Illinois Learning Standards or not
5 graduating from elementary or high school and who
6 demonstrates a need for vocational support or social
7 services beyond that provided by the regular school
8 program. All students included in an Organizational Unit's
9 Low-Income Count, as well as all English learner and
10 disabled students attending the Organizational Unit, shall
11 be considered at-risk students under this Section.

12 "Average Student Enrollment" or "ASE" for fiscal year
13 2018 means, for an Organizational Unit, the greater of the
14 average number of students (grades K through 12) reported
15 to the State Board as enrolled in the Organizational Unit
16 on October 1 in the immediately preceding school year,
17 plus the pre-kindergarten students who receive special
18 education services of 2 or more hours a day as reported to
19 the State Board on December 1 in the immediately preceding
20 school year, or the average number of students (grades K
21 through 12) reported to the State Board as enrolled in the
22 Organizational Unit on October 1, plus the
23 pre-kindergarten students who receive special education
24 services of 2 or more hours a day as reported to the State
25 Board on December 1, for each of the immediately preceding
26 3 school years. For fiscal year 2019 and each subsequent

1 fiscal year, "Average Student Enrollment" or "ASE" means,
2 for an Organizational Unit, the greater of the average
3 number of students (grades K through 12) reported to the
4 State Board as enrolled in the Organizational Unit on
5 October 1 and March 1 in the immediately preceding school
6 year, plus the pre-kindergarten students who receive
7 special education services as reported to the State Board
8 on October 1 and March 1 in the immediately preceding
9 school year, or the average number of students (grades K
10 through 12) reported to the State Board as enrolled in the
11 Organizational Unit on October 1 and March 1, plus the
12 pre-kindergarten students who receive special education
13 services as reported to the State Board on October 1 and
14 March 1, for each of the immediately preceding 3 school
15 years. For the purposes of this definition, "enrolled in
16 the Organizational Unit" means the number of students
17 reported to the State Board who are enrolled in schools
18 within the Organizational Unit that the student attends or
19 would attend if not placed or transferred to another
20 school or program to receive needed services. For the
21 purposes of calculating "ASE", all students, grades K
22 through 12, excluding those attending kindergarten for a
23 half day and students attending an alternative education
24 program operated by a regional office of education or
25 intermediate service center, shall be counted as 1.0. All
26 students attending kindergarten for a half day shall be

1 counted as 0.5, unless in 2017 by June 15 or by March 1 in
2 subsequent years, the school district reports to the State
3 Board of Education the intent to implement full-day
4 kindergarten district-wide for all students, then all
5 students attending kindergarten shall be counted as 1.0.
6 Special education pre-kindergarten students shall be
7 counted as 0.5 each. If the State Board does not collect or
8 has not collected both an October 1 and March 1 enrollment
9 count by grade or a December 1 collection of special
10 education pre-kindergarten students as of August 31, 2017
11 (the effective date of Public Act 100-465), it shall
12 establish such collection for all future years. For any
13 year in which a count by grade level was collected only
14 once, that count shall be used as the single count
15 available for computing a 3-year average ASE. Funding for
16 programs operated by a regional office of education or an
17 intermediate service center must be calculated using the
18 Evidence-Based Funding formula under this Section for the
19 2019-2020 school year and each subsequent school year
20 until separate adequacy formulas are developed and adopted
21 for each type of program. ASE for a program operated by a
22 regional office of education or an intermediate service
23 center must be determined by the March 1 enrollment for
24 the program. For the 2019-2020 school year, the ASE used
25 in the calculation must be the first-year ASE and, in that
26 year only, the assignment of students served by a regional

1 office of education or intermediate service center shall
2 not result in a reduction of the March enrollment for any
3 school district. For the 2020-2021 school year, the ASE
4 must be the greater of the current-year ASE or the 2-year
5 average ASE. Beginning with the 2021-2022 school year, the
6 ASE must be the greater of the current-year ASE or the
7 3-year average ASE. School districts shall submit the data
8 for the ASE calculation to the State Board within 45 days
9 of the dates required in this Section for submission of
10 enrollment data in order for it to be included in the ASE
11 calculation. For fiscal year 2018 only, the ASE
12 calculation shall include only enrollment taken on October
13 1.

14 "Base Funding Guarantee" is defined in paragraph (10)
15 of subsection (g) of this Section.

16 "Base Funding Minimum" is defined in subsection (e) of
17 this Section.

18 "Base Tax Year" means the property tax levy year used
19 to calculate the Budget Year allocation of primary State
20 aid.

21 "Base Tax Year's Extension" means the product of the
22 equalized assessed valuation utilized by the county clerk
23 in the Base Tax Year multiplied by the limiting rate as
24 calculated by the county clerk and defined in PTELL.

25 "Bilingual Education Allocation" means the amount of
26 an Organizational Unit's final Adequacy Target

1 attributable to bilingual education divided by the
2 Organizational Unit's final Adequacy Target, the product
3 of which shall be multiplied by the amount of new funding
4 received pursuant to this Section. An Organizational
5 Unit's final Adequacy Target attributable to bilingual
6 education shall include all additional investments in
7 English learner students' adequacy elements.

8 "Budget Year" means the school year for which primary
9 State aid is calculated and awarded under this Section.

10 "Central office" means individual administrators and
11 support service personnel charged with managing the
12 instructional programs, business and operations, and
13 security of the Organizational Unit.

14 "Comparable Wage Index" or "CWI" means a regional cost
15 differentiation metric that measures systemic, regional
16 variations in the salaries of college graduates who are
17 not educators. The CWI utilized for this Section shall,
18 for the first 3 years of Evidence-Based Funding
19 implementation, be the CWI initially developed by the
20 National Center for Education Statistics, as most recently
21 updated by Texas A & M University. In the fourth and
22 subsequent years of Evidence-Based Funding implementation,
23 the State Superintendent shall re-determine the CWI using
24 a similar methodology to that identified in the Texas A & M
25 University study, with adjustments made no less frequently
26 than once every 5 years.

1 "Computer technology and equipment" means computers
2 servers, notebooks, network equipment, copiers, printers,
3 instructional software, security software, curriculum
4 management courseware, and other similar materials and
5 equipment.

6 "Computer technology and equipment investment
7 allocation" means the final Adequacy Target amount of an
8 Organizational Unit assigned to Tier 1 or Tier 2 in the
9 prior school year attributable to the additional \$285.50
10 per student computer technology and equipment investment
11 grant divided by the Organizational Unit's final Adequacy
12 Target, the result of which shall be multiplied by the
13 amount of new funding received pursuant to this Section.
14 An Organizational Unit assigned to a Tier 1 or Tier 2 final
15 Adequacy Target attributable to the received computer
16 technology and equipment investment grant shall include
17 all additional investments in computer technology and
18 equipment adequacy elements.

19 "Core subject" means mathematics; science; reading,
20 English, writing, and language arts; history and social
21 studies; world languages; and subjects taught as Advanced
22 Placement in high schools.

23 "Core teacher" means a regular classroom teacher in
24 elementary schools and teachers of a core subject in
25 middle and high schools.

26 "Core Intervention teacher (tutor)" means a licensed

1 teacher providing one-on-one or small group tutoring to
2 students struggling to meet proficiency in core subjects.

3 "CPPRT" means corporate personal property replacement
4 tax funds paid to an Organizational Unit during the
5 calendar year one year before the calendar year in which a
6 school year begins, pursuant to "An Act in relation to the
7 abolition of ad valorem personal property tax and the
8 replacement of revenues lost thereby, and amending and
9 repealing certain Acts and parts of Acts in connection
10 therewith", certified August 14, 1979, as amended (Public
11 Act 81-1st S.S.-1).

12 "EAV" means equalized assessed valuation as defined in
13 paragraph (2) of subsection (d) of this Section and
14 calculated in accordance with paragraph (3) of subsection
15 (d) of this Section.

16 "ECI" means the Bureau of Labor Statistics' national
17 employment cost index for civilian workers in educational
18 services in elementary and secondary schools on a
19 cumulative basis for the 12-month calendar year preceding
20 the fiscal year of the Evidence-Based Funding calculation.

21 "EIS Data" means the employment information system
22 data maintained by the State Board on educators within
23 Organizational Units.

24 "Employee benefits" means health, dental, and vision
25 insurance offered to employees of an Organizational Unit,
26 the costs associated with the statutorily required payment

1 of the normal cost of the Organizational Unit's teacher
2 pensions, Social Security employer contributions, and
3 Illinois Municipal Retirement Fund employer contributions.

4 "English learner" or "EL" means a child included in
5 the definition of "English learners" under Section 14C-2
6 of this Code participating in a program of transitional
7 bilingual education or a transitional program of
8 instruction meeting the requirements and program
9 application procedures of Article 14C of this Code. For
10 the purposes of collecting the number of EL students
11 enrolled, the same collection and calculation methodology
12 as defined above for "ASE" shall apply to English
13 learners, with the exception that EL student enrollment
14 shall include students in grades pre-kindergarten through
15 12.

16 "Essential Elements" means those elements, resources,
17 and educational programs that have been identified through
18 academic research as necessary to improve student success,
19 improve academic performance, close achievement gaps, and
20 provide for other per student costs related to the
21 delivery and leadership of the Organizational Unit, as
22 well as the maintenance and operations of the unit, and
23 which are specified in paragraph (2) of subsection (b) of
24 this Section.

25 "Evidence-Based Funding" means State funding provided
26 to an Organizational Unit pursuant to this Section.

1 "Extended day" means academic and enrichment programs
2 provided to students outside the regular school day before
3 and after school or during non-instructional times during
4 the school day.

5 "Extension Limitation Ratio" means a numerical ratio
6 in which the numerator is the Base Tax Year's Extension
7 and the denominator is the Preceding Tax Year's Extension.

8 "Final Percent of Adequacy" is defined in paragraph
9 (4) of subsection (f) of this Section.

10 "Final Resources" is defined in paragraph (3) of
11 subsection (f) of this Section.

12 "Full-time equivalent" or "FTE" means the full-time
13 equivalency compensation for staffing the relevant
14 position at an Organizational Unit.

15 "Funding Gap" is defined in paragraph (1) of
16 subsection (g).

17 "Guidance counselor" means a licensed guidance
18 counselor who provides guidance and counseling support for
19 students within an Organizational Unit.

20 "Hybrid District" means a partial elementary unit
21 district created pursuant to Article 11E of this Code.

22 "Instructional assistant" means a core or special
23 education, non-licensed employee who assists a teacher in
24 the classroom and provides academic support to students.

25 "Instructional facilitator" means a qualified teacher
26 or licensed teacher leader who facilitates and coaches

1 continuous improvement in classroom instruction; provides
2 instructional support to teachers in the elements of
3 research-based instruction or demonstrates the alignment
4 of instruction with curriculum standards and assessment
5 tools; develops or coordinates instructional programs or
6 strategies; develops and implements training; chooses
7 standards-based instructional materials; provides
8 teachers with an understanding of current research; serves
9 as a mentor, site coach, curriculum specialist, or lead
10 teacher; or otherwise works with fellow teachers, in
11 collaboration, to use data to improve instructional
12 practice or develop model lessons.

13 "Instructional materials" means relevant
14 instructional materials for student instruction,
15 including, but not limited to, textbooks, consumable
16 workbooks, laboratory equipment, library books, and other
17 similar materials.

18 "Laboratory School" means a public school that is
19 created and operated by a public university and approved
20 by the State Board.

21 "Librarian" means a teacher with an endorsement as a
22 library information specialist or another individual whose
23 primary responsibility is overseeing library resources
24 within an Organizational Unit.

25 "Limiting rate for Hybrid Districts" means the
26 combined elementary school and high school limiting rates.

1 "Local Capacity" is defined in paragraph (1) of
2 subsection (c) of this Section.

3 "Local Capacity Percentage" is defined in subparagraph
4 (A) of paragraph (2) of subsection (c) of this Section.

5 "Local Capacity Ratio" is defined in subparagraph (B)
6 of paragraph (2) of subsection (c) of this Section.

7 "Local Capacity Target" is defined in paragraph (2) of
8 subsection (c) of this Section.

9 "Low-Income Count" means, for an Organizational Unit
10 in a fiscal year, the higher of the average number of
11 students for the prior school year or the immediately
12 preceding 3 school years who, as of July 1 of the
13 immediately preceding fiscal year (as determined by the
14 Department of Human Services), are eligible for at least
15 one of the following low-income programs: Medicaid, the
16 Children's Health Insurance Program, Temporary Assistance
17 for Needy Families (TANF), or the Supplemental Nutrition
18 Assistance Program, excluding pupils who are eligible for
19 services provided by the Department of Children and Family
20 Services. Until such time that grade level low-income
21 populations become available, grade level low-income
22 populations shall be determined by applying the low-income
23 percentage to total student enrollments by grade level.
24 The low-income percentage is determined by dividing the
25 Low-Income Count by the Average Student Enrollment. The
26 low-income percentage for programs operated by a regional

1 office of education or an intermediate service center must
2 be set to the weighted average of the low-income
3 percentages of all of the school districts in the service
4 region. The weighted low-income percentage is the result
5 of multiplying the low-income percentage of each school
6 district served by the regional office of education or
7 intermediate service center by each school district's
8 Average Student Enrollment, summarizing those products and
9 dividing the total by the total Average Student Enrollment
10 for the service region.

11 "Maintenance and operations" means custodial services,
12 facility and ground maintenance, facility operations,
13 facility security, routine facility repairs, and other
14 similar services and functions.

15 "Minimum Funding Level" is defined in paragraph (9) of
16 subsection (g) of this Section.

17 "New Property Tax Relief Pool Funds" means, for any
18 given fiscal year, all State funds appropriated under
19 Section 2-3.170 of this ~~the School~~ Code.

20 "New State Funds" means, for a given school year, all
21 State funds appropriated for Evidence-Based Funding in
22 excess of the amount needed to fund the Base Funding
23 Minimum for all Organizational Units in that school year.

24 "Net State Contribution Target" means, for a given
25 school year, the amount of State funds that would be
26 necessary to fully meet the Adequacy Target of an

1 Operational Unit minus the Preliminary Resources available
2 to each unit.

3 "Nurse" means an individual licensed as a certified
4 school nurse, in accordance with the rules established for
5 nursing services by the State Board, who is an employee of
6 and is available to provide health care-related services
7 for students of an Organizational Unit.

8 "Operating Tax Rate" means the rate utilized in the
9 previous year to extend property taxes for all purposes,
10 except Bond and Interest, Summer School, Rent, Capital
11 Improvement, and Vocational Education Building purposes.
12 For Hybrid Districts, the Operating Tax Rate shall be the
13 combined elementary and high school rates utilized in the
14 previous year to extend property taxes for all purposes,
15 except Bond and Interest, Summer School, Rent, Capital
16 Improvement, and Vocational Education Building purposes.

17 "Organizational Unit" means a Laboratory School or any
18 public school district that is recognized as such by the
19 State Board and that contains elementary schools typically
20 serving kindergarten through 5th grades, middle schools
21 typically serving 6th through 8th grades, high schools
22 typically serving 9th through 12th grades, a program
23 established under Section 2-3.66 or 2-3.41, or a program
24 operated by a regional office of education or an
25 intermediate service center under Article 13A or 13B. The
26 General Assembly acknowledges that the actual grade levels

1 served by a particular Organizational Unit may vary
2 slightly from what is typical.

3 "Organizational Unit CWI" is determined by calculating
4 the CWI in the region and original county in which an
5 Organizational Unit's primary administrative office is
6 located as set forth in this paragraph, provided that if
7 the Organizational Unit CWI as calculated in accordance
8 with this paragraph is less than 0.9, the Organizational
9 Unit CWI shall be increased to 0.9. Each county's current
10 CWI value shall be adjusted based on the CWI value of that
11 county's neighboring Illinois counties, to create a
12 "weighted adjusted index value". This shall be calculated
13 by summing the CWI values of all of a county's adjacent
14 Illinois counties and dividing by the number of adjacent
15 Illinois counties, then taking the weighted value of the
16 original county's CWI value and the adjacent Illinois
17 county average. To calculate this weighted value, if the
18 number of adjacent Illinois counties is greater than 2,
19 the original county's CWI value will be weighted at 0.25
20 and the adjacent Illinois county average will be weighted
21 at 0.75. If the number of adjacent Illinois counties is 2,
22 the original county's CWI value will be weighted at 0.33
23 and the adjacent Illinois county average will be weighted
24 at 0.66. The greater of the county's current CWI value and
25 its weighted adjusted index value shall be used as the
26 Organizational Unit CWI.

1 "Preceding Tax Year" means the property tax levy year
2 immediately preceding the Base Tax Year.

3 "Preceding Tax Year's Extension" means the product of
4 the equalized assessed valuation utilized by the county
5 clerk in the Preceding Tax Year multiplied by the
6 Operating Tax Rate.

7 "Preliminary Percent of Adequacy" is defined in
8 paragraph (2) of subsection (f) of this Section.

9 "Preliminary Resources" is defined in paragraph (2) of
10 subsection (f) of this Section.

11 "Principal" means a school administrator duly endorsed
12 to be employed as a principal in this State.

13 "Professional development" means training programs for
14 licensed staff in schools, including, but not limited to,
15 programs that assist in implementing new curriculum
16 programs, provide data focused or academic assessment data
17 training to help staff identify a student's weaknesses and
18 strengths, target interventions, improve instruction,
19 encompass instructional strategies for English learner,
20 gifted, or at-risk students, address inclusivity, cultural
21 sensitivity, or implicit bias, or otherwise provide
22 professional support for licensed staff.

23 "Prototypical" means 450 special education
24 pre-kindergarten and kindergarten through grade 5 students
25 for an elementary school, 450 grade 6 through 8 students
26 for a middle school, and 600 grade 9 through 12 students

1 for a high school.

2 "PTELL" means the Property Tax Extension Limitation
3 Law.

4 "PTELL EAV" is defined in paragraph (4) of subsection
5 (d) of this Section.

6 "Pupil support staff" means a nurse, psychologist,
7 social worker, family liaison personnel, or other staff
8 member who provides support to at-risk or struggling
9 students.

10 "Real Receipts" is defined in paragraph (1) of
11 subsection (d) of this Section.

12 "Regionalization Factor" means, for a particular
13 Organizational Unit, the figure derived by dividing the
14 Organizational Unit CWI by the Statewide Weighted CWI.

15 "School site staff" means the primary school secretary
16 and any additional clerical personnel assigned to a
17 school.

18 "Special education" means special educational
19 facilities and services, as defined in Section 14-1.08 of
20 this Code.

21 "Special Education Allocation" means the amount of an
22 Organizational Unit's final Adequacy Target attributable
23 to special education divided by the Organizational Unit's
24 final Adequacy Target, the product of which shall be
25 multiplied by the amount of new funding received pursuant
26 to this Section. An Organizational Unit's final Adequacy

1 Target attributable to special education shall include all
2 special education investment adequacy elements.

3 "Specialist teacher" means a teacher who provides
4 instruction in subject areas not included in core
5 subjects, including, but not limited to, art, music,
6 physical education, health, driver education,
7 career-technical education, and such other subject areas
8 as may be mandated by State law or provided by an
9 Organizational Unit.

10 "Specially Funded Unit" means an Alternative School,
11 safe school, Department of Juvenile Justice school,
12 special education cooperative or entity recognized by the
13 State Board as a special education cooperative,
14 State-approved charter school, or alternative learning
15 opportunities program that received direct funding from
16 the State Board during the 2016-2017 school year through
17 any of the funding sources included within the calculation
18 of the Base Funding Minimum or Glenwood Academy.

19 "Supplemental Grant Funding" means supplemental
20 general State aid funding received by an Organizational
21 Unit during the 2016-2017 school year pursuant to
22 subsection (H) of Section 18-8.05 of this Code (now
23 repealed).

24 "State Adequacy Level" is the sum of the Adequacy
25 Targets of all Organizational Units.

26 "State Board" means the State Board of Education.

1 "State Superintendent" means the State Superintendent
2 of Education.

3 "Statewide Weighted CWI" means a figure determined by
4 multiplying each Organizational Unit CWI times the ASE for
5 that Organizational Unit creating a weighted value,
6 summing all Organizational Units' weighted values, and
7 dividing by the total ASE of all Organizational Units,
8 thereby creating an average weighted index.

9 "Student activities" means non-credit producing
10 after-school programs, including, but not limited to,
11 clubs, bands, sports, and other activities authorized by
12 the school board of the Organizational Unit.

13 "Substitute teacher" means an individual teacher or
14 teaching assistant who is employed by an Organizational
15 Unit and is temporarily serving the Organizational Unit on
16 a per diem or per period-assignment basis to replace
17 another staff member.

18 "Summer school" means academic and enrichment programs
19 provided to students during the summer months outside of
20 the regular school year.

21 "Supervisory aide" means a non-licensed staff member
22 who helps in supervising students of an Organizational
23 Unit, but does so outside of the classroom, in situations
24 such as, but not limited to, monitoring hallways and
25 playgrounds, supervising lunchrooms, or supervising
26 students when being transported in buses serving the

1 Organizational Unit.

2 "Target Ratio" is defined in paragraph (4) of
3 subsection (g).

4 "Tier 1", "Tier 2", "Tier 3", and "Tier 4" are defined
5 in paragraph (3) of subsection (g).

6 "Tier 1 Aggregate Funding", "Tier 2 Aggregate
7 Funding", "Tier 3 Aggregate Funding", and "Tier 4
8 Aggregate Funding" are defined in paragraph (1) of
9 subsection (g).

10 (b) Adequacy Target calculation.

11 (1) Each Organizational Unit's Adequacy Target is the
12 sum of the Organizational Unit's cost of providing
13 Essential Elements, as calculated in accordance with this
14 subsection (b), with the salary amounts in the Essential
15 Elements multiplied by a Regionalization Factor calculated
16 pursuant to paragraph (3) of this subsection (b).

17 (2) The Essential Elements are attributable on a pro
18 rata basis related to defined subgroups of the ASE of each
19 Organizational Unit as specified in this paragraph (2),
20 with investments and FTE positions pro rata funded based
21 on ASE counts in excess of or less than the thresholds set
22 forth in this paragraph (2). The method for calculating
23 attributable pro rata costs and the defined subgroups
24 thereto are as follows:

25 (A) Core class size investments. Each
26 Organizational Unit shall receive the funding required

1 to support that number of FTE core teacher positions
2 as is needed to keep the respective class sizes of the
3 Organizational Unit to the following maximum numbers:

4 (i) For grades kindergarten through 3, the
5 Organizational Unit shall receive funding required
6 to support one FTE core teacher position for every
7 15 Low-Income Count students in those grades and
8 one FTE core teacher position for every 20
9 non-Low-Income Count students in those grades.

10 (ii) For grades 4 through 12, the
11 Organizational Unit shall receive funding required
12 to support one FTE core teacher position for every
13 20 Low-Income Count students in those grades and
14 one FTE core teacher position for every 25
15 non-Low-Income Count students in those grades.

16 The number of non-Low-Income Count students in a
17 grade shall be determined by subtracting the
18 Low-Income students in that grade from the ASE of the
19 Organizational Unit for that grade.

20 (B) Specialist teacher investments. Each
21 Organizational Unit shall receive the funding needed
22 to cover that number of FTE specialist teacher
23 positions that correspond to the following
24 percentages:

25 (i) if the Organizational Unit operates an
26 elementary or middle school, then 20.00% of the

1 number of the Organizational Unit's core teachers,
2 as determined under subparagraph (A) of this
3 paragraph (2); and

4 (ii) if such Organizational Unit operates a
5 high school, then 33.33% of the number of the
6 Organizational Unit's core teachers.

7 (C) Instructional facilitator investments. Each
8 Organizational Unit shall receive the funding needed
9 to cover one FTE instructional facilitator position
10 for every 200 combined ASE of pre-kindergarten
11 children with disabilities and all kindergarten
12 through grade 12 students of the Organizational Unit.

13 (D) Core intervention teacher (tutor) investments.
14 Each Organizational Unit shall receive the funding
15 needed to cover one FTE teacher position for each
16 prototypical elementary, middle, and high school.

17 (E) Substitute teacher investments. Each
18 Organizational Unit shall receive the funding needed
19 to cover substitute teacher costs that is equal to
20 5.70% of the minimum pupil attendance days required
21 under Section 10-19 of this Code for all full-time
22 equivalent core, specialist, and intervention
23 teachers, school nurses, special education teachers
24 and instructional assistants, instructional
25 facilitators, and summer school and extended day
26 teacher positions, as determined under this paragraph

1 (2), at a salary rate of 33.33% of the average salary
2 for grade K through 12 teachers and 33.33% of the
3 average salary of each instructional assistant
4 position.

5 (F) Core guidance counselor investments. Each
6 Organizational Unit shall receive the funding needed
7 to cover one FTE guidance counselor for each 450
8 combined ASE of pre-kindergarten children with
9 disabilities and all kindergarten through grade 5
10 students, plus one FTE guidance counselor for each 250
11 grades 6 through 8 ASE middle school students, plus
12 one FTE guidance counselor for each 250 grades 9
13 through 12 ASE high school students.

14 (G) Nurse investments. Each Organizational Unit
15 shall receive the funding needed to cover one FTE
16 nurse for each 750 combined ASE of pre-kindergarten
17 children with disabilities and all kindergarten
18 through grade 12 students across all grade levels it
19 serves.

20 (H) Supervisory aide investments. Each
21 Organizational Unit shall receive the funding needed
22 to cover one FTE for each 225 combined ASE of
23 pre-kindergarten children with disabilities and all
24 kindergarten through grade 5 students, plus one FTE
25 for each 225 ASE middle school students, plus one FTE
26 for each 200 ASE high school students.

1 (I) Librarian investments. Each Organizational
2 Unit shall receive the funding needed to cover one FTE
3 librarian for each prototypical elementary school,
4 middle school, and high school and one FTE aide or
5 media technician for every 300 combined ASE of
6 pre-kindergarten children with disabilities and all
7 kindergarten through grade 12 students.

8 (J) Principal investments. Each Organizational
9 Unit shall receive the funding needed to cover one FTE
10 principal position for each prototypical elementary
11 school, plus one FTE principal position for each
12 prototypical middle school, plus one FTE principal
13 position for each prototypical high school.

14 (K) Assistant principal investments. Each
15 Organizational Unit shall receive the funding needed
16 to cover one FTE assistant principal position for each
17 prototypical elementary school, plus one FTE assistant
18 principal position for each prototypical middle
19 school, plus one FTE assistant principal position for
20 each prototypical high school.

21 (L) School site staff investments. Each
22 Organizational Unit shall receive the funding needed
23 for one FTE position for each 225 ASE of
24 pre-kindergarten children with disabilities and all
25 kindergarten through grade 5 students, plus one FTE
26 position for each 225 ASE middle school students, plus

1 one FTE position for each 200 ASE high school
2 students.

3 (M) Gifted investments. Each Organizational Unit
4 shall receive \$40 per kindergarten through grade 12
5 ASE.

6 (N) Professional development investments. Each
7 Organizational Unit shall receive \$125 per student of
8 the combined ASE of pre-kindergarten children with
9 disabilities and all kindergarten through grade 12
10 students for trainers and other professional
11 development-related expenses for supplies and
12 materials.

13 (O) Instructional material investments. Each
14 Organizational Unit shall receive \$190 per student of
15 the combined ASE of pre-kindergarten children with
16 disabilities and all kindergarten through grade 12
17 students to cover instructional material costs.

18 (P) Assessment investments. Each Organizational
19 Unit shall receive \$25 per student of the combined ASE
20 of pre-kindergarten children with disabilities and all
21 kindergarten through grade 12 students to cover
22 assessment costs.

23 (Q) Computer technology and equipment investments.
24 Each Organizational Unit shall receive \$285.50 per
25 student of the combined ASE of pre-kindergarten
26 children with disabilities and all kindergarten

1 through grade 12 students to cover computer technology
2 and equipment costs. For the 2018-2019 school year and
3 subsequent school years, Organizational Units assigned
4 to Tier 1 and Tier 2 in the prior school year shall
5 receive an additional \$285.50 per student of the
6 combined ASE of pre-kindergarten children with
7 disabilities and all kindergarten through grade 12
8 students to cover computer technology and equipment
9 costs in the Organizational Unit's Adequacy Target.
10 The State Board may establish additional requirements
11 for Organizational Unit expenditures of funds received
12 pursuant to this subparagraph (Q), including a
13 requirement that funds received pursuant to this
14 subparagraph (Q) may be used only for serving the
15 technology needs of the district. It is the intent of
16 Public Act 100-465 that all Tier 1 and Tier 2 districts
17 receive the addition to their Adequacy Target in the
18 following year, subject to compliance with the
19 requirements of the State Board.

20 (R) Student activities investments. Each
21 Organizational Unit shall receive the following
22 funding amounts to cover student activities: \$100 per
23 kindergarten through grade 5 ASE student in elementary
24 school, plus \$200 per ASE student in middle school,
25 plus \$675 per ASE student in high school.

26 (S) Maintenance and operations investments. Each

1 Organizational Unit shall receive \$1,038 per student
2 of the combined ASE of pre-kindergarten children with
3 disabilities and all kindergarten through grade 12
4 students for day-to-day maintenance and operations
5 expenditures, including salary, supplies, and
6 materials, as well as purchased services, but
7 excluding employee benefits. The proportion of salary
8 for the application of a Regionalization Factor and
9 the calculation of benefits is equal to \$352.92.

10 (T) Central office investments. Each
11 Organizational Unit shall receive \$742 per student of
12 the combined ASE of pre-kindergarten children with
13 disabilities and all kindergarten through grade 12
14 students to cover central office operations, including
15 administrators and classified personnel charged with
16 managing the instructional programs, business and
17 operations of the school district, and security
18 personnel. The proportion of salary for the
19 application of a Regionalization Factor and the
20 calculation of benefits is equal to \$368.48.

21 (U) Employee benefit investments. Each
22 Organizational Unit shall receive 30% of the total of
23 all salary-calculated elements of the Adequacy Target,
24 excluding substitute teachers and student activities
25 investments, to cover benefit costs. For central
26 office and maintenance and operations investments, the

1 benefit calculation shall be based upon the salary
2 proportion of each investment. If at any time the
3 responsibility for funding the employer normal cost of
4 teacher pensions is assigned to school districts, then
5 that amount certified by the Teachers' Retirement
6 System of the State of Illinois to be paid by the
7 Organizational Unit for the preceding school year
8 shall be added to the benefit investment. For any
9 fiscal year in which a school district organized under
10 Article 34 of this Code is responsible for paying the
11 employer normal cost of teacher pensions, then that
12 amount of its employer normal cost plus the amount for
13 retiree health insurance as certified by the Public
14 School Teachers' Pension and Retirement Fund of
15 Chicago to be paid by the school district for the
16 preceding school year that is statutorily required to
17 cover employer normal costs and the amount for retiree
18 health insurance shall be added to the 30% specified
19 in this subparagraph (U). The Teachers' Retirement
20 System of the State of Illinois and the Public School
21 Teachers' Pension and Retirement Fund of Chicago shall
22 submit such information as the State Superintendent
23 may require for the calculations set forth in this
24 subparagraph (U).

25 (V) Additional investments in low-income students.
26 In addition to and not in lieu of all other funding

1 under this paragraph (2), each Organizational Unit
2 shall receive funding based on the average teacher
3 salary for grades K through 12 to cover the costs of:

4 (i) one FTE intervention teacher (tutor)
5 position for every 125 Low-Income Count students;

6 (ii) one FTE pupil support staff position for
7 every 125 Low-Income Count students;

8 (iii) one FTE extended day teacher position
9 for every 120 Low-Income Count students; and

10 (iv) one FTE summer school teacher position
11 for every 120 Low-Income Count students.

12 (W) Additional investments in English learner
13 students. In addition to and not in lieu of all other
14 funding under this paragraph (2), each Organizational
15 Unit shall receive funding based on the average
16 teacher salary for grades K through 12 to cover the
17 costs of:

18 (i) one FTE intervention teacher (tutor)
19 position for every 125 English learner students;

20 (ii) one FTE pupil support staff position for
21 every 125 English learner students;

22 (iii) one FTE extended day teacher position
23 for every 120 English learner students;

24 (iv) one FTE summer school teacher position
25 for every 120 English learner students; and

26 (v) one FTE core teacher position for every

1 100 English learner students.

2 (X) Special education investments. Each
3 Organizational Unit shall receive funding based on the
4 average teacher salary for grades K through 12 to
5 cover special education as follows:

6 (i) one FTE teacher position for every 141
7 combined ASE of pre-kindergarten children with
8 disabilities and all kindergarten through grade 12
9 students;

10 (ii) one FTE instructional assistant for every
11 141 combined ASE of pre-kindergarten children with
12 disabilities and all kindergarten through grade 12
13 students; and

14 (iii) one FTE psychologist position for every
15 1,000 combined ASE of pre-kindergarten children
16 with disabilities and all kindergarten through
17 grade 12 students.

18 (3) For calculating the salaries included within the
19 Essential Elements, the State Superintendent shall
20 annually calculate average salaries to the nearest dollar
21 using the employment information system data maintained by
22 the State Board, limited to public schools only and
23 excluding special education and vocational cooperatives,
24 schools operated by the Department of Juvenile Justice,
25 and charter schools, for the following positions:

26 (A) Teacher for grades K through 8.

- 1 (B) Teacher for grades 9 through 12.
- 2 (C) Teacher for grades K through 12.
- 3 (D) Guidance counselor for grades K through 8.
- 4 (E) Guidance counselor for grades 9 through 12.
- 5 (F) Guidance counselor for grades K through 12.
- 6 (G) Social worker.
- 7 (H) Psychologist.
- 8 (I) Librarian.
- 9 (J) Nurse.
- 10 (K) Principal.
- 11 (L) Assistant principal.

12 For the purposes of this paragraph (3), "teacher"
13 includes core teachers, specialist and elective teachers,
14 instructional facilitators, tutors, special education
15 teachers, pupil support staff teachers, English learner
16 teachers, extended day teachers, and summer school
17 teachers. Where specific grade data is not required for
18 the Essential Elements, the average salary for
19 corresponding positions shall apply. For substitute
20 teachers, the average teacher salary for grades K through
21 12 shall apply.

22 For calculating the salaries included within the
23 Essential Elements for positions not included within EIS
24 Data, the following salaries shall be used in the first
25 year of implementation of Evidence-Based Funding:

- 26 (i) school site staff, \$30,000; and

1 (ii) non-instructional assistant, instructional
2 assistant, library aide, library media tech, or
3 supervisory aide: \$25,000.

4 In the second and subsequent years of implementation
5 of Evidence-Based Funding, the amounts in items (i) and
6 (ii) of this paragraph (3) shall annually increase by the
7 ECI.

8 The salary amounts for the Essential Elements
9 determined pursuant to subparagraphs (A) through (L), (S)
10 and (T), and (V) through (X) of paragraph (2) of
11 subsection (b) of this Section shall be multiplied by a
12 Regionalization Factor.

13 (c) Local Capacity calculation.

14 (1) Each Organizational Unit's Local Capacity
15 represents an amount of funding it is assumed to
16 contribute toward its Adequacy Target for purposes of the
17 Evidence-Based Funding formula calculation. "Local
18 Capacity" means either (i) the Organizational Unit's Local
19 Capacity Target as calculated in accordance with paragraph
20 (2) of this subsection (c) if its Real Receipts are equal
21 to or less than its Local Capacity Target or (ii) the
22 Organizational Unit's Adjusted Local Capacity, as
23 calculated in accordance with paragraph (3) of this
24 subsection (c) if Real Receipts are more than its Local
25 Capacity Target.

26 (2) "Local Capacity Target" means, for an

1 Organizational Unit, that dollar amount that is obtained
2 by multiplying its Adequacy Target by its Local Capacity
3 Ratio.

4 (A) An Organizational Unit's Local Capacity
5 Percentage is the conversion of the Organizational
6 Unit's Local Capacity Ratio, as such ratio is
7 determined in accordance with subparagraph (B) of this
8 paragraph (2), into a cumulative distribution
9 resulting in a percentile ranking to determine each
10 Organizational Unit's relative position to all other
11 Organizational Units in this State. The calculation of
12 Local Capacity Percentage is described in subparagraph
13 (C) of this paragraph (2).

14 (B) An Organizational Unit's Local Capacity Ratio
15 in a given year is the percentage obtained by dividing
16 its Adjusted EAV or PTELL EAV, whichever is less, by
17 its Adequacy Target, with the resulting ratio further
18 adjusted as follows:

19 (i) for Organizational Units serving grades
20 kindergarten through 12 and Hybrid Districts, no
21 further adjustments shall be made;

22 (ii) for Organizational Units serving grades
23 kindergarten through 8, the ratio shall be
24 multiplied by 9/13;

25 (iii) for Organizational Units serving grades
26 9 through 12, the Local Capacity Ratio shall be

1 multiplied by 4/13; and

2 (iv) for an Organizational Unit with a
3 different grade configuration than those specified
4 in items (i) through (iii) of this subparagraph
5 (B), the State Superintendent shall determine a
6 comparable adjustment based on the grades served.

7 (C) The Local Capacity Percentage is equal to the
8 percentile ranking of the district. Local Capacity
9 Percentage converts each Organizational Unit's Local
10 Capacity Ratio to a cumulative distribution resulting
11 in a percentile ranking to determine each
12 Organizational Unit's relative position to all other
13 Organizational Units in this State. The Local Capacity
14 Percentage cumulative distribution resulting in a
15 percentile ranking for each Organizational Unit shall
16 be calculated using the standard normal distribution
17 of the score in relation to the weighted mean and
18 weighted standard deviation and Local Capacity Ratios
19 of all Organizational Units. If the value assigned to
20 any Organizational Unit is in excess of 90%, the value
21 shall be adjusted to 90%. For Laboratory Schools, the
22 Local Capacity Percentage shall be set at 10% in
23 recognition of the absence of EAV and resources from
24 the public university that are allocated to the
25 Laboratory School. For programs operated by a regional
26 office of education or an intermediate service center,

1 the Local Capacity Percentage must be set at 10% in
2 recognition of the absence of EAV and resources from
3 school districts that are allocated to the regional
4 office of education or intermediate service center.
5 The weighted mean for the Local Capacity Percentage
6 shall be determined by multiplying each Organizational
7 Unit's Local Capacity Ratio times the ASE for the unit
8 creating a weighted value, summing the weighted values
9 of all Organizational Units, and dividing by the total
10 ASE of all Organizational Units. The weighted standard
11 deviation shall be determined by taking the square
12 root of the weighted variance of all Organizational
13 Units' Local Capacity Ratio, where the variance is
14 calculated by squaring the difference between each
15 unit's Local Capacity Ratio and the weighted mean,
16 then multiplying the variance for each unit times the
17 ASE for the unit to create a weighted variance for each
18 unit, then summing all units' weighted variance and
19 dividing by the total ASE of all units.

20 (D) For any Organizational Unit, the
21 Organizational Unit's Adjusted Local Capacity Target
22 shall be reduced by either (i) the school board's
23 remaining contribution pursuant to paragraph (ii) of
24 subsection (b-4) of Section 16-158 of the Illinois
25 Pension Code in a given year or (ii) the board of
26 education's remaining contribution pursuant to

1 paragraph (iv) of subsection (b) of Section 17-129 of
2 the Illinois Pension Code absent the employer normal
3 cost portion of the required contribution and amount
4 allowed pursuant to subdivision (3) of Section
5 17-142.1 of the Illinois Pension Code in a given year.
6 In the preceding sentence, item (i) shall be certified
7 to the State Board of Education by the Teachers'
8 Retirement System of the State of Illinois and item
9 (ii) shall be certified to the State Board of
10 Education by the Public School Teachers' Pension and
11 Retirement Fund of the City of Chicago.

12 (3) If an Organizational Unit's Real Receipts are more
13 than its Local Capacity Target, then its Local Capacity
14 shall equal an Adjusted Local Capacity Target as
15 calculated in accordance with this paragraph (3). The
16 Adjusted Local Capacity Target is calculated as the sum of
17 the Organizational Unit's Local Capacity Target and its
18 Real Receipts Adjustment. The Real Receipts Adjustment
19 equals the Organizational Unit's Real Receipts less its
20 Local Capacity Target, with the resulting figure
21 multiplied by the Local Capacity Percentage.

22 As used in this paragraph (3), "Real Percent of
23 Adequacy" means the sum of an Organizational Unit's Real
24 Receipts, CPPRT, and Base Funding Minimum, with the
25 resulting figure divided by the Organizational Unit's
26 Adequacy Target.

1 (d) Calculation of Real Receipts, EAV, and Adjusted EAV
2 for purposes of the Local Capacity calculation.

3 (1) An Organizational Unit's Real Receipts are the
4 product of its Applicable Tax Rate and its Adjusted EAV.
5 An Organizational Unit's Applicable Tax Rate is its
6 Adjusted Operating Tax Rate for property within the
7 Organizational Unit.

8 (2) The State Superintendent shall calculate the
9 equalized assessed valuation, or EAV, of all taxable
10 property of each Organizational Unit as of September 30 of
11 the previous year in accordance with paragraph (3) of this
12 subsection (d). The State Superintendent shall then
13 determine the Adjusted EAV of each Organizational Unit in
14 accordance with paragraph (4) of this subsection (d),
15 which Adjusted EAV figure shall be used for the purposes
16 of calculating Local Capacity.

17 (3) To calculate Real Receipts and EAV, the Department
18 of Revenue shall supply to the State Superintendent the
19 value as equalized or assessed by the Department of
20 Revenue of all taxable property of every Organizational
21 Unit, together with (i) the applicable tax rate used in
22 extending taxes for the funds of the Organizational Unit
23 as of September 30 of the previous year and (ii) the
24 limiting rate for all Organizational Units subject to
25 property tax extension limitations as imposed under PTELL.

26 (A) The Department of Revenue shall add to the

1 equalized assessed value of all taxable property of
2 each Organizational Unit situated entirely or
3 partially within a county that is or was subject to the
4 provisions of Section 15-176 or 15-177 of the Property
5 Tax Code (i) an amount equal to the total amount by
6 which the homestead exemption allowed under Section
7 15-176 or 15-177 of the Property Tax Code for real
8 property situated in that Organizational Unit exceeds
9 the total amount that would have been allowed in that
10 Organizational Unit if the maximum reduction under
11 Section 15-176 was (I) \$4,500 in Cook County or \$3,500
12 in all other counties in tax year 2003 or (II) \$5,000
13 in all counties in tax year 2004 and thereafter and
14 (ii) an amount equal to the aggregate amount for the
15 taxable year of all additional exemptions under
16 Section 15-175 of the Property Tax Code for owners
17 with a household income of \$30,000 or less. The county
18 clerk of any county that is or was subject to the
19 provisions of Section 15-176 or 15-177 of the Property
20 Tax Code shall annually calculate and certify to the
21 Department of Revenue for each Organizational Unit all
22 homestead exemption amounts under Section 15-176 or
23 15-177 of the Property Tax Code and all amounts of
24 additional exemptions under Section 15-175 of the
25 Property Tax Code for owners with a household income
26 of \$30,000 or less. It is the intent of this

1 subparagraph (A) that if the general homestead
2 exemption for a parcel of property is determined under
3 Section 15-176 or 15-177 of the Property Tax Code
4 rather than Section 15-175, then the calculation of
5 EAV shall not be affected by the difference, if any,
6 between the amount of the general homestead exemption
7 allowed for that parcel of property under Section
8 15-176 or 15-177 of the Property Tax Code and the
9 amount that would have been allowed had the general
10 homestead exemption for that parcel of property been
11 determined under Section 15-175 of the Property Tax
12 Code. It is further the intent of this subparagraph
13 (A) that if additional exemptions are allowed under
14 Section 15-175 of the Property Tax Code for owners
15 with a household income of less than \$30,000, then the
16 calculation of EAV shall not be affected by the
17 difference, if any, because of those additional
18 exemptions.

19 (B) With respect to any part of an Organizational
20 Unit within a redevelopment project area in respect to
21 which a municipality has adopted tax increment
22 allocation financing pursuant to the Tax Increment
23 Allocation Redevelopment Act, Division 74.4 of Article
24 11 of the Illinois Municipal Code, or the Industrial
25 Jobs Recovery Law, Division 74.6 of Article 11 of the
26 Illinois Municipal Code, no part of the current EAV of

1 real property located in any such project area that is
2 attributable to an increase above the total initial
3 EAV of such property shall be used as part of the EAV
4 of the Organizational Unit, until such time as all
5 redevelopment project costs have been paid, as
6 provided in Section 11-74.4-8 of the Tax Increment
7 Allocation Redevelopment Act or in Section 11-74.6-35
8 of the Industrial Jobs Recovery Law. For the purpose
9 of the EAV of the Organizational Unit, the total
10 initial EAV or the current EAV, whichever is lower,
11 shall be used until such time as all redevelopment
12 project costs have been paid.

13 (B-5) The real property equalized assessed
14 valuation for a school district shall be adjusted by
15 subtracting from the real property value, as equalized
16 or assessed by the Department of Revenue, for the
17 district an amount computed by dividing the amount of
18 any abatement of taxes under Section 18-170 of the
19 Property Tax Code by 3.00% for a district maintaining
20 grades kindergarten through 12, by 2.30% for a
21 district maintaining grades kindergarten through 8, or
22 by 1.05% for a district maintaining grades 9 through
23 12 and adjusted by an amount computed by dividing the
24 amount of any abatement of taxes under subsection (a)
25 of Section 18-165 of the Property Tax Code by the same
26 percentage rates for district type as specified in

1 this subparagraph (B-5).

2 (C) For Organizational Units that are Hybrid
3 Districts, the State Superintendent shall use the
4 lesser of the adjusted equalized assessed valuation
5 for property within the partial elementary unit
6 district for elementary purposes, as defined in
7 Article 11E of this Code, or the adjusted equalized
8 assessed valuation for property within the partial
9 elementary unit district for high school purposes, as
10 defined in Article 11E of this Code.

11 (4) An Organizational Unit's Adjusted EAV shall be the
12 average of its EAV over the immediately preceding 3 years
13 or its EAV in the immediately preceding year if the EAV in
14 the immediately preceding year has declined by 10% or more
15 compared to the 3-year average. In the event of
16 Organizational Unit reorganization, consolidation, or
17 annexation, the Organizational Unit's Adjusted EAV for the
18 first 3 years after such change shall be as follows: the
19 most current EAV shall be used in the first year, the
20 average of a 2-year EAV or its EAV in the immediately
21 preceding year if the EAV declines by 10% or more compared
22 to the 2-year average for the second year, and a 3-year
23 average EAV or its EAV in the immediately preceding year
24 if the Adjusted EAV declines by 10% or more compared to the
25 3-year average for the third year. For any school district
26 whose EAV in the immediately preceding year is used in

1 calculations, in the following year, the Adjusted EAV
2 shall be the average of its EAV over the immediately
3 preceding 2 years or the immediately preceding year if
4 that year represents a decline of 10% or more compared to
5 the 2-year average.

6 "PTELL EAV" means a figure calculated by the State
7 Board for Organizational Units subject to PTELL as
8 described in this paragraph (4) for the purposes of
9 calculating an Organizational Unit's Local Capacity Ratio.
10 Except as otherwise provided in this paragraph (4), the
11 PTELL EAV of an Organizational Unit shall be equal to the
12 product of the equalized assessed valuation last used in
13 the calculation of general State aid under Section 18-8.05
14 of this Code (now repealed) or Evidence-Based Funding
15 under this Section and the Organizational Unit's Extension
16 Limitation Ratio. If an Organizational Unit has approved
17 or does approve an increase in its limiting rate, pursuant
18 to Section 18-190 of the Property Tax Code, affecting the
19 Base Tax Year, the PTELL EAV shall be equal to the product
20 of the equalized assessed valuation last used in the
21 calculation of general State aid under Section 18-8.05 of
22 this Code (now repealed) or Evidence-Based Funding under
23 this Section multiplied by an amount equal to one plus the
24 percentage increase, if any, in the Consumer Price Index
25 for All Urban Consumers for all items published by the
26 United States Department of Labor for the 12-month

1 calendar year preceding the Base Tax Year, plus the
2 equalized assessed valuation of new property, annexed
3 property, and recovered tax increment value and minus the
4 equalized assessed valuation of disconnected property.

5 As used in this paragraph (4), "new property" and
6 "recovered tax increment value" shall have the meanings
7 set forth in the Property Tax Extension Limitation Law.

8 (e) Base Funding Minimum calculation.

9 (1) For the 2017-2018 school year, the Base Funding
10 Minimum of an Organizational Unit or a Specially Funded
11 Unit shall be the amount of State funds distributed to the
12 Organizational Unit or Specially Funded Unit during the
13 2016-2017 school year prior to any adjustments and
14 specified appropriation amounts described in this
15 paragraph (1) from the following Sections, as calculated
16 by the State Superintendent: Section 18-8.05 of this Code
17 (now repealed); Section 5 of Article 224 of Public Act
18 99-524 (equity grants); Section 14-7.02b of this Code
19 (funding for children requiring special education
20 services); Section 14-13.01 of this Code (special
21 education facilities and staffing), except for
22 reimbursement of the cost of transportation pursuant to
23 Section 14-13.01; Section 14C-12 of this Code (English
24 learners); and Section 18-4.3 of this Code (summer
25 school), based on an appropriation level of \$13,121,600.
26 For a school district organized under Article 34 of this

1 Code, the Base Funding Minimum also includes (i) the funds
2 allocated to the school district pursuant to Section 1D-1
3 of this Code attributable to funding programs authorized
4 by the Sections of this Code listed in the preceding
5 sentence and (ii) the difference between (I) the funds
6 allocated to the school district pursuant to Section 1D-1
7 of this Code attributable to the funding programs
8 authorized by Section 14-7.02 (non-public special
9 education reimbursement), subsection (b) of Section
10 14-13.01 (special education transportation), Section 29-5
11 (transportation), Section 2-3.80 (agricultural
12 education), Section 2-3.66 (truants' alternative
13 education), Section 2-3.62 (educational service centers),
14 and Section 14-7.03 (special education - orphanage) of
15 this Code and Section 15 of the Childhood Hunger Relief
16 Act (free breakfast program) and (II) the school
17 district's actual expenditures for its non-public special
18 education, special education transportation,
19 transportation programs, agricultural education, truants'
20 alternative education, services that would otherwise be
21 performed by a regional office of education, special
22 education orphanage expenditures, and free breakfast, as
23 most recently calculated and reported pursuant to
24 subsection (f) of Section 1D-1 of this Code. The Base
25 Funding Minimum for Glenwood Academy shall be \$625,500.
26 For programs operated by a regional office of education or

1 an intermediate service center, the Base Funding Minimum
2 must be the total amount of State funds allocated to those
3 programs in the 2018-2019 school year and amounts provided
4 pursuant to Article 34 of Public Act 100-586 and Section
5 3-16 of this Code. All programs established after June 5,
6 2019 (the effective date of Public Act 101-10) and
7 administered by a regional office of education or an
8 intermediate service center must have an initial Base
9 Funding Minimum set to an amount equal to the first-year
10 ASE multiplied by the amount of per pupil funding received
11 in the previous school year by the lowest funded similar
12 existing program type. If the enrollment for a program
13 operated by a regional office of education or an
14 intermediate service center is zero, then it may not
15 receive Base Funding Minimum funds for that program in the
16 next fiscal year, and those funds must be distributed to
17 Organizational Units under subsection (g).

18 (2) For the 2018-2019 and subsequent school years, the
19 Base Funding Minimum of Organizational Units and Specially
20 Funded Units shall be the sum of (i) the amount of
21 Evidence-Based Funding for the prior school year, (ii) the
22 Base Funding Minimum for the prior school year, and (iii)
23 any amount received by a school district pursuant to
24 Section 7 of Article 97 of Public Act 100-21.

25 (3) Subject to approval by the General Assembly as
26 provided in this paragraph (3), an Organizational Unit

1 that meets all of the following criteria, as determined by
2 the State Board, shall have District Intervention Money
3 added to its Base Funding Minimum at the time the Base
4 Funding Minimum is calculated by the State Board:

5 (A) The Organizational Unit is operating under an
6 Independent Authority under Section 2-3.25f-5 of this
7 Code for a minimum of 4 school years or is subject to
8 the control of the State Board pursuant to a court
9 order for a minimum of 4 school years.

10 (B) The Organizational Unit was designated as a
11 Tier 1 or Tier 2 Organizational Unit in the previous
12 school year under paragraph (3) of subsection (g) of
13 this Section.

14 (C) The Organizational Unit demonstrates
15 sustainability through a 5-year financial and
16 strategic plan.

17 (D) The Organizational Unit has made sufficient
18 progress and achieved sufficient stability in the
19 areas of governance, academic growth, and finances.

20 As part of its determination under this paragraph (3),
21 the State Board may consider the Organizational Unit's
22 summative designation, any accreditations of the
23 Organizational Unit, or the Organizational Unit's
24 financial profile, as calculated by the State Board.

25 If the State Board determines that an Organizational
26 Unit has met the criteria set forth in this paragraph (3),

1 it must submit a report to the General Assembly, no later
2 than January 2 of the fiscal year in which the State Board
3 makes its determination, on the amount of District
4 Intervention Money to add to the Organizational Unit's
5 Base Funding Minimum. The General Assembly must review the
6 State Board's report and may approve or disapprove, by
7 joint resolution, the addition of District Intervention
8 Money. If the General Assembly fails to act on the report
9 within 40 calendar days from the receipt of the report,
10 the addition of District Intervention Money is deemed
11 approved. If the General Assembly approves the amount of
12 District Intervention Money to be added to the
13 Organizational Unit's Base Funding Minimum, the District
14 Intervention Money must be added to the Base Funding
15 Minimum annually thereafter.

16 For the first 4 years following the initial year that
17 the State Board determines that an Organizational Unit has
18 met the criteria set forth in this paragraph (3) and has
19 received funding under this Section, the Organizational
20 Unit must annually submit to the State Board, on or before
21 November 30, a progress report regarding its financial and
22 strategic plan under subparagraph (C) of this paragraph
23 (3). The plan shall include the financial data from the
24 past 4 annual financial reports or financial audits that
25 must be presented to the State Board by November 15 of each
26 year and the approved budget financial data for the

1 current year. The plan shall be developed according to the
2 guidelines presented to the Organizational Unit by the
3 State Board. The plan shall further include financial
4 projections for the next 3 fiscal years and include a
5 discussion and financial summary of the Organizational
6 Unit's facility needs. If the Organizational Unit does not
7 demonstrate sufficient progress toward its 5-year plan or
8 if it has failed to file an annual financial report, an
9 annual budget, a financial plan, a deficit reduction plan,
10 or other financial information as required by law, the
11 State Board may establish a Financial Oversight Panel
12 under Article 1H of this Code. However, if the
13 Organizational Unit already has a Financial Oversight
14 Panel, the State Board may extend the duration of the
15 Panel.

16 (f) Percent of Adequacy and Final Resources calculation.

17 (1) The Evidence-Based Funding formula establishes a
18 Percent of Adequacy for each Organizational Unit in order
19 to place such units into tiers for the purposes of the
20 funding distribution system described in subsection (g) of
21 this Section. Initially, an Organizational Unit's
22 Preliminary Resources and Preliminary Percent of Adequacy
23 are calculated pursuant to paragraph (2) of this
24 subsection (f). Then, an Organizational Unit's Final
25 Resources and Final Percent of Adequacy are calculated to
26 account for the Organizational Unit's poverty

1 concentration levels pursuant to paragraphs (3) and (4) of
2 this subsection (f).

3 (2) An Organizational Unit's Preliminary Resources are
4 equal to the sum of its Local Capacity Target, CPPRT, and
5 Base Funding Minimum. An Organizational Unit's Preliminary
6 Percent of Adequacy is the lesser of (i) its Preliminary
7 Resources divided by its Adequacy Target or (ii) 100%.

8 (3) Except for Specially Funded Units, an
9 Organizational Unit's Final Resources are equal to the sum
10 of its Local Capacity, CPPRT, and Adjusted Base Funding
11 Minimum. The Base Funding Minimum of each Specially Funded
12 Unit shall serve as its Final Resources, except that the
13 Base Funding Minimum for State-approved charter schools
14 shall not include any portion of general State aid
15 allocated in the prior year based on the per capita
16 tuition charge times the charter school enrollment.

17 (4) An Organizational Unit's Final Percent of Adequacy
18 is its Final Resources divided by its Adequacy Target. An
19 Organizational Unit's Adjusted Base Funding Minimum is
20 equal to its Base Funding Minimum less its Supplemental
21 Grant Funding, with the resulting figure added to the
22 product of its Supplemental Grant Funding and Preliminary
23 Percent of Adequacy.

24 (g) Evidence-Based Funding formula distribution system.

25 (1) In each school year under the Evidence-Based
26 Funding formula, each Organizational Unit receives funding

1 equal to the sum of its Base Funding Minimum and the unit's
2 allocation of New State Funds determined pursuant to this
3 subsection (g). To allocate New State Funds, the
4 Evidence-Based Funding formula distribution system first
5 places all Organizational Units into one of 4 tiers in
6 accordance with paragraph (3) of this subsection (g),
7 based on the Organizational Unit's Final Percent of
8 Adequacy. New State Funds are allocated to each of the 4
9 tiers as follows: Tier 1 Aggregate Funding equals 50% of
10 all New State Funds, Tier 2 Aggregate Funding equals 49%
11 of all New State Funds, Tier 3 Aggregate Funding equals
12 0.9% of all New State Funds, and Tier 4 Aggregate Funding
13 equals 0.1% of all New State Funds. Each Organizational
14 Unit within Tier 1 or Tier 2 receives an allocation of New
15 State Funds equal to its tier Funding Gap, as defined in
16 the following sentence, multiplied by the tier's
17 Allocation Rate determined pursuant to paragraph (4) of
18 this subsection (g). For Tier 1, an Organizational Unit's
19 Funding Gap equals the tier's Target Ratio, as specified
20 in paragraph (5) of this subsection (g), multiplied by the
21 Organizational Unit's Adequacy Target, with the resulting
22 amount reduced by the Organizational Unit's Final
23 Resources. For Tier 2, an Organizational Unit's Funding
24 Gap equals the tier's Target Ratio, as described in
25 paragraph (5) of this subsection (g), multiplied by the
26 Organizational Unit's Adequacy Target, with the resulting

1 amount reduced by the Organizational Unit's Final
2 Resources and its Tier 1 funding allocation. To determine
3 the Organizational Unit's Funding Gap, the resulting
4 amount is then multiplied by a factor equal to one minus
5 the Organizational Unit's Local Capacity Target
6 percentage. Each Organizational Unit within Tier 3 or Tier
7 4 receives an allocation of New State Funds equal to the
8 product of its Adequacy Target and the tier's Allocation
9 Rate, as specified in paragraph (4) of this subsection
10 (g).

11 (2) To ensure equitable distribution of dollars for
12 all Tier 2 Organizational Units, no Tier 2 Organizational
13 Unit shall receive fewer dollars per ASE than any Tier 3
14 Organizational Unit. Each Tier 2 and Tier 3 Organizational
15 Unit shall have its funding allocation divided by its ASE.
16 Any Tier 2 Organizational Unit with a funding allocation
17 per ASE below the greatest Tier 3 allocation per ASE shall
18 get a funding allocation equal to the greatest Tier 3
19 funding allocation per ASE multiplied by the
20 Organizational Unit's ASE. Each Tier 2 Organizational
21 Unit's Tier 2 funding allocation shall be multiplied by
22 the percentage calculated by dividing the original Tier 2
23 Aggregate Funding by the sum of all Tier 2 Organizational
24 Units' Tier 2 funding allocation after adjusting
25 districts' funding below Tier 3 levels.

26 (3) Organizational Units are placed into one of 4

1 tiers as follows:

2 (A) Tier 1 consists of all Organizational Units,
3 except for Specially Funded Units, with a Percent of
4 Adequacy less than the Tier 1 Target Ratio. The Tier 1
5 Target Ratio is the ratio level that allows for Tier 1
6 Aggregate Funding to be distributed, with the Tier 1
7 Allocation Rate determined pursuant to paragraph (4)
8 of this subsection (g).

9 (B) Tier 2 consists of all Tier 1 Units and all
10 other Organizational Units, except for Specially
11 Funded Units, with a Percent of Adequacy of less than
12 0.90.

13 (C) Tier 3 consists of all Organizational Units,
14 except for Specially Funded Units, with a Percent of
15 Adequacy of at least 0.90 and less than 1.0.

16 (D) Tier 4 consists of all Organizational Units
17 with a Percent of Adequacy of at least 1.0.

18 (4) The Allocation Rates for Tiers 1 through 4 are
19 determined as follows:

20 (A) The Tier 1 Allocation Rate is 30%.

21 (B) The Tier 2 Allocation Rate is the result of the
22 following equation: Tier 2 Aggregate Funding, divided
23 by the sum of the Funding Gaps for all Tier 2
24 Organizational Units, unless the result of such
25 equation is higher than 1.0. If the result of such
26 equation is higher than 1.0, then the Tier 2

1 Allocation Rate is 1.0.

2 (C) The Tier 3 Allocation Rate is the result of the
3 following equation: Tier 3 Aggregate Funding, divided
4 by the sum of the Adequacy Targets of all Tier 3
5 Organizational Units.

6 (D) The Tier 4 Allocation Rate is the result of the
7 following equation: Tier 4 Aggregate Funding, divided
8 by the sum of the Adequacy Targets of all Tier 4
9 Organizational Units.

10 (5) A tier's Target Ratio is determined as follows:

11 (A) The Tier 1 Target Ratio is the ratio level that
12 allows for Tier 1 Aggregate Funding to be distributed
13 with the Tier 1 Allocation Rate.

14 (B) The Tier 2 Target Ratio is 0.90.

15 (C) The Tier 3 Target Ratio is 1.0.

16 (6) If, at any point, the Tier 1 Target Ratio is
17 greater than 90%, then ~~than~~ all Tier 1 funding shall be
18 allocated to Tier 2 and no Tier 1 Organizational Unit's
19 funding may be identified.

20 (7) In the event that all Tier 2 Organizational Units
21 receive funding at the Tier 2 Target Ratio level, any
22 remaining New State Funds shall be allocated to Tier 3 and
23 Tier 4 Organizational Units.

24 (8) If any Specially Funded Units, excluding Glenwood
25 Academy, recognized by the State Board do not qualify for
26 direct funding following the implementation of Public Act

1 100-465 from any of the funding sources included within
2 the definition of Base Funding Minimum, the unqualified
3 portion of the Base Funding Minimum shall be transferred
4 to one or more appropriate Organizational Units as
5 determined by the State Superintendent based on the prior
6 year ASE of the Organizational Units.

7 (8.5) If a school district withdraws from a special
8 education cooperative, the portion of the Base Funding
9 Minimum that is attributable to the school district may be
10 redistributed to the school district upon withdrawal. The
11 school district and the cooperative must include the
12 amount of the Base Funding Minimum that is to be
13 reapportioned in their withdrawal agreement and notify the
14 State Board of the change with a copy of the agreement upon
15 withdrawal.

16 (9) The Minimum Funding Level is intended to establish
17 a target for State funding that will keep pace with
18 inflation and continue to advance equity through the
19 Evidence-Based Funding formula. The target for State
20 funding of New Property Tax Relief Pool Funds is
21 \$50,000,000 for State fiscal year 2019 and subsequent
22 State fiscal years. The Minimum Funding Level is equal to
23 \$350,000,000. In addition to any New State Funds, no more
24 than \$50,000,000 New Property Tax Relief Pool Funds may be
25 counted toward the Minimum Funding Level. If the sum of
26 New State Funds and applicable New Property Tax Relief

1 Pool Funds are less than the Minimum Funding Level, than
2 funding for tiers shall be reduced in the following
3 manner:

4 (A) First, Tier 4 funding shall be reduced by an
5 amount equal to the difference between the Minimum
6 Funding Level and New State Funds until such time as
7 Tier 4 funding is exhausted.

8 (B) Next, Tier 3 funding shall be reduced by an
9 amount equal to the difference between the Minimum
10 Funding Level and New State Funds and the reduction in
11 Tier 4 funding until such time as Tier 3 funding is
12 exhausted.

13 (C) Next, Tier 2 funding shall be reduced by an
14 amount equal to the difference between the Minimum
15 Funding Level and New State Funds and the reduction in
16 Tier 4 and Tier 3.

17 (D) Finally, Tier 1 funding shall be reduced by an
18 amount equal to the difference between the Minimum
19 Funding level and New State Funds and the reduction in
20 Tier 2, 3, and 4 funding. In addition, the Allocation
21 Rate for Tier 1 shall be reduced to a percentage equal
22 to the Tier 1 Allocation Rate set by paragraph (4) of
23 this subsection (g), multiplied by the result of New
24 State Funds divided by the Minimum Funding Level.

25 (9.5) For State fiscal year 2019 and subsequent State
26 fiscal years, if New State Funds exceed \$300,000,000, then

1 any amount in excess of \$300,000,000 shall be dedicated
2 for purposes of Section 2-3.170 of this Code up to a
3 maximum of \$50,000,000.

4 (10) In the event of a decrease in the amount of the
5 appropriation for this Section in any fiscal year after
6 implementation of this Section, the Organizational Units
7 receiving Tier 1 and Tier 2 funding, as determined under
8 paragraph (3) of this subsection (g), shall be held
9 harmless by establishing a Base Funding Guarantee equal to
10 the per pupil kindergarten through grade 12 funding
11 received in accordance with this Section in the prior
12 fiscal year. Reductions shall be made to the Base Funding
13 Minimum of Organizational Units in Tier 3 and Tier 4 on a
14 per pupil basis equivalent to the total number of the ASE
15 in Tier 3-funded and Tier 4-funded Organizational Units
16 divided by the total reduction in State funding. The Base
17 Funding Minimum as reduced shall continue to be applied to
18 Tier 3 and Tier 4 Organizational Units and adjusted by the
19 relative formula when increases in appropriations for this
20 Section resume. In no event may State funding reductions
21 to Organizational Units in Tier 3 or Tier 4 exceed an
22 amount that would be less than the Base Funding Minimum
23 established in the first year of implementation of this
24 Section. If additional reductions are required, all school
25 districts shall receive a reduction by a per pupil amount
26 equal to the aggregate additional appropriation reduction

1 divided by the total ASE of all Organizational Units.

2 (11) The State Superintendent shall make minor
3 adjustments to the distribution formula set forth in this
4 subsection (g) to account for the rounding of percentages
5 to the nearest tenth of a percentage and dollar amounts to
6 the nearest whole dollar.

7 (h) State Superintendent administration of funding and
8 district submission requirements.

9 (1) The State Superintendent shall, in accordance with
10 appropriations made by the General Assembly, meet the
11 funding obligations created under this Section.

12 (2) The State Superintendent shall calculate the
13 Adequacy Target for each Organizational Unit and Net State
14 Contribution Target for each Organizational Unit under
15 this Section. No Evidence-Based Funding shall be
16 distributed within an Organizational Unit without the
17 approval of the unit's school board.

18 (3) Annually, the State Superintendent shall calculate
19 and report to each Organizational Unit the unit's
20 aggregate financial adequacy amount, which shall be the
21 sum of the Adequacy Target for each Organizational Unit.
22 The State Superintendent shall calculate and report
23 separately for each Organizational Unit the unit's total
24 State funds allocated for its students with disabilities.
25 The State Superintendent shall calculate and report
26 separately for each Organizational Unit the amount of

1 funding and applicable FTE calculated for each Essential
2 Element of the unit's Adequacy Target.

3 (4) Annually, the State Superintendent shall calculate
4 and report to each Organizational Unit the amount the unit
5 must expend on special education and bilingual education
6 and computer technology and equipment for Organizational
7 Units assigned to Tier 1 or Tier 2 that received an
8 additional \$285.50 per student computer technology and
9 equipment investment grant to their Adequacy Target
10 pursuant to the unit's Base Funding Minimum, Special
11 Education Allocation, Bilingual Education Allocation, and
12 computer technology and equipment investment allocation.

13 (5) Moneys distributed under this Section shall be
14 calculated on a school year basis, but paid on a fiscal
15 year basis, with payments beginning in August and
16 extending through June. Unless otherwise provided, the
17 moneys appropriated for each fiscal year shall be
18 distributed in 22 equal payments at least 2 times monthly
19 to each Organizational Unit. If moneys appropriated for
20 any fiscal year are distributed other than monthly, the
21 distribution shall be on the same basis for each
22 Organizational Unit.

23 (6) Any school district that fails, for any given
24 school year, to maintain school as required by law or to
25 maintain a recognized school is not eligible to receive
26 Evidence-Based Funding. In case of non-recognition of one

1 or more attendance centers in a school district otherwise
2 operating recognized schools, the claim of the district
3 shall be reduced in the proportion that the enrollment in
4 the attendance center or centers bears to the enrollment
5 of the school district. "Recognized school" means any
6 public school that meets the standards for recognition by
7 the State Board. A school district or attendance center
8 not having recognition status at the end of a school term
9 is entitled to receive State aid payments due upon a legal
10 claim that was filed while it was recognized.

11 (7) School district claims filed under this Section
12 are subject to Sections 18-9 and 18-12 of this Code,
13 except as otherwise provided in this Section.

14 (8) Each fiscal year, the State Superintendent shall
15 calculate for each Organizational Unit an amount of its
16 Base Funding Minimum and Evidence-Based Funding that shall
17 be deemed attributable to the provision of special
18 educational facilities and services, as defined in Section
19 14-1.08 of this Code, in a manner that ensures compliance
20 with maintenance of State financial support requirements
21 under the federal Individuals with Disabilities Education
22 Act. An Organizational Unit must use such funds only for
23 the provision of special educational facilities and
24 services, as defined in Section 14-1.08 of this Code, and
25 must comply with any expenditure verification procedures
26 adopted by the State Board.

1 (9) All Organizational Units in this State must submit
2 annual spending plans by the end of September of each year
3 to the State Board as part of the annual budget process,
4 which shall describe how each Organizational Unit will
5 utilize the Base Funding Minimum and Evidence-Based
6 Funding it receives from this State under this Section
7 with specific identification of the intended utilization
8 of Low-Income, English learner, and special education
9 resources. Additionally, the annual spending plans of each
10 Organizational Unit shall describe how the Organizational
11 Unit expects to achieve student growth and how the
12 Organizational Unit will achieve State education goals, as
13 defined by the State Board. The State Superintendent may,
14 from time to time, identify additional requisites for
15 Organizational Units to satisfy when compiling the annual
16 spending plans required under this subsection (h). The
17 format and scope of annual spending plans shall be
18 developed by the State Superintendent and the State Board
19 of Education. School districts that serve students under
20 Article 14C of this Code shall continue to submit
21 information as required under Section 14C-12 of this Code.

22 (10) No later than January 1, 2018, the State
23 Superintendent shall develop a 5-year strategic plan for
24 all Organizational Units to help in planning for adequacy
25 funding under this Section. The State Superintendent shall
26 submit the plan to the Governor and the General Assembly,

1 as provided in Section 3.1 of the General Assembly
2 Organization Act. The plan shall include recommendations
3 for:

4 (A) a framework for collaborative, professional,
5 innovative, and 21st century learning environments
6 using the Evidence-Based Funding model;

7 (B) ways to prepare and support this State's
8 educators for successful instructional careers;

9 (C) application and enhancement of the current
10 financial accountability measures, the approved State
11 plan to comply with the federal Every Student Succeeds
12 Act, and the Illinois Balanced Accountability Measures
13 in relation to student growth and elements of the
14 Evidence-Based Funding model; and

15 (D) implementation of an effective school adequacy
16 funding system based on projected and recommended
17 funding levels from the General Assembly.

18 (11) On an annual basis, the State Superintendent must
19 recalibrate all of the following per pupil elements of the
20 Adequacy Target and applied to the formulas, based on the
21 study of average expenses and as reported in the most
22 recent annual financial report:

23 (A) Gifted under subparagraph (M) of paragraph (2)
24 of subsection (b).

25 (B) Instructional materials under subparagraph (O)
26 of paragraph (2) of subsection (b).

1 (C) Assessment under subparagraph (P) of paragraph
2 (2) of subsection (b).

3 (D) Student activities under subparagraph (R) of
4 paragraph (2) of subsection (b).

5 (E) Maintenance and operations under subparagraph
6 (S) of paragraph (2) of subsection (b).

7 (F) Central office under subparagraph (T) of
8 paragraph (2) of subsection (b).

9 (i) Professional Review Panel.

10 (1) A Professional Review Panel is created to study
11 and review topics related to the implementation and effect
12 of Evidence-Based Funding, as assigned by a joint
13 resolution or Public Act of the General Assembly or a
14 motion passed by the State Board of Education. The Panel
15 must provide recommendations to and serve the Governor,
16 the General Assembly, and the State Board. The State
17 Superintendent or his or her designee must serve as a
18 voting member and chairperson of the Panel. The State
19 Superintendent must appoint a vice chairperson from the
20 membership of the Panel. The Panel must advance
21 recommendations based on a three-fifths majority vote of
22 Panel members present and voting. A minority opinion may
23 also accompany any recommendation of the Panel. The Panel
24 shall be appointed by the State Superintendent, except as
25 otherwise provided in paragraph (2) of this subsection (i)
26 and include the following members:

1 (A) Two appointees that represent district
2 superintendents, recommended by a statewide
3 organization that represents district superintendents.

4 (B) Two appointees that represent school boards,
5 recommended by a statewide organization that
6 represents school boards.

7 (C) Two appointees from districts that represent
8 school business officials, recommended by a statewide
9 organization that represents school business
10 officials.

11 (D) Two appointees that represent school
12 principals, recommended by a statewide organization
13 that represents school principals.

14 (E) Two appointees that represent teachers,
15 recommended by a statewide organization that
16 represents teachers.

17 (F) Two appointees that represent teachers,
18 recommended by another statewide organization that
19 represents teachers.

20 (G) Two appointees that represent regional
21 superintendents of schools, recommended by
22 organizations that represent regional superintendents.

23 (H) Two independent experts selected solely by the
24 State Superintendent.

25 (I) Two independent experts recommended by public
26 universities in this State.

1 (J) One member recommended by a statewide
2 organization that represents parents.

3 (K) Two representatives recommended by collective
4 impact organizations that represent major metropolitan
5 areas or geographic areas in Illinois.

6 (L) One member from a statewide organization
7 focused on research-based education policy to support
8 a school system that prepares all students for
9 college, a career, and democratic citizenship.

10 (M) One representative from a school district
11 organized under Article 34 of this Code.

12 The State Superintendent shall ensure that the
13 membership of the Panel includes representatives from
14 school districts and communities reflecting the
15 geographic, socio-economic, racial, and ethnic diversity
16 of this State. The State Superintendent shall additionally
17 ensure that the membership of the Panel includes
18 representatives with expertise in bilingual education and
19 special education. Staff from the State Board shall staff
20 the Panel.

21 (2) In addition to those Panel members appointed by
22 the State Superintendent, 4 members of the General
23 Assembly shall be appointed as follows: one member of the
24 House of Representatives appointed by the Speaker of the
25 House of Representatives, one member of the Senate
26 appointed by the President of the Senate, one member of

1 the House of Representatives appointed by the Minority
2 Leader of the House of Representatives, and one member of
3 the Senate appointed by the Minority Leader of the Senate.
4 There shall be one additional member appointed by the
5 Governor. All members appointed by legislative leaders or
6 the Governor shall be non-voting, ex officio members.

7 (3) The Panel must study topics at the direction of
8 the General Assembly or State Board of Education, as
9 provided under paragraph (1). The Panel may also study the
10 following topics at the direction of the chairperson:

11 (A) The format and scope of annual spending plans
12 referenced in paragraph (9) of subsection (h) of this
13 Section.

14 (B) The Comparable Wage Index under this Section.

15 (C) Maintenance and operations, including capital
16 maintenance and construction costs.

17 (D) "At-risk student" definition.

18 (E) Benefits.

19 (F) Technology.

20 (G) Local Capacity Target.

21 (H) Funding for Alternative Schools, Laboratory
22 Schools, safe schools, and alternative learning
23 opportunities programs.

24 (I) Funding for college and career acceleration
25 strategies.

26 (J) Special education investments.

1 (K) Early childhood investments, in collaboration
2 with the Illinois Early Learning Council.

3 (4) (Blank).

4 (5) Within 5 years after the implementation of this
5 Section, and every 5 years thereafter, the Panel shall
6 complete an evaluative study of the entire Evidence-Based
7 Funding model, including an assessment of whether or not
8 the formula is achieving State goals. The Panel shall
9 report to the State Board, the General Assembly, and the
10 Governor on the findings of the study.

11 (6) (Blank).

12 (j) References. Beginning July 1, 2017, references in
13 other laws to general State aid funds or calculations under
14 Section 18-8.05 of this Code (now repealed) shall be deemed to
15 be references to evidence-based model formula funds or
16 calculations under this Section.

17 (Source: P.A. 100-465, eff. 8-31-17; 100-578, eff. 1-31-18;
18 100-582, eff. 3-23-18; 101-10, eff. 6-5-19; 101-17, eff.
19 6-14-19; 101-643, eff. 6-18-20; revised 8-21-20.)

20 (105 ILCS 5/22-33)

21 Sec. 22-33. Medical cannabis.

22 (a) This Section may be referred to as Ashley's Law.

23 (a-5) In this Section:

24 "Designated caregiver", "medical cannabis infused
25 product", "qualifying patient", and "registered" have the

1 meanings given to those terms under Section 10 of the
2 Compassionate Use of Medical Cannabis Program Act.

3 "Self-administration" means a student's discretionary use
4 of his or her medical cannabis infused product.

5 (b) Subject to the restrictions under subsections (c)
6 through (g) of this Section, a school district, public school,
7 charter school, or nonpublic school shall authorize a parent
8 or guardian or any other individual registered with the
9 Department of Public Health as a designated caregiver of a
10 student who is a registered qualifying patient to administer a
11 medical cannabis infused product to the student on the
12 premises of the child's school or on the child's school bus if
13 both the student (as a registered qualifying patient) and the
14 parent or guardian or other individual (as a registered
15 designated caregiver) have been issued registry identification
16 cards under the Compassionate Use of Medical Cannabis Program
17 Act. After administering the product, the parent or guardian
18 or other individual shall remove the product from the school
19 premises or the school bus.

20 (b-5) Notwithstanding subsection (b) and subject to the
21 restrictions under subsections (c) through (g), a school
22 district, public school, charter school, or nonpublic school
23 must allow a school nurse or school administrator to
24 administer a medical cannabis infused product to a student who
25 is a registered qualifying patient (i) while on school
26 premises, (ii) while at a school-sponsored activity, or (iii)

1 before or after normal school activities, including while the
2 student is in before-school or after-school care on
3 school-operated property or while the student is being
4 transported on a school bus. A school district, public school,
5 charter school, or nonpublic school may authorize the
6 self-administration of a medical cannabis infused product by a
7 student who is a registered qualifying patient if the
8 self-administration takes place under the direct supervision
9 of a school nurse or school administrator.

10 Before allowing the administration of a medical cannabis
11 infused product by a school nurse or school administrator or a
12 student's self-administration of a medical cannabis infused
13 product under the supervision of a school nurse or school
14 administrator under this subsection, the parent or guardian of
15 a student who is the registered qualifying patient must
16 provide written authorization for its use, along with a copy
17 of the registry identification card of the student (as a
18 registered qualifying patient) and the parent or guardian (as
19 a registered designated caregiver). The written authorization
20 must specify the times at which ~~where~~ or the special
21 circumstances under which the medical cannabis infused product
22 must be administered. The written authorization and a copy of
23 the registry identification cards must be kept on file in the
24 office of the school nurse. The authorization for a student to
25 self-administer medical cannabis infused products is effective
26 for the school year in which it is granted and must be renewed

1 each subsequent school year upon fulfillment of the
2 requirements of this Section.

3 (b-10) Medical cannabis infused products that are to be
4 administered under subsection (b-5) must be stored with the
5 school nurse at all times in a manner consistent with storage
6 of other student medication at the school and may be
7 accessible only by the school nurse or a school administrator.

8 (c) A parent or guardian or other individual may not
9 administer a medical cannabis infused product under this
10 Section in a manner that, in the opinion of the school district
11 or school, would create a disruption to the school's
12 educational environment or would cause exposure of the product
13 to other students.

14 (d) A school district or school may not discipline a
15 student who is administered a medical cannabis infused product
16 by a parent or guardian or other individual under this Section
17 or who self-administers a medical cannabis infused product
18 under the supervision of a school nurse or school
19 administrator under this Section and may not deny the
20 student's eligibility to attend school solely because the
21 student requires the administration of the product.

22 (e) Nothing in this Section requires a member of a
23 school's staff to administer a medical cannabis infused
24 product to a student.

25 (f) A school district, public school, charter school, or
26 nonpublic school may not authorize the use of a medical

1 cannabis infused product under this Section if the school
2 district or school would lose federal funding as a result of
3 the authorization.

4 (f-5) The State Board of Education, in consultation with
5 the Department of Public Health, must develop a training
6 curriculum for school nurses and school administrators on the
7 administration of medical cannabis infused products. Prior to
8 the administration of a medical cannabis infused product under
9 subsection (b-5), a school nurse or school administrator must
10 annually complete the training curriculum developed under this
11 subsection and must submit to the school's administration
12 proof of its completion. A school district, public school,
13 charter school, or nonpublic school must maintain records
14 related to the training curriculum and of the school nurses or
15 school administrators who have completed the training.

16 (g) A school district, public school, charter school, or
17 nonpublic school shall adopt a policy to implement this
18 Section.

19 (Source: P.A. 100-660, eff. 8-1-18; 101-363, eff. 8-9-19;
20 101-370, eff. 1-1-20; revised 10-7-19.)

21 (105 ILCS 5/22-85)

22 Sec. 22-85. Sexual abuse at schools.

23 (a) The General Assembly finds that:

24 (1) investigation of a child regarding an incident of
25 sexual abuse can induce significant trauma for the child;

1 (2) it is desirable to prevent multiple interviews of
2 a child at a school; and

3 (3) it is important to recognize the role of
4 Children's Advocacy Centers in conducting developmentally
5 appropriate investigations.

6 (b) In this Section:

7 "Alleged incident of sexual abuse" is limited to an
8 incident of sexual abuse of a child that is alleged to have
9 been perpetrated by school personnel, including a school
10 vendor or volunteer, that occurred (i) on school grounds or
11 during a school activity or (ii) outside of school grounds or
12 not during a school activity.

13 "Appropriate law enforcement agency" means a law
14 enforcement agency whose employees have been involved, in some
15 capacity, with an investigation of a particular alleged
16 incident of sexual abuse.

17 (c) If a mandated reporter within a school has knowledge
18 of an alleged incident of sexual abuse, the reporter must call
19 the Department of Children and Family Services' hotline
20 established under Section 7.6 of the Abused and Neglected
21 Child Reporting Act immediately after obtaining the minimal
22 information necessary to make a report, including the names of
23 the affected parties and the allegations. The State Board of
24 Education must make available materials detailing the
25 information that is necessary to enable notification to the
26 Department of Children and Family Services of an alleged

1 incident of sexual abuse. Each school must ensure that
2 mandated reporters review the State Board of Education's
3 materials and materials developed by the Department of
4 Children and Family Services and distributed in the school
5 building under Section 7 of the Abused and Neglected Child
6 Reporting Act at least once annually.

7 (d) For schools in a county with an accredited Children's
8 Advocacy Center, every alleged incident of sexual abuse that
9 is reported to the Department of Children and Family Services'
10 hotline or a law enforcement agency and is subsequently
11 accepted for investigation must be referred by the entity that
12 received the report to the local Children's Advocacy Center
13 pursuant to that county's multidisciplinary team's protocol
14 under the Children's Advocacy Center Act for investigating
15 child sexual abuse allegations.

16 (e) A county's local Children's Advocacy Center must, at a
17 minimum, do both of the following regarding a referred case of
18 an alleged incident of sexual abuse:

19 (1) Coordinate the investigation of the alleged
20 incident, as governed by the local Children's Advocacy
21 Center's existing multidisciplinary team protocol and
22 according to National Children's Alliance accreditation
23 standards.

24 (2) Facilitate communication between the
25 multidisciplinary team investigating the alleged incident
26 of sexual abuse and, if applicable, the referring school's

1 (i) Title IX officer, or his or her designee, (ii) school
2 resource officer, or (iii) personnel leading the school's
3 investigation into the alleged incident of sexual abuse.
4 If a school uses a designated entity to investigate a
5 sexual abuse allegation, the multidisciplinary team may
6 correspond only with that entity and any reference in this
7 Section to "school" refers to that designated entity. This
8 facilitation of communication must, at a minimum, ensure
9 that all applicable parties have each other's contact
10 information and must share the county's local Children's
11 Advocacy Center's protocol regarding the process of
12 approving the viewing of a forensic interview, as defined
13 under Section 2.5 of the Children's Advocacy Center Act,
14 by school personnel and a contact person for questions
15 relating to the protocol.

16 (f) After an alleged incident of sexual abuse is accepted
17 for investigation by the Department of Children and Family
18 Services or a law enforcement agency and while the criminal
19 and child abuse investigations related to that alleged
20 incident are being conducted by the local multidisciplinary
21 team, the school relevant to the alleged incident of sexual
22 abuse must comply with both of the following:

23 (1) It may not interview the alleged victim regarding
24 details of the alleged incident of sexual abuse until
25 after the completion of the forensic interview of that
26 victim is conducted at a Children's Advocacy Center. This

1 paragraph does not prohibit a school from requesting
2 information from the alleged victim or his or her parent
3 or guardian to ensure the safety and well-being of the
4 alleged victim at school during an investigation.

5 (2) If asked by a law enforcement agency or an
6 investigator of the Department of Children and Family
7 Services who is conducting the investigation, it must
8 inform those individuals of any evidence the school has
9 gathered pertaining to an alleged incident of sexual
10 abuse, as permissible by federal or State law.

11 (g) After completion of a forensic interview, the
12 multidisciplinary team must notify the school relevant to the
13 alleged incident of sexual abuse of its completion. If, for
14 any reason, a multidisciplinary team determines it will not
15 conduct a forensic interview in a specific investigation, the
16 multidisciplinary team must notify the school as soon as the
17 determination is made. If a forensic interview has not been
18 conducted within 15 calendar days after opening an
19 investigation, the school may notify the multidisciplinary
20 team that it intends to interview the alleged victim. No later
21 than 10 calendar days after this notification, the
22 multidisciplinary team may conduct the forensic interview and,
23 if the multidisciplinary team does not conduct the interview,
24 the school may proceed with its interview.

25 (h) To the greatest extent possible considering student
26 safety and Title IX compliance, school personnel may view the

1 electronic recordings of a forensic interview of an alleged
2 victim of an incident of sexual abuse. As a means to avoid
3 additional interviews of an alleged victim, school personnel
4 must be granted viewing access to the electronic recording of
5 a forensic interview conducted at an accredited Children's
6 Advocacy Center for an alleged incident of sexual abuse only
7 if the school receives (i) approval from the multidisciplinary
8 team investigating the case and (ii) informed consent by a
9 child over the age of 13 or the child's parent or guardian.
10 Each county's local Children's Advocacy Center and
11 multidisciplinary team must establish an internal protocol
12 regarding the process of approving the viewing of the forensic
13 interview, and this process and the contact person must be
14 shared with the school contact at the time of the initial
15 facilitation. Whenever possible, the school's viewing of the
16 electronic recording of a forensic interview should be
17 conducted in lieu of the need for additional interviews.

18 (i) For an alleged incident of sexual abuse that has been
19 accepted for investigation by a multidisciplinary team, if,
20 during the course of its internal investigation and at any
21 point during or after the multidisciplinary team's
22 investigation, the school determines that it needs to
23 interview the alleged victim to successfully complete its
24 investigation and the victim is under 18 years of age, a child
25 advocate must be made available to the student and may be
26 present during the school's interview. A child advocate may be

1 a school social worker, a school or equally qualified
2 psychologist, or a person in a position the State Board of
3 Education has identified as an appropriate advocate for the
4 student during a school's investigation into an alleged
5 incident of sexual abuse.

6 (j) The Department of Children and Family Services must
7 notify the relevant school when an agency investigation of an
8 alleged incident of sexual abuse is complete. The notification
9 must include information on the outcome of that investigation.

10 (k) The appropriate law enforcement agency must notify the
11 relevant school when an agency investigation of an alleged
12 incident of sexual abuse is complete or has been suspended.
13 The notification must include information on the outcome of
14 that investigation.

15 (l) This Section applies to all schools operating under
16 this Code, including, but not limited to, public schools
17 located in cities having a population of more than 500,000, a
18 school operated pursuant to an agreement with a public school
19 district, alternative schools operated by third parties, an
20 alternative learning opportunities program, a public school
21 administered by a local public agency or the Department of
22 Human Services, charter schools operating under the authority
23 of Article 27A, and non-public schools recognized by the State
24 Board of Education.

25 (Source: P.A. 101-531, eff. 8-23-19.)

1 (105 ILCS 5/22-87)

2 Sec. 22-87 ~~22-85~~. Graduation requirements; Free
3 Application for Federal Student Aid.

4 (a) Beginning with the 2020-2021 school year, in addition
5 to any other requirements under this Code, as a prerequisite
6 to receiving a high school diploma from a public high school,
7 the parent or guardian of each student or, if a student is at
8 least 18 years of age or legally emancipated, the student must
9 comply with either of the following:

10 (1) File a Free Application for Federal Student Aid
11 with the United States Department of Education or, if
12 applicable, an application for State financial aid.

13 (2) On a form created by the State Board of Education,
14 file a waiver with the student's school district
15 indicating that the parent or guardian or, if applicable,
16 the student understands what the Free Application for
17 Federal Student Aid and application for State financial
18 aid are and has chosen not to file an application under
19 paragraph (1).

20 (b) Each school district with a high school must require
21 each high school student to comply with this Section and must
22 provide to each high school student and, if applicable, his or
23 her parent or guardian any support or assistance necessary to
24 comply with this Section. A school district must award a high
25 school diploma to a student who is unable to meet the
26 requirements of subsection (a) due to extenuating

1 circumstances, as determined by the school district, if (i)
2 the student has met all other graduation requirements under
3 this Code and (ii) the principal attests that the school
4 district has made a good faith effort to assist the student or,
5 if applicable, his or her parent or guardian in filing an
6 application or a waiver under subsection (a).

7 (c) The State Board of Education may adopt rules to
8 implement this Section.

9 (Source: P.A. 101-180, eff. 6-1-20; revised 8-4-20.)

10 (105 ILCS 5/22-88)

11 Sec. 22-88 ~~22-85~~. Parental notification of law enforcement
12 detainment and questioning on school grounds.

13 (a) In this Section, "school grounds" means the real
14 property comprising an active and operational elementary or
15 secondary school during the regular hours in which school is
16 in session and when students are present.

17 (b) Before detaining and questioning a student on school
18 grounds who is under 18 years of age and who is suspected of
19 committing a criminal act, a law enforcement officer, a school
20 resource officer, or other school security personnel must do
21 all of the following:

22 (1) Ensure that notification or attempted notification
23 of the student's parent or guardian is made.

24 (2) Document the time and manner in which the
25 notification or attempted notification under paragraph (1)

1 occurred.

2 (3) Make reasonable efforts to ensure that the
3 student's parent or guardian is present during the
4 questioning or, if the parent or guardian is not present,
5 ensure that school personnel, including, but not limited
6 to, a school social worker, a school psychologist, a
7 school nurse, a school guidance counselor, or any other
8 mental health professional, are present during the
9 questioning.

10 (4) If practicable, make reasonable efforts to ensure
11 that a law enforcement officer trained in promoting safe
12 interactions and communications with youth is present
13 during the questioning. An officer who received training
14 in youth investigations approved or certified by his or
15 her law enforcement agency or under Section 10.22 of the
16 Police Training Act or a juvenile police officer, as
17 defined under Section 1-3 of the Juvenile Court Act of
18 1987, satisfies the requirement under this paragraph.

19 (c) This Section does not limit the authority of a law
20 enforcement officer to make an arrest on school grounds. This
21 Section does not apply to circumstances that would cause a
22 reasonable person to believe that urgent and immediate action
23 is necessary to do any of the following:

24 (1) Prevent bodily harm or injury to the student or
25 any other person.

26 (2) Apprehend an armed or fleeing suspect.

- 1 (3) Prevent the destruction of evidence.
- 2 (4) Address an emergency or other dangerous situation.
- 3 (Source: P.A. 101-478, eff. 8-23-19; revised 8-24-20.)

4 (105 ILCS 5/24A-7) (from Ch. 122, par. 24A-7)

5 Sec. 24A-7. Rules. The State Board of Education is
6 authorized to adopt such rules as are deemed necessary to
7 implement and accomplish the purposes and provisions of this
8 Article, including, but not limited to, rules:

9 (1) ~~(i)~~ relating to the methods for measuring student
10 growth (including, but not limited to, limitations on the
11 age of usable ~~useable~~ data; the amount of data needed to
12 reliably and validly measure growth for the purpose of
13 teacher and principal evaluations; and whether and at what
14 time annual State assessments may be used as one of
15 multiple measures of student growth);

16 (2), ~~(ii)~~ defining the term "significant factor" for
17 purposes of including consideration of student growth in
18 performance ratings;

19 (3), ~~(iii)~~ controlling for such factors as student
20 characteristics (including, but not limited to, students
21 receiving special education and English ~~Language~~ Learner
22 services), student attendance, and student mobility so as
23 to best measure the impact that a teacher, principal,
24 school and school district has on students' academic
25 achievement;

1 (4), ~~(iv)~~ establishing minimum requirements for
2 district teacher and principal evaluation instruments and
3 procedures; ~~and~~

4 (5) ~~(v)~~ establishing a model evaluation plan for use
5 by school districts in which student growth shall comprise
6 50% of the performance rating.

7 Notwithstanding any other provision in this Section, such
8 rules shall not preclude a school district having 500,000 or
9 more inhabitants from using an annual State assessment as the
10 sole measure of student growth for purposes of teacher or
11 principal evaluations.

12 The State Superintendent of Education shall convene a
13 Performance Evaluation Advisory Council, which shall be
14 staffed by the State Board of Education. Members of the
15 Council shall be selected by the State Superintendent and
16 include, without limitation, representatives of teacher unions
17 and school district management, persons with expertise in
18 performance evaluation processes and systems, as well as other
19 stakeholders. The Council shall meet at least quarterly, ~~and~~
20 may also meet at the call of the chairperson of the Council,
21 following August 18, 2017 (the effective date of Public Act
22 100-211) ~~this amendatory Act of the 100th General Assembly~~
23 until June 30, 2021. The Council shall advise the State Board
24 of Education on the ongoing implementation of performance
25 evaluations in this State, which may include gathering public
26 feedback, sharing best practices, consulting with the State

1 Board on any proposed rule changes regarding evaluations, and
2 other subjects as determined by the chairperson of the
3 Council.

4 Prior to the applicable implementation date, these rules
5 shall not apply to teachers assigned to schools identified in
6 an agreement entered into between the board of a school
7 district operating under Article 34 of this Code and the
8 exclusive representative of the district's teachers in
9 accordance with Section 34-85c of this Code.

10 (Source: P.A. 100-211, eff. 8-18-17; revised 7-15-19.)

11 (105 ILCS 5/27-23.13)

12 Sec. 27-23.13. Hunting safety. A school district may offer
13 its students a course on hunting safety as part of its
14 curriculum during the school day or as part of an after-school
15 program. The State Board of Education may prepare and make
16 available to school boards resources on hunting safety that
17 may be used as guidelines for the development of a course under
18 this Section.

19 (Source: P.A. 101-152, eff. 7-26-19.)

20 (105 ILCS 5/27-23.14)

21 Sec. 27-23.14 ~~27-23.13~~. Workplace preparation course. A
22 school district that maintains any of grades 9 through 12 may
23 include in its high school curriculum a unit of instruction on
24 workplace preparation that covers legal protections in the

1 workplace, including protection against sexual harassment and
2 racial and other forms of discrimination and other protections
3 for employees. A school board may determine the minimum amount
4 of instruction time that qualifies as a unit of instruction
5 under this Section.

6 (Source: P.A. 101-347, eff. 1-1-20; revised 9-25-19.)

7 (105 ILCS 5/27-24.1) (from Ch. 122, par. 27-24.1)

8 Sec. 27-24.1. Definitions. As used in the Driver Education
9 Act unless the context otherwise requires:

10 "State Board" means the State Board of Education.+

11 "Driver education course" and "course" means a course of
12 instruction in the use and operation of cars, including
13 instruction in the safe operation of cars and rules of the road
14 and the laws of this State relating to motor vehicles, which
15 meets the minimum requirements of this Act and the rules and
16 regulations issued thereunder by the State Board and has been
17 approved by the State Board as meeting such requirements.+

18 "Car" means a motor vehicle of the first division as
19 defined in the Illinois Vehicle Code.+

20 "Motorcycle" or "motor driven cycle" means such a vehicle
21 as defined in the Illinois Vehicle Code.+

22 "Driver's license" means any license or permit issued by
23 the Secretary of State under Chapter 6 of the Illinois Vehicle
24 Code.

25 "Distance learning program" means a program of study in

1 which all participating teachers and students do not
2 physically meet in the classroom and instead use the Internet,
3 email, or any other method other than the classroom to provide
4 instruction.

5 With reference to persons, the singular number includes
6 the plural and vice versa, and the masculine gender includes
7 the feminine.

8 (Source: P.A. 101-183, eff. 8-2-19; revised 9-26-19.)

9 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

10 Sec. 27-24.2. Safety education; driver education course.
11 Instruction shall be given in safety education in each of
12 grades one through 8, equivalent to one class period each
13 week, and any school district which maintains grades 9 through
14 12 shall offer a driver education course in any such school
15 which it operates. Its curriculum shall include content
16 dealing with Chapters 11, 12, 13, 15, and 16 of the Illinois
17 Vehicle Code, the rules adopted pursuant to those Chapters
18 insofar as they pertain to the operation of motor vehicles,
19 and the portions of the Litter Control Act relating to the
20 operation of motor vehicles. The course of instruction given
21 in grades 10 through 12 shall include an emphasis on the
22 development of knowledge, attitudes, habits, and skills
23 necessary for the safe operation of motor vehicles, including
24 motorcycles insofar as they can be taught in the classroom,
25 and instruction on distracted driving as a major traffic

1 safety issue. In addition, the course shall include
2 instruction on special hazards existing at and required safety
3 and driving precautions that must be observed at emergency
4 situations, highway construction and maintenance zones, and
5 railroad crossings and the approaches thereto. Beginning with
6 the 2017-2018 school year, the course shall also include
7 instruction concerning law enforcement procedures for traffic
8 stops, including a demonstration of the proper actions to be
9 taken during a traffic stop and appropriate interactions with
10 law enforcement. The course of instruction required of each
11 eligible student at the high school level shall consist of a
12 minimum of 30 clock hours of classroom instruction and a
13 minimum of 6 clock hours of individual behind-the-wheel
14 instruction in a dual control car on public roadways taught by
15 a driver education instructor endorsed by the State Board of
16 Education. A school district's decision to allow a student to
17 take a portion of the driver education course through a
18 distance learning program must be determined on a case-by-case
19 basis and must be approved by the school's administration,
20 including the student's driver education teacher, and the
21 student's parent or guardian. Under no circumstances may the
22 student take the entire driver education course through a
23 distance learning program. Both the classroom instruction part
24 and the practice driving part of a driver education course
25 shall be open to a resident or non-resident student attending
26 a non-public school in the district wherein the course is

1 offered. Each student attending any public or non-public high
2 school in the district must receive a passing grade in at least
3 8 courses during the previous 2 semesters prior to enrolling
4 in a driver education course, or the student shall not be
5 permitted to enroll in the course; provided that the local
6 superintendent of schools (with respect to a student attending
7 a public high school in the district) or chief school
8 administrator (with respect to a student attending a
9 non-public high school in the district) may waive the
10 requirement if the superintendent or chief school
11 administrator, as the case may be, deems it to be in the best
12 interest of the student. A student may be allowed to commence
13 the classroom instruction part of such driver education course
14 prior to reaching age 15 if such student then will be eligible
15 to complete the entire course within 12 months after being
16 allowed to commence such classroom instruction.

17 A school district may offer a driver education course in a
18 school by contracting with a commercial driver training school
19 to provide both the classroom instruction part and the
20 practice driving part or either one without having to request
21 a modification or waiver of administrative rules of the State
22 Board of Education if the school district approves the action
23 during a public hearing on whether to enter into a contract
24 with a commercial driver training school. The public hearing
25 shall be held at a regular or special school board meeting
26 prior to entering into such a contract. If a school district

1 chooses to approve a contract with a commercial driver
2 training school, then the district must provide evidence to
3 the State Board of Education that the commercial driver
4 training school with which it will contract holds a license
5 issued by the Secretary of State under Article IV of Chapter 6
6 of the Illinois Vehicle Code and that each instructor employed
7 by the commercial driver training school to provide
8 instruction to students served by the school district holds a
9 valid teaching license issued under the requirements of this
10 Code and rules of the State Board of Education. Such evidence
11 must include, but need not be limited to, a list of each
12 instructor assigned to teach students served by the school
13 district, which list shall include the instructor's name,
14 personal identification number as required by the State Board
15 of Education, birth date, and driver's license number. Once
16 the contract is entered into, the school district shall notify
17 the State Board of Education of any changes in the personnel
18 providing instruction either (i) within 15 calendar days after
19 an instructor leaves the program or (ii) before a new
20 instructor is hired. Such notification shall include the
21 instructor's name, personal identification number as required
22 by the State Board of Education, birth date, and driver's
23 license number. If the school district maintains an Internet
24 website, then the district shall post a copy of the final
25 contract between the district and the commercial driver
26 training school on the district's Internet website. If no

1 Internet website exists, then the school district shall make
2 available the contract upon request. A record of all materials
3 in relation to the contract must be maintained by the school
4 district and made available to parents and guardians upon
5 request. The instructor's date of birth and driver's license
6 number and any other personally identifying information as
7 deemed by the federal Driver's Privacy Protection Act of 1994
8 must be redacted from any public materials.

9 Such a course may be commenced immediately after the
10 completion of a prior course. Teachers of such courses shall
11 meet the licensure requirements of this Code and regulations
12 of the State Board as to qualifications. Except for a contract
13 with a Certified Driver Rehabilitation Specialist, a school
14 district that contracts with a third party to teach a driver
15 education course under this Section must ensure the teacher
16 meets the educator licensure and endorsement requirements
17 under Article 21B and must follow the same evaluation and
18 observation requirements that apply to non-tenured teachers
19 under Article 24A. The teacher evaluation must be conducted by
20 a school administrator employed by the school district and
21 must be submitted annually to the district superintendent and
22 all school board members for oversight purposes.

23 Subject to rules of the State Board of Education, the
24 school district may charge a reasonable fee, not to exceed
25 \$50, to students who participate in the course, unless a
26 student is unable to pay for such a course, in which event the

1 fee for such a student must be waived. However, the district
2 may increase this fee to an amount not to exceed \$250 by school
3 board resolution following a public hearing on the increase,
4 which increased fee must be waived for students who
5 participate in the course and are unable to pay for the course.
6 The total amount from driver education fees and reimbursement
7 from the State for driver education must not exceed the total
8 cost of the driver education program in any year and must be
9 deposited into the school district's driver education fund as
10 a separate line item budget entry. All moneys deposited into
11 the school district's driver education fund must be used
12 solely for the funding of a high school driver education
13 program approved by the State Board of Education that uses
14 driver education instructors endorsed by the State Board of
15 Education.

16 (Source: P.A. 100-465, eff. 8-31-17; 101-183, eff. 8-2-19;
17 101-450, eff. 8-23-19; revised 9-19-19.)

18 (105 ILCS 5/27A-5)

19 Sec. 27A-5. Charter school; legal entity; requirements.

20 (a) A charter school shall be a public, nonsectarian,
21 nonreligious, non-home based, and non-profit school. A charter
22 school shall be organized and operated as a nonprofit
23 corporation or other discrete, legal, nonprofit entity
24 authorized under the laws of the State of Illinois.

25 (b) A charter school may be established under this Article

1 by creating a new school or by converting an existing public
2 school or attendance center to charter school status.
3 Beginning on April 16, 2003 (the effective date of Public Act
4 93-3), in all new applications to establish a charter school
5 in a city having a population exceeding 500,000, operation of
6 the charter school shall be limited to one campus. The changes
7 made to this Section by Public Act 93-3 do not apply to charter
8 schools existing or approved on or before April 16, 2003 (the
9 effective date of Public Act 93-3).

10 (b-5) In this subsection (b-5), "virtual-schooling" means
11 a cyber school where students engage in online curriculum and
12 instruction via the Internet and electronic communication with
13 their teachers at remote locations and with students
14 participating at different times.

15 From April 1, 2013 through December 31, 2016, there is a
16 moratorium on the establishment of charter schools with
17 virtual-schooling components in school districts other than a
18 school district organized under Article 34 of this Code. This
19 moratorium does not apply to a charter school with
20 virtual-schooling components existing or approved prior to
21 April 1, 2013 or to the renewal of the charter of a charter
22 school with virtual-schooling components already approved
23 prior to April 1, 2013.

24 (c) A charter school shall be administered and governed by
25 its board of directors or other governing body in the manner
26 provided in its charter. The governing body of a charter

1 school shall be subject to the Freedom of Information Act and
2 the Open Meetings Act. No later than January 1, 2021 (one year
3 after the effective date of Public Act 101-291) ~~this~~
4 ~~amendatory Act of the 101st General Assembly~~, a charter
5 school's board of directors or other governing body must
6 include at least one parent or guardian of a pupil currently
7 enrolled in the charter school who may be selected through the
8 charter school or a charter network election, appointment by
9 the charter school's board of directors or other governing
10 body, or by the charter school's Parent Teacher Organization
11 or its equivalent.

12 (c-5) No later than January 1, 2021 (one year after the
13 effective date of Public Act 101-291) ~~this amendatory Act of~~
14 ~~the 101st General Assembly~~ or within the first year of his or
15 her first term, every voting member of a charter school's
16 board of directors or other governing body shall complete a
17 minimum of 4 hours of professional development leadership
18 training to ensure that each member has sufficient familiarity
19 with the board's or governing body's role and
20 responsibilities, including financial oversight and
21 accountability of the school, evaluating the principal's and
22 school's performance, adherence to the Freedom of Information
23 Act and the Open Meetings Act ~~Acts~~, and compliance with
24 education and labor law. In each subsequent year of his or her
25 term, a voting member of a charter school's board of directors
26 or other governing body shall complete a minimum of 2 hours of

1 professional development training in these same areas. The
2 training under this subsection may be provided or certified by
3 a statewide charter school membership association or may be
4 provided or certified by other qualified providers approved by
5 the State Board of Education.

6 (d) For purposes of this subsection (d), "non-curricular
7 health and safety requirement" means any health and safety
8 requirement created by statute or rule to provide, maintain,
9 preserve, or safeguard safe or healthful conditions for
10 students and school personnel or to eliminate, reduce, or
11 prevent threats to the health and safety of students and
12 school personnel. "Non-curricular health and safety
13 requirement" does not include any course of study or
14 specialized instructional requirement for which the State
15 Board has established goals and learning standards or which is
16 designed primarily to impart knowledge and skills for students
17 to master and apply as an outcome of their education.

18 A charter school shall comply with all non-curricular
19 health and safety requirements applicable to public schools
20 under the laws of the State of Illinois. On or before September
21 1, 2015, the State Board shall promulgate and post on its
22 Internet website a list of non-curricular health and safety
23 requirements that a charter school must meet. The list shall
24 be updated annually no later than September 1. Any charter
25 contract between a charter school and its authorizer must
26 contain a provision that requires the charter school to follow

1 the list of all non-curricular health and safety requirements
2 promulgated by the State Board and any non-curricular health
3 and safety requirements added by the State Board to such list
4 during the term of the charter. Nothing in this subsection (d)
5 precludes an authorizer from including non-curricular health
6 and safety requirements in a charter school contract that are
7 not contained in the list promulgated by the State Board,
8 including non-curricular health and safety requirements of the
9 authorizing local school board.

10 (e) Except as otherwise provided in the School Code, a
11 charter school shall not charge tuition; provided that a
12 charter school may charge reasonable fees for textbooks,
13 instructional materials, and student activities.

14 (f) A charter school shall be responsible for the
15 management and operation of its fiscal affairs including, but
16 not limited to, the preparation of its budget. An audit of each
17 charter school's finances shall be conducted annually by an
18 outside, independent contractor retained by the charter
19 school. To ensure financial accountability for the use of
20 public funds, on or before December 1 of every year of
21 operation, each charter school shall submit to its authorizer
22 and the State Board a copy of its audit and a copy of the Form
23 990 the charter school filed that year with the federal
24 Internal Revenue Service. In addition, if deemed necessary for
25 proper financial oversight of the charter school, an
26 authorizer may require quarterly financial statements from

1 each charter school.

2 (g) A charter school shall comply with all provisions of
3 this Article, the Illinois Educational Labor Relations Act,
4 all federal and State laws and rules applicable to public
5 schools that pertain to special education and the instruction
6 of English learners, and its charter. A charter school is
7 exempt from all other State laws and regulations in this Code
8 governing public schools and local school board policies;
9 however, a charter school is not exempt from the following:

10 (1) Sections 10-21.9 and 34-18.5 of this Code
11 regarding criminal history records checks and checks of
12 the Statewide Sex Offender Database and Statewide Murderer
13 and Violent Offender Against Youth Database of applicants
14 for employment;

15 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
16 34-84a of this Code regarding discipline of students;

17 (3) the Local Governmental and Governmental Employees
18 Tort Immunity Act;

19 (4) Section 108.75 of the General Not For Profit
20 Corporation Act of 1986 regarding indemnification of
21 officers, directors, employees, and agents;

22 (5) the Abused and Neglected Child Reporting Act;

23 (5.5) subsection (b) of Section 10-23.12 and
24 subsection (b) of Section 34-18.6 of this Code;

25 (6) the Illinois School Student Records Act;

26 (7) Section 10-17a of this Code regarding school

1 report cards;

2 (8) the P-20 Longitudinal Education Data System Act;

3 (9) Section 27-23.7 of this Code regarding bullying
4 prevention;

5 (10) Section 2-3.162 of this Code regarding student
6 discipline reporting;

7 (11) Sections 22-80 and 27-8.1 of this Code;

8 (12) Sections 10-20.60 and 34-18.53 of this Code;

9 (13) Sections 10-20.63 and 34-18.56 of this Code;

10 (14) Section 26-18 of this Code;

11 (15) Section 22-30 of this Code; ~~and~~

12 (16) Sections 24-12 and 34-85 of this Code; and-

13 (17) the ~~(16) The~~ Seizure Smart School Act.

14 The change made by Public Act 96-104 to this subsection
15 (g) is declaratory of existing law.

16 (h) A charter school may negotiate and contract with a
17 school district, the governing body of a State college or
18 university or public community college, or any other public or
19 for-profit or nonprofit private entity for: (i) the use of a
20 school building and grounds or any other real property or
21 facilities that the charter school desires to use or convert
22 for use as a charter school site, (ii) the operation and
23 maintenance thereof, and (iii) the provision of any service,
24 activity, or undertaking that the charter school is required
25 to perform in order to carry out the terms of its charter.
26 However, a charter school that is established on or after

1 April 16, 2003 (the effective date of Public Act 93-3) and that
2 operates in a city having a population exceeding 500,000 may
3 not contract with a for-profit entity to manage or operate the
4 school during the period that commences on April 16, 2003 (the
5 effective date of Public Act 93-3) and concludes at the end of
6 the 2004-2005 school year. Except as provided in subsection
7 (i) of this Section, a school district may charge a charter
8 school reasonable rent for the use of the district's
9 buildings, grounds, and facilities. Any services for which a
10 charter school contracts with a school district shall be
11 provided by the district at cost. Any services for which a
12 charter school contracts with a local school board or with the
13 governing body of a State college or university or public
14 community college shall be provided by the public entity at
15 cost.

16 (i) In no event shall a charter school that is established
17 by converting an existing school or attendance center to
18 charter school status be required to pay rent for space that is
19 deemed available, as negotiated and provided in the charter
20 agreement, in school district facilities. However, all other
21 costs for the operation and maintenance of school district
22 facilities that are used by the charter school shall be
23 subject to negotiation between the charter school and the
24 local school board and shall be set forth in the charter.

25 (j) A charter school may limit student enrollment by age
26 or grade level.

1 (k) If the charter school is approved by the State Board or
2 Commission, then the charter school is its own local education
3 agency.

4 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
5 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
6 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
7 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
8 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

9 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

10 Sec. 34-18. Powers of the board. The board shall exercise
11 general supervision and jurisdiction over the public education
12 and the public school system of the city, and, except as
13 otherwise provided by this Article, shall have power:

14 1. To make suitable provision for the establishment
15 and maintenance throughout the year or for such portion
16 thereof as it may direct, not less than 9 months and in
17 compliance with Section 10-19.05, of schools of all grades
18 and kinds, including normal schools, high schools, night
19 schools, schools for defectives and delinquents, parental
20 and truant schools, schools for the blind, the deaf, and
21 persons with physical disabilities, schools or classes in
22 manual training, constructural and vocational teaching,
23 domestic arts, and physical culture, vocation and
24 extension schools and lecture courses, and all other
25 educational courses and facilities, including

1 establishing, equipping, maintaining and operating
2 playgrounds and recreational programs, when such programs
3 are conducted in, adjacent to, or connected with any
4 public school under the general supervision and
5 jurisdiction of the board; provided that the calendar for
6 the school term and any changes must be submitted to and
7 approved by the State Board of Education before the
8 calendar or changes may take effect, and provided that in
9 allocating funds from year to year for the operation of
10 all attendance centers within the district, the board
11 shall ensure that supplemental general State aid or
12 supplemental grant funds are allocated and applied in
13 accordance with Section 18-8, 18-8.05, or 18-8.15. To
14 admit to such schools without charge foreign exchange
15 students who are participants in an organized exchange
16 student program which is authorized by the board. The
17 board shall permit all students to enroll in
18 apprenticeship programs in trade schools operated by the
19 board, whether those programs are union-sponsored or not.
20 No student shall be refused admission into or be excluded
21 from any course of instruction offered in the common
22 schools by reason of that student's sex. No student shall
23 be denied equal access to physical education and
24 interscholastic athletic programs supported from school
25 district funds or denied participation in comparable
26 physical education and athletic programs solely by reason

1 of the student's sex. Equal access to programs supported
2 from school district funds and comparable programs will be
3 defined in rules promulgated by the State Board of
4 Education in consultation with the Illinois High School
5 Association. Notwithstanding any other provision of this
6 Article, neither the board of education nor any local
7 school council or other school official shall recommend
8 that children with disabilities be placed into regular
9 education classrooms unless those children with
10 disabilities are provided with supplementary services to
11 assist them so that they benefit from the regular
12 classroom instruction and are included on the teacher's
13 regular education class register;

14 2. To furnish lunches to pupils, to make a reasonable
15 charge therefor, and to use school funds for the payment
16 of such expenses as the board may determine are necessary
17 in conducting the school lunch program;

18 3. To co-operate with the circuit court;

19 4. To make arrangements with the public or
20 quasi-public libraries and museums for the use of their
21 facilities by teachers and pupils of the public schools;

22 5. To employ dentists and prescribe their duties for
23 the purpose of treating the pupils in the schools, but
24 accepting such treatment shall be optional with parents or
25 guardians;

26 6. To grant the use of assembly halls and classrooms

1 when not otherwise needed, including light, heat, and
2 attendants, for free public lectures, concerts, and other
3 educational and social interests, free of charge, under
4 such provisions and control as the principal of the
5 affected attendance center may prescribe;

6 7. To apportion the pupils to the several schools;
7 provided that no pupil shall be excluded from or
8 segregated in any such school on account of his color,
9 race, sex, or nationality. The board shall take into
10 consideration the prevention of segregation and the
11 elimination of separation of children in public schools
12 because of color, race, sex, or nationality. Except that
13 children may be committed to or attend parental and social
14 adjustment schools established and maintained either for
15 boys or girls only. All records pertaining to the
16 creation, alteration or revision of attendance areas shall
17 be open to the public. Nothing herein shall limit the
18 board's authority to establish multi-area attendance
19 centers or other student assignment systems for
20 desegregation purposes or otherwise, and to apportion the
21 pupils to the several schools. Furthermore, beginning in
22 school year 1994-95, pursuant to a board plan adopted by
23 October 1, 1993, the board shall offer, commencing on a
24 phased-in basis, the opportunity for families within the
25 school district to apply for enrollment of their children
26 in any attendance center within the school district which

1 does not have selective admission requirements approved by
2 the board. The appropriate geographical area in which such
3 open enrollment may be exercised shall be determined by
4 the board of education. Such children may be admitted to
5 any such attendance center on a space available basis
6 after all children residing within such attendance
7 center's area have been accommodated. If the number of
8 applicants from outside the attendance area exceed the
9 space available, then successful applicants shall be
10 selected by lottery. The board of education's open
11 enrollment plan must include provisions that allow
12 low-income ~~low-income~~ students to have access to
13 transportation needed to exercise school choice. Open
14 enrollment shall be in compliance with the provisions of
15 the Consent Decree and Desegregation Plan cited in Section
16 34-1.01;

17 8. To approve programs and policies for providing
18 transportation services to students. Nothing herein shall
19 be construed to permit or empower the State Board of
20 Education to order, mandate, or require busing or other
21 transportation of pupils for the purpose of achieving
22 racial balance in any school;

23 9. Subject to the limitations in this Article, to
24 establish and approve system-wide curriculum objectives
25 and standards, including graduation standards, which
26 reflect the multi-cultural diversity in the city and are

1 consistent with State law, provided that for all purposes
2 of this Article courses or proficiency in American Sign
3 Language shall be deemed to constitute courses or
4 proficiency in a foreign language; and to employ
5 principals and teachers, appointed as provided in this
6 Article, and fix their compensation. The board shall
7 prepare such reports related to minimal competency testing
8 as may be requested by the State Board of Education⁷ and₁
9 in addition₁ shall monitor and approve special education
10 and bilingual education programs and policies within the
11 district to ensure ~~assure~~ that appropriate services are
12 provided in accordance with applicable State and federal
13 laws to children requiring services and education in those
14 areas;

15 10. To employ non-teaching personnel or utilize
16 volunteer personnel for: (i) non-teaching duties not
17 requiring instructional judgment or evaluation of pupils,
18 including library duties; and (ii) supervising study
19 halls, long distance teaching reception areas used
20 incident to instructional programs transmitted by
21 electronic media such as computers, video, and audio,
22 detention and discipline areas, and school-sponsored
23 extracurricular activities. The board may further utilize
24 volunteer non-certificated personnel or employ
25 non-certificated personnel to assist in the instruction of
26 pupils under the immediate supervision of a teacher

1 holding a valid certificate, directly engaged in teaching
2 subject matter or conducting activities; provided that the
3 teacher shall be continuously aware of the
4 non-certificated persons' activities and shall be able to
5 control or modify them. The general superintendent shall
6 determine qualifications of such personnel and shall
7 prescribe rules for determining the duties and activities
8 to be assigned to such personnel;

9 10.5. To utilize volunteer personnel from a regional
10 School Crisis Assistance Team (S.C.A.T.), created as part
11 of the Safe to Learn Program established pursuant to
12 Section 25 of the Illinois Violence Prevention Act of
13 1995, to provide assistance to schools in times of
14 violence or other traumatic incidents within a school
15 community by providing crisis intervention services to
16 lessen the effects of emotional trauma on individuals and
17 the community; the School Crisis Assistance Team Steering
18 Committee shall determine the qualifications for
19 volunteers;

20 11. To provide television studio facilities in not to
21 exceed one school building and to provide programs for
22 educational purposes, provided, however, that the board
23 shall not construct, acquire, operate, or maintain a
24 television transmitter; to grant the use of its studio
25 facilities to a licensed television station located in the
26 school district; and to maintain and operate not to exceed

1 one school radio transmitting station and provide programs
2 for educational purposes;

3 12. To offer, if deemed appropriate, outdoor education
4 courses, including field trips within the State of
5 Illinois, or adjacent states, and to use school
6 educational funds for the expense of the said outdoor
7 educational programs, whether within the school district
8 or not;

9 13. During that period of the calendar year not
10 embraced within the regular school term, to provide and
11 conduct courses in subject matters normally embraced in
12 the program of the schools during the regular school term
13 and to give regular school credit for satisfactory
14 completion by the student of such courses as may be
15 approved for credit by the State Board of Education;

16 14. To insure against any loss or liability of the
17 board, the former School Board Nominating Commission,
18 Local School Councils, the Chicago Schools Academic
19 Accountability Council, or the former Subdistrict Councils
20 or of any member, officer, agent, or employee thereof,
21 resulting from alleged violations of civil rights arising
22 from incidents occurring on or after September 5, 1967 or
23 from the wrongful or negligent act or omission of any such
24 person whether occurring within or without the school
25 premises, provided the officer, agent, or employee was, at
26 the time of the alleged violation of civil rights or

1 wrongful act or omission, acting within the scope of his
2 or her employment or under direction of the board, the
3 former School Board Nominating Commission, the Chicago
4 Schools Academic Accountability Council, Local School
5 Councils, or the former Subdistrict Councils; and to
6 provide for or participate in insurance plans for its
7 officers and employees, including, but not limited to,
8 retirement annuities, medical, surgical and
9 hospitalization benefits in such types and amounts as may
10 be determined by the board; provided, however, that the
11 board shall contract for such insurance only with an
12 insurance company authorized to do business in this State.
13 Such insurance may include provision for employees who
14 rely on treatment by prayer or spiritual means alone for
15 healing, in accordance with the tenets and practice of a
16 recognized religious denomination;

17 15. To contract with the corporate authorities of any
18 municipality or the county board of any county, as the
19 case may be, to provide for the regulation of traffic in
20 parking areas of property used for school purposes, in
21 such manner as is provided by Section 11-209 of the ~~The~~
22 Illinois Vehicle Code, ~~approved September 29, 1969, as~~
23 ~~amended;~~

24 16. (a) To provide, on an equal basis, access to a high
25 school campus and student directory information to the
26 official recruiting representatives of the armed forces of

1 Illinois and the United States for the purposes of
2 informing students of the educational and career
3 opportunities available in the military if the board has
4 provided such access to persons or groups whose purpose is
5 to acquaint students with educational or occupational
6 opportunities available to them. The board is not required
7 to give greater notice regarding the right of access to
8 recruiting representatives than is given to other persons
9 and groups. In this paragraph 16, "directory information"
10 means a high school student's name, address, and telephone
11 number.

12 (b) If a student or his or her parent or guardian
13 submits a signed, written request to the high school
14 before the end of the student's sophomore year (or if the
15 student is a transfer student, by another time set by the
16 high school) that indicates that the student or his or her
17 parent or guardian does not want the student's directory
18 information to be provided to official recruiting
19 representatives under subsection (a) of this Section, the
20 high school may not provide access to the student's
21 directory information to these recruiting representatives.
22 The high school shall notify its students and their
23 parents or guardians of the provisions of this subsection
24 (b).

25 (c) A high school may require official recruiting
26 representatives of the armed forces of Illinois and the

1 United States to pay a fee for copying and mailing a
2 student's directory information in an amount that is not
3 more than the actual costs incurred by the high school.

4 (d) Information received by an official recruiting
5 representative under this Section may be used only to
6 provide information to students concerning educational and
7 career opportunities available in the military and may not
8 be released to a person who is not involved in recruiting
9 students for the armed forces of Illinois or the United
10 States;

11 17. (a) To sell or market any computer program
12 developed by an employee of the school district, provided
13 that such employee developed the computer program as a
14 direct result of his or her duties with the school
15 district or through the utilization of ~~the~~ school district
16 resources or facilities. The employee who developed the
17 computer program shall be entitled to share in the
18 proceeds of such sale or marketing of the computer
19 program. The distribution of such proceeds between the
20 employee and the school district shall be as agreed upon
21 by the employee and the school district, except that
22 neither the employee nor the school district may receive
23 more than 90% of such proceeds. The negotiation for an
24 employee who is represented by an exclusive bargaining
25 representative may be conducted by such bargaining
26 representative at the employee's request.

1 (b) For the purpose of this paragraph 17:

2 (1) "Computer" means an internally programmed,
3 general purpose digital device capable of
4 automatically accepting data, processing data and
5 supplying the results of the operation.

6 (2) "Computer program" means a series of coded
7 instructions or statements in a form acceptable to a
8 computer, which causes the computer to process data in
9 order to achieve a certain result.

10 (3) "Proceeds" means profits derived from the
11 marketing or sale of a product after deducting the
12 expenses of developing and marketing such product;

13 18. To delegate to the general superintendent of
14 schools, by resolution, the authority to approve contracts
15 and expenditures in amounts of \$10,000 or less;

16 19. Upon the written request of an employee, to
17 withhold from the compensation of that employee any dues,
18 payments, or contributions payable by such employee to any
19 labor organization as defined in the Illinois Educational
20 Labor Relations Act. Under such arrangement, an amount
21 shall be withheld from each regular payroll period which
22 is equal to the pro rata share of the annual dues plus any
23 payments or contributions, and the board shall transmit
24 such withholdings to the specified labor organization
25 within 10 working days from the time of the withholding;

26 19a. Upon receipt of notice from the comptroller of a

1 municipality with a population of 500,000 or more, a
2 county with a population of 3,000,000 or more, the Cook
3 County Forest Preserve District, the Chicago Park
4 District, the Metropolitan Water Reclamation District, the
5 Chicago Transit Authority, or a housing authority of a
6 municipality with a population of 500,000 or more that a
7 debt is due and owing the municipality, the county, the
8 Cook County Forest Preserve District, the Chicago Park
9 District, the Metropolitan Water Reclamation District, the
10 Chicago Transit Authority, or the housing authority by an
11 employee of the Chicago Board of Education, to withhold,
12 from the compensation of that employee, the amount of the
13 debt that is due and owing and pay the amount withheld to
14 the municipality, the county, the Cook County Forest
15 Preserve District, the Chicago Park District, the
16 Metropolitan Water Reclamation District, the Chicago
17 Transit Authority, or the housing authority; provided,
18 however, that the amount deducted from any one salary or
19 wage payment shall not exceed 25% of the net amount of the
20 payment. Before the Board deducts any amount from any
21 salary or wage of an employee under this paragraph, the
22 municipality, the county, the Cook County Forest Preserve
23 District, the Chicago Park District, the Metropolitan
24 Water Reclamation District, the Chicago Transit Authority,
25 or the housing authority shall certify that (i) the
26 employee has been afforded an opportunity for a hearing to

1 dispute the debt that is due and owing the municipality,
2 the county, the Cook County Forest Preserve District, the
3 Chicago Park District, the Metropolitan Water Reclamation
4 District, the Chicago Transit Authority, or the housing
5 authority and (ii) the employee has received notice of a
6 wage deduction order and has been afforded an opportunity
7 for a hearing to object to the order. For purposes of this
8 paragraph, "net amount" means that part of the salary or
9 wage payment remaining after the deduction of any amounts
10 required by law to be deducted and "debt due and owing"
11 means (i) a specified sum of money owed to the
12 municipality, the county, the Cook County Forest Preserve
13 District, the Chicago Park District, the Metropolitan
14 Water Reclamation District, the Chicago Transit Authority,
15 or the housing authority for services, work, or goods,
16 after the period granted for payment has expired, or (ii)
17 a specified sum of money owed to the municipality, the
18 county, the Cook County Forest Preserve District, the
19 Chicago Park District, the Metropolitan Water Reclamation
20 District, the Chicago Transit Authority, or the housing
21 authority pursuant to a court order or order of an
22 administrative hearing officer after the exhaustion of, or
23 the failure to exhaust, judicial review;

24 20. The board is encouraged to employ a sufficient
25 number of certified school counselors to maintain a
26 student/counselor ratio of 250 to 1 by July 1, 1990. Each

1 counselor shall spend at least 75% of his work time in
2 direct contact with students and shall maintain a record
3 of such time;

4 21. To make available to students vocational and
5 career counseling and to establish 5 special career
6 counseling days for students and parents. On these days
7 representatives of local businesses and industries shall
8 be invited to the school campus and shall inform students
9 of career opportunities available to them in the various
10 businesses and industries. Special consideration shall be
11 given to counseling minority students as to career
12 opportunities available to them in various fields. For the
13 purposes of this paragraph, minority student means a
14 person who is any of the following:

15 (a) American Indian or Alaska Native (a person having
16 origins in any of the original peoples of North and South
17 America, including Central America, and who maintains
18 tribal affiliation or community attachment).

19 (b) Asian (a person having origins in any of the
20 original peoples of the Far East, Southeast Asia, or the
21 Indian subcontinent, including, but not limited to,
22 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
23 the Philippine Islands, Thailand, and Vietnam).

24 (c) Black or African American (a person having origins
25 in any of the black racial groups of Africa). Terms such as
26 "Haitian" or "Negro" can be used in addition to "Black or

1 African American".

2 (d) Hispanic or Latino (a person of Cuban, Mexican,
3 Puerto Rican, South or Central American, or other Spanish
4 culture or origin, regardless of race).

5 (e) Native Hawaiian or Other Pacific Islander (a
6 person having origins in any of the original peoples of
7 Hawaii, Guam, Samoa, or other Pacific Islands).

8 Counseling days shall not be in lieu of regular school
9 days;

10 22. To report to the State Board of Education the
11 annual student dropout rate and number of students who
12 graduate from, transfer from, or otherwise leave bilingual
13 programs;

14 23. Except as otherwise provided in the Abused and
15 Neglected Child Reporting Act or other applicable State or
16 federal law, to permit school officials to withhold, from
17 any person, information on the whereabouts of any child
18 removed from school premises when the child has been taken
19 into protective custody as a victim of suspected child
20 abuse. School officials shall direct such person to the
21 Department of Children and Family Services or to the
22 local law enforcement agency, if appropriate;

23 24. To develop a policy, based on the current state of
24 existing school facilities, projected enrollment, and
25 efficient utilization of available resources, for capital
26 improvement of schools and school buildings within the

1 district, addressing in that policy both the relative
2 priority for major repairs, renovations, and additions to
3 school facilities, and the advisability or necessity of
4 building new school facilities or closing existing schools
5 to meet current or projected demographic patterns within
6 the district;

7 25. To make available to the students in every high
8 school attendance center the ability to take all courses
9 necessary to comply with the Board of Higher Education's
10 college entrance criteria effective in 1993;

11 26. To encourage mid-career changes into the teaching
12 profession, whereby qualified professionals become
13 certified teachers, by allowing credit for professional
14 employment in related fields when determining point of
15 entry on the teacher pay scale;

16 27. To provide or contract out training programs for
17 administrative personnel and principals with revised or
18 expanded duties pursuant to this Code Act in order to
19 ensure ~~assure~~ they have the knowledge and skills to
20 perform their duties;

21 28. To establish a fund for the prioritized special
22 needs programs, and to allocate such funds and other lump
23 sum amounts to each attendance center in a manner
24 consistent with the provisions of part 4 of Section
25 34-2.3. Nothing in this paragraph shall be construed to
26 require any additional appropriations of State funds for

1 this purpose;

2 29. (Blank);

3 30. Notwithstanding any other provision of this Act or
4 any other law to the contrary, to contract with third
5 parties for services otherwise performed by employees,
6 including those in a bargaining unit, and to layoff those
7 employees upon 14 days written notice to the affected
8 employees. Those contracts may be for a period not to
9 exceed 5 years and may be awarded on a system-wide basis.
10 The board may not operate more than 30 contract schools,
11 provided that the board may operate an additional 5
12 contract turnaround schools pursuant to item (5.5) of
13 subsection (d) of Section 34-8.3 of this Code, and the
14 governing bodies of contract schools are subject to the
15 Freedom of Information Act and Open Meetings Act;

16 31. To promulgate rules establishing procedures
17 governing the layoff or reduction in force of employees
18 and the recall of such employees, including, but not
19 limited to, criteria for such layoffs, reductions in force
20 or recall rights of such employees and the weight to be
21 given to any particular criterion. Such criteria shall
22 take into account factors, including, but not ~~be~~ limited
23 to, qualifications, certifications, experience,
24 performance ratings or evaluations, and any other factors
25 relating to an employee's job performance;

26 32. To develop a policy to prevent nepotism in the

1 hiring of personnel or the selection of contractors;

2 33. (Blank); and

3 34. To establish a Labor Management Council to the
4 board comprised of representatives of the board, the chief
5 executive officer, and those labor organizations that are
6 the exclusive representatives of employees of the board
7 and to promulgate policies and procedures for the
8 operation of the Council.

9 The specifications of the powers herein granted are not to
10 be construed as exclusive, but the board shall also exercise
11 all other powers that ~~they~~ may be requisite or proper for the
12 maintenance and the development of a public school system, not
13 inconsistent with the other provisions of this Article or
14 provisions of this Code which apply to all school districts.

15 In addition to the powers herein granted and authorized to
16 be exercised by the board, it shall be the duty of the board to
17 review or to direct independent reviews of special education
18 expenditures and services. The board shall file a report of
19 such review with the General Assembly on or before May 1, 1990.
20 (Source: P.A. 100-465, eff. 8-31-17; 100-1046, eff. 8-23-18;
21 101-12, eff. 7-1-19; 101-88, eff. 1-1-20; revised 8-19-19.)

22 (105 ILCS 5/34-18.11) (from Ch. 122, par. 34-18.11)

23 Sec. 34-18.11. Tobacco prohibition. The Board of Education
24 shall prohibit the use of tobacco on school property when such
25 property is being used for any school purposes. Neither the

1 board nor the local school council may authorize or permit any
2 exception to or exemption from the prohibition at any place or
3 at any time, including without limitation outside of school
4 buildings or before or after the regular school day or on days
5 when school is not in session. "School purposes" include but
6 are not limited to all events or activities or other use of
7 school property that the school board or school officials
8 authorize or permit on school property, including without
9 limitation all interscholastic or extracurricular athletic,
10 academic or other events sponsored by the school board or in
11 which pupils of the district participate. For purposes of this
12 Section "tobacco" shall mean a cigarette, a cigar, or tobacco
13 in any other form, including smokeless tobacco which is any
14 loose, cut, shredded, ground, powdered, compressed or leaf
15 tobacco that is intended to be placed in the mouth without
16 being smoked.

17 (Source: P.A. 89-181, eff. 7-19-95; revised 8-21-20.)

18 (105 ILCS 5/34-18.61)

19 Sec. 34-18.61. Self-administration of ~~Self-administrating~~
20 medication.

21 (a) In this Section, "asthma action plan" has the meaning
22 given to that term under Section 22-30.

23 (b) Notwithstanding any other provision of law, the school
24 district must allow any student with an asthma action plan, an
25 Individual Health Care Action Plan, an Illinois Food Allergy

1 Emergency Action Plan and Treatment Authorization Form, a plan
2 pursuant to Section 504 of the federal Rehabilitation Act of
3 1973, or a plan pursuant to the federal Individuals with
4 Disabilities Education Act to self-administer any medication
5 required under those plans if the student's parent or guardian
6 provides the school district with (i) written permission for
7 the student's self-administration of medication and (ii)
8 written authorization from the student's physician, physician
9 assistant, or advanced practice registered nurse for the
10 student to self-administer the medication. A parent or
11 guardian must also provide to the school district the
12 prescription label for the medication, which must contain the
13 name of the medication, the prescribed dosage, and the time or
14 times at which or the circumstances under which the medication
15 is to be administered. Information received by the school
16 district under this subsection shall be kept on file in the
17 office of the school nurse or, in the absence of a school
18 nurse, the school's administrator.

19 (c) The school district must adopt an emergency action
20 plan for a student who self-administers medication under
21 subsection (b). The plan must include both of the following:

22 (1) A plan of action in the event a student is unable
23 to self-administer medication.

24 (2) The situations in which a school must call 9-1-1.

25 (d) The school district and its employees and agents shall
26 incur no liability, except for willful and wanton conduct, as

1 a result of any injury arising from the self-administration of
2 medication by a student under subsection (b). The student's
3 parent or guardian must sign a statement to this effect, which
4 must acknowledge that the parent or guardian must indemnify
5 and hold harmless the school district and its employees and
6 agents against any claims, except a claim based on willful and
7 wanton conduct, arising out of the self-administration of
8 medication by a student.

9 (Source: P.A. 101-205, eff. 1-1-20; revised 10-21-19.)

10 (105 ILCS 5/34-18.62)

11 Sec. 34-18.62 ~~34-18.61~~. Policy on sexual harassment. The
12 school district must create, maintain, and implement an
13 age-appropriate policy on sexual harassment that must be
14 posted on the school district's website and, if applicable,
15 any other area where policies, rules, and standards of conduct
16 are currently posted in each school and must also be included
17 in the school district's student code of conduct handbook.

18 (Source: P.A. 101-418, eff. 1-1-20; revised 10-21-19.)

19 (105 ILCS 5/34-18.63)

20 Sec. 34-18.63 ~~34-18.61~~. Class size reporting. No later
21 than November 16, 2020, and annually thereafter, the school
22 district must report to the State Board of Education
23 information on the school district described under subsection
24 (b) of Section 2-3.136a and must make that information

1 available on its website.

2 (Source: P.A. 101-451, eff. 1-1-20; revised 10-21-19.)

3 (105 ILCS 5/34-18.64)

4 Sec. 34-18.64 ~~34-18.61~~. Sexual abuse investigations at
5 schools. Every 2 years, the school district must review all
6 existing policies and procedures concerning sexual abuse
7 investigations at schools to ensure consistency with Section
8 22-85.

9 (Source: P.A. 101-531, eff. 8-23-19; revised 10-21-19.)

10 (105 ILCS 5/34-18.65)

11 Sec. 34-18.65 ~~34-18.61~~. Door security locking means.

12 (a) In this Section, "door security locking means" means a
13 door locking means intended for use by a trained school
14 district employee in a school building for the purpose of
15 preventing ingress through a door of the building.

16 (b) The school district may install a door security
17 locking means on a door of a school building to prevent
18 unwanted entry through the door if all of the following
19 requirements are met:

20 (1) The door security locking means can be engaged
21 without opening the door.

22 (2) The unlocking and unlatching of the door security
23 locking means from the occupied side of the door can be
24 accomplished without the use of a key or tool.

1 (3) The door security locking means complies with all
2 applicable State and federal accessibility requirements.

3 (4) Locks, if remotely engaged, can be unlocked from
4 the occupied side.

5 (5) The door security locking means is capable of
6 being disengaged from the outside by school district
7 employees, and school district employees may use a key or
8 other credentials to unlock the door from the outside.

9 (6) The door security locking means does not modify
10 the door-closing hardware, panic hardware, or fire exit
11 hardware.

12 (7) Any bolts, stops, brackets, or pins employed by
13 the door security locking means do not affect the fire
14 rating of a fire door assembly.

15 (8) School district employees are trained in the
16 engagement and release of the door security locking means,
17 from within and outside the room, as part of the emergency
18 response plan.

19 (9) For doors installed before July 1, 2019 only, the
20 unlocking and unlatching of a door security locking means
21 requires no more than 2 releasing operations. For doors
22 installed on or after July 1, 2019, the unlocking and
23 unlatching of a door security locking means requires no
24 more than one releasing operation. If doors installed
25 before July 1, 2019 are replaced on or after July 1, 2019,
26 the unlocking and unlatching of a door security locking

1 means on the replacement door requires no more than one
2 releasing operation.

3 (10) The door security locking means is no more than
4 48 inches above the finished floor.

5 (11) The door security locking means otherwise
6 complies with the school building code prepared by the
7 State Board of Education under Section 2-3.12.

8 The school district may install a door security locking
9 means that does not comply with paragraph (3) or (10) of this
10 subsection if (i) the school district meets all other
11 requirements under this subsection and (ii) prior to its
12 installation, local law enforcement officials, the local fire
13 department, and the board agree, in writing, to the
14 installation and use of the door security locking means. The
15 school district must keep the agreement on file and must, upon
16 request, provide the agreement to the State Board of
17 Education. The agreement must be included in the school
18 district's filed school safety plan under the School Safety
19 Drill Act.

20 (c) The school district must include the location of any
21 door security locking means and must address the use of the
22 locking and unlocking means from within and outside the room
23 in its filed school safety plan under the School Safety Drill
24 Act. Local law enforcement officials and the local fire
25 department must be notified of the location of any door
26 security locking means and how to disengage it. Any specific

1 tool needed to disengage the door security locking means from
2 the outside of the room must, upon request, be made available
3 to local law enforcement officials and the local fire
4 department.

5 (d) A door security locking means may be used only (i) by a
6 school district employee trained under subsection (e), (ii)
7 during an emergency that threatens the health and safety of
8 students and employees or during an active shooter drill, and
9 (iii) when local law enforcement officials and the local fire
10 department have been notified of its installation prior to its
11 use. The door security locking means must be engaged for a
12 finite period of time in accordance with the school district's
13 school safety plan adopted under the School Safety Drill Act.

14 (e) If the school district installs a door security
15 locking means, it must conduct an in-service training program
16 for school district employees on the proper use of the door
17 security locking means. The school district shall keep a file
18 verifying the employees who have completed the program and
19 must, upon request, provide the file to the local fire
20 department and local law enforcement agency.

21 (f) A door security locking means that requires 2
22 releasing operations must be discontinued from use when the
23 door is replaced or is a part of new construction. Replacement
24 and new construction door hardware must include mortise locks,
25 compliant with the applicable building code, and must be
26 lockable from the occupied side without opening the door.

1 However, mortise locks are not required if panic hardware or
2 fire exit hardware is required.

3 (Source: P.A. 101-548, eff. 8-23-19; revised 10-21-19.)

4 Section 355. The Illinois School Student Records Act is
5 amended by changing Section 2 as follows:

6 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

7 Sec. 2. As used in this Act:7

8 (a) "Student" means any person enrolled or previously
9 enrolled in a school.

10 (b) "School" means any public preschool, day care center,
11 kindergarten, nursery, elementary or secondary educational
12 institution, vocational school, special educational facility
13 or any other elementary or secondary educational agency or
14 institution and any person, agency or institution which
15 maintains school student records from more than one school,
16 but does not include a private or non-public school.

17 (c) "State Board" means the State Board of Education.

18 (d) "School Student Record" means any writing or other
19 recorded information concerning a student and by which a
20 student may be individually identified, maintained by a school
21 or at its direction or by an employee of a school, regardless
22 of how or where the information is stored. The following shall
23 not be deemed school student records under this Act: writings
24 or other recorded information maintained by an employee of a

1 school or other person at the direction of a school for his or
2 her exclusive use; provided that all such writings and other
3 recorded information are destroyed not later than the
4 student's graduation or permanent withdrawal from the school;
5 and provided further that no such records or recorded
6 information may be released or disclosed to any person except
7 a person designated by the school as a substitute unless they
8 are first incorporated in a school student record and made
9 subject to all of the provisions of this Act. School student
10 records shall not include information maintained by law
11 enforcement professionals working in the school.

12 (e) "Student Permanent Record" means the minimum personal
13 information necessary to a school in the education of the
14 student and contained in a school student record. Such
15 information may include the student's name, birth date,
16 address, grades and grade level, parents' names and addresses,
17 attendance records, and such other entries as the State Board
18 may require or authorize.

19 (f) "Student Temporary Record" means all information
20 contained in a school student record but not contained in the
21 student permanent record. Such information may include family
22 background information, intelligence test scores, aptitude
23 test scores, psychological and personality test results,
24 teacher evaluations, and other information of clear relevance
25 to the education of the student, all subject to regulations of
26 the State Board. The information shall include information

1 provided under Section 8.6 of the Abused and Neglected Child
2 Reporting Act and information contained in service logs
3 maintained by a local education agency under subsection (d) of
4 Section 14-8.02f of the School Code. In addition, the student
5 temporary record shall include information regarding serious
6 disciplinary infractions that resulted in expulsion,
7 suspension, or the imposition of punishment or sanction. For
8 purposes of this provision, serious disciplinary infractions
9 means: infractions involving drugs, weapons, or bodily harm to
10 another.

11 (g) "Parent" means a person who is the natural parent of
12 the student or other person who has the primary responsibility
13 for the care and upbringing of the student. All rights and
14 privileges accorded to a parent under this Act shall become
15 exclusively those of the student upon his 18th birthday,
16 graduation from secondary school, marriage or entry into
17 military service, whichever occurs first. Such rights and
18 privileges may also be exercised by the student at any time
19 with respect to the student's permanent school record.

20 (Source: P.A. 101-515, eff. 8-23-19; revised 12-3-19.)

21 Section 360. The Education for Homeless Children Act is
22 amended by changing Section 1-10 as follows:

23 (105 ILCS 45/1-10)

24 Sec. 1-10. Choice of schools. ~~(a)~~ When a child loses

1 permanent housing and becomes a homeless person within the
2 meaning of Section 1-5, or when a homeless child changes his or
3 her temporary living arrangements, the parents or guardians of
4 the homeless child shall have the option of either:

5 (1) continuing the child's education in the school of
6 origin for as long as the child remains homeless or, if the
7 child becomes permanently housed, until the end of the
8 academic year during which the housing is acquired; or

9 (2) enrolling the child in any school that nonhomeless
10 students who live in the attendance area in which the
11 child or youth is actually living are eligible to attend.

12 (Source: P.A. 100-201, eff. 8-18-17; revised 7-16-19.)

13 Section 365. The Student Online Personal Protection Act is
14 amended by changing Section 27 as follows:

15 (105 ILCS 85/27)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 Sec. 27. School duties.

19 (a) Each school shall post and maintain on its website or,
20 if the school does not maintain a website, make available for
21 inspection by the general public at its administrative office
22 all of the following information:

23 (1) An explanation, that is clear and understandable
24 by a layperson, of the data elements of covered

1 information that the school collects, maintains, or
2 discloses to any person, entity, third party, or
3 governmental agency. The information must explain how the
4 school uses, to whom or what entities it discloses, and
5 for what purpose it discloses the covered information.

6 (2) A list of operators that the school has written
7 agreements with, a copy of each written agreement, and a
8 business address for each operator. A copy of a written
9 agreement posted or made available by a school under this
10 paragraph may contain redactions, as provided under
11 subparagraph (F) of paragraph (4) of Section 15.

12 (3) For each operator, a list of any subcontractors to
13 whom covered information may be disclosed or a link to a
14 page on the operator's website that clearly lists that
15 information, as provided by the operator to the school
16 under paragraph (6) of Section 15.

17 (4) A written description of the procedures that a
18 parent may use to carry out the rights enumerated under
19 Section 33.

20 (5) A list of any breaches of covered information
21 maintained by the school or breaches under Section 15 that
22 includes, but is not limited to, all of the following
23 information:

24 (A) The number of students whose covered
25 information is involved in the breach, unless
26 disclosing that number would violate the provisions of

1 the Personal Information Protection Act.

2 (B) The date, estimated date, or estimated date
3 range of the breach.

4 (C) For a breach under Section 15, the name of the
5 operator.

6 The school may omit from the list required under this
7 paragraph (5): (i) any breach in which, to the best of the
8 school's knowledge at the time of updating the list, the
9 number of students whose covered information is involved
10 in the breach is less than 10% of the school's enrollment,
11 (ii) any breach in which, at the time of posting the list,
12 the school is not required to notify the parent of a
13 student under subsection (d), (iii) any breach in which
14 the date, estimated date, or estimated date range in which
15 it occurred is earlier than July 1, 2021, or (iv) any
16 breach previously posted on a list under this paragraph
17 (5) no more than 5 years prior to the school updating the
18 current list.

19 The school must, at a minimum, update the items under
20 paragraphs (1), (3), (4), and (5) no later than 30 calendar
21 days following the start of a fiscal year and no later than 30
22 days following the beginning of a calendar year.

23 (b) Each school must adopt a policy for designating which
24 school employees are authorized to enter into written
25 agreements with operators. This subsection may not be
26 construed to limit individual school employees outside of the

1 scope of their employment from entering into agreements with
2 operators on their own behalf and for non-K through 12 school
3 purposes, provided that no covered information is provided to
4 the operators. Any agreement or contract entered into in
5 violation of this Act is void and unenforceable as against
6 public policy.

7 (c) A school must post on its website or, if the school
8 does not maintain a website, make available at its
9 administrative office for inspection by the general public
10 each written agreement entered into under this Act, along with
11 any information required under subsection (a), no later than
12 10 business days after entering into the agreement.

13 (d) After receipt of notice of a breach under Section 15 or
14 determination of a breach of covered information maintained by
15 the school, a school shall notify, no later than 30 calendar
16 days after receipt of the notice or determination that a
17 breach has occurred, the parent of any student whose covered
18 information is involved in the breach. The notification must
19 include, but is not limited to, all of the following:

20 (1) The date, estimated date, or estimated date range
21 of the breach.

22 (2) A description of the covered information that was
23 compromised or reasonably believed to have been
24 compromised in the breach.

25 (3) Information that the parent may use to contact the
26 operator and school to inquire about the breach.

1 (4) The toll-free numbers, addresses, and websites for
2 consumer reporting agencies.

3 (5) The toll-free number, address, and website for the
4 Federal Trade Commission.

5 (6) A statement that the parent may obtain information
6 from the Federal Trade Commission and consumer reporting
7 agencies about fraud alerts and security freezes.

8 A notice of breach required under this subsection may be
9 delayed if an appropriate law enforcement agency determines
10 that the notification will interfere with a criminal
11 investigation and provides the school with a written request
12 for a delay of notice. A school must comply with the
13 notification requirements as soon as the notification will no
14 longer interfere with the investigation.

15 (e) Each school must implement and maintain reasonable
16 security procedures and practices that otherwise meet or
17 exceed industry standards designed to protect covered
18 information from unauthorized access, destruction, use,
19 modification, or disclosure. Any written agreement under which
20 the disclosure of covered information between the school and a
21 third party takes place must include a provision requiring the
22 entity to whom the covered information is disclosed to
23 implement and maintain reasonable security procedures and
24 practices that otherwise meet or exceed industry standards
25 designed to protect covered information from unauthorized
26 access, destruction, use, modification, or disclosure. The

1 State Board must make available on its website a guidance
2 document for schools pertaining to reasonable security
3 procedures and practices under this subsection.

4 (f) Each school may designate an appropriate staff person
5 as a privacy officer, who may also be an official records
6 custodian as designated under the Illinois School Student
7 Records Act, to carry out the duties and responsibilities
8 assigned to schools and to ensure compliance with the
9 requirements of this Section and Section 26.

10 (g) A school shall make a request, pursuant to paragraph
11 (2) of Section 15, to an operator to delete covered
12 information on behalf of a student's parent if the parent
13 requests from the school that the student's covered
14 information held by the operator be deleted, so long as the
15 deletion of the covered information is not in violation of
16 State or federal records laws.

17 (h) This Section does not apply to nonpublic schools.

18 (Source: P.A. 101-516, eff. 7-1-21; revised 12-3-19.)

19 Section 370. The Critical Health Problems and
20 Comprehensive Health Education Act is amended by changing
21 Section 3 as follows:

22 (105 ILCS 110/3)

23 Sec. 3. Comprehensive Health Education Program. The
24 program established under this Act shall include, but not be

1 limited to, the following major educational areas as a basis
2 for curricula in all elementary and secondary schools in this
3 State: human ecology and health, human growth and development,
4 the emotional, psychological, physiological, hygienic, and
5 social responsibilities of family life, including sexual
6 abstinence until marriage, the prevention and control of
7 disease, including instruction in grades 6 through 12 on the
8 prevention, transmission, and spread of AIDS, age-appropriate
9 sexual abuse and assault awareness and prevention education in
10 grades pre-kindergarten through 12, public and environmental
11 health, consumer health, safety education and disaster
12 survival, mental health and illness, personal health habits,
13 alcohol and drug use and abuse, including the medical and
14 legal ramifications of alcohol, drug, and tobacco use, abuse
15 during pregnancy, evidence-based and medically accurate
16 information regarding sexual abstinence, tobacco, nutrition,
17 and dental health. The instruction on mental health and
18 illness must evaluate the multiple dimensions of health by
19 reviewing the relationship between physical and mental health
20 so as to enhance student understanding, attitudes, and
21 behaviors that promote health, well-being, and human dignity.
22 The program shall also provide course material and instruction
23 to advise pupils of the Abandoned Newborn Infant Protection
24 Act. The program shall include information about cancer,
25 including, without limitation, types of cancer, signs and
26 symptoms, risk factors, the importance of early prevention and

1 detection, and information on where to go for help.
2 Notwithstanding the above educational areas, the following
3 areas may also be included as a basis for curricula in all
4 elementary and secondary schools in this State: basic first
5 aid (including, but not limited to, cardiopulmonary
6 resuscitation and the Heimlich maneuver), heart disease,
7 diabetes, stroke, the prevention of child abuse, neglect, and
8 suicide, and teen dating violence in grades 7 through 12.
9 Beginning with the 2014-2015 school year, training on how to
10 properly administer cardiopulmonary resuscitation (which
11 training must be in accordance with standards of the American
12 Red Cross, the American Heart Association, or another
13 nationally recognized certifying organization) and how to use
14 an automated external defibrillator shall be included as a
15 basis for curricula in all secondary schools in this State.

16 The school board of each public elementary and secondary
17 school in the State shall encourage all teachers and other
18 school personnel to acquire, develop, and maintain the
19 knowledge and skills necessary to properly administer
20 life-saving techniques, including, without limitation, the
21 Heimlich maneuver and rescue breathing. The training shall be
22 in accordance with standards of the American Red Cross, the
23 American Heart Association, or another nationally recognized
24 certifying organization. A school board may use the services
25 of non-governmental entities whose personnel have expertise in
26 life-saving techniques to instruct teachers and other school

1 personnel in these techniques. Each school board is encouraged
2 to have in its employ, or on its volunteer staff, at least one
3 person who is certified, by the American Red Cross or by
4 another qualified certifying agency, as qualified to
5 administer first aid and cardiopulmonary resuscitation. In
6 addition, each school board is authorized to allocate
7 appropriate portions of its institute or inservice days to
8 conduct training programs for teachers and other school
9 personnel who have expressed an interest in becoming qualified
10 to administer emergency first aid or cardiopulmonary
11 resuscitation. School boards are urged to encourage their
12 teachers and other school personnel who coach school athletic
13 programs and other extracurricular school activities to
14 acquire, develop, and maintain the knowledge and skills
15 necessary to properly administer first aid and cardiopulmonary
16 resuscitation in accordance with standards and requirements
17 established by the American Red Cross or another qualified
18 certifying agency. Subject to appropriation, the State Board
19 of Education shall establish and administer a matching grant
20 program to pay for half of the cost that a school district
21 incurs in training those teachers and other school personnel
22 who express an interest in becoming qualified to administer
23 cardiopulmonary resuscitation (which training must be in
24 accordance with standards of the American Red Cross, the
25 American Heart Association, or another nationally recognized
26 certifying organization) or in learning how to use an

1 automated external defibrillator. A school district that
2 applies for a grant must demonstrate that it has funds to pay
3 half of the cost of the training for which matching grant money
4 is sought. The State Board of Education shall award the grants
5 on a first-come, first-serve basis.

6 No pupil shall be required to take or participate in any
7 class or course on AIDS or family life instruction or to
8 receive training on how to properly administer cardiopulmonary
9 resuscitation or how to use an automated external
10 defibrillator if his or her parent or guardian submits written
11 objection thereto, and refusal to take or participate in the
12 course or program or the training shall not be reason for
13 suspension or expulsion of the pupil.

14 Curricula developed under programs established in
15 accordance with this Act in the major educational area of
16 alcohol and drug use and abuse shall include classroom
17 instruction in grades 5 through 12. The instruction, which
18 shall include matters relating to both the physical and legal
19 effects and ramifications of drug and substance abuse, shall
20 be integrated into existing curricula; and the State Board of
21 Education shall develop and make available to all elementary
22 and secondary schools in this State instructional materials
23 and guidelines which will assist the schools in incorporating
24 the instruction into their existing curricula. In addition,
25 school districts may offer, as part of existing curricula
26 during the school day or as part of an after school program,

1 support services and instruction for pupils or pupils whose
2 parent, parents, or guardians are chemically dependent.

3 (Source: P.A. 101-305, eff. 1-1-20; revised 8-21-20.)

4 Section 375. The Dual Credit Quality Act is amended by
5 changing Section 20 as follows:

6 (110 ILCS 27/20)

7 Sec. 20. Standards. All institutions offering dual credit
8 courses shall meet the following standards:

9 (1) High school instructors teaching credit-bearing
10 college-level courses for dual credit must meet any of the
11 academic credential requirements set forth in this
12 paragraph or paragraph ~~(1)~~ (2) or (3) of this Section
13 and need not meet higher certification requirements or
14 those set out in Article 21B of the School Code:

15 (A) Approved instructors of dual credit courses
16 shall meet any of the faculty credential standards
17 allowed by the Higher Learning Commission to determine
18 minimally qualified faculty. At the request of an
19 instructor, an instructor who meets these credential
20 standards shall be provided by the State Board of
21 Education with a Dual Credit Endorsement, to be placed
22 on the professional educator license, as established
23 by the State Board of Education and as authorized
24 under Article 21B of the School Code and promulgated

1 through administrative rule in cooperation with the
2 Illinois Community College Board and the Board of
3 Higher Education.

4 (B) An instructor who does not meet the faculty
5 credential standards allowed by the Higher Learning
6 Commission to determine minimally qualified faculty
7 may teach dual credit courses if the instructor has a
8 professional development plan, approved by the
9 institution and shared with the State Board of
10 Education, within 4 years of January 1, 2019 (the
11 effective date of Public Act 100-1049) ~~this amendatory~~
12 ~~Act of the 100th General Assembly~~, to raise his or her
13 credentials to be in line with the credentials under
14 subparagraph (A) of this paragraph (1). The
15 institution shall have 30 days to review the plan and
16 approve an instructor professional development plan
17 that is in line with the credentials set forth in
18 paragraph (2) of this Section. The institution shall
19 not unreasonably withhold approval of a professional
20 development plan. These approvals shall be good for as
21 long as satisfactory progress toward the completion of
22 the credential is demonstrated, but in no event shall
23 a professional development plan be in effect for more
24 than 3 years from the date of its approval. A high
25 school instructor whose professional development plan
26 is not approved by the institution may appeal to the

1 Illinois Community College Board or the Board of
2 Higher Education, as appropriate.

3 (C) The Illinois Community College Board shall
4 report yearly on its Internet website the number of
5 teachers who have approved professional development
6 plans under this Section.

7 (2) A high school instructor shall qualify for a
8 professional development plan if the instructor:

9 (A) has a master's degree in any discipline and
10 has earned 9 graduate hours in a discipline in which he
11 or she is currently teaching or expects to teach; or

12 (B) has a bachelor's degree with a minimum of 18
13 graduate hours in a discipline that he or she is
14 currently teaching or expects to teach and is enrolled
15 in a discipline-specific master's degree program; and

16 (C) agrees to demonstrate his or her progress
17 toward completion to the supervising institution, as
18 outlined in the professional development plan.

19 (3) An instructor in career and technical education
20 courses must possess the credentials and demonstrated
21 teaching competencies appropriate to the field of
22 instruction.

23 (4) Course content must be equivalent to
24 credit-bearing college-level courses offered at the
25 community college.

26 (5) Learning outcomes must be the same as

1 credit-bearing college-level courses and be appropriately
2 measured.

3 (6) A high school instructor is expected to
4 participate in any orientation developed by the
5 institution for dual credit instructors in course
6 curriculum, assessment methods, and administrative
7 requirements.

8 (7) Dual credit instructors must be given the
9 opportunity to participate in all activities available to
10 other adjunct faculty, including professional development,
11 seminars, site visits, and internal communication,
12 provided that such opportunities do not interfere with an
13 instructor's regular teaching duties.

14 (8) Every dual credit course must be reviewed annually
15 by faculty through the appropriate department to ensure
16 consistency with campus courses.

17 (9) Dual credit students must be assessed using
18 methods consistent with students in traditional
19 credit-bearing college courses.

20 (Source: P.A. 100-1049, eff. 1-1-19; revised 7-16-19.)

21 Section 380. The Higher Education Veterans Service Act is
22 amended by changing Section 15 as follows:

23 (110 ILCS 49/15)

24 Sec. 15. Survey; coordinator; best practices report; best

1 efforts.

2 (a) All public colleges and universities shall, within 60
3 days after the effective date of this Act, conduct a survey of
4 the services and programs that are provided for veterans,
5 active duty military personnel, and their families, at each of
6 their respective campuses. This survey shall enumerate and
7 fully describe the service or program that is available, the
8 number of veterans or active duty personnel using the service
9 or program, an estimated range for potential use within a
10 5-year and 10-year period, information on the location of the
11 service or program, and how its administrators may be
12 contacted. The survey shall indicate the manner or manners in
13 which a student veteran may avail himself or herself of the
14 program's services. This survey must be made available to all
15 veterans matriculating at the college or university in the
16 form of an orientation-related guidebook.

17 Each public college and university shall make the survey
18 available on the homepage of all campus Internet links as soon
19 as practical after the completion of the survey. As soon as
20 possible after the completion of the survey, each public
21 college and university shall provide a copy of its survey to
22 the following:

- 23 (1) the Board of Higher Education;
- 24 (2) the Department of Veterans' Affairs;
- 25 (3) the President and Minority Leader of the Senate
26 and the Speaker and Minority Leader of the House of

1 Representatives; and

2 (4) the Governor.

3 (b) Each public college and university shall, at its
4 discretion, (i) appoint, within 6 months after the effective
5 date of this Act, an existing employee or (ii) hire a new
6 employee to serve as a Coordinator of Veterans and Military
7 Personnel Student Services on each campus of the college or
8 university that has an onsite, daily, full-time student
9 headcount above 1,000 students.

10 The Coordinator of Veterans and Military Personnel Student
11 Services shall be an ombudsperson serving the specific needs
12 of student veterans and military personnel and their families
13 and shall serve as an advocate before the administration of
14 the college or university for the needs of student veterans.
15 The college or university shall enable the Coordinator of
16 Veterans and Military Personnel Student Services to
17 communicate directly with the senior executive administration
18 of the college or university periodically. The college or
19 university shall retain unfettered discretion to determine the
20 organizational management structure of its institution.

21 In addition to any responsibilities the college or
22 university may assign, the Coordinator of Veterans and
23 Military Personnel Student Services shall make its best
24 efforts to create a centralized source for student veterans
25 and military personnel to learn how to receive all benefit
26 programs and services for which they are eligible.

1 Each college and university campus that is required to
2 have a Coordinator of Veterans and Military Personnel Student
3 Services shall regularly and conspicuously advertise the
4 office location and phone number of and Internet access to
5 the Coordinator of Veterans and Military Personnel Student
6 Services, along with a brief summary of the manner in which he
7 or she can assist student veterans. The advertisement shall
8 include, but is not necessarily limited to, the following:

9 (1) advertisements on each campus' Internet home page;

10 and

11 (2) any promotional mailings for student application.

12 The Coordinator of Veterans and Military Personnel Student
13 Services shall facilitate other campus offices with the
14 promotion of programs and services that are available.

15 (c) Upon receipt of all of the surveys under subsection
16 (a) of this Section, the Board of Higher Education and the
17 Department of Veterans' Affairs shall conduct a joint review
18 of the surveys and post, on any Internet home page they may
19 operate, a link to each survey as posted on the Internet
20 website for the college or university. Upon receipt of all of
21 the surveys, the Office of the Governor, through its military
22 affairs advisors, shall similarly conduct a review of the
23 surveys and post the surveys on its Internet website.
24 Following its review of the surveys, the Office of the
25 Governor shall submit an evaluation report to each college and
26 university offering suggestions and insight on the conduct of

1 student veteran-related policies and programs.

2 (d) The Board of Higher Education and the Department of
3 Veterans' Affairs may issue a best practices report to
4 highlight those programs and services that are most beneficial
5 to veterans and active duty military personnel. The report
6 shall contain a fiscal needs assessment in conjunction with
7 any program recommendations.

8 (e) Each college and university campus that is required to
9 have a Coordinator of Veterans and Military Personnel Student
10 Services under subsection (b) of this Section shall make its
11 best efforts to create academic and social programs and
12 services for veterans and active duty military personnel that
13 will provide reasonable opportunities for academic performance
14 and success.

15 Each public college and university shall make its best
16 efforts to determine how its online educational curricula can
17 be expanded or altered to serve the needs of student veterans
18 and currently-deployed military, including a determination of
19 whether and to what extent the public colleges and
20 universities can share existing technologies to improve the
21 online curricula of peer institutions, provided such efforts
22 are both practically and economically feasible.

23 (Source: P.A. 96-133, eff. 8-7-09; revised 7-16-19.)

24 Section 385. The Public University Energy Conservation Act
25 is amended by changing Section 5 as follows:

1 (110 ILCS 62/5)

2 Sec. 5. Definitions. In this Act, words and phrases have
3 the meanings set forth in the following Sections preceding
4 Section 10.

5 (Source: P.A. 90-486, eff. 8-17-97; revised 7-16-19.)

6 Section 390. The University of Illinois Act is amended by
7 setting forth, renumbering, and changing multiple versions of
8 Section 105 as follows:

9 (110 ILCS 305/105)

10 Sec. 105. Mental health resources. For the 2020-2021
11 academic year and for each academic year thereafter, the
12 University must make available to its students information on
13 all mental health and suicide prevention resources available
14 at the University.

15 (Source: P.A. 101-217, eff. 1-1-20.)

16 (110 ILCS 305/110)

17 Sec. 110 ~~105~~. Competency-based learning program; notice.
18 If the University offers a competency-based learning program,
19 it must notify a student if he or she becomes eligible for the
20 program.

21 (Source: P.A. 101-271, eff. 1-1-20; revised 10-21-19.)

1 (110 ILCS 305/115)

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

3 Sec. 115 ~~105~~. Water rates report.

4 (a) Subject to appropriation, no later than December 1,
5 2020, the Government Finance Research Center at the University
6 of Illinois at Chicago, in coordination with an
7 intergovernmental advisory committee, must issue a report
8 evaluating the setting of water rates throughout the Lake
9 Michigan service area of northeastern Illinois and, no later
10 than December 1, 2021, for the remainder of Illinois. The
11 report must provide recommendations for policy and regulatory
12 needs at the State and local level based on its findings. The
13 report shall, at a minimum, address all of the following
14 areas:

15 (1) The components of a water bill.

16 (2) Reasons for increases in water rates.

17 (3) The definition of affordability throughout the
18 State and any variances to that definition.

19 (4) Evidence of rate-setting that utilizes
20 inappropriate practices.

21 (5) The extent to which State or local policies drive
22 cost increases or variations in rate-settings.

23 (6) Challenges within economically disadvantaged
24 communities in setting water rates.

25 (7) Opportunities for increased intergovernmental
26 coordination for setting equitable water rates.

1 (b) In developing the report under this Section, the
2 Government Finance Research Center shall form an advisory
3 committee, which shall be composed of all of the following
4 members:

5 (1) The Director of the Environmental Protection
6 Agency, or his or her designee.

7 (2) The Director of Natural Resources, or his or her
8 designee.

9 (3) The Director of Commerce and Economic Opportunity,
10 or his or her designee.

11 (4) The Attorney General, or his or her designee.

12 (5) At least 2 members who are representatives of
13 private water utilities operating in Illinois, appointed
14 by the Director of the Government Finance Research Center.

15 (6) At least 4 members who are representatives of
16 municipal water utilities, appointed by the Director of
17 the Government Finance Research Center.

18 (7) One member who is a representative of an
19 environmental justice advocacy organization, appointed by
20 the Director of the Government Finance Research Center.

21 (8) One member who is a representative of a consumer
22 advocacy organization, appointed by the Director of the
23 Government Finance Research Center.

24 (9) One member who is a representative of an
25 environmental planning organization that serves
26 northeastern Illinois, appointed by the Director of the

1 Government Finance Research Center.

2 (10) The Director of the Illinois State Water Survey,
3 or his or her designee.

4 (11) The Chairperson of the Illinois Commerce
5 Commission, or his or her designee.

6 (c) After all members are appointed, the committee shall
7 hold its first meeting at the call of the Director of the
8 Government Finance Research Center, at which meeting the
9 members shall select a chairperson from among themselves.
10 After its first meeting, the committee shall meet at the call
11 of the chairperson. Members of the committee shall serve
12 without compensation but may be reimbursed for their
13 reasonable and necessary expenses incurred in performing their
14 duties. The Government Finance Research Center shall provide
15 administrative and other support to the committee.

16 (d) No later than 60 days after August 23, 2019 (the
17 effective date of Public Act 101-562) ~~this amendatory Act of~~
18 ~~the 101st General Assembly~~, the Government Finance Research
19 Center must provide an opportunity for public comment on the
20 questions to be addressed in the report, the metrics to be
21 used, and the recommendations that need to be issued.

22 (e) This Section is repealed on January 1, 2022.

23 (Source: P.A. 101-562, eff. 8-23-19; revised 10-21-19.)

24 Section 395. The University of Illinois Hospital Act is
25 amended by setting forth, renumbering, and changing multiple

1 versions of Section 8b as follows:

2 (110 ILCS 330/8b)

3 Sec. 8b. Instruments for taking a pregnant woman's blood
4 pressure. The University of Illinois Hospital shall ensure
5 that it has the proper instruments available for taking a
6 pregnant woman's blood pressure. The Department of Public
7 Health shall adopt rules for the implementation of this
8 Section.

9 (Source: P.A. 101-91, eff. 1-1-20.)

10 (110 ILCS 330/8c)

11 Sec. 8c ~~8b~~. Closed captioning required. The University of
12 Illinois Hospital must make reasonable efforts to have
13 activated at all times the closed captioning feature on a
14 television in a common area provided for use by the general
15 public or in a patient's room or to enable the closed
16 captioning feature when requested to do so by a member of the
17 general public or a patient if the television includes a
18 closed captioning feature.

19 It is not a violation of this Section if the closed
20 captioning feature is deactivated by a member of the
21 University of Illinois Hospital's staff after such feature is
22 enabled in a common area or in a patient's room unless the
23 deactivation of the closed captioning feature is knowing or
24 intentional. It is not a violation of this Section if the

1 closed captioning feature is deactivated by a member of the
2 general public, a patient, or a member of the University of
3 Illinois Hospital's staff at the request of a patient of the
4 University of Illinois Hospital.

5 If the University of Illinois Hospital does not have a
6 television that includes a closed captioning feature, then the
7 University of Illinois Hospital must ensure that all
8 televisions obtained for common areas and patient rooms after
9 January 1, 2020 (the effective date of Public Act 101-116)
10 ~~this amendatory Act of the 101st General Assembly~~ include a
11 closed captioning feature. This Section does not affect any
12 other provision of law relating to disability discrimination
13 or providing reasonable accommodations or diminish the rights
14 of a person with a disability under any other law.

15 As used in this Section, "closed captioning" means a text
16 display of spoken words presented on a television that allows
17 a deaf or hard of hearing viewer to follow the dialogue and the
18 action of a program simultaneously.

19 (Source: P.A. 101-116, eff. 1-1-20; revised 9-17-19.)

20 Section 400. The Southern Illinois University Management
21 Act is amended by setting forth and renumbering multiple
22 versions of Section 90 as follows:

23 (110 ILCS 520/90)

24 Sec. 90. Mental health resources. For the 2020-2021

1 academic year and for each academic year thereafter, the
2 University must make available to its students information on
3 all mental health and suicide prevention resources available
4 at the University.

5 (Source: P.A. 101-217, eff. 1-1-20.)

6 (110 ILCS 520/95)

7 Sec. 95 ~~90~~. Competency-based learning program; notice. If
8 the University offers a competency-based learning program, it
9 must notify a student if he or she becomes eligible for the
10 program.

11 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

12 Section 405. The Chicago State University Law is amended
13 by setting forth and renumbering multiple versions of Section
14 5-200 as follows:

15 (110 ILCS 660/5-200)

16 Sec. 5-200. Mental health resources. For the 2020-2021
17 academic year for and each academic year thereafter, the
18 University must make available to its students information on
19 all mental health and suicide prevention resources available
20 at the University.

21 (Source: P.A. 101-217, eff. 1-1-20.)

22 (110 ILCS 660/5-205)

1 Sec. 5-205 ~~5-200~~. Competency-based learning program;
2 notice. If the University offers a competency-based learning
3 program, it must notify a student if he or she becomes eligible
4 for the program.

5 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

6 Section 410. The Eastern Illinois University Law is
7 amended by setting forth and renumbering multiple versions of
8 Section 10-200 as follows:

9 (110 ILCS 665/10-200)

10 Sec. 10-200. Mental health resources. For the 2020-2021
11 academic year and for each academic year thereafter, the
12 University must make available to its students information on
13 all mental health and suicide prevention resources available
14 at the University.

15 (Source: P.A. 101-217, eff. 1-1-20.)

16 (110 ILCS 665/10-205)

17 Sec. 10-205 ~~10-200~~. Competency-based learning program;
18 notice. If the University offers a competency-based learning
19 program, it must notify a student if he or she becomes eligible
20 for the program.

21 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

22 Section 415. The Governors State University Law is amended

1 by setting forth and renumbering multiple versions of Section
2 15-200 as follows:

3 (110 ILCS 670/15-200)

4 Sec. 15-200. Mental health resources. For the 2020-2021
5 academic year and for each academic year thereafter, the
6 University must make available to its students information on
7 all mental health and suicide prevention resources available
8 at the University.

9 (Source: P.A. 101-217, eff. 1-1-20.)

10 (110 ILCS 670/15-205)

11 Sec. 15-205 ~~15-200~~. Competency-based learning program;
12 notice. If the University offers a competency-based learning
13 program, it must notify a student if he or she becomes eligible
14 for the program.

15 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

16 Section 420. The Illinois State University Law is amended
17 by setting forth and renumbering multiple versions of Section
18 20-205 as follows:

19 (110 ILCS 675/20-205)

20 Sec. 20-205. Mental health resources. For the 2020-2021
21 academic year and for each academic year thereafter, the
22 University must make available to its students information on

1 all mental health and suicide prevention resources available
2 at the University.

3 (Source: P.A. 101-217, eff. 1-1-20.)

4 (110 ILCS 675/20-210)

5 Sec. 20-210 ~~20-205~~. Competency-based learning program;
6 notice. If the University offers a competency-based learning
7 program, it must notify a student if he or she becomes eligible
8 for the program.

9 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

10 Section 425. The Northeastern Illinois University Law is
11 amended by setting forth and renumbering multiple versions of
12 Section 25-200 as follows:

13 (110 ILCS 680/25-200)

14 Sec. 25-200. Mental health resources. For the 2020-2021
15 academic year and for each academic year thereafter, the
16 University must make available to its students information on
17 all mental health and suicide prevention resources available
18 at the University.

19 (Source: P.A. 101-217, eff. 1-1-20.)

20 (110 ILCS 680/25-205)

21 Sec. 25-205 ~~25-200~~. Competency-based learning program;
22 notice. If the University offers a competency-based learning

1 program, it must notify a student if he or she becomes eligible
2 for the program.

3 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

4 Section 430. The Northern Illinois University Law is
5 amended by setting forth and renumbering multiple versions of
6 Section 30-210 as follows:

7 (110 ILCS 685/30-210)

8 Sec. 30-210. Mental health resources. For the 2020-2021
9 academic year and for each academic year thereafter, the
10 University must make available to its students information on
11 all mental health and suicide prevention resources available
12 at the University.

13 (Source: P.A. 101-217, eff. 1-1-20.)

14 (110 ILCS 685/30-215)

15 Sec. 30-215 ~~30-210~~. Competency-based learning program;
16 notice. If the University offers a competency-based learning
17 program, it must notify a student if he or she becomes eligible
18 for the program.

19 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

20 Section 435. The Western Illinois University Law is
21 amended by setting forth and renumbering multiple versions of
22 Section 35-205 as follows:

1 (110 ILCS 690/35-205)

2 Sec. 35-205. Mental health resources. For the 2020-2021
3 academic year and for each academic year thereafter, the
4 University must make available to its students information on
5 all mental health and suicide prevention resources available
6 at the University.

7 (Source: P.A. 101-217, eff. 1-1-20.)

8 (110 ILCS 690/35-210)

9 Sec. 35-210 ~~35-205~~. Competency-based learning program;
10 notice. If the University offers a competency-based learning
11 program, it must notify a student if he or she becomes eligible
12 for the program.

13 (Source: P.A. 101-271, eff. 1-1-20; revised 10-8-19.)

14 Section 440. The Public Community College Act is amended
15 by changing Sections 2-26 and 3-42.1 as follows:

16 (110 ILCS 805/2-26)

17 Sec. 2-26. 21st Century Employment grant program.

18 (a) Subject to appropriation, the State Board shall
19 establish and administer a 21st Century Employment grant
20 program. To qualify for a grant, a community college district
21 and a public high school located in that district must jointly
22 establish a collaborative regional partnership with workforce

1 development organizations, including community-based
2 organizations with a vested interest in the workforce,
3 regional economic development organizations, and economic
4 development officials in the district, along with
5 manufacturers, healthcare service providers, and innovative
6 technology businesses that have a presence in the district, to
7 provide a manufacturing training program. A grant recipient
8 must provide the State Board with a plan that meets all of the
9 following requirements:

10 (1) The plan shall define specific goals that a
11 student must meet upon graduation.

12 (2) The plan shall include the type of professional
13 skills that will be taught in order for the students to
14 gain and retain employment. The professional skills
15 curriculum in the program shall include, but not be
16 limited to, training on all of the following:

17 (A) Effective communication skills.

18 (B) Teamwork.

19 (C) Dependability.

20 (D) Adaptability.

21 (E) Conflict resolution.

22 (F) Flexibility.

23 (G) Leadership.

24 (H) Problem-solving.

25 (I) Research.

26 (J) Creativity.

1 (K) Work ethic.

2 (L) Integrity.

3 In awarding grants under this Section, the State Board
4 must give priority to plans that demonstrate a formal
5 articulation agreement between a public high school and a
6 community college district.

7 (3) The plan shall include a budget that includes any
8 outside donations, including any in-kind donations, made
9 to help the program, including from non-profit entities
10 and individuals.

11 (4) The plan shall include the proposed number of
12 individuals who would be enrolled in the program, along
13 with the places that those individuals could be employed
14 at after graduation and what industries would be targeted.
15 The plan must support a seamless transition into higher
16 education and career opportunities and must outline the
17 college credit and on-the-job training hours that will
18 transfer from the high school to a community college.

19 (5) The plan shall require a private-public
20 partnership clause that requires private businesses to
21 contribute an amount determined by the State Board and the
22 collaborative regional partnership that does not exceed
23 40% of the amount of the total project. The applicant must
24 provide the State Board with a receipt of contributions
25 from businesses to evidence compliance with this
26 paragraph. However, businesses may contribute equipment or

1 offer their facilities, in which case a business shall
2 establish a cost of use of its facility, to meet the
3 requirements of this paragraph.

4 (6) The plan shall indicate the certificates that the
5 community college or high school will offer to students
6 upon graduation, as agreed to by the collaborative
7 regional partnership. The community college or high school
8 shall offer no less than 6 types of industry-recognized
9 certificates.

10 (b) The State Board shall establish an advisory board for
11 the grant program established under subsection (a) that
12 consists of all of the following members:

13 (1) The Director of Commerce and Economic Opportunity.

14 (2) The Executive Director of the State Board.

15 (3) The State Superintendent of Education.

16 (4) The Director of Labor.

17 (5) A senator appointed by the President of the
18 Senate.

19 (6) A senator appointed by the Minority Leader of the
20 Senate.

21 (7) A representative appointed by the Speaker of the
22 House of Representatives.

23 (8) A representative appointed by the Minority Leader
24 of the House of Representatives.

25 (9) A member from a statewide organization that
26 represents manufacturing companies throughout this State,

1 appointed by the Governor.

2 (10) A member who represents at-risk students,
3 including, but not limited to, opportunity youth,
4 appointed by the Governor.

5 (11) A member from a statewide organization that
6 represents multiple employee unions in this State,
7 appointed by the Governor.

8 (12) A member from a trade union, appointed by the
9 Governor.

10 (13) A member from a statewide organization that
11 represents the business community, appointed by the
12 Governor.

13 (14) A member from a statewide organization that
14 represents service employees in this State, appointed by
15 the Governor.

16 (15) Educators representing various regions of this
17 State from professional teachers' organizations, appointed
18 by the Governor.

19 (16) A member from a statewide organization that
20 represents hospitals in this State, appointed by the
21 Governor.

22 (17) A president of a community college, appointed by
23 the Governor.

24 (18) A district superintendent of a high school
25 district, appointed by the Governor.

26 The members of the advisory board shall serve without

1 compensation but shall be reimbursed for their reasonable and
2 necessary expenses from funds appropriated to the State Board
3 for that purpose, including travel, subject to the rules of
4 the appropriate travel control board.

5 The advisory board shall meet at the call of the State
6 Board and shall report to the State Board. The State Board
7 shall provide administrative and other support to the advisory
8 board.

9 (c) The advisory board established under subsection (b)
10 shall have all of the following duties:

11 (1) To review the progress made by each grant
12 recipient, including, but not limited to, the
13 gainful-employment success rate, how many students remain
14 employed for how long, and how many students went on to
15 receive higher manufacturing certificates.

16 (2) To review how many students went on to complete a
17 paid internship or apprenticeship upon graduation.

18 (3) To compile a list of programs offered by each
19 community college or high school.

20 (4) To analyze whether the certificates are closing
21 the gap in education for the current needs of the labor
22 force, and to offer suggestions on how to close the gap if
23 one still exists.

24 (5) To suggest certificates that could help future
25 employers looking to locate in this State.

26 (6) To offer guidelines for the types of certificates

1 that a community college or high school should pursue.

2 (7) To offer possible rules to the State Board that
3 the grant process should follow.

4 (d) The State Board may adopt any rules necessary for the
5 purposes of this Section.

6 (Source: P.A. 101-437, eff. 1-1-20; revised 8-21-20.)

7 (110 ILCS 805/3-42.1) (from Ch. 122, par. 103-42.1)

8 Sec. 3-42.1. (a) To appoint law enforcement officer and
9 non-law enforcement officer members of the community college
10 district police department or department of public safety.

11 (b) Members of the community college district police
12 department or department of public safety who are law
13 enforcement officers, as defined in the Illinois Police
14 Training Act, shall be peace officers under the laws of this
15 State. As such, law enforcement officer members of these
16 departments shall have all of the powers of police officers in
17 cities and sheriffs in counties, including the power to make
18 arrests on view or on warrants for violations of State
19 statutes and to enforce county or city ordinances in all
20 counties that lie within the community college district, when
21 such is required for the protection of community college
22 personnel, students, property, or interests. Such officers
23 shall have no power to serve and execute civil process.

24 As peace officers in this State, all laws pertaining to
25 hiring, training, retention, service authority, and discipline

1 of police officers, under State law, shall apply. Law
2 enforcement officer members must complete the minimum basic
3 training requirements of a police training school under the
4 Illinois Police Training Act. Law enforcement officer members
5 who have successfully completed an Illinois Law Enforcement
6 Training ~~and~~ Standards Board certified firearms course shall
7 be equipped with appropriate firearms and auxiliary weapons.

8 (c) Non-law enforcement officer members of the community
9 college police, public safety, or security departments whose
10 job requirements include performing patrol and security type
11 functions shall, within 6 months after their initial hiring
12 date, be required to successfully complete the 20-hour basic
13 security training course required by (i) the Department of
14 Financial and Professional Regulation, Division of
15 Professional Regulation for Security Officers, (ii) by the
16 International Association of College Law Enforcement
17 Administrators, or (iii) campus protection officer training
18 program or a similar course certified and approved by the
19 Illinois Law Enforcement Training ~~and~~ Standards Board. They
20 shall also be permitted to become members of an Illinois State
21 Training Board Mobile Training Unit and shall complete 8 hours
22 in continuing training, related to their specific position of
23 employment, each year. The board may establish reasonable
24 eligibility requirements for appointment and retention of
25 non-law enforcement officer members.

26 All non-law enforcement officer members authorized to

1 carry weapons, other than firearms, shall receive training on
2 the proper deployment and use of force regarding such weapons.
3 (Source: P.A. 100-884, eff. 1-1-19; revised 11-16-20.)

4 Section 445. The Illinois Educational Labor Relations Act
5 is amended by changing Section 14 as follows:

6 (115 ILCS 5/14) (from Ch. 48, par. 1714)

7 Sec. 14. Unfair labor practices.

8 (a) Educational employers, their agents or representatives
9 are prohibited from:

10 (1) Interfering, restraining or coercing employees in
11 the exercise of the rights guaranteed under this Act.

12 (2) Dominating or interfering with the formation,
13 existence or administration of any employee organization.

14 (3) Discriminating in regard to hire or tenure of
15 employment or any term or condition of employment to
16 encourage or discourage membership in any employee
17 organization.

18 (4) Discharging or otherwise discriminating against an
19 employee because he or she has signed or filed an
20 affidavit, authorization card, petition or complaint or
21 given any information or testimony under this Act.

22 (5) Refusing to bargain collectively in good faith
23 with an employee representative which is the exclusive
24 representative of employees in an appropriate unit,

1 including, but not limited to, the discussing of
2 grievances with the exclusive representative; provided,
3 however, that if an alleged unfair labor practice involves
4 interpretation or application of the terms of a collective
5 bargaining agreement and said agreement contains a
6 grievance and arbitration procedure, the Board may defer
7 the resolution of such dispute to the grievance and
8 arbitration procedure contained in said agreement.

9 (6) Refusing to reduce a collective bargaining
10 agreement to writing and signing such agreement.

11 (7) Violating any of the rules and regulations
12 promulgated by the Board regulating the conduct of
13 representation elections.

14 (8) Refusing to comply with the provisions of a
15 binding arbitration award.

16 (9) Expending or causing the expenditure of public
17 funds to any external agent, individual, firm, agency,
18 partnership or association in any attempt to influence the
19 outcome of representational elections held pursuant to
20 paragraph (c) of Section 7 of this Act; provided, that
21 nothing in this subsection shall be construed to limit an
22 employer's right to be represented on any matter
23 pertaining to unit determinations, unfair labor practice
24 charges or pre-election conferences in any formal or
25 informal proceeding before the Board, or to seek or obtain
26 advice from legal counsel. Nothing in this paragraph shall

1 be construed to prohibit an employer from expending or
2 causing the expenditure of public funds on, or seeking or
3 obtaining services or advice from, any organization, group
4 or association established by, and including educational
5 or public employers, whether or not covered by this Act,
6 the Illinois Public Labor Relations Act or the public
7 employment labor relations law of any other state or the
8 federal government, provided that such services or advice
9 are generally available to the membership of the
10 organization, group, or association, and are not offered
11 solely in an attempt to influence the outcome of a
12 particular representational election.

13 (10) Interfering with, restraining, coercing,
14 deterring or discouraging educational employees or
15 applicants to be educational employees from: (1) becoming
16 members of an employee organization; (2) authorizing
17 representation by an employee organization; or (3)
18 authorizing dues or fee deductions to an employee
19 organization, nor shall the employer intentionally permit
20 outside third parties to use its email or other
21 communications systems to engage in that conduct. An
22 employer's good faith implementation of a policy to block
23 the use of its email or other communication systems for
24 such purposes shall be a defense to an unfair labor
25 practice.

26 (11) Disclosing to any person or entity information

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

8 (b) Employee organizations, their agents or
9 representatives or educational employees are prohibited from:

10 (1) Restraining or coercing employees in the exercise
11 of the rights guaranteed under this Act, provided that a
12 labor organization or its agents shall commit an unfair
13 labor practice under this paragraph in duty of fair
14 representation cases only by intentional misconduct in
15 representing employees under this Act.

16 (2) Restraining or coercing an educational employer in
17 the selection of his representative for the purposes of
18 collective bargaining or the adjustment of grievances.

19 (3) Refusing to bargain collectively in good faith
20 with an educational employer, if they have been designated
21 in accordance with the provisions of this Act as the
22 exclusive representative of employees in an appropriate
23 unit.

24 (4) Violating any of the rules and regulations
25 promulgated by the Board regulating the conduct of
26 representation elections.

1 (5) Refusing to reduce a collective bargaining
2 agreement to writing and signing such agreement.

3 (6) Refusing to comply with the provisions of a
4 binding arbitration award.

5 (c) The expressing of any views, argument, opinion or the
6 dissemination thereof, whether in written, printed, graphic or
7 visual form, shall not constitute or be evidence of an unfair
8 labor practice under any of the provisions of this Act, if such
9 expression contains no threat of reprisal or force or promise
10 of benefit.

11 (c-5) The employer shall not discourage public employees
12 or applicants to be public employees from becoming or
13 remaining union members or authorizing dues deductions, and
14 shall not otherwise interfere with the relationship between
15 employees and their exclusive bargaining representative. The
16 employer shall refer all inquiries about union membership to
17 the exclusive bargaining representative, except that the
18 employer may communicate with employees regarding payroll
19 processes and procedures. The employer will establish email
20 policies in an effort to prohibit the use of its email system
21 by outside sources.

22 (d) The actions of a Financial Oversight Panel created
23 pursuant to Section 1A-8 of the School Code due to a district
24 violating a financial plan shall not constitute or be evidence
25 of an unfair labor practice under any of the provisions of this
26 Act. Such actions include, but are not limited to, reviewing,

1 approving, or rejecting a school district budget or a
2 collective bargaining agreement.

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

4 Section 450. The Illinois Banking Act is amended by
5 changing Section 48 as follows:

6 (205 ILCS 5/48)

7 Sec. 48. Secretary's powers; duties. The Secretary shall
8 have the powers and authority, and is charged with the duties
9 and responsibilities designated in this Act, and a State bank
10 shall not be subject to any other visitorial power other than
11 as authorized by this Act, except those vested in the courts,
12 or upon prior consultation with the Secretary, a foreign bank
13 regulator with an appropriate supervisory interest in the
14 parent or affiliate of a state bank. In the performance of the
15 Secretary's duties:

16 (1) The Commissioner shall call for statements from
17 all State banks as provided in Section 47 at least one time
18 during each calendar quarter.

19 (2) (a) The Commissioner, as often as the Commissioner
20 shall deem necessary or proper, and no less frequently
21 than 18 months following the preceding examination, shall
22 appoint a suitable person or persons to make an
23 examination of the affairs of every State bank, except
24 that for every eligible State bank, as defined by

1 regulation, the Commissioner in lieu of the examination
2 may accept on an alternating basis the examination made by
3 the eligible State bank's appropriate federal banking
4 agency pursuant to Section 111 of the Federal Deposit
5 Insurance Corporation Improvement Act of 1991, provided
6 the appropriate federal banking agency has made such an
7 examination. A person so appointed shall not be a
8 stockholder or officer or employee of any bank which that
9 person may be directed to examine, and shall have powers
10 to make a thorough examination into all the affairs of the
11 bank and in so doing to examine any of the officers or
12 agents or employees thereof on oath and shall make a full
13 and detailed report of the condition of the bank to the
14 Commissioner. In making the examination the examiners
15 shall include an examination of the affairs of all the
16 affiliates of the bank, as defined in subsection (b) of
17 Section 35.2 of this Act, or subsidiaries of the bank as
18 shall be necessary to disclose fully the conditions of the
19 subsidiaries or affiliates, the relations between the bank
20 and the subsidiaries or affiliates and the effect of those
21 relations upon the affairs of the bank, and in connection
22 therewith shall have power to examine any of the officers,
23 directors, agents, or employees of the subsidiaries or
24 affiliates on oath. After May 31, 1997, the Commissioner
25 may enter into cooperative agreements with state
26 regulatory authorities of other states to provide for

1 examination of State bank branches in those states, and
2 the Commissioner may accept reports of examinations of
3 State bank branches from those state regulatory
4 authorities. These cooperative agreements may set forth
5 the manner in which the other state regulatory authorities
6 may be compensated for examinations prepared for and
7 submitted to the Commissioner.

8 (b) After May 31, 1997, the Commissioner is authorized
9 to examine, as often as the Commissioner shall deem
10 necessary or proper, branches of out-of-state banks. The
11 Commissioner may establish and may assess fees to be paid
12 to the Commissioner for examinations under this subsection
13 (b). The fees shall be borne by the out-of-state bank,
14 unless the fees are borne by the state regulatory
15 authority that chartered the out-of-state bank, as
16 determined by a cooperative agreement between the
17 Commissioner and the state regulatory authority that
18 chartered the out-of-state bank.

19 (2.1) Pursuant to paragraph (a) of subsection (6) of
20 this Section, the Secretary shall adopt rules that ensure
21 consistency and due process in the examination process.
22 The Secretary may also establish guidelines that (i)
23 define the scope of the examination process and (ii)
24 clarify examination items to be resolved. The rules,
25 formal guidance, interpretive letters, or opinions
26 furnished to State banks by the Secretary may be relied

1 upon by the State banks.

2 (2.5) Whenever any State bank, any subsidiary or
3 affiliate of a State bank, or after May 31, 1997, any
4 branch of an out-of-state bank causes to be performed, by
5 contract or otherwise, any bank services for itself,
6 whether on or off its premises:

7 (a) that performance shall be subject to
8 examination by the Commissioner to the same extent as
9 if services were being performed by the bank or, after
10 May 31, 1997, branch of the out-of-state bank itself
11 on its own premises; and

12 (b) the bank or, after May 31, 1997, branch of the
13 out-of-state bank shall notify the Commissioner of the
14 existence of a service relationship. The notification
15 shall be submitted with the first statement of
16 condition (as required by Section 47 of this Act) due
17 after the making of the service contract or the
18 performance of the service, whichever occurs first.
19 The Commissioner shall be notified of each subsequent
20 contract in the same manner.

21 For purposes of this subsection (2.5), the term "bank
22 services" means services such as sorting and posting of
23 checks and deposits, computation and posting of interest
24 and other credits and charges, preparation and mailing of
25 checks, statements, notices, and similar items, or any
26 other clerical, bookkeeping, accounting, statistical, or

1 similar functions performed for a State bank, including,
2 but not limited to, electronic data processing related to
3 those bank services.

4 (3) The expense of administering this Act, including
5 the expense of the examinations of State banks as provided
6 in this Act, shall to the extent of the amounts resulting
7 from the fees provided for in paragraphs (a), (a-2), and
8 (b) of this subsection (3) be assessed against and borne
9 by the State banks:

10 (a) Each bank shall pay to the Secretary a Call
11 Report Fee which shall be paid in quarterly
12 installments equal to one-fourth of the sum of the
13 annual fixed fee of \$800, plus a variable fee based on
14 the assets shown on the quarterly statement of
15 condition delivered to the Secretary in accordance
16 with Section 47 for the preceding quarter according to
17 the following schedule: 16¢ per \$1,000 of the first
18 \$5,000,000 of total assets, 15¢ per \$1,000 of the next
19 \$20,000,000 of total assets, 13¢ per \$1,000 of the
20 next \$75,000,000 of total assets, 9¢ per \$1,000 of the
21 next \$400,000,000 of total assets, 7¢ per \$1,000 of
22 the next \$500,000,000 of total assets, and 5¢ per
23 \$1,000 of all assets in excess of \$1,000,000,000, of
24 the State bank. The Call Report Fee shall be
25 calculated by the Secretary and billed to the banks
26 for remittance at the time of the quarterly statements

1 of condition provided for in Section 47. The Secretary
2 may require payment of the fees provided in this
3 Section by an electronic transfer of funds or an
4 automatic debit of an account of each of the State
5 banks. In case more than one examination of any bank is
6 deemed by the Secretary to be necessary in any
7 examination frequency cycle specified in subsection
8 2(a) of this Section, and is performed at his
9 direction, the Secretary may assess a reasonable
10 additional fee to recover the cost of the additional
11 examination. In lieu of the method and amounts set
12 forth in this paragraph (a) for the calculation of the
13 Call Report Fee, the Secretary may specify by rule
14 that the Call Report Fees provided by this Section may
15 be assessed semiannually or some other period and may
16 provide in the rule the formula to be used for
17 calculating and assessing the periodic Call Report
18 Fees to be paid by State banks.

19 (a-1) If in the opinion of the Commissioner an
20 emergency exists or appears likely, the Commissioner
21 may assign an examiner or examiners to monitor the
22 affairs of a State bank with whatever frequency he
23 deems appropriate, including, but not limited to, a
24 daily basis. The reasonable and necessary expenses of
25 the Commissioner during the period of the monitoring
26 shall be borne by the subject bank. The Commissioner

1 shall furnish the State bank a statement of time and
2 expenses if requested to do so within 30 days of the
3 conclusion of the monitoring period.

4 (a-2) On and after January 1, 1990, the reasonable
5 and necessary expenses of the Commissioner during
6 examination of the performance of electronic data
7 processing services under subsection (2.5) shall be
8 borne by the banks for which the services are
9 provided. An amount, based upon a fee structure
10 prescribed by the Commissioner, shall be paid by the
11 banks or, after May 31, 1997, branches of out-of-state
12 banks receiving the electronic data processing
13 services along with the Call Report Fee assessed under
14 paragraph (a) of this subsection (3).

15 (a-3) After May 31, 1997, the reasonable and
16 necessary expenses of the Commissioner during
17 examination of the performance of electronic data
18 processing services under subsection (2.5) at or on
19 behalf of branches of out-of-state banks shall be
20 borne by the out-of-state banks, unless those expenses
21 are borne by the state regulatory authorities that
22 chartered the out-of-state banks, as determined by
23 cooperative agreements between the Commissioner and
24 the state regulatory authorities that chartered the
25 out-of-state banks.

26 (b) "Fiscal year" for purposes of this Section 48

1 is defined as a period beginning July 1 of any year and
2 ending June 30 of the next year. The Commissioner
3 shall receive for each fiscal year, commencing with
4 the fiscal year ending June 30, 1987, a contingent fee
5 equal to the lesser of the aggregate of the fees paid
6 by all State banks under paragraph (a) of subsection
7 (3) for that year, or the amount, if any, whereby the
8 aggregate of the administration expenses, as defined
9 in paragraph (c), for that fiscal year exceeds the sum
10 of the aggregate of the fees payable by all State banks
11 for that year under paragraph (a) of subsection (3),
12 plus any amounts transferred into the Bank and Trust
13 Company Fund from the State Pensions Fund for that
14 year, plus all other amounts collected by the
15 Commissioner for that year under any other provision
16 of this Act, plus the aggregate of all fees collected
17 for that year by the Commissioner under the Corporate
18 Fiduciary Act, excluding the receivership fees
19 provided for in Section 5-10 of the Corporate
20 Fiduciary Act, and the Foreign Banking Office Act. The
21 aggregate amount of the contingent fee thus arrived at
22 for any fiscal year shall be apportioned amongst,
23 assessed upon, and paid by the State banks and foreign
24 banking corporations, respectively, in the same
25 proportion that the fee of each under paragraph (a) of
26 subsection (3), respectively, for that year bears to

1 the aggregate for that year of the fees collected
2 under paragraph (a) of subsection (3). The aggregate
3 amount of the contingent fee, and the portion thereof
4 to be assessed upon each State bank and foreign
5 banking corporation, respectively, shall be determined
6 by the Commissioner and shall be paid by each,
7 respectively, within 120 days of the close of the
8 period for which the contingent fee is computed and is
9 payable, and the Commissioner shall give 20 days'
10 advance notice of the amount of the contingent fee
11 payable by the State bank and of the date fixed by the
12 Commissioner for payment of the fee.

13 (c) The "administration expenses" for any fiscal
14 year shall mean the ordinary and contingent expenses
15 for that year incident to making the examinations
16 provided for by, and for otherwise administering, this
17 Act, the Corporate Fiduciary Act, excluding the
18 expenses paid from the Corporate Fiduciary
19 Receivership account in the Bank and Trust Company
20 Fund, the Foreign Banking Office Act, the Electronic
21 Fund Transfer Act, and the Illinois Bank Examiners'
22 Education Foundation Act, including all salaries and
23 other compensation paid for personal services rendered
24 for the State by officers or employees of the State,
25 including the Commissioner and the Deputy
26 Commissioners, communication equipment and services,

1 office furnishings, surety bond premiums, and travel
2 expenses of those officers and employees, employees,
3 expenditures or charges for the acquisition,
4 enlargement or improvement of, or for the use of, any
5 office space, building, or structure, or expenditures
6 for the maintenance thereof or for furnishing heat,
7 light, or power with respect thereto, all to the
8 extent that those expenditures are directly incidental
9 to such examinations or administration. The
10 Commissioner shall not be required by paragraphs (c)
11 or (d-1) of this subsection (3) to maintain in any
12 fiscal year's budget appropriated reserves for accrued
13 vacation and accrued sick leave that is required to be
14 paid to employees of the Commissioner upon termination
15 of their service with the Commissioner in an amount
16 that is more than is reasonably anticipated to be
17 necessary for any anticipated turnover in employees,
18 whether due to normal attrition or due to layoffs,
19 terminations, or resignations.

20 (d) The aggregate of all fees collected by the
21 Secretary under this Act, the Corporate Fiduciary Act,
22 or the Foreign Banking Office Act on and after July 1,
23 1979, shall be paid promptly after receipt of the
24 same, accompanied by a detailed statement thereof,
25 into the State treasury and shall be set apart in a
26 special fund to be known as the "Bank and Trust Company

1 Fund", except as provided in paragraph (c) of
2 subsection (11) of this Section. All earnings received
3 from investments of funds in the Bank and Trust
4 Company Fund shall be deposited in the Bank and Trust
5 Company Fund and may be used for the same purposes as
6 fees deposited in that Fund. The amount from time to
7 time deposited into the Bank and Trust Company Fund
8 shall be used: (i) to offset the ordinary
9 administrative expenses of the Secretary as defined in
10 this Section or (ii) as a credit against fees under
11 paragraph (d-1) of this subsection (3). Nothing in
12 Public Act 81-131 shall prevent continuing the
13 practice of paying expenses involving salaries,
14 retirement, social security, and State-paid insurance
15 premiums of State officers by appropriations from the
16 General Revenue Fund. However, the General Revenue
17 Fund shall be reimbursed for those payments made on
18 and after July 1, 1979, by an annual transfer of funds
19 from the Bank and Trust Company Fund. Moneys in the
20 Bank and Trust Company Fund may be transferred to the
21 Professions Indirect Cost Fund, as authorized under
22 Section 2105-300 of the Department of Professional
23 Regulation Law of the Civil Administrative Code of
24 Illinois.

25 Notwithstanding provisions in the State Finance
26 Act, as now or hereafter amended, or any other law to

1 the contrary, the Governor may, during any fiscal year
2 through January 10, 2011, from time to time direct the
3 State Treasurer and Comptroller to transfer a
4 specified sum not exceeding 10% of the revenues to be
5 deposited into the Bank and Trust Company Fund during
6 that fiscal year from that Fund to the General Revenue
7 Fund in order to help defray the State's operating
8 costs for the fiscal year. Notwithstanding provisions
9 in the State Finance Act, as now or hereafter amended,
10 or any other law to the contrary, the total sum
11 transferred during any fiscal year through January 10,
12 2011, from the Bank and Trust Company Fund to the
13 General Revenue Fund pursuant to this provision shall
14 not exceed during any fiscal year 10% of the revenues
15 to be deposited into the Bank and Trust Company Fund
16 during that fiscal year. The State Treasurer and
17 Comptroller shall transfer the amounts designated
18 under this Section as soon as may be practicable after
19 receiving the direction to transfer from the Governor.

20 (d-1) Adequate funds shall be available in the
21 Bank and Trust Company Fund to permit the timely
22 payment of administration expenses. In each fiscal
23 year the total administration expenses shall be
24 deducted from the total fees collected by the
25 Commissioner and the remainder transferred into the
26 Cash Flow Reserve Account, unless the balance of the

1 Cash Flow Reserve Account prior to the transfer equals
2 or exceeds one-fourth of the total initial
3 appropriations from the Bank and Trust Company Fund
4 for the subsequent year, in which case the remainder
5 shall be credited to State banks and foreign banking
6 corporations and applied against their fees for the
7 subsequent year. The amount credited to each State
8 bank and foreign banking corporation shall be in the
9 same proportion as the Call Report Fees paid by each
10 for the year bear to the total Call Report Fees
11 collected for the year. If, after a transfer to the
12 Cash Flow Reserve Account is made or if no remainder is
13 available for transfer, the balance of the Cash Flow
14 Reserve Account is less than one-fourth of the total
15 initial appropriations for the subsequent year and the
16 amount transferred is less than 5% of the total Call
17 Report Fees for the year, additional amounts needed to
18 make the transfer equal to 5% of the total Call Report
19 Fees for the year shall be apportioned amongst,
20 assessed upon, and paid by the State banks and foreign
21 banking corporations in the same proportion that the
22 Call Report Fees of each, respectively, for the year
23 bear to the total Call Report Fees collected for the
24 year. The additional amounts assessed shall be
25 transferred into the Cash Flow Reserve Account. For
26 purposes of this paragraph (d-1), the calculation of

1 the fees collected by the Commissioner shall exclude
2 the receivership fees provided for in Section 5-10 of
3 the Corporate Fiduciary Act.

4 (e) The Commissioner may upon request certify to
5 any public record in his keeping and shall have
6 authority to levy a reasonable charge for issuing
7 certifications of any public record in his keeping.

8 (f) In addition to fees authorized elsewhere in
9 this Act, the Commissioner may, in connection with a
10 review, approval, or provision of a service, levy a
11 reasonable charge to recover the cost of the review,
12 approval, or service.

13 (4) Nothing contained in this Act shall be construed
14 to limit the obligation relative to examinations and
15 reports of any State bank, deposits in which are to any
16 extent insured by the United States or any agency thereof,
17 nor to limit in any way the powers of the Commissioner with
18 reference to examinations and reports of that bank.

19 (5) The nature and condition of the assets in or
20 investment of any bonus, pension, or profit sharing plan
21 for officers or employees of every State bank or, after
22 May 31, 1997, branch of an out-of-state bank shall be
23 deemed to be included in the affairs of that State bank or
24 branch of an out-of-state bank subject to examination by
25 the Commissioner under the provisions of subsection (2) of
26 this Section, and if the Commissioner shall find from an

1 examination that the condition of or operation of the
2 investments or assets of the plan is unlawful, fraudulent,
3 or unsafe, or that any trustee has abused his trust, the
4 Commissioner shall, if the situation so found by the
5 Commissioner shall not be corrected to his satisfaction
6 within 60 days after the Commissioner has given notice to
7 the board of directors of the State bank or out-of-state
8 bank of his findings, report the facts to the Attorney
9 General who shall thereupon institute proceedings against
10 the State bank or out-of-state bank, the board of
11 directors thereof, or the trustees under such plan as the
12 nature of the case may require.

13 (6) The Commissioner shall have the power:

14 (a) To promulgate reasonable rules for the purpose
15 of administering the provisions of this Act.

16 (a-5) To impose conditions on any approval issued
17 by the Commissioner if he determines that the
18 conditions are necessary or appropriate. These
19 conditions shall be imposed in writing and shall
20 continue in effect for the period prescribed by the
21 Commissioner.

22 (b) To issue orders against any person, if the
23 Commissioner has reasonable cause to believe that an
24 unsafe or unsound banking practice has occurred, is
25 occurring, or is about to occur, if any person has
26 violated, is violating, or is about to violate any

1 law, rule, or written agreement with the Commissioner,
2 or for the purpose of administering the provisions of
3 this Act and any rule promulgated in accordance with
4 this Act.

5 (b-1) To enter into agreements with a bank
6 establishing a program to correct the condition of the
7 bank or its practices.

8 (c) To appoint hearing officers to execute any of
9 the powers granted to the Commissioner under this
10 Section for the purpose of administering this Act and
11 any rule promulgated in accordance with this Act and
12 otherwise to authorize, in writing, an officer or
13 employee of the Office of Banks and Real Estate to
14 exercise his powers under this Act.

15 (d) To subpoena witnesses, to compel their
16 attendance, to administer an oath, to examine any
17 person under oath, and to require the production of
18 any relevant books, papers, accounts, and documents in
19 the course of and pursuant to any investigation being
20 conducted, or any action being taken, by the
21 Commissioner in respect of any matter relating to the
22 duties imposed upon, or the powers vested in, the
23 Commissioner under the provisions of this Act or any
24 rule promulgated in accordance with this Act.

25 (e) To conduct hearings.

26 (7) Whenever, in the opinion of the Secretary, any

1 director, officer, employee, or agent of a State bank or
2 any subsidiary or bank holding company of the bank or,
3 after May 31, 1997, of any branch of an out-of-state bank
4 or any subsidiary or bank holding company of the bank
5 shall have violated any law, rule, or order relating to
6 that bank or any subsidiary or bank holding company of the
7 bank, shall have obstructed or impeded any examination or
8 investigation by the Secretary, shall have engaged in an
9 unsafe or unsound practice in conducting the business of
10 that bank or any subsidiary or bank holding company of the
11 bank, or shall have violated any law or engaged or
12 participated in any unsafe or unsound practice in
13 connection with any financial institution or other
14 business entity such that the character and fitness of the
15 director, officer, employee, or agent does not assure
16 reasonable promise of safe and sound operation of the
17 State bank, the Secretary may issue an order of removal.
18 If, in the opinion of the Secretary, any former director,
19 officer, employee, or agent of a State bank or any
20 subsidiary or bank holding company of the bank, prior to
21 the termination of his or her service with that bank or any
22 subsidiary or bank holding company of the bank, violated
23 any law, rule, or order relating to that State bank or any
24 subsidiary or bank holding company of the bank, obstructed
25 or impeded any examination or investigation by the
26 Secretary, engaged in an unsafe or unsound practice in

1 conducting the business of that bank or any subsidiary or
2 bank holding company of the bank, or violated any law or
3 engaged or participated in any unsafe or unsound practice
4 in connection with any financial institution or other
5 business entity such that the character and fitness of the
6 director, officer, employee, or agent would not have
7 assured reasonable promise of safe and sound operation of
8 the State bank, the Secretary may issue an order
9 prohibiting that person from further service with a bank
10 or any subsidiary or bank holding company of the bank as a
11 director, officer, employee, or agent. An order issued
12 pursuant to this subsection shall be served upon the
13 director, officer, employee, or agent. A copy of the order
14 shall be sent to each director of the bank affected by
15 registered mail. A copy of the order shall also be served
16 upon the bank of which he is a director, officer,
17 employee, or agent, whereupon he shall cease to be a
18 director, officer, employee, or agent of that bank. The
19 Secretary may institute a civil action against the
20 director, officer, or agent of the State bank or, after
21 May 31, 1997, of the branch of the out-of-state bank
22 against whom any order provided for by this subsection (7)
23 of this Section 48 has been issued, and against the State
24 bank or, after May 31, 1997, out-of-state bank, to enforce
25 compliance with or to enjoin any violation of the terms of
26 the order. Any person who has been the subject of an order

1 of removal or an order of prohibition issued by the
2 Secretary under this subsection or Section 5-6 of the
3 Corporate Fiduciary Act may not thereafter serve as
4 director, officer, employee, or agent of any State bank or
5 of any branch of any out-of-state bank, or of any
6 corporate fiduciary, as defined in Section 1-5.05 of the
7 Corporate Fiduciary Act, or of any other entity that is
8 subject to licensure or regulation by the Division of
9 Banking unless the Secretary has granted prior approval in
10 writing.

11 For purposes of this paragraph (7), "bank holding
12 company" has the meaning prescribed in Section 2 of the
13 Illinois Bank Holding Company Act of 1957.

14 (7.5) Notwithstanding the provisions of this Section,
15 the Secretary shall not:

16 (1) issue an order against a State bank or any
17 subsidiary organized under this Act for unsafe or
18 unsound banking practices solely because the entity
19 provides or has provided financial services to a
20 cannabis-related legitimate business;

21 (2) prohibit, penalize, or otherwise discourage a
22 State bank or any subsidiary from providing financial
23 services to a cannabis-related legitimate business
24 solely because the entity provides or has provided
25 financial services to a cannabis-related legitimate
26 business;

1 (3) recommend, incentivize, or encourage a State
2 bank or any subsidiary not to offer financial services
3 to an account holder or to downgrade or cancel the
4 financial services offered to an account holder solely
5 because:

6 (A) the account holder is a manufacturer or
7 producer, or is the owner, operator, or employee
8 of a cannabis-related legitimate business;

9 (B) the account holder later becomes an owner
10 or operator of a cannabis-related legitimate
11 business; or

12 (C) the State bank or any subsidiary was not
13 aware that the account holder is the owner or
14 operator of a cannabis-related legitimate
15 business; and

16 (4) take any adverse or corrective supervisory
17 action on a loan made to an owner or operator of:

18 (A) a cannabis-related legitimate business
19 solely because the owner or operator owns or
20 operates a cannabis-related legitimate business;
21 or

22 (B) real estate or equipment that is leased to
23 a cannabis-related legitimate business solely
24 because the owner or operator of the real estate
25 or equipment leased the equipment or real estate
26 to a cannabis-related legitimate business.

1 (8) The Commissioner may impose civil penalties of up
2 to \$100,000 against any person for each violation of any
3 provision of this Act, any rule promulgated in accordance
4 with this Act, any order of the Commissioner, or any other
5 action which in the Commissioner's discretion is an unsafe
6 or unsound banking practice.

7 (9) The Commissioner may impose civil penalties of up
8 to \$100 against any person for the first failure to comply
9 with reporting requirements set forth in the report of
10 examination of the bank and up to \$200 for the second and
11 subsequent failures to comply with those reporting
12 requirements.

13 (10) All final administrative decisions of the
14 Commissioner hereunder shall be subject to judicial review
15 pursuant to the provisions of the Administrative Review
16 Law. For matters involving administrative review, venue
17 shall be in either Sangamon County or Cook County.

18 (11) The endowment fund for the Illinois Bank
19 Examiners' Education Foundation shall be administered as
20 follows:

21 (a) (Blank).

22 (b) The Foundation is empowered to receive
23 voluntary contributions, gifts, grants, bequests, and
24 donations on behalf of the Illinois Bank Examiners'
25 Education Foundation from national banks and other
26 persons for the purpose of funding the endowment of

1 the Illinois Bank Examiners' Education Foundation.

2 (c) The aggregate of all special educational fees
3 collected by the Secretary and property received by
4 the Secretary on behalf of the Illinois Bank
5 Examiners' Education Foundation under this subsection
6 (11) on or after June 30, 1986, shall be either (i)
7 promptly paid after receipt of the same, accompanied
8 by a detailed statement thereof, into the State
9 Treasury and shall be set apart in a special fund to be
10 known as "The Illinois Bank Examiners' Education Fund"
11 to be invested by either the Treasurer of the State of
12 Illinois in the Public Treasurers' Investment Pool or
13 in any other investment he is authorized to make or by
14 the Illinois State Board of Investment as the State
15 Banking Board of Illinois may direct or (ii) deposited
16 into an account maintained in a commercial bank or
17 corporate fiduciary in the name of the Illinois Bank
18 Examiners' Education Foundation pursuant to the order
19 and direction of the Board of Trustees of the Illinois
20 Bank Examiners' Education Foundation.

21 (12) (Blank).

22 (13) The Secretary may borrow funds from the General
23 Revenue Fund on behalf of the Bank and Trust Company Fund
24 if the Director of Banking certifies to the Governor that
25 there is an economic emergency affecting banking that
26 requires a borrowing to provide additional funds to the

1 Bank and Trust Company Fund. The borrowed funds shall be
2 paid back within 3 years and shall not exceed the total
3 funding appropriated to the Agency in the previous year.

4 (14) In addition to the fees authorized in this Act,
5 the Secretary may assess reasonable receivership fees
6 against any State bank that does not maintain insurance
7 with the Federal Deposit Insurance Corporation. All fees
8 collected under this subsection (14) shall be paid into
9 the Non-insured Institutions Receivership account in the
10 Bank and Trust Company Fund, as established by the
11 Secretary. The fees assessed under this subsection (14)
12 shall provide for the expenses that arise from the
13 administration of the receivership of any such institution
14 required to pay into the Non-insured Institutions
15 Receivership account, whether pursuant to this Act, the
16 Corporate Fiduciary Act, the Foreign Banking Office Act,
17 or any other Act that requires payments into the
18 Non-insured Institutions Receivership account. The
19 Secretary may establish by rule a reasonable manner of
20 assessing fees under this subsection (14).

21 (Source: P.A. 100-22, eff. 1-1-18; 101-27, eff. 6-25-19;
22 101-275, eff. 8-9-19; revised 9-19-19.)

23 Section 455. The Savings Bank Act is amended by changing
24 Section 1008 as follows:

1 (205 ILCS 205/1008) (from Ch. 17, par. 7301-8)

2 Sec. 1008. General corporate powers.

3 (a) A savings bank operating under this Act shall be a body
4 corporate and politic and shall have all of the powers
5 conferred by this Act including, but not limited to, the
6 following powers:

7 (1) To sue and be sued, complain, and defend in its
8 corporate name and to have a common seal, which it may
9 alter or renew at pleasure.

10 (2) To obtain and maintain insurance by a deposit
11 insurance corporation as defined in this Act.

12 (3) To act as a fiscal agent for the United States, the
13 State of Illinois or any department, branch, arm, or
14 agency of the State or any unit of local government or
15 school district in the State, when duly designated for
16 that purpose, and as agent to perform reasonable functions
17 as may be required of it.

18 (4) To become a member of or deal with any corporation
19 or agency of the United States or the State of Illinois, to
20 the extent that the agency assists in furthering or
21 facilitating its purposes or powers and to that end to
22 purchase stock or securities thereof or deposit money
23 therewith, and to comply with any other conditions of
24 membership or credit.

25 (5) To make donations in reasonable amounts for the
26 public welfare or for charitable, scientific, religious,

1 or educational purposes.

2 (6) To adopt and operate reasonable insurance, bonus,
3 profit sharing, and retirement plans for officers and
4 employees and for directors including, but not limited to,
5 advisory, honorary, and emeritus directors, who are not
6 officers or employees.

7 (7) To reject any application for membership; to
8 retire deposit accounts by enforced retirement as provided
9 in this Act and the bylaws; and to limit the issuance of,
10 or payments on, deposit accounts, subject, however, to
11 contractual obligations.

12 (8) To purchase stock or membership interests in
13 service corporations and to invest in any form of
14 indebtedness of any service corporation as defined in this
15 Act, subject to regulations of the Secretary.

16 (9) To purchase stock of a corporation whose principal
17 purpose is to operate a safe deposit company or escrow
18 service company.

19 (10) To exercise all the powers necessary to qualify
20 as a trustee or custodian under federal or State law,
21 provided that the authority to accept and execute trusts
22 is subject to the provisions of the Corporate Fiduciary
23 Act and to the supervision of those activities by the
24 Secretary.

25 (11) (Blank).

26 (12) To establish, maintain, and operate terminals as

1 authorized by the Electronic Fund Transfer Act.

2 (13) To pledge its assets:

3 (A) to enable it to act as agent for the sale of
4 obligations of the United States;

5 (B) to secure deposits;

6 (C) to secure deposits of money whenever required
7 by the National Bankruptcy Act;

8 (D) (blank); and

9 (E) to secure trust funds commingled with the
10 savings bank's funds, whether deposited by the savings
11 bank or an affiliate of the savings bank, as required
12 under Section 2-8 of the Corporate Fiduciary Act.

13 (14) To accept for payment at a future date not to
14 exceed one year from the date of acceptance, drafts drawn
15 upon it by its customers; and to issue, advise, or confirm
16 letters of credit authorizing holders thereof to draw
17 drafts upon it or its correspondents.

18 (15) Subject to the regulations of the Secretary, to
19 own and lease personal property acquired by the savings
20 bank at the request of a prospective lessee and, upon the
21 agreement of that person, to lease the personal property.

22 (16) To establish temporary service booths at any
23 International Fair in this State that is approved by the
24 United States Department of Commerce for the duration of
25 the international fair for the purpose of providing a
26 convenient place for foreign trade customers to exchange

1 their home countries' currency into United States currency
2 or the converse. To provide temporary periodic service to
3 persons residing in a bona fide nursing home, senior
4 citizens' retirement home, or long-term care facility.
5 These powers shall not be construed as establishing a new
6 place or change of location for the savings bank providing
7 the service booth.

8 (17) To indemnify its officers, directors, employees,
9 and agents, as authorized for corporations under Section
10 8.75 of the Business Corporation ~~Corporations~~ Act of 1983.

11 (18) To provide data processing services to others on
12 a for-profit basis.

13 (19) To utilize any electronic technology to provide
14 customers with home banking services.

15 (20) Subject to the regulations of the Secretary, to
16 enter into an agreement to act as a surety.

17 (21) Subject to the regulations of the Secretary, to
18 issue credit cards, extend credit therewith, and otherwise
19 engage in or participate in credit card operations.

20 (22) To purchase for its own account shares of stock
21 of a bankers' bank, described in Section 13(b)(1) of the
22 Illinois Banking Act, on the same terms and conditions as
23 a bank may purchase such shares. In no event shall the
24 total amount of such stock held by a savings bank in such
25 bankers' bank exceed 10% of its capital and surplus
26 (including undivided profits) and in no event shall a

1 savings bank acquire more than 5% of any class of voting
2 securities of such bankers' bank.

3 (23) With respect to affiliate facilities:

4 (A) to conduct at affiliate facilities any of the
5 following transactions for and on behalf of any
6 affiliated depository institution, if so authorized by
7 the affiliate or affiliates: receiving deposits;
8 renewing deposits; cashing and issuing checks, drafts,
9 money orders, travelers checks, or similar
10 instruments; changing money; receiving payments on
11 existing indebtedness; and conducting ministerial
12 functions with respect to loan applications, servicing
13 loans, and providing loan account information; and

14 (B) to authorize an affiliated depository
15 institution to conduct for and on behalf of it, any of
16 the transactions listed in this subsection at one or
17 more affiliate facilities.

18 A savings bank intending to conduct or to authorize an
19 affiliated depository institution to conduct at an
20 affiliate facility any of the transactions specified in
21 this subsection shall give written notice to the Secretary
22 at least 30 days before any such transaction is conducted
23 at an affiliate facility. All conduct under this
24 subsection shall be on terms consistent with safe and
25 sound banking practices and applicable law.

26 (24) Subject to Article XLIV of the Illinois Insurance

1 Code, to act as the agent for any fire, life, or other
2 insurance company authorized by the State of Illinois, by
3 soliciting and selling insurance and collecting premiums
4 on policies issued by such company; and may receive for
5 services so rendered such fees or commissions as may be
6 agreed upon between the said savings bank and the
7 insurance company for which it may act as agent; provided,
8 however, that no such savings bank shall in any case
9 assume or guarantee the payment of any premium on
10 insurance policies issued through its agency by its
11 principal; and provided further, that the savings bank
12 shall not guarantee the truth of any statement made by an
13 assured in filing his application for insurance.

14 (25) To become a member of the Federal Home Loan Bank
15 and to have the powers granted to a savings association
16 organized under the Illinois Savings and Loan Act of 1985
17 or the laws of the United States, subject to regulations
18 of the Secretary.

19 (26) To offer any product or service that is at the
20 time authorized or permitted to a bank by applicable law,
21 but subject always to the same limitations and
22 restrictions that are applicable to the bank for the
23 product or service by such applicable law and subject to
24 the applicable provisions of the Financial Institutions
25 Insurance Sales Law and rules of the Secretary.

26 (b) If this Act or the regulations adopted under this Act

1 fail to provide specific guidance in matters of corporate
2 governance, the provisions of the Business Corporation Act of
3 1983 may be used, or if the savings bank is a limited liability
4 company, the provisions of the Limited Liability Company Act
5 shall be used.

6 (c) A savings bank may be organized as a limited liability
7 company, may convert to a limited liability company, or may
8 merge with and into a limited liability company, under the
9 applicable laws of this State and of the United States,
10 including any rules promulgated thereunder. A savings bank
11 organized as a limited liability company shall be subject to
12 the provisions of the Limited Liability Company Act in
13 addition to this Act, provided that if a provision of the
14 Limited Liability Company Act conflicts with a provision of
15 this Act or with any rule of the Secretary, the provision of
16 this Act or the rule of the Secretary shall apply.

17 Any filing required to be made under the Limited Liability
18 Company Act shall be made exclusively with the Secretary, and
19 the Secretary shall possess the exclusive authority to
20 regulate the savings bank as provided in this Act.

21 Any organization as, conversion to, and merger with or
22 into a limited liability company shall be subject to the prior
23 approval of the Secretary.

24 A savings bank that is a limited liability company shall
25 be subject to all of the provisions of this Act in the same
26 manner as a savings bank that is organized in stock form.

1 The Secretary may promulgate rules to ensure that a
2 savings bank that is a limited liability company (i) is
3 operating in a safe and sound manner and (ii) is subject to the
4 Secretary's authority in the same manner as a savings bank
5 that is organized in stock form.

6 (Source: P.A. 97-492, eff. 1-1-12; revised 8-23-19.)

7 Section 460. The Illinois Credit Union Act is amended by
8 changing Sections 9 and 46 as follows:

9 (205 ILCS 305/9) (from Ch. 17, par. 4410)

10 Sec. 9. Reports and examinations.

11 (1) Credit unions shall report to the Department on forms
12 supplied by the Department, in accordance with a schedule
13 published by the Department. A recapitulation of the annual
14 reports shall be compiled and published annually by the
15 Department, for the use of the General Assembly, credit
16 unions, various educational institutions and other interested
17 parties. A credit union which fails to file any report when due
18 shall pay to the Department a late filing fee for each day the
19 report is overdue as prescribed by rule. The Secretary may
20 extend the time for filing a report.

21 (2) The Secretary may require special examinations of and
22 special financial reports from a credit union or a credit
23 union organization in which a credit union loans, invests, or
24 delegates substantially all managerial duties and

1 responsibilities when he determines that such examinations and
2 reports are necessary to enable the Department to determine
3 the safety of a credit union's operation or its solvency. The
4 cost to the Department of the aforesaid special examinations
5 shall be borne by the credit union being examined as
6 prescribed by rule.

7 (3) All credit unions incorporated under this Act shall be
8 examined at least biennially by the Department or, at the
9 discretion of the Secretary, by a public accountant registered
10 by the Department of Financial and Professional Regulation.
11 The costs of an examination shall be paid by the credit union.
12 The scope of all examinations by a public accountant shall be
13 at least equal to the examinations made by the Department. The
14 examiners shall have full access to, and may compel the
15 production of, all the books, papers, securities and accounts
16 of any credit union. A special examination shall be made by the
17 Department or by a public accountant approved by the
18 Department upon written request of 5 or more members, who
19 guarantee the expense of the same. Any credit union refusing
20 to submit to an examination when ordered by the Department
21 shall be reported to the Attorney General, who shall institute
22 proceedings to have its charter revoked. If the Secretary
23 determines that the examination of a credit union is to be
24 conducted by a public accountant registered by the Department
25 of Financial and Professional Regulation and the examination
26 is done in conjunction with the credit union's external

1 independent audit of financial statements, the requirements of
2 this Section and subsection (3) of Section 34 shall be deemed
3 met.

4 (3.5) Pursuant to Section 8, the Secretary shall adopt
5 rules that ensure consistency and due process in the
6 examination process. The Secretary may also establish
7 guidelines that (i) define the scope of the examination
8 process and (ii) clarify examination items to be resolved. The
9 rules, formal guidance, interpretive ~~interpretative~~ letters,
10 or opinions furnished to credit unions by the Secretary may be
11 relied upon by the credit unions.

12 (4) A copy of the completed report of examination and a
13 review comment letter, if any, citing exceptions revealed
14 during the examination, shall be submitted to the credit union
15 by the Department. A detailed report stating the corrective
16 actions taken by the board of directors on each exception set
17 forth in the review comment letter shall be filed with the
18 Department within 40 days after the date of the review comment
19 letter, or as otherwise directed by the Department. Any credit
20 union through its officers, directors, committee members or
21 employees, which willfully provides fraudulent or misleading
22 information regarding the corrective actions taken on
23 exceptions appearing in a review comment letter may have its
24 operations restricted to the collection of principal and
25 interest on loans outstanding and the payment of normal
26 expenses and salaries until all exceptions are corrected and

1 accepted by the Department.

2 (Source: P.A. 97-133, eff. 1-1-12; 98-784, eff. 7-24-14;
3 revised 8-23-19.)

4 (205 ILCS 305/46) (from Ch. 17, par. 4447)

5 Sec. 46. Loans and interest rate.

6 (1) A credit union may make loans to its members for such
7 purpose and upon such security and terms, including rates of
8 interest, as the credit committee, credit manager, or loan
9 officer approves. Notwithstanding the provisions of any other
10 law in connection with extensions of credit, a credit union
11 may elect to contract for and receive interest and fees and
12 other charges for extensions of credit subject only to the
13 provisions of this Act and rules promulgated under this Act,
14 except that extensions of credit secured by residential real
15 estate shall be subject to the laws applicable thereto. The
16 rates of interest to be charged on loans to members shall be
17 set by the board of directors of each individual credit union
18 in accordance with Section 30 of this Act and such rates may be
19 less than, but may not exceed, the maximum rate set forth in
20 this Section. A borrower may repay his loan prior to maturity,
21 in whole or in part, without penalty. A prepayment penalty
22 does not include a waived, bona fide third-party charge that
23 the credit union imposes if the borrower prepays all of the
24 transaction's principal sooner than 36 months after
25 consummation of a closed-end credit transaction, a waived,

1 bona fide third-party charge that the credit union imposes if
2 the borrower terminates an open-end credit plan sooner than 36
3 months after account opening, or a yield maintenance fee
4 imposed on a business loan transaction. The credit contract
5 may provide for the payment by the member and receipt by the
6 credit union of all costs and disbursements, including
7 reasonable attorney's fees and collection agency charges,
8 incurred by the credit union to collect or enforce the debt in
9 the event of a delinquency by the member, or in the event of a
10 breach of any obligation of the member under the credit
11 contract. A contingency or hourly arrangement established
12 under an agreement entered into by a credit union with an
13 attorney or collection agency to collect a loan of a member in
14 default shall be presumed prima facie reasonable.

15 (2) Credit unions may make loans based upon the security
16 of any interest or equity in real estate, subject to rules and
17 regulations promulgated by the Secretary. In any contract or
18 loan which is secured by a mortgage, deed of trust, or
19 conveyance in the nature of a mortgage, on residential real
20 estate, the interest which is computed, calculated, charged,
21 or collected pursuant to such contract or loan, or pursuant to
22 any regulation or rule promulgated pursuant to this Act, may
23 not be computed, calculated, charged or collected for any
24 period of time occurring after the date on which the total
25 indebtedness, with the exception of late payment penalties, is
26 paid in full.

1 For purposes of this subsection (2) of this Section 46, a
2 prepayment shall mean the payment of the total indebtedness,
3 with the exception of late payment penalties if incurred or
4 charged, on any date before the date specified in the contract
5 or loan agreement on which the total indebtedness shall be
6 paid in full, or before the date on which all payments, if
7 timely made, shall have been made. In the event of a prepayment
8 of the indebtedness which is made on a date after the date on
9 which interest on the indebtedness was last computed,
10 calculated, charged, or collected but before the next date on
11 which interest on the indebtedness was to be calculated,
12 computed, charged, or collected, the lender may calculate,
13 charge and collect interest on the indebtedness for the period
14 which elapsed between the date on which the prepayment is made
15 and the date on which interest on the indebtedness was last
16 computed, calculated, charged or collected at a rate equal to
17 1/360 of the annual rate for each day which so elapsed, which
18 rate shall be applied to the indebtedness outstanding as of
19 the date of prepayment. The lender shall refund to the
20 borrower any interest charged or collected which exceeds that
21 which the lender may charge or collect pursuant to the
22 preceding sentence.

23 (3) (Blank).

24 (4) Notwithstanding any other provisions of this Act, a
25 credit union authorized under this Act to make loans secured
26 by an interest or equity in real property may engage in making

1 revolving credit loans secured by mortgages or deeds of trust
2 on such real property or by security assignments of beneficial
3 interests in land trusts.

4 For purposes of this Section, "revolving credit" has the
5 meaning defined in Section 4.1 of the Interest Act.

6 Any mortgage or deed of trust given to secure a revolving
7 credit loan may, and when so expressed therein shall, secure
8 not only the existing indebtedness but also such future
9 advances, whether such advances are obligatory or to be made
10 at the option of the lender, or otherwise, as are made within
11 20 ~~twenty~~ years from the date thereof, to the same extent as if
12 such future advances were made on the date of the execution of
13 such mortgage or deed of trust, although there may be no
14 advance made at the time of execution of such mortgage or other
15 instrument, and although there may be no indebtedness
16 outstanding at the time any advance is made. The lien of such
17 mortgage or deed of trust, as to third persons without actual
18 notice thereof, shall be valid as to all such indebtedness and
19 future advances from ~~from~~ the time said mortgage or deed of
20 trust is filed for record in the office of the recorder of
21 deeds or the registrar of titles of the county where the real
22 property described therein is located. The total amount of
23 indebtedness that may be so secured may increase or decrease
24 from time to time, but the total unpaid balance so secured at
25 any one time shall not exceed a maximum principal amount which
26 must be specified in such mortgage or deed of trust, plus

1 interest thereon, and any disbursements made for the payment
2 of taxes, special assessments, or insurance on said real
3 property, with interest on such disbursements.

4 Any such mortgage or deed of trust shall be valid and have
5 priority over all subsequent liens and encumbrances, including
6 statutory liens, except taxes and assessments levied on said
7 real property.

8 (4-5) For purposes of this Section, "real estate" and
9 "real property" include a manufactured home as defined in
10 subdivision (53) of Section 9-102 of the Uniform Commercial
11 Code which is real property as defined in Section 5-35 of the
12 Conveyance and Encumbrance of Manufactured Homes as Real
13 Property and Severance Act.

14 (5) Compliance with federal or Illinois preemptive laws or
15 regulations governing loans made by a credit union chartered
16 under this Act shall constitute compliance with this Act.

17 (6) Credit unions may make residential real estate
18 mortgage loans on terms and conditions established by the
19 United States Department of Agriculture through its Rural
20 Development Housing and Community Facilities Program. The
21 portion of any loan in excess of the appraised value of the
22 real estate shall be allocable only to the guarantee fee
23 required under the program.

24 (7) For a renewal, refinancing, or restructuring of an
25 existing loan at the credit union that is secured by an
26 interest or equity in real estate, a new appraisal of the

1 collateral shall not be required when (i) no new moneys are
2 advanced other than funds necessary to cover reasonable
3 closing costs, or (ii) there has been no obvious or material
4 change in market conditions or physical aspects of the real
5 estate that threatens the adequacy of the credit union's real
6 estate collateral protection after the transaction, even with
7 the advancement of new moneys. The Department reserves the
8 right to require an appraisal under this subsection (7)
9 whenever the Department believes it is necessary to address
10 safety and soundness concerns.

11 (Source: P.A. 99-78, eff. 7-20-15; 99-149, eff. 1-1-16;
12 99-331, eff. 1-1-16; 99-614, eff. 7-22-16; 99-642, eff.
13 7-28-16; 100-201, eff. 8-18-17; revised 8-23-19.)

14 Section 465. The Community Living Facilities Licensing Act
15 is amended by changing Section 5.5 as follows:

16 (210 ILCS 35/5.5)

17 Sec. 5.5. Closed captioning required. A Community Living
18 Facility licensed under this Act must make reasonable efforts
19 to have activated at all times the closed captioning feature
20 on a television in a common area provided for use by the
21 general public or in a resident's room, or enable the closed
22 captioning feature when requested to do so by a member of the
23 general public or a resident, if the television includes a
24 closed captioning feature.

1 It is not a violation of this Section if the closed
2 captioning feature is deactivated by a member of the Community
3 Living Facility's staff after such feature is enabled in a
4 common area or in a resident's room unless the deactivation of
5 the closed captioning feature is knowing or intentional. It is
6 not a violation of this Section if the closed captioning
7 feature is deactivated by a member of the general public, a
8 resident, or a member of the ~~a~~ Community Living Facility's
9 staff at the request of a resident of the Community Living
10 Facility licensed under this Act.

11 If a Community Living Facility licensed under this Act
12 does not have a television in a common area that includes a
13 closed captioning feature, then the Community Living Facility
14 licensed under this Act must ensure that all televisions
15 obtained for common areas after January 1, 2020 (the effective
16 date of Public Act 101-116) ~~this amendatory Act of the 101st~~
17 ~~General Assembly~~ include a closed captioning feature. This
18 Section does not affect any other provision of law relating to
19 disability discrimination or providing reasonable
20 accommodations or diminish the rights of a person with a
21 disability under any other law. Nothing in this Section shall
22 apply to televisions that are privately owned by a resident or
23 third party and not owned by the Community Living Facility.

24 As used in this Section, "closed captioning" means a text
25 display of spoken words presented on a television that allows
26 a deaf or hard of hearing viewer to follow the dialogue and the

1 action of a program simultaneously.

2 (Source: P.A. 101-116, eff. 1-1-20; revised 9-26-19.)

3 Section 470. The Specialized Mental Health Rehabilitation
4 Act of 2013 is amended by changing Section 2-101 as follows:

5 (210 ILCS 49/2-101)

6 Sec. 2-101. Standards for facilities.

7 (a) The Department shall, by rule, prescribe minimum
8 standards for each level of care for facilities to be in place
9 during the provisional licensure period and thereafter. These
10 standards shall include, but are not limited to, the
11 following:

12 (1) life safety standards that will ensure the health,
13 safety and welfare of residents and their protection from
14 hazards;

15 (2) number and qualifications of all personnel,
16 including management and clinical personnel, having
17 responsibility for any part of the care given to
18 consumers; specifically, the Department shall establish
19 staffing ratios for facilities which shall specify the
20 number of staff hours per consumer of care that are needed
21 for each level of care offered within the facility;

22 (3) all sanitary conditions within the facility and
23 its surroundings, including water supply, sewage disposal,
24 food handling, and general hygiene which shall ensure the

1 health and comfort of consumers;

2 (4) a program for adequate maintenance of physical
3 plant and equipment;

4 (5) adequate accommodations, staff, and services for
5 the number and types of services being offered to
6 consumers for whom the facility is licensed to care;

7 (6) development of evacuation and other appropriate
8 safety plans for use during weather, health, fire,
9 physical plant, environmental, and national defense
10 emergencies;

11 (7) maintenance of minimum financial or other
12 resources necessary to meet the standards established
13 under this Section, and to operate and conduct the
14 facility in accordance with this Act; ~~and~~

15 (8) standards for coercive free environment,
16 restraint, and therapeutic separation; ~~and~~

17 (9) each multiple bedroom shall have at least 55
18 square feet of net floor area per consumer, not including
19 space for closets, bathrooms, and clearly defined entryway
20 areas. A minimum of 3 feet of clearance at the foot and one
21 side of each bed shall be provided.

22 (b) Any requirement contained in administrative rule
23 concerning a percentage of single occupancy rooms shall be
24 calculated based on the total number of licensed or
25 provisionally licensed beds under this Act on January 1, 2019
26 and shall not be calculated on a per-facility basis.

1 (Source: P.A. 100-1181, eff. 3-8-19; 101-10, eff. 6-5-19;
2 revised 7-17-19.)

3 Section 475. The Emergency Medical Services (EMS) Systems
4 Act is amended by changing Sections 3.50 and 3.233 as follows:

5 (210 ILCS 50/3.50)

6 Sec. 3.50. Emergency Medical Services personnel licensure
7 levels.

8 (a) "Emergency Medical Technician" or "EMT" means a person
9 who has successfully completed a course in basic life support
10 as approved by the Department, is currently licensed by the
11 Department in accordance with standards prescribed by this Act
12 and rules adopted by the Department pursuant to this Act, and
13 practices within an EMS System. A valid Emergency Medical
14 Technician-Basic (EMT-B) license issued under this Act shall
15 continue to be valid and shall be recognized as an Emergency
16 Medical Technician (EMT) license until the Emergency Medical
17 Technician-Basic (EMT-B) license expires.

18 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
19 means a person who has successfully completed a course in
20 intermediate life support as approved by the Department, is
21 currently licensed by the Department in accordance with
22 standards prescribed by this Act and rules adopted by the
23 Department pursuant to this Act, and practices within an
24 Intermediate or Advanced Life Support EMS System.

1 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"
2 means a person who has successfully completed a course in
3 basic and limited advanced emergency medical care as approved
4 by the Department, is currently licensed by the Department in
5 accordance with standards prescribed by this Act and rules
6 adopted by the Department pursuant to this Act, and practices
7 within an Intermediate or Advanced Life Support EMS System.

8 (c) "Paramedic (EMT-P)" means a person who has
9 successfully completed a course in advanced life support care
10 as approved by the Department, is licensed by the Department
11 in accordance with standards prescribed by this Act and rules
12 adopted by the Department pursuant to this Act, and practices
13 within an Advanced Life Support EMS System. A valid Emergency
14 Medical Technician-Paramedic (EMT-P) license issued under this
15 Act shall continue to be valid and shall be recognized as a
16 Paramedic license until the Emergency Medical
17 Technician-Paramedic (EMT-P) license expires.

18 (c-5) "Emergency Medical Responder" or "EMR (First
19 Responder)" means a person who has successfully completed a
20 course in emergency medical response as approved by the
21 Department and provides emergency medical response services
22 prior to the arrival of an ambulance or specialized emergency
23 medical services vehicle, in accordance with the level of care
24 established by the National EMS Educational Standards
25 Emergency Medical Responder course as modified by the
26 Department. An Emergency Medical Responder who provides

1 services as part of an EMS System response plan shall comply
2 with the applicable sections of the Program Plan, as approved
3 by the Department, of that EMS System. The Department shall
4 have the authority to adopt rules governing the curriculum,
5 practice, and necessary equipment applicable to Emergency
6 Medical Responders.

7 On August 15, 2014 (the effective date of Public Act
8 98-973), a person who is licensed by the Department as a First
9 Responder and has completed a Department-approved course in
10 first responder defibrillator training based on, or equivalent
11 to, the National EMS Educational Standards or other standards
12 previously recognized by the Department shall be eligible for
13 licensure as an Emergency Medical Responder upon meeting the
14 licensure requirements and submitting an application to the
15 Department. A valid First Responder license issued under this
16 Act shall continue to be valid and shall be recognized as an
17 Emergency Medical Responder license until the First Responder
18 license expires.

19 (c-10) All EMS Systems and licensees shall be fully
20 compliant with the National EMS Education Standards, as
21 modified by the Department in administrative rules, within 24
22 months after the adoption of the administrative rules.

23 (d) The Department shall have the authority and
24 responsibility to:

25 (1) Prescribe education and training requirements,
26 which includes training in the use of epinephrine, for all

1 levels of EMS personnel except for EMRs, based on the
2 National EMS Educational Standards and any modifications
3 to those curricula specified by the Department through
4 rules adopted pursuant to this Act.

5 (2) Prescribe licensure testing requirements for all
6 levels of EMS personnel, which shall include a requirement
7 that all phases of instruction, training, and field
8 experience be completed before taking the appropriate
9 licensure examination. Candidates may elect to take the
10 appropriate National Registry examination in lieu of the
11 Department's examination, but are responsible for making
12 their own arrangements for taking the National Registry
13 examination. In prescribing licensure testing requirements
14 for honorably discharged members of the armed forces of
15 the United States under this paragraph (2), the Department
16 shall ensure that a candidate's military emergency medical
17 training, emergency medical curriculum completed, and
18 clinical experience, as described in paragraph (2.5), are
19 recognized.

20 (2.5) Review applications for EMS personnel licensure
21 from honorably discharged members of the armed forces of
22 the United States with military emergency medical
23 training. Applications shall be filed with the Department
24 within one year after military discharge and shall
25 contain: (i) proof of successful completion of military
26 emergency medical training; (ii) a detailed description of

1 the emergency medical curriculum completed; and (iii) a
2 detailed description of the applicant's clinical
3 experience. The Department may request additional and
4 clarifying information. The Department shall evaluate the
5 application, including the applicant's training and
6 experience, consistent with the standards set forth under
7 subsections (a), (b), (c), and (d) of Section 3.10. If the
8 application clearly demonstrates that the training and
9 experience meet such standards, the Department shall offer
10 the applicant the opportunity to successfully complete a
11 Department-approved EMS personnel examination for the
12 level of license for which the applicant is qualified.
13 Upon passage of an examination, the Department shall issue
14 a license, which shall be subject to all provisions of
15 this Act that are otherwise applicable to the level of EMS
16 personnel license issued.

17 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,
18 or Paramedic who have met the Department's education,
19 training and examination requirements.

20 (4) Prescribe annual continuing education and
21 relicensure requirements for all EMS personnel licensure
22 levels.

23 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,
24 A-EMT, PHRN, PHAPRN, PHPA, or Paramedic every 4 years,
25 based on their compliance with continuing education and
26 relicensure requirements as required by the Department

1 pursuant to this Act. Every 4 years, a Paramedic shall
2 have 100 hours of approved continuing education, an EMT-I
3 and an advanced EMT shall have 80 hours of approved
4 continuing education, and an EMT shall have 60 hours of
5 approved continuing education. An Illinois licensed EMR,
6 EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, PHPA, PHAPRN, or
7 PHRN whose license has been expired for less than 36
8 months may apply for reinstatement by the Department.
9 Reinstatement shall require that the applicant (i) submit
10 satisfactory proof of completion of continuing medical
11 education and clinical requirements to be prescribed by
12 the Department in an administrative rule; (ii) submit a
13 positive recommendation from an Illinois EMS Medical
14 Director attesting to the applicant's qualifications for
15 retesting; and (iii) pass a Department approved test for
16 the level of EMS personnel license sought to be
17 reinstated.

18 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
19 A-EMT, Paramedic, ECRN, PHAPRN, PHPA, or PHRN who
20 qualifies, based on standards and procedures established
21 by the Department in rules adopted pursuant to this Act.

22 (7) Charge a fee for EMS personnel examination,
23 licensure, and license renewal.

24 (8) Suspend, revoke, or refuse to issue or renew the
25 license of any licensee, after an opportunity for an
26 impartial hearing before a neutral administrative law

1 judge appointed by the Director, where the preponderance
2 of the evidence shows one or more of the following:

3 (A) The licensee has not met continuing education
4 or relicensure requirements as prescribed by the
5 Department;

6 (B) The licensee has failed to maintain
7 proficiency in the level of skills for which he or she
8 is licensed;

9 (C) The licensee, during the provision of medical
10 services, engaged in dishonorable, unethical, or
11 unprofessional conduct of a character likely to
12 deceive, defraud, or harm the public;

13 (D) The licensee has failed to maintain or has
14 violated standards of performance and conduct as
15 prescribed by the Department in rules adopted pursuant
16 to this Act or his or her EMS System's Program Plan;

17 (E) The licensee is physically impaired to the
18 extent that he or she cannot physically perform the
19 skills and functions for which he or she is licensed,
20 as verified by a physician, unless the person is on
21 inactive status pursuant to Department regulations;

22 (F) The licensee is mentally impaired to the
23 extent that he or she cannot exercise the appropriate
24 judgment, skill and safety for performing the
25 functions for which he or she is licensed, as verified
26 by a physician, unless the person is on inactive

1 status pursuant to Department regulations;

2 (G) The licensee has violated this Act or any rule
3 adopted by the Department pursuant to this Act; or

4 (H) The licensee has been convicted (or entered a
5 plea of guilty or nolo contendere ~~nolo contendere~~) by
6 a court of competent jurisdiction of a Class X, Class
7 1, or Class 2 felony in this State or an out-of-state
8 equivalent offense.

9 (9) Prescribe education and training requirements in
10 the administration and use of opioid antagonists for all
11 levels of EMS personnel based on the National EMS
12 Educational Standards and any modifications to those
13 curricula specified by the Department through rules
14 adopted pursuant to this Act.

15 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN,
16 PHAPRN, PHPA, or PHRN who is a member of the Illinois National
17 Guard or an Illinois State Trooper or who exclusively serves
18 as a volunteer for units of local government with a population
19 base of less than 5,000 or as a volunteer for a not-for-profit
20 organization that serves a service area with a population base
21 of less than 5,000 may submit an application to the Department
22 for a waiver of the fees described under paragraph (7) of
23 subsection (d) of this Section on a form prescribed by the
24 Department.

25 The education requirements prescribed by the Department
26 under this Section must allow for the suspension of those

1 requirements in the case of a member of the armed services or
2 reserve forces of the United States or a member of the Illinois
3 National Guard who is on active duty pursuant to an executive
4 order of the President of the United States, an act of the
5 Congress of the United States, or an order of the Governor at
6 the time that the member would otherwise be required to
7 fulfill a particular education requirement. Such a person must
8 fulfill the education requirement within 6 months after his or
9 her release from active duty.

10 (e) In the event that any rule of the Department or an EMS
11 Medical Director that requires testing for drug use as a
12 condition of the applicable EMS personnel license conflicts
13 with or duplicates a provision of a collective bargaining
14 agreement that requires testing for drug use, that rule shall
15 not apply to any person covered by the collective bargaining
16 agreement.

17 (f) At the time of applying for or renewing his or her
18 license, an applicant for a license or license renewal may
19 submit an email address to the Department. The Department
20 shall keep the email address on file as a form of contact for
21 the individual. The Department shall send license renewal
22 notices electronically and by mail to a licensee ~~all licensees~~
23 who provides ~~provide~~ the Department with his or her email
24 address. The notices shall be sent at least 60 days prior to
25 the expiration date of the license.

26 (Source: P.A. 100-1082, eff. 8-24-19; 101-81, eff. 7-12-19;

1 101-153, eff. 1-1-20; revised 12-3-19.)

2 (210 ILCS 50/3.233)

3 Sec. 3.233. Opioid overdose reporting.

4 (a) In this Section:

5 "Covered vehicle service provider" means a licensed
6 vehicle service provider that is a municipality with a
7 population of 1,000,000 or greater.

8 "Covered vehicle service provider personnel" means
9 individuals licensed by the Department as an EMT, EMT-I,
10 A-EMT, or EMT-P who are employed by a covered vehicle service
11 provider.

12 "Opioid" means any narcotic containing opium or one or
13 more of its natural or synthetic derivatives.

14 "Overdose" means a physiological event that results in a
15 life-threatening emergency to an individual who ingested,
16 inhaled, injected, or otherwise bodily absorbed an opioid.

17 (b) Covered vehicle service provider personnel who treat
18 and either release or transport to a health care facility an
19 individual experiencing a suspected or an actual overdose
20 shall document in the patient's care report the information
21 specified in subsection (c) within 24 hours of the initial
22 reporting of the incident.

23 (c) A patient care report of an overdose made under this
24 Section shall include:

25 (1) the date and time of the overdose;

1 (2) the location in latitude and longitude, to no more
2 than 4 decimal places, where the overdose victim was
3 initially encountered by the covered vehicle service
4 provider personnel;

5 (3) whether one or more doses of an opioid overdose
6 reversal drug were ~~was~~ administered; and

7 (4) whether the overdose was fatal or nonfatal when
8 the overdose victim was initially encountered by the
9 covered vehicle service provider personnel and during the
10 transportation of the victim to a health care facility.

11 (d) Upon receipt of a patient care report that documents
12 an overdose, a covered vehicle service provider shall report
13 the information listed under subsection (c) to:

14 (i) the Washington/Baltimore High Intensity Drug
15 Trafficking Area Overdose Detection Mapping Application;
16 or

17 (ii) any similar information technology platform with
18 secure access operated by the federal government or a unit
19 of state or local government, as determined by the covered
20 vehicle service provider.

21 (e) Overdose information reported by a covered vehicle
22 service provider under this Section shall not be used in an
23 opioid use-related criminal investigation or prosecution of
24 the individual who was treated by the covered vehicle service
25 provider personnel for experiencing the suspected or actual
26 overdose.

1 (f) Covered vehicle service providers or covered vehicle
2 service provider personnel that in good faith make a report
3 under this Section shall be immune from civil or criminal
4 liability for making the report.

5 (Source: P.A. 101-320, eff. 8-9-19; revised 12-3-19.)

6 Section 480. The Mobile Home Park Act is amended by
7 changing Section 9.8 as follows:

8 (210 ILCS 115/9.8) (from Ch. 111 1/2, par. 719.8)

9 Sec. 9.8. Adequate insect and rodent control measures
10 shall be employed. All buildings shall be fly proof and rodent
11 proof, and rodent harborages shall not be permitted to exist
12 in the park or pathways. All mobile homes shall be skirted to
13 exclude rodents and provide protection to the homes' ~~homes~~
14 utilities from the weather.

15 (Source: P.A. 101-454, eff. 8-23-19; revised 1-25-21.)

16 Section 485. The Safe Pharmaceutical Disposal Act is
17 amended by changing Section 5 as follows:

18 (210 ILCS 150/5)

19 Sec. 5. Definitions. In this Act:

20 "Health care institution" means any public or private
21 institution or agency licensed or certified by State law to
22 provide health care. The term includes hospitals, nursing

1 homes, residential health care facilities, home health care
2 agencies, hospice programs operating in this State,
3 institutions, facilities, or agencies that provide services to
4 persons with mental health illnesses, and institutions,
5 facilities, or agencies that provide services for persons with
6 developmental disabilities.

7 "Law enforcement agency" means any federal, State, or
8 local law enforcement agency, including a State's Attorney and
9 the Attorney General.

10 "Nurse" means an advanced practice registered nurse,
11 registered nurse, or licensed practical nurse licensed under
12 the Nurse Practice Act.

13 "Public wastewater collection system" means any wastewater
14 collection system regulated by the Environmental Protection
15 Agency.

16 "Unused medication" means any unopened, expired, or excess
17 (including medication unused as a result of the death of the
18 patient) medication that has been dispensed for patient or
19 resident care and that is in a liquid or solid form. The term
20 includes, but is not limited to, suspensions, pills, tablets,
21 capsules, and caplets. For long-term care facilities licensed
22 under the Nursing Home Care Act, "unused medication" does not
23 include any Schedule II controlled substance under federal law
24 in any form, until such time as the federal Drug Enforcement
25 Administration adopts regulations that permit these facilities
26 to dispose of controlled substances in a manner consistent

1 with this Act.

2 (Source: P.A. 99-648, eff. 1-1-17; 100-345, eff. 8-25-17;
3 100-612, eff. 1-1-19; revised 7-23-19.)

4 Section 490. The Illinois Insurance Code is amended by
5 changing Sections 28.2a, 291.1, 368g, 370c, and 534.3 and by
6 setting forth, renumbering, and changing multiple versions of
7 Section 356z.33 as follows:

8 (215 ILCS 5/28.2a) (from Ch. 73, par. 640.2a)

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

10 Sec. 28.2a. Proxies.

11 (1) A shareholder may appoint a proxy to vote or otherwise
12 act for him or her by signing an appointment form and
13 delivering it to the person so appointed.

14 (2) No proxy shall be valid after the expiration of 11
15 months from the date thereof unless otherwise provided in the
16 proxy. Every proxy continues in full force and effect until
17 revoked by the person executing it prior to the vote pursuant
18 thereto, except as otherwise provided in this Section. Such
19 revocation may be effected by a writing delivered to the
20 corporation stating that the proxy is revoked or by a
21 subsequent proxy executed by, or by attendance at the meeting
22 and voting in person by, the person executing the proxy. The
23 dates contained on the forms of proxy presumptively determine
24 the order of execution, regardless of the postmark dates on

1 the envelopes in which they are mailed.

2 (3) An appointment of a proxy is revocable by the
3 shareholder unless the appointment form conspicuously states
4 that it is irrevocable and the appointment is coupled with an
5 interest in the shares or in the corporation generally. By way
6 of example and without limiting the generality of the
7 foregoing, a proxy is coupled with an interest when the proxy
8 appointed is one of the following:

9 (a) a pledgee;

10 (b) a person who has purchased or had agreed to
11 purchase the shares;

12 (c) a creditor of the corporation who has extended it
13 credit under terms requiring the appointment, if the
14 appointment states the purpose for which it was given, the
15 name of the creditor, and the amount of credit extended;
16 or

17 (d) an employee of the corporation whose employment
18 contract requires the appointment, if the appointment
19 states the purpose for which it was given, the name of the
20 employee, and the period of employment.

21 (4) The death or incapacity of the shareholder appointing
22 a proxy does not revoke the proxy's authority unless notice of
23 the death or incapacity is received by the officer or agent who
24 maintains the corporation's share transfer book before the
25 proxy exercises his or her authority under the appointment.

26 (5) An appointment made irrevocable under subsection (3)

1 becomes revocable when the interest in the proxy terminates
2 such as when the pledge is redeemed, the shares are registered
3 in the purchaser's name, the creditor's debt is paid, the
4 employment contract ends, or the voting agreement expires.

5 (6) A transferee for value of shares subject to an
6 irrevocable appointment may revoke the appointment if the
7 transferee was ignorant of its existence when the shares were
8 acquired and both the existence of the appointment and its
9 revocability were not noted conspicuously on the certificate
10 (or information statement for shares without certificates)
11 representing the shares.

12 (7) Unless the appointment of a proxy contains an express
13 limitation on the proxy's authority, a corporation may accept
14 one proxy's vote or other action as that of the shareholder
15 making the appointment. If the proxy appointed fails to vote
16 or otherwise act in accordance with the appointment, the
17 shareholder is entitled to such legal or equitable relief as
18 is appropriate in the circumstances.

19 (Source: P.A. 84-502; revised 8-23-19.)

20 (215 ILCS 5/291.1) (from Ch. 73, par. 903.1)

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

22 Sec. 291.1. Organization. A domestic society organized on
23 or after January 1, 1986 (the effective date of Public Act
24 84-303) ~~this amendatory Act~~ shall be formed as follows:

25 (a) Seven or more citizens of the United States, a

1 majority of whom are citizens of this State, who desire to
2 form a fraternal benefit society may make, sign and
3 acknowledge, before some officer competent to take
4 acknowledgement of deeds, articles of incorporation, in
5 which shall be stated:

6 (1) The proposed corporate name of the society,
7 which shall not so closely resemble the name of any
8 society or insurance company already authorized to
9 transact business in this State as to be misleading or
10 confusing;

11 (2) The place where its principal office shall be
12 located within this State;

13 (3) The purposes for which it is being formed and
14 the mode in which its corporate powers are to be
15 exercised. Such purposes shall not include more
16 liberal powers than are granted by this amendatory
17 Act; and

18 (4) The names and residences of the incorporators
19 and the names, residences and official titles of all
20 the officers, trustees, directors or other persons who
21 are to have and exercise the general control of the
22 management of the affairs and funds of the society for
23 the first year or until the ensuing election, at which
24 all such officers shall be elected by the supreme
25 governing body, which election shall be held not later
26 than one year from the date of issuance of the

1 permanent certificate of authority;

2 (b) Duplicate originals of the articles of
3 incorporation, certified copies of the society's bylaws
4 and rules, copies of all proposed forms of certificates,
5 applicants and rates therefor, and circulars to be issued
6 by the society and a bond conditioned upon the return to
7 applicants of the advanced payments if the organization is
8 not completed within one year shall be filed with the
9 Director, who may require such further information as the
10 Director deems necessary. The bond with sureties approved
11 by the Director shall be in such amount, not less than
12 \$300,000 nor more than \$1,500,000, as required by the
13 Director. All documents filed are to be in the English
14 language. If the Director finds that the purposes of the
15 society conform to the requirements of this amendatory Act
16 and all provisions of the law have been complied with, the
17 Director shall approve the articles of incorporation and
18 issue the incorporators a preliminary certificate of
19 authority authorizing the society to solicit members as
20 hereinafter provided;

21 (c) No preliminary certificate of authority issued
22 under the provisions of this Section shall be valid after
23 one year from its date of issue or after such further
24 period, not exceeding one year, as may be authorized by
25 the Director, upon cause shown, unless the 500 applicants
26 hereinafter required have been secured and the

1 organization has been completed as herein provided. The
2 articles of incorporation and all other proceedings
3 thereunder shall become null and void in one year from the
4 date of the preliminary certificate of authority or at the
5 expiration of the extended period, unless the society
6 shall have completed its organization and received a
7 certificate of authority to do business as hereinafter
8 provided;

9 (d) Upon receipt of a preliminary certificate of
10 authority from the Director, the society may solicit
11 members for the purpose of completing its organization,
12 shall collect from each applicant the amount of not less
13 than one regular monthly premium in accordance with its
14 table of rates and shall issue to each such applicant a
15 receipt for the amount so collected. No society shall
16 incur any liability other than for the return of such
17 advance premium nor issue any certificate nor pay, allow
18 or offer or promise to pay or allow any benefit to any
19 person until:

20 (1) Actual bona fide applications for benefits
21 have been secured on not less than 500 applicants and
22 any necessary evidence of insurability has been
23 furnished to and approved by the society;

24 (2) At least 10 subordinate lodges have been
25 established into which the 500 applicants have been
26 admitted;

1 (3) There has been submitted to the Director,
2 under oath of the president or secretary, or
3 corresponding officer of the society, a list of such
4 applicants, giving their names, addresses, date each
5 was admitted, name and number of the subordinate lodge
6 of which each applicant is a member, amount of
7 benefits to be granted and premiums therefor;

8 (4) It shall have been shown to the Director, by
9 sworn statement of the treasurer or corresponding
10 officer of such society, that at ~~a~~ least 500
11 applicants have each paid in cash at least one regular
12 monthly premium as herein provided, which premiums in
13 the aggregate shall amount to at least \$150,000. Said
14 advance premiums shall be held in trust during the
15 period of organization, and, if the society has not
16 qualified for a certificate of authority within one
17 year unless extended by the Director, as herein
18 provided, such premiums shall be returned to said
19 applicants; and

20 (5) In the case of a domestic society that is
21 organized after January 1, 2015 (the effective date of
22 Public Act 98-814) ~~this amendatory Act of the 98th~~
23 ~~General Assembly~~, the society meets the following
24 requirements:

25 (i) maintains a minimum surplus of \$2,000,000,
26 or such higher amount as the Director may deem

1 necessary; and

2 (ii) meets any other requirements as
3 determined by the Director.

4 (e) The Director may make such examination and require
5 such further information as the Director deems necessary.
6 Upon presentation of satisfactory evidence that the
7 society has complied with all the provisions of law, the
8 Director shall issue to the society a certificate of
9 authority to that effect and that the society is
10 authorized to transact business pursuant to the provisions
11 of this amendatory Act; and

12 (f) Any incorporated society authorized to transact
13 business in this State at the time Public Act 84-303 ~~this~~
14 ~~amendatory Act~~ becomes effective (January 1, 1986) shall
15 not be required to reincorporate.

16 (Source: P.A. 98-814, eff. 1-1-15; revised 8-23-19.)

17 (215 ILCS 5/356z.33)

18 Sec. 356z.33. Coverage for epinephrine injectors. A group
19 or individual policy of accident and health insurance or a
20 managed care plan that is amended, delivered, issued, or
21 renewed on or after January 1, 2020 (the effective date of
22 Public Act 101-281) ~~this amendatory Act of the 101st General~~
23 ~~Assembly~~ shall provide coverage for medically necessary
24 epinephrine injectors for persons 18 years of age or under. As
25 used in this Section, "epinephrine injector" has the meaning

1 given to that term in Section 5 of the Epinephrine Injector
2 Act.

3 (Source: P.A. 101-281, eff. 1-1-20; revised 10-16-19.)

4 (215 ILCS 5/356z.34)

5 Sec. 356z.34 ~~356z.33~~. Coverage for cardiopulmonary
6 monitors. A group or individual policy of accident and health
7 insurance amended, delivered, issued, or renewed after January
8 1, 2020 (the effective date of Public Act 101-218) ~~this~~
9 ~~amendatory Act of the 101st General Assembly~~ shall provide
10 coverage for cardiopulmonary monitors determined to be
11 medically necessary for a person 18 years old or younger who
12 has had a cardiopulmonary event.

13 (Source: P.A. 101-218, eff. 1-1-20; revised 10-16-19.)

14 (215 ILCS 5/356z.35)

15 Sec. 356z.35 ~~356z.33~~. Long-term antibiotic therapy for
16 tick-borne diseases.

17 (a) As used in this Section:

18 "Long-term antibiotic therapy" means the administration of
19 oral, intramuscular, or intravenous antibiotics singly or in
20 combination for periods of time in excess of 4 weeks.

21 "Tick-borne disease" means a disease caused when an
22 infected tick bites a person and the tick's saliva transmits
23 an infectious agent (bacteria, viruses, or parasites) that can
24 cause illness, including, but not limited to, the following:

- 1 (1) a severe infection with borrelia burgdorferi;
- 2 (2) a late stage, persistent, or chronic infection or
3 complications related to such an infection;
- 4 (3) an infection with other strains of borrelia or a
5 tick-borne disease that is recognized by the United States
6 Centers for Disease Control and Prevention; and
- 7 (4) the presence of signs or symptoms compatible with
8 acute infection of borrelia or other tick-borne diseases.

9 (b) An individual or group policy of accident and health
10 insurance or managed care plan that is amended, delivered,
11 issued, or renewed on or after January 1, 2020 (the effective
12 date of Public Act 101-371) ~~this amendatory Act of the 101st~~
13 ~~General Assembly~~ shall provide coverage for long-term
14 antibiotic therapy, including necessary office visits and
15 ongoing testing, for a person with a tick-borne disease when
16 determined to be medically necessary and ordered by a
17 physician licensed to practice medicine in all its branches
18 after making a thorough evaluation of the person's symptoms,
19 diagnostic test results, or response to treatment. An
20 experimental drug shall be covered as a long-term antibiotic
21 therapy if it is approved for an indication by the United
22 States Food and Drug Administration. A drug, including an
23 experimental drug, shall be covered for an off-label use in
24 the treatment of a tick-borne disease if the drug has been
25 approved by the United States Food and Drug Administration.
26 (Source: P.A. 101-371, eff. 1-1-20; revised 10-16-19.)

1 (215 ILCS 5/356z.36)

2 Sec. 356z.36 ~~356z.33~~. Coverage of treatment models for
3 early treatment of serious mental illnesses.

4 (a) For purposes of early treatment of a serious mental
5 illness in a child or young adult under age 26, a group or
6 individual policy of accident and health insurance, or managed
7 care plan, that is amended, delivered, issued, or renewed
8 after December 31, 2020 shall provide coverage of the
9 following bundled, evidence-based treatment:

10 (1) Coordinated specialty care for first episode
11 psychosis treatment, covering the elements of the
12 treatment model included in the most recent national
13 research trials conducted by the National Institute of
14 Mental Health in the Recovery After an Initial
15 Schizophrenia Episode (RAISE) trials for psychosis
16 resulting from a serious mental illness, but excluding the
17 components of the treatment model related to education and
18 employment support.

19 (2) Assertive community treatment (ACT) and community
20 support team (CST) treatment. The elements of ACT and CST
21 to be covered shall include those covered under Article V
22 of the Illinois Public Aid Code, through 89 Ill. Adm. Code
23 140.453(d)(4).

24 (b) Adherence to the clinical models. For purposes of
25 ensuring adherence to the coordinated specialty care for first

1 episode psychosis treatment model, only providers contracted
2 with the Department of Human Services' Division of Mental
3 Health to be FIRST.IL providers to deliver coordinated
4 specialty care for first episode psychosis treatment shall be
5 permitted to provide such treatment in accordance with this
6 Section and such providers must adhere to the fidelity of the
7 treatment model. For purposes of ensuring fidelity to ACT and
8 CST, only providers certified to provide ACT and CST by the
9 Department of Human Services' Division of Mental Health and
10 approved to provide ACT and CST by the Department of
11 Healthcare and Family Services, or its designee, in accordance
12 with 89 Ill. Adm. Code 140, shall be permitted to provide such
13 services under this Section and such providers shall be
14 required to adhere to the fidelity of the models.

15 (c) Development of medical necessity criteria for
16 coverage. Within 6 months after January 1, 2020 (the effective
17 date of Public Act 101-461) ~~this amendatory Act of the 101st~~
18 ~~General Assembly~~, the Department of Insurance shall lead and
19 convene a workgroup that includes the Department of Human
20 Services' Division of Mental Health, the Department of
21 Healthcare and Family Services, providers of the treatment
22 models listed in this Section, and insurers operating in
23 Illinois to develop medical necessity criteria for such
24 treatment models for purposes of coverage under this Section.
25 The workgroup shall use the medical necessity criteria the
26 State and other states use as guidance for establishing

1 medical necessity for insurance coverage. The Department of
2 Insurance shall adopt a rule that defines medical necessity
3 for each of the 3 treatment models listed in this Section by no
4 later than June 30, 2020 based on the workgroup's
5 recommendations.

6 (d) For purposes of credentialing the mental health
7 professionals and other medical professionals that are part of
8 a coordinated specialty care for first episode psychosis
9 treatment team, an ACT team, or a CST team, the credentialing
10 of the psychiatrist or the licensed clinical leader of the
11 treatment team shall qualify all members of the treatment team
12 to be credentialed with the insurer.

13 (e) Payment for the services performed under the treatment
14 models listed in this Section shall be based on a bundled
15 treatment model or payment, rather than payment for each
16 separate service delivered by a treatment team member. By no
17 later than 6 months after January 1, 2020 (the effective date
18 of Public Act 101-461) ~~this amendatory Act of the 101st~~
19 ~~General Assembly~~, the Department of Insurance shall convene a
20 workgroup of Illinois insurance companies and Illinois mental
21 health treatment providers that deliver the bundled treatment
22 approaches listed in this Section to determine a coding
23 solution that allows for these bundled treatment models to be
24 coded and paid for as a bundle of services, similar to
25 intensive outpatient treatment where multiple services are
26 covered under one billing code or a bundled set of billing

1 codes. The coding solution shall ensure that services
2 delivered using coordinated specialty care for first episode
3 psychosis treatment, ACT, or CST are provided and billed as a
4 bundled service, rather than for each individual service
5 provided by a treatment team member, which would deconstruct
6 the evidence-based practice. The coding solution shall be
7 reached prior to coverage, which shall begin for plans
8 amended, delivered, issued, or renewed after December 31,
9 2020, to ensure coverage of the treatment team approaches as
10 intended by this Section.

11 (f) If, at any time, the Secretary of the United States
12 Department of Health and Human Services, or its successor
13 agency, adopts rules or regulations to be published in the
14 Federal Register or publishes a comment in the Federal
15 Register or issues an opinion, guidance, or other action that
16 would require the State, under any provision of the Patient
17 Protection and Affordable Care Act (P.L. 111-148), including,
18 but not limited to, 42 U.S.C. 18031(d)(3)(b), or any successor
19 provision, to defray the cost of any coverage for serious
20 mental illnesses or serious emotional disturbances outlined in
21 this Section, then the requirement that a group or individual
22 policy of accident and health insurance or managed care plan
23 cover the bundled treatment approaches listed in this Section
24 is inoperative other than any such coverage authorized under
25 Section 1902 of the Social Security Act, 42 U.S.C. 1396a, and
26 the State shall not assume any obligation for the cost of the

1 coverage.

2 (g) After 5 years following full implementation of this
3 Section, if requested by an insurer, the Department of
4 Insurance shall contract with an independent third party with
5 expertise in analyzing health insurance premiums and costs to
6 perform an independent analysis of the impact coverage of the
7 team-based treatment models listed in this Section has had on
8 insurance premiums in Illinois. If premiums increased by more
9 than 1% annually solely due to coverage of these treatment
10 models, coverage of these models shall no longer be required.

11 (h) The Department of Insurance shall adopt any rules
12 necessary to implement the provisions of this Section by no
13 later than June 30, 2020.

14 (Source: P.A. 101-461, eff. 1-1-20; revised 10-16-19.)

15 (215 ILCS 5/356z.37)

16 Sec. 356z.37 ~~356z.33~~. Whole body skin examination. An
17 individual or group policy of accident and health insurance
18 shall cover, without imposing a deductible, coinsurance,
19 copayment, or any other cost-sharing requirement upon the
20 insured patient, one annual office visit, using appropriate
21 routine evaluation and management Current Procedural
22 Terminology codes or any successor codes, for a whole body
23 skin examination for lesions suspicious for skin cancer. The
24 whole body skin examination shall be indicated using an
25 appropriate International Statistical Classification of

1 Diseases and Related Health Problems code or any successor
2 codes. The provisions of this Section do not apply to the
3 extent such coverage would disqualify a high-deductible health
4 plan from eligibility for a health savings account pursuant to
5 26 U.S.C. 223.

6 (Source: P.A. 101-500, eff. 1-1-20; revised 10-16-19.)

7 (215 ILCS 5/356z.38)

8 Sec. 356z.38 ~~356z.33~~. Human breast milk coverage.

9 (a) Notwithstanding any other provision of this Act,
10 pasteurized donated human breast milk, which may include human
11 milk fortifiers if indicated by a prescribing licensed medical
12 practitioner, shall be covered under an individual or group
13 health insurance for persons who are otherwise eligible for
14 coverage under this Act if the covered person is an infant
15 under the age of 6 months, a licensed medical practitioner
16 prescribes the milk for the covered person, and all of the
17 following conditions are met:

18 (1) the milk is obtained from a human milk bank that
19 meets quality guidelines established by the Human Milk
20 Banking Association of North America or is licensed by the
21 Department of Public Health;

22 (2) the infant's mother is medically or physically
23 unable to produce maternal breast milk or produce maternal
24 breast milk in sufficient quantities to meet the infant's
25 needs or the maternal breast milk is contraindicated;

1 (3) the milk has been determined to be medically
2 necessary for the infant; and

3 (4) one or more of the following applies:

4 (A) the infant's birth weight is below 1,500
5 grams;

6 (B) the infant has a congenital or acquired
7 condition that places the infant at a high risk for
8 development of necrotizing enterocolitis;

9 (C) the infant has infant hypoglycemia;

10 (D) the infant has congenital heart disease;

11 (E) the infant has had or will have an organ
12 transplant;

13 (F) the infant has sepsis; or

14 (G) the infant has any other serious congenital or
15 acquired condition for which the use of donated human
16 breast milk is medically necessary and supports the
17 treatment and recovery of the infant.

18 (b) Notwithstanding any other provision of this Act,
19 pasteurized donated human breast milk, which may include human
20 milk fortifiers if indicated by a prescribing licensed medical
21 practitioner, shall be covered under an individual or group
22 health insurance for persons who are otherwise eligible for
23 coverage under this Act if the covered person is a child 6
24 months through 12 months of age, a licensed medical
25 practitioner prescribes the milk for the covered person, and
26 all of the following conditions are met:

1 (1) the milk is obtained from a human milk bank that
2 meets quality guidelines established by the Human Milk
3 Banking Association of North America or is licensed by the
4 Department of Public Health;

5 (2) the child's mother is medically or physically
6 unable to produce maternal breast milk or produce maternal
7 breast milk in sufficient quantities to meet the child's
8 needs or the maternal breast milk is contraindicated;

9 (3) the milk has been determined to be medically
10 necessary for the child; and

11 (4) one or more of the following applies:

12 (A) the child has spinal muscular atrophy;

13 (B) the child's birth weight was below 1,500 grams
14 and he or she has long-term feeding or
15 gastrointestinal complications related to prematurity;

16 (C) the child has had or will have an organ
17 transplant; or

18 (D) the child has a congenital or acquired
19 condition for which the use of donated human breast
20 milk is medically necessary and supports the treatment
21 and recovery of the child.

22 (Source: P.A. 101-511, eff. 1-1-20; revised 10-16-19.)

23 (215 ILCS 5/356z.39)

24 Sec. 356z.39 ~~356z.33~~. Coverage of the psychiatric
25 Collaborative Care Model.

1 (a) As used in this Section, "psychiatric Collaborative
2 Care Model" means the evidence-based, integrated behavioral
3 health service delivery method, which includes a formal
4 collaborative arrangement among a primary care team consisting
5 of a primary care provider, a care manager, and a psychiatric
6 consultant, and includes, but is not limited to, the following
7 elements:

8 (1) care directed by the primary care team;

9 (2) structured care management;

10 (3) regular assessments of clinical status using
11 validated tools; and

12 (4) modification of treatment as appropriate.

13 (b) An individual or group policy of accident and health
14 insurance amended, delivered, issued, or renewed on or after
15 January 1, 2020 (the effective date of Public Act 101-574)
16 ~~this amendatory Act of the 101st General Assembly~~ or managed
17 care organization that provides mental health benefits shall
18 provide reimbursement for benefits that are delivered through
19 the psychiatric Collaborative Care Model. The following
20 American Medical Association 2018 current procedural
21 terminology codes and Healthcare Common Procedure Coding
22 System code shall be used to bill for benefits delivered
23 through the psychiatric Collaborative Care Model:

24 (1) 99492;

25 (2) 99493;

26 (3) 99494; and

1 (4) G0512.

2 (c) The Director of Insurance shall update the billing
3 codes in subsection (b) if there are any alterations or
4 additions to the billing codes for the psychiatric
5 Collaborative Care Model.

6 (d) An individual or group policy or managed care
7 organization that provides benefits under this Section may
8 deny reimbursement of any billing code listed in this Section
9 on the grounds of medical necessity if such medical necessity
10 determinations are in compliance with the Paul Wellstone and
11 Pete Domenici Mental Health Parity and Addiction Equity Act of
12 2008 and its implementing and related regulations and that
13 such determinations are made in accordance with the
14 utilization review requirements under Section 85 of the
15 Managed Care Reform and Patient Rights Act.

16 (Source: P.A. 101-574, eff. 1-1-20; revised 10-16-19.)

17 (215 ILCS 5/368g)

18 Sec. 368g. Time-based billing.

19 (a) As used in this Section, "CPT code" means the medical
20 billing code set contained in the most recent version of the
21 Current Procedural Terminology code book published by the
22 American Medical Association.

23 (b) A health care plan requiring a health care provider to
24 use a time-based CPT code to bill for health care services
25 shall not apply a time measurement standard that results in

1 fewer units billed than allowed by the CPT code book, except as
2 required by federal law for federally funded ~~federally funded~~
3 patients.

4 (Source: P.A. 101-119, eff. 7-22-19; revised 9-26-19.)

5 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

6 Sec. 370c. Mental and emotional disorders.

7 (a) (1) On and after August 16, 2019 ~~January 1, 2019~~ (the
8 effective date of Public Act 101-386 ~~this amendatory Act of~~
9 ~~the 101st General Assembly Public Act 100-1024~~), every insurer
10 that amends, delivers, issues, or renews group accident and
11 health policies providing coverage for hospital or medical
12 treatment or services for illness on an expense-incurred basis
13 shall provide coverage for reasonable and necessary treatment
14 and services for mental, emotional, nervous, or substance use
15 disorders or conditions consistent with the parity
16 requirements of Section 370c.1 of this Code.

17 (2) Each insured that is covered for mental, emotional,
18 nervous, or substance use disorders or conditions shall be
19 free to select the physician licensed to practice medicine in
20 all its branches, licensed clinical psychologist, licensed
21 clinical social worker, licensed clinical professional
22 counselor, licensed marriage and family therapist, licensed
23 speech-language pathologist, or other licensed or certified
24 professional at a program licensed pursuant to the Substance
25 Use Disorder Act of his choice to treat such disorders, and the

1 insurer shall pay the covered charges of such physician
2 licensed to practice medicine in all its branches, licensed
3 clinical psychologist, licensed clinical social worker,
4 licensed clinical professional counselor, licensed marriage
5 and family therapist, licensed speech-language pathologist, or
6 other licensed or certified professional at a program licensed
7 pursuant to the Substance Use Disorder Act up to the limits of
8 coverage, provided (i) the disorder or condition treated is
9 covered by the policy, and (ii) the physician, licensed
10 psychologist, licensed clinical social worker, licensed
11 clinical professional counselor, licensed marriage and family
12 therapist, licensed speech-language pathologist, or other
13 licensed or certified professional at a program licensed
14 pursuant to the Substance Use Disorder Act is authorized to
15 provide said services under the statutes of this State and in
16 accordance with accepted principles of his profession.

17 (3) Insofar as this Section applies solely to licensed
18 clinical social workers, licensed clinical professional
19 counselors, licensed marriage and family therapists, licensed
20 speech-language pathologists, and other licensed or certified
21 professionals at programs licensed pursuant to the Substance
22 Use Disorder Act, those persons who may provide services to
23 individuals shall do so after the licensed clinical social
24 worker, licensed clinical professional counselor, licensed
25 marriage and family therapist, licensed speech-language
26 pathologist, or other licensed or certified professional at a

1 program licensed pursuant to the Substance Use Disorder Act
2 has informed the patient of the desirability of the patient
3 conferring with the patient's primary care physician.

4 (4) "Mental, emotional, nervous, or substance use disorder
5 or condition" means a condition or disorder that involves a
6 mental health condition or substance use disorder that falls
7 under any of the diagnostic categories listed in the mental
8 and behavioral disorders chapter of the current edition of the
9 International Classification of Disease or that is listed in
10 the most recent version of the Diagnostic and Statistical
11 Manual of Mental Disorders. "Mental, emotional, nervous, or
12 substance use disorder or condition" includes any mental
13 health condition that occurs during pregnancy or during the
14 postpartum period and includes, but is not limited to,
15 postpartum depression.

16 (b) (1) (Blank).

17 (2) (Blank).

18 (2.5) (Blank).

19 (3) Unless otherwise prohibited by federal law and
20 consistent with the parity requirements of Section 370c.1 of
21 this Code, the reimbursing insurer that amends, delivers,
22 issues, or renews a group or individual policy of accident and
23 health insurance, a qualified health plan offered through the
24 health insurance marketplace, or a provider of treatment of
25 mental, emotional, nervous, or substance use disorders or
26 conditions shall furnish medical records or other necessary

1 data that substantiate that initial or continued treatment is
2 at all times medically necessary. An insurer shall provide a
3 mechanism for the timely review by a provider holding the same
4 license and practicing in the same specialty as the patient's
5 provider, who is unaffiliated with the insurer, jointly
6 selected by the patient (or the patient's next of kin or legal
7 representative if the patient is unable to act for himself or
8 herself), the patient's provider, and the insurer in the event
9 of a dispute between the insurer and patient's provider
10 regarding the medical necessity of a treatment proposed by a
11 patient's provider. If the reviewing provider determines the
12 treatment to be medically necessary, the insurer shall provide
13 reimbursement for the treatment. Future contractual or
14 employment actions by the insurer regarding the patient's
15 provider may not be based on the provider's participation in
16 this procedure. Nothing prevents the insured from agreeing in
17 writing to continue treatment at his or her expense. When
18 making a determination of the medical necessity for a
19 treatment modality for mental, emotional, nervous, or
20 substance use disorders or conditions, an insurer must make
21 the determination in a manner that is consistent with the
22 manner used to make that determination with respect to other
23 diseases or illnesses covered under the policy, including an
24 appeals process. Medical necessity determinations for
25 substance use disorders shall be made in accordance with
26 appropriate patient placement criteria established by the

1 American Society of Addiction Medicine. No additional criteria
2 may be used to make medical necessity determinations for
3 substance use disorders.

4 (4) A group health benefit plan amended, delivered,
5 issued, or renewed on or after January 1, 2019 (the effective
6 date of Public Act 100-1024) or an individual policy of
7 accident and health insurance or a qualified health plan
8 offered through the health insurance marketplace amended,
9 delivered, issued, or renewed on or after January 1, 2019 (the
10 effective date of Public Act 100-1024):

11 (A) shall provide coverage based upon medical
12 necessity for the treatment of a mental, emotional,
13 nervous, or substance use disorder or condition consistent
14 with the parity requirements of Section 370c.1 of this
15 Code; provided, however, that in each calendar year
16 coverage shall not be less than the following:

17 (i) 45 days of inpatient treatment; and

18 (ii) beginning on June 26, 2006 (the effective
19 date of Public Act 94-921), 60 visits for outpatient
20 treatment including group and individual outpatient
21 treatment; and

22 (iii) for plans or policies delivered, issued for
23 delivery, renewed, or modified after January 1, 2007
24 (the effective date of Public Act 94-906), 20
25 additional outpatient visits for speech therapy for
26 treatment of pervasive developmental disorders that

1 will be in addition to speech therapy provided
2 pursuant to item (ii) of this subparagraph (A); and

3 (B) may not include a lifetime limit on the number of
4 days of inpatient treatment or the number of outpatient
5 visits covered under the plan.

6 (C) (Blank).

7 (5) An issuer of a group health benefit plan or an
8 individual policy of accident and health insurance or a
9 qualified health plan offered through the health insurance
10 marketplace may not count toward the number of outpatient
11 visits required to be covered under this Section an outpatient
12 visit for the purpose of medication management and shall cover
13 the outpatient visits under the same terms and conditions as
14 it covers outpatient visits for the treatment of physical
15 illness.

16 (5.5) An individual or group health benefit plan amended,
17 delivered, issued, or renewed on or after September 9, 2015
18 (the effective date of Public Act 99-480) shall offer coverage
19 for medically necessary acute treatment services and medically
20 necessary clinical stabilization services. The treating
21 provider shall base all treatment recommendations and the
22 health benefit plan shall base all medical necessity
23 determinations for substance use disorders in accordance with
24 the most current edition of the Treatment Criteria for
25 Addictive, Substance-Related, and Co-Occurring Conditions
26 established by the American Society of Addiction Medicine. The

1 treating provider shall base all treatment recommendations and
2 the health benefit plan shall base all medical necessity
3 determinations for medication-assisted treatment in accordance
4 with the most current Treatment Criteria for Addictive,
5 Substance-Related, and Co-Occurring Conditions established by
6 the American Society of Addiction Medicine.

7 As used in this subsection:

8 "Acute treatment services" means 24-hour medically
9 supervised addiction treatment that provides evaluation and
10 withdrawal management and may include biopsychosocial
11 assessment, individual and group counseling, psychoeducational
12 groups, and discharge planning.

13 "Clinical stabilization services" means 24-hour treatment,
14 usually following acute treatment services for substance
15 abuse, which may include intensive education and counseling
16 regarding the nature of addiction and its consequences,
17 relapse prevention, outreach to families and significant
18 others, and aftercare planning for individuals beginning to
19 engage in recovery from addiction.

20 (6) An issuer of a group health benefit plan may provide or
21 offer coverage required under this Section through a managed
22 care plan.

23 (6.5) An individual or group health benefit plan amended,
24 delivered, issued, or renewed on or after January 1, 2019 (the
25 effective date of Public Act 100-1024):

26 (A) shall not impose prior authorization requirements,

1 other than those established under the Treatment Criteria
2 for Addictive, Substance-Related, and Co-Occurring
3 Conditions established by the American Society of
4 Addiction Medicine, on a prescription medication approved
5 by the United States Food and Drug Administration that is
6 prescribed or administered for the treatment of substance
7 use disorders;

8 (B) shall not impose any step therapy requirements,
9 other than those established under the Treatment Criteria
10 for Addictive, Substance-Related, and Co-Occurring
11 Conditions established by the American Society of
12 Addiction Medicine, before authorizing coverage for a
13 prescription medication approved by the United States Food
14 and Drug Administration that is prescribed or administered
15 for the treatment of substance use disorders;

16 (C) shall place all prescription medications approved
17 by the United States Food and Drug Administration
18 prescribed or administered for the treatment of substance
19 use disorders on, for brand medications, the lowest tier
20 of the drug formulary developed and maintained by the
21 individual or group health benefit plan that covers brand
22 medications and, for generic medications, the lowest tier
23 of the drug formulary developed and maintained by the
24 individual or group health benefit plan that covers
25 generic medications; and

26 (D) shall not exclude coverage for a prescription

1 medication approved by the United States Food and Drug
2 Administration for the treatment of substance use
3 disorders and any associated counseling or wraparound
4 services on the grounds that such medications and services
5 were court ordered.

6 (7) (Blank).

7 (8) (Blank).

8 (9) With respect to all mental, emotional, nervous, or
9 substance use disorders or conditions, coverage for inpatient
10 treatment shall include coverage for treatment in a
11 residential treatment center certified or licensed by the
12 Department of Public Health or the Department of Human
13 Services.

14 (c) This Section shall not be interpreted to require
15 coverage for speech therapy or other habilitative services for
16 those individuals covered under Section 356z.15 of this Code.

17 (d) With respect to a group or individual policy of
18 accident and health insurance or a qualified health plan
19 offered through the health insurance marketplace, the
20 Department and, with respect to medical assistance, the
21 Department of Healthcare and Family Services shall each
22 enforce the requirements of this Section and Sections 356z.23
23 and 370c.1 of this Code, the Paul Wellstone and Pete Domenici
24 Mental Health Parity and Addiction Equity Act of 2008, 42
25 U.S.C. 18031(j), and any amendments to, and federal guidance
26 or regulations issued under, those Acts, including, but not

1 limited to, final regulations issued under the Paul Wellstone
2 and Pete Domenici Mental Health Parity and Addiction Equity
3 Act of 2008 and final regulations applying the Paul Wellstone
4 and Pete Domenici Mental Health Parity and Addiction Equity
5 Act of 2008 to Medicaid managed care organizations, the
6 Children's Health Insurance Program, and alternative benefit
7 plans. Specifically, the Department and the Department of
8 Healthcare and Family Services shall take action:

9 (1) proactively ensuring compliance by individual and
10 group policies, including by requiring that insurers
11 submit comparative analyses, as set forth in paragraph (6)
12 of subsection (k) of Section 370c.1, demonstrating how
13 they design and apply nonquantitative treatment
14 limitations, both as written and in operation, for mental,
15 emotional, nervous, or substance use disorder or condition
16 benefits as compared to how they design and apply
17 nonquantitative treatment limitations, as written and in
18 operation, for medical and surgical benefits;

19 (2) evaluating all consumer or provider complaints
20 regarding mental, emotional, nervous, or substance use
21 disorder or condition coverage for possible parity
22 violations;

23 (3) performing parity compliance market conduct
24 examinations or, in the case of the Department of
25 Healthcare and Family Services, parity compliance audits
26 of individual and group plans and policies, including, but

1 not limited to, reviews of:

2 (A) nonquantitative treatment limitations,
3 including, but not limited to, prior authorization
4 requirements, concurrent review, retrospective review,
5 step therapy, network admission standards,
6 reimbursement rates, and geographic restrictions;

7 (B) denials of authorization, payment, and
8 coverage; and

9 (C) other specific criteria as may be determined
10 by the Department.

11 The findings and the conclusions of the parity compliance
12 market conduct examinations and audits shall be made public.

13 The Director may adopt rules to effectuate any provisions
14 of the Paul Wellstone and Pete Domenici Mental Health Parity
15 and Addiction Equity Act of 2008 that relate to the business of
16 insurance.

17 (e) Availability of plan information.

18 (1) The criteria for medical necessity determinations
19 made under a group health plan, an individual policy of
20 accident and health insurance, or a qualified health plan
21 offered through the health insurance marketplace with
22 respect to mental health or substance use disorder
23 benefits (or health insurance coverage offered in
24 connection with the plan with respect to such benefits)
25 must be made available by the plan administrator (or the
26 health insurance issuer offering such coverage) to any

1 current or potential participant, beneficiary, or
2 contracting provider upon request.

3 (2) The reason for any denial under a group health
4 benefit plan, an individual policy of accident and health
5 insurance, or a qualified health plan offered through the
6 health insurance marketplace (or health insurance coverage
7 offered in connection with such plan or policy) of
8 reimbursement or payment for services with respect to
9 mental, emotional, nervous, or substance use disorders or
10 conditions benefits in the case of any participant or
11 beneficiary must be made available within a reasonable
12 time and in a reasonable manner and in readily
13 understandable language by the plan administrator (or the
14 health insurance issuer offering such coverage) to the
15 participant or beneficiary upon request.

16 (f) As used in this Section, "group policy of accident and
17 health insurance" and "group health benefit plan" includes (1)
18 State-regulated employer-sponsored group health insurance
19 plans written in Illinois or which purport to provide coverage
20 for a resident of this State; and (2) State employee health
21 plans.

22 (g) (1) As used in this subsection:

23 "Benefits", with respect to insurers, means the benefits
24 provided for treatment services for inpatient and outpatient
25 treatment of substance use disorders or conditions at American
26 Society of Addiction Medicine levels of treatment 2.1

1 (Intensive Outpatient), 2.5 (Partial Hospitalization), 3.1
2 (Clinically Managed Low-Intensity Residential), 3.3
3 (Clinically Managed Population-Specific High-Intensity
4 Residential), 3.5 (Clinically Managed High-Intensity
5 Residential), and 3.7 (Medically Monitored Intensive
6 Inpatient) and OMT (Opioid Maintenance Therapy) services.

7 "Benefits", with respect to managed care organizations,
8 means the benefits provided for treatment services for
9 inpatient and outpatient treatment of substance use disorders
10 or conditions at American Society of Addiction Medicine levels
11 of treatment 2.1 (Intensive Outpatient), 2.5 (Partial
12 Hospitalization), 3.5 (Clinically Managed High-Intensity
13 Residential), and 3.7 (Medically Monitored Intensive
14 Inpatient) and OMT (Opioid Maintenance Therapy) services.

15 "Substance use disorder treatment provider or facility"
16 means a licensed physician, licensed psychologist, licensed
17 psychiatrist, licensed advanced practice registered nurse, or
18 licensed, certified, or otherwise State-approved facility or
19 provider of substance use disorder treatment.

20 (2) A group health insurance policy, an individual health
21 benefit plan, or qualified health plan that is offered through
22 the health insurance marketplace, small employer group health
23 plan, and large employer group health plan that is amended,
24 delivered, issued, executed, or renewed in this State, or
25 approved for issuance or renewal in this State, on or after
26 January 1, 2019 (the effective date of Public Act 100-1023)

1 shall comply with the requirements of this Section and Section
2 370c.1. The services for the treatment and the ongoing
3 assessment of the patient's progress in treatment shall follow
4 the requirements of 77 Ill. Adm. Code 2060.

5 (3) Prior authorization shall not be utilized for the
6 benefits under this subsection. The substance use disorder
7 treatment provider or facility shall notify the insurer of the
8 initiation of treatment. For an insurer that is not a managed
9 care organization, the substance use disorder treatment
10 provider or facility notification shall occur for the
11 initiation of treatment of the covered person within 2
12 business days. For managed care organizations, the substance
13 use disorder treatment provider or facility notification shall
14 occur in accordance with the protocol set forth in the
15 provider agreement for initiation of treatment within 24
16 hours. If the managed care organization is not capable of
17 accepting the notification in accordance with the contractual
18 protocol during the 24-hour period following admission, the
19 substance use disorder treatment provider or facility shall
20 have one additional business day to provide the notification
21 to the appropriate managed care organization. Treatment plans
22 shall be developed in accordance with the requirements and
23 timeframes established in 77 Ill. Adm. Code 2060. If the
24 substance use disorder treatment provider or facility fails to
25 notify the insurer of the initiation of treatment in
26 accordance with these provisions, the insurer may follow its

1 normal prior authorization processes.

2 (4) For an insurer that is not a managed care
3 organization, if an insurer determines that benefits are no
4 longer medically necessary, the insurer shall notify the
5 covered person, the covered person's authorized
6 representative, if any, and the covered person's health care
7 provider in writing of the covered person's right to request
8 an external review pursuant to the Health Carrier External
9 Review Act. The notification shall occur within 24 hours
10 following the adverse determination.

11 Pursuant to the requirements of the Health Carrier
12 External Review Act, the covered person or the covered
13 person's authorized representative may request an expedited
14 external review. An expedited external review may not occur if
15 the substance use disorder treatment provider or facility
16 determines that continued treatment is no longer medically
17 necessary. Under this subsection, a request for expedited
18 external review must be initiated within 24 hours following
19 the adverse determination notification by the insurer. Failure
20 to request an expedited external review within 24 hours shall
21 preclude a covered person or a covered person's authorized
22 representative from requesting an expedited external review.

23 If an expedited external review request meets the criteria
24 of the Health Carrier External Review Act, an independent
25 review organization shall make a final determination of
26 medical necessity within 72 hours. If an independent review

1 organization upholds an adverse determination, an insurer
2 shall remain responsible to provide coverage of benefits
3 through the day following the determination of the independent
4 review organization. A decision to reverse an adverse
5 determination shall comply with the Health Carrier External
6 Review Act.

7 (5) The substance use disorder treatment provider or
8 facility shall provide the insurer with 7 business days'
9 advance notice of the planned discharge of the patient from
10 the substance use disorder treatment provider or facility and
11 notice on the day that the patient is discharged from the
12 substance use disorder treatment provider or facility.

13 (6) The benefits required by this subsection shall be
14 provided to all covered persons with a diagnosis of substance
15 use disorder or conditions. The presence of additional related
16 or unrelated diagnoses shall not be a basis to reduce or deny
17 the benefits required by this subsection.

18 (7) Nothing in this subsection shall be construed to
19 require an insurer to provide coverage for any of the benefits
20 in this subsection.

21 (Source: P.A. 100-305, eff. 8-24-17; 100-1023, eff. 1-1-19;
22 100-1024, eff. 1-1-19; 101-81, eff. 7-12-19; 101-386, eff.
23 8-16-19; revised 9-20-19.)

24 (215 ILCS 5/534.3) (from Ch. 73, par. 1065.84-3)

25 Sec. 534.3. Covered claim; unearned premium defined.

1 (a) "Covered claim" means an unpaid claim for a loss
2 arising out of and within the coverage of an insurance policy
3 to which this Article applies and which is in force at the time
4 of the occurrence giving rise to the unpaid claim, including
5 claims presented during any extended discovery period which
6 was purchased from the company before the entry of a
7 liquidation order or which is purchased or obtained from the
8 liquidator after the entry of a liquidation order, made by a
9 person insured under such policy or by a person suffering
10 injury or damage for which a person insured under such policy
11 is legally liable, and for unearned premium, if:

12 (i) The company issuing, assuming, or being allocated
13 the policy becomes an insolvent company as defined in
14 Section 534.4 after the effective date of this Article;
15 and

16 (ii) The claimant or insured is a resident of this
17 State at the time of the insured occurrence, or the
18 property from which a first party claim for damage to
19 property arises is permanently located in this State or,
20 in the case of an unearned premium claim, the policyholder
21 is a resident of this State at the time the policy was
22 issued; provided, that for entities other than an
23 individual, the residence of a claimant, insured, or
24 policyholder is the state in which its principal place of
25 business is located at the time of the insured event.

26 (b) "Covered claim" does not include:

1 (i) any amount in excess of the applicable limits of
2 liability provided by an insurance policy to which this
3 Article applies; nor

4 (ii) any claim for punitive or exemplary damages or
5 fines and penalties paid to government authorities; nor

6 (iii) any first party claim by an insured who is an
7 affiliate of the insolvent company; nor

8 (iv) any first party or third party claim by or
9 against an insured whose net worth on December 31 of the
10 year next preceding the date the insurer becomes an
11 insolvent insurer exceeds \$25,000,000; provided that an
12 insured's net worth on such date shall be deemed to
13 include the aggregate net worth of the insured and all of
14 its affiliates as calculated on a consolidated basis.
15 However, this exclusion shall not apply to third party
16 claims against the insured where the insured has applied
17 for or consented to the appointment of a receiver,
18 trustee, or liquidator for all or a substantial part of
19 its assets, filed a voluntary petition in bankruptcy,
20 filed a petition or an answer seeking a reorganization or
21 arrangement with creditors or to take advantage of any
22 insolvency law, or if an order, judgment, or decree is
23 entered by a court of competent jurisdiction, on the
24 application of a creditor, adjudicating the insured
25 bankrupt or insolvent or approving a petition seeking
26 reorganization of the insured or of all or substantial

1 part of its assets; nor

2 (v) any claim for any amount due any reinsurer,
3 insurer, insurance pool, or underwriting association as
4 subrogated recoveries, reinsurance recoverables,
5 contribution, indemnification or otherwise. No such claim
6 held by a reinsurer, insurer, insurance pool, or
7 underwriting association may be asserted in any legal
8 action against a person insured under a policy issued by
9 an insolvent company other than to the extent such claim
10 exceeds the Fund obligation limitations set forth in
11 Section 537.2 of this Code.

12 (c) "Unearned Premium" means the premium for the unexpired
13 period of a policy which has been terminated prior to the
14 expiration of the period for which premium has been paid and
15 does not mean premium which is returnable to the insured for
16 any other reason.

17 (Source: P.A. 100-1190, eff. 4-5-19; 101-60, eff. 7-12-19;
18 revised 9-20-19.)

19 Section 495. The Dental Service Plan Act is amended by
20 changing Section 47 as follows:

21 (215 ILCS 110/47) (from Ch. 32, par. 690.47)

22 Sec. 47. Continuance privilege; group privilege ~~Group~~
23 type contracts ~~contracts~~.

24 (1) Every service plan contract of a dental service plan

1 corporation which provides that the continued coverage of a
2 beneficiary is contingent upon the continued employment of the
3 subscriber with a particular employer shall further provide
4 for the continuance of such contract in accordance with the
5 requirements set forth in Section 367.2 of the "Illinois
6 Insurance Code", ~~approved June 29, 1937, as amended.~~

7 (2) The requirements of this Section shall apply to all
8 such contracts delivered, issued for delivery, renewed, or
9 amended on or after December 1, 1985 (the effective date of
10 Public Act 84-556) ~~this amendatory Act of 1985.~~

11 (Source: P.A. 84-556; revised 8-23-19.)

12 Section 500. The Health Maintenance Organization Act is
13 amended by changing Section 5-5 as follows:

14 (215 ILCS 125/5-5) (from Ch. 111 1/2, par. 1413)

15 Sec. 5-5. Suspension, revocation, or denial of
16 certification of authority. The Director may suspend or revoke
17 any certificate of authority issued to a health maintenance
18 organization under this Act or deny an application for a
19 certificate of authority if he finds any of the following:

20 (a) The health maintenance organization is operating
21 significantly in contravention of its basic organizational
22 document, its health care plan, or in a manner contrary to
23 that described in any information submitted under Section
24 2-1 or 4-12.

1 (b) The health maintenance organization issues
2 contracts or evidences of coverage or uses a schedule of
3 charges for health care services that do not comply with
4 the requirement of Section 2-1 or 4-12.

5 (c) The health care plan does not provide or arrange
6 for basic health care services, except as provided in
7 Section 4-13 concerning mental health services for clients
8 of the Department of Children and Family Services.

9 (d) The Director of Public Health certifies to the
10 Director that (1) the health maintenance organization does
11 not meet the requirements of Section 2-2 or (2) the health
12 maintenance organization is unable to fulfill its
13 obligations to furnish health care services as required
14 under its health care plan. The Department of Public
15 Health shall promulgate by rule, pursuant to the Illinois
16 Administrative Procedure Act, the precise standards used
17 for determining what constitutes a material
18 misrepresentation, what constitutes a material violation
19 of a contract or evidence of coverage, or what constitutes
20 good faith with regard to certification under this
21 paragraph.

22 (e) The health maintenance organization is no longer
23 financially responsible and may reasonably be expected to
24 be unable to meet its obligations to enrollees or
25 prospective enrollees.

26 (f) The health maintenance organization, or any person

1 on its behalf, has advertised or merchandised its services
2 in an untrue, misrepresentative, misleading, deceptive, or
3 unfair manner.

4 (g) The continued operation of the health maintenance
5 organization would be hazardous to its enrollees.

6 (h) The health maintenance organization has neglected
7 to correct, within the time prescribed by subsection (c)
8 of Section 2-4, any deficiency occurring due to the
9 organization's prescribed minimum net worth or special
10 contingent reserve being impaired.

11 (i) The health maintenance organization has otherwise
12 failed to substantially comply with this Act.

13 (j) The health maintenance organization has failed to
14 meet the requirements for issuance of a certificate of
15 authority set forth in Section 2-2.

16 When the certificate of authority of a health
17 maintenance organization is revoked, the organization
18 shall proceed, immediately following the effective date of
19 the order of revocation, to wind up its affairs and shall
20 conduct no further business except as may be essential to
21 the orderly conclusion of the affairs of the organization.
22 The Director may permit further operation of the
23 organization that he finds to be in the best interest of
24 enrollees to the end that the enrollees will be afforded
25 the greatest practical opportunity to obtain health care
26 services.

1 (k) The health maintenance organization has failed to
2 pay any assessment due under Article V-H of the Illinois
3 Public Aid Code for 60 days following the due date of the
4 payment (as extended by any grace period granted).
5 (Source: P.A. 101-9, eff. 6-5-19; revised 8-23-19.)

6 Section 505. The Use of Credit Information in Personal
7 Insurance Act is amended by changing Section 10 as follows:

8 (215 ILCS 157/10)

9 Sec. 10. Scope. This Act applies to personal insurance and
10 not to commercial insurance. For purposes of this Act,
11 "personal insurance" means private passenger automobile,
12 homeowners, motorcycle, mobile-homeowners and non-commercial
13 dwelling fire insurance policies, and boat, personal
14 watercraft, snowmobile, and recreational vehicle policies
15 ~~polices~~. Such policies must be individually underwritten for
16 personal, family, or household use. No other type of insurance
17 shall be included as personal insurance for the purpose of
18 this Act.

19 (Source: P.A. 93-114, eff. 10-1-03; revised 8-23-19.)

20 Section 510. The Voluntary Health Services Plans Act is
21 amended by changing Section 15.6-1 as follows:

22 (215 ILCS 165/15.6-1) (from Ch. 32, par. 609.6-1)

1 Sec. 15.6-1. Continuance privilege; group privilege
2 ~~Group~~ type contracts ~~contracts~~.

3 (1) Every service plan contract of a health service plan
4 corporation which provides that the continued coverage of a
5 beneficiary is contingent upon the continued employment of the
6 subscriber with a particular employer shall further provide
7 for the continuance of such contract in accordance with the
8 requirements set forth in Section 367.2 of the "Illinois
9 Insurance Code", ~~approved June 29, 1937, as amended~~.

10 (2) The requirements of this Section shall apply to all
11 such contracts delivered, issued for delivery, renewed or
12 amended on or after December 1, 1985 (the effective date of
13 Public Act 84-556) ~~this amendatory Act of 1985~~.

14 (Source: P.A. 84-556; revised 8-23-19.)

15 Section 515. The Organ Transplant Medication Notification
16 Act is amended by changing Section 10 as follows:

17 (215 ILCS 175/10)

18 Sec. 10. Definitions. For the purpose of this Act:

19 "Health insurance policy or health care service plan"
20 means any policy of health or accident insurance subject to
21 the provisions of the Illinois Insurance Code, Health
22 Maintenance Organization Act, Voluntary Health Services Plans
23 ~~Plan~~ Act, Counties Code, Illinois Municipal Code, School Code,
24 and State Employees Group Insurance Act of 1971.

1 "Immunosuppressant drugs" mean drugs that are used in
2 immunosuppressive therapy to inhibit or prevent the activity
3 of the immune system. "Immunosuppressant drugs" are used
4 clinically to prevent the rejection of transplanted organs and
5 tissues. "Immunosuppressant drugs" do not include drugs for
6 the treatment of autoimmune diseases or diseases that are most
7 likely of autoimmune origin.

8 (Source: P.A. 96-766, eff. 1-1-10; revised 8-23-19.)

9 Section 520. The Public Utilities Act is amended by
10 changing Sections 5-117, 13-507.1, and 16-130 as follows:

11 (220 ILCS 5/5-117)

12 Sec. 5-117. Supplier diversity goals.

13 (a) The public policy of this State is to collaboratively
14 work with companies that serve Illinois residents to improve
15 their supplier diversity in a non-antagonistic manner.

16 (b) The Commission shall require all gas, electric, and
17 water companies with at least 100,000 customers under its
18 authority, as well as suppliers of wind energy, solar energy,
19 hydroelectricity, nuclear energy, and any other supplier of
20 energy within this State, to submit an annual report by April
21 15, 2015 and every April 15 thereafter, in a searchable Adobe
22 PDF format, on all procurement goals and actual spending for
23 female-owned, minority-owned, veteran-owned, and small
24 business enterprises in the previous calendar year. These

1 goals shall be expressed as a percentage of the total work
2 performed by the entity submitting the report, and the actual
3 spending for all female-owned, minority-owned, veteran-owned,
4 and small business enterprises shall also be expressed as a
5 percentage of the total work performed by the entity
6 submitting the report.

7 (c) Each participating company in its annual report shall
8 include the following information:

9 (1) an explanation of the plan for the next year to
10 increase participation;

11 (2) an explanation of the plan to increase the goals;

12 (3) the areas of procurement each company shall be
13 actively seeking more participation in ~~in~~ the next year;

14 (4) an outline of the plan to alert and encourage
15 potential vendors in that area to seek business from the
16 company;

17 (5) an explanation of the challenges faced in finding
18 quality vendors and offer any suggestions for what the
19 Commission could do to be helpful to identify those
20 vendors;

21 (6) a list of the certifications the company
22 recognizes;

23 (7) the point of contact for any potential vendor who
24 wishes to do business with the company and explain the
25 process for a vendor to enroll with the company as a
26 minority-owned, women-owned, or veteran-owned company; and

1 (8) any particular success stories to encourage other
2 companies to emulate best practices.

3 (d) Each annual report shall include as much
4 State-specific data as possible. If the submitting entity does
5 not submit State-specific data, then the company shall include
6 any national data it does have and explain why it could not
7 submit State-specific data and how it intends to do so in
8 future reports, if possible.

9 (e) Each annual report shall include the rules,
10 regulations, and definitions used for the procurement goals in
11 the company's annual report.

12 (f) The Commission and all participating entities shall
13 hold an annual workshop open to the public in 2015 and every
14 year thereafter on the state of supplier diversity to
15 collaboratively seek solutions to structural impediments to
16 achieving stated goals, including testimony from each
17 participating entity as well as subject matter experts and
18 advocates. The Commission shall publish a database on its
19 website of the point of contact for each participating entity
20 for supplier diversity, along with a list of certifications
21 each company recognizes from the information submitted in each
22 annual report. The Commission shall publish each annual report
23 on its website and shall maintain each annual report for at
24 least 5 years.

25 (Source: P.A. 98-1056, eff. 8-26-14; 99-906, eff. 6-1-17;
26 revised 7-22-19.)

1 (220 ILCS 5/13-507.1)

2 (Section scheduled to be repealed on December 31, 2021)

3 Sec. 13-507.1. In any proceeding permitting, approving,
4 investigating, or establishing rates, charges,
5 classifications, or tariffs for telecommunications services
6 classified as noncompetitive offered or provided by an
7 incumbent local exchange carrier as that term is defined in
8 Section 13-202.5 ~~13-202.1~~ of this Act, the Commission shall
9 not allow any subsidy of Internet services, cable services, or
10 video services by the rates or charges for local exchange
11 telecommunications services, including local services
12 classified as noncompetitive.

13 (Source: P.A. 100-20, eff. 7-1-17; revised 7-6-20.)

14 (220 ILCS 5/16-130)

15 Sec. 16-130. Annual reports ~~Reports~~.

16 (a) The General Assembly finds that it is necessary to
17 have reliable and accurate information regarding the
18 transition to a competitive electric industry. In addition to
19 the annual report requirements pursuant to Section 5-109 of
20 this Act, each electric utility shall file with the Commission
21 a report on the following topics in accordance with the
22 schedule set forth in subsection (b) of this Section:

23 (1) Data on each customer class of the electric
24 utility in which delivery services have been elected,

1 including:

2 (A) number of retail customers in each class that
3 have elected delivery service;

4 (B) kilowatt hours consumed by the customers
5 described in subparagraph (A);

6 (C) revenue loss experienced by the utility as a
7 result of customers electing delivery services or
8 market-based prices as compared to continued service
9 under otherwise applicable tariffed rates;

10 (D) total amount of funds collected from each
11 customer class pursuant to the transition charges
12 authorized in Section 16-108;

13 (E) such ~~Such~~ other information as the Commission
14 may by rule require.

15 (2) A description of any steps taken by the electric
16 utility to mitigate and reduce its costs, including both a
17 detailed description of steps taken during the preceding
18 calendar year and a summary of steps taken since December
19 16, 1997 (the effective date of Public Act 90-561) ~~this~~
20 ~~amendatory Act of 1997~~, and including, to the extent
21 practicable, quantification of the costs mitigated or
22 reduced by specific actions taken by the electric utility.

23 (3) A description of actions taken under Sections
24 5-104, 7-204, 9-220, and 16-111 of this Act. This
25 information shall include, but not be limited to:

26 (A) a description of the actions taken;

1 (B) the effective date of the action;

2 (C) the annual savings or additional charges
3 realized by customers from actions taken, by customer
4 class and total for each year;

5 (D) the accumulated impact on customers by
6 customer class and total; and

7 (E) a summary of the method used to quantify the
8 impact on customers.

9 (4) A summary of the electric utility's use of
10 transitional funding instruments, including a description
11 of the electric utility's use of the proceeds of any
12 transitional funding instruments it has issued in
13 accordance with Article XVIII of this Act.

14 (5) Kilowatt-hours consumed in the twelve months
15 ending December 31, 1996 (which kilowatt-hours are hereby
16 referred to as "base year sales") by customer class
17 multiplied by the revenue per kilowatt hour, adjusted to
18 remove charges added to customers' bills pursuant to
19 Sections 9-221 and 9-222 of this Act, during the twelve
20 months ending December 31, 1996, adjusted for the
21 reductions required by subsection (b) of Section 16-111
22 and the mitigation factors contained in Section 16-102.
23 This amount shall be stated for: (i) each calendar year
24 preceding the year in which a report is required to be
25 submitted pursuant to subsection (b); and (ii) as a
26 cumulative total of all calendar years beginning with 1998

1 and ending with the calendar year preceding the year in
2 which a report is required to be submitted pursuant to
3 subsection (b).

4 (6) Calculations identical to those required by
5 subparagraph (5) except that base year sales shall be
6 adjusted for growth in the electric utility's service
7 territory, in addition to the other adjustments specified
8 by the first sentence of subparagraph (5).

9 (7) The electric utility's total revenue and net
10 income for each calendar year beginning with 1997 through
11 the calendar year preceding the year in which a report is
12 required to be submitted pursuant to subsection (b) as
13 reported in the electric utility's Form 1 report to the
14 Federal Energy Regulatory Commission.

15 (8) Any consideration in excess of the net book cost
16 as of December 16, 1997 (the effective date of Public Act
17 90-561) ~~this amendatory Act of 1997~~ received by the
18 electric utility during the year from a sale made
19 subsequent to December 16, 1997 (the effective date of
20 Public Act 90-561) ~~this amendatory Act of 1997~~ to a
21 non-affiliated third party of any generating plant that
22 was owned by the electric utility on December 16, 1997
23 (the effective date of Public Act 90-561) ~~this amendatory~~
24 ~~Act of 1997~~.

25 (9) Any consideration received by the electric utility
26 from sales or transfers during the year to an affiliated

1 interest of generating plant, or other plant that
2 represents an investment of \$25,000,000 or more in terms
3 of total depreciated original cost, which generating or
4 other plant were owned by the electric utility prior to
5 December 16, 1997 (the effective date of Public Act
6 90-561) ~~this amendatory Act of 1997.~~

7 (10) Any consideration received by an affiliated
8 interest of an electric utility from sales or transfers
9 during the year to a non-affiliated third party of
10 generating plant, but only if: (i) the electric utility
11 had previously sold or transferred such plant to the
12 affiliated interest subsequent to December 16, 1997 (the
13 effective date of Public Act 90-561) ~~this amendatory Act~~
14 ~~of 1997~~; (ii) the affiliated interest sells or transfers
15 such plant to a non-affiliated third party prior to
16 December 31, 2006; and (iii) the affiliated interest
17 receives consideration for the sale or transfer of such
18 plant to the non-affiliated third party in an amount
19 greater than the cost or price at which such plant was sold
20 or transferred to the affiliated interest by the electric
21 utility.

22 (11) A summary account of those expenditures made for
23 projects, programs, and improvements relating to
24 transmission and distribution including, without
25 limitation, infrastructure expansion, repair and
26 replacement, capital investments, operations and

1 maintenance, and vegetation management, pursuant to a
2 written commitment made under subsection (k) of Section
3 16-111.

4 (b) The information required by subsection (a) shall be
5 filed by each electric utility on or before March 1 of each
6 year 1999 through 2007 or through such additional years as the
7 electric utility is collecting transition charges pursuant to
8 subsection (f) of Section 16-108, for the previous calendar
9 year. The information required by subparagraph (6) of
10 subsection (a) for calendar year 1997 shall be submitted by
11 the electric utility on or before March 1, 1999.

12 (c) On or before May 15 of each year 1999 through 2006 or
13 through such additional years as the electric utility is
14 collecting transition charges pursuant to subsection (f) of
15 Section 16-108, the Commission shall submit a report to the
16 General Assembly which summarizes the information provided by
17 each electric utility under this Section; provided, however,
18 that proprietary or confidential information shall not be
19 publicly disclosed.

20 (Source: P.A. 90-561, eff. 12-16-97; 91-50, eff. 6-30-99;
21 revised 7-22-19.)

22 Section 525. The Illinois Dental Practice Act is amended
23 by changing Sections 4 and 17 as follows:

24 (225 ILCS 25/4) (from Ch. 111, par. 2304)

1 (Section scheduled to be repealed on January 1, 2026)

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

3 "Address of record" means the designated address recorded
4 by the Department in the applicant's or licensee's application
5 file or license file as maintained by the Department's
6 licensure maintenance unit. It is the duty of the applicant or
7 licensee to inform the Department of any change of address and
8 those changes must be made either through the Department's
9 website or by contacting the Department.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 "Board" means the Board of Dentistry.

15 "Dentist" means a person who has received a general
16 license pursuant to paragraph (a) of Section 11 of this Act and
17 who may perform any intraoral and extraoral procedure required
18 in the practice of dentistry and to whom is reserved the
19 responsibilities specified in Section 17.

20 "Dental hygienist" means a person who holds a license
21 under this Act to perform dental services as authorized by
22 Section 18.

23 "Dental assistant" means an appropriately trained person
24 who, under the supervision of a dentist, provides dental
25 services as authorized by Section 17.

26 "Expanded function dental assistant" means a dental

1 assistant who has completed the training required by Section
2 17.1 of this Act.

3 "Dental laboratory" means a person, firm or corporation
4 which:

5 (i) engages in making, providing, repairing or
6 altering dental prosthetic appliances and other artificial
7 materials and devices which are returned to a dentist for
8 insertion into the human oral cavity or which come in
9 contact with its adjacent structures and tissues; and

10 (ii) utilizes or employs a dental technician to
11 provide such services; and

12 (iii) performs such functions only for a dentist or
13 dentists.

14 "Supervision" means supervision of a dental hygienist or a
15 dental assistant requiring that a dentist authorize the
16 procedure, remain in the dental facility while the procedure
17 is performed, and approve the work performed by the dental
18 hygienist or dental assistant before dismissal of the patient,
19 but does not mean that the dentist must be present at all times
20 in the treatment room.

21 "General supervision" means supervision of a dental
22 hygienist requiring that the patient be a patient of record,
23 that the dentist examine the patient in accordance with
24 Section 18 prior to treatment by the dental hygienist, and
25 that the dentist authorize the procedures which are being
26 carried out by a notation in the patient's record, but not

1 requiring that a dentist be present when the authorized
2 procedures are being performed. The issuance of a prescription
3 to a dental laboratory by a dentist does not constitute
4 general supervision.

5 "Public member" means a person who is not a health
6 professional. For purposes of board membership, any person
7 with a significant financial interest in a health service or
8 profession is not a public member.

9 "Dentistry" means the healing art which is concerned with
10 the examination, diagnosis, treatment planning and care of
11 conditions within the human oral cavity and its adjacent
12 tissues and structures, as further specified in Section 17.

13 "Branches of dentistry" means the various specialties of
14 dentistry which, for purposes of this Act, shall be limited to
15 the following: endodontics, oral and maxillofacial surgery,
16 orthodontics and dentofacial orthopedics, pediatric dentistry,
17 periodontics, prosthodontics, and oral and maxillofacial
18 radiology.

19 "Specialist" means a dentist who has received a specialty
20 license pursuant to Section 11(b).

21 "Dental technician" means a person who owns, operates or
22 is employed by a dental laboratory and engages in making,
23 providing, repairing or altering dental prosthetic appliances
24 and other artificial materials and devices which are returned
25 to a dentist for insertion into the human oral cavity or which
26 come in contact with its adjacent structures and tissues.

1 "Impaired dentist" or "impaired dental hygienist" means a
2 dentist or dental hygienist who is unable to practice with
3 reasonable skill and safety because of a physical or mental
4 disability as evidenced by a written determination or written
5 consent based on clinical evidence, including deterioration
6 through the aging process, loss of motor skills, abuse of
7 drugs or alcohol, or a psychiatric disorder, of sufficient
8 degree to diminish the person's ability to deliver competent
9 patient care.

10 "Nurse" means a registered professional nurse, a certified
11 registered nurse anesthetist licensed as an advanced practice
12 registered nurse, or a licensed practical nurse licensed under
13 the Nurse Practice Act.

14 "Patient of record" means a patient for whom the patient's
15 most recent dentist has obtained a relevant medical and dental
16 history and on whom the dentist has performed an examination
17 and evaluated the condition to be treated.

18 "Dental responder" means a dentist or dental hygienist who
19 is appropriately certified in disaster preparedness,
20 immunizations, and dental humanitarian medical response
21 consistent with the Society of Disaster Medicine and Public
22 Health and training certified by the National Incident
23 Management System or the National Disaster Life Support
24 Foundation.

25 "Mobile dental van or portable dental unit" means any
26 self-contained or portable dental unit in which dentistry is

1 practiced that can be moved, towed, or transported from one
2 location to another in order to establish a location where
3 dental services can be provided.

4 "Public health dental hygienist" means a hygienist who
5 holds a valid license to practice in the State, has 2 years of
6 full-time clinical experience or an equivalent of 4,000 hours
7 of clinical experience and has completed at least 42 clock
8 hours of additional structured courses in dental education in
9 advanced areas specific to public health dentistry.

10 "Public health setting" means a federally qualified health
11 center; a federal, State, or local public health facility;
12 Head Start; a special supplemental nutrition program for
13 Women, Infants, and Children (WIC) facility; or a certified
14 school-based health center or school-based oral health
15 program.

16 "Public health supervision" means the supervision of a
17 public health dental hygienist by a licensed dentist who has a
18 written public health supervision agreement with that public
19 health dental hygienist while working in an approved facility
20 or program that allows the public health dental hygienist to
21 treat patients, without a dentist first examining the patient
22 and being present in the facility during treatment, (1) who
23 are eligible for Medicaid or (2) who are uninsured and whose
24 household income is not greater than 200% of the federal
25 poverty level.

26 "Teledentistry" means the use of telehealth systems and

1 methodologies in dentistry and includes patient care and
2 education delivery using synchronous and asynchronous
3 communications under a dentist's authority as provided under
4 this Act.

5 (Source: P.A. 100-215, eff. 1-1-18; 100-513, eff. 1-1-18;
6 100-863, eff. 8-14-18; 101-64, eff. 7-12-19; 101-162, eff.
7 7-26-19; revised 9-27-19.)

8 (225 ILCS 25/17) (from Ch. 111, par. 2317)

9 (Section scheduled to be repealed on January 1, 2026)

10 Sec. 17. Acts constituting the practice of dentistry. A
11 person practices dentistry, within the meaning of this Act:

12 (1) Who represents himself or herself as being able to
13 diagnose or diagnoses, treats, prescribes, or operates for
14 any disease, pain, deformity, deficiency, injury, or
15 physical condition of the human tooth, teeth, alveolar
16 process, gums or jaw; or

17 (2) Who is a manager, proprietor, operator or
18 conductor of a business where dental operations are
19 performed; or

20 (3) Who performs dental operations of any kind; or

21 (4) Who uses an X-Ray machine or X-Ray films for
22 dental diagnostic purposes; or

23 (5) Who extracts a human tooth or teeth, or corrects
24 or attempts to correct malpositions of the human teeth or
25 jaws; or

1 (6) Who offers or undertakes, by any means or method,
2 to diagnose, treat or remove stains, calculus, and bonding
3 materials from human teeth or jaws; or

4 (7) Who uses or administers local or general
5 anesthetics in the treatment of dental or oral diseases or
6 in any preparation incident to a dental operation of any
7 kind or character; or

8 (8) Who takes material or digital scans for final
9 impressions of the human tooth, teeth, or jaws or performs
10 any phase of any operation incident to the replacement of
11 a part of a tooth, a tooth, teeth or associated tissues by
12 means of a filling, crown, a bridge, a denture or other
13 appliance; or

14 (9) Who offers to furnish, supply, construct,
15 reproduce or repair, or who furnishes, supplies,
16 constructs, reproduces or repairs, prosthetic dentures,
17 bridges or other substitutes for natural teeth, to the
18 user or prospective user thereof; or

19 (10) Who instructs students on clinical matters or
20 performs any clinical operation included in the curricula
21 of recognized dental schools and colleges; or

22 (11) Who takes material or digital scans for final
23 impressions of human teeth or places his or her hands in
24 the mouth of any person for the purpose of applying teeth
25 whitening materials, or who takes impressions of human
26 teeth or places his or her hands in the mouth of any person

1 for the purpose of assisting in the application of teeth
2 whitening materials. A person does not practice dentistry
3 when he or she discloses to the consumer that he or she is
4 not licensed as a dentist under this Act and (i) discusses
5 the use of teeth whitening materials with a consumer
6 purchasing these materials; (ii) provides instruction on
7 the use of teeth whitening materials with a consumer
8 purchasing these materials; or (iii) provides appropriate
9 equipment on-site to the consumer for the consumer to
10 self-apply teeth whitening materials.

11 The fact that any person engages in or performs, or offers
12 to engage in or perform, any of the practices, acts, or
13 operations set forth in this Section, shall be prima facie
14 evidence that such person is engaged in the practice of
15 dentistry.

16 The following practices, acts, and operations, however,
17 are exempt from the operation of this Act:

18 (a) The rendering of dental relief in emergency cases
19 in the practice of his or her profession by a physician or
20 surgeon, licensed as such under the laws of this State,
21 unless he or she undertakes to reproduce or reproduces
22 lost parts of the human teeth in the mouth or to restore or
23 replace lost or missing teeth in the mouth; or

24 (b) The practice of dentistry in the discharge of
25 their official duties by dentists in any branch of the
26 Armed Services of the United States, the United States

1 Public Health Service, or the United States Veterans
2 Administration; or

3 (c) The practice of dentistry by students in their
4 course of study in dental schools or colleges approved by
5 the Department, when acting under the direction and
6 supervision of dentists acting as instructors; or

7 (d) The practice of dentistry by clinical instructors
8 in the course of their teaching duties in dental schools
9 or colleges approved by the Department:

10 (i) when acting under the direction and
11 supervision of dentists, provided that such clinical
12 instructors have instructed continuously in this State
13 since January 1, 1986; or

14 (ii) when holding the rank of full professor at
15 such approved dental school or college and possessing
16 a current valid license or authorization to practice
17 dentistry in another country; or

18 (e) The practice of dentistry by licensed dentists of
19 other states or countries at meetings of the Illinois
20 State Dental Society or component parts thereof, alumni
21 meetings of dental colleges, or any other like dental
22 organizations, while appearing as clinicians; or

23 (f) The use of X-Ray machines for exposing X-Ray films
24 of dental or oral tissues by dental hygienists or dental
25 assistants; or

26 (g) The performance of any dental service by a dental

1 assistant, if such service is performed under the
2 supervision and full responsibility of a dentist. In
3 addition, after being authorized by a dentist, a dental
4 assistant may, for the purpose of eliminating pain or
5 discomfort, remove loose, broken, or irritating
6 orthodontic appliances on a patient of record.

7 For purposes of this paragraph (g), "dental service"
8 is defined to mean any intraoral procedure or act which
9 shall be prescribed by rule or regulation of the
10 Department. Dental service, however, shall not include:

11 (1) Any and all diagnosis of or prescription for
12 treatment of disease, pain, deformity, deficiency,
13 injury or physical condition of the human teeth or
14 jaws, or adjacent structures.

15 (2) Removal of, or restoration of, or addition to
16 the hard or soft tissues of the oral cavity, except for
17 the placing, carving, and finishing of amalgam
18 restorations and placing, packing, and finishing
19 composite restorations by dental assistants who have
20 had additional formal education and certification.

21 A dental assistant may place, carve, and finish
22 amalgam restorations, place, pack, and finish
23 composite restorations, and place interim restorations
24 if he or she (A) has successfully completed a
25 structured training program as described in item (2)
26 of subsection (g) provided by an educational

1 institution accredited by the Commission on Dental
2 Accreditation, such as a dental school or dental
3 hygiene or dental assistant program, or (B) has at
4 least 4,000 hours of direct clinical patient care
5 experience and has successfully completed a structured
6 training program as described in item (2) of
7 subsection (g) provided by a statewide dental
8 association, approved by the Department to provide
9 continuing education, that has developed and conducted
10 training programs for expanded functions for dental
11 assistants or hygienists. The training program must:
12 (i) include a minimum of 16 hours of didactic study and
13 14 hours of clinical manikin instruction; all training
14 programs shall include areas of study in nomenclature,
15 caries classifications, oral anatomy, periodontium,
16 basic occlusion, instrumentations, pulp protection
17 liners and bases, dental materials, matrix and wedge
18 techniques, amalgam placement and carving, rubber dam
19 clamp placement, and rubber dam placement and removal;
20 (ii) include an outcome assessment examination that
21 demonstrates competency; (iii) require the supervising
22 dentist to observe and approve the completion of 8
23 amalgam or composite restorations; and (iv) issue a
24 certificate of completion of the training program,
25 which must be kept on file at the dental office and be
26 made available to the Department upon request. A

1 dental assistant must have successfully completed an
2 approved coronal polishing and dental sealant course
3 prior to taking the amalgam and composite restoration
4 course.

5 A dentist utilizing dental assistants shall not
6 supervise more than 4 dental assistants at any one
7 time for placing, carving, and finishing of amalgam
8 restorations or for placing, packing, and finishing
9 composite restorations.

10 (3) Any and all correction of malformation of
11 teeth or of the jaws.

12 (4) Administration of anesthetics, except for
13 monitoring of nitrous oxide, conscious sedation, deep
14 sedation, and general anesthetic as provided in
15 Section 8.1 of this Act, that may be performed only
16 after successful completion of a training program
17 approved by the Department. A dentist utilizing dental
18 assistants shall not supervise more than 4 dental
19 assistants at any one time for the monitoring of
20 nitrous oxide.

21 (5) Removal of calculus from human teeth.

22 (6) Taking of material or digital scans for final
23 impressions for the fabrication of prosthetic
24 appliances, crowns, bridges, inlays, onlays, or other
25 restorative or replacement dentistry.

26 (7) The operative procedure of dental hygiene

1 consisting of oral prophylactic procedures, except for
2 coronal polishing and pit and fissure sealants, which
3 may be performed by a dental assistant who has
4 successfully completed a training program approved by
5 the Department. Dental assistants may perform coronal
6 polishing under the following circumstances: (i) the
7 coronal polishing shall be limited to polishing the
8 clinical crown of the tooth and existing restorations,
9 supragingivally; (ii) the dental assistant performing
10 the coronal polishing shall be limited to the use of
11 rotary instruments using a rubber cup or brush
12 polishing method (air polishing is not permitted); and
13 (iii) the supervising dentist shall not supervise more
14 than 4 dental assistants at any one time for the task
15 of coronal polishing or pit and fissure sealants.

16 In addition to coronal polishing and pit and
17 fissure sealants as described in this item (7), a
18 dental assistant who has at least 2,000 hours of
19 direct clinical patient care experience and who has
20 successfully completed a structured training program
21 provided by (1) an educational institution such as a
22 dental school or dental hygiene or dental assistant
23 program, or (2) by a statewide dental or dental
24 hygienist association, approved by the Department on
25 or before January 1, 2017 (the effective date of
26 Public Act 99-680) ~~this amendatory Act of the 99th~~

1 ~~General Assembly~~, that has developed and conducted a
2 training program for expanded functions for dental
3 assistants or hygienists may perform: (A) coronal
4 scaling above the gum line, supragingivally, on the
5 clinical crown of the tooth only on patients 12 years
6 of age or younger who have an absence of periodontal
7 disease and who are not medically compromised or
8 individuals with special needs and (B) intracoronal
9 temporization of a tooth. The training program must:
10 (I) include a minimum of 16 hours of instruction in
11 both didactic and clinical manikin or human subject
12 instruction; all training programs shall include areas
13 of study in dental anatomy, public health dentistry,
14 medical history, dental emergencies, and managing the
15 pediatric patient; (II) include an outcome assessment
16 examination that demonstrates competency; (III)
17 require the supervising dentist to observe and approve
18 the completion of 6 full mouth supragingival scaling
19 procedures; and (IV) issue a certificate of completion
20 of the training program, which must be kept on file at
21 the dental office and be made available to the
22 Department upon request. A dental assistant must have
23 successfully completed an approved coronal polishing
24 course prior to taking the coronal scaling course. A
25 dental assistant performing these functions shall be
26 limited to the use of hand instruments only. In

1 addition, coronal scaling as described in this
2 paragraph shall only be utilized on patients who are
3 eligible for Medicaid or who are uninsured and whose
4 household income is not greater than 200% of the
5 federal poverty level. A dentist may not supervise
6 more than 2 dental assistants at any one time for the
7 task of coronal scaling. This paragraph is inoperative
8 on and after January 1, 2026.

9 The limitations on the number of dental assistants a
10 dentist may supervise contained in items (2), (4), and (7)
11 of this paragraph (g) mean a limit of 4 total dental
12 assistants or dental hygienists doing expanded functions
13 covered by these Sections being supervised by one dentist;
14 or-

15 (h) The practice of dentistry by an individual who:

16 (i) has applied in writing to the Department, in
17 form and substance satisfactory to the Department, for
18 a general dental license and has complied with all
19 provisions of Section 9 of this Act, except for the
20 passage of the examination specified in subsection (e)
21 of Section 9 of this Act; or

22 (ii) has applied in writing to the Department, in
23 form and substance satisfactory to the Department, for
24 a temporary dental license and has complied with all
25 provisions of subsection (c) of Section 11 of this
26 Act; and

1 (iii) has been accepted or appointed for specialty
2 or residency training by a hospital situated in this
3 State; or

4 (iv) has been accepted or appointed for specialty
5 training in an approved dental program situated in
6 this State; or

7 (v) has been accepted or appointed for specialty
8 training in a dental public health agency situated in
9 this State.

10 The applicant shall be permitted to practice dentistry
11 for a period of 3 months from the starting date of the
12 program, unless authorized in writing by the Department to
13 continue such practice for a period specified in writing
14 by the Department.

15 The applicant shall only be entitled to perform such
16 acts as may be prescribed by and incidental to his or her
17 program of residency or specialty training and shall not
18 otherwise engage in the practice of dentistry in this
19 State.

20 The authority to practice shall terminate immediately
21 upon:

22 (1) the decision of the Department that the
23 applicant has failed the examination; or

24 (2) denial of licensure by the Department; or

25 (3) withdrawal of the application.

26 (Source: P.A. 100-215, eff. 1-1-18; 100-976, eff. 1-1-19;

1 101-162, eff. 7-26-19; revised 9-19-19.)

2 Section 530. The Medical Practice Act of 1987 is amended
3 by changing Sections 22 and 36 as follows:

4 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

5 (Section scheduled to be repealed on January 1, 2022)

6 Sec. 22. Disciplinary action.

7 (A) The Department may revoke, suspend, place on
8 probation, reprimand, refuse to issue or renew, or take any
9 other disciplinary or non-disciplinary action as the
10 Department may deem proper with regard to the license or
11 permit of any person issued under this Act, including imposing
12 fines not to exceed \$10,000 for each violation, upon any of the
13 following grounds:

14 (1) (Blank).

15 (2) (Blank).

16 (3) A plea of guilty or nolo contendere, finding of
17 guilt, jury verdict, or entry of judgment or sentencing,
18 including, but not limited to, convictions, preceding
19 sentences of supervision, conditional discharge, or first
20 offender probation, under the laws of any jurisdiction of
21 the United States of any crime that is a felony.

22 (4) Gross negligence in practice under this Act.

23 (5) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,

1 defraud or harm the public.

2 (6) Obtaining any fee by fraud, deceit, or
3 misrepresentation.

4 (7) Habitual or excessive use or abuse of drugs
5 defined in law as controlled substances, of alcohol, or of
6 any other substances which results in the inability to
7 practice with reasonable judgment, skill, or safety.

8 (8) Practicing under a false or, except as provided by
9 law, an assumed name.

10 (9) Fraud or misrepresentation in applying for, or
11 procuring, a license under this Act or in connection with
12 applying for renewal of a license under this Act.

13 (10) Making a false or misleading statement regarding
14 their skill or the efficacy or value of the medicine,
15 treatment, or remedy prescribed by them at their direction
16 in the treatment of any disease or other condition of the
17 body or mind.

18 (11) Allowing another person or organization to use
19 their license, procured under this Act, to practice.

20 (12) Adverse action taken by another state or
21 jurisdiction against a license or other authorization to
22 practice as a medical doctor, doctor of osteopathy, doctor
23 of osteopathic medicine or doctor of chiropractic, a
24 certified copy of the record of the action taken by the
25 other state or jurisdiction being prima facie evidence
26 thereof. This includes any adverse action taken by a State

1 or federal agency that prohibits a medical doctor, doctor
2 of osteopathy, doctor of osteopathic medicine, or doctor
3 of chiropractic from providing services to the agency's
4 participants.

5 (13) Violation of any provision of this Act or of the
6 Medical Practice Act prior to the repeal of that Act, or
7 violation of the rules, or a final administrative action
8 of the Secretary, after consideration of the
9 recommendation of the Disciplinary Board.

10 (14) Violation of the prohibition against fee
11 splitting in Section 22.2 of this Act.

12 (15) A finding by the Disciplinary Board that the
13 registrant after having his or her license placed on
14 probationary status or subjected to conditions or
15 restrictions violated the terms of the probation or failed
16 to comply with such terms or conditions.

17 (16) Abandonment of a patient.

18 (17) Prescribing, selling, administering,
19 distributing, giving, or self-administering any drug
20 classified as a controlled substance (designated product)
21 or narcotic for other than medically accepted therapeutic
22 purposes.

23 (18) Promotion of the sale of drugs, devices,
24 appliances, or goods provided for a patient in such manner
25 as to exploit the patient for financial gain of the
26 physician.

1 (19) Offering, undertaking, or agreeing to cure or
2 treat disease by a secret method, procedure, treatment, or
3 medicine, or the treating, operating, or prescribing for
4 any human condition by a method, means, or procedure which
5 the licensee refuses to divulge upon demand of the
6 Department.

7 (20) Immoral conduct in the commission of any act
8 including, but not limited to, commission of an act of
9 sexual misconduct related to the licensee's practice.

10 (21) Willfully making or filing false records or
11 reports in his or her practice as a physician, including,
12 but not limited to, false records to support claims
13 against the medical assistance program of the Department
14 of Healthcare and Family Services (formerly Department of
15 Public Aid) under the Illinois Public Aid Code.

16 (22) Willful omission to file or record, or willfully
17 impeding the filing or recording, or inducing another
18 person to omit to file or record, medical reports as
19 required by law, or willfully failing to report an
20 instance of suspected abuse or neglect as required by law.

21 (23) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 under the Abused and Neglected Child Reporting Act, and
24 upon proof by clear and convincing evidence that the
25 licensee has caused a child to be an abused child or
26 neglected child as defined in the Abused and Neglected

1 Child Reporting Act.

2 (24) Solicitation of professional patronage by any
3 corporation, agents or persons, or profiting from those
4 representing themselves to be agents of the licensee.

5 (25) Gross and willful and continued overcharging for
6 professional services, including filing false statements
7 for collection of fees for which services are not
8 rendered, including, but not limited to, filing such false
9 statements for collection of monies for services not
10 rendered from the medical assistance program of the
11 Department of Healthcare and Family Services (formerly
12 Department of Public Aid) under the Illinois Public Aid
13 Code.

14 (26) A pattern of practice or other behavior which
15 demonstrates incapacity or incompetence to practice under
16 this Act.

17 (27) Mental illness or disability which results in the
18 inability to practice under this Act with reasonable
19 judgment, skill, or safety.

20 (28) Physical illness, including, but not limited to,
21 deterioration through the aging process, or loss of motor
22 skill which results in a physician's inability to practice
23 under this Act with reasonable judgment, skill, or safety.

24 (29) Cheating on or attempt to subvert the licensing
25 examinations administered under this Act.

26 (30) Willfully or negligently violating the

1 confidentiality between physician and patient except as
2 required by law.

3 (31) The use of any false, fraudulent, or deceptive
4 statement in any document connected with practice under
5 this Act.

6 (32) Aiding and abetting an individual not licensed
7 under this Act in the practice of a profession licensed
8 under this Act.

9 (33) Violating state or federal laws or regulations
10 relating to controlled substances, legend drugs, or
11 ephedra as defined in the Ephedra Prohibition Act.

12 (34) Failure to report to the Department any adverse
13 final action taken against them by another licensing
14 jurisdiction (any other state or any territory of the
15 United States or any foreign state or country), by any
16 peer review body, by any health care institution, by any
17 professional society or association related to practice
18 under this Act, by any governmental agency, by any law
19 enforcement agency, or by any court for acts or conduct
20 similar to acts or conduct which would constitute grounds
21 for action as defined in this Section.

22 (35) Failure to report to the Department surrender of
23 a license or authorization to practice as a medical
24 doctor, a doctor of osteopathy, a doctor of osteopathic
25 medicine, or doctor of chiropractic in another state or
26 jurisdiction, or surrender of membership on any medical

1 staff or in any medical or professional association or
2 society, while under disciplinary investigation by any of
3 those authorities or bodies, for acts or conduct similar
4 to acts or conduct which would constitute grounds for
5 action as defined in this Section.

6 (36) Failure to report to the Department any adverse
7 judgment, settlement, or award arising from a liability
8 claim related to acts or conduct similar to acts or
9 conduct which would constitute grounds for action as
10 defined in this Section.

11 (37) Failure to provide copies of medical records as
12 required by law.

13 (38) Failure to furnish the Department, its
14 investigators or representatives, relevant information,
15 legally requested by the Department after consultation
16 with the Chief Medical Coordinator or the Deputy Medical
17 Coordinator.

18 (39) Violating the Health Care Worker Self-Referral
19 Act.

20 (40) Willful failure to provide notice when notice is
21 required under the Parental Notice of Abortion Act of
22 1995.

23 (41) Failure to establish and maintain records of
24 patient care and treatment as required by this law.

25 (42) Entering into an excessive number of written
26 collaborative agreements with licensed advanced practice

1 registered nurses resulting in an inability to adequately
2 collaborate.

3 (43) Repeated failure to adequately collaborate with a
4 licensed advanced practice registered nurse.

5 (44) Violating the Compassionate Use of Medical
6 Cannabis Program Act.

7 (45) Entering into an excessive number of written
8 collaborative agreements with licensed prescribing
9 psychologists resulting in an inability to adequately
10 collaborate.

11 (46) Repeated failure to adequately collaborate with a
12 licensed prescribing psychologist.

13 (47) Willfully failing to report an instance of
14 suspected abuse, neglect, financial exploitation, or
15 self-neglect of an eligible adult as defined in and
16 required by the Adult Protective Services Act.

17 (48) Being named as an abuser in a verified report by
18 the Department on Aging under the Adult Protective
19 Services Act, and upon proof by clear and convincing
20 evidence that the licensee abused, neglected, or
21 financially exploited an eligible adult as defined in the
22 Adult Protective Services Act.

23 (49) Entering into an excessive number of written
24 collaborative agreements with licensed physician
25 assistants resulting in an inability to adequately
26 collaborate.

1 (50) Repeated failure to adequately collaborate with a
2 physician assistant.

3 Except for actions involving the ground numbered (26), all
4 proceedings to suspend, revoke, place on probationary status,
5 or take any other disciplinary action as the Department may
6 deem proper, with regard to a license on any of the foregoing
7 grounds, must be commenced within 5 years next after receipt
8 by the Department of a complaint alleging the commission of or
9 notice of the conviction order for any of the acts described
10 herein. Except for the grounds numbered (8), (9), (26), and
11 (29), no action shall be commenced more than 10 years after the
12 date of the incident or act alleged to have violated this
13 Section. For actions involving the ground numbered (26), a
14 pattern of practice or other behavior includes all incidents
15 alleged to be part of the pattern of practice or other behavior
16 that occurred, or a report pursuant to Section 23 of this Act
17 received, within the 10-year period preceding the filing of
18 the complaint. In the event of the settlement of any claim or
19 cause of action in favor of the claimant or the reduction to
20 final judgment of any civil action in favor of the plaintiff,
21 such claim, cause of action, or civil action being grounded on
22 the allegation that a person licensed under this Act was
23 negligent in providing care, the Department shall have an
24 additional period of 2 years from the date of notification to
25 the Department under Section 23 of this Act of such settlement
26 or final judgment in which to investigate and commence formal

1 disciplinary proceedings under Section 36 of this Act, except
2 as otherwise provided by law. The time during which the holder
3 of the license was outside the State of Illinois shall not be
4 included within any period of time limiting the commencement
5 of disciplinary action by the Department.

6 The entry of an order or judgment by any circuit court
7 establishing that any person holding a license under this Act
8 is a person in need of mental treatment operates as a
9 suspension of that license. That person may resume his or her
10 ~~their~~ practice only upon the entry of a Departmental order
11 based upon a finding by the Disciplinary Board that the person
12 has ~~they have~~ been determined to be recovered from mental
13 illness by the court and upon the Disciplinary Board's
14 recommendation that the person ~~they~~ be permitted to resume his
15 or her ~~their~~ practice.

16 The Department may refuse to issue or take disciplinary
17 action concerning the license of any person who fails to file a
18 return, or to pay the tax, penalty, or interest shown in a
19 filed return, or to pay any final assessment of tax, penalty,
20 or interest, as required by any tax Act administered by the
21 Illinois Department of Revenue, until such time as the
22 requirements of any such tax Act are satisfied as determined
23 by the Illinois Department of Revenue.

24 The Department, upon the recommendation of the
25 Disciplinary Board, shall adopt rules which set forth
26 standards to be used in determining:

1 (a) when a person will be deemed sufficiently
2 rehabilitated to warrant the public trust;

3 (b) what constitutes dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public;

6 (c) what constitutes immoral conduct in the commission
7 of any act, including, but not limited to, commission of
8 an act of sexual misconduct related to the licensee's
9 practice; and

10 (d) what constitutes gross negligence in the practice
11 of medicine.

12 However, no such rule shall be admissible into evidence in
13 any civil action except for review of a licensing or other
14 disciplinary action under this Act.

15 In enforcing this Section, the Disciplinary Board or the
16 Licensing Board, upon a showing of a possible violation, may
17 compel, in the case of the Disciplinary Board, any individual
18 who is licensed to practice under this Act or holds a permit to
19 practice under this Act, or, in the case of the Licensing
20 Board, any individual who has applied for licensure or a
21 permit pursuant to this Act, to submit to a mental or physical
22 examination and evaluation, or both, which may include a
23 substance abuse or sexual offender evaluation, as required by
24 the Licensing Board or Disciplinary Board and at the expense
25 of the Department. The Disciplinary Board or Licensing Board
26 shall specifically designate the examining physician licensed

1 to practice medicine in all of its branches or, if applicable,
2 the multidisciplinary team involved in providing the mental or
3 physical examination and evaluation, or both. The
4 multidisciplinary team shall be led by a physician licensed to
5 practice medicine in all of its branches and may consist of one
6 or more or a combination of physicians licensed to practice
7 medicine in all of its branches, licensed chiropractic
8 physicians, licensed clinical psychologists, licensed clinical
9 social workers, licensed clinical professional counselors, and
10 other professional and administrative staff. Any examining
11 physician or member of the multidisciplinary team may require
12 any person ordered to submit to an examination and evaluation
13 pursuant to this Section to submit to any additional
14 supplemental testing deemed necessary to complete any
15 examination or evaluation process, including, but not limited
16 to, blood testing, urinalysis, psychological testing, or
17 neuropsychological testing. The Disciplinary Board, the
18 Licensing Board, or the Department may order the examining
19 physician or any member of the multidisciplinary team to
20 provide to the Department, the Disciplinary Board, or the
21 Licensing Board any and all records, including business
22 records, that relate to the examination and evaluation,
23 including any supplemental testing performed. The Disciplinary
24 Board, the Licensing Board, or the Department may order the
25 examining physician or any member of the multidisciplinary
26 team to present testimony concerning this examination and

1 evaluation of the licensee, permit holder, or applicant,
2 including testimony concerning any supplemental testing or
3 documents relating to the examination and evaluation. No
4 information, report, record, or other documents in any way
5 related to the examination and evaluation shall be excluded by
6 reason of any common law or statutory privilege relating to
7 communication between the licensee, permit holder, or
8 applicant and the examining physician or any member of the
9 multidisciplinary team. No authorization is necessary from the
10 licensee, permit holder, or applicant ordered to undergo an
11 evaluation and examination for the examining physician or any
12 member of the multidisciplinary team to provide information,
13 reports, records, or other documents or to provide any
14 testimony regarding the examination and evaluation. The
15 individual to be examined may have, at his or her own expense,
16 another physician of his or her choice present during all
17 aspects of the examination. Failure of any individual to
18 submit to mental or physical examination and evaluation, or
19 both, when directed, shall result in an automatic suspension,
20 without hearing, until such time as the individual submits to
21 the examination. If the Disciplinary Board or Licensing Board
22 finds a physician unable to practice following an examination
23 and evaluation because of the reasons set forth in this
24 Section, the Disciplinary Board or Licensing Board shall
25 require such physician to submit to care, counseling, or
26 treatment by physicians, or other health care professionals,

1 approved or designated by the Disciplinary Board, as a
2 condition for issued, continued, reinstated, or renewed
3 licensure to practice. Any physician, whose license was
4 granted pursuant to Sections 9, 17, or 19 of this Act, or,
5 continued, reinstated, renewed, disciplined or supervised,
6 subject to such terms, conditions, or restrictions who shall
7 fail to comply with such terms, conditions, or restrictions,
8 or to complete a required program of care, counseling, or
9 treatment, as determined by the Chief Medical Coordinator or
10 Deputy Medical Coordinators, shall be referred to the
11 Secretary for a determination as to whether the licensee shall
12 have his or her ~~their~~ license suspended immediately, pending a
13 hearing by the Disciplinary Board. In instances in which the
14 Secretary immediately suspends a license under this Section, a
15 hearing upon such person's license must be convened by the
16 Disciplinary Board within 15 days after such suspension and
17 completed without appreciable delay. The Disciplinary Board
18 shall have the authority to review the subject physician's
19 record of treatment and counseling regarding the impairment,
20 to the extent permitted by applicable federal statutes and
21 regulations safeguarding the confidentiality of medical
22 records.

23 An individual licensed under this Act, affected under this
24 Section, shall be afforded an opportunity to demonstrate to
25 the Disciplinary Board that he or she ~~they~~ can resume practice
26 in compliance with acceptable and prevailing standards under

1 the provisions of his or her ~~their~~ license.

2 The Department may promulgate rules for the imposition of
3 fines in disciplinary cases, not to exceed \$10,000 for each
4 violation of this Act. Fines may be imposed in conjunction
5 with other forms of disciplinary action, but shall not be the
6 exclusive disposition of any disciplinary action arising out
7 of conduct resulting in death or injury to a patient. Any funds
8 collected from such fines shall be deposited in the Illinois
9 State Medical Disciplinary Fund.

10 All fines imposed under this Section shall be paid within
11 60 days after the effective date of the order imposing the fine
12 or in accordance with the terms set forth in the order imposing
13 the fine.

14 (B) The Department shall revoke the license or permit
15 issued under this Act to practice medicine or a chiropractic
16 physician who has been convicted a second time of committing
17 any felony under the Illinois Controlled Substances Act or the
18 Methamphetamine Control and Community Protection Act, or who
19 has been convicted a second time of committing a Class 1 felony
20 under Sections 8A-3 and 8A-6 of the Illinois Public Aid Code. A
21 person whose license or permit is revoked under this
22 subsection B shall be prohibited from practicing medicine or
23 treating human ailments without the use of drugs and without
24 operative surgery.

25 (C) The Department shall not revoke, suspend, place on
26 probation, reprimand, refuse to issue or renew, or take any

1 other disciplinary or non-disciplinary action against the
2 license or permit issued under this Act to practice medicine
3 to a physician:

4 (1) based solely upon the recommendation of the
5 physician to an eligible patient regarding, or
6 prescription for, or treatment with, an investigational
7 drug, biological product, or device; or

8 (2) for experimental treatment for Lyme disease or
9 other tick-borne diseases, including, but not limited to,
10 the prescription of or treatment with long-term
11 antibiotics.

12 (D) The Disciplinary Board shall recommend to the
13 Department civil penalties and any other appropriate
14 discipline in disciplinary cases when the Board finds that a
15 physician willfully performed an abortion with actual
16 knowledge that the person upon whom the abortion has been
17 performed is a minor or an incompetent person without notice
18 as required under the Parental Notice of Abortion Act of 1995.
19 Upon the Board's recommendation, the Department shall impose,
20 for the first violation, a civil penalty of \$1,000 and for a
21 second or subsequent violation, a civil penalty of \$5,000.

22 (Source: P.A. 100-429, eff. 8-25-17; 100-513, eff. 1-1-18;
23 100-605, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1137, eff.
24 1-1-19; 101-13, eff. 6-12-19; 101-81, eff. 7-12-19; 101-363,
25 eff. 8-9-19; revised 9-20-19.)

1 (225 ILCS 60/36) (from Ch. 111, par. 4400-36)

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

3 Sec. 36. Investigation; notice.

4 (a) Upon the motion of either the Department or the
5 Disciplinary Board or upon the verified complaint in writing
6 of any person setting forth facts which, if proven, would
7 constitute grounds for suspension or revocation under Section
8 22 of this Act, the Department shall investigate the actions
9 of any person, so accused, who holds or represents that he or
10 she holds a license. Such person is hereinafter called the
11 accused.

12 (b) The Department shall, before suspending, revoking,
13 placing on probationary status, or taking any other
14 disciplinary action as the Department may deem proper with
15 regard to any license at least 30 days prior to the date set
16 for the hearing, notify the accused in writing of any charges
17 made and the time and place for a hearing of the charges before
18 the Disciplinary Board, direct him or her to file his or her
19 written answer thereto to the Disciplinary Board under oath
20 within 20 days after the service on him or her of such notice
21 and inform him or her that if he or she fails to file such
22 answer default will be taken against him or her and his or her
23 license may be suspended, revoked, placed on probationary
24 status, or have other disciplinary action, including limiting
25 the scope, nature or extent of his or her practice, as the
26 Department may deem proper taken with regard thereto. The

1 Department shall, at least 14 days prior to the date set for
2 the hearing, notify in writing any person who filed a
3 complaint against the accused of the time and place for the
4 hearing of the charges against the accused before the
5 Disciplinary Board and inform such person whether he or she
6 may provide testimony at the hearing.

7 (c) (Blank).

8 (d) Such written notice and any notice in such proceedings
9 thereafter may be served by personal delivery, email to the
10 respondent's email address of record, or mail to the
11 respondent's address of record.

12 (e) All information gathered by the Department during its
13 investigation including information subpoenaed under Section
14 23 or 38 of this Act and the investigative file shall be kept
15 for the confidential use of the Secretary, Disciplinary Board,
16 the Medical Coordinators, persons employed by contract to
17 advise the Medical Coordinator or the Department, the
18 Disciplinary Board's attorneys, the medical investigative
19 staff, and authorized clerical staff, as provided in this Act
20 and shall be afforded the same status as is provided
21 information concerning medical studies in Part 21 of Article
22 VIII of the Code of Civil Procedure, except that the
23 Department may disclose information and documents to a
24 federal, State, or local law enforcement agency pursuant to a
25 subpoena in an ongoing criminal investigation to a health care
26 licensing body of this State or another state or jurisdiction

1 pursuant to an official request made by that licensing body.
2 Furthermore, information and documents disclosed to a federal,
3 State, or local law enforcement agency may be used by that
4 agency only for the investigation and prosecution of a
5 criminal offense or, in the case of disclosure to a health care
6 licensing body, only for investigations and disciplinary
7 action proceedings with regard to a license issued by that
8 licensing body.

9 (Source: P.A. 101-13, eff. 6-12-19; 101-316, eff. 8-9-19;
10 revised 9-20-19.)

11 Section 535. The Nurse Practice Act is amended by changing
12 Sections 65-5 and 70-5 as follows:

13 (225 ILCS 65/65-5) (was 225 ILCS 65/15-10)

14 (Section scheduled to be repealed on January 1, 2028)

15 Sec. 65-5. Qualifications for APRN licensure.

16 (a) Each applicant who successfully meets the requirements
17 of this Section is eligible for licensure as an advanced
18 practice registered nurse.

19 (b) An applicant for licensure to practice as an advanced
20 practice registered nurse is eligible for licensure when the
21 following requirements are met:

22 (1) the applicant has submitted a completed
23 application and any fees as established by the Department;

24 (2) the applicant holds a current license to practice

1 as a registered professional nurse under this Act;

2 (3) the applicant has successfully completed
3 requirements to practice as, and holds and maintains
4 current, national certification as, a nurse midwife,
5 clinical nurse specialist, nurse practitioner, or
6 certified registered nurse anesthetist from the
7 appropriate national certifying body as determined by rule
8 of the Department;

9 (4) the applicant has obtained a graduate degree
10 appropriate for national certification in a clinical
11 advanced practice registered nursing specialty or a
12 graduate degree or post-master's certificate from a
13 graduate level program in a clinical advanced practice
14 registered nursing specialty;

15 (5) (blank);

16 (6) the applicant has submitted to the criminal
17 history records check required under Section 50-35 of this
18 Act; and

19 (7) if applicable, the applicant has submitted
20 verification of licensure status in another jurisdiction,
21 as provided by rule.

22 (b-5) A registered professional nurse seeking licensure as
23 an advanced practice registered nurse in the category of
24 certified registered nurse anesthetist who does not have a
25 graduate degree as described in subsection (b) of this Section
26 shall be qualified for licensure if that person:

1 (1) submits evidence of having successfully completed
2 a nurse anesthesia program described in item (4) of
3 subsection (b) of this Section prior to January 1, 1999;

4 (2) submits evidence of certification as a registered
5 nurse anesthetist by an appropriate national certifying
6 body; and

7 (3) has continually maintained active, up-to-date
8 recertification status as a certified registered nurse
9 anesthetist by an appropriate national recertifying body.

10 (b-10) The Department may issue a certified registered
11 nurse anesthetist license to an APRN who (i) does not have a
12 graduate degree, (ii) applies for licensure before July 1,
13 2023, and (iii) submits all of the following to the
14 Department:

15 (1) His or her current State registered nurse license
16 number.

17 (2) Proof of current national certification, which
18 includes the completion of an examination from either of
19 the following:

20 (A) the Council on Certification of the American
21 Association of Nurse Anesthetists; or

22 (B) the Council on Recertification of the American
23 Association of Nurse Anesthetists.

24 (3) Proof of the successful completion of a post-basic
25 advanced practice formal education program in the area of
26 nurse anesthesia prior to January 1, 1999.

1 (4) His or her complete work history for the 5-year
2 period immediately preceding the date of his or her
3 application.

4 (5) Verification of licensure as an advanced practice
5 registered nurse from the state in which he or she was
6 originally licensed, current state of licensure, and any
7 other state in which he or she has been actively
8 practicing as an advanced practice registered nurse within
9 the 5-year period immediately preceding the date of his or
10 her application. If applicable, this verification must
11 state:

12 (A) the time during which he or she was licensed in
13 each state, including the date of the original
14 issuance of each license; and

15 (B) any disciplinary action taken or pending
16 concerning any nursing license held, currently or in
17 the past, by the applicant.

18 (6) The required fee.

19 (c) Those applicants seeking licensure in more than one
20 advanced practice registered nursing specialty need not
21 possess multiple graduate degrees. Applicants may be eligible
22 for licenses for multiple advanced practice registered nurse
23 licensure specialties, provided that the applicant (i) has met
24 the requirements for at least one advanced practice registered
25 nursing specialty under paragraph ~~paragraphs~~ (3) ~~and (5)~~ of
26 subsection (b) ~~(a)~~ of this Section, (ii) possesses an

1 additional graduate education that results in a certificate
2 for another clinical advanced practice registered nurse
3 specialty and that meets the requirements for the national
4 certification from the appropriate nursing specialty, and
5 (iii) holds a current national certification from the
6 appropriate national certifying body for that additional
7 advanced practice registered nursing specialty.

8 (Source: P.A. 100-231, eff. 1-1-18; 100-513, eff. 1-1-18;
9 revised 8-21-20.)

10 (225 ILCS 65/70-5) (was 225 ILCS 65/10-45)

11 (Section scheduled to be repealed on January 1, 2028)

12 Sec. 70-5. Grounds for disciplinary action.

13 (a) The Department may refuse to issue or to renew, or may
14 revoke, suspend, place on probation, reprimand, or take other
15 disciplinary or non-disciplinary action as the Department may
16 deem appropriate, including fines not to exceed \$10,000 per
17 violation, with regard to a license for any one or combination
18 of the causes set forth in subsection (b) below. All fines
19 collected under this Section shall be deposited in the Nursing
20 Dedicated and Professional Fund.

21 (b) Grounds for disciplinary action include the following:

22 (1) Material deception in furnishing information to
23 the Department.

24 (2) Material violations of any provision of this Act
25 or violation of the rules of or final administrative

1 action of the Secretary, after consideration of the
2 recommendation of the Board.

3 (3) Conviction by plea of guilty or nolo contendere,
4 finding of guilt, jury verdict, or entry of judgment or by
5 sentencing of any crime, including, but not limited to,
6 convictions, preceding sentences of supervision,
7 conditional discharge, or first offender probation, under
8 the laws of any jurisdiction of the United States: (i)
9 that is a felony; or (ii) that is a misdemeanor, an
10 essential element of which is dishonesty, or that is
11 directly related to the practice of the profession.

12 (4) A pattern of practice or other behavior which
13 demonstrates incapacity or incompetency to practice under
14 this Act.

15 (5) Knowingly aiding or assisting another person in
16 violating any provision of this Act or rules.

17 (6) Failing, within 90 days, to provide a response to
18 a request for information in response to a written request
19 made by the Department by certified or registered mail or
20 by email to the email address of record.

21 (7) Engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public, as defined by rule.

24 (8) Unlawful taking, theft, selling, distributing, or
25 manufacturing of any drug, narcotic, or prescription
26 device.

1 (9) Habitual or excessive use or addiction to alcohol,
2 narcotics, stimulants, or any other chemical agent or drug
3 that could result in a licensee's inability to practice
4 with reasonable judgment, skill or safety.

5 (10) Discipline by another U.S. jurisdiction or
6 foreign nation, if at least one of the grounds for the
7 discipline is the same or substantially equivalent to
8 those set forth in this Section.

9 (11) A finding that the licensee, after having her or
10 his license placed on probationary status or subject to
11 conditions or restrictions, has violated the terms of
12 probation or failed to comply with such terms or
13 conditions.

14 (12) Being named as a perpetrator in an indicated
15 report by the Department of Children and Family Services
16 and under the Abused and Neglected Child Reporting Act,
17 and upon proof by clear and convincing evidence that the
18 licensee has caused a child to be an abused child or
19 neglected child as defined in the Abused and Neglected
20 Child Reporting Act.

21 (13) Willful omission to file or record, or willfully
22 impeding the filing or recording or inducing another
23 person to omit to file or record medical reports as
24 required by law.

25 (13.5) Willfully failing to report an instance of
26 suspected child abuse or neglect as required by the Abused

1 and Neglected Child Reporting Act.

2 (14) Gross negligence in the practice of practical,
3 professional, or advanced practice registered nursing.

4 (15) Holding oneself out to be practicing nursing
5 under any name other than one's own.

6 (16) Failure of a licensee to report to the Department
7 any adverse final action taken against him or her by
8 another licensing jurisdiction of the United States or any
9 foreign state or country, any peer review body, any health
10 care institution, any professional or nursing society or
11 association, any governmental agency, any law enforcement
12 agency, or any court or a nursing liability claim related
13 to acts or conduct similar to acts or conduct that would
14 constitute grounds for action as defined in this Section.

15 (17) Failure of a licensee to report to the Department
16 surrender by the licensee of a license or authorization to
17 practice nursing or advanced practice registered nursing
18 in another state or jurisdiction or current surrender by
19 the licensee of membership on any nursing staff or in any
20 nursing or advanced practice registered nursing or
21 professional association or society while under
22 disciplinary investigation by any of those authorities or
23 bodies for acts or conduct similar to acts or conduct that
24 would constitute grounds for action as defined by this
25 Section.

26 (18) Failing, within 60 days, to provide information

1 in response to a written request made by the Department.

2 (19) Failure to establish and maintain records of
3 patient care and treatment as required by law.

4 (20) Fraud, deceit or misrepresentation in applying
5 for or procuring a license under this Act or in connection
6 with applying for renewal of a license under this Act.

7 (21) Allowing another person or organization to use
8 the licensee's ~~licensees'~~ license to deceive the public.

9 (22) Willfully making or filing false records or
10 reports in the licensee's practice, including but not
11 limited to false records to support claims against the
12 medical assistance program of the Department of Healthcare
13 and Family Services (formerly Department of Public Aid)
14 under the Illinois Public Aid Code.

15 (23) Attempting to subvert or cheat on a licensing
16 examination administered under this Act.

17 (24) Immoral conduct in the commission of an act,
18 including, but not limited to, sexual abuse, sexual
19 misconduct, or sexual exploitation, related to the
20 licensee's practice.

21 (25) Willfully or negligently violating the
22 confidentiality between nurse and patient except as
23 required by law.

24 (26) Practicing under a false or assumed name, except
25 as provided by law.

26 (27) The use of any false, fraudulent, or deceptive

1 statement in any document connected with the licensee's
2 practice.

3 (28) Directly or indirectly giving to or receiving
4 from a person, firm, corporation, partnership, or
5 association a fee, commission, rebate, or other form of
6 compensation for professional services not actually or
7 personally rendered. Nothing in this paragraph (28)
8 affects any bona fide independent contractor or employment
9 arrangements among health care professionals, health
10 facilities, health care providers, or other entities,
11 except as otherwise prohibited by law. Any employment
12 arrangements may include provisions for compensation,
13 health insurance, pension, or other employment benefits
14 for the provision of services within the scope of the
15 licensee's practice under this Act. Nothing in this
16 paragraph (28) shall be construed to require an employment
17 arrangement to receive professional fees for services
18 rendered.

19 (29) A violation of the Health Care Worker
20 Self-Referral Act.

21 (30) Physical illness, mental illness, or disability
22 that results in the inability to practice the profession
23 with reasonable judgment, skill, or safety.

24 (31) Exceeding the terms of a collaborative agreement
25 or the prescriptive authority delegated to a licensee by
26 his or her collaborating physician or podiatric physician

1 in guidelines established under a written collaborative
2 agreement.

3 (32) Making a false or misleading statement regarding
4 a licensee's skill or the efficacy or value of the
5 medicine, treatment, or remedy prescribed by him or her in
6 the course of treatment.

7 (33) Prescribing, selling, administering,
8 distributing, giving, or self-administering a drug
9 classified as a controlled substance (designated product)
10 or narcotic for other than medically accepted therapeutic
11 purposes.

12 (34) Promotion of the sale of drugs, devices,
13 appliances, or goods provided for a patient in a manner to
14 exploit the patient for financial gain.

15 (35) Violating State or federal laws, rules, or
16 regulations relating to controlled substances.

17 (36) Willfully or negligently violating the
18 confidentiality between an advanced practice registered
19 nurse, collaborating physician, dentist, or podiatric
20 physician and a patient, except as required by law.

21 (37) Willfully failing to report an instance of
22 suspected abuse, neglect, financial exploitation, or
23 self-neglect of an eligible adult as defined in and
24 required by the Adult Protective Services Act.

25 (38) Being named as an abuser in a verified report by
26 the Department on Aging and under the Adult Protective

1 Services Act, and upon proof by clear and convincing
2 evidence that the licensee abused, neglected, or
3 financially exploited an eligible adult as defined in the
4 Adult Protective Services Act.

5 (39) A violation of any provision of this Act or any
6 rules adopted under this Act.

7 (40) Violating the Compassionate Use of Medical
8 Cannabis Program Act.

9 (c) The determination by a circuit court that a licensee
10 is subject to involuntary admission or judicial admission as
11 provided in the Mental Health and Developmental Disabilities
12 Code, as amended, operates as an automatic suspension. The
13 suspension will end only upon a finding by a court that the
14 patient is no longer subject to involuntary admission or
15 judicial admission and issues an order so finding and
16 discharging the patient; and upon the recommendation of the
17 Board to the Secretary that the licensee be allowed to resume
18 his or her practice.

19 (d) The Department may refuse to issue or may suspend or
20 otherwise discipline the license of any person who fails to
21 file a return, or to pay the tax, penalty or interest shown in
22 a filed return, or to pay any final assessment of the tax,
23 penalty, or interest as required by any tax Act administered
24 by the Department of Revenue, until such time as the
25 requirements of any such tax Act are satisfied.

26 (e) In enforcing this Act, the Department, upon a showing

1 of a possible violation, may compel an individual licensed to
2 practice under this Act or who has applied for licensure under
3 this Act, to submit to a mental or physical examination, or
4 both, as required by and at the expense of the Department. The
5 Department may order the examining physician to present
6 testimony concerning the mental or physical examination of the
7 licensee or applicant. No information shall be excluded by
8 reason of any common law or statutory privilege relating to
9 communications between the licensee or applicant and the
10 examining physician. The examining physicians shall be
11 specifically designated by the Department. The individual to
12 be examined may have, at his or her own expense, another
13 physician of his or her choice present during all aspects of
14 this examination. Failure of an individual to submit to a
15 mental or physical examination, when directed, shall result in
16 an automatic suspension without hearing.

17 All substance-related violations shall mandate an
18 automatic substance abuse assessment. Failure to submit to an
19 assessment by a licensed physician who is certified as an
20 addictionist or an advanced practice registered nurse with
21 specialty certification in addictions may be grounds for an
22 automatic suspension, as defined by rule.

23 If the Department finds an individual unable to practice
24 or unfit for duty because of the reasons set forth in this
25 subsection (e), the Department may require that individual to
26 submit to a substance abuse evaluation or treatment by

1 individuals or programs approved or designated by the
2 Department, as a condition, term, or restriction for
3 continued, restored, or renewed licensure to practice; or, in
4 lieu of evaluation or treatment, the Department may file, or
5 the Board may recommend to the Department to file, a complaint
6 to immediately suspend, revoke, or otherwise discipline the
7 license of the individual. An individual whose license was
8 granted, continued, restored, renewed, disciplined or
9 supervised subject to such terms, conditions, or restrictions,
10 and who fails to comply with such terms, conditions, or
11 restrictions, shall be referred to the Secretary for a
12 determination as to whether the individual shall have his or
13 her license suspended immediately, pending a hearing by the
14 Department.

15 In instances in which the Secretary immediately suspends a
16 person's license under this subsection (e), a hearing on that
17 person's license must be convened by the Department within 15
18 days after the suspension and completed without appreciable
19 delay. The Department and Board shall have the authority to
20 review the subject individual's record of treatment and
21 counseling regarding the impairment to the extent permitted by
22 applicable federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under
25 this subsection (e) shall be afforded an opportunity to
26 demonstrate to the Department that he or she can resume

1 practice in compliance with nursing standards under the
2 provisions of his or her license.

3 (Source: P.A. 100-513, eff. 1-1-18; 101-363, eff. 8-9-19;
4 revised 12-5-19.)

5 Section 540. The Pharmacy Practice Act is amended by
6 changing Section 3 as follows:

7 (225 ILCS 85/3)

8 (Section scheduled to be repealed on January 1, 2023)

9 Sec. 3. Definitions. For the purpose of this Act, except
10 where otherwise limited therein:

11 (a) "Pharmacy" or "drugstore" means and includes every
12 store, shop, pharmacy department, or other place where
13 pharmacist care is provided by a pharmacist (1) where drugs,
14 medicines, or poisons are dispensed, sold or offered for sale
15 at retail, or displayed for sale at retail; or (2) where
16 prescriptions of physicians, dentists, advanced practice
17 registered nurses, physician assistants, veterinarians,
18 podiatric physicians, or optometrists, within the limits of
19 their licenses, are compounded, filled, or dispensed; or (3)
20 which has upon it or displayed within it, or affixed to or used
21 in connection with it, a sign bearing the word or words
22 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",
23 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",
24 "Drugs", "Dispensary", "Medicines", or any word or words of

1 similar or like import, either in the English language or any
2 other language; or (4) where the characteristic prescription
3 sign (Rx) or similar design is exhibited; or (5) any store, or
4 shop, or other place with respect to which any of the above
5 words, objects, signs or designs are used in any
6 advertisement.

7 (b) "Drugs" means and includes (1) articles recognized in
8 the official United States Pharmacopoeia/National Formulary
9 (USP/NF), or any supplement thereto and being intended for and
10 having for their main use the diagnosis, cure, mitigation,
11 treatment or prevention of disease in man or other animals, as
12 approved by the United States Food and Drug Administration,
13 but does not include devices or their components, parts, or
14 accessories; and (2) all other articles intended for and
15 having for their main use the diagnosis, cure, mitigation,
16 treatment or prevention of disease in man or other animals, as
17 approved by the United States Food and Drug Administration,
18 but does not include devices or their components, parts, or
19 accessories; and (3) articles (other than food) having for
20 their main use and intended to affect the structure or any
21 function of the body of man or other animals; and (4) articles
22 having for their main use and intended for use as a component
23 or any articles specified in clause (1), (2) or (3); but does
24 not include devices or their components, parts or accessories.

25 (c) "Medicines" means and includes all drugs intended for
26 human or veterinary use approved by the United States Food and

1 Drug Administration.

2 (d) "Practice of pharmacy" means:

3 (1) the interpretation and the provision of assistance
4 in the monitoring, evaluation, and implementation of
5 prescription drug orders;

6 (2) the dispensing of prescription drug orders;

7 (3) participation in drug and device selection;

8 (4) drug administration limited to the administration
9 of oral, topical, injectable, and inhalation as follows:

10 (A) in the context of patient education on the
11 proper use or delivery of medications;

12 (B) vaccination of patients 14 years of age and
13 older pursuant to a valid prescription or standing
14 order, by a physician licensed to practice medicine in
15 all its branches, upon completion of appropriate
16 training, including how to address contraindications
17 and adverse reactions set forth by rule, with
18 notification to the patient's physician and
19 appropriate record retention, or pursuant to hospital
20 pharmacy and therapeutics committee policies and
21 procedures;

22 (B-5) following the initial administration of
23 long-acting or extended-release ~~extended-release~~ form
24 opioid antagonists by a physician licensed to practice
25 medicine in all its branches, administration of
26 injections of long-acting or extended-release form

1 opioid antagonists for the treatment of substance use
2 disorder, pursuant to a valid prescription by a
3 physician licensed to practice medicine in all its
4 branches, upon completion of appropriate training,
5 including how to address contraindications and adverse
6 reactions, including, but not limited to, respiratory
7 depression and the performance of cardiopulmonary
8 resuscitation, set forth by rule, with notification to
9 the patient's physician and appropriate record
10 retention, or pursuant to hospital pharmacy and
11 therapeutics committee policies and procedures;

12 (C) administration of injections of
13 alpha-hydroxyprogesterone caproate, pursuant to a
14 valid prescription, by a physician licensed to
15 practice medicine in all its branches, upon completion
16 of appropriate training, including how to address
17 contraindications and adverse reactions set forth by
18 rule, with notification to the patient's physician and
19 appropriate record retention, or pursuant to hospital
20 pharmacy and therapeutics committee policies and
21 procedures; and

22 (D) administration of injections of long-term
23 antipsychotic medications pursuant to a valid
24 prescription by a physician licensed to practice
25 medicine in all its branches, upon completion of
26 appropriate training conducted by an Accreditation

1 Council of Pharmaceutical Education accredited
2 provider, including how to address contraindications
3 and adverse reactions set forth by rule, with
4 notification to the patient's physician and
5 appropriate record retention, or pursuant to hospital
6 pharmacy and therapeutics committee policies and
7 procedures.

8 (5) vaccination of patients ages 10 through 13 limited
9 to the Influenza (inactivated influenza vaccine and live
10 attenuated influenza intranasal vaccine) and Tdap (defined
11 as tetanus, diphtheria, acellular pertussis) vaccines,
12 pursuant to a valid prescription or standing order, by a
13 physician licensed to practice medicine in all its
14 branches, upon completion of appropriate training,
15 including how to address contraindications and adverse
16 reactions set forth by rule, with notification to the
17 patient's physician and appropriate record retention, or
18 pursuant to hospital pharmacy and therapeutics committee
19 policies and procedures;

20 (6) drug regimen review;

21 (7) drug or drug-related research;

22 (8) the provision of patient counseling;

23 (9) the practice of telepharmacy;

24 (10) the provision of those acts or services necessary
25 to provide pharmacist care;

26 (11) medication therapy management; and

1 (12) the responsibility for compounding and labeling
2 of drugs and devices (except labeling by a manufacturer,
3 repackager, or distributor of non-prescription drugs and
4 commercially packaged legend drugs and devices), proper
5 and safe storage of drugs and devices, and maintenance of
6 required records.

7 A pharmacist who performs any of the acts defined as the
8 practice of pharmacy in this State must be actively licensed
9 as a pharmacist under this Act.

10 (e) "Prescription" means and includes any written, oral,
11 facsimile, or electronically transmitted order for drugs or
12 medical devices, issued by a physician licensed to practice
13 medicine in all its branches, dentist, veterinarian, podiatric
14 physician, or optometrist, within the limits of his or her
15 license, by a physician assistant in accordance with
16 subsection (f) of Section 4, or by an advanced practice
17 registered nurse in accordance with subsection (g) of Section
18 4, containing the following: (1) name of the patient; (2) date
19 when prescription was issued; (3) name and strength of drug or
20 description of the medical device prescribed; and (4)
21 quantity; (5) directions for use; (6) prescriber's name,
22 address, and signature; and (7) DEA registration number where
23 required, for controlled substances. The prescription may, but
24 is not required to, list the illness, disease, or condition
25 for which the drug or device is being prescribed. DEA
26 registration numbers shall not be required on inpatient drug

1 orders. A prescription for medication other than controlled
2 substances shall be valid for up to 15 months from the date
3 issued for the purpose of refills, unless the prescription
4 states otherwise.

5 (f) "Person" means and includes a natural person,
6 partnership, association, corporation, government entity, or
7 any other legal entity.

8 (g) "Department" means the Department of Financial and
9 Professional Regulation.

10 (h) "Board of Pharmacy" or "Board" means the State Board
11 of Pharmacy of the Department of Financial and Professional
12 Regulation.

13 (i) "Secretary" means the Secretary of Financial and
14 Professional Regulation.

15 (j) "Drug product selection" means the interchange for a
16 prescribed pharmaceutical product in accordance with Section
17 25 of this Act and Section 3.14 of the Illinois Food, Drug and
18 Cosmetic Act.

19 (k) "Inpatient drug order" means an order issued by an
20 authorized prescriber for a resident or patient of a facility
21 licensed under the Nursing Home Care Act, the ID/DD Community
22 Care Act, the MC/DD Act, the Specialized Mental Health
23 Rehabilitation Act of 2013, the Hospital Licensing Act, or the
24 University of Illinois Hospital Act, or a facility which is
25 operated by the Department of Human Services (as successor to
26 the Department of Mental Health and Developmental

1 Disabilities) or the Department of Corrections.

2 (k-5) "Pharmacist" means an individual health care
3 professional and provider currently licensed by this State to
4 engage in the practice of pharmacy.

5 (l) "Pharmacist in charge" means the licensed pharmacist
6 whose name appears on a pharmacy license and who is
7 responsible for all aspects of the operation related to the
8 practice of pharmacy.

9 (m) "Dispense" or "dispensing" means the interpretation,
10 evaluation, and implementation of a prescription drug order,
11 including the preparation and delivery of a drug or device to a
12 patient or patient's agent in a suitable container
13 appropriately labeled for subsequent administration to or use
14 by a patient in accordance with applicable State and federal
15 laws and regulations. "Dispense" or "dispensing" does not mean
16 the physical delivery to a patient or a patient's
17 representative in a home or institution by a designee of a
18 pharmacist or by common carrier. "Dispense" or "dispensing"
19 also does not mean the physical delivery of a drug or medical
20 device to a patient or patient's representative by a
21 pharmacist's designee within a pharmacy or drugstore while the
22 pharmacist is on duty and the pharmacy is open.

23 (n) "Nonresident pharmacy" means a pharmacy that is
24 located in a state, commonwealth, or territory of the United
25 States, other than Illinois, that delivers, dispenses, or
26 distributes, through the United States Postal Service,

1 commercially acceptable parcel delivery service, or other
2 common carrier, to Illinois residents, any substance which
3 requires a prescription.

4 (o) "Compounding" means the preparation and mixing of
5 components, excluding flavorings, (1) as the result of a
6 prescriber's prescription drug order or initiative based on
7 the prescriber-patient-pharmacist relationship in the course
8 of professional practice or (2) for the purpose of, or
9 incident to, research, teaching, or chemical analysis and not
10 for sale or dispensing. "Compounding" includes the preparation
11 of drugs or devices in anticipation of receiving prescription
12 drug orders based on routine, regularly observed dispensing
13 patterns. Commercially available products may be compounded
14 for dispensing to individual patients only if all of the
15 following conditions are met: (i) the commercial product is
16 not reasonably available from normal distribution channels in
17 a timely manner to meet the patient's needs and (ii) the
18 prescribing practitioner has requested that the drug be
19 compounded.

20 (p) (Blank).

21 (q) (Blank).

22 (r) "Patient counseling" means the communication between a
23 pharmacist or a student pharmacist under the supervision of a
24 pharmacist and a patient or the patient's representative about
25 the patient's medication or device for the purpose of
26 optimizing proper use of prescription medications or devices.

1 "Patient counseling" may include without limitation (1)
2 obtaining a medication history; (2) acquiring a patient's
3 allergies and health conditions; (3) facilitation of the
4 patient's understanding of the intended use of the medication;
5 (4) proper directions for use; (5) significant potential
6 adverse events; (6) potential food-drug interactions; and (7)
7 the need to be compliant with the medication therapy. A
8 pharmacy technician may only participate in the following
9 aspects of patient counseling under the supervision of a
10 pharmacist: (1) obtaining medication history; (2) providing
11 the offer for counseling by a pharmacist or student
12 pharmacist; and (3) acquiring a patient's allergies and health
13 conditions.

14 (s) "Patient profiles" or "patient drug therapy record"
15 means the obtaining, recording, and maintenance of patient
16 prescription information, including prescriptions for
17 controlled substances, and personal information.

18 (t) (Blank).

19 (u) "Medical device" or "device" means an instrument,
20 apparatus, implement, machine, contrivance, implant, in vitro
21 reagent, or other similar or related article, including any
22 component part or accessory, required under federal law to
23 bear the label "Caution: Federal law requires dispensing by or
24 on the order of a physician". A seller of goods and services
25 who, only for the purpose of retail sales, compounds, sells,
26 rents, or leases medical devices shall not, by reasons

1 thereof, be required to be a licensed pharmacy.

2 (v) "Unique identifier" means an electronic signature,
3 handwritten signature or initials, thumb print, or other
4 acceptable biometric or electronic identification process as
5 approved by the Department.

6 (w) "Current usual and customary retail price" means the
7 price that a pharmacy charges to a non-third-party payor.

8 (x) "Automated pharmacy system" means a mechanical system
9 located within the confines of the pharmacy or remote location
10 that performs operations or activities, other than compounding
11 or administration, relative to storage, packaging, dispensing,
12 or distribution of medication, and which collects, controls,
13 and maintains all transaction information.

14 (y) "Drug regimen review" means and includes the
15 evaluation of prescription drug orders and patient records for
16 (1) known allergies; (2) drug or potential therapy
17 contraindications; (3) reasonable dose, duration of use, and
18 route of administration, taking into consideration factors
19 such as age, gender, and contraindications; (4) reasonable
20 directions for use; (5) potential or actual adverse drug
21 reactions; (6) drug-drug interactions; (7) drug-food
22 interactions; (8) drug-disease contraindications; (9)
23 therapeutic duplication; (10) patient laboratory values when
24 authorized and available; (11) proper utilization (including
25 over or under utilization) and optimum therapeutic outcomes;
26 and (12) abuse and misuse.

1 (z) "Electronically transmitted prescription" means a
2 prescription that is created, recorded, or stored by
3 electronic means; issued and validated with an electronic
4 signature; and transmitted by electronic means directly from
5 the prescriber to a pharmacy. An electronic prescription is
6 not an image of a physical prescription that is transferred by
7 electronic means from computer to computer, facsimile to
8 facsimile, or facsimile to computer.

9 (aa) "Medication therapy management services" means a
10 distinct service or group of services offered by licensed
11 pharmacists, physicians licensed to practice medicine in all
12 its branches, advanced practice registered nurses authorized
13 in a written agreement with a physician licensed to practice
14 medicine in all its branches, or physician assistants
15 authorized in guidelines by a supervising physician that
16 optimize therapeutic outcomes for individual patients through
17 improved medication use. In a retail or other non-hospital
18 pharmacy, medication therapy management services shall consist
19 of the evaluation of prescription drug orders and patient
20 medication records to resolve conflicts with the following:

21 (1) known allergies;

22 (2) drug or potential therapy contraindications;

23 (3) reasonable dose, duration of use, and route of
24 administration, taking into consideration factors such as
25 age, gender, and contraindications;

26 (4) reasonable directions for use;

- 1 (5) potential or actual adverse drug reactions;
- 2 (6) drug-drug interactions;
- 3 (7) drug-food interactions;
- 4 (8) drug-disease contraindications;
- 5 (9) identification of therapeutic duplication;
- 6 (10) patient laboratory values when authorized and
7 available;
- 8 (11) proper utilization (including over or under
9 utilization) and optimum therapeutic outcomes; and
- 10 (12) drug abuse and misuse.

11 "Medication therapy management services" includes the
12 following:

- 13 (1) documenting the services delivered and
14 communicating the information provided to patients'
15 prescribers within an appropriate time frame, not to
16 exceed 48 hours;
- 17 (2) providing patient counseling designed to enhance a
18 patient's understanding and the appropriate use of his or
19 her medications; and
- 20 (3) providing information, support services, and
21 resources designed to enhance a patient's adherence with
22 his or her prescribed therapeutic regimens.

23 "Medication therapy management services" may also include
24 patient care functions authorized by a physician licensed to
25 practice medicine in all its branches for his or her
26 identified patient or groups of patients under specified

1 conditions or limitations in a standing order from the
2 physician.

3 "Medication therapy management services" in a licensed
4 hospital may also include the following:

5 (1) reviewing assessments of the patient's health
6 status; and

7 (2) following protocols of a hospital pharmacy and
8 therapeutics committee with respect to the fulfillment of
9 medication orders.

10 (bb) "Pharmacist care" means the provision by a pharmacist
11 of medication therapy management services, with or without the
12 dispensing of drugs or devices, intended to achieve outcomes
13 that improve patient health, quality of life, and comfort and
14 enhance patient safety.

15 (cc) "Protected health information" means individually
16 identifiable health information that, except as otherwise
17 provided, is:

18 (1) transmitted by electronic media;

19 (2) maintained in any medium set forth in the
20 definition of "electronic media" in the federal Health
21 Insurance Portability and Accountability Act; or

22 (3) transmitted or maintained in any other form or
23 medium.

24 "Protected health information" does not include
25 individually identifiable health information found in:

26 (1) education records covered by the federal Family

1 Educational Right and Privacy Act; or

2 (2) employment records held by a licensee in its role
3 as an employer.

4 (dd) "Standing order" means a specific order for a patient
5 or group of patients issued by a physician licensed to
6 practice medicine in all its branches in Illinois.

7 (ee) "Address of record" means the designated address
8 recorded by the Department in the applicant's application file
9 or licensee's license file maintained by the Department's
10 licensure maintenance unit.

11 (ff) "Home pharmacy" means the location of a pharmacy's
12 primary operations.

13 (gg) "Email address of record" means the designated email
14 address recorded by the Department in the applicant's
15 application file or the licensee's license file, as maintained
16 by the Department's licensure maintenance unit.

17 (Source: P.A. 100-208, eff. 1-1-18; 100-497, eff. 9-8-17;
18 100-513, eff. 1-1-18; 100-804, eff. 1-1-19; 100-863, eff.
19 8-14-18; 101-349, eff. 1-1-20; revised 8-21-20.)

20 Section 545. The Physician Assistant Practice Act of 1987
21 is amended by changing Sections 7.5 and 21 as follows:

22 (225 ILCS 95/7.5)

23 (Section scheduled to be repealed on January 1, 2028)

24 Sec. 7.5. Written collaborative agreements; prescriptive

1 authority.

2 (a) A written collaborative agreement is required for all
3 physician assistants to practice in the State, except as
4 provided in Section 7.7 of this Act.

5 (1) A written collaborative agreement shall describe
6 the working relationship of the physician assistant with
7 the collaborating physician and shall describe the
8 categories of care, treatment, or procedures to be
9 provided by the physician assistant. The written
10 collaborative agreement shall promote the exercise of
11 professional judgment by the physician assistant
12 commensurate with his or her education and experience. The
13 services to be provided by the physician assistant shall
14 be services that the collaborating physician is authorized
15 to and generally provides to his or her patients in the
16 normal course of his or her clinical medical practice. The
17 written collaborative agreement need not describe the
18 exact steps that a physician assistant must take with
19 respect to each specific condition, disease, or symptom
20 but must specify which authorized procedures require the
21 presence of the collaborating physician as the procedures
22 are being performed. The relationship under a written
23 collaborative agreement shall not be construed to require
24 the personal presence of a physician at the place where
25 services are rendered. Methods of communication shall be
26 available for consultation with the collaborating

1 physician in person or by telecommunications or electronic
2 communications as set forth in the written collaborative
3 agreement. For the purposes of this Act, "generally
4 provides to his or her patients in the normal course of his
5 or her clinical medical practice" means services, not
6 specific tasks or duties, the collaborating physician
7 routinely provides individually or through delegation to
8 other persons so that the physician has the experience and
9 ability to collaborate and provide consultation.

10 (2) The written collaborative agreement shall be
11 adequate if a physician does each of the following:

12 (A) Participates in the joint formulation and
13 joint approval of orders or guidelines with the
14 physician assistant and he or she periodically reviews
15 such orders and the services provided patients under
16 such orders in accordance with accepted standards of
17 medical practice and physician assistant practice.

18 (B) Provides consultation at least once a month.

19 (3) A copy of the signed, written collaborative
20 agreement must be available to the Department upon request
21 from both the physician assistant and the collaborating
22 physician.

23 (4) A physician assistant shall inform each
24 collaborating physician of all written collaborative
25 agreements he or she has signed and provide a copy of these
26 to any collaborating physician upon request.

1 (b) A collaborating physician may, but is not required to,
2 delegate prescriptive authority to a physician assistant as
3 part of a written collaborative agreement. This authority may,
4 but is not required to, include prescription of, selection of,
5 orders for, administration of, storage of, acceptance of
6 samples of, and dispensing medical devices, over the counter
7 medications, legend drugs, medical gases, and controlled
8 substances categorized as Schedule II through V controlled
9 substances, as defined in Article II of the Illinois
10 Controlled Substances Act, and other preparations, including,
11 but not limited to, botanical and herbal remedies. The
12 collaborating physician must have a valid, current Illinois
13 controlled substance license and federal registration with the
14 Drug Enforcement Administration ~~Agency~~ to delegate the
15 authority to prescribe controlled substances.

16 (1) To prescribe Schedule II, III, IV, or V controlled
17 substances under this Section, a physician assistant must
18 obtain a mid-level practitioner controlled substances
19 license. Medication orders issued by a physician assistant
20 shall be reviewed periodically by the collaborating
21 physician.

22 (2) The collaborating physician shall file with the
23 Department notice of delegation of prescriptive authority
24 to a physician assistant and termination of delegation,
25 specifying the authority delegated or terminated. Upon
26 receipt of this notice delegating authority to prescribe

1 controlled substances, the physician assistant shall be
2 eligible to register for a mid-level practitioner
3 controlled substances license under Section 303.05 of the
4 Illinois Controlled Substances Act. Nothing in this Act
5 shall be construed to limit the delegation of tasks or
6 duties by the collaborating physician to a nurse or other
7 appropriately trained persons in accordance with Section
8 54.2 of the Medical Practice Act of 1987.

9 (3) In addition to the requirements of this subsection
10 (b), a collaborating physician may, but is not required
11 to, delegate authority to a physician assistant to
12 prescribe Schedule II controlled substances, if all of the
13 following conditions apply:

14 (A) Specific Schedule II controlled substances by
15 oral dosage or topical or transdermal application may
16 be delegated, provided that the delegated Schedule II
17 controlled substances are routinely prescribed by the
18 collaborating physician. This delegation must identify
19 the specific Schedule II controlled substances by
20 either brand name or generic name. Schedule II
21 controlled substances to be delivered by injection or
22 other route of administration may not be delegated.

23 (B) (Blank).

24 (C) Any prescription must be limited to no more
25 than a 30-day supply, with any continuation authorized
26 only after prior approval of the collaborating

1 physician.

2 (D) The physician assistant must discuss the
3 condition of any patients for whom a controlled
4 substance is prescribed monthly with the collaborating
5 physician.

6 (E) The physician assistant meets the education
7 requirements of Section 303.05 of the Illinois
8 Controlled Substances Act.

9 (c) Nothing in this Act shall be construed to limit the
10 delegation of tasks or duties by a physician to a licensed
11 practical nurse, a registered professional nurse, or other
12 persons. Nothing in this Act shall be construed to limit the
13 method of delegation that may be authorized by any means,
14 including, but not limited to, oral, written, electronic,
15 standing orders, protocols, guidelines, or verbal orders.
16 Nothing in this Act shall be construed to authorize a
17 physician assistant to provide health care services required
18 by law or rule to be performed by a physician. Nothing in this
19 Act shall be construed to authorize the delegation or
20 performance of operative surgery. Nothing in this Section
21 shall be construed to preclude a physician assistant from
22 assisting in surgery.

23 (c-5) Nothing in this Section shall be construed to apply
24 to any medication authority, including Schedule II controlled
25 substances of a licensed physician assistant for care provided
26 in a hospital, hospital affiliate, or ambulatory surgical

1 treatment center pursuant to Section 7.7 of this Act.

2 (d) (Blank).

3 (e) Nothing in this Section shall be construed to prohibit
4 generic substitution.

5 (Source: P.A. 100-453, eff. 8-25-17; 101-13, eff. 6-12-19;
6 revised 8-24-20.)

7 (225 ILCS 95/21) (from Ch. 111, par. 4621)

8 (Section scheduled to be repealed on January 1, 2028)

9 Sec. 21. Grounds for disciplinary action.

10 (a) The Department may refuse to issue or to renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action with regard to any
13 license issued under this Act as the Department may deem
14 proper, including the issuance of fines not to exceed \$10,000
15 for each violation, for any one or combination of the
16 following causes:

17 (1) Material misstatement in furnishing information to
18 the Department.

19 (2) Violations of this Act, or the rules adopted under
20 this Act.

21 (3) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or
23 sentencing, including, but not limited to, convictions,
24 preceding sentences of supervision, conditional discharge,
25 or first offender probation, under the laws of any

1 jurisdiction of the United States that is: (i) a felony;
2 or (ii) a misdemeanor, an essential element of which is
3 dishonesty, or that is directly related to the practice of
4 the profession.

5 (4) Making any misrepresentation for the purpose of
6 obtaining licenses.

7 (5) Professional incompetence.

8 (6) Aiding or assisting another person in violating
9 any provision of this Act or its rules.

10 (7) Failing, within 60 days, to provide information in
11 response to a written request made by the Department.

12 (8) Engaging in dishonorable, unethical, or
13 unprofessional conduct, as defined by rule, of a character
14 likely to deceive, defraud, or harm the public.

15 (9) Habitual or excessive use or addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that results in a physician assistant's inability to
18 practice with reasonable judgment, skill, or safety.

19 (10) Discipline by another U.S. jurisdiction or
20 foreign nation, if at least one of the grounds for
21 discipline is the same or substantially equivalent to
22 those set forth in this Section.

23 (11) Directly or indirectly giving to or receiving
24 from any person, firm, corporation, partnership, or
25 association any fee, commission, rebate or other form of
26 compensation for any professional services not actually or

1 personally rendered. Nothing in this paragraph (11)
2 affects any bona fide independent contractor or employment
3 arrangements, which may include provisions for
4 compensation, health insurance, pension, or other
5 employment benefits, with persons or entities authorized
6 under this Act for the provision of services within the
7 scope of the licensee's practice under this Act.

8 (12) A finding by the Disciplinary Board that the
9 licensee, after having his or her license placed on
10 probationary status has violated the terms of probation.

11 (13) Abandonment of a patient.

12 (14) Willfully making or filing false records or
13 reports in his or her practice, including but not limited
14 to false records filed with state agencies or departments.

15 (15) Willfully failing to report an instance of
16 suspected child abuse or neglect as required by the Abused
17 and Neglected Child Reporting Act.

18 (16) Physical illness, or mental illness or impairment
19 that results in the inability to practice the profession
20 with reasonable judgment, skill, or safety, including, but
21 not limited to, deterioration through the aging process or
22 loss of motor skill.

23 (17) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 under the Abused and Neglected Child Reporting Act, and
26 upon proof by clear and convincing evidence that the

1 licensee has caused a child to be an abused child or
2 neglected child as defined in the Abused and Neglected
3 Child Reporting Act.

4 (18) (Blank).

5 (19) Gross negligence resulting in permanent injury or
6 death of a patient.

7 (20) Employment of fraud, deception or any unlawful
8 means in applying for or securing a license as a physician
9 assistant.

10 (21) Exceeding the authority delegated to him or her
11 by his or her collaborating physician in a written
12 collaborative agreement.

13 (22) Immoral conduct in the commission of any act,
14 such as sexual abuse, sexual misconduct, or sexual
15 exploitation related to the licensee's practice.

16 (23) Violation of the Health Care Worker Self-Referral
17 Act.

18 (24) Practicing under a false or assumed name, except
19 as provided by law.

20 (25) Making a false or misleading statement regarding
21 his or her skill or the efficacy or value of the medicine,
22 treatment, or remedy prescribed by him or her in the
23 course of treatment.

24 (26) Allowing another person to use his or her license
25 to practice.

26 (27) Prescribing, selling, administering,

1 distributing, giving, or self-administering a drug
2 classified as a controlled substance for other than
3 medically accepted ~~medically-accepted~~ therapeutic
4 purposes.

5 (28) Promotion of the sale of drugs, devices,
6 appliances, or goods provided for a patient in a manner to
7 exploit the patient for financial gain.

8 (29) A pattern of practice or other behavior that
9 demonstrates incapacity or incompetence to practice under
10 this Act.

11 (30) Violating State or federal laws or regulations
12 relating to controlled substances or other legend drugs or
13 ephedra as defined in the Ephedra Prohibition Act.

14 (31) Exceeding the prescriptive authority delegated by
15 the collaborating physician or violating the written
16 collaborative agreement delegating that authority.

17 (32) Practicing without providing to the Department a
18 notice of collaboration or delegation of prescriptive
19 authority.

20 (33) Failure to establish and maintain records of
21 patient care and treatment as required by law.

22 (34) Attempting to subvert or cheat on the examination
23 of the National Commission on Certification of Physician
24 Assistants or its successor agency.

25 (35) Willfully or negligently violating the
26 confidentiality between physician assistant and patient,

1 except as required by law.

2 (36) Willfully failing to report an instance of
3 suspected abuse, neglect, financial exploitation, or
4 self-neglect of an eligible adult as defined in and
5 required by the Adult Protective Services Act.

6 (37) Being named as an abuser in a verified report by
7 the Department on Aging under the Adult Protective
8 Services Act and upon proof by clear and convincing
9 evidence that the licensee abused, neglected, or
10 financially exploited an eligible adult as defined in the
11 Adult Protective Services Act.

12 (38) Failure to report to the Department an adverse
13 final action taken against him or her by another licensing
14 jurisdiction of the United States or a foreign state or
15 country, a peer review body, a health care institution, a
16 professional society or association, a governmental
17 agency, a law enforcement agency, or a court acts or
18 conduct similar to acts or conduct that would constitute
19 grounds for action under this Section.

20 (39) Failure to provide copies of records of patient
21 care or treatment, except as required by law.

22 (40) Entering into an excessive number of written
23 collaborative agreements with licensed physicians
24 resulting in an inability to adequately collaborate.

25 (41) Repeated failure to adequately collaborate with a
26 collaborating physician.

1 (42) Violating the Compassionate Use of Medical
2 Cannabis Program Act.

3 (b) The Department may, without a hearing, refuse to issue
4 or renew or may suspend the license of any person who fails to
5 file a return, or to pay the tax, penalty or interest shown in
6 a filed return, or to pay any final assessment of the tax,
7 penalty, or interest as required by any tax Act administered
8 by the Illinois Department of Revenue, until such time as the
9 requirements of any such tax Act are satisfied.

10 (c) The determination by a circuit court that a licensee
11 is subject to involuntary admission or judicial admission as
12 provided in the Mental Health and Developmental Disabilities
13 Code operates as an automatic suspension. The suspension will
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and issues an order so finding and discharging the patient,
17 and upon the recommendation of the Disciplinary Board to the
18 Secretary that the licensee be allowed to resume his or her
19 practice.

20 (d) In enforcing this Section, the Department upon a
21 showing of a possible violation may compel an individual
22 licensed to practice under this Act, or who has applied for
23 licensure under this Act, to submit to a mental or physical
24 examination, or both, which may include a substance abuse or
25 sexual offender evaluation, as required by and at the expense
26 of the Department.

1 The Department shall specifically designate the examining
2 physician licensed to practice medicine in all of its branches
3 or, if applicable, the multidisciplinary team involved in
4 providing the mental or physical examination or both. The
5 multidisciplinary team shall be led by a physician licensed to
6 practice medicine in all of its branches and may consist of one
7 or more or a combination of physicians licensed to practice
8 medicine in all of its branches, licensed clinical
9 psychologists, licensed clinical social workers, licensed
10 clinical professional counselors, and other professional and
11 administrative staff. Any examining physician or member of the
12 multidisciplinary team may require any person ordered to
13 submit to an examination pursuant to this Section to submit to
14 any additional supplemental testing deemed necessary to
15 complete any examination or evaluation process, including, but
16 not limited to, blood testing, urinalysis, psychological
17 testing, or neuropsychological testing.

18 The Department may order the examining physician or any
19 member of the multidisciplinary team to provide to the
20 Department any and all records, including business records,
21 that relate to the examination and evaluation, including any
22 supplemental testing performed.

23 The Department may order the examining physician or any
24 member of the multidisciplinary team to present testimony
25 concerning the mental or physical examination of the licensee
26 or applicant. No information, report, record, or other

1 documents in any way related to the examination shall be
2 excluded by reason of any common law or statutory privilege
3 relating to communications between the licensee or applicant
4 and the examining physician or any member of the
5 multidisciplinary team. No authorization is necessary from the
6 licensee or applicant ordered to undergo an examination for
7 the examining physician or any member of the multidisciplinary
8 team to provide information, reports, records, or other
9 documents or to provide any testimony regarding the
10 examination and evaluation.

11 The individual to be examined may have, at his or her own
12 expense, another physician of his or her choice present during
13 all aspects of this examination. However, that physician shall
14 be present only to observe and may not interfere in any way
15 with the examination.

16 Failure of an individual to submit to a mental or physical
17 examination, when ordered, shall result in an automatic
18 suspension of his or her license until the individual submits
19 to the examination.

20 If the Department finds an individual unable to practice
21 because of the reasons set forth in this Section, the
22 Department may require that individual to submit to care,
23 counseling, or treatment by physicians approved or designated
24 by the Department, as a condition, term, or restriction for
25 continued, reinstated, or renewed licensure to practice; or,
26 in lieu of care, counseling, or treatment, the Department may

1 file a complaint to immediately suspend, revoke, or otherwise
2 discipline the license of the individual. An individual whose
3 license was granted, continued, reinstated, renewed,
4 disciplined, or supervised subject to such terms, conditions,
5 or restrictions, and who fails to comply with such terms,
6 conditions, or restrictions, shall be referred to the
7 Secretary for a determination as to whether the individual
8 shall have his or her license suspended immediately, pending a
9 hearing by the Department.

10 In instances in which the Secretary immediately suspends a
11 person's license under this Section, a hearing on that
12 person's license must be convened by the Department within 30
13 days after the suspension and completed without appreciable
14 delay. The Department shall have the authority to review the
15 subject individual's record of treatment and counseling
16 regarding the impairment to the extent permitted by applicable
17 federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 An individual licensed under this Act and affected under
20 this Section shall be afforded an opportunity to demonstrate
21 to the Department that he or she can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of his or her license.

24 (e) An individual or organization acting in good faith,
25 and not in a willful and wanton manner, in complying with this
26 Section by providing a report or other information to the

1 Board, by assisting in the investigation or preparation of a
2 report or information, by participating in proceedings of the
3 Board, or by serving as a member of the Board, shall not be
4 subject to criminal prosecution or civil damages as a result
5 of such actions.

6 (f) Members of the Board and the Disciplinary Board shall
7 be indemnified by the State for any actions occurring within
8 the scope of services on the Disciplinary Board or Board, done
9 in good faith and not willful and wanton in nature. The
10 Attorney General shall defend all such actions unless he or
11 she determines either that there would be a conflict of
12 interest in such representation or that the actions complained
13 of were not in good faith or were willful and wanton.

14 If the Attorney General declines representation, the
15 member has the right to employ counsel of his or her choice,
16 whose fees shall be provided by the State, after approval by
17 the Attorney General, unless there is a determination by a
18 court that the member's actions were not in good faith or were
19 willful and wanton.

20 The member must notify the Attorney General within 7 days
21 after receipt of notice of the initiation of any action
22 involving services of the Disciplinary Board. Failure to so
23 notify the Attorney General constitutes an absolute waiver of
24 the right to a defense and indemnification.

25 The Attorney General shall determine, within 7 days after
26 receiving such notice, whether he or she will undertake to

1 represent the member.

2 (Source: P.A. 100-453, eff. 8-25-17; 100-605, eff. 1-1-19;
3 101-363, eff. 8-9-19; revised 12-5-19.)

4 Section 550. The Perfusionist Practice Act is amended by
5 changing Sections 105 and 210 as follows:

6 (225 ILCS 125/105)

7 (Section scheduled to be repealed on January 1, 2030)

8 Sec. 105. Grounds for disciplinary action.

9 (a) The Department may refuse to issue, renew, or restore
10 a license, or may revoke, suspend, place on probation,
11 reprimand, or take any other disciplinary or non-disciplinary
12 action as the Department may deem proper, including fines not
13 to exceed \$10,000 per violation with regard to any license
14 issued under this Act, for any one or a combination of the
15 following reasons:

16 (1) Making a material misstatement in furnishing
17 information to the Department.

18 (2) Negligence, incompetence, or misconduct in the
19 practice of perfusion.

20 (3) Failure to comply with any provisions of this Act
21 or any of its rules.

22 (4) Fraud or any misrepresentation in applying for or
23 procuring a license under this Act or in connection with
24 applying for renewal or restoration of a license under

1 this Act.

2 (5) Purposefully making false statements or signing
3 false statements, certificates, or affidavits to induce
4 payment.

5 (6) Conviction of or entry of a plea of guilty or nolo
6 contendere, finding of guilt, jury verdict, or entry of
7 judgment or sentencing, including, but not limited to,
8 convictions, preceding sentences of supervision,
9 conditional discharge, or first offender probation under
10 the laws of any jurisdiction of the United States that is
11 (i) a felony or (ii) a misdemeanor, an essential element
12 of which is dishonesty, that is directly related to the
13 practice of the profession of perfusion.

14 (7) Aiding or assisting another in violating any
15 provision of this Act or its rules.

16 (8) Failing to provide information in response to a
17 written request made by the Department within 60 days
18 after receipt of such written request.

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public as defined by rule.

22 (10) Habitual or excessive use or abuse of drugs
23 defined in law as controlled substances, of alcohol,
24 narcotics, stimulants, or any other substances that
25 results in the inability to practice with reasonable
26 judgment, skill, or safety.

1 (11) A finding by the Department that an applicant or
2 licensee has failed to pay a fine imposed by the
3 Department.

4 (12) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation, or failed to
7 comply with such terms.

8 (13) Inability to practice the profession with
9 reasonable judgment, skill, or safety as a result of
10 physical illness, including, but not limited to,
11 deterioration through the aging process, loss of motor
12 skill, mental illness, or disability.

13 (14) Discipline by another state, territory, foreign
14 country, the District of Columbia, the United States
15 government, or any other government agency if at least one
16 of the grounds for discipline is the same or substantially
17 equivalent to those set forth in this Act.

18 (15) The making of any willfully false oath or
19 affirmation in any matter or proceeding where an oath or
20 affirmation is required by this Act.

21 (16) Using or attempting to use an expired, inactive,
22 suspended, or revoked license, or the certificate or seal
23 of another, or impersonating another licensee.

24 (17) Directly or indirectly giving to or receiving
25 from any person or entity any fee, commission, rebate, or
26 other form of compensation for any professional service

1 not actually or personally rendered.

2 (18) Willfully making or filing false records or
3 reports related to the licensee's practice, including, but
4 not limited to, false records filed with federal or State
5 agencies or departments.

6 (19) Willfully failing to report an instance of
7 suspected child abuse or neglect as required under the
8 Abused and Neglected Child Reporting Act.

9 (20) Being named as a perpetrator in an indicated
10 report by the Department of Children and Family Services
11 under the Abused and Neglected Child Reporting Act and
12 upon proof, by clear and convincing evidence, that the
13 licensee has caused a child to be an abused child or
14 neglected child as defined in the Abused and Neglected
15 Child Reporting Act.

16 (21) Immoral conduct in the commission of an act
17 related to the licensee's practice, including but not
18 limited to sexual abuse, sexual misconduct, or sexual
19 exploitation.

20 (22) Violation of the Health Care Worker Self-Referral
21 Act.

22 (23) Solicitation of business or professional
23 services, other than permitted advertising.

24 (24) Conviction of or cash compromise of a charge or
25 violation of the Illinois Controlled Substances Act.

26 (25) Gross, willful, or continued overcharging for

1 professional services, including filing false statements
2 for collection of fees for which services are not
3 rendered.

4 (26) Practicing under a false name or, except as
5 allowed by law, an assumed name.

6 (b) In enforcing this Section, the Department or Board,
7 upon a showing of a possible violation, may order a licensee or
8 applicant to submit to a mental or physical examination, or
9 both, at the expense of the Department. The Department or
10 Board may order the examining physician to present testimony
11 concerning his or her examination of the licensee or
12 applicant. No information shall be excluded by reason of any
13 common law or statutory privilege relating to communications
14 between the licensee or applicant and the examining physician.
15 The examining physicians shall be specifically designated by
16 the Board or Department. The licensee or applicant may have,
17 at his or her own expense, another physician of his or her
18 choice present during all aspects of the examination. Failure
19 of a licensee or applicant to submit to any such examination
20 when directed, without reasonable cause as defined by rule,
21 shall be grounds for either the immediate suspension of his or
22 her license or immediate denial of his or her application.

23 (1) If the Secretary immediately suspends the license
24 of a licensee for his or her failure to submit to a mental
25 or physical examination when directed, a hearing must be
26 convened by the Department within 15 days after the

1 suspension and completed without appreciable delay.

2 (2) If the Secretary otherwise suspends a license
3 pursuant to the results of the licensee's mental or
4 physical examination, a hearing must be convened by the
5 Department within 15 days after the suspension and
6 completed without appreciable delay. The Department and
7 Board shall have the authority to review the licensee's
8 record of treatment and counseling regarding the relevant
9 impairment or impairments to the extent permitted by
10 applicable federal statutes and regulations safeguarding
11 the confidentiality of medical records.

12 (3) Any licensee suspended or otherwise affected under
13 this subsection (b) shall be afforded an opportunity to
14 demonstrate to the Department or Board that he or she can
15 resume practice in compliance with the acceptable and
16 prevailing standards under the provisions of his or her
17 license.

18 (c) The determination by a circuit court that a licensee
19 is subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code operates as an automatic suspension. The suspension will
22 end only upon a finding by a court that the licensee is no
23 longer subject to ~~the~~ involuntary admission or judicial
24 admission and issues an order so finding and discharging the
25 licensee; and upon the recommendation of the Board to the
26 Secretary that the licensee be allowed to resume his or her

1 practice.

2 (d) In cases where the Department of Healthcare and Family
3 Services (formerly the Department of Public Aid) has
4 previously determined that a licensee or a potential licensee
5 is more than 30 days delinquent in the payment of child support
6 and has subsequently certified the delinquency to the
7 Department, the Department shall refuse to issue or renew or
8 shall revoke or suspend that person's license or shall take
9 other disciplinary action against that person based solely
10 upon the certification of delinquency made by the Department
11 of Healthcare and Family Services in accordance with
12 subdivision (a)(5) of Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code
14 of Illinois.

15 (e) The Department shall deny a license or renewal
16 authorized by this Act to a person who has failed to file a
17 return, to pay the tax, penalty, or interest shown in a filed
18 return, or to pay any final assessment of tax, penalty, or
19 interest as required by any tax Act administered by the
20 Department of Revenue, until the requirements of the tax Act
21 are satisfied in accordance with subsection (g) of Section
22 2105-15 of the Department of Professional Regulation Law of
23 the Civil Administrative Code of Illinois.

24 (Source: P.A. 101-311, eff. 8-9-19; revised 12-5-19.)

25 (225 ILCS 125/210)

1 (Section scheduled to be repealed on January 1, 2030)

2 Sec. 210. Administrative review.

3 (a) All final administrative decisions of the Department
4 are subject to judicial review under the Administrative Review
5 Law and its rules. The term "administrative decision" is
6 defined as in Section 3-101 of the Code of Civil Procedure.

7 (b) Proceedings for judicial review shall be commenced in
8 the circuit court of the county in which the party seeking
9 review resides. If the party seeking review is not a resident
10 of this State, venue shall be in Sangamon County.

11 (c) The Department shall not be required to certify any
12 record to the court or file any answer in court, or to
13 otherwise appear in any court in a judicial review proceeding,
14 unless and until the Department has received from the
15 plaintiff payment of the costs of furnishing and certifying
16 the record, which costs shall be determined by the Department.

17 (d) Failure on the part of the plaintiff to file a receipt
18 in court shall be grounds for dismissal of the action.

19 (e) During the pendency and hearing of any and all
20 judicial proceedings incident to a disciplinary action, the
21 sanctions imposed upon the applicant or licensee by the
22 Department shall remain in full force and effect.

23 (Source: P.A. 101-311, eff. 8-9-19; revised 12-5-19.)

24 Section 555. The Uniform Emergency Volunteer Health
25 Practitioners Act is amended by changing Section 5 as follows:

1 (225 ILCS 140/5)

2 Sec. 5. Volunteer Health Practitioner Registration
3 Systems.

4 (a) To qualify as a volunteer health practitioner
5 registration system, a system must:

6 (1) accept applications for the registration of
7 volunteer health practitioners before or during an
8 emergency;

9 (2) include information about the licensure and good
10 standing of health practitioners which is accessible by
11 authorized persons;

12 (3) be capable of confirming the accuracy of
13 information concerning whether a health practitioner is
14 licensed and in good standing before health services or
15 veterinary services are provided under this Act; and

16 (4) meet one of the following conditions:

17 (A) be an emergency system for advance
18 registration of volunteer health-care practitioners
19 established by a state and funded through the
20 Department of Health and Human Services under Section
21 319I of the Public Health Service ~~Services~~ Act, 42
22 U.S.C. Section 247d-7b (as amended);

23 (B) be a local unit consisting of trained and
24 equipped emergency response, public health, and
25 medical personnel formed pursuant to Section 2801 of

1 the Public Health Service ~~Services~~ Act, 42 U.S.C.
2 Section 300hh (as amended);

3 (C) be operated by a:

4 (i) disaster relief organization;

5 (ii) licensing board;

6 (iii) national or regional association of
7 licensing boards or health practitioners;

8 (iv) health facility that provides
9 comprehensive inpatient and outpatient health-care
10 services, including a tertiary care, teaching
11 hospital, or ambulatory surgical treatment center;
12 or

13 (v) governmental entity; or

14 (D) be designated by the Illinois Department of
15 Public Health as a registration system for purposes of
16 this Act.

17 (b) While an emergency declaration is in effect, the
18 Illinois Department of Public Health, a person authorized to
19 act on behalf of the Illinois Department of Public Health, or a
20 host entity or disaster relief organization, may confirm
21 whether volunteer health practitioners utilized in this State
22 are registered with a registration system that complies with
23 subsection (a). Confirmation is limited to obtaining
24 identities of the practitioners from the system and
25 determining whether the system indicates that the
26 practitioners are licensed and in good standing.

1 (c) Upon request of a person in this State authorized
2 under subsection (b), or a similarly authorized person in
3 another state, a registration system located in this State
4 shall notify the person of the identities of volunteer health
5 practitioners and whether the practitioners are licensed and
6 in good standing.

7 (d) A host entity or disaster relief organization is not
8 required to use the services of a volunteer health
9 practitioner even if the practitioner is registered with a
10 registration system that indicates that the practitioner is
11 licensed and in good standing.

12 (Source: P.A. 96-983, eff. 1-1-11; revised 8-24-20.)

13 Section 560. The Solid Waste Site Operator Certification
14 Law is amended by changing Section 1001 as follows:

15 (225 ILCS 230/1001) (from Ch. 111, par. 7851)

16 Sec. 1001. Short title. This Article ~~Act~~ may be cited as
17 the Solid Waste Site Operator Certification Law. References in
18 this Article to this Act shall mean this Article.

19 (Source: P.A. 86-1363; revised 8-23-19.)

20 Section 565. The Interpreter for the Deaf Licensure Act of
21 2007 is amended by changing Section 165 as follows:

22 (225 ILCS 443/165)

1 (Section scheduled to be repealed on January 1, 2028)

2 Sec. 165. Secretary ~~Director~~; rehearing. Whenever the
3 Secretary believes justice has not been done in the revocation
4 of, suspension of, or refusal to issue or renew a license or
5 the discipline of a licensee, he or she may order a rehearing.

6 (Source: P.A. 95-617, eff. 9-12-07; revised 8-23-19.)

7 Section 570. The Animal Welfare Act is amended by changing
8 Sections 3.3, 7, 18, 18.2, and 21 as follows:

9 (225 ILCS 605/3.3)

10 Sec. 3.3. Adoption of dogs and cats.

11 (a) An animal shelter or animal control facility shall not
12 adopt out any dog or adopt out or return to field any cat
13 unless it has been sterilized and microchipped. However, an
14 animal shelter or animal control facility may adopt out a dog
15 or cat that has not been sterilized and microchipped if: ~~(1)~~
16 ~~Blank; or (2)~~ the adopting owner has executed a written
17 agreement to have sterilizing and microchipping procedures
18 performed within 14 days after a licensed veterinarian
19 certifies the dog or cat is healthy enough for sterilizing and
20 microchipping procedures, and a licensed veterinarian has
21 certified that the dog or cat is too sick or injured to be
22 sterilized or it would be detrimental to the health of the dog
23 or cat to be sterilized or microchipped at the time of the
24 adoption.

1 (b) An animal shelter or animal control facility may adopt
2 out any dog or cat that is not free of disease, injury, or
3 abnormality if the disease, injury, or abnormality is
4 disclosed in writing to the adopter, and the animal shelter or
5 animal control facility allows the adopter to return the
6 animal to the animal shelter or animal control facility.

7 (c) The requirements of subsections (a) and (b) of this
8 Section do not apply to adoptions subject to Section 11 of the
9 Animal Control Act.

10 (Source: P.A. 101-295, eff. 8-9-19; revised 8-24-20.)

11 (225 ILCS 605/7) (from Ch. 8, par. 307)

12 Sec. 7. Applications for renewal licenses shall be made to
13 the Department in a manner prescribed by the Department, shall
14 contain such information as will enable the Department to
15 determine if the applicant is qualified to continue to hold a
16 license, shall report beginning inventory and intake and
17 outcome statistics from the previous calendar year, and shall
18 be accompanied by the required fee, which shall not be
19 returnable. The report of intake and outcome statistics shall
20 include the following:

21 (1) The total number of dogs, cats, and other animals,
22 divided into species, taken in by the animal shelter or
23 animal control facility, in the following categories:

24 (A) surrendered by owner;

25 (B) stray;

- 1 (C) impounded other than stray;
- 2 (D) confiscated under the Humane Care for Animals
3 Act;
- 4 (E) transfer from other licensees within the
5 State;
- 6 (F) transferred into or imported from out of the
7 State;
- 8 (G) transferred into or imported from outside the
9 country; and
- 10 (H) born in shelter or animal control facility.
- 11 (2) The disposition of all dogs, cats, and other
12 animals taken in by the animal shelter or animal control
13 facility, divided into species. This data must include
14 dispositions by:
- 15 (A) reclamation by owner;
- 16 (B) adopted or sold;
- 17 (C) euthanized;
- 18 (D) euthanized per request of the owner;
- 19 (E) died in custody;
- 20 (F) transferred to another licensee;
- 21 (G) transferred to an out-of-state ~~out-of-State~~
22 nonprofit agency;
- 23 (H) animals missing, stolen, or escaped;
- 24 (I) cats returned to ~~in~~ field; and
- 25 (J) ending inventory; shelter count at end of the
26 last day of the year.

1 The Department shall not be required to audit or validate
2 the intake and outcome statistics required to be submitted
3 under this Section.

4 (Source: P.A. 100-870, eff. 1-1-19; 101-295, eff. 8-9-19;
5 revised 8-24-20.)

6 (225 ILCS 605/18) (from Ch. 8, par. 318)

7 Sec. 18. The licensee shall:

8 (a) ~~a.~~ Maintain sanitary conditions.

9 (b) Ensure ~~b. Insure~~ proper ventilation.

10 (c) ~~e.~~ Provide adequate nutrition.

11 (d) ~~d.~~ Provide humane care and treatment of all
12 animals under his jurisdiction.

13 (e) ~~e.~~ Take reasonable care to release for sale,
14 trade, or adoption only those animals which are free of
15 disease, injuries, or abnormalities. A health certificate,
16 meeting the requirements of the Department and issued by a
17 licensed veterinarian for any such animal within 5 days
18 before such sale, trade, or adoption is prima facie
19 evidence that the licensee has taken reasonable care, as
20 required by this paragraph.

21 ~~f.~~ Inspection of the premises of a licensee to determine
22 compliance with this Act may be made only by the Department.

23 (Source: P.A. 78-900; revised 8-24-20.)

24 (225 ILCS 605/18.2)

1 Sec. 18.2. Fire alarm system.

2 (a) In this Section:

3 "Fire alarm system" means a system that automatically
4 triggers notification to local emergency responders when
5 activated.

6 "Staffing plan" means a plan to staff a kennel operator
7 anytime dogs or cats are on the premises. At a minimum, a
8 staffing plan must include the kennel operator's hours of
9 operation, number of staff, names of staff, and the staff's
10 contact information. The Department may adopt rules adding
11 requirements to a staffing plan.

12 "Qualified fire inspector" means a local fire official or
13 a building inspector working for a unit of local government or
14 fire protection district who is qualified to inspect buildings
15 for fire safety or building code compliance.

16 (b) A kennel operator that maintains dogs or cats for
17 boarding and that is not staffed at all times dogs or cats are
18 on the premises shall be equipped with at least one fire alarm
19 system or fire sprinkler system in operating condition in
20 every building of the kennel operator that is used for the
21 housing of animals. The kennel operator shall certify in its
22 license application and annually certify in its license
23 renewal that either: (1) its facility has a fire alarm system
24 or a fire sprinkler system, and shall include with the
25 application or license renewal an attached description and
26 picture of the make and model of the system used; or (2) the

1 kennel is staffed at all times dogs or cats are on the
2 premises, and shall include with the application or license
3 renewal an attached staffing plan. The Department shall
4 include this certification on each application for license or
5 license renewal.

6 (c) A qualified fire inspector may inspect a kennel
7 operator that maintains dogs and cats for boarding during the
8 course of performing routine inspections. If, during a routine
9 inspection, a qualified fire inspector determines that the
10 kennel operator does not have a fire alarm system or fire
11 sprinkler system, the inspector may inform the Department.

12 (d) For the purposes of this Section, veterinary
13 hospitals, practices, or offices are not kennel operators.

14 (Source: P.A. 101-210, eff. 1-1-20; revised 9-19-19.)

15 (225 ILCS 605/21) (from Ch. 8, par. 321)

16 Sec. 21. The following fees shall accompany each
17 application for a license, which fees shall not be returnable:

- 18 a. for an original license to an individual \$350
- 19 b. for an original license to a partnership,
20 animal shelter, or animal control
21 facility or corporation..... \$350
- 22 c. for an annual renewal license \$100
- 23 d. for each branch office license \$100
- 24 e. for the renewal of any license not renewed by
25 July 1 of the year \$400

1 ~~f. (blank)~~

2 ~~g. (blank)~~

3 (Source: P.A. 101-295, eff. 8-9-19; revised 12-9-19.)

4 Section 575. The Fluorspar Mines Act is amended by
5 changing Section 3 as follows:

6 (225 ILCS 710/3) (from Ch. 96 1/2, par. 4204)

7 Sec. 3. Office of Inspector of Mines. The Office of
8 Inspector of Mines as created by this Act shall be under the
9 jurisdiction of the Department of Natural Resources to the
10 same purport and effect as all other mining operations
11 provided for by law, unless otherwise provided. The Inspector
12 of Mines appointed hereunder shall keep an office within and
13 as a part of the office of the Director of the Office of Mines
14 and Minerals, and whose necessary employees shall be employed
15 and paid in the same manner as is provided for the employment
16 and pay of the necessary employees of the State departments
17 under the Civil Administrative Code of Illinois, and as is
18 provided in Section 5-645 of the Departments of State
19 Government Law of the Civil Administrative Code of Illinois
20 ~~(20 ILCS 5/5-645.~~

21 (Source: P.A. 91-239, eff. 1-1-00; revised 8-23-19.)

22 Section 580. The Illinois Horse Racing Act of 1975 is
23 amended by changing Sections 26, 27, and 31 as follows:

1 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

2 Sec. 26. Wagering.

3 (a) Any licensee may conduct and supervise the pari-mutuel
4 system of wagering, as defined in Section 3.12 of this Act, on
5 horse races conducted by an Illinois organization licensee or
6 conducted at a racetrack located in another state or country
7 in accordance with subsection (g) of Section 26 of this Act.
8 Subject to the prior consent of the Board, licensees may
9 supplement any pari-mutuel pool in order to guarantee a
10 minimum distribution. Such pari-mutuel method of wagering
11 shall not, under any circumstances if conducted under the
12 provisions of this Act, be held or construed to be unlawful,
13 other statutes of this State to the contrary notwithstanding.
14 Subject to rules for advance wagering promulgated by the
15 Board, any licensee may accept wagers in advance of the day of
16 the race wagered upon occurs.

17 (b) Except for those gaming activities for which a license
18 is obtained and authorized under the Illinois Lottery Law, the
19 Charitable Games Act, the Raffles and Poker Runs Act, or the
20 Illinois Gambling Act, no other method of betting, pool
21 making, wagering or gambling shall be used or permitted by the
22 licensee. Each licensee may retain, subject to the payment of
23 all applicable taxes and purses, an amount not to exceed 17% of
24 all money wagered under subsection (a) of this Section, except
25 as may otherwise be permitted under this Act.

1 (b-5) An individual may place a wager under the
2 pari-mutuel system from any licensed location authorized under
3 this Act provided that wager is electronically recorded in the
4 manner described in Section 3.12 of this Act. Any wager made
5 electronically by an individual while physically on the
6 premises of a licensee shall be deemed to have been made at the
7 premises of that licensee.

8 (c) (Blank).

9 (c-5) The sum held by any licensee for payment of
10 outstanding pari-mutuel tickets, if unclaimed prior to
11 December 31 of the next year, shall be retained by the licensee
12 for payment of such tickets until that date. Within 10 days
13 thereafter, the balance of such sum remaining unclaimed, less
14 any uncashed supplements contributed by such licensee for the
15 purpose of guaranteeing minimum distributions of any
16 pari-mutuel pool, shall be evenly distributed to the purse
17 account of the organization licensee and the organization
18 licensee, except that the balance of the sum of all
19 outstanding pari-mutuel tickets generated from simulcast
20 wagering and inter-track wagering by an organization licensee
21 located in a county with a population in excess of 230,000 and
22 borders the Mississippi River or any licensee that derives its
23 license from that organization licensee shall be evenly
24 distributed to the purse account of the organization licensee
25 and the organization licensee.

26 (d) A pari-mutuel ticket shall be honored until December

1 31 of the next calendar year, and the licensee shall pay the
2 same and may charge the amount thereof against unpaid money
3 similarly accumulated on account of pari-mutuel tickets not
4 presented for payment.

5 (e) No licensee shall knowingly permit any minor, other
6 than an employee of such licensee or an owner, trainer,
7 jockey, driver, or employee thereof, to be admitted during a
8 racing program unless accompanied by a parent or guardian, or
9 any minor to be a patron of the pari-mutuel system of wagering
10 conducted or supervised by it. The admission of any
11 unaccompanied minor, other than an employee of the licensee or
12 an owner, trainer, jockey, driver, or employee thereof at a
13 race track is a Class C misdemeanor.

14 (f) Notwithstanding the other provisions of this Act, an
15 organization licensee may contract with an entity in another
16 state or country to permit any legal wagering entity in
17 another state or country to accept wagers solely within such
18 other state or country on races conducted by the organization
19 licensee in this State. Beginning January 1, 2000, these
20 wagers shall not be subject to State taxation. Until January
21 1, 2000, when the out-of-State entity conducts a pari-mutuel
22 pool separate from the organization licensee, a privilege tax
23 equal to 7 1/2% of all monies received by the organization
24 licensee from entities in other states or countries pursuant
25 to such contracts is imposed on the organization licensee, and
26 such privilege tax shall be remitted to the Department of

1 Revenue within 48 hours of receipt of the moneys from the
2 simulcast. When the out-of-State entity conducts a combined
3 pari-mutuel pool with the organization licensee, the tax shall
4 be 10% of all monies received by the organization licensee
5 with 25% of the receipts from this 10% tax to be distributed to
6 the county in which the race was conducted.

7 An organization licensee may permit one or more of its
8 races to be utilized for pari-mutuel wagering at one or more
9 locations in other states and may transmit audio and visual
10 signals of races the organization licensee conducts to one or
11 more locations outside the State or country and may also
12 permit pari-mutuel pools in other states or countries to be
13 combined with its gross or net wagering pools or with wagering
14 pools established by other states.

15 (g) A host track may accept interstate simulcast wagers on
16 horse races conducted in other states or countries and shall
17 control the number of signals and types of breeds of racing in
18 its simulcast program, subject to the disapproval of the
19 Board. The Board may prohibit a simulcast program only if it
20 finds that the simulcast program is clearly adverse to the
21 integrity of racing. The host track simulcast program shall
22 include the signal of live racing of all organization
23 licensees. All non-host licensees and advance deposit wagering
24 licensees shall carry the signal of and accept wagers on live
25 racing of all organization licensees. Advance deposit wagering
26 licensees shall not be permitted to accept out-of-state wagers

1 on any Illinois signal provided pursuant to this Section
2 without the approval and consent of the organization licensee
3 providing the signal. For one year after August 15, 2014 (the
4 effective date of Public Act 98-968), non-host licensees may
5 carry the host track simulcast program and shall accept wagers
6 on all races included as part of the simulcast program of horse
7 races conducted at race tracks located within North America
8 upon which wagering is permitted. For a period of one year
9 after August 15, 2014 (the effective date of Public Act
10 98-968), on horse races conducted at race tracks located
11 outside of North America, non-host licensees may accept wagers
12 on all races included as part of the simulcast program upon
13 which wagering is permitted. Beginning August 15, 2015 (one
14 year after the effective date of Public Act 98-968), non-host
15 licensees may carry the host track simulcast program and shall
16 accept wagers on all races included as part of the simulcast
17 program upon which wagering is permitted. All organization
18 licensees shall provide their live signal to all advance
19 deposit wagering licensees for a simulcast commission fee not
20 to exceed 6% of the advance deposit wagering licensee's
21 Illinois handle on the organization licensee's signal without
22 prior approval by the Board. The Board may adopt rules under
23 which it may permit simulcast commission fees in excess of 6%.
24 The Board shall adopt rules limiting the interstate commission
25 fees charged to an advance deposit wagering licensee. The
26 Board shall adopt rules regarding advance deposit wagering on

1 interstate simulcast races that shall reflect, among other
2 things, the General Assembly's desire to maximize revenues to
3 the State, horsemen purses, and organization licensees.
4 However, organization licensees providing live signals
5 pursuant to the requirements of this subsection (g) may
6 petition the Board to withhold their live signals from an
7 advance deposit wagering licensee if the organization licensee
8 discovers and the Board finds reputable or credible
9 information that the advance deposit wagering licensee is
10 under investigation by another state or federal governmental
11 agency, the advance deposit wagering licensee's license has
12 been suspended in another state, or the advance deposit
13 wagering licensee's license is in revocation proceedings in
14 another state. The organization licensee's provision of their
15 live signal to an advance deposit wagering licensee under this
16 subsection (g) pertains to wagers placed from within Illinois.
17 Advance deposit wagering licensees may place advance deposit
18 wagering terminals at wagering facilities as a convenience to
19 customers. The advance deposit wagering licensee shall not
20 charge or collect any fee from purses for the placement of the
21 advance deposit wagering terminals. The costs and expenses of
22 the host track and non-host licensees associated with
23 interstate simulcast wagering, other than the interstate
24 commission fee, shall be borne by the host track and all
25 non-host licensees incurring these costs. The interstate
26 commission fee shall not exceed 5% of Illinois handle on the

1 interstate simulcast race or races without prior approval of
2 the Board. The Board shall promulgate rules under which it may
3 permit interstate commission fees in excess of 5%. The
4 interstate commission fee and other fees charged by the
5 sending racetrack, including, but not limited to, satellite
6 decoder fees, shall be uniformly applied to the host track and
7 all non-host licensees.

8 Notwithstanding any other provision of this Act, an
9 organization licensee, with the consent of the horsemen
10 association representing the largest number of owners,
11 trainers, jockeys, or standardbred drivers who race horses at
12 that organization licensee's racing meeting, may maintain a
13 system whereby advance deposit wagering may take place or an
14 organization licensee, with the consent of the horsemen
15 association representing the largest number of owners,
16 trainers, jockeys, or standardbred drivers who race horses at
17 that organization licensee's racing meeting, may contract with
18 another person to carry out a system of advance deposit
19 wagering. Such consent may not be unreasonably withheld. Only
20 with respect to an appeal to the Board that consent for an
21 organization licensee that maintains its own advance deposit
22 wagering system is being unreasonably withheld, the Board
23 shall issue a final order within 30 days after initiation of
24 the appeal, and the organization licensee's advance deposit
25 wagering system may remain operational during that 30-day
26 period. The actions of any organization licensee who conducts

1 advance deposit wagering or any person who has a contract with
2 an organization licensee to conduct advance deposit wagering
3 who conducts advance deposit wagering on or after January 1,
4 2013 and prior to June 7, 2013 (the effective date of Public
5 Act 98-18) taken in reliance on the changes made to this
6 subsection (g) by Public Act 98-18 are hereby validated,
7 provided payment of all applicable pari-mutuel taxes are
8 remitted to the Board. All advance deposit wagers placed from
9 within Illinois must be placed through a Board-approved
10 advance deposit wagering licensee; no other entity may accept
11 an advance deposit wager from a person within Illinois. All
12 advance deposit wagering is subject to any rules adopted by
13 the Board. The Board may adopt rules necessary to regulate
14 advance deposit wagering through the use of emergency
15 rulemaking in accordance with Section 5-45 of the Illinois
16 Administrative Procedure Act. The General Assembly finds that
17 the adoption of rules to regulate advance deposit wagering is
18 deemed an emergency and necessary for the public interest,
19 safety, and welfare. An advance deposit wagering licensee may
20 retain all moneys as agreed to by contract with an
21 organization licensee. Any moneys retained by the organization
22 licensee from advance deposit wagering, not including moneys
23 retained by the advance deposit wagering licensee, shall be
24 paid 50% to the organization licensee's purse account and 50%
25 to the organization licensee. With the exception of any
26 organization licensee that is owned by a publicly traded

1 company that is incorporated in a state other than Illinois
2 and advance deposit wagering licensees under contract with
3 such organization licensees, organization licensees that
4 maintain advance deposit wagering systems and advance deposit
5 wagering licensees that contract with organization licensees
6 shall provide sufficiently detailed monthly accountings to the
7 horsemen association representing the largest number of
8 owners, trainers, jockeys, or standardbred drivers who race
9 horses at that organization licensee's racing meeting so that
10 the horsemen association, as an interested party, can confirm
11 the accuracy of the amounts paid to the purse account at the
12 horsemen association's affiliated organization licensee from
13 advance deposit wagering. If more than one breed races at the
14 same race track facility, then the 50% of the moneys to be paid
15 to an organization licensee's purse account shall be allocated
16 among all organization licensees' purse accounts operating at
17 that race track facility proportionately based on the actual
18 number of host days that the Board grants to that breed at that
19 race track facility in the current calendar year. To the
20 extent any fees from advance deposit wagering conducted in
21 Illinois for wagers in Illinois or other states have been
22 placed in escrow or otherwise withheld from wagers pending a
23 determination of the legality of advance deposit wagering, no
24 action shall be brought to declare such wagers or the
25 disbursement of any fees previously escrowed illegal.

26 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an

1 inter-track wagering licensee other than the host track
2 may supplement the host track simulcast program with
3 additional simulcast races or race programs, provided that
4 between January 1 and the third Friday in February of any
5 year, inclusive, if no live thoroughbred racing is
6 occurring in Illinois during this period, only
7 thoroughbred races may be used for supplemental interstate
8 simulcast purposes. The Board shall withhold approval for
9 a supplemental interstate simulcast only if it finds that
10 the simulcast is clearly adverse to the integrity of
11 racing. A supplemental interstate simulcast may be
12 transmitted from an inter-track wagering licensee to its
13 affiliated non-host licensees. The interstate commission
14 fee for a supplemental interstate simulcast shall be paid
15 by the non-host licensee and its affiliated non-host
16 licensees receiving the simulcast.

17 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
18 inter-track wagering licensee other than the host track
19 may receive supplemental interstate simulcasts only with
20 the consent of the host track, except when the Board finds
21 that the simulcast is clearly adverse to the integrity of
22 racing. Consent granted under this paragraph (2) to any
23 inter-track wagering licensee shall be deemed consent to
24 all non-host licensees. The interstate commission fee for
25 the supplemental interstate simulcast shall be paid by all
26 participating non-host licensees.

1 (3) Each licensee conducting interstate simulcast
2 wagering may retain, subject to the payment of all
3 applicable taxes and the purses, an amount not to exceed
4 17% of all money wagered. If any licensee conducts the
5 pari-mutuel system wagering on races conducted at
6 racetracks in another state or country, each such race or
7 race program shall be considered a separate racing day for
8 the purpose of determining the daily handle and computing
9 the privilege tax of that daily handle as provided in
10 subsection (a) of Section 27. Until January 1, 2000, from
11 the sums permitted to be retained pursuant to this
12 subsection, each inter-track wagering location licensee
13 shall pay 1% of the pari-mutuel handle wagered on
14 simulcast wagering to the Horse Racing Tax Allocation
15 Fund, subject to the provisions of subparagraph (B) of
16 paragraph (11) of subsection (h) of Section 26 of this
17 Act.

18 (4) A licensee who receives an interstate simulcast
19 may combine its gross or net pools with pools at the
20 sending racetracks pursuant to rules established by the
21 Board. All licensees combining their gross pools at a
22 sending racetrack shall adopt the takeout percentages of
23 the sending racetrack. A licensee may also establish a
24 separate pool and takeout structure for wagering purposes
25 on races conducted at race tracks outside of the State of
26 Illinois. The licensee may permit pari-mutuel wagers

1 placed in other states or countries to be combined with
2 its gross or net wagering pools or other wagering pools.

3 (5) After the payment of the interstate commission fee
4 (except for the interstate commission fee on a
5 supplemental interstate simulcast, which shall be paid by
6 the host track and by each non-host licensee through the
7 host track) and all applicable State and local taxes,
8 except as provided in subsection (g) of Section 27 of this
9 Act, the remainder of moneys retained from simulcast
10 wagering pursuant to this subsection (g), and Section 26.2
11 shall be divided as follows:

12 (A) For interstate simulcast wagers made at a host
13 track, 50% to the host track and 50% to purses at the
14 host track.

15 (B) For wagers placed on interstate simulcast
16 races, supplemental simulcasts as defined in
17 subparagraphs (1) and (2), and separately pooled races
18 conducted outside of the State of Illinois made at a
19 non-host licensee, 25% to the host track, 25% to the
20 non-host licensee, and 50% to the purses at the host
21 track.

22 (6) Notwithstanding any provision in this Act to the
23 contrary, non-host licensees who derive their licenses
24 from a track located in a county with a population in
25 excess of 230,000 and that borders the Mississippi River
26 may receive supplemental interstate simulcast races at all

1 times subject to Board approval, which shall be withheld
2 only upon a finding that a supplemental interstate
3 simulcast is clearly adverse to the integrity of racing.

4 (7) Effective January 1, 2017, notwithstanding any
5 provision of this Act to the contrary, after payment of
6 all applicable State and local taxes and interstate
7 commission fees, non-host licensees who derive their
8 licenses from a track located in a county with a
9 population in excess of 230,000 and that borders the
10 Mississippi River shall retain 50% of the retention from
11 interstate simulcast wagers and shall pay 50% to purses at
12 the track from which the non-host licensee derives its
13 license.

14 (7.1) Notwithstanding any other provision of this Act
15 to the contrary, if no standardbred racing is conducted at
16 a racetrack located in Madison County during any calendar
17 year beginning on or after January 1, 2002, all moneys
18 derived by that racetrack from simulcast wagering and
19 inter-track wagering that (1) are to be used for purses
20 and (2) are generated between the hours of 6:30 p.m. and
21 6:30 a.m. during that calendar year shall be paid as
22 follows:

23 (A) If the licensee that conducts horse racing at
24 that racetrack requests from the Board at least as
25 many racing dates as were conducted in calendar year
26 2000, 80% shall be paid to its thoroughbred purse

1 account; and

2 (B) Twenty percent shall be deposited into the
3 Illinois Colt Stakes Purse Distribution Fund and shall
4 be paid to purses for standardbred races for Illinois
5 conceived and foaled horses conducted at any county
6 fairgrounds. The moneys deposited into the Fund
7 pursuant to this subparagraph (B) shall be deposited
8 within 2 weeks after the day they were generated,
9 shall be in addition to and not in lieu of any other
10 moneys paid to standardbred purses under this Act, and
11 shall not be commingled with other moneys paid into
12 that Fund. The moneys deposited pursuant to this
13 subparagraph (B) shall be allocated as provided by the
14 Department of Agriculture, with the advice and
15 assistance of the Illinois Standardbred Breeders Fund
16 Advisory Board.

17 (7.2) Notwithstanding any other provision of this Act
18 to the contrary, if no thoroughbred racing is conducted at
19 a racetrack located in Madison County during any calendar
20 year beginning on or after January 1, 2002, all moneys
21 derived by that racetrack from simulcast wagering and
22 inter-track wagering that (1) are to be used for purses
23 and (2) are generated between the hours of 6:30 a.m. and
24 6:30 p.m. during that calendar year shall be deposited as
25 follows:

26 (A) If the licensee that conducts horse racing at

1 that racetrack requests from the Board at least as
2 many racing dates as were conducted in calendar year
3 2000, 80% shall be deposited into its standardbred
4 purse account; and

5 (B) Twenty percent shall be deposited into the
6 Illinois Colt Stakes Purse Distribution Fund. Moneys
7 deposited into the Illinois Colt Stakes Purse
8 Distribution Fund pursuant to this subparagraph (B)
9 shall be paid to Illinois conceived and foaled
10 thoroughbred breeders' programs and to thoroughbred
11 purses for races conducted at any county fairgrounds
12 for Illinois conceived and foaled horses at the
13 discretion of the Department of Agriculture, with the
14 advice and assistance of the Illinois Thoroughbred
15 Breeders Fund Advisory Board. The moneys deposited
16 into the Illinois Colt Stakes Purse Distribution Fund
17 pursuant to this subparagraph (B) shall be deposited
18 within 2 weeks after the day they were generated,
19 shall be in addition to and not in lieu of any other
20 moneys paid to thoroughbred purses under this Act, and
21 shall not be commingled with other moneys deposited
22 into that Fund.

23 ~~(7.3) (Blank).~~

24 ~~(7.4) (Blank).~~

25 (8) Notwithstanding any provision in this Act to the
26 contrary, an organization licensee from a track located in

1 a county with a population in excess of 230,000 and that
2 borders the Mississippi River and its affiliated non-host
3 licensees shall not be entitled to share in any retention
4 generated on racing, inter-track wagering, or simulcast
5 wagering at any other Illinois wagering facility.

6 (8.1) Notwithstanding any provisions in this Act to
7 the contrary, if 2 organization licensees are conducting
8 standardbred race meetings concurrently between the hours
9 of 6:30 p.m. and 6:30 a.m., after payment of all
10 applicable State and local taxes and interstate commission
11 fees, the remainder of the amount retained from simulcast
12 wagering otherwise attributable to the host track and to
13 host track purses shall be split daily between the 2
14 organization licensees and the purses at the tracks of the
15 2 organization licensees, respectively, based on each
16 organization licensee's share of the total live handle for
17 that day, provided that this provision shall not apply to
18 any non-host licensee that derives its license from a
19 track located in a county with a population in excess of
20 230,000 and that borders the Mississippi River.

21 (9) (Blank).

22 (10) (Blank).

23 (11) (Blank).

24 (12) The Board shall have authority to compel all host
25 tracks to receive the simulcast of any or all races
26 conducted at the Springfield or DuQuoin State fairgrounds

1 and include all such races as part of their simulcast
2 programs.

3 (13) Notwithstanding any other provision of this Act,
4 in the event that the total Illinois pari-mutuel handle on
5 Illinois horse races at all wagering facilities in any
6 calendar year is less than 75% of the total Illinois
7 pari-mutuel handle on Illinois horse races at all such
8 wagering facilities for calendar year 1994, then each
9 wagering facility that has an annual total Illinois
10 pari-mutuel handle on Illinois horse races that is less
11 than 75% of the total Illinois pari-mutuel handle on
12 Illinois horse races at such wagering facility for
13 calendar year 1994, shall be permitted to receive, from
14 any amount otherwise payable to the purse account at the
15 race track with which the wagering facility is affiliated
16 in the succeeding calendar year, an amount equal to 2% of
17 the differential in total Illinois pari-mutuel handle on
18 Illinois horse races at the wagering facility between that
19 calendar year in question and 1994 provided, however, that
20 a wagering facility shall not be entitled to any such
21 payment until the Board certifies in writing to the
22 wagering facility the amount to which the wagering
23 facility is entitled and a schedule for payment of the
24 amount to the wagering facility, based on: (i) the racing
25 dates awarded to the race track affiliated with the
26 wagering facility during the succeeding year; (ii) the

1 sums available or anticipated to be available in the purse
2 account of the race track affiliated with the wagering
3 facility for purses during the succeeding year; and (iii)
4 the need to ensure reasonable purse levels during the
5 payment period. The Board's certification shall be
6 provided no later than January 31 of the succeeding year.
7 In the event a wagering facility entitled to a payment
8 under this paragraph (13) is affiliated with a race track
9 that maintains purse accounts for both standardbred and
10 thoroughbred racing, the amount to be paid to the wagering
11 facility shall be divided between each purse account pro
12 rata, based on the amount of Illinois handle on Illinois
13 standardbred and thoroughbred racing respectively at the
14 wagering facility during the previous calendar year.
15 Annually, the General Assembly shall appropriate
16 sufficient funds from the General Revenue Fund to the
17 Department of Agriculture for payment into the
18 thoroughbred and standardbred horse racing purse accounts
19 at Illinois pari-mutuel tracks. The amount paid to each
20 purse account shall be the amount certified by the
21 Illinois Racing Board in January to be transferred from
22 each account to each eligible racing facility in
23 accordance with the provisions of this Section. Beginning
24 in the calendar year in which an organization licensee
25 that is eligible to receive payment under this paragraph
26 (13) begins to receive funds from gaming pursuant to an

1 organization gaming license issued under the Illinois
2 Gambling Act, the amount of the payment due to all
3 wagering facilities licensed under that organization
4 licensee under this paragraph (13) shall be the amount
5 certified by the Board in January of that year. An
6 organization licensee and its related wagering facilities
7 shall no longer be able to receive payments under this
8 paragraph (13) beginning in the year subsequent to the
9 first year in which the organization licensee begins to
10 receive funds from gaming pursuant to an organization
11 gaming license issued under the Illinois Gambling Act.

12 (h) The Board may approve and license the conduct of
13 inter-track wagering and simulcast wagering by inter-track
14 wagering licensees and inter-track wagering location licensees
15 subject to the following terms and conditions:

16 (1) Any person licensed to conduct a race meeting (i)
17 at a track where 60 or more days of racing were conducted
18 during the immediately preceding calendar year or where
19 over the 5 immediately preceding calendar years an average
20 of 30 or more days of racing were conducted annually may be
21 issued an inter-track wagering license; (ii) at a track
22 located in a county that is bounded by the Mississippi
23 River, which has a population of less than 150,000
24 according to the 1990 decennial census, and an average of
25 at least 60 days of racing per year between 1985 and 1993
26 may be issued an inter-track wagering license; (iii) at a

1 track awarded standardbred racing dates; or (iv) at a
2 track located in Madison County that conducted at least
3 100 days of live racing during the immediately preceding
4 calendar year may be issued an inter-track wagering
5 license, unless a lesser schedule of live racing is the
6 result of (A) weather, unsafe track conditions, or other
7 acts of God; (B) an agreement between the organization
8 licensee and the associations representing the largest
9 number of owners, trainers, jockeys, or standardbred
10 drivers who race horses at that organization licensee's
11 racing meeting; or (C) a finding by the Board of
12 extraordinary circumstances and that it was in the best
13 interest of the public and the sport to conduct fewer than
14 100 days of live racing. Any such person having operating
15 control of the racing facility may receive inter-track
16 wagering location licenses. An eligible race track located
17 in a county that has a population of more than 230,000 and
18 that is bounded by the Mississippi River may establish up
19 to 9 inter-track wagering locations, an eligible race
20 track located in Stickney Township in Cook County may
21 establish up to 16 inter-track wagering locations, and an
22 eligible race track located in Palatine Township in Cook
23 County may establish up to 18 inter-track wagering
24 locations. An eligible racetrack conducting standardbred
25 racing may have up to 16 inter-track wagering locations.
26 An application for said license shall be filed with the

1 Board prior to such dates as may be fixed by the Board.
2 With an application for an inter-track wagering location
3 license there shall be delivered to the Board a certified
4 check or bank draft payable to the order of the Board for
5 an amount equal to \$500. The application shall be on forms
6 prescribed and furnished by the Board. The application
7 shall comply with all other rules, regulations and
8 conditions imposed by the Board in connection therewith.

9 (2) The Board shall examine the applications with
10 respect to their conformity with this Act and the rules
11 and regulations imposed by the Board. If found to be in
12 compliance with the Act and rules and regulations of the
13 Board, the Board may then issue a license to conduct
14 inter-track wagering and simulcast wagering to such
15 applicant. All such applications shall be acted upon by
16 the Board at a meeting to be held on such date as may be
17 fixed by the Board.

18 (3) In granting licenses to conduct inter-track
19 wagering and simulcast wagering, the Board shall give due
20 consideration to the best interests of the public, of
21 horse racing, and of maximizing revenue to the State.

22 (4) Prior to the issuance of a license to conduct
23 inter-track wagering and simulcast wagering, the applicant
24 shall file with the Board a bond payable to the State of
25 Illinois in the sum of \$50,000, executed by the applicant
26 and a surety company or companies authorized to do

1 business in this State, and conditioned upon (i) the
2 payment by the licensee of all taxes due under Section 27
3 or 27.1 and any other monies due and payable under this
4 Act, and (ii) distribution by the licensee, upon
5 presentation of the winning ticket or tickets, of all sums
6 payable to the patrons of pari-mutuel pools.

7 (5) Each license to conduct inter-track wagering and
8 simulcast wagering shall specify the person to whom it is
9 issued, the dates on which such wagering is permitted, and
10 the track or location where the wagering is to be
11 conducted.

12 (6) All wagering under such license is subject to this
13 Act and to the rules and regulations from time to time
14 prescribed by the Board, and every such license issued by
15 the Board shall contain a recital to that effect.

16 (7) An inter-track wagering licensee or inter-track
17 wagering location licensee may accept wagers at the track
18 or location where it is licensed, or as otherwise provided
19 under this Act.

20 (8) Inter-track wagering or simulcast wagering shall
21 not be conducted at any track less than 4 miles from a
22 track at which a racing meeting is in progress.

23 (8.1) Inter-track wagering location licensees who
24 derive their licenses from a particular organization
25 licensee shall conduct inter-track wagering and simulcast
26 wagering only at locations that are within 160 miles of

1 that race track where the particular organization licensee
2 is licensed to conduct racing. However, inter-track
3 wagering and simulcast wagering shall not be conducted by
4 those licensees at any location within 5 miles of any race
5 track at which a horse race meeting has been licensed in
6 the current year, unless the person having operating
7 control of such race track has given its written consent
8 to such inter-track wagering location licensees, which
9 consent must be filed with the Board at or prior to the
10 time application is made. In the case of any inter-track
11 wagering location licensee initially licensed after
12 December 31, 2013, inter-track wagering and simulcast
13 wagering shall not be conducted by those inter-track
14 wagering location licensees that are located outside the
15 City of Chicago at any location within 8 miles of any race
16 track at which a horse race meeting has been licensed in
17 the current year, unless the person having operating
18 control of such race track has given its written consent
19 to such inter-track wagering location licensees, which
20 consent must be filed with the Board at or prior to the
21 time application is made.

22 (8.2) Inter-track wagering or simulcast wagering shall
23 not be conducted by an inter-track wagering location
24 licensee at any location within 100 feet of an existing
25 church, an existing elementary or secondary public school,
26 or an existing elementary or secondary private school

1 registered with or recognized by the State Board of
2 Education. The distance of 100 feet shall be measured to
3 the nearest part of any building used for worship
4 services, education programs, or conducting inter-track
5 wagering by an inter-track wagering location licensee, and
6 not to property boundaries. However, inter-track wagering
7 or simulcast wagering may be conducted at a site within
8 100 feet of a church or school if such church or school has
9 been erected or established after the Board issues the
10 original inter-track wagering location license at the site
11 in question. Inter-track wagering location licensees may
12 conduct inter-track wagering and simulcast wagering only
13 in areas that are zoned for commercial or manufacturing
14 purposes or in areas for which a special use has been
15 approved by the local zoning authority. However, no
16 license to conduct inter-track wagering and simulcast
17 wagering shall be granted by the Board with respect to any
18 inter-track wagering location within the jurisdiction of
19 any local zoning authority which has, by ordinance or by
20 resolution, prohibited the establishment of an inter-track
21 wagering location within its jurisdiction. However,
22 inter-track wagering and simulcast wagering may be
23 conducted at a site if such ordinance or resolution is
24 enacted after the Board licenses the original inter-track
25 wagering location licensee for the site in question.

26 (9) (Blank).

1 (10) An inter-track wagering licensee or an
2 inter-track wagering location licensee may retain, subject
3 to the payment of the privilege taxes and the purses, an
4 amount not to exceed 17% of all money wagered. Each
5 program of racing conducted by each inter-track wagering
6 licensee or inter-track wagering location licensee shall
7 be considered a separate racing day for the purpose of
8 determining the daily handle and computing the privilege
9 tax or pari-mutuel tax on such daily handle as provided in
10 Section 27.

11 (10.1) Except as provided in subsection (g) of Section
12 27 of this Act, inter-track wagering location licensees
13 shall pay 1% of the pari-mutuel handle at each location to
14 the municipality in which such location is situated and 1%
15 of the pari-mutuel handle at each location to the county
16 in which such location is situated. In the event that an
17 inter-track wagering location licensee is situated in an
18 unincorporated area of a county, such licensee shall pay
19 2% of the pari-mutuel handle from such location to such
20 county. Inter-track wagering location licensees must pay
21 the handle percentage required under this paragraph to the
22 municipality and county no later than the 20th of the
23 month following the month such handle was generated.

24 (10.2) Notwithstanding any other provision of this
25 Act, with respect to inter-track wagering at a race track
26 located in a county that has a population of more than

1 230,000 and that is bounded by the Mississippi River ("the
2 first race track"), or at a facility operated by an
3 inter-track wagering licensee or inter-track wagering
4 location licensee that derives its license from the
5 organization licensee that operates the first race track,
6 on races conducted at the first race track or on races
7 conducted at another Illinois race track and
8 simultaneously televised to the first race track or to a
9 facility operated by an inter-track wagering licensee or
10 inter-track wagering location licensee that derives its
11 license from the organization licensee that operates the
12 first race track, those moneys shall be allocated as
13 follows:

14 (A) That portion of all moneys wagered on
15 standardbred racing that is required under this Act to
16 be paid to purses shall be paid to purses for
17 standardbred races.

18 (B) That portion of all moneys wagered on
19 thoroughbred racing that is required under this Act to
20 be paid to purses shall be paid to purses for
21 thoroughbred races.

22 (11) (A) After payment of the privilege or pari-mutuel
23 tax, any other applicable taxes, and the costs and
24 expenses in connection with the gathering, transmission,
25 and dissemination of all data necessary to the conduct of
26 inter-track wagering, the remainder of the monies retained

1 under either Section 26 or Section 26.2 of this Act by the
2 inter-track wagering licensee on inter-track wagering
3 shall be allocated with 50% to be split between the 2
4 participating licensees and 50% to purses, except that an
5 inter-track wagering licensee that derives its license
6 from a track located in a county with a population in
7 excess of 230,000 and that borders the Mississippi River
8 shall not divide any remaining retention with the Illinois
9 organization licensee that provides the race or races, and
10 an inter-track wagering licensee that accepts wagers on
11 races conducted by an organization licensee that conducts
12 a race meet in a county with a population in excess of
13 230,000 and that borders the Mississippi River shall not
14 divide any remaining retention with that organization
15 licensee.

16 (B) From the sums permitted to be retained pursuant to
17 this Act each inter-track wagering location licensee shall
18 pay (i) the privilege or pari-mutuel tax to the State;
19 (ii) 4.75% of the pari-mutuel handle on inter-track
20 wagering at such location on races as purses, except that
21 an inter-track wagering location licensee that derives its
22 license from a track located in a county with a population
23 in excess of 230,000 and that borders the Mississippi
24 River shall retain all purse moneys for its own purse
25 account consistent with distribution set forth in this
26 subsection (h), and inter-track wagering location

1 licenses that accept wagers on races conducted by an
2 organization licensee located in a county with a
3 population in excess of 230,000 and that borders the
4 Mississippi River shall distribute all purse moneys to
5 purses at the operating host track; (iii) until January 1,
6 2000, except as provided in subsection (g) of Section 27
7 of this Act, 1% of the pari-mutuel handle wagered on
8 inter-track wagering and simulcast wagering at each
9 inter-track wagering location licensee facility to the
10 Horse Racing Tax Allocation Fund, provided that, to the
11 extent the total amount collected and distributed to the
12 Horse Racing Tax Allocation Fund under this subsection (h)
13 during any calendar year exceeds the amount collected and
14 distributed to the Horse Racing Tax Allocation Fund during
15 calendar year 1994, that excess amount shall be
16 redistributed (I) to all inter-track wagering location
17 licensees, based on each licensee's pro rata share of the
18 total handle from inter-track wagering and simulcast
19 wagering for all inter-track wagering location licensees
20 during the calendar year in which this provision is
21 applicable; then (II) the amounts redistributed to each
22 inter-track wagering location licensee as described in
23 subpart (I) shall be further redistributed as provided in
24 subparagraph (B) of paragraph (5) of subsection (g) of
25 this Section 26 provided first, that the shares of those
26 amounts, which are to be redistributed to the host track

1 or to purses at the host track under subparagraph (B) of
2 paragraph (5) of subsection (g) of this Section 26 shall
3 be redistributed based on each host track's pro rata share
4 of the total inter-track wagering and simulcast wagering
5 handle at all host tracks during the calendar year in
6 question, and second, that any amounts redistributed as
7 described in part (I) to an inter-track wagering location
8 licensee that accepts wagers on races conducted by an
9 organization licensee that conducts a race meet in a
10 county with a population in excess of 230,000 and that
11 borders the Mississippi River shall be further
12 redistributed, effective January 1, 2017, as provided in
13 paragraph (7) of subsection (g) of this Section 26, with
14 the portion of that further redistribution allocated to
15 purses at that organization licensee to be divided between
16 standardbred purses and thoroughbred purses based on the
17 amounts otherwise allocated to purses at that organization
18 licensee during the calendar year in question; and (iv) 8%
19 of the pari-mutuel handle on inter-track wagering wagered
20 at such location to satisfy all costs and expenses of
21 conducting its wagering. The remainder of the monies
22 retained by the inter-track wagering location licensee
23 shall be allocated 40% to the location licensee and 60% to
24 the organization licensee which provides the Illinois
25 races to the location, except that an inter-track wagering
26 location licensee that derives its license from a track

1 located in a county with a population in excess of 230,000
2 and that borders the Mississippi River shall not divide
3 any remaining retention with the organization licensee
4 that provides the race or races and an inter-track
5 wagering location licensee that accepts wagers on races
6 conducted by an organization licensee that conducts a race
7 meet in a county with a population in excess of 230,000 and
8 that borders the Mississippi River shall not divide any
9 remaining retention with the organization licensee.
10 Notwithstanding the provisions of clauses (ii) and (iv) of
11 this paragraph, in the case of the additional inter-track
12 wagering location licenses authorized under paragraph (1)
13 of this subsection (h) by Public Act 87-110, those
14 licensees shall pay the following amounts as purses:
15 during the first 12 months the licensee is in operation,
16 5.25% of the pari-mutuel handle wagered at the location on
17 races; during the second 12 months, 5.25%; during the
18 third 12 months, 5.75%; during the fourth 12 months,
19 6.25%; and during the fifth 12 months and thereafter,
20 6.75%. The following amounts shall be retained by the
21 licensee to satisfy all costs and expenses of conducting
22 its wagering: during the first 12 months the licensee is
23 in operation, 8.25% of the pari-mutuel handle wagered at
24 the location; during the second 12 months, 8.25%; during
25 the third 12 months, 7.75%; during the fourth 12 months,
26 7.25%; and during the fifth 12 months and thereafter,

1 6.75%. For additional inter-track wagering location
2 licensees authorized under Public Act 89-16, purses for
3 the first 12 months the licensee is in operation shall be
4 5.75% of the pari-mutuel wagered at the location, purses
5 for the second 12 months the licensee is in operation
6 shall be 6.25%, and purses thereafter shall be 6.75%. For
7 additional inter-track location licensees authorized under
8 Public Act 89-16, the licensee shall be allowed to retain
9 to satisfy all costs and expenses: 7.75% of the
10 pari-mutuel handle wagered at the location during its
11 first 12 months of operation, 7.25% during its second 12
12 months of operation, and 6.75% thereafter.

13 (C) There is hereby created the Horse Racing Tax
14 Allocation Fund which shall remain in existence until
15 December 31, 1999. Moneys remaining in the Fund after
16 December 31, 1999 shall be paid into the General Revenue
17 Fund. Until January 1, 2000, all monies paid into the
18 Horse Racing Tax Allocation Fund pursuant to this
19 paragraph (11) by inter-track wagering location licensees
20 located in park districts of 500,000 population or less,
21 or in a municipality that is not included within any park
22 district but is included within a conservation district
23 and is the county seat of a county that (i) is contiguous
24 to the state of Indiana and (ii) has a 1990 population of
25 88,257 according to the United States Bureau of the
26 Census, and operating on May 1, 1994 shall be allocated by

1 appropriation as follows:

2 Two-sevenths to the Department of Agriculture.
3 Fifty percent of this two-sevenths shall be used to
4 promote the Illinois horse racing and breeding
5 industry, and shall be distributed by the Department
6 of Agriculture upon the advice of a 9-member committee
7 appointed by the Governor consisting of the following
8 members: the Director of Agriculture, who shall serve
9 as chairman; 2 representatives of organization
10 licensees conducting thoroughbred race meetings in
11 this State, recommended by those licensees; 2
12 representatives of organization licensees conducting
13 standardbred race meetings in this State, recommended
14 by those licensees; a representative of the Illinois
15 Thoroughbred Breeders and Owners Foundation,
16 recommended by that Foundation; a representative of
17 the Illinois Standardbred Owners and Breeders
18 Association, recommended by that Association; a
19 representative of the Horsemen's Benevolent and
20 Protective Association or any successor organization
21 thereto established in Illinois comprised of the
22 largest number of owners and trainers, recommended by
23 that Association or that successor organization; and a
24 representative of the Illinois Harness Horsemen's
25 Association, recommended by that Association.
26 Committee members shall serve for terms of 2 years,

1 commencing January 1 of each even-numbered year. If a
2 representative of any of the above-named entities has
3 not been recommended by January 1 of any even-numbered
4 year, the Governor shall appoint a committee member to
5 fill that position. Committee members shall receive no
6 compensation for their services as members but shall
7 be reimbursed for all actual and necessary expenses
8 and disbursements incurred in the performance of their
9 official duties. The remaining 50% of this
10 two-sevenths shall be distributed to county fairs for
11 premiums and rehabilitation as set forth in the
12 Agricultural Fair Act;

13 Four-sevenths to park districts or municipalities
14 that do not have a park district of 500,000 population
15 or less for museum purposes (if an inter-track
16 wagering location licensee is located in such a park
17 district) or to conservation districts for museum
18 purposes (if an inter-track wagering location licensee
19 is located in a municipality that is not included
20 within any park district but is included within a
21 conservation district and is the county seat of a
22 county that (i) is contiguous to the state of Indiana
23 and (ii) has a 1990 population of 88,257 according to
24 the United States Bureau of the Census, except that if
25 the conservation district does not maintain a museum,
26 the monies shall be allocated equally between the

1 county and the municipality in which the inter-track
2 wagering location licensee is located for general
3 purposes) or to a municipal recreation board for park
4 purposes (if an inter-track wagering location licensee
5 is located in a municipality that is not included
6 within any park district and park maintenance is the
7 function of the municipal recreation board and the
8 municipality has a 1990 population of 9,302 according
9 to the United States Bureau of the Census); provided
10 that the monies are distributed to each park district
11 or conservation district or municipality that does not
12 have a park district in an amount equal to
13 four-sevenths of the amount collected by each
14 inter-track wagering location licensee within the park
15 district or conservation district or municipality for
16 the Fund. Monies that were paid into the Horse Racing
17 Tax Allocation Fund before August 9, 1991 (the
18 effective date of Public Act 87-110) by an inter-track
19 wagering location licensee located in a municipality
20 that is not included within any park district but is
21 included within a conservation district as provided in
22 this paragraph shall, as soon as practicable after
23 August 9, 1991 (the effective date of Public Act
24 87-110), be allocated and paid to that conservation
25 district as provided in this paragraph. Any park
26 district or municipality not maintaining a museum may

1 deposit the monies in the corporate fund of the park
2 district or municipality where the inter-track
3 wagering location is located, to be used for general
4 purposes; and

5 One-seventh to the Agricultural Premium Fund to be
6 used for distribution to agricultural home economics
7 extension councils in accordance with "An Act in
8 relation to additional support and finances for the
9 Agricultural and Home Economic Extension Councils in
10 the several counties of this State and making an
11 appropriation therefor", approved July 24, 1967.

12 Until January 1, 2000, all other monies paid into the
13 Horse Racing Tax Allocation Fund pursuant to this
14 paragraph (11) shall be allocated by appropriation as
15 follows:

16 Two-sevenths to the Department of Agriculture.
17 Fifty percent of this two-sevenths shall be used to
18 promote the Illinois horse racing and breeding
19 industry, and shall be distributed by the Department
20 of Agriculture upon the advice of a 9-member committee
21 appointed by the Governor consisting of the following
22 members: the Director of Agriculture, who shall serve
23 as chairman; 2 representatives of organization
24 licensees conducting thoroughbred race meetings in
25 this State, recommended by those licensees; 2
26 representatives of organization licensees conducting

1 standardbred race meetings in this State, recommended
2 by those licensees; a representative of the Illinois
3 Thoroughbred Breeders and Owners Foundation,
4 recommended by that Foundation; a representative of
5 the Illinois Standardbred Owners and Breeders
6 Association, recommended by that Association; a
7 representative of the Horsemen's Benevolent and
8 Protective Association or any successor organization
9 thereto established in Illinois comprised of the
10 largest number of owners and trainers, recommended by
11 that Association or that successor organization; and a
12 representative of the Illinois Harness Horsemen's
13 Association, recommended by that Association.
14 Committee members shall serve for terms of 2 years,
15 commencing January 1 of each even-numbered year. If a
16 representative of any of the above-named entities has
17 not been recommended by January 1 of any even-numbered
18 year, the Governor shall appoint a committee member to
19 fill that position. Committee members shall receive no
20 compensation for their services as members but shall
21 be reimbursed for all actual and necessary expenses
22 and disbursements incurred in the performance of their
23 official duties. The remaining 50% of this
24 two-sevenths shall be distributed to county fairs for
25 premiums and rehabilitation as set forth in the
26 Agricultural Fair Act;

1 Four-sevenths to museums and aquariums located in
2 park districts of over 500,000 population; provided
3 that the monies are distributed in accordance with the
4 previous year's distribution of the maintenance tax
5 for such museums and aquariums as provided in Section
6 2 of the Park District Aquarium and Museum Act; and

7 One-seventh to the Agricultural Premium Fund to be
8 used for distribution to agricultural home economics
9 extension councils in accordance with "An Act in
10 relation to additional support and finances for the
11 Agricultural and Home Economic Extension Councils in
12 the several counties of this State and making an
13 appropriation therefor", approved July 24, 1967. This
14 subparagraph (C) shall be inoperative and of no force
15 and effect on and after January 1, 2000.

16 (D) Except as provided in paragraph (11) of this
17 subsection (h), with respect to purse allocation from
18 inter-track wagering, the monies so retained shall be
19 divided as follows:

20 (i) If the inter-track wagering licensee,
21 except an inter-track wagering licensee that
22 derives its license from an organization licensee
23 located in a county with a population in excess of
24 230,000 and bounded by the Mississippi River, is
25 not conducting its own race meeting during the
26 same dates, then the entire purse allocation shall

1 be to purses at the track where the races wagered
2 on are being conducted.

3 (ii) If the inter-track wagering licensee,
4 except an inter-track wagering licensee that
5 derives its license from an organization licensee
6 located in a county with a population in excess of
7 230,000 and bounded by the Mississippi River, is
8 also conducting its own race meeting during the
9 same dates, then the purse allocation shall be as
10 follows: 50% to purses at the track where the
11 races wagered on are being conducted; 50% to
12 purses at the track where the inter-track wagering
13 licensee is accepting such wagers.

14 (iii) If the inter-track wagering is being
15 conducted by an inter-track wagering location
16 licensee, except an inter-track wagering location
17 licensee that derives its license from an
18 organization licensee located in a county with a
19 population in excess of 230,000 and bounded by the
20 Mississippi River, the entire purse allocation for
21 Illinois races shall be to purses at the track
22 where the race meeting being wagered on is being
23 held.

24 (12) The Board shall have all powers necessary and
25 proper to fully supervise and control the conduct of
26 inter-track wagering and simulcast wagering by inter-track

1 wagering licensees and inter-track wagering location
2 licensees, including, but not limited to, the following:

3 (A) The Board is vested with power to promulgate
4 reasonable rules and regulations for the purpose of
5 administering the conduct of this wagering and to
6 prescribe reasonable rules, regulations and conditions
7 under which such wagering shall be held and conducted.
8 Such rules and regulations are to provide for the
9 prevention of practices detrimental to the public
10 interest and for the best interests of said wagering
11 and to impose penalties for violations thereof.

12 (B) The Board, and any person or persons to whom it
13 delegates this power, is vested with the power to
14 enter the facilities of any licensee to determine
15 whether there has been compliance with the provisions
16 of this Act and the rules and regulations relating to
17 the conduct of such wagering.

18 (C) The Board, and any person or persons to whom it
19 delegates this power, may eject or exclude from any
20 licensee's facilities, any person whose conduct or
21 reputation is such that his presence on such premises
22 may, in the opinion of the Board, call into the
23 question the honesty and integrity of, or interfere
24 with the orderly conduct of such wagering; provided,
25 however, that no person shall be excluded or ejected
26 from such premises solely on the grounds of race,

1 color, creed, national origin, ancestry, or sex.

2 (D) (Blank).

3 (E) The Board is vested with the power to appoint
4 delegates to execute any of the powers granted to it
5 under this Section for the purpose of administering
6 this wagering and any rules and regulations
7 promulgated in accordance with this Act.

8 (F) The Board shall name and appoint a State
9 director of this wagering who shall be a
10 representative of the Board and whose duty it shall be
11 to supervise the conduct of inter-track wagering as
12 may be provided for by the rules and regulations of the
13 Board; such rules and regulation shall specify the
14 method of appointment and the Director's powers,
15 authority and duties.

16 (G) The Board is vested with the power to impose
17 civil penalties of up to \$5,000 against individuals
18 and up to \$10,000 against licensees for each violation
19 of any provision of this Act relating to the conduct of
20 this wagering, any rules adopted by the Board, any
21 order of the Board or any other action which in the
22 Board's discretion, is a detriment or impediment to
23 such wagering.

24 (13) The Department of Agriculture may enter into
25 agreements with licensees authorizing such licensees to
26 conduct inter-track wagering on races to be held at the

1 licensed race meetings conducted by the Department of
2 Agriculture. Such agreement shall specify the races of the
3 Department of Agriculture's licensed race meeting upon
4 which the licensees will conduct wagering. In the event
5 that a licensee conducts inter-track pari-mutuel wagering
6 on races from the Illinois State Fair or DuQuoin State
7 Fair which are in addition to the licensee's previously
8 approved racing program, those races shall be considered a
9 separate racing day for the purpose of determining the
10 daily handle and computing the privilege or pari-mutuel
11 tax on that daily handle as provided in Sections 27 and
12 27.1. Such agreements shall be approved by the Board
13 before such wagering may be conducted. In determining
14 whether to grant approval, the Board shall give due
15 consideration to the best interests of the public and of
16 horse racing. The provisions of paragraphs (1), (8),
17 (8.1), and (8.2) of subsection (h) of this Section which
18 are not specified in this paragraph (13) shall not apply
19 to licensed race meetings conducted by the Department of
20 Agriculture at the Illinois State Fair in Sangamon County
21 or the DuQuoin State Fair in Perry County, or to any
22 wagering conducted on those race meetings.

23 (14) An inter-track wagering location license
24 authorized by the Board in 2016 that is owned and operated
25 by a race track in Rock Island County shall be transferred
26 to a commonly owned race track in Cook County on August 12,

1 2016 (the effective date of Public Act 99-757). The
2 licensee shall retain its status in relation to purse
3 distribution under paragraph (11) of this subsection (h)
4 following the transfer to the new entity. The pari-mutuel
5 tax credit under Section 32.1 shall not be applied toward
6 any pari-mutuel tax obligation of the inter-track wagering
7 location licensee of the license that is transferred under
8 this paragraph (14).

9 (i) Notwithstanding the other provisions of this Act, the
10 conduct of wagering at wagering facilities is authorized on
11 all days, except as limited by subsection (b) of Section 19 of
12 this Act.

13 (Source: P.A. 100-201, eff. 8-18-17; 100-627, eff. 7-20-18;
14 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19; 101-52, eff.
15 7-12-19; 101-81, eff. 7-12-19; 101-109, eff. 7-19-19; revised
16 9-27-19.)

17 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

18 Sec. 27. (a) In addition to the organization license fee
19 provided by this Act, until January 1, 2000, a graduated
20 privilege tax is hereby imposed for conducting the pari-mutuel
21 system of wagering permitted under this Act. Until January 1,
22 2000, except as provided in subsection (g) of Section 27 of
23 this Act, all of the breakage of each racing day held by any
24 licensee in the State shall be paid to the State. Until January
25 1, 2000, such daily graduated privilege tax shall be paid by

1 the licensee from the amount permitted to be retained under
2 this Act. Until January 1, 2000, each day's graduated
3 privilege tax, breakage, and Horse Racing Tax Allocation funds
4 shall be remitted to the Department of Revenue within 48 hours
5 after the close of the racing day upon which it is assessed or
6 within such other time as the Board prescribes. The privilege
7 tax hereby imposed, until January 1, 2000, shall be a flat tax
8 at the rate of 2% of the daily pari-mutuel handle except as
9 provided in Section 27.1.

10 In addition, every organization licensee, except as
11 provided in Section 27.1 of this Act, which conducts multiple
12 wagering shall pay, until January 1, 2000, as a privilege tax
13 on multiple wagers an amount equal to 1.25% of all moneys
14 wagered each day on such multiple wagers, plus an additional
15 amount equal to 3.5% of the amount wagered each day on any
16 other multiple wager which involves a single betting interest
17 on 3 or more horses. The licensee shall remit the amount of
18 such taxes to the Department of Revenue within 48 hours after
19 the close of the racing day on which it is assessed or within
20 such other time as the Board prescribes.

21 This subsection (a) shall be inoperative and of no force
22 and effect on and after January 1, 2000.

23 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
24 at the rate of 1.5% of the daily pari-mutuel handle is imposed
25 at all pari-mutuel wagering facilities and on advance deposit
26 wagering from a location other than a wagering facility,

1 except as otherwise provided for in this subsection (a-5). In
2 addition to the pari-mutuel tax imposed on advance deposit
3 wagering pursuant to this subsection (a-5), beginning on
4 August 24, 2012 (the effective date of Public Act 97-1060), an
5 additional pari-mutuel tax at the rate of 0.25% shall be
6 imposed on advance deposit wagering. Until August 25, 2012,
7 the additional 0.25% pari-mutuel tax imposed on advance
8 deposit wagering by Public Act 96-972 shall be deposited into
9 the Quarter Horse Purse Fund, which shall be created as a
10 non-appropriated trust fund administered by the Board for
11 grants to thoroughbred organization licensees for payment of
12 purses for quarter horse races conducted by the organization
13 licensee. Beginning on August 26, 2012, the additional 0.25%
14 pari-mutuel tax imposed on advance deposit wagering shall be
15 deposited into the Standardbred Purse Fund, which shall be
16 created as a non-appropriated trust fund administered by the
17 Board, for grants to the standardbred organization licensees
18 for payment of purses for standardbred horse races conducted
19 by the organization licensee. Thoroughbred organization
20 licensees may petition the Board to conduct quarter horse
21 racing and receive purse grants from the Quarter Horse Purse
22 Fund. The Board shall have complete discretion in distributing
23 the Quarter Horse Purse Fund to the petitioning organization
24 licensees. Beginning on July 26, 2010 (the effective date of
25 Public Act 96-1287), a pari-mutuel tax at the rate of 0.75% of
26 the daily pari-mutuel handle is imposed at a pari-mutuel

1 facility whose license is derived from a track located in a
2 county that borders the Mississippi River and conducted live
3 racing in the previous year. The pari-mutuel tax imposed by
4 this subsection (a-5) shall be remitted to the Department of
5 Revenue within 48 hours after the close of the racing day upon
6 which it is assessed or within such other time as the Board
7 prescribes.

8 (a-10) Beginning on the date when an organization licensee
9 begins conducting gaming pursuant to an organization gaming
10 license, the following pari-mutuel tax is imposed upon an
11 organization licensee on Illinois races at the licensee's
12 racetrack:

13 1.5% of the pari-mutuel handle at or below the average
14 daily pari-mutuel handle for 2011.

15 2% of the pari-mutuel handle above the average daily
16 pari-mutuel handle for 2011 up to 125% of the average
17 daily pari-mutuel handle for 2011.

18 2.5% of the pari-mutuel handle 125% or more above the
19 average daily pari-mutuel handle for 2011 up to 150% of
20 the average daily pari-mutuel handle for 2011.

21 3% of the pari-mutuel handle 150% or more above the
22 average daily pari-mutuel handle for 2011 up to 175% of
23 the average daily pari-mutuel handle for 2011.

24 3.5% of the pari-mutuel handle 175% or more above the
25 average daily pari-mutuel handle for 2011.

26 The pari-mutuel tax imposed by this subsection (a-10)

1 shall be remitted to the Board within 48 hours after the close
2 of the racing day upon which it is assessed or within such
3 other time as the Board prescribes.

4 (b) On or before December 31, 1999, in the event that any
5 organization licensee conducts 2 separate programs of races on
6 any day, each such program shall be considered a separate
7 racing day for purposes of determining the daily handle and
8 computing the privilege tax on such daily handle as provided
9 in subsection (a) of this Section.

10 (c) Licensees shall at all times keep accurate books and
11 records of all monies wagered on each day of a race meeting and
12 of the taxes paid to the Department of Revenue under the
13 provisions of this Section. The Board or its duly authorized
14 representative or representatives shall at all reasonable
15 times have access to such records for the purpose of examining
16 and checking the same and ascertaining whether the proper
17 amount of taxes is being paid as provided. The Board shall
18 require verified reports and a statement of the total of all
19 monies wagered daily at each wagering facility upon which the
20 taxes are assessed and may prescribe forms upon which such
21 reports and statement shall be made.

22 (d) Before a license is issued or re-issued, the licensee
23 shall post a bond in the sum of \$500,000 to the State of
24 Illinois. The bond shall be used to guarantee that the
25 licensee faithfully makes the payments, keeps the books and
26 records, ~~and~~ makes reports, and conducts games of chance in

1 conformity with this Act and the rules adopted by the Board.
2 The bond shall not be canceled by a surety on less than 30
3 days' notice in writing to the Board. If a bond is canceled and
4 the licensee fails to file a new bond with the Board in the
5 required amount on or before the effective date of
6 cancellation, the licensee's license shall be revoked. The
7 total and aggregate liability of the surety on the bond is
8 limited to the amount specified in the bond.

9 (e) No other license fee, privilege tax, excise tax, or
10 racing fee, except as provided in this Act, shall be assessed
11 or collected from any such licensee by the State.

12 (f) No other license fee, privilege tax, excise tax or
13 racing fee shall be assessed or collected from any such
14 licensee by units of local government except as provided in
15 paragraph 10.1 of subsection (h) and subsection (f) of Section
16 26 of this Act. However, any municipality that has a Board
17 licensed horse race meeting at a race track wholly within its
18 corporate boundaries or a township that has a Board licensed
19 horse race meeting at a race track wholly within the
20 unincorporated area of the township may charge a local
21 amusement tax not to exceed 10¢ per admission to such horse
22 race meeting by the enactment of an ordinance. However, any
23 municipality or county that has a Board licensed inter-track
24 wagering location facility wholly within its corporate
25 boundaries may each impose an admission fee not to exceed
26 \$1.00 per admission to such inter-track wagering location

1 facility, so that a total of not more than \$2.00 per admission
2 may be imposed. Except as provided in subparagraph (g) of
3 Section 27 of this Act, the inter-track wagering location
4 licensee shall collect any and all such fees. Inter-track
5 wagering location licensees must pay the admission fees
6 required under this subsection (f) to the municipality and
7 county no later than the 20th of the month following the month
8 such admission fees were imposed. ~~as the Board prescribes~~

9 (g) Notwithstanding any provision in this Act to the
10 contrary, if in any calendar year the total taxes and fees from
11 wagering on live racing and from inter-track wagering required
12 to be collected from licensees and distributed under this Act
13 to all State and local governmental authorities exceeds the
14 amount of such taxes and fees distributed to each State and
15 local governmental authority to which each State and local
16 governmental authority was entitled under this Act for
17 calendar year 1994, then the first \$11 million of that excess
18 amount shall be allocated at the earliest possible date for
19 distribution as purse money for the succeeding calendar year.
20 Upon reaching the 1994 level, and until the excess amount of
21 taxes and fees exceeds \$11 million, the Board shall direct all
22 licensees to cease paying the subject taxes and fees and the
23 Board shall direct all licensees to allocate any such excess
24 amount for purses as follows:

25 (i) the excess amount shall be initially divided
26 between thoroughbred and standardbred purses based on the

1 thoroughbred's and standardbred's respective percentages
2 of total Illinois live wagering in calendar year 1994;

3 (ii) each thoroughbred and standardbred organization
4 licensee issued an organization licensee in that
5 succeeding allocation year shall be allocated an amount
6 equal to the product of its percentage of total Illinois
7 live thoroughbred or standardbred wagering in calendar
8 year 1994 (the total to be determined based on the sum of
9 1994 on-track wagering for all organization licensees
10 issued organization licenses in both the allocation year
11 and the preceding year) multiplied by the total amount
12 allocated for standardbred or thoroughbred purses,
13 provided that the first \$1,500,000 of the amount allocated
14 to standardbred purses under item (i) shall be allocated
15 to the Department of Agriculture to be expended with the
16 assistance and advice of the Illinois Standardbred
17 Breeders Funds Advisory Board for the purposes listed in
18 subsection (g) of Section 31 of this Act, before the
19 amount allocated to standardbred purses under item (i) is
20 allocated to standardbred organization licensees in the
21 succeeding allocation year.

22 To the extent the excess amount of taxes and fees to be
23 collected and distributed to State and local governmental
24 authorities exceeds \$11 million, that excess amount shall be
25 collected and distributed to State and local authorities as
26 provided for under this Act.

1 (Source: P.A. 100-627, eff. 7-20-18; 101-31, eff. 6-28-19;
2 101-52, eff. 7-12-19; revised 8-28-19.)

3 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

4 Sec. 31. (a) The General Assembly declares that it is the
5 policy of this State to encourage the breeding of standardbred
6 horses in this State and the ownership of such horses by
7 residents of this State in order to provide for: sufficient
8 numbers of high quality standardbred horses to participate in
9 harness racing meetings in this State, and to establish and
10 preserve the agricultural and commercial benefits of such
11 breeding and racing industries to the State of Illinois. It is
12 the intent of the General Assembly to further this policy by
13 the provisions of this Section of this Act.

14 (b) Each organization licensee conducting a harness racing
15 meeting pursuant to this Act shall provide for at least two
16 races each race program limited to Illinois conceived and
17 foaled horses. A minimum of 6 races shall be conducted each
18 week limited to Illinois conceived and foaled horses. No
19 horses shall be permitted to start in such races unless duly
20 registered under the rules of the Department of Agriculture.

21 (b-5) Organization licensees, not including the Illinois
22 State Fair or the DuQuoin State Fair, shall provide stake
23 races and early closer races for Illinois conceived and foaled
24 horses so that purses distributed for such races shall be no
25 less than 17% of total purses distributed for harness racing

1 in that calendar year in addition to any stakes payments and
2 starting fees contributed by horse owners.

3 (b-10) Each organization licensee conducting a harness
4 racing meeting pursuant to this Act shall provide an owner
5 award to be paid from the purse account equal to 12% of the
6 amount earned by Illinois conceived and foaled horses
7 finishing in the first 3 positions in races that are not
8 restricted to Illinois conceived and foaled horses. The owner
9 awards shall not be paid on races below the \$10,000 claiming
10 class.

11 (c) Conditions of races under subsection (b) shall be
12 commensurate with past performance, quality and class of
13 Illinois conceived and foaled horses available. If, however,
14 sufficient competition cannot be had among horses of that
15 class on any day, the races may, with consent of the Board, be
16 eliminated for that day and substitute races provided.

17 (d) There is hereby created a special fund of the State
18 Treasury to be known as the Illinois Standardbred Breeders
19 Fund. Beginning on June 28, 2019 (the effective date of Public
20 Act 101-31) ~~this amendatory Act of the 101st General Assembly,~~
21 the Illinois Standardbred Breeders Fund shall become a
22 non-appropriated trust fund held separate and apart from State
23 moneys. Expenditures from this Fund shall no longer be subject
24 to appropriation.

25 During the calendar year 1981, and each year thereafter,
26 except as provided in subsection (g) of Section 27 of this Act,

1 eight and one-half per cent of all the monies received by the
2 State as privilege taxes on harness racing meetings shall be
3 paid into the Illinois Standardbred Breeders Fund.

4 (e) Notwithstanding any provision of law to the contrary,
5 amounts deposited into the Illinois Standardbred Breeders Fund
6 from revenues generated by gaming pursuant to an organization
7 gaming license issued under the Illinois Gambling Act after
8 June 28, 2019 (the effective date of Public Act 101-31) ~~this~~
9 ~~amendatory Act of the 101st General Assembly~~ shall be in
10 addition to tax and fee amounts paid under this Section for
11 calendar year 2019 and thereafter. The Illinois Standardbred
12 Breeders Fund shall be administered by the Department of
13 Agriculture with the assistance and advice of the Advisory
14 Board created in subsection (f) of this Section.

15 (f) The Illinois Standardbred Breeders Fund Advisory Board
16 is hereby created. The Advisory Board shall consist of the
17 Director of the Department of Agriculture, who shall serve as
18 Chairman; the Superintendent of the Illinois State Fair; a
19 member of the Illinois Racing Board, designated by it; a
20 representative of the largest association of Illinois
21 standardbred owners and breeders, recommended by it; a
22 representative of a statewide association representing
23 agricultural fairs in Illinois, recommended by it, such
24 representative to be from a fair at which Illinois conceived
25 and foaled racing is conducted; a representative of the
26 organization licensees conducting harness racing meetings,

1 recommended by them; a representative of the Breeder's
2 Committee of the association representing the largest number
3 of standardbred owners, breeders, trainers, caretakers, and
4 drivers, recommended by it; and a representative of the
5 association representing the largest number of standardbred
6 owners, breeders, trainers, caretakers, and drivers,
7 recommended by it. Advisory Board members shall serve for 2
8 years commencing January 1 of each odd numbered year. If
9 representatives of the largest association of Illinois
10 standardbred owners and breeders, a statewide association of
11 agricultural fairs in Illinois, the association representing
12 the largest number of standardbred owners, breeders, trainers,
13 caretakers, and drivers, a member of the Breeder's Committee
14 of the association representing the largest number of
15 standardbred owners, breeders, trainers, caretakers, and
16 drivers, and the organization licensees conducting harness
17 racing meetings have not been recommended by January 1 of each
18 odd numbered year, the Director of the Department of
19 Agriculture shall make an appointment for the organization
20 failing to so recommend a member of the Advisory Board.
21 Advisory Board members shall receive no compensation for their
22 services as members but shall be reimbursed for all actual and
23 necessary expenses and disbursements incurred in the execution
24 of their official duties.

25 (g) Monies expended from the Illinois Standardbred
26 Breeders Fund shall be expended by the Department of

1 Agriculture, with the assistance and advice of the Illinois
2 Standardbred Breeders Fund Advisory Board for the following
3 purposes only:

4 1. To provide purses for races limited to Illinois
5 conceived and foaled horses at the State Fair and the
6 DuQuoin State Fair.

7 2. To provide purses for races limited to Illinois
8 conceived and foaled horses at county fairs.

9 3. To provide purse supplements for races limited to
10 Illinois conceived and foaled horses conducted by
11 associations conducting harness racing meetings.

12 4. No less than 75% of all monies in the Illinois
13 Standardbred Breeders Fund shall be expended for purses in
14 1, 2, and 3 as shown above.

15 5. In the discretion of the Department of Agriculture
16 to provide awards to harness breeders of Illinois
17 conceived and foaled horses which win races conducted by
18 organization licensees conducting harness racing meetings.
19 A breeder is the owner of a mare at the time of conception.
20 No more than 10% of all monies appropriated from the
21 Illinois Standardbred Breeders Fund shall be expended for
22 such harness breeders awards. No more than 25% of the
23 amount expended for harness breeders awards shall be
24 expended for expenses incurred in the administration of
25 such harness breeders awards.

26 6. To pay for the improvement of racing facilities

1 located at the State Fair and County fairs.

2 7. To pay the expenses incurred in the administration
3 of the Illinois Standardbred Breeders Fund.

4 8. To promote the sport of harness racing, including
5 grants up to a maximum of \$7,500 per fair per year for
6 conducting pari-mutuel wagering during the advertised
7 dates of a county fair.

8 9. To pay up to \$50,000 annually for the Department of
9 Agriculture to conduct drug testing at county fairs racing
10 standardbred horses.

11 (h) The Illinois Standardbred Breeders Fund is not subject
12 to administrative charges or chargebacks, including, but not
13 limited to, those authorized under Section 8h of the State
14 Finance Act.

15 (i) A sum equal to 13% of the first prize money of the
16 gross purse won by an Illinois conceived and foaled horse
17 shall be paid 50% by the organization licensee conducting the
18 horse race meeting to the breeder of such winning horse from
19 the organization licensee's account and 50% from the purse
20 account of the licensee. Such payment shall not reduce any
21 award to the owner of the horse or reduce the taxes payable
22 under this Act. Such payment shall be delivered by the
23 organization licensee at the end of each quarter.

24 (j) The Department of Agriculture shall, by rule, with the
25 assistance and advice of the Illinois Standardbred Breeders
26 Fund Advisory Board:

1 1. Qualify stallions for Illinois Standardbred
2 Breeders Fund breeding; such stallion shall be owned by a
3 resident of the State of Illinois or by an Illinois
4 corporation all of whose shareholders, directors, officers
5 and incorporators are residents of the State of Illinois.
6 Such stallion shall stand for service at and within the
7 State of Illinois at the time of a foal's conception, and
8 such stallion must not stand for service at any place, nor
9 may semen from such stallion be transported, outside the
10 State of Illinois during that calendar year in which the
11 foal is conceived and that the owner of the stallion was
12 for the 12 months prior, a resident of Illinois. However,
13 from January 1, 2018 until January 1, 2022, semen from an
14 Illinois stallion may be transported outside the State of
15 Illinois. The articles of agreement of any partnership,
16 joint venture, limited partnership, syndicate, association
17 or corporation and any bylaws and stock certificates must
18 contain a restriction that provides that the ownership or
19 transfer of interest by any one of the persons a party to
20 the agreement can only be made to a person who qualifies as
21 an Illinois resident.

22 2. Provide for the registration of Illinois conceived
23 and foaled horses and no such horse shall compete in the
24 races limited to Illinois conceived and foaled horses
25 unless registered with the Department of Agriculture. The
26 Department of Agriculture may prescribe such forms as may

1 be necessary to determine the eligibility of such horses.
2 No person shall knowingly prepare or cause preparation of
3 an application for registration of such foals containing
4 false information. A mare (dam) must be in the State at
5 least 30 days prior to foaling or remain in the State at
6 least 30 days at the time of foaling. However, the
7 requirement that a mare (dam) must be in the State at least
8 30 days before foaling or remain in the State at least 30
9 days at the time of foaling shall not be in effect from
10 January 1, 2018 until January 1, 2022. Beginning with the
11 1996 breeding season and for foals of 1997 and thereafter,
12 a foal conceived by transported semen may be eligible for
13 Illinois conceived and foaled registration provided all
14 breeding and foaling requirements are met. The stallion
15 must be qualified for Illinois Standardbred Breeders Fund
16 breeding at the time of conception and the mare must be
17 inseminated within the State of Illinois. The foal must be
18 dropped in Illinois and properly registered with the
19 Department of Agriculture in accordance with this Act.
20 However, from January 1, 2018 until January 1, 2022, the
21 requirement for a mare to be inseminated within the State
22 of Illinois and the requirement for a foal to be dropped in
23 Illinois are inapplicable.

24 3. Provide that at least a 5-day racing program shall
25 be conducted at the State Fair each year, unless an
26 alternate racing program is requested by the Illinois

1 Standardbred Breeders Fund Advisory Board, which program
2 shall include at least the following races limited to
3 Illinois conceived and foaled horses: (a) a 2-year-old ~~two~~
4 ~~year-old~~ Trot and Pace, and Filly Division of each; (b) a
5 3-year-old ~~three-year-old~~ Trot and Pace, and Filly
6 Division of each; (c) an aged Trot and Pace, and Mare
7 Division of each.

8 4. Provide for the payment of nominating, sustaining
9 and starting fees for races promoting the sport of harness
10 racing and for the races to be conducted at the State Fair
11 as provided in subsection (j) 3 of this Section provided
12 that the nominating, sustaining and starting payment
13 required from an entrant shall not exceed 2% of the purse
14 of such race. All nominating, sustaining and starting
15 payments shall be held for the benefit of entrants and
16 shall be paid out as part of the respective purses for such
17 races. Nominating, sustaining and starting fees shall be
18 held in trust accounts for the purposes as set forth in
19 this Act and in accordance with Section 205-15 of the
20 Department of Agriculture Law.

21 5. Provide for the registration with the Department of
22 Agriculture of Colt Associations or county fairs desiring
23 to sponsor races at county fairs.

24 6. Provide for the promotion of producing standardbred
25 racehorses by providing a bonus award program for owners
26 of 2-year-old horses that win multiple major stakes races

1 that are limited to Illinois conceived and foaled horses.

2 (k) The Department of Agriculture, with the advice and
3 assistance of the Illinois Standardbred Breeders Fund Advisory
4 Board, may allocate monies for purse supplements for such
5 races. In determining whether to allocate money and the
6 amount, the Department of Agriculture shall consider factors,
7 including, but not limited to, the amount of money
8 appropriated for the Illinois Standardbred Breeders Fund
9 program, the number of races that may occur, and an
10 organization licensee's purse structure. The organization
11 licensee shall notify the Department of Agriculture of the
12 conditions and minimum purses for races limited to Illinois
13 conceived and foaled horses to be conducted by each
14 organization licensee conducting a harness racing meeting for
15 which purse supplements have been negotiated.

16 (l) All races held at county fairs and the State Fair which
17 receive funds from the Illinois Standardbred Breeders Fund
18 shall be conducted in accordance with the rules of the United
19 States Trotting Association unless otherwise modified by the
20 Department of Agriculture.

21 (m) At all standardbred race meetings held or conducted
22 under authority of a license granted by the Board, and at all
23 standardbred races held at county fairs which are approved by
24 the Department of Agriculture or at the Illinois or DuQuoin
25 State Fairs, no one shall jog, train, warm up or drive a
26 standardbred horse unless he or she is wearing a protective

1 safety helmet, with the chin strap fastened and in place,
2 which meets the standards and requirements as set forth in the
3 1984 Standard for Protective Headgear for Use in Harness
4 Racing and Other Equestrian Sports published by the Snell
5 Memorial Foundation, or any standards and requirements for
6 headgear the Illinois Racing Board may approve. Any other
7 standards and requirements so approved by the Board shall
8 equal or exceed those published by the Snell Memorial
9 Foundation. Any equestrian helmet bearing the Snell label
10 shall be deemed to have met those standards and requirements.

11 (Source: P.A. 100-777, eff. 8-10-18; 101-31, eff. 6-28-19;
12 101-157, eff. 7-26-19; revised 9-27-19.)

13 Section 585. The Illinois Gambling Act is amended by
14 changing Section 7 as follows:

15 (230 ILCS 10/7) (from Ch. 120, par. 2407)

16 Sec. 7. Owners licenses.

17 (a) The Board shall issue owners licenses to persons or
18 entities that apply for such licenses upon payment to the
19 Board of the non-refundable license fee as provided in
20 subsection (e) or (e-5) and upon a determination by the Board
21 that the applicant is eligible for an owners license pursuant
22 to this Act and the rules of the Board. From December 15, 2008
23 (the effective date of Public Act 95-1008) ~~this amendatory Act~~
24 ~~of the 95th General Assembly~~ until (i) 3 years after December

1 15, 2008 (the effective date of Public Act 95-1008) ~~this~~
2 ~~amendatory Act of the 95th General Assembly~~, (ii) the date any
3 organization licensee begins to operate a slot machine or
4 video game of chance under the Illinois Horse Racing Act of
5 1975 or this Act, (iii) the date that payments begin under
6 subsection (c-5) of Section 13 of this Act, (iv) the wagering
7 tax imposed under Section 13 of this Act is increased by law to
8 reflect a tax rate that is at least as stringent or more
9 stringent than the tax rate contained in subsection (a-3) of
10 Section 13, or (v) when an owners licensee holding a license
11 issued pursuant to Section 7.1 of this Act begins conducting
12 gaming, whichever occurs first, as a condition of licensure
13 and as an alternative source of payment for those funds
14 payable under subsection (c-5) of Section 13 of this Act, any
15 owners licensee that holds or receives its owners license on
16 or after May 26, 2006 (the effective date of Public Act 94-804)
17 ~~this amendatory Act of the 94th General Assembly~~, other than
18 an owners licensee operating a riverboat with adjusted gross
19 receipts in calendar year 2004 of less than \$200,000,000, must
20 pay into the Horse Racing Equity Trust Fund, in addition to any
21 other payments required under this Act, an amount equal to 3%
22 of the adjusted gross receipts received by the owners
23 licensee. The payments required under this Section shall be
24 made by the owners licensee to the State Treasurer no later
25 than 3:00 o'clock p.m. of the day after the day when the
26 adjusted gross receipts were received by the owners licensee.

1 A person or entity is ineligible to receive an owners license
2 if:

3 (1) the person has been convicted of a felony under
4 the laws of this State, any other state, or the United
5 States;

6 (2) the person has been convicted of any violation of
7 Article 28 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, or substantially similar laws of any other
9 jurisdiction;

10 (3) the person has submitted an application for a
11 license under this Act which contains false information;

12 (4) the person is a member of the Board;

13 (5) a person defined in (1), (2), (3), or (4) is an
14 officer, director, or managerial employee of the entity;

15 (6) the entity employs a person defined in (1), (2),
16 (3), or (4) who participates in the management or
17 operation of gambling operations authorized under this
18 Act;

19 (7) (blank); or

20 (8) a license of the person or entity issued under
21 this Act, or a license to own or operate gambling
22 facilities in any other jurisdiction, has been revoked.

23 The Board is expressly prohibited from making changes to
24 the requirement that licensees make payment into the Horse
25 Racing Equity Trust Fund without the express authority of the
26 Illinois General Assembly and making any other rule to

1 implement or interpret Public Act 95-1008 ~~this amendatory Act~~
2 ~~of the 95th General Assembly~~. For the purposes of this
3 paragraph, "rules" is given the meaning given to that term in
4 Section 1-70 of the Illinois Administrative Procedure Act.

5 (b) In determining whether to grant an owners license to
6 an applicant, the Board shall consider:

7 (1) the character, reputation, experience, and
8 financial integrity of the applicants and of any other or
9 separate person that either:

10 (A) controls, directly or indirectly, such
11 applicant;7 or

12 (B) is controlled, directly or indirectly, by such
13 applicant or by a person which controls, directly or
14 indirectly, such applicant;

15 (2) the facilities or proposed facilities for the
16 conduct of gambling;

17 (3) the highest prospective total revenue to be
18 derived by the State from the conduct of gambling;

19 (4) the extent to which the ownership of the applicant
20 reflects the diversity of the State by including minority
21 persons, women, and persons with a disability and the good
22 faith affirmative action plan of each applicant to
23 recruit, train and upgrade minority persons, women, and
24 persons with a disability in all employment
25 classifications; the Board shall further consider granting
26 an owners license and giving preference to an applicant

1 under this Section to applicants in which minority persons
2 and women hold ownership interest of at least 16% and 4%,
3 respectively;:-

4 (4.5) the extent to which the ownership of the
5 applicant includes veterans of service in the armed forces
6 of the United States, and the good faith affirmative
7 action plan of each applicant to recruit, train, and
8 upgrade veterans of service in the armed forces of the
9 United States in all employment classifications;

10 (5) the financial ability of the applicant to purchase
11 and maintain adequate liability and casualty insurance;

12 (6) whether the applicant has adequate capitalization
13 to provide and maintain, for the duration of a license, a
14 riverboat or casino;

15 (7) the extent to which the applicant exceeds or meets
16 other standards for the issuance of an owners license
17 which the Board may adopt by rule;

18 (8) the amount of the applicant's license bid;

19 (9) the extent to which the applicant or the proposed
20 host municipality plans to enter into revenue sharing
21 agreements with communities other than the host
22 municipality; and

23 (10) the extent to which the ownership of an applicant
24 includes the most qualified number of minority persons,
25 women, and persons with a disability.

26 (c) Each owners license shall specify the place where the

1 casino shall operate or the riverboat shall operate and dock.

2 (d) Each applicant shall submit with his or her
3 application, on forms provided by the Board, 2 sets of his or
4 her fingerprints.

5 (e) In addition to any licenses authorized under
6 subsection (e-5) of this Section, the Board may issue up to 10
7 licenses authorizing the holders of such licenses to own
8 riverboats. In the application for an owners license, the
9 applicant shall state the dock at which the riverboat is based
10 and the water on which the riverboat will be located. The Board
11 shall issue 5 licenses to become effective not earlier than
12 January 1, 1991. Three of such licenses shall authorize
13 riverboat gambling on the Mississippi River, or, with approval
14 by the municipality in which the riverboat was docked on
15 August 7, 2003 and with Board approval, be authorized to
16 relocate to a new location, in a municipality that (1) borders
17 on the Mississippi River or is within 5 miles of the city
18 limits of a municipality that borders on the Mississippi River
19 and (2) on August 7, 2003, had a riverboat conducting
20 riverboat gambling operations pursuant to a license issued
21 under this Act; one of which shall authorize riverboat
22 gambling from a home dock in the city of East St. Louis; and
23 one of which shall authorize riverboat gambling from a home
24 dock in the City of Alton. One other license shall authorize
25 riverboat gambling on the Illinois River in the City of East
26 Peoria or, with Board approval, shall authorize land-based

1 gambling operations anywhere within the corporate limits of
2 the City of Peoria. The Board shall issue one additional
3 license to become effective not earlier than March 1, 1992,
4 which shall authorize riverboat gambling on the Des Plaines
5 River in Will County. The Board may issue 4 additional
6 licenses to become effective not earlier than March 1, 1992.
7 In determining the water upon which riverboats will operate,
8 the Board shall consider the economic benefit which riverboat
9 gambling confers on the State, and shall seek to assure that
10 all regions of the State share in the economic benefits of
11 riverboat gambling.

12 In granting all licenses, the Board may give favorable
13 consideration to economically depressed areas of the State, to
14 applicants presenting plans which provide for significant
15 economic development over a large geographic area, and to
16 applicants who currently operate non-gambling riverboats in
17 Illinois. The Board shall review all applications for owners
18 licenses, and shall inform each applicant of the Board's
19 decision. The Board may grant an owners license to an
20 applicant that has not submitted the highest license bid, but
21 if it does not select the highest bidder, the Board shall issue
22 a written decision explaining why another applicant was
23 selected and identifying the factors set forth in this Section
24 that favored the winning bidder. The fee for issuance or
25 renewal of a license pursuant to this subsection (e) shall be
26 \$250,000.

1 (e-5) In addition to licenses authorized under subsection
2 (e) of this Section:

3 (1) the Board may issue one owners license authorizing
4 the conduct of casino gambling in the City of Chicago;

5 (2) the Board may issue one owners license authorizing
6 the conduct of riverboat gambling in the City of Danville;

7 (3) the Board may issue one owners license authorizing
8 the conduct of riverboat gambling in the City of Waukegan;

9 (4) the Board may issue one owners license authorizing
10 the conduct of riverboat gambling in the City of Rockford;

11 (5) the Board may issue one owners license authorizing
12 the conduct of riverboat gambling in a municipality that
13 is wholly or partially located in one of the following
14 townships of Cook County: Bloom, Bremen, Calumet, Rich,
15 Thornton, or Worth Township; and

16 (6) the Board may issue one owners license authorizing
17 the conduct of riverboat gambling in the unincorporated
18 area of Williamson County adjacent to the Big Muddy River.

19 Except for the license authorized under paragraph (1),
20 each application for a license pursuant to this subsection
21 (e-5) shall be submitted to the Board no later than 120 days
22 after June 28, 2019 (the effective date of Public Act 101-31).
23 All applications for a license under this subsection (e-5)
24 shall include the nonrefundable application fee and the
25 nonrefundable background investigation fee as provided in
26 subsection (d) of Section 6 of this Act. In the event that an

1 applicant submits an application for a license pursuant to
2 this subsection (e-5) prior to June 28, 2019 (the effective
3 date of Public Act 101-31), such applicant shall submit the
4 nonrefundable application fee and background investigation fee
5 as provided in subsection (d) of Section 6 of this Act no later
6 than 6 months after June 28, 2019 (the effective date of Public
7 Act 101-31).

8 The Board shall consider issuing a license pursuant to
9 paragraphs (1) through (6) of this subsection only after the
10 corporate authority of the municipality or the county board of
11 the county in which the riverboat or casino shall be located
12 has certified to the Board the following:

13 (i) that the applicant has negotiated with the
14 corporate authority or county board in good faith;

15 (ii) that the applicant and the corporate authority or
16 county board have mutually agreed on the permanent
17 location of the riverboat or casino;

18 (iii) that the applicant and the corporate authority
19 or county board have mutually agreed on the temporary
20 location of the riverboat or casino;

21 (iv) that the applicant and the corporate authority or
22 the county board have mutually agreed on the percentage of
23 revenues that will be shared with the municipality or
24 county, if any;

25 (v) that the applicant and the corporate authority or
26 county board have mutually agreed on any zoning,

1 licensing, public health, or other issues that are within
2 the jurisdiction of the municipality or county;

3 (vi) that the corporate authority or county board has
4 passed a resolution or ordinance in support of the
5 riverboat or casino in the municipality or county;

6 (vii) the applicant for a license under paragraph (1)
7 has made a public presentation concerning its casino
8 proposal; and

9 (viii) the applicant for a license under paragraph (1)
10 has prepared a summary of its casino proposal and such
11 summary has been posted on a public website of the
12 municipality or the county.

13 At least 7 days before the corporate authority of a
14 municipality or county board of the county submits a
15 certification to the Board concerning items (i) through (viii)
16 of this subsection, it shall hold a public hearing to discuss
17 items (i) through (viii), as well as any other details
18 concerning the proposed riverboat or casino in the
19 municipality or county. The corporate authority or county
20 board must subsequently memorialize the details concerning the
21 proposed riverboat or casino in a resolution that must be
22 adopted by a majority of the corporate authority or county
23 board before any certification is sent to the Board. The Board
24 shall not alter, amend, change, or otherwise interfere with
25 any agreement between the applicant and the corporate
26 authority of the municipality or county board of the county

1 regarding the location of any temporary or permanent facility.

2 In addition, within 10 days after June 28, 2019 (the
3 effective date of Public Act 101-31), the Board, with consent
4 and at the expense of the City of Chicago, shall select and
5 retain the services of a nationally recognized casino gaming
6 feasibility consultant. Within 45 days after June 28, 2019
7 (the effective date of Public Act 101-31), the consultant
8 shall prepare and deliver to the Board a study concerning the
9 feasibility of, and the ability to finance, a casino in the
10 City of Chicago. The feasibility study shall be delivered to
11 the Mayor of the City of Chicago, the Governor, the President
12 of the Senate, and the Speaker of the House of
13 Representatives. Ninety days after receipt of the feasibility
14 study, the Board shall make a determination, based on the
15 results of the feasibility study, whether to recommend to the
16 General Assembly that the terms of the license under paragraph
17 (1) of this subsection (e-5) should be modified. The Board may
18 begin accepting applications for the owners license under
19 paragraph (1) of this subsection (e-5) upon the determination
20 to issue such an owners license.

21 In addition, prior to the Board issuing the owners license
22 authorized under paragraph (4) of subsection (e-5), an impact
23 study shall be completed to determine what location in the
24 city will provide the greater impact to the region, including
25 the creation of jobs and the generation of tax revenue.

26 (e-10) The licenses authorized under subsection (e-5) of

1 this Section shall be issued within 12 months after the date
2 the license application is submitted. If the Board does not
3 issue the licenses within that time period, then the Board
4 shall give a written explanation to the applicant as to why it
5 has not reached a determination and when it reasonably expects
6 to make a determination. The fee for the issuance or renewal of
7 a license issued pursuant to this subsection (e-10) shall be
8 \$250,000. Additionally, a licensee located outside of Cook
9 County shall pay a minimum initial fee of \$17,500 per gaming
10 position, and a licensee located in Cook County shall pay a
11 minimum initial fee of \$30,000 per gaming position. The
12 initial fees payable under this subsection (e-10) shall be
13 deposited into the Rebuild Illinois Projects Fund. If at any
14 point after June 1, 2020 there are no pending applications for
15 a license under subsection (e-5) and not all licenses
16 authorized under subsection (e-5) have been issued, then the
17 Board shall reopen the license application process for those
18 licenses authorized under subsection (e-5) that have not been
19 issued. The Board shall follow the licensing process provided
20 in subsection (e-5) with all time frames tied to the last date
21 of a final order issued by the Board under subsection (e-5)
22 rather than the effective date of the amendatory Act.

23 (e-15) Each licensee of a license authorized under
24 subsection (e-5) of this Section shall make a reconciliation
25 payment 3 years after the date the licensee begins operating
26 in an amount equal to 75% of the adjusted gross receipts for

1 the most lucrative 12-month period of operations, minus an
2 amount equal to the initial payment per gaming position paid
3 by the specific licensee. Each licensee shall pay a
4 \$15,000,000 reconciliation fee upon issuance of an owners
5 license. If this calculation results in a negative amount,
6 then the licensee is not entitled to any reimbursement of fees
7 previously paid. This reconciliation payment may be made in
8 installments over a period of no more than 6 years.

9 All payments by licensees under this subsection (e-15)
10 shall be deposited into the Rebuild Illinois Projects Fund.

11 (e-20) In addition to any other revocation powers granted
12 to the Board under this Act, the Board may revoke the owners
13 license of a licensee which fails to begin conducting gambling
14 within 15 months of receipt of the Board's approval of the
15 application if the Board determines that license revocation is
16 in the best interests of the State.

17 (f) The first 10 owners licenses issued under this Act
18 shall permit the holder to own up to 2 riverboats and equipment
19 thereon for a period of 3 years after the effective date of the
20 license. Holders of the first 10 owners licenses must pay the
21 annual license fee for each of the 3 years during which they
22 are authorized to own riverboats.

23 (g) Upon the termination, expiration, or revocation of
24 each of the first 10 licenses, which shall be issued for a
25 3-year period, all licenses are renewable annually upon
26 payment of the fee and a determination by the Board that the

1 licensee continues to meet all of the requirements of this Act
2 and the Board's rules. However, for licenses renewed on or
3 after May 1, 1998, renewal shall be for a period of 4 years,
4 unless the Board sets a shorter period.

5 (h) An owners license, except for an owners license issued
6 under subsection (e-5) of this Section, shall entitle the
7 licensee to own up to 2 riverboats.

8 An owners licensee of a casino or riverboat that is
9 located in the City of Chicago pursuant to paragraph (1) of
10 subsection (e-5) of this Section shall limit the number of
11 gaming positions to 4,000 for such owner. An owners licensee
12 authorized under subsection (e) or paragraph (2), (3), (4), or
13 (5) of subsection (e-5) of this Section shall limit the number
14 of gaming positions to 2,000 for any such owners license. An
15 owners licensee authorized under paragraph (6) of subsection
16 (e-5) of this Section shall limit the number of gaming
17 positions to 1,200 for such owner. The initial fee for each
18 gaming position obtained on or after June 28, 2019 (the
19 effective date of Public Act 101-31) shall be a minimum of
20 \$17,500 for licensees not located in Cook County and a minimum
21 of \$30,000 for licensees located in Cook County, in addition
22 to the reconciliation payment, as set forth in subsection
23 (e-15) of this Section. The fees under this subsection (h)
24 shall be deposited into the Rebuild Illinois Projects Fund.
25 The fees under this subsection (h) that are paid by an owners
26 licensee authorized under subsection (e) shall be paid by July

1 1, 2021.

2 Each owners licensee under subsection (e) of this Section
3 shall reserve its gaming positions within 30 days after June
4 28, 2019 (the effective date of Public Act 101-31). The Board
5 may grant an extension to this 30-day period, provided that
6 the owners licensee submits a written request and explanation
7 as to why it is unable to reserve its positions within the
8 30-day period.

9 Each owners licensee under subsection (e-5) of this
10 Section shall reserve its gaming positions within 30 days
11 after issuance of its owners license. The Board may grant an
12 extension to this 30-day period, provided that the owners
13 licensee submits a written request and explanation as to why
14 it is unable to reserve its positions within the 30-day
15 period.

16 A licensee may operate both of its riverboats
17 concurrently, provided that the total number of gaming
18 positions on both riverboats does not exceed the limit
19 established pursuant to this subsection. Riverboats licensed
20 to operate on the Mississippi River and the Illinois River
21 south of Marshall County shall have an authorized capacity of
22 at least 500 persons. Any other riverboat licensed under this
23 Act shall have an authorized capacity of at least 400 persons.

24 (h-5) An owners licensee who conducted gambling operations
25 prior to January 1, 2012 and obtains positions pursuant to
26 Public Act 101-31 shall make a reconciliation payment 3 years

1 after any additional gaming positions begin operating in an
2 amount equal to 75% of the owners licensee's average gross
3 receipts for the most lucrative 12-month period of operations
4 minus an amount equal to the initial fee that the owners
5 licensee paid per additional gaming position. For purposes of
6 this subsection (h-5), "average gross receipts" means (i) the
7 increase in adjusted gross receipts for the most lucrative
8 12-month period of operations over the adjusted gross receipts
9 for 2019, multiplied by (ii) the percentage derived by
10 dividing the number of additional gaming positions that an
11 owners licensee had obtained by the total number of gaming
12 positions operated by the owners licensee. If this calculation
13 results in a negative amount, then the owners licensee is not
14 entitled to any reimbursement of fees previously paid. This
15 reconciliation payment may be made in installments over a
16 period of no more than 6 years. These reconciliation payments
17 shall be deposited into the Rebuild Illinois Projects Fund.

18 (i) A licensed owner is authorized to apply to the Board
19 for and, if approved therefor, to receive all licenses from
20 the Board necessary for the operation of a riverboat or
21 casino, including a liquor license, a license to prepare and
22 serve food for human consumption, and other necessary
23 licenses. All use, occupation, and excise taxes which apply to
24 the sale of food and beverages in this State and all taxes
25 imposed on the sale or use of tangible personal property apply
26 to such sales aboard the riverboat or in the casino.

1 (j) The Board may issue or re-issue a license authorizing
2 a riverboat to dock in a municipality or approve a relocation
3 under Section 11.2 only if, prior to the issuance or
4 re-issuance of the license or approval, the governing body of
5 the municipality in which the riverboat will dock has by a
6 majority vote approved the docking of riverboats in the
7 municipality. The Board may issue or re-issue a license
8 authorizing a riverboat to dock in areas of a county outside
9 any municipality or approve a relocation under Section 11.2
10 only if, prior to the issuance or re-issuance of the license or
11 approval, the governing body of the county has by a majority
12 vote approved of the docking of riverboats within such areas.

13 (k) An owners licensee may conduct land-based gambling
14 operations upon approval by the Board and payment of a fee of
15 \$250,000, which shall be deposited into the State Gaming Fund.

16 (l) An owners licensee may conduct gaming at a temporary
17 facility pending the construction of a permanent facility or
18 the remodeling or relocation of an existing facility to
19 accommodate gaming participants for up to 24 months after the
20 temporary facility begins to conduct gaming. Upon request by
21 an owners licensee and upon a showing of good cause by the
22 owners licensee, the Board shall extend the period during
23 which the licensee may conduct gaming at a temporary facility
24 by up to 12 months. The Board shall make rules concerning the
25 conduct of gaming from temporary facilities.

26 (Source: P.A. 100-391, eff. 8-25-17; 100-1152, eff. 12-14-18;

1 101-31, eff. 6-28-19; 101-648, eff. 6-30-20; revised 8-19-20.)

2 Section 590. The Raffles and Poker Runs Act is amended by
3 changing Sections 1, 2, 3, and 8.1 as follows:

4 (230 ILCS 15/1) (from Ch. 85, par. 2301)

5 Sec. 1. Definitions. For the purposes of this Act the
6 terms defined in this Section have the meanings given them.

7 "Key location" means:

8 (1) For a poker run, the location where the poker run
9 concludes and the prizes are awarded.

10 (2) For a raffle, the location where the winning
11 chances in the raffle are determined.

12 "Law enforcement agency" means an agency of this State or
13 a unit of local government in this State that is vested by law
14 or ordinance with the duty to maintain public order and to
15 enforce criminal laws or ordinances.

16 "Net proceeds" means the gross receipts from the conduct
17 of raffles, less reasonable sums expended for prizes, local
18 license fees and other operating expenses incurred as a result
19 of operating a raffle or poker run.

20 "Poker run" means a prize-awarding event organized by an
21 organization licensed under this Act in which participants
22 travel to multiple predetermined locations, including a key
23 location, to play a randomized game based on an element of
24 chance. "Poker run" includes dice runs, marble runs, or other

1 events where the objective is to build the best hand or highest
2 score by obtaining an item or playing a randomized game at each
3 location.

4 "Raffle" means a form of lottery, as defined in subsection
5 (b) of Section 28-2 of the Criminal Code of 2012, conducted by
6 an organization licensed under this Act, in which:

7 (1) the player pays or agrees to pay something of
8 value for a chance, represented and differentiated by a
9 number or by a combination of numbers or by some other
10 medium, one or more of which chances is to be designated
11 the winning chance; and

12 (2) the winning chance is to be determined through a
13 drawing or by some other method based on an element of
14 chance by an act or set of acts on the part of persons
15 conducting or connected with the lottery, except that the
16 winning chance shall not be determined by the outcome of a
17 publicly exhibited sporting contest.

18 "Raffle" does not include any game designed to simulate:
19 (1) gambling games as defined in the Illinois Riverboat
20 Gambling Act, (2) any casino game approved for play by the
21 Illinois Gaming Board, (3) any games provided by a video
22 gaming terminal, as defined in the Video Gaming Act, or (4) a
23 savings promotion raffle authorized under Section 5g of the
24 Illinois Banking Act, Section 7008 of the Savings Bank Act,
25 Section 42.7 of the Illinois Credit Union Act, Section 5136B
26 of the National Bank Act, or Section 4 of the Home Owners' Loan

1 Act.

2 (Source: P.A. 101-109, eff. 7-19-19; revised 12-9-19.)

3 (230 ILCS 15/2) (from Ch. 85, par. 2302)

4 Sec. 2. Licensing.

5 (a) The governing body of any county or municipality
6 within this State may establish a system for the licensing of
7 organizations to operate raffles. The governing bodies of a
8 county and one or more municipalities may, pursuant to a
9 written contract, jointly establish a system for the licensing
10 of organizations to operate raffles within any area of
11 contiguous territory not contained within the corporate limits
12 of a municipality which is not a party to such contract. The
13 governing bodies of two or more adjacent counties or two or
14 more adjacent municipalities located within a county may,
15 pursuant to a written contract, jointly establish a system for
16 the licensing of organizations to operate raffles within the
17 corporate limits of such counties or municipalities. The
18 licensing authority may establish special categories of
19 licenses and promulgate rules relating to the various
20 categories. The licensing system shall provide for limitations
21 upon (1) the aggregate retail value of all prizes or
22 merchandise awarded by a licensee in a single raffle, if any,
23 (2) the maximum retail value of each prize awarded by a
24 licensee in a single raffle, if any, (3) the maximum price
25 which may be charged for each raffle chance issued or sold, if

1 any, and (4) the maximum number of days during which chances
2 may be issued or sold, if any. The licensing system may include
3 a fee for each license in an amount to be determined by the
4 local governing body. Licenses issued pursuant to this Act
5 shall be valid for one raffle or for a specified number of
6 raffles to be conducted during a specified period not to
7 exceed one year and may be suspended or revoked for any
8 violation of this Act. A local governing body shall act on a
9 license application within 30 days from the date of
10 application. A county or municipality may adopt rules or
11 ordinances for the operation of raffles that are consistent
12 with this Act. Raffles shall be licensed by the governing body
13 of the municipality with jurisdiction over the key location
14 or, if no municipality has jurisdiction over the key location,
15 then by the governing body of the county with jurisdiction
16 over the key location. A license shall authorize the holder of
17 such license to sell raffle chances throughout the State,
18 including beyond the borders of the licensing municipality or
19 county.

20 (a-5) The governing body of Cook County may and any other
21 county within this State shall establish a system for the
22 licensing of organizations to operate poker runs. The
23 governing bodies of 2 or more adjacent counties may, pursuant
24 to a written contract, jointly establish a system for the
25 licensing of organizations to operate poker runs within the
26 corporate limits of such counties. The licensing authority may

1 establish special categories of licenses and adopt rules
2 relating to the various categories. The licensing system may
3 include a fee not to exceed \$25 for each license. Licenses
4 issued pursuant to this Act shall be valid for one poker run or
5 for a specified number of poker runs to be conducted during a
6 specified period not to exceed one year and may be suspended or
7 revoked for any violation of this Act. A local governing body
8 shall act on a license application within 30 days after the
9 date of application.

10 (b) Raffle licenses shall be issued only to bona fide
11 religious, charitable, labor, business, fraternal,
12 educational, veterans', or other bona fide not-for-profit
13 organizations that operate without profit to their members and
14 which have been in existence continuously for a period of 5
15 years immediately before making application for a raffle
16 license and which have during that entire 5-year period been
17 engaged in carrying out their objects, or to a non-profit
18 fundraising organization that the licensing authority
19 determines is organized for the sole purpose of providing
20 financial assistance to an identified individual or group of
21 individuals suffering extreme financial hardship as the result
22 of an illness, disability, accident, or disaster, or to any
23 law enforcement agencies and associations that represent law
24 enforcement officials. Poker run licenses shall be issued only
25 to bona fide religious, charitable, labor, business,
26 fraternal, educational, veterans', or other bona fide

1 not-for-profit organizations that operate without profit to
2 their members and which have been in existence continuously
3 for a period of 5 years immediately before making application
4 for a poker run license and which have during that entire
5 5-year period been engaged in carrying out their objects.
6 Licenses for poker runs shall be issued for the following
7 purposes: (i) providing financial assistance to an identified
8 individual or group of individuals suffering extreme financial
9 hardship as the result of an illness, disability, accident, or
10 disaster or (ii) to maintain the financial stability of the
11 organization. A licensing authority may waive the 5-year
12 requirement under this subsection (b) for a bona fide
13 religious, charitable, labor, business, fraternal,
14 educational, or veterans' organization that applies for a
15 license to conduct a raffle or a poker run if the organization
16 is a local organization that is affiliated with and chartered
17 by a national or State organization that meets the 5-year
18 requirement.

19 For purposes of this Act, the following definitions apply.
20 Non-profit: An organization or institution organized and
21 conducted on a not-for-profit basis with no personal profit
22 inuring to any one as a result of the operation. Charitable: An
23 organization or institution organized and operated to benefit
24 an indefinite number of the public. The service rendered to
25 those eligible for benefits must also confer some benefit on
26 the public. Educational: An organization or institution

1 organized and operated to provide systematic instruction in
2 useful branches of learning by methods common to schools and
3 institutions of learning which compare favorably in their
4 scope and intensity with the course of study presented in
5 tax-supported schools. Religious: Any church, congregation,
6 society, or organization founded for the purpose of religious
7 worship. Fraternal: An organization of persons having a common
8 interest, the primary interest of which is to both promote the
9 welfare of its members and to provide assistance to the
10 general public in such a way as to lessen the burdens of
11 government by caring for those that otherwise would be cared
12 for by the government. Veterans: An organization or
13 association comprised of members of which substantially all
14 are individuals who are veterans or spouses, widows, or
15 widowers of veterans, the primary purpose of which is to
16 promote the welfare of its members and to provide assistance
17 to the general public in such a way as to confer a public
18 benefit. Labor: An organization composed of workers organized
19 with the objective of betterment of the conditions of those
20 engaged in such pursuit and the development of a higher degree
21 of efficiency in their respective occupations. Business: A
22 voluntary organization composed of individuals and businesses
23 who have joined together to advance the commercial, financial,
24 industrial and civic interests of a community.

25 (Source: P.A. 100-201, eff. 8-18-17; 101-109, eff. 7-19-19;
26 101-360, eff. 1-1-20; revised 9-9-19.)

1 (230 ILCS 15/3) (from Ch. 85, par. 2303)

2 Sec. 3. License; application; issuance; restrictions;
3 persons ineligible. Licenses issued by the governing body of
4 any county or municipality are subject to the following
5 restrictions:

6 (1) No person, firm, or corporation shall conduct
7 raffles or chances or poker runs without having first
8 obtained a license therefor pursuant to this Act.

9 (2) The license and application for license must
10 specify the location or locations at which winning chances
11 in the raffle will be determined, the time period during
12 which raffle chances will be sold or issued or a poker run
13 will be conducted, the time or times of determination of
14 winning chances, and the location or locations at which
15 winning chances will be determined.

16 (3) The license application must contain a sworn
17 statement attesting to the not-for-profit character of the
18 prospective licensee organization, signed by the presiding
19 officer and the secretary of that organization.

20 (4) The application for license shall be prepared in
21 accordance with the ordinance of the local governmental
22 unit.

23 (5) A license authorizes the licensee to conduct
24 raffles or poker runs as defined in this Act.

25 The following are ineligible for any license under this

1 Act:

2 (a) any person whose felony conviction will impair the
3 person's ability to engage in the licensed position;

4 (b) any person who is or has been a professional
5 gambler or professional gambling promoter;

6 (c) any person who is not of good moral character;

7 (d) any organization in which a person defined in item
8 (a), (b)1 or (c) has a proprietary, equitable1 or credit
9 interest, or in which such a person is active or employed;

10 (e) any organization in which a person defined in item
11 (a), (b)1 or (c) is an officer, director, or employee,
12 whether compensated or not; and

13 (f) any organization in which a person defined in item
14 (a), (b)1 or (c) is to participate in the management or
15 operation of a raffle as defined in this Act.

16 (Source: P.A. 100-286, eff. 1-1-18; 101-109, eff. 7-19-19;
17 revised 9-20-19.)

18 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

19 Sec. 8.1. Political committees.

20 (a) For the purposes of this Section1 the terms defined in
21 this subsection have the meanings given them.

22 "Net proceeds" means the gross receipts from the conduct
23 of raffles, less reasonable sums expended for prizes, license
24 fees1 and other reasonable operating expenses incurred as a
25 result of operating a raffle.

1 "Raffle" means a form of lottery, as defined in Section
2 28-2(b) of the Criminal Code of 2012, conducted by a political
3 committee licensed under this Section, in which:

4 (1) the player pays or agrees to pay something of
5 value for a chance, represented and differentiated by a
6 number or by a combination of numbers or by some other
7 medium, one or more of which chances are ~~is~~ to be
8 designated the winning chance; and

9 (2) the winning chance is to be determined through a
10 drawing or by some other method based on an element of
11 chance by an act or set of acts on the part of persons
12 conducting or connected with the lottery, except that the
13 winning chance shall not be determined by the outcome of a
14 publicly exhibited sporting contest.

15 "Unresolved claim" means a claim for a civil penalty under
16 Sections 9-3, 9-10, and 9-23 of the Election Code which has
17 been begun by the State Board of Elections, has been disputed
18 by the political committee under the applicable rules of the
19 State Board of Elections, and has not been finally decided
20 either by the State Board of Elections, or, where application
21 for review has been made to the courts of Illinois, remains
22 finally undecided by the courts.

23 "Owes" means that a political committee has been finally
24 determined under applicable rules of the State Board of
25 Elections to be liable for a civil penalty under Sections 9-3,
26 9-10, and 9-23 of the Election Code.

1 (b) Licenses issued pursuant to this Section shall be
2 valid for one raffle or for a specified number of raffles to be
3 conducted during a specified period not to exceed one year and
4 may be suspended or revoked for any violation of this Section.
5 The State Board of Elections shall act on a license
6 application within 30 days from the date of application.

7 (c) Licenses issued by the State Board of Elections are
8 subject to the following restrictions:

9 (1) No political committee shall conduct raffles or
10 chances without having first obtained a license therefor
11 pursuant to this Section.

12 (2) The application for license shall be prepared in
13 accordance with regulations of the State Board of
14 Elections and must specify the area or areas within the
15 State in which raffle chances will be sold or issued, the
16 time period during which raffle chances will be sold or
17 issued, the time of determination of winning chances, and
18 the location or locations at which winning chances will be
19 determined.

20 (3) A license authorizes the licensee to conduct
21 raffles as defined in this Section.

22 The following are ineligible for any license under this
23 Section:

24 (i) any political committee which has an officer
25 who has been convicted of a felony;

26 (ii) any political committee which has an officer

1 who is or has been a professional gambler or gambling
2 promoter;

3 (iii) any political committee which has an officer
4 who is not of good moral character;

5 (iv) any political committee which has an officer
6 who is also an officer of a firm or corporation in
7 which a person defined in item (i), (ii), or (iii) has
8 a proprietary, equitable, or credit interest, or in
9 which such a person is active or employed;

10 (v) any political committee in which a person
11 defined in item (i), (ii), or (iii) is an officer,
12 director, or employee, whether compensated or not;

13 (vi) any political committee in which a person
14 defined in item (i), (ii), or (iii) is to participate
15 in the management or operation of a raffle as defined
16 in this Section;

17 (vii) any committee which, at the time of its
18 application for a license to conduct a raffle, owes
19 the State Board of Elections any unpaid civil penalty
20 authorized by Sections 9-3, 9-10, and 9-23 of the
21 Election Code, or is the subject of an unresolved
22 claim for a civil penalty under Sections 9-3, 9-10,
23 and 9-23 of the Election Code;

24 (viii) any political committee which, at the time
25 of its application to conduct a raffle, has not
26 submitted any report or document required to be filed

1 by Article 9 of the Election Code and such report or
2 document is more than 10 days overdue.

3 (d)(1) The conducting of raffles is subject to the
4 following restrictions:

5 (i) The entire net proceeds of any raffle must be
6 exclusively devoted to the lawful purposes of the
7 political committee permitted to conduct that game.

8 (ii) No person except a bona fide member of the
9 political committee may participate in the management or
10 operation of the raffle.

11 (iii) No person may receive any remuneration or profit
12 for participating in the management or operation of the
13 raffle.

14 (iv) Raffle chances may be sold or issued only within
15 the area specified on the license and winning chances may
16 be determined only at those locations specified on the
17 license.

18 (v) A person under the age of 18 years may participate
19 in the conducting of raffles or chances only with the
20 permission of a parent or guardian. A person under the age
21 of 18 years may be within the area where winning chances
22 are being determined only when accompanied by his or her
23 parent or guardian.

24 (2) If a lessor rents a premises where a winning chance or
25 chances on a raffle are determined, the lessor shall not be
26 criminally liable if the person who uses the premises for the

1 determining of winning chances does not hold a license issued
2 under the provisions of this Section.

3 (e)(1) Each political committee licensed to conduct
4 raffles and chances shall keep records of its gross receipts,
5 expenses, and net proceeds for each single gathering or
6 occasion at which winning chances are determined. All
7 deductions from gross receipts for each single gathering or
8 occasion shall be documented with receipts or other records
9 indicating the amount, a description of the purchased item or
10 service or other reason for the deduction, and the recipient.
11 The distribution of net proceeds shall be itemized as to
12 payee, purpose, amount, and date of payment.

13 (2) Each political committee licensed to conduct raffles
14 shall report on the next report due to be filed under Article 9
15 of the Election Code its gross receipts, expenses, and net
16 proceeds from raffles, and the distribution of net proceeds
17 itemized as required in this subsection.

18 Such reports shall be included in the regular reports
19 required of political committees by Article 9 of the Election
20 Code.

21 (3) Records required by this subsection shall be preserved
22 for 3 years, and political committees shall make available
23 their records relating to the operation of raffles for public
24 inspection at reasonable times and places.

25 (f) Violation of any provision of this Section is a Class C
26 misdemeanor.

1 (g) Nothing in this Section shall be construed to
2 authorize the conducting or operating of any gambling scheme,
3 enterprise, activity, or device other than raffles as provided
4 for herein.

5 (Source: P.A. 101-109, eff. 7-19-19; revised 9-20-19.)

6 Section 595. The Video Gaming Act is amended by changing
7 Section 58 as follows:

8 (230 ILCS 40/58)

9 Sec. 58. Location of terminals. Video gaming terminals in
10 a licensed establishment, licensed fraternal establishment, or
11 licensed veterans establishment must be located in an area
12 that is restricted to persons over 21 years of age and the
13 entrance to the area must be within the view of at least one
14 employee of the establishment who is over 21 years of age.

15 The placement of video gaming terminals in licensed
16 establishments, licensed truck stop establishments, licensed
17 large truck stop establishments, licensed fraternal
18 establishments, and licensed veterans establishments shall be
19 subject to the rules promulgated by the Board pursuant to the
20 Illinois Administrative Procedure Act.

21 (Source: P.A. 101-31, eff. 6-28-19; 101-318, eff. 8-9-19;
22 revised 9-20-19.)

23 Section 600. The Liquor Control Act of 1934 is amended by

1 changing Sections 3-12, 5-3, 6-6, and 6-6.5 as follows:

2 (235 ILCS 5/3-12)

3 Sec. 3-12. Powers and duties of State Commission.

4 (a) The State Commission shall have the following powers,
5 functions, and duties:

6 (1) To receive applications and to issue licenses to
7 manufacturers, foreign importers, importing distributors,
8 distributors, non-resident dealers, on premise consumption
9 retailers, off premise sale retailers, special event
10 retailer licensees, special use permit licenses, auction
11 liquor licenses, brew pubs, caterer retailers,
12 non-beverage users, railroads, including owners and
13 lessees of sleeping, dining and cafe cars, airplanes,
14 boats, brokers, and wine maker's premises licensees in
15 accordance with the provisions of this Act, and to suspend
16 or revoke such licenses upon the State Commission's
17 determination, upon notice after hearing, that a licensee
18 has violated any provision of this Act or any rule or
19 regulation issued pursuant thereto and in effect for 30
20 days prior to such violation. Except in the case of an
21 action taken pursuant to a violation of Section 6-3, 6-5,
22 or 6-9, any action by the State Commission to suspend or
23 revoke a licensee's license may be limited to the license
24 for the specific premises where the violation occurred. An
25 action for a violation of this Act shall be commenced by

1 the State Commission within 2 years after the date the
2 State Commission becomes aware of the violation.

3 In lieu of suspending or revoking a license, the
4 commission may impose a fine, upon the State Commission's
5 determination and notice after hearing, that a licensee
6 has violated any provision of this Act or any rule or
7 regulation issued pursuant thereto and in effect for 30
8 days prior to such violation.

9 For the purpose of this paragraph (1), when
10 determining multiple violations for the sale of alcohol to
11 a person under the age of 21, a second or subsequent
12 violation for the sale of alcohol to a person under the age
13 of 21 shall only be considered if it was committed within 5
14 years after the date when a prior violation for the sale of
15 alcohol to a person under the age of 21 was committed.

16 The fine imposed under this paragraph may not exceed
17 \$500 for each violation. Each day that the activity, which
18 gave rise to the original fine, continues is a separate
19 violation. The maximum fine that may be levied against any
20 licensee, for the period of the license, shall not exceed
21 \$20,000. The maximum penalty that may be imposed on a
22 licensee for selling a bottle of alcoholic liquor with a
23 foreign object in it or serving from a bottle of alcoholic
24 liquor with a foreign object in it shall be the
25 destruction of that bottle of alcoholic liquor for the
26 first 10 bottles so sold or served from by the licensee.

1 For the eleventh bottle of alcoholic liquor and for each
2 third bottle thereafter sold or served from by the
3 licensee with a foreign object in it, the maximum penalty
4 that may be imposed on the licensee is the destruction of
5 the bottle of alcoholic liquor and a fine of up to \$50.

6 Any notice issued by the State Commission to a
7 licensee for a violation of this Act or any notice with
8 respect to settlement or offer in compromise shall include
9 the field report, photographs, and any other supporting
10 documentation necessary to reasonably inform the licensee
11 of the nature and extent of the violation or the conduct
12 alleged to have occurred. The failure to include such
13 required documentation shall result in the dismissal of
14 the action.

15 (2) To adopt such rules and regulations consistent
16 with the provisions of this Act which shall be necessary
17 to carry on its functions and duties to the end that the
18 health, safety and welfare of the People of the State of
19 Illinois shall be protected and temperance in the
20 consumption of alcoholic liquors shall be fostered and
21 promoted and to distribute copies of such rules and
22 regulations to all licensees affected thereby.

23 (3) To call upon other administrative departments of
24 the State, county and municipal governments, county and
25 city police departments and upon prosecuting officers for
26 such information and assistance as it deems necessary in

1 the performance of its duties.

2 (4) To recommend to local commissioners rules and
3 regulations, not inconsistent with the law, for the
4 distribution and sale of alcoholic liquors throughout the
5 State.

6 (5) To inspect, or cause to be inspected, any premises
7 in this State where alcoholic liquors are manufactured,
8 distributed, warehoused, or sold. Nothing in this Act
9 authorizes an agent of the State Commission to inspect
10 private areas within the premises without reasonable
11 suspicion or a warrant during an inspection. "Private
12 areas" include, but are not limited to, safes, personal
13 property, and closed desks.

14 (5.1) Upon receipt of a complaint or upon having
15 knowledge that any person is engaged in business as a
16 manufacturer, importing distributor, distributor, or
17 retailer without a license or valid license, to conduct an
18 investigation. If, after conducting an investigation, the
19 State Commission is satisfied that the alleged conduct
20 occurred or is occurring, it may issue a cease and desist
21 notice as provided in this Act, impose civil penalties as
22 provided in this Act, notify the local liquor authority,
23 or file a complaint with the State's Attorney's Office of
24 the county where the incident occurred or the Attorney
25 General.

26 (5.2) Upon receipt of a complaint or upon having

1 knowledge that any person is shipping alcoholic liquor
2 into this State from a point outside of this State if the
3 shipment is in violation of this Act, to conduct an
4 investigation. If, after conducting an investigation, the
5 State Commission is satisfied that the alleged conduct
6 occurred or is occurring, it may issue a cease and desist
7 notice as provided in this Act, impose civil penalties as
8 provided in this Act, notify the foreign jurisdiction, or
9 file a complaint with the State's Attorney's Office of the
10 county where the incident occurred or the Attorney
11 General.

12 (5.3) To receive complaints from licensees, local
13 officials, law enforcement agencies, organizations, and
14 persons stating that any licensee has been or is violating
15 any provision of this Act or the rules and regulations
16 issued pursuant to this Act. Such complaints shall be in
17 writing, signed and sworn to by the person making the
18 complaint, and shall state with specificity the facts in
19 relation to the alleged violation. If the State Commission
20 has reasonable grounds to believe that the complaint
21 substantially alleges a violation of this Act or rules and
22 regulations adopted pursuant to this Act, it shall conduct
23 an investigation. If, after conducting an investigation,
24 the State Commission is satisfied that the alleged
25 violation did occur, it shall proceed with disciplinary
26 action against the licensee as provided in this Act.

1 (5.4) To make arrests and issue notices of civil
2 violations where necessary for the enforcement of this
3 Act.

4 (5.5) To investigate any and all unlicensed activity.

5 (5.6) To impose civil penalties or fines to any person
6 who, without holding a valid license, engages in conduct
7 that requires a license pursuant to this Act, in an amount
8 not to exceed \$20,000 for each offense as determined by
9 the State Commission. A civil penalty shall be assessed by
10 the State Commission after a hearing is held in accordance
11 with the provisions set forth in this Act regarding the
12 provision of a hearing for the revocation or suspension of
13 a license.

14 (6) To hear and determine appeals from orders of a
15 local commission in accordance with the provisions of this
16 Act, as hereinafter set forth. Hearings under this
17 subsection shall be held in Springfield or Chicago, at
18 whichever location is the more convenient for the majority
19 of persons who are parties to the hearing.

20 (7) The State Commission shall establish uniform
21 systems of accounts to be kept by all retail licensees
22 having more than 4 employees, and for this purpose the
23 State Commission may classify all retail licensees having
24 more than 4 employees and establish a uniform system of
25 accounts for each class and prescribe the manner in which
26 such accounts shall be kept. The State Commission may also

1 prescribe the forms of accounts to be kept by all retail
2 licensees having more than 4 employees, including, but not
3 limited to, accounts of earnings and expenses and any
4 distribution, payment, or other distribution of earnings
5 or assets, and any other forms, records, and memoranda
6 which in the judgment of the commission may be necessary
7 or appropriate to carry out any of the provisions of this
8 Act, including, but not limited to, such forms, records,
9 and memoranda as will readily and accurately disclose at
10 all times the beneficial ownership of such retail licensed
11 business. The accounts, forms, records, and memoranda
12 shall be available at all reasonable times for inspection
13 by authorized representatives of the State Commission or
14 by any local liquor control commissioner or his or her
15 authorized representative. The commission may, from time
16 to time, alter, amend, or repeal, in whole or in part, any
17 uniform system of accounts, or the form and manner of
18 keeping accounts.

19 (8) In the conduct of any hearing authorized to be
20 held by the State Commission, to appoint, at the
21 commission's discretion, hearing officers to conduct
22 hearings involving complex issues or issues that will
23 require a protracted period of time to resolve, to
24 examine, or cause to be examined, under oath, any
25 licensee, and to examine or cause to be examined the books
26 and records of such licensee; to hear testimony and take

1 proof material for its information in the discharge of its
2 duties hereunder; to administer or cause to be
3 administered oaths; for any such purpose to issue subpoena
4 or subpoenas to require the attendance of witnesses and
5 the production of books, which shall be effective in any
6 part of this State, and to adopt rules to implement its
7 powers under this paragraph (8).

8 Any circuit court may, by order duly entered, require
9 the attendance of witnesses and the production of relevant
10 books subpoenaed by the State Commission and the court may
11 compel obedience to its order by proceedings for contempt.

12 (9) To investigate the administration of laws in
13 relation to alcoholic liquors in this and other states and
14 any foreign countries, and to recommend from time to time
15 to the Governor and through him or her to the legislature
16 of this State, such amendments to this Act, if any, as it
17 may think desirable and as will serve to further the
18 general broad purposes contained in Section 1-2 hereof.

19 (10) To adopt such rules and regulations consistent
20 with the provisions of this Act which shall be necessary
21 for the control, sale, or disposition of alcoholic liquor
22 damaged as a result of an accident, wreck, flood, fire, or
23 other similar occurrence.

24 (11) To develop industry educational programs related
25 to responsible serving and selling, particularly in the
26 areas of overserving consumers and illegal underage

1 purchasing and consumption of alcoholic beverages.

2 (11.1) To license persons providing education and
3 training to alcohol beverage sellers and servers for
4 mandatory and non-mandatory training under the Beverage
5 Alcohol Sellers and Servers Education and Training
6 (BASSET) programs and to develop and administer a public
7 awareness program in Illinois to reduce or eliminate the
8 illegal purchase and consumption of alcoholic beverage
9 products by persons under the age of 21. Application for a
10 license shall be made on forms provided by the State
11 Commission.

12 (12) To develop and maintain a repository of license
13 and regulatory information.

14 (13) (Blank).

15 (14) On or before April 30, 2008 and every 2 years
16 thereafter, the State Commission shall present a written
17 report to the Governor and the General Assembly that shall
18 be based on a study of the impact of Public Act 95-634 on
19 the business of soliciting, selling, and shipping wine
20 from inside and outside of this State directly to
21 residents of this State. As part of its report, the State
22 Commission shall provide all of the following information:

23 (A) The amount of State excise and sales tax
24 revenues generated.

25 (B) The amount of licensing fees received.

26 (C) The number of cases of wine shipped from

1 inside and outside of this State directly to residents
2 of this State.

3 (D) The number of alcohol compliance operations
4 conducted.

5 (E) The number of winery shipper's licenses
6 issued.

7 (F) The number of each of the following: reported
8 violations; cease and desist notices issued by the
9 Commission; notices of violations issued by the
10 Commission and to the Department of Revenue; and
11 notices and complaints of violations to law
12 enforcement officials, including, without limitation,
13 the Illinois Attorney General and the U.S. Department
14 of Treasury's Alcohol and Tobacco Tax and Trade
15 Bureau.

16 (15) As a means to reduce the underage consumption of
17 alcoholic liquors, the State Commission shall conduct
18 alcohol compliance operations to investigate whether
19 businesses that are soliciting, selling, and shipping wine
20 from inside or outside of this State directly to residents
21 of this State are licensed by this State or are selling or
22 attempting to sell wine to persons under 21 years of age in
23 violation of this Act.

24 (16) The State Commission shall, in addition to
25 notifying any appropriate law enforcement agency, submit
26 notices of complaints or violations of Sections 6-29 and

1 6-29.1 by persons who do not hold a winery shipper's
2 license under this Act to the Illinois Attorney General
3 and to the U.S. Department of Treasury's Alcohol and
4 Tobacco Tax and Trade Bureau.

5 (17) (A) A person licensed to make wine under the laws
6 of another state who has a winery shipper's license under
7 this Act and annually produces less than 25,000 gallons of
8 wine or a person who has a first-class or second-class
9 wine manufacturer's license, a first-class or second-class
10 wine-maker's license, or a limited wine manufacturer's
11 license under this Act and annually produces less than
12 25,000 gallons of wine may make application to the
13 Commission for a self-distribution exemption to allow the
14 sale of not more than 5,000 gallons of the exemption
15 holder's wine to retail licensees per year.

16 (B) In the application, which shall be sworn under
17 penalty of perjury, such person shall state (1) the date
18 it was established; (2) its volume of production and sales
19 for each year since its establishment; (3) its efforts to
20 establish distributor relationships; (4) that a
21 self-distribution exemption is necessary to facilitate the
22 marketing of its wine; and (5) that it will comply with the
23 liquor and revenue laws of the United States, this State,
24 and any other state where it is licensed.

25 (C) The State Commission shall approve the application
26 for a self-distribution exemption if such person: (1) is

1 in compliance with State revenue and liquor laws; (2) is
2 not a member of any affiliated group that produces more
3 than 25,000 gallons of wine per annum or produces any
4 other alcoholic liquor; (3) will not annually produce for
5 sale more than 25,000 gallons of wine; and (4) will not
6 annually sell more than 5,000 gallons of its wine to
7 retail licensees.

8 (D) A self-distribution exemption holder shall
9 annually certify to the State Commission its production of
10 wine in the previous 12 months and its anticipated
11 production and sales for the next 12 months. The State
12 Commission may fine, suspend, or revoke a
13 self-distribution exemption after a hearing if it finds
14 that the exemption holder has made a material
15 misrepresentation in its application, violated a revenue
16 or liquor law of Illinois, exceeded production of 25,000
17 gallons of wine in any calendar year, or become part of an
18 affiliated group producing more than 25,000 gallons of
19 wine or any other alcoholic liquor.

20 (E) Except in hearings for violations of this Act or
21 Public Act 95-634 or a bona fide investigation by duly
22 sworn law enforcement officials, the State Commission, or
23 its agents, the State Commission shall maintain the
24 production and sales information of a self-distribution
25 exemption holder as confidential and shall not release
26 such information to any person.

1 (F) The State Commission shall issue regulations
2 governing self-distribution exemptions consistent with
3 this Section and this Act.

4 (G) Nothing in this paragraph (17) shall prohibit a
5 self-distribution exemption holder from entering into or
6 simultaneously having a distribution agreement with a
7 licensed Illinois distributor.

8 (H) It is the intent of this paragraph (17) to promote
9 and continue orderly markets. The General Assembly finds
10 that, in order to preserve Illinois' regulatory
11 distribution system, it is necessary to create an
12 exception for smaller makers of wine as their wines are
13 frequently adjusted in varietals, mixes, vintages, and
14 taste to find and create market niches sometimes too small
15 for distributor or importing distributor business
16 strategies. Limited self-distribution rights will afford
17 and allow smaller makers of wine access to the marketplace
18 in order to develop a customer base without impairing the
19 integrity of the 3-tier system.

20 (18)(A) A class 1 brewer licensee, who must also be
21 either a licensed brewer or licensed non-resident dealer
22 and annually manufacture less than 930,000 gallons of
23 beer, may make application to the State Commission for a
24 self-distribution exemption to allow the sale of not more
25 than 232,500 gallons of the exemption holder's beer per
26 year to retail licensees and to brewers, class 1 brewers,

1 and class 2 brewers that, pursuant to subsection (e) of
2 Section 6-4 of this Act, sell beer, cider, or both beer and
3 cider to non-licensees at their breweries.

4 (B) In the application, which shall be sworn under
5 penalty of perjury, the class 1 brewer licensee shall
6 state (1) the date it was established; (2) its volume of
7 beer manufactured and sold for each year since its
8 establishment; (3) its efforts to establish distributor
9 relationships; (4) that a self-distribution exemption is
10 necessary to facilitate the marketing of its beer; and (5)
11 that it will comply with the alcoholic beverage and
12 revenue laws of the United States, this State, and any
13 other state where it is licensed.

14 (C) Any application submitted shall be posted on the
15 State Commission's website at least 45 days prior to
16 action by the State Commission. The State Commission shall
17 approve the application for a self-distribution exemption
18 if the class 1 brewer licensee: (1) is in compliance with
19 the State, revenue, and alcoholic beverage laws; (2) is
20 not a member of any affiliated group that manufactures
21 more than 930,000 gallons of beer per annum or produces
22 any other alcoholic beverages; (3) shall not annually
23 manufacture for sale more than 930,000 gallons of beer;
24 (4) shall not annually sell more than 232,500 gallons of
25 its beer to retail licensees or to brewers, class 1
26 brewers, and class 2 brewers that, pursuant to subsection

1 (e) of Section 6-4 of this Act, sell beer, cider, or both
2 beer and cider to non-licensees at their breweries; and
3 (5) has relinquished any brew pub license held by the
4 licensee, including any ownership interest it held in the
5 licensed brew pub.

6 (D) A self-distribution exemption holder shall
7 annually certify to the State Commission its manufacture
8 of beer during the previous 12 months and its anticipated
9 manufacture and sales of beer for the next 12 months. The
10 State Commission may fine, suspend, or revoke a
11 self-distribution exemption after a hearing if it finds
12 that the exemption holder has made a material
13 misrepresentation in its application, violated a revenue
14 or alcoholic beverage law of Illinois, exceeded the
15 manufacture of 930,000 gallons of beer in any calendar
16 year or became part of an affiliated group manufacturing
17 more than 930,000 gallons of beer or any other alcoholic
18 beverage.

19 (E) The State Commission shall issue rules and
20 regulations governing self-distribution exemptions
21 consistent with this Act.

22 (F) Nothing in this paragraph (18) shall prohibit a
23 self-distribution exemption holder from entering into or
24 simultaneously having a distribution agreement with a
25 licensed Illinois importing distributor or a distributor.
26 If a self-distribution exemption holder enters into a

1 distribution agreement and has assigned distribution
2 rights to an importing distributor or distributor, then
3 the self-distribution exemption holder's distribution
4 rights in the assigned territories shall cease in a
5 reasonable time not to exceed 60 days.

6 (G) It is the intent of this paragraph (18) to promote
7 and continue orderly markets. The General Assembly finds
8 that in order to preserve Illinois' regulatory
9 distribution system, it is necessary to create an
10 exception for smaller manufacturers in order to afford and
11 allow such smaller manufacturers of beer access to the
12 marketplace in order to develop a customer base without
13 impairing the integrity of the 3-tier system.

14 (19) (A) A class 1 craft distiller licensee or a
15 non-resident dealer who manufactures less than 50,000
16 gallons of distilled spirits per year may make application
17 to the State Commission for a self-distribution exemption
18 to allow the sale of not more than 5,000 gallons of the
19 exemption holder's spirits to retail licensees per year.

20 (B) In the application, which shall be sworn under
21 penalty of perjury, the class 1 craft distiller licensee
22 or non-resident dealer shall state (1) the date it was
23 established; (2) its volume of spirits manufactured and
24 sold for each year since its establishment; (3) its
25 efforts to establish distributor relationships; (4) that a
26 self-distribution exemption is necessary to facilitate the

1 marketing of its spirits; and (5) that it will comply with
2 the alcoholic beverage and revenue laws of the United
3 States, this State, and any other state where it is
4 licensed.

5 (C) Any application submitted shall be posted on the
6 State Commission's website at least 45 days prior to
7 action by the State Commission. The State Commission shall
8 approve the application for a self-distribution exemption
9 if the applicant: (1) is in compliance with State revenue
10 and alcoholic beverage laws; (2) is not a member of any
11 affiliated group that produces more than 50,000 gallons of
12 spirits per annum or produces any other alcoholic liquor;
13 (3) does not annually manufacture for sale more than
14 50,000 gallons of spirits; and (4) does not annually sell
15 more than 5,000 gallons of its spirits to retail
16 licensees.

17 (D) A self-distribution exemption holder shall
18 annually certify to the State Commission its manufacture
19 of spirits during the previous 12 months and its
20 anticipated manufacture and sales of spirits for the next
21 12 months. The State Commission may fine, suspend, or
22 revoke a self-distribution exemption after a hearing if it
23 finds that the exemption holder has made a material
24 misrepresentation in its application, violated a revenue
25 or alcoholic beverage law of Illinois, exceeded the
26 manufacture of 50,000 gallons of spirits in any calendar

1 year, or has become part of an affiliated group
2 manufacturing more than 50,000 gallons of spirits or any
3 other alcoholic beverage.

4 (E) The State Commission shall adopt rules governing
5 self-distribution exemptions consistent with this Act.

6 (F) Nothing in this paragraph (19) shall prohibit a
7 self-distribution exemption holder from entering into or
8 simultaneously having a distribution agreement with a
9 licensed Illinois importing distributor or a distributor.

10 (G) It is the intent of this paragraph (19) to promote
11 and continue orderly markets. The General Assembly finds
12 that in order to preserve Illinois' regulatory
13 distribution system, it is necessary to create an
14 exception for smaller manufacturers in order to afford and
15 allow such smaller manufacturers of spirits access to the
16 marketplace in order to develop a customer base without
17 impairing the integrity of the 3-tier system.

18 (b) On or before April 30, 1999, the Commission shall
19 present a written report to the Governor and the General
20 Assembly that shall be based on a study of the impact of Public
21 Act 90-739 on the business of soliciting, selling, and
22 shipping alcoholic liquor from outside of this State directly
23 to residents of this State.

24 As part of its report, the Commission shall provide the
25 following information:

26 (i) the amount of State excise and sales tax revenues

1 generated as a result of Public Act 90-739;

2 (ii) the amount of licensing fees received as a result
3 of Public Act 90-739;

4 (iii) the number of reported violations, the number of
5 cease and desist notices issued by the Commission, the
6 number of notices of violations issued to the Department
7 of Revenue, and the number of notices and complaints of
8 violations to law enforcement officials.

9 (Source: P.A. 100-134, eff. 8-18-17; 100-201, eff. 8-18-17;
10 100-816, eff. 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff.
11 8-23-18; 101-37, eff. 7-3-19; 101-81, eff. 7-12-19; 101-482,
12 eff. 8-23-19; revised 9-20-19.)

13 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

14 Sec. 5-3. License fees. Except as otherwise provided
15 herein, at the time application is made to the State
16 Commission for a license of any class, the applicant shall pay
17 to the State Commission the fee hereinafter provided for the
18 kind of license applied for.

19 The fee for licenses issued by the State Commission shall
20 be as follows:

21	Online	Initial
22	renewal	license
23		or
24		non-online
25		renewal

1	For a manufacturer's license:		
2	Class 1. Distiller	\$4,000	\$5,000
3	Class 2. Rectifier	4,000	5,000
4	Class 3. Brewer	1,200	1,500
5	Class 4. First-class Wine		
6	Manufacturer	750	900
7	Class 5. Second-class		
8	Wine Manufacturer.....	1,500	1,750
9	Class 6. First-class wine-maker....	750	900
10	Class 7. Second-class wine-maker ..	1,500	1,750
11	Class 8. Limited Wine		
12	Manufacturer	250	350
13	Class 9. Craft Distiller	\$2,000	\$2,500
14	Class 10. Class 1 Craft Distiller ..	50	75
15	Class 11. Class 2 Craft Distiller ..	75	100
16	Class 12. Class 1 Brewer	50	75
17	Class 13. Class 2 Brewer	75	100
18	For a Brew Pub License	1,200	1,500
19	For a Distilling Pub License	1,200	1,500
20	For a caterer retailer's license ..	350	500
21	For a foreign importer's license ..	25	25
22	For an importing distributor's		
23	license.....	25	25
24	For a distributor's license		
25	(11,250,000 gallons		
26	or over)	1,450	2,200

1	For a distributor's license		
2	(over 4,500,000 gallons, but		
3	under 11,250,000 gallons)	950	1,450
4	For a distributor's license		
5	(4,500,000 gallons or under) ..	300	450
6	For a non-resident dealer's license		
7	(500,000 gallons or over)	1,200	1,500
8	For a non-resident dealer's license		
9	(under 500,000 gallons)	250	350
10	For a wine-maker's premises		
11	license.....	250	500
12	For a winery shipper's license		
13	(under 250,000 gallons)	200	350
14	For a winery shipper's license		
15	(250,000 or over, but		
16	under 500,000 gallons)	750	1,000
17	For a winery shipper's license		
18	(500,000 gallons or over)	1,200	1,500
19	For a wine-maker's premises		
20	license, second location	500	1,000
21	For a wine-maker's premises		
22	license, third location.....	500	1,000
23	For a retailer's license	600	750
24	For a special event retailer's		
25	license, (not-for-profit).....	25	25
26	For a special use permit license,		

1	one day only	100	150
2	2 days or more	150	250
3	For a railroad license	100	150
4	For a boat license	500	1,000
5	For an airplane license, times the		
6	licensee's maximum number of		
7	aircraft in flight, serving		
8	liquor over the State at any		
9	given time, which either		
10	originate, terminate, or make		
11	an intermediate stop in		
12	the State.....	100	150
13	For a non-beverage user's license:		
14	Class 1.....	24	24
15	Class 2.....	60	60
16	Class 3.....	120	120
17	Class 4.....	240	240
18	Class 5.....	600	600
19	For a broker's license	750	1,000
20	For an auction liquor license	100	150
21	For a homebrewer special		
22	event permit	25	25
23	For a craft distiller		
24	tasting permit	25	25
25	For a BASSET trainer license	300	350
26	For a tasting representative		

1	license.....	200	300
2	For a brewer warehouse permit	25	25
3	For a craft distiller		
4	warehouse permit	25	25

5 Fees collected under this Section shall be paid into the
6 Dram Shop Fund. On and after July 1, 2003 and until June 30,
7 2016, of the funds received for a retailer's license, in
8 addition to the first \$175, an additional \$75 shall be paid
9 into the Dram Shop Fund, and \$250 shall be paid into the
10 General Revenue Fund. On and after June 30, 2016, one-half of
11 the funds received for a retailer's license shall be paid into
12 the Dram Shop Fund and one-half of the funds received for a
13 retailer's license shall be paid into the General Revenue
14 Fund. Beginning June 30, 1990 and on June 30 of each subsequent
15 year through June 29, 2003, any balance over \$5,000,000
16 remaining in the Dram Shop Fund shall be credited to State
17 liquor licensees and applied against their fees for State
18 liquor licenses for the following year. The amount credited to
19 each licensee shall be a proportion of the balance in the Dram
20 Fund that is the same as the proportion of the license fee paid
21 by the licensee under this Section for the period in which the
22 balance was accumulated to the aggregate fees paid by all
23 licensees during that period.

24 No fee shall be paid for licenses issued by the State
25 Commission to the following non-beverage users:

- 26 (a) Hospitals, sanitariums, or clinics when their use

1 of alcoholic liquor is exclusively medicinal, mechanical
2 or scientific.

3 (b) Universities, colleges of learning or schools when
4 their use of alcoholic liquor is exclusively medicinal,
5 mechanical or scientific.

6 (c) Laboratories when their use is exclusively for the
7 purpose of scientific research.

8 (Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18;
9 101-482, eff. 8-23-19; 101-615, eff. 12-20-19; revised
10 8-19-20.)

11 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

12 Sec. 6-6. Except as otherwise provided in this Act no
13 manufacturer or distributor or importing distributor shall,
14 directly or indirectly, sell, supply, furnish, give or pay
15 for, or loan or lease, any furnishing, fixture or equipment on
16 the premises of a place of business of another licensee
17 authorized under this Act to sell alcoholic liquor at retail,
18 either for consumption on or off the premises, nor shall he or
19 she, directly or indirectly, pay for any such license, or
20 advance, furnish, lend or give money for payment of such
21 license, or purchase or become the owner of any note,
22 mortgage, or other evidence of indebtedness of such licensee
23 or any form of security therefor, nor shall such manufacturer,
24 or distributor, or importing distributor, directly or
25 indirectly, be interested in the ownership, conduct or

1 operation of the business of any licensee authorized to sell
2 alcoholic liquor at retail, nor shall any manufacturer, or
3 distributor, or importing distributor be interested directly
4 or indirectly or as owner or part owner of said premises or as
5 lessee or lessor thereof, in any premises upon which alcoholic
6 liquor is sold at retail.

7 No manufacturer or distributor or importing distributor
8 shall, directly or indirectly or through a subsidiary or
9 affiliate, or by any officer, director or firm of such
10 manufacturer, distributor or importing distributor, furnish,
11 give, lend or rent, install, repair or maintain, to or for any
12 retail licensee in this State, any signs or inside advertising
13 materials except as provided in this Section and Section 6-5.
14 With respect to retail licensees, other than any government
15 owned or operated auditorium, exhibition hall, recreation
16 facility or other similar facility holding a retailer's
17 license as described in Section 6-5, a manufacturer,
18 distributor, or importing distributor may furnish, give, lend
19 or rent and erect, install, repair and maintain to or for any
20 retail licensee, for use at any one time in or about or in
21 connection with a retail establishment on which the products
22 of the manufacturer, distributor or importing distributor are
23 sold, the following signs and inside advertising materials as
24 authorized in subparts (i), (ii), (iii), and (iv):

25 (i) Permanent outside signs shall cost not more than
26 \$3,000 per brand, exclusive of erection, installation,

1 repair and maintenance costs, and permit fees and shall
2 bear only the manufacturer's name, brand name, trade name,
3 slogans, markings, trademark, or other symbols commonly
4 associated with and generally used in identifying the
5 product including, but not limited to, "cold beer", "on
6 tap", "carry out", and "packaged liquor".

7 (ii) Temporary outside signs shall include, but not be
8 limited to, banners, flags, pennants, streamers, and other
9 items of a temporary and non-permanent nature, and shall
10 cost not more than \$1,000 per manufacturer. Each temporary
11 outside sign must include the manufacturer's name, brand
12 name, trade name, slogans, markings, trademark, or other
13 symbol commonly associated with and generally used in
14 identifying the product. Temporary outside signs may also
15 include, for example, the product, price, packaging, date
16 or dates of a promotion and an announcement of a retail
17 licensee's specific sponsored event, if the temporary
18 outside sign is intended to promote a product, and
19 provided that the announcement of the retail licensee's
20 event and the product promotion are held simultaneously.
21 However, temporary outside signs may not include names,
22 slogans, markings, or logos that relate to the retailer.
23 Nothing in this subpart (ii) shall prohibit a distributor
24 or importing distributor from bearing the cost of creating
25 or printing a temporary outside sign for the retail
26 licensee's specific sponsored event or from bearing the

1 cost of creating or printing a temporary sign for a retail
2 licensee containing, for example, community goodwill
3 expressions, regional sporting event announcements, or
4 seasonal messages, provided that the primary purpose of
5 the temporary outside sign is to highlight, promote, or
6 advertise the product. In addition, temporary outside
7 signs provided by the manufacturer to the distributor or
8 importing distributor may also include, for example,
9 subject to the limitations of this Section, preprinted
10 community goodwill expressions, sporting event
11 announcements, seasonal messages, and manufacturer
12 promotional announcements. However, a distributor or
13 importing distributor shall not bear the cost of such
14 manufacturer preprinted signs.

15 (iii) Permanent inside signs, whether visible from the
16 outside or the inside of the premises, include, but are
17 not limited to: alcohol lists and menus that may include
18 names, slogans, markings, or logos that relate to the
19 retailer; neons; illuminated signs; clocks; table lamps;
20 mirrors; tap handles; decalcomanias; window painting; and
21 window trim. All neons, illuminated signs, clocks, table
22 lamps, mirrors, and tap handles are the property of the
23 manufacturer and shall be returned to the manufacturer or
24 its agent upon request. All permanent inside signs in
25 place and in use at any one time shall cost in the
26 aggregate not more than \$6,000 per manufacturer. A

1 permanent inside sign must include the manufacturer's
2 name, brand name, trade name, slogans, markings,
3 trademark, or other symbol commonly associated with and
4 generally used in identifying the product. However,
5 permanent inside signs may not include names, slogans,
6 markings, or logos that relate to the retailer. For the
7 purpose of this subpart (iii), all permanent inside signs
8 may be displayed in an adjacent courtyard or patio
9 commonly referred to as a "beer garden" that is a part of
10 the retailer's licensed premises.

11 (iv) Temporary inside signs shall include, but are not
12 limited to, lighted chalk boards, acrylic table tent
13 beverage or hors d'oeuvre list holders, banners, flags,
14 pennants, streamers, and inside advertising materials such
15 as posters, placards, bowling sheets, table tents, inserts
16 for acrylic table tent beverage or hors d'oeuvre list
17 holders, sports schedules, or similar printed or
18 illustrated materials and product displays, such as
19 display racks, bins, barrels, or similar items, the
20 primary function of which is to temporarily hold and
21 display alcoholic beverages; however, such items, for
22 example, as coasters, trays, napkins, glassware, growlers,
23 crowlers, and cups shall not be deemed to be inside signs
24 or advertising materials and may only be sold to retailers
25 at fair market value, which shall be no less than the cost
26 of the item to the manufacturer, distributor, or importing

1 distributor. All temporary inside signs and inside
2 advertising materials in place and in use at any one time
3 shall cost in the aggregate not more than \$1,000 per
4 manufacturer. Nothing in this subpart (iv) prohibits a
5 distributor or importing distributor from paying the cost
6 of printing or creating any temporary inside banner or
7 inserts for acrylic table tent beverage or hors d'oeuvre
8 list holders for a retail licensee, provided that the
9 primary purpose for the banner or insert is to highlight,
10 promote, or advertise the product. For the purpose of this
11 subpart (iv), all temporary inside signs and inside
12 advertising materials may be displayed in an adjacent
13 courtyard or patio commonly referred to as a "beer garden"
14 that is a part of the retailer's licensed premises.

15 The restrictions contained in this Section 6-6 do not
16 apply to signs, or promotional or advertising materials
17 furnished by manufacturers, distributors or importing
18 distributors to a government owned or operated facility
19 holding a retailer's license as described in Section 6-5.

20 No distributor or importing distributor shall directly or
21 indirectly or through a subsidiary or affiliate, or by any
22 officer, director or firm of such manufacturer, distributor or
23 importing distributor, furnish, give, lend or rent, install,
24 repair or maintain, to or for any retail licensee in this
25 State, any signs or inside advertising materials described in
26 subparts (i), (ii), (iii), or (iv) of this Section except as

1 the agent for or on behalf of a manufacturer, provided that the
2 total cost of any signs and inside advertising materials
3 including but not limited to labor, erection, installation and
4 permit fees shall be paid by the manufacturer whose product or
5 products said signs and inside advertising materials advertise
6 and except as follows:

7 A distributor or importing distributor may purchase from
8 or enter into a written agreement with a manufacturer or a
9 manufacturer's designated supplier and such manufacturer or
10 the manufacturer's designated supplier may sell or enter into
11 an agreement to sell to a distributor or importing distributor
12 permitted signs and advertising materials described in
13 subparts (ii), (iii), or (iv) of this Section for the purpose
14 of furnishing, giving, lending, renting, installing,
15 repairing, or maintaining such signs or advertising materials
16 to or for any retail licensee in this State. Any purchase by a
17 distributor or importing distributor from a manufacturer or a
18 manufacturer's designated supplier shall be voluntary and the
19 manufacturer may not require the distributor or the importing
20 distributor to purchase signs or advertising materials from
21 the manufacturer or the manufacturer's designated supplier.

22 A distributor or importing distributor shall be deemed the
23 owner of such signs or advertising materials purchased from a
24 manufacturer or a manufacturer's designated supplier.

25 The provisions of Public Act 90-373 concerning signs or
26 advertising materials delivered by a manufacturer to a

1 distributor or importing distributor shall apply only to signs
2 or advertising materials delivered on or after August 14,
3 1997.

4 A manufacturer, distributor, or importing distributor may
5 furnish free social media advertising to a retail licensee if
6 the social media advertisement does not contain the retail
7 price of any alcoholic liquor and the social media
8 advertisement complies with any applicable rules or
9 regulations issued by the Alcohol and Tobacco Tax and Trade
10 Bureau of the United States Department of the Treasury. A
11 manufacturer, distributor, or importing distributor may list
12 the names of one or more unaffiliated retailers in the
13 advertisement of alcoholic liquor through social media.
14 Nothing in this Section shall prohibit a retailer from
15 communicating with a manufacturer, distributor, or importing
16 distributor on social media or sharing media on the social
17 media of a manufacturer, distributor, or importing
18 distributor. A retailer may request free social media
19 advertising from a manufacturer, distributor, or importing
20 distributor. Nothing in this Section shall prohibit a
21 manufacturer, distributor, or importing distributor from
22 sharing, reposting, or otherwise forwarding a social media
23 post by a retail licensee, so long as the sharing, reposting,
24 or forwarding of the social media post does not contain the
25 retail price of any alcoholic liquor. No manufacturer,
26 distributor, or importing distributor shall pay or reimburse a

1 retailer, directly or indirectly, for any social media
2 advertising services, except as specifically permitted in this
3 Act. No retailer shall accept any payment or reimbursement,
4 directly or indirectly, for any social media advertising
5 services offered by a manufacturer, distributor, or importing
6 distributor, except as specifically permitted in this Act. For
7 the purposes of this Section, "social media" means a service,
8 platform, or site where users communicate with one another and
9 share media, such as pictures, videos, music, and blogs, with
10 other users free of charge.

11 No person engaged in the business of manufacturing,
12 importing or distributing alcoholic liquors shall, directly or
13 indirectly, pay for, or advance, furnish, or lend money for
14 the payment of any license for another. Any licensee who shall
15 permit or assent, or be a party in any way to any violation or
16 infringement of the provisions of this Section shall be deemed
17 guilty of a violation of this Act, and any money loaned
18 contrary to a provision of this Act shall not be recovered
19 back, or any note, mortgage or other evidence of indebtedness,
20 or security, or any lease or contract obtained or made
21 contrary to this Act shall be unenforceable and void.

22 This Section shall not apply to airplane licensees
23 exercising powers provided in paragraph (i) of Section 5-1 of
24 this Act.

25 (Source: P.A. 100-885, eff. 8-14-18; 101-16, eff. 6-14-19;
26 101-517, eff. 8-23-19; revised 9-18-19.)

1 (235 ILCS 5/6-6.5)

2 Sec. 6-6.5. Sanitation and use of growlers and crowlers.

3 (a) A manufacturer, distributor, or importing distributor
4 may not provide for free, but may sell coil cleaning services
5 and installation services, including labor costs, to a retail
6 licensee at fair market cost.

7 A manufacturer, distributor, or importing distributor may
8 not provide for free, but may sell dispensing accessories to
9 retail licensees at a price not less than the cost to the
10 manufacturer, distributor, or importing distributor who
11 initially purchased them. Dispensing accessories include, but
12 are not limited to, items such as standards, faucets, cold
13 plates, rods, vents, taps, tap standards, hoses, washers,
14 couplings, gas gauges, vent tongues, shanks, glycol draught
15 systems, pumps, and check valves. A manufacturer, distributor,
16 or importing distributor may service, balance, or inspect
17 draft beer, wine, or distilled spirits systems at regular
18 intervals and may provide labor to replace or install
19 dispensing accessories.

20 Coil cleaning supplies consisting of detergents, cleaning
21 chemicals, brushes, or similar type cleaning devices may be
22 sold at a price not less than the cost to the manufacturer,
23 distributor, or importing distributor.

24 (a-5) A manufacturer of beer licensed under subsection (e)
25 of Section 6-4 or a brew pub may transfer any beer manufactured

1 or sold on its licensed premises to a growler or crowler and
2 sell those growlers or crowlers to non-licensees for
3 consumption off the premises. A manufacturer of beer under
4 subsection (e) of Section 6-4 or a brew pub is not subject to
5 subsection (b) of this Section.

6 (b) An on-premises retail licensee may transfer beer to a
7 growler or crowler, which is not an original manufacturer
8 container, but is a reusable rigid container that holds up to
9 128 fluid ounces of beer and is designed to be sealed on
10 premises by the licensee for off-premises consumption, if the
11 following requirements are met:

12 (1) the beer is transferred within the licensed
13 premises by an employee of the licensed premises at the
14 time of sale;

15 (2) the person transferring the alcohol to be sold to
16 the end consumer is 21 years of age or older;

17 (3) the growler or crowler holds no more than 128
18 fluid ounces;

19 (4) the growler or crowler bears a twist-type closure,
20 cork, stopper, or plug and includes a one-time use
21 tamper-proof seal;

22 (5) the growler or crowler is affixed with a label or
23 tag that contains the following information:

24 (A) the brand name of the product dispensed;

25 (B) the name of the brewer or bottler;

26 (C) the type of product, such as beer, ale, lager,

- 1 bock, stout, or other brewed or fermented beverage;
- 2 (D) the net contents;
- 3 (E) the name and address of the business that
- 4 cleaned, sanitized, labeled, and filled or refilled
- 5 the growler or crowler; and
- 6 (F) the date the growler or crowler was filled or
- 7 refilled;
- 8 (5.5) the growler or crowler has been purged with CO₂
- 9 prior to sealing the container;
- 10 (6) the on-premises retail licensee complies with the
- 11 sanitation requirements under subsections (a) through (c)
- 12 of 11 Ill. Adm. Code 100.160 when sanitizing the
- 13 dispensing equipment used to draw beer to fill the growler
- 14 or crowler or refill the growler;
- 15 (7) before filling the growler or crowler or refilling
- 16 the growler, the on-premises retail licensee or licensee's
- 17 employee shall clean and sanitize the growler or crowler
- 18 in one of the following manners:
- 19 (A) By manual washing in a 3-compartment sink.
- 20 (i) Before sanitizing the growler or crowler,
- 21 the sinks and work area shall be cleaned to remove
- 22 any chemicals, oils, or grease from other cleaning
- 23 activities.
- 24 (ii) Any residual liquid from the growler
- 25 shall be emptied into a drain. A growler shall not
- 26 be emptied into the cleaning water.

1 (iii) The growler and cap shall be cleaned in
2 water and detergent. The water temperature shall
3 be, at a minimum, 110 degrees Fahrenheit or the
4 temperature specified on the cleaning agent
5 manufacturer's label instructions. The detergent
6 shall not be fat-based or oil-based.

7 (iv) Any residues on the interior and exterior
8 of the growler shall be removed.

9 (v) The growler and cap shall be rinsed with
10 water in the middle compartment. Rinsing may be
11 from the spigot with a spray arm, from a spigot, or
12 from a tub as long as the water for rinsing is not
13 stagnant but is continually refreshed.

14 (vi) The growler shall be sanitized in the
15 third compartment. Chemical sanitizer shall be
16 used in accordance with the United States
17 Environmental Protection Agency-registered label
18 use instructions and shall meet the minimum water
19 temperature requirements of that chemical.

20 (vii) A test kit or other device that
21 accurately measures the concentration in
22 milligrams per liter of chemical sanitizing
23 solutions shall be provided and be readily
24 accessible for use.

25 (B) By using a mechanical washing and sanitizing
26 machine.

1 (i) Mechanical washing and sanitizing machines
2 shall be provided with an easily accessible and
3 readable data plate affixed to the machine by the
4 manufacturer and shall be used according to the
5 machine's design and operation specifications.

6 (ii) Mechanical washing and sanitizing
7 machines shall be equipped with chemical or hot
8 water sanitization.

9 (iii) The concentration of the sanitizing
10 solution or the water temperature shall be
11 accurately determined by using a test kit or other
12 device.

13 (iv) The machine shall be regularly serviced
14 based upon the manufacturer's or installer's
15 guidelines.

16 (C) By transferring beer to a growler or crowler
17 with a tube.

18 (i) Beer may be transferred to a growler or
19 crowler from the bottom of the growler or crowler
20 to the top with a tube that is attached to the tap
21 and extends to the bottom of the growler or
22 crowler or with a commercial filling machine.

23 (ii) Food grade sanitizer shall be used in
24 accordance with the United States Environmental
25 Protection Agency-registered label use
26 instructions.

1 (iii) A container of liquid food grade
2 sanitizer shall be maintained for no more than 10
3 malt beverage taps that will be used for filling
4 growlers or crowlers and refilling growlers.

5 (iv) Each container shall contain no less than
6 5 tubes that will be used only for filling
7 growlers or crowlers and refilling growlers.

8 (v) The growler or crowler must be inspected
9 visually for contamination.

10 (vi) After each transfer of beer to a growler
11 or crowler, the tube shall be immersed in the
12 container with the liquid food grade sanitizer.

13 (vii) A different tube from the container must
14 be used for each fill of a growler or crowler or
15 refill of a growler.

16 (c) Growlers and crowlers that comply with items (4) and
17 (5) of subsection (b) shall not be deemed an unsealed
18 container for purposes of Section 11-502 of the Illinois
19 Vehicle Code.

20 (d) Growlers and crowlers, as described and authorized
21 under this Section, are not original packages for the purposes
22 of this Act. Upon a consumer taking possession of a growler or
23 crowler from an on-premises retail licensee, the growler or
24 crowler and its contents are deemed to be in the sole custody,
25 control, and care of the consumer.

26 (Source: P.A. 101-16, eff. 6-14-19; 101-517, eff. 8-23-19;

1 revised 9-18-19.)

2 Section 605. The Illinois Public Aid Code is amended by
3 changing Sections 5-2, 5-5, 5-5.07, 5-5.2, 5-5.12, 5H-1, 5H-5,
4 5H-6, and 11-5.4, by setting forth and renumbering multiple
5 versions of Sections 5-30.11 and 12-4.13c, and by setting
6 forth, renumbering, and changing multiple versions of Section
7 5-36 as follows:

8 (305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

9 Sec. 5-2. Classes of persons eligible. Medical assistance
10 under this Article shall be available to any of the following
11 classes of persons in respect to whom a plan for coverage has
12 been submitted to the Governor by the Illinois Department and
13 approved by him. If changes made in this Section 5-2 require
14 federal approval, they shall not take effect until such
15 approval has been received:

16 1. Recipients of basic maintenance grants under
17 Articles III and IV.

18 2. Beginning January 1, 2014, persons otherwise
19 eligible for basic maintenance under Article III,
20 excluding any eligibility requirements that are
21 inconsistent with any federal law or federal regulation,
22 as interpreted by the U.S. Department of Health and Human
23 Services, but who fail to qualify thereunder on the basis
24 of need, and who have insufficient income and resources to

1 meet the costs of necessary medical care, including, but
2 not limited to, the following:

3 (a) All persons otherwise eligible for basic
4 maintenance under Article III but who fail to qualify
5 under that Article on the basis of need and who meet
6 either of the following requirements:

7 (i) their income, as determined by the
8 Illinois Department in accordance with any federal
9 requirements, is equal to or less than 100% of the
10 federal poverty level; or

11 (ii) their income, after the deduction of
12 costs incurred for medical care and for other
13 types of remedial care, is equal to or less than
14 100% of the federal poverty level.

15 (b) (Blank).

16 3. (Blank).

17 4. Persons not eligible under any of the preceding
18 paragraphs who fall sick, are injured, or die, not having
19 sufficient money, property or other resources to meet the
20 costs of necessary medical care or funeral and burial
21 expenses.

22 5.(a) Beginning January 1, 2020, women during
23 pregnancy and during the 12-month period beginning on the
24 last day of the pregnancy, together with their infants,
25 whose income is at or below 200% of the federal poverty
26 level. Until September 30, 2019, or sooner if the

1 maintenance of effort requirements under the Patient
2 Protection and Affordable Care Act are eliminated or may
3 be waived before then, women during pregnancy and during
4 the 12-month period beginning on the last day of the
5 pregnancy, whose countable monthly income, after the
6 deduction of costs incurred for medical care and for other
7 types of remedial care as specified in administrative
8 rule, is equal to or less than the Medical Assistance-No
9 Grant(C) (MANG(C)) Income Standard in effect on April 1,
10 2013 as set forth in administrative rule.

11 (b) The plan for coverage shall provide ambulatory
12 prenatal care to pregnant women during a presumptive
13 eligibility period and establish an income eligibility
14 standard that is equal to 200% of the federal poverty
15 level, provided that costs incurred for medical care are
16 not taken into account in determining such income
17 eligibility.

18 (c) The Illinois Department may conduct a
19 demonstration in at least one county that will provide
20 medical assistance to pregnant women, together with their
21 infants and children up to one year of age, where the
22 income eligibility standard is set up to 185% of the
23 nonfarm income official poverty line, as defined by the
24 federal Office of Management and Budget. The Illinois
25 Department shall seek and obtain necessary authorization
26 provided under federal law to implement such a

1 demonstration. Such demonstration may establish resource
2 standards that are not more restrictive than those
3 established under Article IV of this Code.

4 6. (a) Children younger than age 19 when countable
5 income is at or below 133% of the federal poverty level.
6 Until September 30, 2019, or sooner if the maintenance of
7 effort requirements under the Patient Protection and
8 Affordable Care Act are eliminated or may be waived before
9 then, children younger than age 19 whose countable monthly
10 income, after the deduction of costs incurred for medical
11 care and for other types of remedial care as specified in
12 administrative rule, is equal to or less than the Medical
13 Assistance-No Grant (C) (MANG(C)) Income Standard in effect
14 on April 1, 2013 as set forth in administrative rule.

15 (b) Children and youth who are under temporary custody
16 or guardianship of the Department of Children and Family
17 Services or who receive financial assistance in support of
18 an adoption or guardianship placement from the Department
19 of Children and Family Services.

20 7. (Blank).

21 8. As required under federal law, persons who are
22 eligible for Transitional Medical Assistance as a result
23 of an increase in earnings or child or spousal support
24 received. The plan for coverage for this class of persons
25 shall:

26 (a) extend the medical assistance coverage to the

1 extent required by federal law; and

2 (b) offer persons who have initially received 6
3 months of the coverage provided in paragraph (a)
4 above, the option of receiving an additional 6 months
5 of coverage, subject to the following:

6 (i) such coverage shall be pursuant to
7 provisions of the federal Social Security Act;

8 (ii) such coverage shall include all services
9 covered under Illinois' State Medicaid Plan;

10 (iii) no premium shall be charged for such
11 coverage; and

12 (iv) such coverage shall be suspended in the
13 event of a person's failure without good cause to
14 file in a timely fashion reports required for this
15 coverage under the Social Security Act and
16 coverage shall be reinstated upon the filing of
17 such reports if the person remains otherwise
18 eligible.

19 9. Persons with acquired immunodeficiency syndrome
20 (AIDS) or with AIDS-related conditions with respect to
21 whom there has been a determination that but for home or
22 community-based services such individuals would require
23 the level of care provided in an inpatient hospital,
24 skilled nursing facility or intermediate care facility the
25 cost of which is reimbursed under this Article. Assistance
26 shall be provided to such persons to the maximum extent

1 permitted under Title XIX of the Federal Social Security
2 Act.

3 10. Participants in the long-term care insurance
4 partnership program established under the Illinois
5 Long-Term Care Partnership Program Act who meet the
6 qualifications for protection of resources described in
7 Section 15 of that Act.

8 11. Persons with disabilities who are employed and
9 eligible for Medicaid, pursuant to Section
10 1902(a)(10)(A)(ii)(xv) of the Social Security Act, and,
11 subject to federal approval, persons with a medically
12 improved disability who are employed and eligible for
13 Medicaid pursuant to Section 1902(a)(10)(A)(ii)(xvi) of
14 the Social Security Act, as provided by the Illinois
15 Department by rule. In establishing eligibility standards
16 under this paragraph 11, the Department shall, subject to
17 federal approval:

18 (a) set the income eligibility standard at not
19 lower than 350% of the federal poverty level;

20 (b) exempt retirement accounts that the person
21 cannot access without penalty before the age of 59
22 1/2, and medical savings accounts established pursuant
23 to 26 U.S.C. 220;

24 (c) allow non-exempt assets up to \$25,000 as to
25 those assets accumulated during periods of eligibility
26 under this paragraph 11; and

1 (d) continue to apply subparagraphs (b) and (c) in
2 determining the eligibility of the person under this
3 Article even if the person loses eligibility under
4 this paragraph 11.

5 12. Subject to federal approval, persons who are
6 eligible for medical assistance coverage under applicable
7 provisions of the federal Social Security Act and the
8 federal Breast and Cervical Cancer Prevention and
9 Treatment Act of 2000. Those eligible persons are defined
10 to include, but not be limited to, the following persons:

11 (1) persons who have been screened for breast or
12 cervical cancer under the U.S. Centers for Disease
13 Control and Prevention Breast and Cervical Cancer
14 Program established under Title XV of the federal
15 Public Health Service ~~Services~~ Act in accordance with
16 the requirements of Section 1504 of that Act as
17 administered by the Illinois Department of Public
18 Health; and

19 (2) persons whose screenings under the above
20 program were funded in whole or in part by funds
21 appropriated to the Illinois Department of Public
22 Health for breast or cervical cancer screening.

23 "Medical assistance" under this paragraph 12 shall be
24 identical to the benefits provided under the State's
25 approved plan under Title XIX of the Social Security Act.
26 The Department must request federal approval of the

1 coverage under this paragraph 12 within 30 days after July
2 3, 2001 (the effective date of Public Act 92-47) ~~this~~
3 ~~amendatory Act of the 92nd General Assembly.~~

4 In addition to the persons who are eligible for
5 medical assistance pursuant to subparagraphs (1) and (2)
6 of this paragraph 12, and to be paid from funds
7 appropriated to the Department for its medical programs,
8 any uninsured person as defined by the Department in rules
9 residing in Illinois who is younger than 65 years of age,
10 who has been screened for breast and cervical cancer in
11 accordance with standards and procedures adopted by the
12 Department of Public Health for screening, and who is
13 referred to the Department by the Department of Public
14 Health as being in need of treatment for breast or
15 cervical cancer is eligible for medical assistance
16 benefits that are consistent with the benefits provided to
17 those persons described in subparagraphs (1) and (2).
18 Medical assistance coverage for the persons who are
19 eligible under the preceding sentence is not dependent on
20 federal approval, but federal moneys may be used to pay
21 for services provided under that coverage upon federal
22 approval.

23 13. Subject to appropriation and to federal approval,
24 persons living with HIV/AIDS who are not otherwise
25 eligible under this Article and who qualify for services
26 covered under Section 5-5.04 as provided by the Illinois

1 Department by rule.

2 14. Subject to the availability of funds for this
3 purpose, the Department may provide coverage under this
4 Article to persons who reside in Illinois who are not
5 eligible under any of the preceding paragraphs and who
6 meet the income guidelines of paragraph 2(a) of this
7 Section and (i) have an application for asylum pending
8 before the federal Department of Homeland Security or on
9 appeal before a court of competent jurisdiction and are
10 represented either by counsel or by an advocate accredited
11 by the federal Department of Homeland Security and
12 employed by a not-for-profit organization in regard to
13 that application or appeal, or (ii) are receiving services
14 through a federally funded torture treatment center.
15 Medical coverage under this paragraph 14 may be provided
16 for up to 24 continuous months from the initial
17 eligibility date so long as an individual continues to
18 satisfy the criteria of this paragraph 14. If an
19 individual has an appeal pending regarding an application
20 for asylum before the Department of Homeland Security,
21 eligibility under this paragraph 14 may be extended until
22 a final decision is rendered on the appeal. The Department
23 may adopt rules governing the implementation of this
24 paragraph 14.

25 15. Family Care Eligibility.

26 (a) On and after July 1, 2012, a parent or other

1 caretaker relative who is 19 years of age or older when
2 countable income is at or below 133% of the federal
3 poverty level. A person may not spend down to become
4 eligible under this paragraph 15.

5 (b) Eligibility shall be reviewed annually.

6 (c) (Blank).

7 (d) (Blank).

8 (e) (Blank).

9 (f) (Blank).

10 (g) (Blank).

11 (h) (Blank).

12 (i) Following termination of an individual's
13 coverage under this paragraph 15, the individual must
14 be determined eligible before the person can be
15 re-enrolled.

16 16. Subject to appropriation, uninsured persons who
17 are not otherwise eligible under this Section who have
18 been certified and referred by the Department of Public
19 Health as having been screened and found to need
20 diagnostic evaluation or treatment, or both diagnostic
21 evaluation and treatment, for prostate or testicular
22 cancer. For the purposes of this paragraph 16, uninsured
23 persons are those who do not have creditable coverage, as
24 defined under the Health Insurance Portability and
25 Accountability Act, or have otherwise exhausted any
26 insurance benefits they may have had, for prostate or

1 testicular cancer diagnostic evaluation or treatment, or
2 both diagnostic evaluation and treatment. To be eligible,
3 a person must furnish a Social Security number. A person's
4 assets are exempt from consideration in determining
5 eligibility under this paragraph 16. Such persons shall be
6 eligible for medical assistance under this paragraph 16
7 for so long as they need treatment for the cancer. A person
8 shall be considered to need treatment if, in the opinion
9 of the person's treating physician, the person requires
10 therapy directed toward cure or palliation of prostate or
11 testicular cancer, including recurrent metastatic cancer
12 that is a known or presumed complication of prostate or
13 testicular cancer and complications resulting from the
14 treatment modalities themselves. Persons who require only
15 routine monitoring services are not considered to need
16 treatment. "Medical assistance" under this paragraph 16
17 shall be identical to the benefits provided under the
18 State's approved plan under Title XIX of the Social
19 Security Act. Notwithstanding any other provision of law,
20 the Department (i) does not have a claim against the
21 estate of a deceased recipient of services under this
22 paragraph 16 and (ii) does not have a lien against any
23 homestead property or other legal or equitable real
24 property interest owned by a recipient of services under
25 this paragraph 16.

26 17. Persons who, pursuant to a waiver approved by the

1 Secretary of the U.S. Department of Health and Human
2 Services, are eligible for medical assistance under Title
3 XIX or XXI of the federal Social Security Act.
4 Notwithstanding any other provision of this Code and
5 consistent with the terms of the approved waiver, the
6 Illinois Department, may by rule:

7 (a) Limit the geographic areas in which the waiver
8 program operates.

9 (b) Determine the scope, quantity, duration, and
10 quality, and the rate and method of reimbursement, of
11 the medical services to be provided, which may differ
12 from those for other classes of persons eligible for
13 assistance under this Article.

14 (c) Restrict the persons' freedom in choice of
15 providers.

16 18. Beginning January 1, 2014, persons aged 19 or
17 older, but younger than 65, who are not otherwise eligible
18 for medical assistance under this Section 5-2, who qualify
19 for medical assistance pursuant to 42 U.S.C.
20 1396a(a)(10)(A)(i)(VIII) and applicable federal
21 regulations, and who have income at or below 133% of the
22 federal poverty level plus 5% for the applicable family
23 size as determined pursuant to 42 U.S.C. 1396a(e)(14) and
24 applicable federal regulations. Persons eligible for
25 medical assistance under this paragraph 18 shall receive
26 coverage for the Health Benefits Service Package as that

1 term is defined in subsection (m) of Section 5-1.1 of this
2 Code. If Illinois' federal medical assistance percentage
3 (FMAP) is reduced below 90% for persons eligible for
4 medical assistance under this paragraph 18, eligibility
5 under this paragraph 18 shall cease no later than the end
6 of the third month following the month in which the
7 reduction in FMAP takes effect.

8 19. Beginning January 1, 2014, as required under 42
9 U.S.C. 1396a(a)(10)(A)(i)(IX), persons older than age 18
10 and younger than age 26 who are not otherwise eligible for
11 medical assistance under paragraphs (1) through (17) of
12 this Section who (i) were in foster care under the
13 responsibility of the State on the date of attaining age
14 18 or on the date of attaining age 21 when a court has
15 continued wardship for good cause as provided in Section
16 2-31 of the Juvenile Court Act of 1987 and (ii) received
17 medical assistance under the Illinois Title XIX State Plan
18 or waiver of such plan while in foster care.

19 20. Beginning January 1, 2018, persons who are
20 foreign-born victims of human trafficking, torture, or
21 other serious crimes as defined in Section 2-19 of this
22 Code and their derivative family members if such persons:
23 (i) reside in Illinois; (ii) are not eligible under any of
24 the preceding paragraphs; (iii) meet the income guidelines
25 of subparagraph (a) of paragraph 2; and (iv) meet the
26 nonfinancial eligibility requirements of Sections 16-2,

1 16-3, and 16-5 of this Code. The Department may extend
2 medical assistance for persons who are foreign-born
3 victims of human trafficking, torture, or other serious
4 crimes whose medical assistance would be terminated
5 pursuant to subsection (b) of Section 16-5 if the
6 Department determines that the person, during the year of
7 initial eligibility (1) experienced a health crisis, (2)
8 has been unable, after reasonable attempts, to obtain
9 necessary information from a third party, or (3) has other
10 extenuating circumstances that prevented the person from
11 completing his or her application for status. The
12 Department may adopt any rules necessary to implement the
13 provisions of this paragraph.

14 21. Persons who are not otherwise eligible for medical
15 assistance under this Section who may qualify for medical
16 assistance pursuant to 42 U.S.C.
17 1396a(a)(10)(A)(ii)(XXIII) and 42 U.S.C. 1396(ss) for the
18 duration of any federal or State declared emergency due to
19 COVID-19. Medical assistance to persons eligible for
20 medical assistance solely pursuant to this paragraph 21
21 shall be limited to any in vitro diagnostic product (and
22 the administration of such product) described in 42 U.S.C.
23 1396d(a)(3)(B) on or after March 18, 2020, any visit
24 described in 42 U.S.C. 1396o(a)(2)(G), or any other
25 medical assistance that may be federally authorized for
26 this class of persons. The Department may also cover

1 treatment of COVID-19 for this class of persons, or any
2 similar category of uninsured individuals, to the extent
3 authorized under a federally approved 1115 Waiver or other
4 federal authority. Notwithstanding the provisions of
5 Section 1-11 of this Code, due to the nature of the
6 COVID-19 public health emergency, the Department may cover
7 and provide the medical assistance described in this
8 paragraph 21 to noncitizens who would otherwise meet the
9 eligibility requirements for the class of persons
10 described in this paragraph 21 for the duration of the
11 State emergency period.

12 In implementing the provisions of Public Act 96-20, the
13 Department is authorized to adopt only those rules necessary,
14 including emergency rules. Nothing in Public Act 96-20 permits
15 the Department to adopt rules or issue a decision that expands
16 eligibility for the FamilyCare Program to a person whose
17 income exceeds 185% of the Federal Poverty Level as determined
18 from time to time by the U.S. Department of Health and Human
19 Services, unless the Department is provided with express
20 statutory authority.

21 The eligibility of any such person for medical assistance
22 under this Article is not affected by the payment of any grant
23 under the Senior Citizens and Persons with Disabilities
24 Property Tax Relief Act or any distributions or items of
25 income described under subparagraph (X) of paragraph (2) of
26 subsection (a) of Section 203 of the Illinois Income Tax Act.

1 The Department shall by rule establish the amounts of
2 assets to be disregarded in determining eligibility for
3 medical assistance, which shall at a minimum equal the amounts
4 to be disregarded under the Federal Supplemental Security
5 Income Program. The amount of assets of a single person to be
6 disregarded shall not be less than \$2,000, and the amount of
7 assets of a married couple to be disregarded shall not be less
8 than \$3,000.

9 To the extent permitted under federal law, any person
10 found guilty of a second violation of Article VIIIA shall be
11 ineligible for medical assistance under this Article, as
12 provided in Section 8A-8.

13 The eligibility of any person for medical assistance under
14 this Article shall not be affected by the receipt by the person
15 of donations or benefits from fundraisers held for the person
16 in cases of serious illness, as long as neither the person nor
17 members of the person's family have actual control over the
18 donations or benefits or the disbursement of the donations or
19 benefits.

20 Notwithstanding any other provision of this Code, if the
21 United States Supreme Court holds Title II, Subtitle A,
22 Section 2001(a) of Public Law 111-148 to be unconstitutional,
23 or if a holding of Public Law 111-148 makes Medicaid
24 eligibility allowed under Section 2001(a) inoperable, the
25 State or a unit of local government shall be prohibited from
26 enrolling individuals in the Medical Assistance Program as the

1 result of federal approval of a State Medicaid waiver on or
2 after June 14, 2012 (the effective date of Public Act 97-687)
3 ~~this amendatory Act of the 97th General Assembly~~, and any
4 individuals enrolled in the Medical Assistance Program
5 pursuant to eligibility permitted as a result of such a State
6 Medicaid waiver shall become immediately ineligible.

7 Notwithstanding any other provision of this Code, if an
8 Act of Congress that becomes a Public Law eliminates Section
9 2001(a) of Public Law 111-148, the State or a unit of local
10 government shall be prohibited from enrolling individuals in
11 the Medical Assistance Program as the result of federal
12 approval of a State Medicaid waiver on or after June 14, 2012
13 (the effective date of Public Act 97-687) ~~this amendatory Act~~
14 ~~of the 97th General Assembly~~, and any individuals enrolled in
15 the Medical Assistance Program pursuant to eligibility
16 permitted as a result of such a State Medicaid waiver shall
17 become immediately ineligible.

18 Effective October 1, 2013, the determination of
19 eligibility of persons who qualify under paragraphs 5, 6, 8,
20 15, 17, and 18 of this Section shall comply with the
21 requirements of 42 U.S.C. 1396a(e)(14) and applicable federal
22 regulations.

23 The Department of Healthcare and Family Services, the
24 Department of Human Services, and the Illinois health
25 insurance marketplace shall work cooperatively to assist
26 persons who would otherwise lose health benefits as a result

1 of changes made under Public Act 98-104 ~~this amendatory Act of~~
2 ~~the 98th General Assembly~~ to transition to other health
3 insurance coverage.

4 (Source: P.A. 101-10, eff. 6-5-19; 101-649, eff. 7-7-20;
5 revised 8-24-20.)

6 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

7 Sec. 5-5. Medical services. The Illinois Department, by
8 rule, shall determine the quantity and quality of and the rate
9 of reimbursement for the medical assistance for which payment
10 will be authorized, and the medical services to be provided,
11 which may include all or part of the following: (1) inpatient
12 hospital services; (2) outpatient hospital services; (3) other
13 laboratory and X-ray services; (4) skilled nursing home
14 services; (5) physicians' services whether furnished in the
15 office, the patient's home, a hospital, a skilled nursing
16 home, or elsewhere; (6) medical care, or any other type of
17 remedial care furnished by licensed practitioners; (7) home
18 health care services; (8) private duty nursing service; (9)
19 clinic services; (10) dental services, including prevention
20 and treatment of periodontal disease and dental caries disease
21 for pregnant women, provided by an individual licensed to
22 practice dentistry or dental surgery; for purposes of this
23 item (10), "dental services" means diagnostic, preventive, or
24 corrective procedures provided by or under the supervision of
25 a dentist in the practice of his or her profession; (11)

1 physical therapy and related services; (12) prescribed drugs,
2 dentures, and prosthetic devices; and eyeglasses prescribed by
3 a physician skilled in the diseases of the eye, or by an
4 optometrist, whichever the person may select; (13) other
5 diagnostic, screening, preventive, and rehabilitative
6 services, including to ensure that the individual's need for
7 intervention or treatment of mental disorders or substance use
8 disorders or co-occurring mental health and substance use
9 disorders is determined using a uniform screening, assessment,
10 and evaluation process inclusive of criteria, for children and
11 adults; for purposes of this item (13), a uniform screening,
12 assessment, and evaluation process refers to a process that
13 includes an appropriate evaluation and, as warranted, a
14 referral; "uniform" does not mean the use of a singular
15 instrument, tool, or process that all must utilize; (14)
16 transportation and such other expenses as may be necessary;
17 (15) medical treatment of sexual assault survivors, as defined
18 in Section 1a of the Sexual Assault Survivors Emergency
19 Treatment Act, for injuries sustained as a result of the
20 sexual assault, including examinations and laboratory tests to
21 discover evidence which may be used in criminal proceedings
22 arising from the sexual assault; (16) the diagnosis and
23 treatment of sickle cell anemia; and (17) any other medical
24 care, and any other type of remedial care recognized under the
25 laws of this State. The term "any other type of remedial care"
26 shall include nursing care and nursing home service for

1 persons who rely on treatment by spiritual means alone through
2 prayer for healing.

3 Notwithstanding any other provision of this Section, a
4 comprehensive tobacco use cessation program that includes
5 purchasing prescription drugs or prescription medical devices
6 approved by the Food and Drug Administration shall be covered
7 under the medical assistance program under this Article for
8 persons who are otherwise eligible for assistance under this
9 Article.

10 Notwithstanding any other provision of this Code,
11 reproductive health care that is otherwise legal in Illinois
12 shall be covered under the medical assistance program for
13 persons who are otherwise eligible for medical assistance
14 under this Article.

15 Notwithstanding any other provision of this Code, the
16 Illinois Department may not require, as a condition of payment
17 for any laboratory test authorized under this Article, that a
18 physician's handwritten signature appear on the laboratory
19 test order form. The Illinois Department may, however, impose
20 other appropriate requirements regarding laboratory test order
21 documentation.

22 Upon receipt of federal approval of an amendment to the
23 Illinois Title XIX State Plan for this purpose, the Department
24 shall authorize the Chicago Public Schools (CPS) to procure a
25 vendor or vendors to manufacture eyeglasses for individuals
26 enrolled in a school within the CPS system. CPS shall ensure

1 that its vendor or vendors are enrolled as providers in the
2 medical assistance program and in any capitated Medicaid
3 managed care entity (MCE) serving individuals enrolled in a
4 school within the CPS system. Under any contract procured
5 under this provision, the vendor or vendors must serve only
6 individuals enrolled in a school within the CPS system. Claims
7 for services provided by CPS's vendor or vendors to recipients
8 of benefits in the medical assistance program under this Code,
9 the Children's Health Insurance Program, or the Covering ALL
10 KIDS Health Insurance Program shall be submitted to the
11 Department or the MCE in which the individual is enrolled for
12 payment and shall be reimbursed at the Department's or the
13 MCE's established rates or rate methodologies for eyeglasses.

14 On and after July 1, 2012, the Department of Healthcare
15 and Family Services may provide the following services to
16 persons eligible for assistance under this Article who are
17 participating in education, training or employment programs
18 operated by the Department of Human Services as successor to
19 the Department of Public Aid:

20 (1) dental services provided by or under the
21 supervision of a dentist; and

22 (2) eyeglasses prescribed by a physician skilled in
23 the diseases of the eye, or by an optometrist, whichever
24 the person may select.

25 On and after July 1, 2018, the Department of Healthcare
26 and Family Services shall provide dental services to any adult

1 who is otherwise eligible for assistance under the medical
2 assistance program. As used in this paragraph, "dental
3 services" means diagnostic, preventative, restorative, or
4 corrective procedures, including procedures and services for
5 the prevention and treatment of periodontal disease and dental
6 caries disease, provided by an individual who is licensed to
7 practice dentistry or dental surgery or who is under the
8 supervision of a dentist in the practice of his or her
9 profession.

10 On and after July 1, 2018, targeted dental services, as
11 set forth in Exhibit D of the Consent Decree entered by the
12 United States District Court for the Northern District of
13 Illinois, Eastern Division, in the matter of Memisovski v.
14 Maram, Case No. 92 C 1982, that are provided to adults under
15 the medical assistance program shall be established at no less
16 than the rates set forth in the "New Rate" column in Exhibit D
17 of the Consent Decree for targeted dental services that are
18 provided to persons under the age of 18 under the medical
19 assistance program.

20 Notwithstanding any other provision of this Code and
21 subject to federal approval, the Department may adopt rules to
22 allow a dentist who is volunteering his or her service at no
23 cost to render dental services through an enrolled
24 not-for-profit health clinic without the dentist personally
25 enrolling as a participating provider in the medical
26 assistance program. A not-for-profit health clinic shall

1 include a public health clinic or Federally Qualified Health
2 Center or other enrolled provider, as determined by the
3 Department, through which dental services covered under this
4 Section are performed. The Department shall establish a
5 process for payment of claims for reimbursement for covered
6 dental services rendered under this provision.

7 The Illinois Department, by rule, may distinguish and
8 classify the medical services to be provided only in
9 accordance with the classes of persons designated in Section
10 5-2.

11 The Department of Healthcare and Family Services must
12 provide coverage and reimbursement for amino acid-based
13 elemental formulas, regardless of delivery method, for the
14 diagnosis and treatment of (i) eosinophilic disorders and (ii)
15 short bowel syndrome when the prescribing physician has issued
16 a written order stating that the amino acid-based elemental
17 formula is medically necessary.

18 The Illinois Department shall authorize the provision of,
19 and shall authorize payment for, screening by low-dose
20 mammography for the presence of occult breast cancer for women
21 35 years of age or older who are eligible for medical
22 assistance under this Article, as follows:

23 (A) A baseline mammogram for women 35 to 39 years of
24 age.

25 (B) An annual mammogram for women 40 years of age or
26 older.

1 (C) A mammogram at the age and intervals considered
2 medically necessary by the woman's health care provider
3 for women under 40 years of age and having a family history
4 of breast cancer, prior personal history of breast cancer,
5 positive genetic testing, or other risk factors.

6 (D) A comprehensive ultrasound screening and MRI of an
7 entire breast or breasts if a mammogram demonstrates
8 heterogeneous or dense breast tissue or when medically
9 necessary as determined by a physician licensed to
10 practice medicine in all of its branches.

11 (E) A screening MRI when medically necessary, as
12 determined by a physician licensed to practice medicine in
13 all of its branches.

14 (F) A diagnostic mammogram when medically necessary,
15 as determined by a physician licensed to practice medicine
16 in all its branches, advanced practice registered nurse,
17 or physician assistant.

18 The Department shall not impose a deductible, coinsurance,
19 copayment, or any other cost-sharing requirement on the
20 coverage provided under this paragraph; except that this
21 sentence does not apply to coverage of diagnostic mammograms
22 to the extent such coverage would disqualify a high-deductible
23 health plan from eligibility for a health savings account
24 pursuant to Section 223 of the Internal Revenue Code (26
25 U.S.C. 223).

26 All screenings shall include a physical breast exam,

1 instruction on self-examination and information regarding the
2 frequency of self-examination and its value as a preventative
3 tool.

4 For purposes of this Section:

5 "Diagnostic mammogram" means a mammogram obtained using
6 diagnostic mammography.

7 "Diagnostic mammography" means a method of screening that
8 is designed to evaluate an abnormality in a breast, including
9 an abnormality seen or suspected on a screening mammogram or a
10 subjective or objective abnormality otherwise detected in the
11 breast.

12 "Low-dose mammography" means the x-ray examination of the
13 breast using equipment dedicated specifically for mammography,
14 including the x-ray tube, filter, compression device, and
15 image receptor, with an average radiation exposure delivery of
16 less than one rad per breast for 2 views of an average size
17 breast. The term also includes digital mammography and
18 includes breast tomosynthesis.

19 "Breast tomosynthesis" means a radiologic procedure that
20 involves the acquisition of projection images over the
21 stationary breast to produce cross-sectional digital
22 three-dimensional images of the breast.

23 If, at any time, the Secretary of the United States
24 Department of Health and Human Services, or its successor
25 agency, promulgates rules or regulations to be published in
26 the Federal Register or publishes a comment in the Federal

1 Register or issues an opinion, guidance, or other action that
2 would require the State, pursuant to any provision of the
3 Patient Protection and Affordable Care Act (Public Law
4 111-148), including, but not limited to, 42 U.S.C.
5 18031(d)(3)(B) or any successor provision, to defray the cost
6 of any coverage for breast tomosynthesis outlined in this
7 paragraph, then the requirement that an insurer cover breast
8 tomosynthesis is inoperative other than any such coverage
9 authorized under Section 1902 of the Social Security Act, 42
10 U.S.C. 1396a, and the State shall not assume any obligation
11 for the cost of coverage for breast tomosynthesis set forth in
12 this paragraph.

13 On and after January 1, 2016, the Department shall ensure
14 that all networks of care for adult clients of the Department
15 include access to at least one breast imaging Center of
16 Imaging Excellence as certified by the American College of
17 Radiology.

18 On and after January 1, 2012, providers participating in a
19 quality improvement program approved by the Department shall
20 be reimbursed for screening and diagnostic mammography at the
21 same rate as the Medicare program's rates, including the
22 increased reimbursement for digital mammography.

23 The Department shall convene an expert panel including
24 representatives of hospitals, free-standing mammography
25 facilities, and doctors, including radiologists, to establish
26 quality standards for mammography.

1 On and after January 1, 2017, providers participating in a
2 breast cancer treatment quality improvement program approved
3 by the Department shall be reimbursed for breast cancer
4 treatment at a rate that is no lower than 95% of the Medicare
5 program's rates for the data elements included in the breast
6 cancer treatment quality program.

7 The Department shall convene an expert panel, including
8 representatives of hospitals, free-standing breast cancer
9 treatment centers, breast cancer quality organizations, and
10 doctors, including breast surgeons, reconstructive breast
11 surgeons, oncologists, and primary care providers to establish
12 quality standards for breast cancer treatment.

13 Subject to federal approval, the Department shall
14 establish a rate methodology for mammography at federally
15 qualified health centers and other encounter-rate clinics.
16 These clinics or centers may also collaborate with other
17 hospital-based mammography facilities. By January 1, 2016, the
18 Department shall report to the General Assembly on the status
19 of the provision set forth in this paragraph.

20 The Department shall establish a methodology to remind
21 women who are age-appropriate for screening mammography, but
22 who have not received a mammogram within the previous 18
23 months, of the importance and benefit of screening
24 mammography. The Department shall work with experts in breast
25 cancer outreach and patient navigation to optimize these
26 reminders and shall establish a methodology for evaluating

1 their effectiveness and modifying the methodology based on the
2 evaluation.

3 The Department shall establish a performance goal for
4 primary care providers with respect to their female patients
5 over age 40 receiving an annual mammogram. This performance
6 goal shall be used to provide additional reimbursement in the
7 form of a quality performance bonus to primary care providers
8 who meet that goal.

9 The Department shall devise a means of case-managing or
10 patient navigation for beneficiaries diagnosed with breast
11 cancer. This program shall initially operate as a pilot
12 program in areas of the State with the highest incidence of
13 mortality related to breast cancer. At least one pilot program
14 site shall be in the metropolitan Chicago area and at least one
15 site shall be outside the metropolitan Chicago area. On or
16 after July 1, 2016, the pilot program shall be expanded to
17 include one site in western Illinois, one site in southern
18 Illinois, one site in central Illinois, and 4 sites within
19 metropolitan Chicago. An evaluation of the pilot program shall
20 be carried out measuring health outcomes and cost of care for
21 those served by the pilot program compared to similarly
22 situated patients who are not served by the pilot program.

23 The Department shall require all networks of care to
24 develop a means either internally or by contract with experts
25 in navigation and community outreach to navigate cancer
26 patients to comprehensive care in a timely fashion. The

1 Department shall require all networks of care to include
2 access for patients diagnosed with cancer to at least one
3 academic commission on cancer-accredited cancer program as an
4 in-network covered benefit.

5 Any medical or health care provider shall immediately
6 recommend, to any pregnant woman who is being provided
7 prenatal services and is suspected of having a substance use
8 disorder as defined in the Substance Use Disorder Act,
9 referral to a local substance use disorder treatment program
10 licensed by the Department of Human Services or to a licensed
11 hospital which provides substance abuse treatment services.
12 The Department of Healthcare and Family Services shall assure
13 coverage for the cost of treatment of the drug abuse or
14 addiction for pregnant recipients in accordance with the
15 Illinois Medicaid Program in conjunction with the Department
16 of Human Services.

17 All medical providers providing medical assistance to
18 pregnant women under this Code shall receive information from
19 the Department on the availability of services under any
20 program providing case management services for addicted women,
21 including information on appropriate referrals for other
22 social services that may be needed by addicted women in
23 addition to treatment for addiction.

24 The Illinois Department, in cooperation with the
25 Departments of Human Services (as successor to the Department
26 of Alcoholism and Substance Abuse) and Public Health, through

1 a public awareness campaign, may provide information
2 concerning treatment for alcoholism and drug abuse and
3 addiction, prenatal health care, and other pertinent programs
4 directed at reducing the number of drug-affected infants born
5 to recipients of medical assistance.

6 Neither the Department of Healthcare and Family Services
7 nor the Department of Human Services shall sanction the
8 recipient solely on the basis of her substance abuse.

9 The Illinois Department shall establish such regulations
10 governing the dispensing of health services under this Article
11 as it shall deem appropriate. The Department should seek the
12 advice of formal professional advisory committees appointed by
13 the Director of the Illinois Department for the purpose of
14 providing regular advice on policy and administrative matters,
15 information dissemination and educational activities for
16 medical and health care providers, and consistency in
17 procedures to the Illinois Department.

18 The Illinois Department may develop and contract with
19 Partnerships of medical providers to arrange medical services
20 for persons eligible under Section 5-2 of this Code.
21 Implementation of this Section may be by demonstration
22 projects in certain geographic areas. The Partnership shall be
23 represented by a sponsor organization. The Department, by
24 rule, shall develop qualifications for sponsors of
25 Partnerships. Nothing in this Section shall be construed to
26 require that the sponsor organization be a medical

1 organization.

2 The sponsor must negotiate formal written contracts with
3 medical providers for physician services, inpatient and
4 outpatient hospital care, home health services, treatment for
5 alcoholism and substance abuse, and other services determined
6 necessary by the Illinois Department by rule for delivery by
7 Partnerships. Physician services must include prenatal and
8 obstetrical care. The Illinois Department shall reimburse
9 medical services delivered by Partnership providers to clients
10 in target areas according to provisions of this Article and
11 the Illinois Health Finance Reform Act, except that:

12 (1) Physicians participating in a Partnership and
13 providing certain services, which shall be determined by
14 the Illinois Department, to persons in areas covered by
15 the Partnership may receive an additional surcharge for
16 such services.

17 (2) The Department may elect to consider and negotiate
18 financial incentives to encourage the development of
19 Partnerships and the efficient delivery of medical care.

20 (3) Persons receiving medical services through
21 Partnerships may receive medical and case management
22 services above the level usually offered through the
23 medical assistance program.

24 Medical providers shall be required to meet certain
25 qualifications to participate in Partnerships to ensure the
26 delivery of high quality medical services. These

1 qualifications shall be determined by rule of the Illinois
2 Department and may be higher than qualifications for
3 participation in the medical assistance program. Partnership
4 sponsors may prescribe reasonable additional qualifications
5 for participation by medical providers, only with the prior
6 written approval of the Illinois Department.

7 Nothing in this Section shall limit the free choice of
8 practitioners, hospitals, and other providers of medical
9 services by clients. In order to ensure patient freedom of
10 choice, the Illinois Department shall immediately promulgate
11 all rules and take all other necessary actions so that
12 provided services may be accessed from therapeutically
13 certified optometrists to the full extent of the Illinois
14 Optometric Practice Act of 1987 without discriminating between
15 service providers.

16 The Department shall apply for a waiver from the United
17 States Health Care Financing Administration to allow for the
18 implementation of Partnerships under this Section.

19 The Illinois Department shall require health care
20 providers to maintain records that document the medical care
21 and services provided to recipients of Medical Assistance
22 under this Article. Such records must be retained for a period
23 of not less than 6 years from the date of service or as
24 provided by applicable State law, whichever period is longer,
25 except that if an audit is initiated within the required
26 retention period then the records must be retained until the

1 audit is completed and every exception is resolved. The
2 Illinois Department shall require health care providers to
3 make available, when authorized by the patient, in writing,
4 the medical records in a timely fashion to other health care
5 providers who are treating or serving persons eligible for
6 Medical Assistance under this Article. All dispensers of
7 medical services shall be required to maintain and retain
8 business and professional records sufficient to fully and
9 accurately document the nature, scope, details and receipt of
10 the health care provided to persons eligible for medical
11 assistance under this Code, in accordance with regulations
12 promulgated by the Illinois Department. The rules and
13 regulations shall require that proof of the receipt of
14 prescription drugs, dentures, prosthetic devices and
15 eyeglasses by eligible persons under this Section accompany
16 each claim for reimbursement submitted by the dispenser of
17 such medical services. No such claims for reimbursement shall
18 be approved for payment by the Illinois Department without
19 such proof of receipt, unless the Illinois Department shall
20 have put into effect and shall be operating a system of
21 post-payment audit and review which shall, on a sampling
22 basis, be deemed adequate by the Illinois Department to assure
23 that such drugs, dentures, prosthetic devices and eyeglasses
24 for which payment is being made are actually being received by
25 eligible recipients. Within 90 days after September 16, 1984
26 (the effective date of Public Act 83-1439), the Illinois

1 Department shall establish a current list of acquisition costs
2 for all prosthetic devices and any other items recognized as
3 medical equipment and supplies reimbursable under this Article
4 and shall update such list on a quarterly basis, except that
5 the acquisition costs of all prescription drugs shall be
6 updated no less frequently than every 30 days as required by
7 Section 5-5.12.

8 Notwithstanding any other law to the contrary, the
9 Illinois Department shall, within 365 days after July 22, 2013
10 (the effective date of Public Act 98-104), establish
11 procedures to permit skilled care facilities licensed under
12 the Nursing Home Care Act to submit monthly billing claims for
13 reimbursement purposes. Following development of these
14 procedures, the Department shall, by July 1, 2016, test the
15 viability of the new system and implement any necessary
16 operational or structural changes to its information
17 technology platforms in order to allow for the direct
18 acceptance and payment of nursing home claims.

19 Notwithstanding any other law to the contrary, the
20 Illinois Department shall, within 365 days after August 15,
21 2014 (the effective date of Public Act 98-963), establish
22 procedures to permit ID/DD facilities licensed under the ID/DD
23 Community Care Act and MC/DD facilities licensed under the
24 MC/DD Act to submit monthly billing claims for reimbursement
25 purposes. Following development of these procedures, the
26 Department shall have an additional 365 days to test the

1 viability of the new system and to ensure that any necessary
2 operational or structural changes to its information
3 technology platforms are implemented.

4 The Illinois Department shall require all dispensers of
5 medical services, other than an individual practitioner or
6 group of practitioners, desiring to participate in the Medical
7 Assistance program established under this Article to disclose
8 all financial, beneficial, ownership, equity, surety or other
9 interests in any and all firms, corporations, partnerships,
10 associations, business enterprises, joint ventures, agencies,
11 institutions or other legal entities providing any form of
12 health care services in this State under this Article.

13 The Illinois Department may require that all dispensers of
14 medical services desiring to participate in the medical
15 assistance program established under this Article disclose,
16 under such terms and conditions as the Illinois Department may
17 by rule establish, all inquiries from clients and attorneys
18 regarding medical bills paid by the Illinois Department, which
19 inquiries could indicate potential existence of claims or
20 liens for the Illinois Department.

21 Enrollment of a vendor shall be subject to a provisional
22 period and shall be conditional for one year. During the
23 period of conditional enrollment, the Department may terminate
24 the vendor's eligibility to participate in, or may disenroll
25 the vendor from, the medical assistance program without cause.
26 Unless otherwise specified, such termination of eligibility or

1 disenrollment is not subject to the Department's hearing
2 process. However, a disenrolled vendor may reapply without
3 penalty.

4 The Department has the discretion to limit the conditional
5 enrollment period for vendors based upon category of risk of
6 the vendor.

7 Prior to enrollment and during the conditional enrollment
8 period in the medical assistance program, all vendors shall be
9 subject to enhanced oversight, screening, and review based on
10 the risk of fraud, waste, and abuse that is posed by the
11 category of risk of the vendor. The Illinois Department shall
12 establish the procedures for oversight, screening, and review,
13 which may include, but need not be limited to: criminal and
14 financial background checks; fingerprinting; license,
15 certification, and authorization verifications; unscheduled or
16 unannounced site visits; database checks; prepayment audit
17 reviews; audits; payment caps; payment suspensions; and other
18 screening as required by federal or State law.

19 The Department shall define or specify the following: (i)
20 by provider notice, the "category of risk of the vendor" for
21 each type of vendor, which shall take into account the level of
22 screening applicable to a particular category of vendor under
23 federal law and regulations; (ii) by rule or provider notice,
24 the maximum length of the conditional enrollment period for
25 each category of risk of the vendor; and (iii) by rule, the
26 hearing rights, if any, afforded to a vendor in each category

1 of risk of the vendor that is terminated or disenrolled during
2 the conditional enrollment period.

3 To be eligible for payment consideration, a vendor's
4 payment claim or bill, either as an initial claim or as a
5 resubmitted claim following prior rejection, must be received
6 by the Illinois Department, or its fiscal intermediary, no
7 later than 180 days after the latest date on the claim on which
8 medical goods or services were provided, with the following
9 exceptions:

10 (1) In the case of a provider whose enrollment is in
11 process by the Illinois Department, the 180-day period
12 shall not begin until the date on the written notice from
13 the Illinois Department that the provider enrollment is
14 complete.

15 (2) In the case of errors attributable to the Illinois
16 Department or any of its claims processing intermediaries
17 which result in an inability to receive, process, or
18 adjudicate a claim, the 180-day period shall not begin
19 until the provider has been notified of the error.

20 (3) In the case of a provider for whom the Illinois
21 Department initiates the monthly billing process.

22 (4) In the case of a provider operated by a unit of
23 local government with a population exceeding 3,000,000
24 when local government funds finance federal participation
25 for claims payments.

26 For claims for services rendered during a period for which

1 a recipient received retroactive eligibility, claims must be
2 filed within 180 days after the Department determines the
3 applicant is eligible. For claims for which the Illinois
4 Department is not the primary payer, claims must be submitted
5 to the Illinois Department within 180 days after the final
6 adjudication by the primary payer.

7 In the case of long term care facilities, within 45
8 calendar days of receipt by the facility of required
9 prescreening information, new admissions with associated
10 admission documents shall be submitted through the Medical
11 Electronic Data Interchange (MEDI) or the Recipient
12 Eligibility Verification (REV) System or shall be submitted
13 directly to the Department of Human Services using required
14 admission forms. Effective September 1, 2014, admission
15 documents, including all prescreening information, must be
16 submitted through MEDI or REV. Confirmation numbers assigned
17 to an accepted transaction shall be retained by a facility to
18 verify timely submittal. Once an admission transaction has
19 been completed, all resubmitted claims following prior
20 rejection are subject to receipt no later than 180 days after
21 the admission transaction has been completed.

22 Claims that are not submitted and received in compliance
23 with the foregoing requirements shall not be eligible for
24 payment under the medical assistance program, and the State
25 shall have no liability for payment of those claims.

26 To the extent consistent with applicable information and

1 privacy, security, and disclosure laws, State and federal
2 agencies and departments shall provide the Illinois Department
3 access to confidential and other information and data
4 necessary to perform eligibility and payment verifications and
5 other Illinois Department functions. This includes, but is not
6 limited to: information pertaining to licensure;
7 certification; earnings; immigration status; citizenship; wage
8 reporting; unearned and earned income; pension income;
9 employment; supplemental security income; social security
10 numbers; National Provider Identifier (NPI) numbers; the
11 National Practitioner Data Bank (NPDB); program and agency
12 exclusions; taxpayer identification numbers; tax delinquency;
13 corporate information; and death records.

14 The Illinois Department shall enter into agreements with
15 State agencies and departments, and is authorized to enter
16 into agreements with federal agencies and departments, under
17 which such agencies and departments shall share data necessary
18 for medical assistance program integrity functions and
19 oversight. The Illinois Department shall develop, in
20 cooperation with other State departments and agencies, and in
21 compliance with applicable federal laws and regulations,
22 appropriate and effective methods to share such data. At a
23 minimum, and to the extent necessary to provide data sharing,
24 the Illinois Department shall enter into agreements with State
25 agencies and departments, and is authorized to enter into
26 agreements with federal agencies and departments, including,

1 but not limited to: the Secretary of State; the Department of
2 Revenue; the Department of Public Health; the Department of
3 Human Services; and the Department of Financial and
4 Professional Regulation.

5 Beginning in fiscal year 2013, the Illinois Department
6 shall set forth a request for information to identify the
7 benefits of a pre-payment, post-adjudication, and post-edit
8 claims system with the goals of streamlining claims processing
9 and provider reimbursement, reducing the number of pending or
10 rejected claims, and helping to ensure a more transparent
11 adjudication process through the utilization of: (i) provider
12 data verification and provider screening technology; and (ii)
13 clinical code editing; and (iii) pre-pay, pre- or
14 post-adjudicated predictive modeling with an integrated case
15 management system with link analysis. Such a request for
16 information shall not be considered as a request for proposal
17 or as an obligation on the part of the Illinois Department to
18 take any action or acquire any products or services.

19 The Illinois Department shall establish policies,
20 procedures, standards and criteria by rule for the
21 acquisition, repair and replacement of orthotic and prosthetic
22 devices and durable medical equipment. Such rules shall
23 provide, but not be limited to, the following services: (1)
24 immediate repair or replacement of such devices by recipients;
25 and (2) rental, lease, purchase or lease-purchase of durable
26 medical equipment in a cost-effective manner, taking into

1 consideration the recipient's medical prognosis, the extent of
2 the recipient's needs, and the requirements and costs for
3 maintaining such equipment. Subject to prior approval, such
4 rules shall enable a recipient to temporarily acquire and use
5 alternative or substitute devices or equipment pending repairs
6 or replacements of any device or equipment previously
7 authorized for such recipient by the Department.
8 Notwithstanding any provision of Section 5-5f to the contrary,
9 the Department may, by rule, exempt certain replacement
10 wheelchair parts from prior approval and, for wheelchairs,
11 wheelchair parts, wheelchair accessories, and related seating
12 and positioning items, determine the wholesale price by
13 methods other than actual acquisition costs.

14 The Department shall require, by rule, all providers of
15 durable medical equipment to be accredited by an accreditation
16 organization approved by the federal Centers for Medicare and
17 Medicaid Services and recognized by the Department in order to
18 bill the Department for providing durable medical equipment to
19 recipients. No later than 15 months after the effective date
20 of the rule adopted pursuant to this paragraph, all providers
21 must meet the accreditation requirement.

22 In order to promote environmental responsibility, meet the
23 needs of recipients and enrollees, and achieve significant
24 cost savings, the Department, or a managed care organization
25 under contract with the Department, may provide recipients or
26 managed care enrollees who have a prescription or Certificate

1 of Medical Necessity access to refurbished durable medical
2 equipment under this Section (excluding prosthetic and
3 orthotic devices as defined in the Orthotics, Prosthetics, and
4 Pedorthics Practice Act and complex rehabilitation technology
5 products and associated services) through the State's
6 assistive technology program's reutilization program, using
7 staff with the Assistive Technology Professional (ATP)
8 Certification if the refurbished durable medical equipment:
9 (i) is available; (ii) is less expensive, including shipping
10 costs, than new durable medical equipment of the same type;
11 (iii) is able to withstand at least 3 years of use; (iv) is
12 cleaned, disinfected, sterilized, and safe in accordance with
13 federal Food and Drug Administration regulations and guidance
14 governing the reprocessing of medical devices in health care
15 settings; and (v) equally meets the needs of the recipient or
16 enrollee. The reutilization program shall confirm that the
17 recipient or enrollee is not already in receipt of same or
18 similar equipment from another service provider, and that the
19 refurbished durable medical equipment equally meets the needs
20 of the recipient or enrollee. Nothing in this paragraph shall
21 be construed to limit recipient or enrollee choice to obtain
22 new durable medical equipment or place any additional prior
23 authorization conditions on enrollees of managed care
24 organizations.

25 The Department shall execute, relative to the nursing home
26 prescreening project, written inter-agency agreements with the

1 Department of Human Services and the Department on Aging, to
2 effect the following: (i) intake procedures and common
3 eligibility criteria for those persons who are receiving
4 non-institutional services; and (ii) the establishment and
5 development of non-institutional services in areas of the
6 State where they are not currently available or are
7 undeveloped; and (iii) notwithstanding any other provision of
8 law, subject to federal approval, on and after July 1, 2012, an
9 increase in the determination of need (DON) scores from 29 to
10 37 for applicants for institutional and home and
11 community-based long term care; if and only if federal
12 approval is not granted, the Department may, in conjunction
13 with other affected agencies, implement utilization controls
14 or changes in benefit packages to effectuate a similar savings
15 amount for this population; and (iv) no later than July 1,
16 2013, minimum level of care eligibility criteria for
17 institutional and home and community-based long term care; and
18 (v) no later than October 1, 2013, establish procedures to
19 permit long term care providers access to eligibility scores
20 for individuals with an admission date who are seeking or
21 receiving services from the long term care provider. In order
22 to select the minimum level of care eligibility criteria, the
23 Governor shall establish a workgroup that includes affected
24 agency representatives and stakeholders representing the
25 institutional and home and community-based long term care
26 interests. This Section shall not restrict the Department from

1 implementing lower level of care eligibility criteria for
2 community-based services in circumstances where federal
3 approval has been granted.

4 The Illinois Department shall develop and operate, in
5 cooperation with other State Departments and agencies and in
6 compliance with applicable federal laws and regulations,
7 appropriate and effective systems of health care evaluation
8 and programs for monitoring of utilization of health care
9 services and facilities, as it affects persons eligible for
10 medical assistance under this Code.

11 The Illinois Department shall report annually to the
12 General Assembly, no later than the second Friday in April of
13 1979 and each year thereafter, in regard to:

14 (a) actual statistics and trends in utilization of
15 medical services by public aid recipients;

16 (b) actual statistics and trends in the provision of
17 the various medical services by medical vendors;

18 (c) current rate structures and proposed changes in
19 those rate structures for the various medical vendors; and

20 (d) efforts at utilization review and control by the
21 Illinois Department.

22 The period covered by each report shall be the 3 years
23 ending on the June 30 prior to the report. The report shall
24 include suggested legislation for consideration by the General
25 Assembly. The requirement for reporting to the General
26 Assembly shall be satisfied by filing copies of the report as

1 required by Section 3.1 of the General Assembly Organization
2 Act, and filing such additional copies with the State
3 Government Report Distribution Center for the General Assembly
4 as is required under paragraph (t) of Section 7 of the State
5 Library Act.

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

12 On and after July 1, 2012, the Department shall reduce any
13 rate of reimbursement for services or other payments or alter
14 any methodologies authorized by this Code to reduce any rate
15 of reimbursement for services or other payments in accordance
16 with Section 5-5e.

17 Because kidney transplantation can be an appropriate,
18 cost-effective alternative to renal dialysis when medically
19 necessary and notwithstanding the provisions of Section 1-11
20 of this Code, beginning October 1, 2014, the Department shall
21 cover kidney transplantation for noncitizens with end-stage
22 renal disease who are not eligible for comprehensive medical
23 benefits, who meet the residency requirements of Section 5-3
24 of this Code, and who would otherwise meet the financial
25 requirements of the appropriate class of eligible persons
26 under Section 5-2 of this Code. To qualify for coverage of

1 kidney transplantation, such person must be receiving
2 emergency renal dialysis services covered by the Department.
3 Providers under this Section shall be prior approved and
4 certified by the Department to perform kidney transplantation
5 and the services under this Section shall be limited to
6 services associated with kidney transplantation.

7 Notwithstanding any other provision of this Code to the
8 contrary, on or after July 1, 2015, all FDA approved forms of
9 medication assisted treatment prescribed for the treatment of
10 alcohol dependence or treatment of opioid dependence shall be
11 covered under both fee for service and managed care medical
12 assistance programs for persons who are otherwise eligible for
13 medical assistance under this Article and shall not be subject
14 to any (1) utilization control, other than those established
15 under the American Society of Addiction Medicine patient
16 placement criteria, (2) prior authorization mandate, or (3)
17 lifetime restriction limit mandate.

18 On or after July 1, 2015, opioid antagonists prescribed
19 for the treatment of an opioid overdose, including the
20 medication product, administration devices, and any pharmacy
21 fees related to the dispensing and administration of the
22 opioid antagonist, shall be covered under the medical
23 assistance program for persons who are otherwise eligible for
24 medical assistance under this Article. As used in this
25 Section, "opioid antagonist" means a drug that binds to opioid
26 receptors and blocks or inhibits the effect of opioids acting

1 on those receptors, including, but not limited to, naloxone
2 hydrochloride or any other similarly acting drug approved by
3 the U.S. Food and Drug Administration.

4 Upon federal approval, the Department shall provide
5 coverage and reimbursement for all drugs that are approved for
6 marketing by the federal Food and Drug Administration and that
7 are recommended by the federal Public Health Service or the
8 United States Centers for Disease Control and Prevention for
9 pre-exposure prophylaxis and related pre-exposure prophylaxis
10 services, including, but not limited to, HIV and sexually
11 transmitted infection screening, treatment for sexually
12 transmitted infections, medical monitoring, assorted labs, and
13 counseling to reduce the likelihood of HIV infection among
14 individuals who are not infected with HIV but who are at high
15 risk of HIV infection.

16 A federally qualified health center, as defined in Section
17 1905(1)(2)(B) of the federal Social Security Act, shall be
18 reimbursed by the Department in accordance with the federally
19 qualified health center's encounter rate for services provided
20 to medical assistance recipients that are performed by a
21 dental hygienist, as defined under the Illinois Dental
22 Practice Act, working under the general supervision of a
23 dentist and employed by a federally qualified health center.

24 (Source: P.A. 100-201, eff. 8-18-17; 100-395, eff. 1-1-18;
25 100-449, eff. 1-1-18; 100-538, eff. 1-1-18; 100-587, eff.
26 6-4-18; 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-974,

1 eff. 8-19-18; 100-1009, eff. 1-1-19; 100-1018, eff. 1-1-19;
2 100-1148, eff. 12-10-18; 101-209, eff. 8-5-19; 101-580, eff.
3 1-1-20; revised 9-18-19.)

4 (305 ILCS 5/5-5.07)

5 Sec. 5-5.07. Inpatient psychiatric stay; DCFS per diem
6 rate. The Department of Children and Family Services shall pay
7 the DCFS per diem rate for inpatient psychiatric stay at a
8 free-standing psychiatric hospital effective the 11th day when
9 a child is in the hospital beyond medical necessity, and the
10 parent or caregiver has denied the child access to the home and
11 has refused or failed to make provisions for another living
12 arrangement for the child or the child's discharge is being
13 delayed due to a pending inquiry or investigation by the
14 Department of Children and Family Services. If any portion of
15 a hospital stay is reimbursed under this Section, the hospital
16 stay shall not be eligible for payment under the provisions of
17 Section 14-13 of this Code. This Section is inoperative on and
18 after July 1, 2020 ~~2019~~.

19 (Source: P.A. 100-646, eff. 7-27-18; reenacted by P.A. 101-15,
20 eff. 6-14-19; reenacted by P.A. 101-209, eff. 8-5-19; revised
21 9-24-19.)

22 (305 ILCS 5/5-5.2) (from Ch. 23, par. 5-5.2)

23 Sec. 5-5.2. Payment.

24 (a) All nursing facilities that are grouped pursuant to

1 Section 5-5.1 of this Act shall receive the same rate of
2 payment for similar services.

3 (b) It shall be a matter of State policy that the Illinois
4 Department shall utilize a uniform billing cycle throughout
5 the State for the long-term care providers.

6 (c) Notwithstanding any other provisions of this Code, the
7 methodologies for reimbursement of nursing services as
8 provided under this Article shall no longer be applicable for
9 bills payable for nursing services rendered on or after a new
10 reimbursement system based on the Resource Utilization Groups
11 (RUGs) has been fully operationalized, which shall take effect
12 for services provided on or after January 1, 2014.

13 (d) The new nursing services reimbursement methodology
14 utilizing RUG-IV 48 grouper model, which shall be referred to
15 as the RUGs reimbursement system, taking effect January 1,
16 2014, shall be based on the following:

17 (1) The methodology shall be resident-driven,
18 facility-specific, and cost-based.

19 (2) Costs shall be annually rebased and case mix index
20 quarterly updated. The nursing services methodology will
21 be assigned to the Medicaid enrolled residents on record
22 as of 30 days prior to the beginning of the rate period in
23 the Department's Medicaid Management Information System
24 (MMIS) as present on the last day of the second quarter
25 preceding the rate period based upon the Assessment
26 Reference Date of the Minimum Data Set (MDS).

1 (3) Regional wage adjustors based on the Health
2 Service Areas (HSA) groupings and adjusters in effect on
3 April 30, 2012 shall be included.

4 (4) Case mix index shall be assigned to each resident
5 class based on the Centers for Medicare and Medicaid
6 Services staff time measurement study in effect on July 1,
7 2013, utilizing an index maximization approach.

8 (5) The pool of funds available for distribution by
9 case mix and the base facility rate shall be determined
10 using the formula contained in subsection (d-1).

11 (d-1) Calculation of base year Statewide RUG-IV nursing
12 base per diem rate.

13 (1) Base rate spending pool shall be:

14 (A) The base year resident days which are
15 calculated by multiplying the number of Medicaid
16 residents in each nursing home as indicated in the MDS
17 data defined in paragraph (4) by 365.

18 (B) Each facility's nursing component per diem in
19 effect on July 1, 2012 shall be multiplied by
20 subsection (A).

21 (C) Thirteen million is added to the product of
22 subparagraph (A) and subparagraph (B) to adjust for
23 the exclusion of nursing homes defined in paragraph
24 (5).

25 (2) For each nursing home with Medicaid residents as
26 indicated by the MDS data defined in paragraph (4),

1 weighted days adjusted for case mix and regional wage
2 adjustment shall be calculated. For each home this
3 calculation is the product of:

4 (A) Base year resident days as calculated in
5 subparagraph (A) of paragraph (1).

6 (B) The nursing home's regional wage adjustor
7 based on the Health Service Areas (HSA) groupings and
8 adjustors in effect on April 30, 2012.

9 (C) Facility weighted case mix which is the number
10 of Medicaid residents as indicated by the MDS data
11 defined in paragraph (4) multiplied by the associated
12 case weight for the RUG-IV 48 grouper model using
13 standard RUG-IV procedures for index maximization.

14 (D) The sum of the products calculated for each
15 nursing home in subparagraphs (A) through (C) above
16 shall be the base year case mix, rate adjusted
17 weighted days.

18 (3) The Statewide RUG-IV nursing base per diem rate:

19 (A) on January 1, 2014 shall be the quotient of the
20 paragraph (1) divided by the sum calculated under
21 subparagraph (D) of paragraph (2); and

22 (B) on and after July 1, 2014, shall be the amount
23 calculated under subparagraph (A) of this paragraph
24 (3) plus \$1.76.

25 (4) Minimum Data Set (MDS) comprehensive assessments
26 for Medicaid residents on the last day of the quarter used

1 to establish the base rate.

2 (5) Nursing facilities designated as of July 1, 2012
3 by the Department as "Institutions for Mental Disease"
4 shall be excluded from all calculations under this
5 subsection. The data from these facilities shall not be
6 used in the computations described in paragraphs (1)
7 through (4) above to establish the base rate.

8 (e) Beginning July 1, 2014, the Department shall allocate
9 funding in the amount up to \$10,000,000 for per diem add-ons to
10 the RUGS methodology for dates of service on and after July 1,
11 2014:

12 (1) \$0.63 for each resident who scores in I4200
13 Alzheimer's Disease or I4800 non-Alzheimer's Dementia.

14 (2) \$2.67 for each resident who scores either a "1" or
15 "2" in any items S1200A through S1200I and also scores in
16 RUG groups PA1, PA2, BA1, or BA2.

17 (e-1) (Blank).

18 (e-2) For dates of services beginning January 1, 2014, the
19 RUG-IV nursing component per diem for a nursing home shall be
20 the product of the statewide RUG-IV nursing base per diem
21 rate, the facility average case mix index, and the regional
22 wage adjustor. Transition rates for services provided between
23 January 1, 2014 and December 31, 2014 shall be as follows:

24 (1) The transition RUG-IV per diem nursing rate for
25 nursing homes whose rate calculated in this subsection

26 (e-2) is greater than the nursing component rate in effect

1 July 1, 2012 shall be paid the sum of:

2 (A) The nursing component rate in effect July 1,
3 2012; plus

4 (B) The difference of the RUG-IV nursing component
5 per diem calculated for the current quarter minus the
6 nursing component rate in effect July 1, 2012
7 multiplied by 0.88.

8 (2) The transition RUG-IV per diem nursing rate for
9 nursing homes whose rate calculated in this subsection
10 (e-2) is less than the nursing component rate in effect
11 July 1, 2012 shall be paid the sum of:

12 (A) The nursing component rate in effect July 1,
13 2012; plus

14 (B) The difference of the RUG-IV nursing component
15 per diem calculated for the current quarter minus the
16 nursing component rate in effect July 1, 2012
17 multiplied by 0.13.

18 (f) Notwithstanding any other provision of this Code, on
19 and after July 1, 2012, reimbursement rates associated with
20 the nursing or support components of the current nursing
21 facility rate methodology shall not increase beyond the level
22 effective May 1, 2011 until a new reimbursement system based
23 on the RUGs IV 48 grouper model has been fully
24 operationalized.

25 (g) Notwithstanding any other provision of this Code, on
26 and after July 1, 2012, for facilities not designated by the

1 Department of Healthcare and Family Services as "Institutions
2 for Mental Disease", rates effective May 1, 2011 shall be
3 adjusted as follows:

4 (1) Individual nursing rates for residents classified
5 in RUG IV groups PA1, PA2, BA1, and BA2 during the quarter
6 ending March 31, 2012 shall be reduced by 10%;

7 (2) Individual nursing rates for residents classified
8 in all other RUG IV groups shall be reduced by 1.0%;

9 (3) Facility rates for the capital and support
10 components shall be reduced by 1.7%.

11 (h) Notwithstanding any other provision of this Code, on
12 and after July 1, 2012, nursing facilities designated by the
13 Department of Healthcare and Family Services as "Institutions
14 for Mental Disease" and "Institutions for Mental Disease" that
15 are facilities licensed under the Specialized Mental Health
16 Rehabilitation Act of 2013 shall have the nursing,
17 socio-developmental, capital, and support components of their
18 reimbursement rate effective May 1, 2011 reduced in total by
19 2.7%.

20 (i) On and after July 1, 2014, the reimbursement rates for
21 the support component of the nursing facility rate for
22 facilities licensed under the Nursing Home Care Act as skilled
23 or intermediate care facilities shall be the rate in effect on
24 June 30, 2014 increased by 8.17%.

25 (j) Notwithstanding any other provision of law, subject to
26 federal approval, effective July 1, 2019, sufficient funds

1 shall be allocated for changes to rates for facilities
2 licensed under the Nursing Home Care Act as skilled nursing
3 facilities or intermediate care facilities for dates of
4 services on and after July 1, 2019: (i) to establish a per diem
5 add-on to the direct care per diem rate not to exceed
6 \$70,000,000 annually in the aggregate taking into account
7 federal matching funds for the purpose of addressing the
8 facility's unique staffing needs, adjusted quarterly and
9 distributed by a weighted formula based on Medicaid bed days
10 on the last day of the second quarter preceding the quarter for
11 which the rate is being adjusted; and (ii) in an amount not to
12 exceed \$170,000,000 annually in the aggregate taking into
13 account federal matching funds to permit the support component
14 of the nursing facility rate to be updated as follows:

15 (1) 80%, or \$136,000,000, of the funds shall be used
16 to update each facility's rate in effect on June 30, 2019
17 using the most recent cost reports on file, which have had
18 a limited review conducted by the Department of Healthcare
19 and Family Services and will not hold up enacting the rate
20 increase, with the Department of Healthcare and Family
21 Services and taking into account subsection (i).

22 (2) After completing the calculation in paragraph (1),
23 any facility whose rate is less than the rate in effect on
24 June 30, 2019 shall have its rate restored to the rate in
25 effect on June 30, 2019 from the 20% of the funds set
26 aside.

1 (3) The remainder of the 20%, or \$34,000,000, shall be
2 used to increase each facility's rate by an equal
3 percentage.

4 To implement item (i) in this subsection, facilities shall
5 file quarterly reports documenting compliance with its
6 annually approved staffing plan, which shall permit compliance
7 with Section 3-202.05 of the Nursing Home Care Act. A facility
8 that fails to meet the benchmarks and dates contained in the
9 plan may have its add-on adjusted in the quarter following the
10 quarterly review. Nothing in this Section shall limit the
11 ability of the facility to appeal a ruling of non-compliance
12 and a subsequent reduction to the add-on. Funds adjusted for
13 noncompliance shall be maintained in the Long-Term Care
14 Provider Fund and accounted for separately. At the end of each
15 fiscal year, these funds shall be made available to facilities
16 for special staffing projects.

17 In order to provide for the expeditious and timely
18 implementation of the provisions of Public Act 101-10 ~~this~~
19 ~~amendatory Act of the 101st General Assembly~~, emergency rules
20 to implement any provision of Public Act 101-10 ~~this~~
21 ~~amendatory Act of the 101st General Assembly~~ may be adopted in
22 accordance with this subsection by the agency charged with
23 administering that provision or initiative. The agency shall
24 simultaneously file emergency rules and permanent rules to
25 ensure that there is no interruption in administrative
26 guidance. The 150-day limitation of the effective period of

1 emergency rules does not apply to rules adopted under this
2 subsection, and the effective period may continue through June
3 30, 2021. The 24-month limitation on the adoption of emergency
4 rules does not apply to rules adopted under this subsection.
5 The adoption of emergency rules authorized by this subsection
6 is deemed to be necessary for the public interest, safety, and
7 welfare.

8 (k) ~~(j)~~ During the first quarter of State Fiscal Year
9 2020, the Department of Healthcare of Family Services must
10 convene a technical advisory group consisting of members of
11 all trade associations representing Illinois skilled nursing
12 providers to discuss changes necessary with federal
13 implementation of Medicare's Patient-Driven Payment Model.
14 Implementation of Medicare's Patient-Driven Payment Model
15 shall, by September 1, 2020, end the collection of the MDS data
16 that is necessary to maintain the current RUG-IV Medicaid
17 payment methodology. The technical advisory group must
18 consider a revised reimbursement methodology that takes into
19 account transparency, accountability, actual staffing as
20 reported under the federally required Payroll Based Journal
21 system, changes to the minimum wage, adequacy in coverage of
22 the cost of care, and a quality component that rewards quality
23 improvements.

24 (Source: P.A. 101-10, eff. 6-5-19; 101-348, eff. 8-9-19;
25 revised 9-18-19.)

1 (305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

2 Sec. 5-5.12. Pharmacy payments.

3 (a) Every request submitted by a pharmacy for
4 reimbursement under this Article for prescription drugs
5 provided to a recipient of aid under this Article shall
6 include the name of the prescriber or an acceptable
7 identification number as established by the Department.

8 (b) Pharmacies providing prescription drugs under this
9 Article shall be reimbursed at a rate which shall include a
10 professional dispensing fee as determined by the Illinois
11 Department, plus the current acquisition cost of the
12 prescription drug dispensed. The Illinois Department shall
13 update its information on the acquisition costs of all
14 prescription drugs no less frequently than every 30 days.
15 However, the Illinois Department may set the rate of
16 reimbursement for the acquisition cost, by rule, at a
17 percentage of the current average wholesale acquisition cost.

18 (c) (Blank).

19 (d) The Department shall review utilization of narcotic
20 medications in the medical assistance program and impose
21 utilization controls that protect against abuse.

22 (e) When making determinations as to which drugs shall be
23 on a prior approval list, the Department shall include as part
24 of the analysis for this determination, the degree to which a
25 drug may affect individuals in different ways based on factors
26 including the gender of the person taking the medication.

1 (f) The Department shall cooperate with the Department of
2 Public Health and the Department of Human Services Division of
3 Mental Health in identifying psychotropic medications that,
4 when given in a particular form, manner, duration, or
5 frequency (including "as needed") in a dosage, or in
6 conjunction with other psychotropic medications to a nursing
7 home resident or to a resident of a facility licensed under the
8 ID/DD Community Care Act or the MC/DD Act, may constitute a
9 chemical restraint or an "unnecessary drug" as defined by the
10 Nursing Home Care Act or Titles XVIII and XIX of the Social
11 Security Act and the implementing rules and regulations. The
12 Department shall require prior approval for any such
13 medication prescribed for a nursing home resident or to a
14 resident of a facility licensed under the ID/DD Community Care
15 Act or the MC/DD Act, that appears to be a chemical restraint
16 or an unnecessary drug. The Department shall consult with the
17 Department of Human Services Division of Mental Health in
18 developing a protocol and criteria for deciding whether to
19 grant such prior approval.

20 (g) The Department may by rule provide for reimbursement
21 of the dispensing of a 90-day supply of a generic or brand
22 name, non-narcotic maintenance medication in circumstances
23 where it is cost effective.

24 (g-5) On and after July 1, 2012, the Department may
25 require the dispensing of drugs to nursing home residents be
26 in a 7-day supply or other amount less than a 31-day supply.

1 The Department shall pay only one dispensing fee per 31-day
2 supply.

3 (h) Effective July 1, 2011, the Department shall
4 discontinue coverage of select over-the-counter drugs,
5 including analgesics and cough and cold and allergy
6 medications.

7 (h-5) On and after July 1, 2012, the Department shall
8 impose utilization controls, including, but not limited to,
9 prior approval on specialty drugs, oncolytic drugs, drugs for
10 the treatment of HIV or AIDS, immunosuppressant drugs, and
11 biological products in order to maximize savings on these
12 drugs. The Department may adjust payment methodologies for
13 non-pharmacy billed drugs in order to incentivize the
14 selection of lower-cost drugs. For drugs for the treatment of
15 AIDS, the Department shall take into consideration the
16 potential for non-adherence by certain populations, and shall
17 develop protocols with organizations or providers primarily
18 serving those with HIV/AIDS, as long as such measures intend
19 to maintain cost neutrality with other utilization management
20 controls such as prior approval. For hemophilia, the
21 Department shall develop a program of utilization review and
22 control which may include, in the discretion of the
23 Department, prior approvals. The Department may impose special
24 standards on providers that dispense blood factors which shall
25 include, in the discretion of the Department, staff training
26 and education; patient outreach and education; case

1 management; in-home patient assessments; assay management;
2 maintenance of stock; emergency dispensing timeframes; data
3 collection and reporting; dispensing of supplies related to
4 blood factor infusions; cold chain management and packaging
5 practices; care coordination; product recalls; and emergency
6 clinical consultation. The Department may require patients to
7 receive a comprehensive examination annually at an appropriate
8 provider in order to be eligible to continue to receive blood
9 factor.

10 (i) On and after July 1, 2012, the Department shall reduce
11 any rate of reimbursement for services or other payments or
12 alter any methodologies authorized by this Code to reduce any
13 rate of reimbursement for services or other payments in
14 accordance with Section 5-5e.

15 (j) On and after July 1, 2012, the Department shall impose
16 limitations on prescription drugs such that the Department
17 shall not provide reimbursement for more than 4 prescriptions,
18 including 3 brand name prescriptions, for distinct drugs in a
19 30-day period, unless prior approval is received for all
20 prescriptions in excess of the 4-prescription limit. Drugs in
21 the following therapeutic classes shall not be subject to
22 prior approval as a result of the 4-prescription limit:
23 immunosuppressant drugs, oncolytic drugs, anti-retroviral
24 drugs, and, on or after July 1, 2014, antipsychotic drugs. On
25 or after July 1, 2014, the Department may exempt children with
26 complex medical needs enrolled in a care coordination entity

1 contracted with the Department to solely coordinate care for
2 such children, if the Department determines that the entity
3 has a comprehensive drug reconciliation program.

4 (k) No medication therapy management program implemented
5 by the Department shall be contrary to the provisions of the
6 Pharmacy Practice Act.

7 (l) Any provider enrolled with the Department that bills
8 the Department for outpatient drugs and is eligible to enroll
9 in the federal Drug Pricing Program under Section 340B of the
10 federal Public Health Service ~~Services~~ Act shall enroll in
11 that program. No entity participating in the federal Drug
12 Pricing Program under Section 340B of the federal Public
13 Health Service ~~Services~~ Act may exclude Medicaid from their
14 participation in that program, although the Department may
15 exclude entities defined in Section 1905(1)(2)(B) of the
16 Social Security Act from this requirement.

17 (Source: P.A. 98-463, eff. 8-16-13; 98-651, eff. 6-16-14;
18 99-180, eff. 7-29-15; revised 9-2-20.)

19 (305 ILCS 5/5-30.11)

20 Sec. 5-30.11. Treatment of autism spectrum disorder.
21 Treatment of autism spectrum disorder through applied behavior
22 analysis shall be covered under the medical assistance program
23 under this Article for children with a diagnosis of autism
24 spectrum disorder when ordered by a physician licensed to
25 practice medicine in all its branches and rendered by a

1 licensed or certified health care professional with expertise
2 in applied behavior analysis. Such coverage may be limited to
3 age ranges based on evidence-based best practices. Appropriate
4 State plan amendments as well as rules regarding provision of
5 services and providers will be submitted by September 1, 2019.
6 (Source: P.A. 101-10, eff. 6-5-19.)

7 (305 ILCS 5/5-30.13)

8 Sec. 5-30.13 ~~5-30.11~~. Managed care reports; minority-owned
9 and women-owned businesses. Each Medicaid managed care health
10 plan shall submit a report to the Department by March 1, 2020,
11 and every March 1 thereafter, that includes the following
12 information:

13 (1) The administrative expenses paid to the Medicaid
14 managed care health plan.

15 (2) The amount of money the Medicaid managed care
16 health plan has spent with Business Enterprise Program
17 certified businesses.

18 (3) The amount of money the Medicaid managed care
19 health plan has spent with minority-owned and women-owned
20 businesses that are certified by other agencies or private
21 organizations.

22 (4) The amount of money the Medicaid managed care
23 health plan has spent with not-for-profit community-based
24 organizations serving predominantly minority communities,
25 as defined by the Department.

1 (5) The proportion of minorities, people with
2 disabilities, and women that make up the staff of the
3 Medicaid managed care health plan.

4 (6) Recommendations for increasing expenditures with
5 minority-owned and women-owned businesses.

6 (7) A list of the types of services to which the
7 Medicaid managed care health plan is contemplating adding
8 new vendors.

9 (8) The certifications the Medicaid managed care
10 health plan accepts for minority-owned and women-owned
11 businesses.

12 (9) The point of contact for potential vendors seeking
13 to do business with the Medicaid managed care health plan.

14 The Department shall publish the reports on its website
15 and shall maintain each report on its website for 5 years. In
16 May of 2020 and every May thereafter, the Department shall
17 hold 2 annual public workshops, one in Chicago and one in
18 Springfield. The workshops shall include each Medicaid managed
19 care health plan and shall be open to vendor communities to
20 discuss the submitted plans and to seek to connect vendors
21 with the Medicaid managed care health plans.

22 (Source: P.A. 101-209, eff. 8-5-19; revised 10-22-19.)

23 (305 ILCS 5/5-30.14)

24 Sec. 5-30.14 ~~5-30.11~~. Medicaid managed care organizations;
25 preferred drug lists.

1 (a) No later than January 1, 2020, the Illinois Department
2 shall develop a standardized format for all Medicaid managed
3 care organization preferred drug lists in collaboration with
4 Medicaid managed care organizations and other stakeholders,
5 including, but not limited to, organizations that serve
6 individuals impacted by HIV/AIDS or epilepsy, and
7 community-based organizations, providers, and entities with
8 expertise in drug formulary development.

9 (b) Following development of the standardized Preferred
10 Drug List format, the Illinois Department shall allow Medicaid
11 managed care organizations 6 months from the date of
12 completion to comply with the new Preferred Drug List format.
13 Each Medicaid managed care organization must post its
14 preferred drug list on its website without restricting access
15 and must update the preferred drug list posted on its website.
16 Medicaid managed care organizations shall publish updates to
17 their preferred drug lists no less than 30 days prior to the
18 date upon which any update or change takes effect, including,
19 but not limited to, any and all changes to requirements for
20 prior approval requirements, step therapy, or other
21 utilization controls.

22 (c)(1) No later than January 1, 2020, the Illinois
23 Department shall establish and maintain the Illinois Drug and
24 Therapeutics Advisory Board. The Board shall have the
25 authority and responsibility to provide recommendations to the
26 Illinois Department regarding which drug products to list on

1 the Illinois Department's preferred drug list. The Illinois
2 Department shall provide administrative support to the Board
3 and the Board shall:

4 (A) convene and meet no less than once per calendar
5 quarter;

6 (B) provide regular opportunities for public comment;
7 and

8 (C) comply with the provisions of the Open Meetings
9 Act.

10 All correspondence related to the Board, including
11 correspondence to and from Board members, shall be subject to
12 the Freedom of Information Act.

13 (2) The Board shall consist of the following voting
14 members, all of whom shall be appointed by the Governor and
15 shall serve terms of 3 years without compensation:

16 (A) one pharmacist licensed to practice pharmacy in
17 Illinois who is recommended by a statewide organization
18 representing pharmacists;

19 (B) 4 physicians, recommended by a statewide
20 organization representing physicians, who are licensed to
21 practice medicine in all its branches in Illinois, have
22 knowledge of and adhere to best practice standards, and
23 have experience treating Illinois Medicaid beneficiaries;

24 (C) at least one clinician who specializes in the
25 prevention and treatment of HIV, recommended by an HIV
26 healthcare advocacy organization;

1 (D) at least one clinician recommended by a healthcare
2 advocacy organization that serves individuals who are
3 affected by chronic diseases that require significant
4 pharmaceutical treatments;

5 (E) one clinician representing the Illinois
6 Department; and

7 (F) one licensed psychiatrist, recommended by a
8 statewide organization representing psychiatrists, who has
9 experience treating Illinois Medicaid beneficiaries.

10 One non-voting clinician recommended by an association of
11 Medicaid managed care health plans shall serve a term of 3
12 years on the Board without compensation.

13 Organizations interested in nominating non-voting
14 clinicians to advise the Board may submit requests to
15 participate to the Illinois Department.

16 A licensed physician recommended by the Rare Disease
17 Commission who is a rare disease specialist and possesses
18 scientific knowledge and medical training with respect to rare
19 diseases and is familiar with drug and biological products and
20 treatment shall be notified in advance to attend an Illinois
21 Drug and Therapeutics Advisory Board meeting when a drug or
22 biological product is scheduled to be reviewed in order to
23 advise and make recommendations on drugs or biological
24 products.

25 (d) The Illinois Department shall adopt rules, to be in
26 place no later than January 1, 2020, for the purpose of

1 establishing and maintaining the Board.

2 (Source: P.A. 101-62, eff. 7-12-19; revised 10-22-19.)

3 (305 ILCS 5/5-36)

4 Sec. 5-36. Pharmacy benefits.

5 (a)(1) The Department may enter into a contract with a
6 third party on a fee-for-service reimbursement model for the
7 purpose of administering pharmacy benefits as provided in this
8 Section for members not enrolled in a Medicaid managed care
9 organization; however, these services shall be approved by the
10 Department. The Department shall ensure coordination of care
11 between the third-party administrator and managed care
12 organizations as a consideration in any contracts established
13 in accordance with this Section. Any managed care techniques,
14 principles, or administration of benefits utilized in
15 accordance with this subsection shall comply with State law.

16 (2) The following shall apply to contracts between
17 entities contracting relating to the Department's third-party
18 administrators and pharmacies:

19 (A) the Department shall approve any contract between
20 a third-party administrator and a pharmacy;

21 (B) the Department's third-party administrator shall
22 not change the terms of a contract between a third-party
23 administrator and a pharmacy without written approval by
24 the Department; and

25 (C) the Department's third-party administrator shall

1 not create, modify, implement, or indirectly establish any
2 fee on a pharmacy, pharmacist, or a recipient of medical
3 assistance without written approval by the Department.

4 (b) The provisions of this Section shall not apply to
5 outpatient pharmacy services provided by a health care
6 facility registered as a covered entity pursuant to 42 U.S.C.
7 256b or any pharmacy owned by or contracted with the covered
8 entity. A Medicaid managed care organization shall, either
9 directly or through a pharmacy benefit manager, administer and
10 reimburse outpatient pharmacy claims submitted by a health
11 care facility registered as a covered entity pursuant to 42
12 U.S.C. 256b, its owned pharmacies, and contracted pharmacies
13 in accordance with the contractual agreements the Medicaid
14 managed care organization or its pharmacy benefit manager has
15 with such facilities and pharmacies. Any pharmacy benefit
16 manager that contracts with a Medicaid managed care
17 organization to administer and reimburse pharmacy claims as
18 provided in this Section must be registered with the Director
19 of Insurance in accordance with Section 513b2 of the Illinois
20 Insurance Code.

21 (c) On at least an annual basis, the Director of the
22 Department of Healthcare and Family Services shall submit a
23 report beginning no later than one year after January 1, 2020
24 (the effective date of Public Act 101-452) ~~this amendatory Act~~
25 ~~of the 101st General Assembly~~ that provides an update on any
26 contract, contract issues, formulary, dispensing fees, and

1 maximum allowable cost concerns regarding a third-party
2 administrator and managed care. The requirement for reporting
3 to the General Assembly shall be satisfied by filing copies of
4 the report with the Speaker, the Minority Leader, and the
5 Clerk of the House of Representatives and with the President,
6 the Minority Leader, and the Secretary of the Senate. The
7 Department shall take care that no proprietary information is
8 included in the report required under this Section.

9 (d) A pharmacy benefit manager shall notify the Department
10 in writing of any activity, policy, or practice of the
11 pharmacy benefit manager that directly or indirectly presents
12 a conflict of interest that interferes with the discharge of
13 the pharmacy benefit manager's duty to a managed care
14 organization to exercise its contractual duties. "Conflict of
15 interest" shall be defined by rule by the Department.

16 (e) A pharmacy benefit manager shall, upon request,
17 disclose to the Department the following information:

18 (1) whether the pharmacy benefit manager has a
19 contract, agreement, or other arrangement with a
20 pharmaceutical manufacturer to exclusively dispense or
21 provide a drug to a managed care organization's enrollees,
22 and the aggregate amounts of consideration of economic
23 benefits collected or received pursuant to that
24 arrangement;

25 (2) the percentage of claims payments made by the
26 pharmacy benefit manager to pharmacies owned, managed, or

1 controlled by the pharmacy benefit manager or any of the
2 pharmacy benefit manager's management companies, parent
3 companies, subsidiary companies, or jointly held
4 companies;

5 (3) the aggregate amount of the fees or assessments
6 imposed on, or collected from, pharmacy providers; and

7 (4) the average annualized percentage of revenue
8 collected by the pharmacy benefit manager as a result of
9 each contract it has executed with a managed care
10 organization contracted by the Department to provide
11 medical assistance benefits which is not paid by the
12 pharmacy benefit manager to pharmacy providers and
13 pharmaceutical manufacturers or labelers or in order to
14 perform administrative functions pursuant to its contracts
15 with managed care organizations.

16 (f) The information disclosed under subsection (e) shall
17 include all retail, mail order, specialty, and compounded
18 prescription products. All information made available to the
19 Department under subsection (e) is confidential and not
20 subject to disclosure under the Freedom of Information Act.
21 All information made available to the Department under
22 subsection (e) shall not be reported or distributed in any way
23 that compromises its competitive, proprietary, or financial
24 value. The information shall only be used by the Department to
25 assess the contract, agreement, or other arrangements made
26 between a pharmacy benefit manager and a pharmacy provider,

1 pharmaceutical manufacturer or labeler, managed care
2 organization, or other entity, as applicable.

3 (g) A pharmacy benefit manager shall disclose directly in
4 writing to a pharmacy provider or pharmacy services
5 administrative organization contracting with the pharmacy
6 benefit manager of any material change to a contract provision
7 that affects the terms of the reimbursement, the process for
8 verifying benefits and eligibility, dispute resolution,
9 procedures for verifying drugs included on the formulary, and
10 contract termination at least 30 days prior to the date of the
11 change to the provision. The terms of this subsection shall be
12 deemed met if the pharmacy benefit manager posts the
13 information on a website, viewable by the public. A pharmacy
14 service administration organization shall notify all contract
15 pharmacies of any material change, as described in this
16 subsection, within 2 days of notification. As used in this
17 Section, "pharmacy services administrative organization" means
18 an entity operating within the State that contracts with
19 independent pharmacies to conduct business on their behalf
20 with third-party payers. A pharmacy services administrative
21 organization may provide administrative services to pharmacies
22 and negotiate and enter into contracts with third-party payers
23 or pharmacy benefit managers on behalf of pharmacies.

24 (h) A pharmacy benefit manager shall not include the
25 following in a contract with a pharmacy provider:

26 (1) a provision prohibiting the provider from

1 informing a patient of a less costly alternative to a
2 prescribed medication; or

3 (2) a provision that prohibits the provider from
4 dispensing a particular amount of a prescribed medication,
5 if the pharmacy benefit manager allows that amount to be
6 dispensed through a pharmacy owned or controlled by the
7 pharmacy benefit manager, unless the prescription drug is
8 subject to restricted distribution by the United States
9 Food and Drug Administration or requires special handling,
10 provider coordination, or patient education that cannot be
11 provided by a retail pharmacy.

12 (i) Nothing in this Section shall be construed to prohibit
13 a pharmacy benefit manager from requiring the same
14 reimbursement and terms and conditions for a pharmacy provider
15 as for a pharmacy owned, controlled, or otherwise associated
16 with the pharmacy benefit manager.

17 (j) A pharmacy benefit manager shall establish and
18 implement a process for the resolution of disputes arising out
19 of this Section, which shall be approved by the Department.

20 (k) The Department shall adopt rules establishing
21 reasonable dispensing fees for fee-for-service payments in
22 accordance with guidance or guidelines from the federal
23 Centers for Medicare and Medicaid Services.

24 (Source: P.A. 101-452, eff. 1-1-20; revised 10-22-19.)

25 (305 ILCS 5/5-36.5)

1 Sec. 5-36.5 ~~5-36~~. Education on mental health and substance
2 use treatment services for children and young adults. The
3 Department of Healthcare and Family Services shall develop a
4 layman's guide to the mental health and substance use
5 treatment services available in Illinois through the Medical
6 Assistance Program and through the Family Support Program, or
7 other publicly funded programs, similar to what Massachusetts
8 developed, to help families understand what services are
9 available to them when they have a child in need of treatment
10 or support. The guide shall be in easy-to-understand language,
11 be prominently available on the Department of Healthcare and
12 Family Services' website, and be part of a statewide
13 communications campaign to ensure families are aware of Family
14 Support Program services. It shall briefly explain the service
15 and whether it is covered by the Medical Assistance Program,
16 the Family Support Program, or any other public funding
17 source. Within one year after January 1, 2020 (the effective
18 date of Public Act 101-461) ~~this amendatory Act of the 101st~~
19 ~~General Assembly~~, the Department of Healthcare and Family
20 Services shall complete this guide, have it available on its
21 website, and launch the communications campaign.

22 (Source: P.A. 101-461, eff. 1-1-20; revised 10-22-19.)

23 (305 ILCS 5/5H-1)

24 Sec. 5H-1. Definitions. As used in this Article:

25 "Base year" means the 12-month period from January 1, 2018

1 to December 31, 2018.

2 "Department" means the Department of Healthcare and Family
3 Services.

4 "Federal employee health benefit" means the program of
5 health benefits plans, as defined in 5 U.S.C. 8901, available
6 to federal employees under 5 U.S.C. 8901 to 8914.

7 "Fund" means the Healthcare Provider Relief Fund.

8 "Managed care organization" means an entity operating
9 under a certificate of authority issued pursuant to the Health
10 Maintenance Organization Act or as a Managed Care Community
11 Network pursuant to Section 5-11 of this ~~the Public Aid~~ Code.

12 "Medicaid managed care organization" means a managed care
13 organization under contract with the Department to provide
14 services to recipients of benefits in the medical assistance
15 program pursuant to Article V of this ~~the Public Aid~~ Code, the
16 Children's Health Insurance Program Act, or the Covering ALL
17 KIDS Health Insurance Act. It does not include contracts the
18 same entity or an affiliated entity has for other business.

19 "Medicare" means the federal Medicare program established
20 under Title XVIII of the federal Social Security Act.

21 "Member months" means the aggregate total number of months
22 all individuals are enrolled for coverage in a Managed Care
23 Organization during the base year. Member months are
24 determined by the Department for Medicaid Managed Care
25 Organizations based on enrollment data in its Medicaid
26 Management Information System and by the Department of

1 Insurance for other Managed Care Organizations based on
2 required filings with the Department of Insurance. Member
3 months do not include months individuals are enrolled in a
4 Limited Health Services Organization, including stand-alone
5 dental or vision plans, a Medicare Advantage Plan, a Medicare
6 Supplement Plan, a Medicaid Medicare Alignment Initiative Plan
7 pursuant to a Memorandum of Understanding between the
8 Department and the Federal Centers for Medicare and Medicaid
9 Services or a Federal Employee Health Benefits Plan.

10 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

11 (305 ILCS 5/5H-5)

12 Sec. 5H-5. Liability or resultant entities. In the event
13 of a merger, acquisition, or any similar transaction involving
14 entities subject to the assessment under this Article, the
15 resultant entity shall be responsible for the full amount of
16 the assessment for all entities involved in the transaction
17 with the member months allotted to tiers as they were prior to
18 the transaction and no member months shall change tiers as a
19 result of any transaction. A managed care organization that
20 ceases doing business in the State during any fiscal year
21 shall be liable only for the monthly installments due in
22 months that it ~~they~~ operated in the State. The Department
23 shall by rule establish a methodology to set the assessment
24 base member months for a managed care organization that begins
25 operating in the State at any time after 2018. Nothing in this

1 Section shall be construed to limit authority granted in
2 subsection (c) of Section 5H-3.

3 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

4 (305 ILCS 5/5H-6)

5 Sec. 5H-6. Recordkeeping; penalties.

6 (a) A managed care organization that is liable for the
7 assessment under this Article shall keep accurate and complete
8 records and pertinent documents as may be required by the
9 Department. Records required by the Department shall be
10 retained for a period of 4 years after the assessment imposed
11 under this Act to which the records apply is due or as
12 otherwise provided by law. The Department or the Department of
13 Insurance may audit all records necessary to ensure compliance
14 with this Article and make adjustments to assessment amounts
15 previously calculated based on the results of any such audit.

16 (b) If a managed care organization fails to make a payment
17 due under this Article in a timely fashion, it ~~they~~ shall pay
18 an additional penalty of 5% of the amount of the installment
19 not paid on or before the due date, or any grace period
20 granted, plus 5% of the portion thereof remaining unpaid on
21 the last day of each 30-day period thereafter. The Department
22 is authorized to grant grace periods of up to 30 days upon
23 request of a managed care organization for good cause due to
24 financial or other difficulties, as determined by the
25 Department. If a managed care organization fails to make a

1 payment within 60 days after the due date the Department shall
2 additionally impose a contractual sanction allowed against a
3 Medicaid managed care organization and may terminate any such
4 contract. The Department of Insurance shall take action
5 against the certificate of authority of a non-Medicaid managed
6 care organization that fails to pay an installment within 60
7 days after the due date.

8 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

9 (305 ILCS 5/11-5.4)

10 Sec. 11-5.4. Expedited long-term care eligibility
11 determination and enrollment.

12 (a) Establishment of the expedited long-term care
13 eligibility determination and enrollment system shall be a
14 joint venture of the Departments of Human Services and
15 Healthcare and Family Services and the Department on Aging.

16 (b) Streamlined application enrollment process; expedited
17 eligibility process. The streamlined application and
18 enrollment process must include, but need not be limited to,
19 the following:

20 (1) On or before July 1, 2019, a streamlined
21 application and enrollment process shall be put in place
22 which must include, but need not be limited to, the
23 following:

24 (A) Minimize the burden on applicants by
25 collecting only the data necessary to determine

1 eligibility for medical services, long-term care
2 services, and spousal impoverishment offset.

3 (B) Integrate online data sources to simplify the
4 application process by reducing the amount of
5 information needed to be entered and to expedite
6 eligibility verification.

7 (C) Provide online prompts to alert the applicant
8 that information is missing or not complete.

9 (D) Provide training and step-by-step written
10 instructions for caseworkers, applicants, and
11 providers.

12 (2) The State must expedite the eligibility process
13 for applicants meeting specified guidelines, regardless of
14 the age of the application. The guidelines, subject to
15 federal approval, must include, but need not be limited
16 to, the following individually or collectively:

17 (A) Full Medicaid benefits in the community for a
18 specified period of time.

19 (B) No transfer of assets or resources during the
20 federally prescribed look-back period, as specified in
21 federal law.

22 (C) Receives Supplemental Security Income payments
23 or was receiving such payments at the time of
24 admission to a nursing facility.

25 (D) For applicants or recipients with verified
26 income at or below 100% of the federal poverty level

1 when the declared value of their countable resources
2 is no greater than the allowable amounts pursuant to
3 Section 5-2 of this Code for classes of eligible
4 persons for whom a resource limit applies. Such
5 simplified verification policies shall apply to
6 community cases as well as long-term care cases.

7 (3) Subject to federal approval, the Department of
8 Healthcare and Family Services must implement an ex parte
9 renewal process for Medicaid-eligible individuals residing
10 in long-term care facilities. "Renewal" has the same
11 meaning as "redetermination" in State policies,
12 administrative rule, and federal Medicaid law. The ex
13 parte renewal process must be fully operational on or
14 before January 1, 2019. If an individual has transferred
15 to another long-term care facility, any annual notice
16 concerning redetermination of eligibility must be sent to
17 the long-term care facility where the individual resides
18 as well as to the individual.

19 (4) The Department of Human Services must use the
20 standards and distribution requirements described in this
21 subsection and in Section 11-6 for notification of missing
22 supporting documents and information during all phases of
23 the application process: initial, renewal, and appeal.

24 (c) The Department of Human Services must adopt policies
25 and procedures to improve communication between long-term care
26 benefits central office personnel, applicants and their

1 representatives, and facilities in which the applicants
2 reside. Such policies and procedures must at a minimum permit
3 applicants and their representatives and the facility in which
4 the applicants reside to speak directly to an individual
5 trained to take telephone inquiries and provide appropriate
6 responses.

7 (d) Effective 30 days after the completion of 3 regionally
8 based trainings, nursing facilities shall submit all
9 applications for medical assistance online via the Application
10 for Benefits Eligibility (ABE) website. This requirement shall
11 extend to scanning and uploading with the online application
12 any required additional forms such as the Long Term Care
13 Facility Notification and the Additional Financial Information
14 for Long Term Care Applicants as well as scanned copies of any
15 supporting documentation. Long-term care facility admission
16 documents must be submitted as required in Section 5-5 of this
17 Code. No local Department of Human Services office shall
18 refuse to accept an electronically filed application. No
19 Department of Human Services office shall request submission
20 of any document in hard copy.

21 (e) Notwithstanding any other provision of this Code, the
22 Department of Human Services and the Department of Healthcare
23 and Family Services' Office of the Inspector General shall,
24 upon request, allow an applicant additional time to submit
25 information and documents needed as part of a review of
26 available resources or resources transferred during the

1 look-back period. The initial extension shall not exceed 30
2 days. A second extension of 30 days may be granted upon
3 request. Any request for information issued by the State to an
4 applicant shall include the following: an explanation of the
5 information required and the date by which the information
6 must be submitted; a statement that failure to respond in a
7 timely manner can result in denial of the application; a
8 statement that the applicant or the facility in the name of the
9 applicant may seek an extension; and the name and contact
10 information of a caseworker in case of questions. Any such
11 request for information shall also be sent to the facility. In
12 deciding whether to grant an extension, the Department of
13 Human Services or the Department of Healthcare and Family
14 Services' Office of the Inspector General shall take into
15 account what is in the best interest of the applicant. The time
16 limits for processing an application shall be tolled during
17 the period of any extension granted under this subsection.

18 (f) The Department of Human Services and the Department of
19 Healthcare and Family Services must jointly compile data on
20 pending applications, denials, appeals, and redeterminations
21 into a monthly report, which shall be posted on each
22 Department's website for the purposes of monitoring long-term
23 care eligibility processing. The report must specify the
24 number of applications and redeterminations pending long-term
25 care eligibility determination and admission and the number of
26 appeals of denials in the following categories:

1 (A) Length of time applications, redeterminations, and
2 appeals are pending - 0 to 45 days, 46 days to 90 days, 91
3 days to 180 days, 181 days to 12 months, over 12 months to
4 18 months, over 18 months to 24 months, and over 24 months.

5 (B) Percentage of applications and redeterminations
6 pending in the Department of Human Services' Family
7 Community Resource Centers, in the Department of Human
8 Services' long-term care hubs, with the Department of
9 Healthcare and Family Services' Office of Inspector
10 General, and those applications which are being tolled due
11 to requests for extension of time for additional
12 information.

13 (C) Status of pending applications, denials, appeals,
14 and redeterminations.

15 (g) Beginning on July 1, 2017, the Auditor General shall
16 report every 3 years to the General Assembly on the
17 performance and compliance of the Department of Healthcare and
18 Family Services, the Department of Human Services, and the
19 Department on Aging in meeting the requirements of this
20 Section and the federal requirements concerning eligibility
21 determinations for Medicaid long-term care services and
22 supports, and shall report any issues or deficiencies and make
23 recommendations. The Auditor General shall, at a minimum,
24 review, consider, and evaluate the following:

25 (1) compliance with federal regulations on furnishing
26 services as related to Medicaid long-term care services

1 and supports as provided under 42 CFR 435.930;

2 (2) compliance with federal regulations on the timely
3 determination of eligibility as provided under 42 CFR
4 435.912;

5 (3) the accuracy and completeness of the report
6 required under paragraph (9) of subsection (e);

7 (4) the efficacy and efficiency of the task-based
8 process used for making eligibility determinations in the
9 centralized offices of the Department of Human Services
10 for long-term care services, including the role of the
11 State's integrated eligibility system, as opposed to the
12 traditional caseworker-specific process from which these
13 central offices have converted; and

14 (5) any issues affecting eligibility determinations
15 related to the Department of Human Services' staff
16 completing Medicaid eligibility determinations instead of
17 the designated single-state Medicaid agency in Illinois,
18 the Department of Healthcare and Family Services.

19 The Auditor General's report shall include any and all
20 other areas or issues which are identified through an annual
21 review. Paragraphs (1) through (5) of this subsection shall
22 not be construed to limit the scope of the annual review and
23 the Auditor General's authority to thoroughly and completely
24 evaluate any and all processes, policies, and procedures
25 concerning compliance with federal and State law requirements
26 on eligibility determinations for Medicaid long-term care

1 services and supports.

2 (h) The Department of Healthcare and Family Services shall
3 adopt any rules necessary to administer and enforce any
4 provision of this Section. Rulemaking shall not delay the full
5 implementation of this Section.

6 (i) Beginning on June 29, 2018, provisional eligibility
7 for medical assistance under Article V of this Code, in the
8 form of a recipient identification number and any other
9 necessary credentials to permit an applicant to receive
10 covered services under Article V, must be issued to any
11 applicant who has not received a determination on his or her
12 application for Medicaid and Medicaid long-term care services
13 filed simultaneously or, if already Medicaid enrolled,
14 application for Medicaid long-term care services under Article
15 V of this Code within the federally prescribed timeliness
16 requirements for determinations on such applications. The
17 Department of Healthcare and Family Services must maintain the
18 applicant's provisional eligibility status until a
19 determination is made on the individual's application for
20 long-term care services. The Department of Healthcare and
21 Family Services or the managed care organization, if
22 applicable, must reimburse providers for services rendered
23 during an applicant's provisional eligibility period.

24 (1) Claims for services rendered to an applicant with
25 provisional eligibility status must be submitted and
26 processed in the same manner as those submitted on behalf

1 of beneficiaries determined to qualify for benefits.

2 (2) An applicant with provisional eligibility status
3 must have his or her long-term care benefits paid for
4 under the State's fee-for-service system during the period
5 of provisional eligibility. If an individual otherwise
6 eligible for medical assistance under Article V of this
7 Code is enrolled with a managed care organization for
8 community benefits at the time the individual's
9 provisional eligibility for long-term care services is
10 issued, the managed care organization is only responsible
11 for paying benefits covered under the capitation payment
12 received by the managed care organization for the
13 individual.

14 (3) The Department of Healthcare and Family Services,
15 within 10 business days of issuing provisional eligibility
16 to an applicant, must submit to the Office of the
17 Comptroller for payment a voucher for all retroactive
18 reimbursement due. The Department of Healthcare and Family
19 Services must clearly identify such vouchers as
20 provisional eligibility vouchers.

21 (Source: P.A. 100-380, eff. 8-25-17; 100-665, eff. 8-2-18;
22 100-1141, eff. 11-28-18; 101-101, eff. 1-1-20; 101-209, eff.
23 8-5-19; 101-265, eff. 8-9-19; 101-559, eff. 8-23-19; revised
24 9-19-19.)

25 (305 ILCS 5/12-4.13c)

1 Sec. 12-4.13c. SNAP Restaurant Meals Program.

2 (a) Subject to federal approval of the plan for operating
3 the Program, the Department of Human Services shall establish
4 a Restaurant Meals Program as part of the federal Supplemental
5 Nutrition Assistance Program (SNAP). Under the Restaurant
6 Meals Program, households containing elderly or disabled
7 members, and their spouses, as defined in 7 U.S.C. 2012(j), or
8 homeless individuals, as defined in 7 U.S.C. 2012(l), shall
9 have the option in accordance with 7 U.S.C. 2012(k) to redeem
10 their SNAP benefits at private establishments that contract
11 with the Department to offer meals for eligible individuals at
12 concessional prices subject to 7 U.S.C. 2018(h). The
13 Restaurant Meals Program shall be operational no later than
14 July 1, 2021.

15 (b) The Department of Human Services shall adopt any rules
16 necessary to implement the provisions of this Section.

17 (Source: P.A. 101-10, eff. 6-5-19; 101-110, eff. 7-19-19.)

18 (305 ILCS 5/12-4.13d)

19 Sec. 12-4.13d ~~12-4.13e~~. SNAP eligibility notification;
20 college students.

21 (a) To complement student financial assistance programs
22 and to enhance their effectiveness for students with financial
23 need, the Illinois Student Assistance Commission (ISAC) shall
24 annually include information about the Supplemental Nutrition
25 Assistance Program (SNAP) in the language that schools are

1 required to provide to students eligible for the Monetary
2 Award Program grant. The language shall, at a minimum, direct
3 students to information about college student eligibility
4 criteria for SNAP, and it shall direct students to the
5 Department of Human Services and to the Illinois Hunger
6 Coalition's Hunger Hotline for additional information.

7 (b) Illinois institutions of higher education that
8 participate in the Monetary Award Program (MAP) shall provide
9 the notice described in subsection (a) to all students who are
10 enrolled, or who are accepted for enrollment and intending to
11 enroll, and who have been identified by ISAC as MAP-eligible
12 at the institution. If possible, the institution may designate
13 a public benefits liaison or single point person to assist
14 students in taking the necessary steps to obtain public
15 benefits if eligible.

16 (c) ISAC shall adopt any rules necessary to implement the
17 provisions of this Section on or before October 1, 2020.

18 (Source: P.A. 101-560, eff. 8-23-19; revised 10-22-19.)

19 Section 610. The Intergenerational Poverty Act is amended
20 by changing Sections 95-102, 95-301, 95-304, and 95-502 as
21 follows:

22 (305 ILCS 70/95-102)

23 Sec. 95-102. Definitions. As used in this Act:

24 "Antipoverty program" means a program with the primary

1 goal of lifting individuals out of poverty and improving
2 economic opportunities for individuals that operates, in whole
3 or in part, utilizing federal or State money.

4 "Asset poverty" means the inability of an individual to
5 access wealth resources sufficient to provide for basic needs
6 for a period of 3 months.

7 "Child" means an individual who is under 18 years of age.

8 "Commission" means the Commission on Poverty Elimination
9 and Economic Security established under subsection (a) of
10 Section 95-501 ~~501~~.

11 "State poverty measure" means a uniform method for
12 measuring poverty in this State that considers indicators and
13 measures, other than traditional income-based measures of
14 poverty, that provide a detailed picture of low-income and
15 poverty populations and meaningfully account for other factors
16 contributing to poverty and may include:

17 (1) access to health care, housing, proper nutrition,
18 and quality education;

19 (2) the number of individuals kept out of poverty by
20 government supports;

21 (3) the number of individuals who are impoverished due
22 to medical expenses, child care ~~child care~~ expenses, or
23 work expenses;

24 (4) the rates of food insecurity;

25 (5) the number of individuals in asset poverty;

26 (6) the number of disconnected youth;

- 1 (7) the teen birth rate;
- 2 (8) the participation rate in federal and State
- 3 antipoverty programs for all eligible populations;
- 4 (9) the number of individuals who do not use a bank or
- 5 similar financial institution;
- 6 (10) regional differences in costs of living;
- 7 (11) income necessary to achieve economic security and
- 8 a livable standard of living in different regions of this
- 9 State;
- 10 (12) the impact of rising income inequality;
- 11 (13) the impact of the digital divide; and
- 12 (14) the impact of trauma on intergenerational
- 13 poverty.

14 "Cycle of poverty" means the set of factors or events by
15 which the long-term poverty of an individual is likely to
16 continue and be experienced by each child of the individual
17 when the child becomes an adult unless there is outside
18 intervention.

19 "Deep poverty" means an economic condition where an
20 individual or family has a total annual income that is less
21 than 50% of the federal poverty level for the individual or
22 family as provided in the annual report of the United States
23 Census Bureau on Income, Poverty and Health Insurance Coverage
24 in the United States.

25 "Department" means the Department of Human Services.

26 "Deprivation" means a lack of adequate nutrition, health

1 care, housing, or other resources to provide for basic needs.

2 "Digital divide" means the gap between individuals,
3 households, businesses, and geographic areas at different
4 socioeconomic levels related to access to information and
5 communication technologies, including the imbalance in
6 physical access to technology and the resources, education,
7 and skills needed to effectively use computer technology and
8 the Internet for a wide variety of activities.

9 "Disconnected youth" means individuals who are 16 years of
10 age to 25 years of age who are unemployed and not enrolled in
11 school.

12 "Disparate impact" means the historic and ongoing impacts
13 of the pattern and practice of discrimination in employment,
14 education, housing, banking, and other aspects of life in the
15 economy, society, or culture that have an adverse impact on
16 minorities, women, or other protected groups, regardless of
17 whether those practices are motivated by discriminatory
18 intent.

19 "Economic insecurity" means the inability to cope with
20 routine adverse or costly life events and recover from the
21 costly consequences of those events and the lack of economic
22 means to maintain an adequate standard of living.

23 "Economic security" means having access to the economic
24 means and support necessary to effectively cope with adverse
25 or costly life events and recover from the consequences of
26 such events while maintaining an adequate standard of living.

1 "Intergenerational poverty" means poverty in which 2 or
2 more successive generations of a family continue in the cycle
3 of poverty and government dependence. The term does not
4 include situational poverty.

5 "Outcome" means a change in the economic status, economic
6 instability, or economic security of an individual, household,
7 or other population that is attributable to a planned
8 intervention, benefit, service, or series of interventions,
9 benefits, and services, regardless of whether the
10 intervention, benefit, or service was intended to change the
11 economic status, economic stability, or economic security.

12 "Poverty" means an economic condition in which an
13 individual or family has a total annual income that is less
14 than the federal poverty level for the individual or family,
15 as provided in the report of the United States Census Bureau on
16 Income, Poverty and Health Insurance Coverage in the United
17 States.

18 "Regional cost of living" means a measure of the costs of
19 maintaining an adequate standard of living in differing
20 regional, geographic, urban, or rural regions of this State.

21 "Situational poverty" means temporary poverty that meets
22 all of the following:

23 (1) Is generally traceable to a specific incident or
24 time period within the lifetime of an individual.

25 (2) Is not continued to the next generation.

26 "Strategic plan" means the plan provided for under Section

1 95-502 ~~502~~.

2 "System" means the Intergenerational Poverty Tracking
3 System established under subsection (a) of Section 95-301 ~~301~~.

4 "Two-generation approach" means an approach to breaking
5 the cycle of intergenerational poverty by improving family
6 economic security through programs that create opportunities
7 for and address the needs of parents and children together.

8 "Workgroup" means the Interagency Workgroup on Poverty and
9 Economic Insecurity established under Section 95-302 ~~302~~.

10 (Source: P.A. 101-636, eff. 6-10-20; revised 8-26-20.)

11 (305 ILCS 70/95-301)

12 Sec. 95-301. Intergenerational poverty tracking system.

13 (a) Establishment. Subject to appropriations, the
14 Department shall establish and maintain a data system to track
15 intergenerational poverty.

16 (b) System requirements. The system shall have the ability
17 to do all of the following:

18 (1) Identify groups that have a high risk of
19 experiencing intergenerational poverty.

20 (2) Identify incidents, patterns, and trends that
21 explain or contribute to intergenerational poverty.

22 (3) Gather and track available local, State, and
23 national data on all of the following:

24 (i) Official poverty rates.

25 (ii) Child poverty rates.

1 (iii) Years spent by an individual in childhood
2 poverty.

3 (iv) Years spent by an individual in adult
4 poverty.

5 (v) Related poverty information.

6 (c) Duties of the Department. The Department shall do all
7 of the following:

8 (1) Use available data in the system, including public
9 assistance data, census data, and other data made
10 available to the Department, to track intergenerational
11 poverty.

12 (2) Develop and implement methods to integrate,
13 compare, analyze, and validate the data for the purposes
14 described under subsection (b).

15 (3) Protect the privacy of an individual living in
16 poverty by using and distributing data within the system
17 in compliance with federal and State laws.

18 (4) Include, in the report required under Section
19 95-304 ~~304~~, a summary of the data, findings, and potential
20 additional uses of the system.

21 (Source: P.A. 101-636, eff. 6-10-20; revised 8-26-20.)

22 (305 ILCS 70/95-304)

23 Sec. 95-304. Report.

24 (a) Report. No later than September 1 of each year, the
25 workgroup shall issue a report that includes the following:

1 (1) A summary of actions taken and outcomes obtained
2 by the workgroup in fulfilling its duties under Section
3 95-303 ~~303~~.

4 (2) Progress made on reducing poverty and economic
5 insecurity in this State, including policies or procedures
6 implemented to reduce or eliminate the cycle of poverty
7 and intergenerational poverty as a result of the data
8 collected by the workgroup.

9 (3) Relevant data assessing the scope and depth of
10 intergenerational poverty in this State.

11 (4) A 20-year history of poverty rates in this State
12 with focus on any reduction or increase in the rates
13 during the previous 10 years and since the inception of
14 the workgroup.

15 (5) Any recommendations for legislative or regulatory
16 action to adopt or repeal laws, policies, or procedures to
17 further the goal of eliminating poverty and economic
18 insecurity in this State.

19 (b) Distribution. The workgroup shall distribute the
20 report created under subsection (a) as follows:

21 (1) To the Governor.

22 (2) To each member of the General Assembly.

23 (3) By prominently posting the report on each State
24 Department's and agency's publicly accessible Internet
25 website.

26 (Source: P.A. 101-636, eff. 6-10-20; revised 8-26-20.)

1 (305 ILCS 70/95-502)

2 Sec. 95-502. Strategic plan to address poverty and
3 economic insecurity.

4 (a) Plan required. No later than November 30, 2021, the
5 Commission shall develop and adopt a strategic plan to address
6 poverty and economic insecurity in this State.

7 (b) Goals. The goals of the strategic plan shall be to:

8 (1) Ensure that State programs and services targeting
9 poverty and economic insecurity reflect the goal of
10 helping individuals and families rise above poverty and
11 achieve long-term economic stability rather than simply
12 providing relief from deprivation.

13 (2) Eliminate disparate rates of poverty, deep
14 poverty, child poverty, and intergenerational poverty
15 based on race, ethnicity, gender, age, sexual orientation
16 or identity, English language proficiency, ability, and
17 geographic location in a rural, urban, or suburban area.

18 (3) Reduce deep poverty in this State by 50% by 2026.

19 (4) Eliminate child poverty in this State by 2031.

20 (5) Eliminate all poverty in this State by 2036.

21 (c) Plan development. In developing the strategic plan,
22 the Commission shall:

23 (1) Collaborate with the workgroup, including sharing
24 data and information identified under paragraphs (1) and
25 (3) of subsection (a) of Section 95-303 ~~303~~ and analyses

1 of that data and information.

2 (2) Review each program and service provided by the
3 State that targets poverty and economic insecurity for
4 purposes of:

5 (i) determining which programs and services are
6 the most effective and of the highest importance in
7 reducing poverty and economic insecurity in this
8 State; and

9 (ii) providing an analysis of unmet needs, if any,
10 among individuals, children, and families in deep
11 poverty and intergenerational poverty for each program
12 and service identified under subparagraph (i).

13 (3) Study the feasibility of using public or private
14 partnerships and social impact bonds, to improve
15 innovation and cost-effectiveness in the development of
16 programs and delivery of services that advance the goals
17 of the strategic plan.

18 (4) Hold at least 6 public hearings in different
19 geographic regions of this State, including areas that
20 have disparate rates of poverty and that have historically
21 experienced economic insecurity, to collect information,
22 take testimony, and solicit input and feedback from
23 interested parties, including members of the public who
24 have personal experiences with State programs and services
25 targeting economic insecurity, poverty, deep poverty,
26 child poverty, and intergenerational poverty and make the

1 information publicly available.

2 (5) To request and receive from a State agency or
3 local governmental agency information relating to poverty
4 in this State, including all of the following:

5 (i) Reports.

6 (ii) Audits.

7 (iii) Data.

8 (iv) Projections.

9 (v) Statistics.

10 (d) Subject areas. The strategic plan shall address all of
11 the following:

12 (1) Access to safe and affordable housing.

13 (2) Access to adequate food and nutrition.

14 (3) Access to affordable and quality health care.

15 (4) Equal access to quality education and training.

16 (5) Equal access to affordable, quality post-secondary
17 education options.

18 (6) Dependable and affordable transportation.

19 (7) Access to quality and affordable child care.

20 (8) Opportunities to engage in meaningful and
21 sustainable work that pays a living wage and barriers to
22 those opportunities experienced by low-income individuals
23 in poverty.

24 (9) Equal access to justice through a fair system of
25 criminal justice that does not, in effect, criminalize
26 poverty.

1 (10) The availability of adequate income supports.

2 (11) Retirement security.

3 (e) Plan content. The strategic plan shall, at a minimum,
4 contain policy and fiscal recommendations relating to all of
5 the following:

6 (1) Developing fact-based measures to evaluate the
7 long-term effectiveness of existing and proposed programs
8 and services targeting poverty and economic insecurity.

9 (2) Increasing enrollment in programs and services
10 targeting poverty and economic insecurity by reducing the
11 complexity and difficulty of enrollment in order to
12 maximize program effectiveness and increase positive
13 outcomes.

14 (3) Increasing the reach of programs and services
15 targeting poverty and economic insecurity by ensuring that
16 State agencies have adequate resources to maximize the
17 public awareness of the programs and services, especially
18 in historically disenfranchised communities.

19 (4) Reducing the negative impacts of asset limits for
20 eligibility on the effectiveness of State programs
21 targeting poverty and economic insecurity by ensuring that
22 eligibility limits do not:

23 (i) create gaps in necessary service and benefit
24 delivery or restrict access to benefits as individuals
25 and families attempt to transition off assistance
26 programs; or

1 (ii) prevent beneficiaries from improving
2 long-term outcomes and achieving long-term economic
3 independence from the program.

4 (5) Improving the ability of community-based
5 organizations to participate in the development and
6 implementation of State programs designed to address
7 economic insecurity and poverty.

8 (6) Improving the ability of individuals living in
9 poverty, low-income individuals, and unemployed
10 individuals to access critical job training and skills
11 upgrade programs and find quality jobs that help children
12 and families become economically secure and rise above
13 poverty.

14 (7) Improving communication and collaboration between
15 State agencies and local governments on programs targeting
16 poverty and economic insecurity.

17 (8) Creating efficiencies in the administration and
18 coordination of programs and services targeting poverty
19 and economic insecurity.

20 (9) Connecting low-income children, disconnected
21 youth, and families of those children and youth to
22 education, job training, and jobs in the communities in
23 which those children and youth live.

24 (10) Ensuring that the State's services and benefits
25 programs, emergency programs, discretionary economic
26 programs, and other policies are sufficiently funded to

1 enable the State to mount effective responses to economic
2 downturns and increases in economic insecurity and poverty
3 rates.

4 (11) Creating one or more State poverty measures.

5 (12) Developing and implementing programs and policies
6 that use the two-generation approach.

7 (13) Using public or private partnerships and social
8 impact bonds to improve innovation and cost-effectiveness
9 in the development of programs and delivery of services
10 that advance the goals of the strategic plan.

11 (14) Identifying best practices for collecting data
12 relevant to all of the following:

13 (i) Reducing economic insecurity and poverty.

14 (ii) Reducing the racial, ethnic, age, gender,
15 sexual orientation, and sexual identity-based
16 disparities in the rates of economic insecurity and
17 poverty.

18 (iii) Adequately measuring the effectiveness,
19 efficiency, and impact of programs on the outcomes for
20 individuals, families, and communities who receive
21 benefits and services.

22 (iv) Streamlining enrollment and eligibility for
23 programs.

24 (v) Improving long-term outcomes for individuals
25 who are enrolled in service and benefit programs.

26 (vi) Reducing reliance on public programs.

1 (vii) Improving connections to work.

2 (viii) Improving economic security.

3 (ix) Improving retirement security.

4 (x) Improving the State's understanding of the
5 impact of extreme weather and natural disasters on
6 economically vulnerable communities and improving
7 those communities' resilience to and recovery from
8 extreme weather and natural disasters.

9 (xi) Improving access to living-wage employment.

10 (xii) Improving access to employment-based
11 benefits.

12 (f) Other information. In addition to the plan content
13 required under subsection (e), the strategic plan shall
14 contain all of the following:

15 (1) A suggested timeline for the stages of
16 implementation of the recommendations in the plan.

17 (2) Short-term, intermediate-term, and long-term
18 benchmarks to measure the State's progress toward meeting
19 the goals of the strategic plan.

20 (3) A summary of the review and analysis conducted by
21 the Commission under paragraph (1) of subsection (c).

22 (g) Impact of recommendations. For each recommendation in
23 the plan, the Commission shall identify in measurable terms
24 the actual or potential impact the recommendation will have on
25 poverty and economic insecurity in this State.

26 (Source: P.A. 101-636, eff. 6-10-20; revised 9-2-20.)

1 Section 615. The Abused and Neglected Child Reporting Act
2 is amended by changing Section 7 as follows:

3 (325 ILCS 5/7) (from Ch. 23, par. 2057)

4 Sec. 7. Time and manner of making reports. All reports of
5 suspected child abuse or neglect made under this Act shall be
6 made immediately by telephone to the central register
7 established under Section 7.7 on the single, State-wide,
8 toll-free telephone number established in Section 7.6, or in
9 person or by telephone through the nearest Department office.
10 The Department shall, in cooperation with school officials,
11 distribute appropriate materials in school buildings listing
12 the toll-free telephone number established in Section 7.6,
13 including methods of making a report under this Act. The
14 Department may, in cooperation with appropriate members of the
15 clergy, distribute appropriate materials in churches,
16 synagogues, temples, mosques, or other religious buildings
17 listing the toll-free telephone number established in Section
18 7.6, including methods of making a report under this Act.

19 Wherever the Statewide number is posted, there shall also
20 be posted the following notice:

21 "Any person who knowingly transmits a false report to the
22 Department commits the offense of disorderly conduct under
23 subsection (a)(7) of Section 26-1 of the Criminal Code of
24 2012. A violation of this subsection is a Class 4 felony."

1 The report required by this Act shall include, if known,
2 the name and address of the child and his parents or other
3 persons having his custody; the child's age; the nature of the
4 child's condition, including any evidence of previous injuries
5 or disabilities; and any other information that the person
6 filing the report believes might be helpful in establishing
7 the cause of such abuse or neglect and the identity of the
8 person believed to have caused such abuse or neglect. Reports
9 made to the central register through the State-wide, toll-free
10 telephone number shall be immediately transmitted by the
11 Department to the appropriate Child Protective Service Unit.
12 All such reports alleging the death of a child, serious injury
13 to a child, including, but not limited to, brain damage, skull
14 fractures, subdural hematomas, and internal injuries, torture
15 of a child, malnutrition of a child, and sexual abuse to a
16 child, including, but not limited to, sexual intercourse,
17 sexual exploitation, sexual molestation, and sexually
18 transmitted disease in a child age 12 and under, shall also be
19 immediately transmitted by the Department to the appropriate
20 local law enforcement agency. The Department shall within 24
21 hours orally notify local law enforcement personnel and the
22 office of the State's Attorney of the involved county of the
23 receipt of any report alleging the death of a child, serious
24 injury to a child, including, but not limited to, brain
25 damage, skull fractures, subdural hematomas, and ~~7~~ internal
26 injuries, torture of a child, malnutrition of a child, and

1 sexual abuse to a child, including, but not limited to, sexual
2 intercourse, sexual exploitation, sexual molestation, and
3 sexually transmitted disease in a child age 12 ~~twelve~~ and
4 under. All oral reports made by the Department to local law
5 enforcement personnel and the office of the State's Attorney
6 of the involved county shall be confirmed in writing within 24
7 hours of the oral report. All reports by persons mandated to
8 report under this Act shall be confirmed in writing to the
9 appropriate Child Protective Service Unit, which may be on
10 forms supplied by the Department, within 48 hours of any
11 initial report.

12 Any report received by the Department alleging the abuse
13 or neglect of a child by a person who is not the child's
14 parent, a member of the child's immediate family, a person
15 responsible for the child's welfare, an individual residing in
16 the same home as the child, or a paramour of the child's parent
17 shall immediately be referred to the appropriate local law
18 enforcement agency for consideration of criminal investigation
19 or other action.

20 Written confirmation reports from persons not required to
21 report by this Act may be made to the appropriate Child
22 Protective Service Unit. Written reports from persons required
23 by this Act to report shall be admissible in evidence in any
24 judicial proceeding or administrative hearing relating to
25 child abuse or neglect. Reports involving known or suspected
26 child abuse or neglect in public or private residential

1 agencies or institutions shall be made and received in the
2 same manner as all other reports made under this Act.

3 For purposes of this Section, "child" includes an adult
4 resident as defined in this Act.

5 (Source: P.A. 101-583, eff. 1-1-20; revised 11-21-19.)

6 Section 620. The Mental Health and Developmental
7 Disabilities Code is amended by changing Sections 2-110.1 and
8 2-110.5 and by renumbering Section 3-5A-105 as follows:

9 (405 ILCS 5/2-110.1)

10 Sec. 2-110.1. Reports.

11 (a) A mental hospital or facility at which
12 electroconvulsive ~~electro-convulsive~~ therapy is administered
13 shall submit to the Department quarterly reports relating to
14 the administration of the therapy for the purposes of reducing
15 morbidity or mortality and improving patient care.

16 (b) A report shall state the following for each quarter:

17 (1) The number of persons who received the therapy,
18 including:

19 (A) the number of persons who gave informed
20 consent to the therapy;

21 (B) the number of persons confined as subject to
22 involuntary admission who gave informed consent to the
23 therapy;

24 (C) the number of persons who received the therapy

1 without informed consent pursuant to Section 2-107.1;
2 and

3 (D) the number of persons who received the therapy
4 on an emergency basis pursuant to subsection (d) of
5 Section 2-107.1.

6 (2) The age, sex, and race of the recipients of the
7 therapy.

8 (3) The source of the treatment payment.

9 (4) The average number of electroconvulsive
10 ~~electro convulsive~~ treatments administered for each
11 complete series of treatments, but not including
12 maintenance treatments.

13 (5) The average number of maintenance
14 electroconvulsive ~~electro convulsive~~ treatments
15 administered per month.

16 (6) Any significant adverse reactions to the treatment
17 as defined by rule.

18 (7) Autopsy findings if death followed within 14 days
19 after the date of the administration of the therapy.

20 (8) Any other information required by the Department
21 by rule.

22 (c) The Department shall prepare and publish an annual
23 written report summarizing the information received under this
24 Section. The report shall not contain any information that
25 identifies or tends to identify any facility, physician,
26 health care provider, or patient.

1 (Source: P.A. 90-538, eff. 12-1-97; revised 7-18-19.)

2 (405 ILCS 5/2-110.5)

3 Sec. 2-110.5. Electroconvulsive ~~Electroconvulsive~~
4 therapy for minors. If a recipient is a minor, that
5 recipient's parent or guardian is authorized, only with the
6 approval of the court under the procedures set out in Section
7 2-107.1, to provide consent for participation of the minor in
8 electroconvulsive ~~electroconvulsive~~ therapy if the parent or
9 guardian deems it to be in the best interest of the minor. In
10 addition to the requirements in Section 2-107.1, prior to the
11 court entering an order approving treatment by
12 electroconvulsive ~~electroconvulsive~~ therapy, 2 licensed
13 psychiatrists, one of which may be the minor's treating
14 psychiatrist, who have examined the patient must concur in the
15 determination that the minor should participate in treatment
16 by electroconvulsive ~~electroconvulsive~~ therapy.

17 (Source: P.A. 91-74, eff. 7-9-99; revised 7-18-19.)

18 (405 ILCS 5/3-550)

19 Sec. 3-550 ~~3-5A-105~~. Minors 12 years of age or older
20 request to receive counseling services or psychotherapy on an
21 outpatient basis.

22 (a) Any minor 12 years of age or older may request and
23 receive counseling services or psychotherapy on an outpatient
24 basis. The consent of the minor's parent, guardian, or person

1 in loco parentis shall not be necessary to authorize
2 outpatient counseling services or psychotherapy. However,
3 until the consent of the minor's parent, guardian, or person
4 in loco parentis has been obtained, outpatient counseling
5 services or psychotherapy provided to a minor under the age of
6 17 shall be initially limited to not more than 8 90-minute
7 sessions. The service provider shall consider the factors
8 contained in subsection (a-1) of this Section throughout the
9 therapeutic process to determine, through consultation with
10 the minor, whether attempting to obtain the consent of a
11 parent, guardian, or person in loco parentis would be
12 detrimental to the minor's well-being. No later than the
13 eighth session, the service provider shall determine and share
14 with the minor the service provider's decision as described
15 below:

16 (1) If the service provider finds that attempting to
17 obtain consent would not be detrimental to the minor's
18 well-being, the provider shall notify the minor that the
19 consent of a parent, guardian, or person in loco parentis
20 is required to continue counseling services or
21 psychotherapy.

22 (2) If the minor does not permit the service provider
23 to notify the parent, guardian, or person in loco parentis
24 for the purpose of consent after the eighth session the
25 service provider shall discontinue counseling services or
26 psychotherapy and shall not notify the parent, guardian,

1 or person in loco parentis about the counseling services
2 or psychotherapy.

3 (3) If the minor permits the service provider to
4 notify the parent, guardian, or person in loco parentis
5 for the purpose of consent, without discontinuing
6 counseling services or psychotherapy, the service provider
7 shall make reasonable attempts to obtain consent. The
8 service provider shall document each attempt to obtain
9 consent in the minor's clinical record. The service
10 provider may continue to provide counseling services or
11 psychotherapy without the consent of the minor's parent,
12 guardian, or person in loco parentis if:

13 (A) the service provider has made at least 2
14 unsuccessful attempts to contact the minor's parent,
15 guardian, or person in loco parentis to obtain
16 consent; and

17 (B) the service provider has obtained the minor's
18 written consent.

19 (4) If, after the eighth session, the service provider
20 of counseling services or psychotherapy determines that
21 obtaining consent would be detrimental to the minor's
22 well-being, the service provider shall consult with his or
23 her supervisor when possible to review and authorize the
24 determination under subsection (a) of this Section. The
25 service provider shall document the basis for the
26 determination in the minor's clinical record and may then

1 accept the minor's written consent to continue to provide
2 counseling services or psychotherapy without also
3 obtaining the consent of a parent, guardian, or person in
4 loco parentis.

5 (5) If the minor continues to receive counseling
6 services or psychotherapy without the consent of a parent,
7 guardian, or person in loco parentis beyond 8 sessions,
8 the service provider shall evaluate, in consultation with
9 his or her supervisor when possible, his or her
10 determination under this subsection (a), and review the
11 determination every 60 days until counseling services or
12 psychotherapy ends or the minor reaches age 17. If it is
13 determined appropriate to notify the parent, guardian, or
14 person in loco parentis and the minor consents, the
15 service provider shall proceed under paragraph (3) of
16 subsection (a) of this Section.

17 (6) When counseling services or psychotherapy are
18 related to allegations of neglect, sexual abuse, or mental
19 or physical abuse by the minor's parent, guardian, or
20 person in loco parentis, obtaining consent of that parent,
21 guardian, or person in loco parentis shall be presumed to
22 be detrimental to the minor's well-being.

23 (a-1) Each of the following factors must be present in
24 order for the service provider to find that obtaining the
25 consent of a parent, guardian, or person in loco parentis
26 would be detrimental to the minor's well-being:

1 (1) requiring the consent or notification of a parent,
2 guardian, or person in loco parentis would cause the minor
3 to reject the counseling services or psychotherapy;

4 (2) the failure to provide the counseling services or
5 psychotherapy would be detrimental to the minor's
6 well-being;

7 (3) the minor has knowingly and voluntarily sought the
8 counseling services or psychotherapy; and

9 (4) in the opinion of the service provider, the minor
10 is mature enough to participate in counseling services or
11 psychotherapy productively.

12 (a-2) The minor's parent, guardian, or person in loco
13 parentis shall not be informed of the counseling services or
14 psychotherapy without the written consent of the minor unless
15 the service provider believes the disclosure is necessary
16 under subsection (a) of this Section. If the facility director
17 or service provider intends to disclose the fact of counseling
18 services or psychotherapy, the minor shall be so informed and
19 if the minor chooses to discontinue counseling services or
20 psychotherapy after being informed of the decision of the
21 facility director or service provider to disclose the fact of
22 counseling services or psychotherapy to the parent, guardian,
23 or person in loco parentis, then the parent, guardian, or
24 person in loco parentis shall not be notified. Under the
25 Mental Health and Developmental Disabilities Confidentiality
26 Act, the facility director, his or her designee, or the

1 service provider shall not allow the minor's parent, guardian,
2 or person in loco parentis, upon request, to inspect or copy
3 the minor's record or any part of the record if the service
4 provider finds that there are compelling reasons for denying
5 the access. Nothing in this Section shall be interpreted to
6 limit a minor's privacy and confidentiality protections under
7 State law.

8 (b) The minor's parent, guardian, or person in loco
9 parentis shall not be liable for the costs of outpatient
10 counseling services or psychotherapy which is received by the
11 minor without the consent of the minor's parent, guardian, or
12 person in loco parentis.

13 (c) Counseling services or psychotherapy provided under
14 this Section shall be provided in compliance with the
15 Professional Counselor and Clinical Professional Counselor
16 Licensing and Practice Act, the Clinical Social Work and
17 Social Work Practice Act, or the Clinical Psychologist
18 Licensing Act.

19 (Source: P.A. 100-614, eff. 7-20-18; revised 7-11-19.)

20 Section 625. The Maternal Mental Health Conditions
21 Education, Early Diagnosis, and Treatment Act is amended by
22 changing Section 1 as follows:

23 (405 ILCS 120/1)

24 Sec. 1. Short title. This Act may be cited as the ~~the~~

1 Maternal Mental Health Conditions Education, Early Diagnosis,
2 and Treatment Act.

3 (Source: P.A. 101-512, eff. 1-1-20; revised 12-21-20.)

4 Section 630. The Compassionate Use of Medical Cannabis
5 Program Act is amended by changing Sections 25, 35, 36, 75, and
6 160 as follows:

7 (410 ILCS 130/25)

8 Sec. 25. Immunities and presumptions related to the
9 medical use of cannabis.

10 (a) A registered qualifying patient is not subject to
11 arrest, prosecution, or denial of any right or privilege,
12 including, but not limited to, civil penalty or disciplinary
13 action by an occupational or professional licensing board, for
14 the medical use of cannabis in accordance with this Act, if the
15 registered qualifying patient possesses an amount of cannabis
16 that does not exceed an adequate supply as defined in
17 subsection (a) of Section 10 of this Act of usable cannabis
18 and, where the registered qualifying patient is a licensed
19 professional, the use of cannabis does not impair that
20 licensed professional when he or she is engaged in the
21 practice of the profession for which he or she is licensed.

22 (b) A registered designated caregiver is not subject to
23 arrest, prosecution, or denial of any right or privilege,
24 including, but not limited to, civil penalty or disciplinary

1 action by an occupational or professional licensing board, for
2 acting in accordance with this Act to assist a registered
3 qualifying patient to whom he or she is connected through the
4 Department's registration process with the medical use of
5 cannabis if the designated caregiver possesses an amount of
6 cannabis that does not exceed an adequate supply as defined in
7 subsection (a) of Section 10 of this Act of usable cannabis. A
8 school nurse or school administrator is not subject to arrest,
9 prosecution, or denial of any right or privilege, including,
10 but not limited to, a civil penalty, for acting in accordance
11 with Section 22-33 of the School Code relating to
12 administering or assisting a student in self-administering a
13 medical cannabis infused product. The total amount possessed
14 between the qualifying patient and caregiver shall not exceed
15 the patient's adequate supply as defined in subsection (a) of
16 Section 10 of this Act.

17 (c) A registered qualifying patient or registered
18 designated caregiver is not subject to arrest, prosecution, or
19 denial of any right or privilege, including, but not limited
20 to, civil penalty or disciplinary action by an occupational or
21 professional licensing board for possession of cannabis that
22 is incidental to medical use, but is not usable cannabis as
23 defined in this Act.

24 (d) (1) There is a rebuttable presumption that a registered
25 qualifying patient is engaged in, or a designated caregiver is
26 assisting with, the medical use of cannabis in accordance with

1 this Act if the qualifying patient or designated caregiver:

2 (A) is in possession of a valid registry
3 identification card; and

4 (B) is in possession of an amount of cannabis that
5 does not exceed the amount allowed under subsection (a) of
6 Section 10.

7 (2) The presumption may be rebutted by evidence that
8 conduct related to cannabis was not for the purpose of
9 treating or alleviating the qualifying patient's debilitating
10 medical condition or symptoms associated with the debilitating
11 medical condition in compliance with this Act.

12 (e) A certifying health care professional is not subject
13 to arrest, prosecution, or penalty in any manner, or denial of
14 ~~denied~~ any right or privilege, including, but not limited to,
15 civil penalty or disciplinary action by the Medical
16 Disciplinary Board or by any other occupational or
17 professional licensing board, solely for providing written
18 certifications or for otherwise stating that, in the
19 certifying health care professional's professional opinion, a
20 patient is likely to receive therapeutic or palliative benefit
21 from the medical use of cannabis to treat or alleviate the
22 patient's debilitating medical condition or symptoms
23 associated with the debilitating medical condition, provided
24 that nothing shall prevent a professional licensing or
25 disciplinary board from sanctioning a certifying health care
26 professional for: (1) issuing a written certification to a

1 patient who is not under the certifying health care
2 professional's care for a debilitating medical condition; or
3 (2) failing to properly evaluate a patient's medical condition
4 or otherwise violating the standard of care for evaluating
5 medical conditions.

6 (f) No person may be subject to arrest, prosecution, or
7 denial of any right or privilege, including, but not limited
8 to, civil penalty or disciplinary action by an occupational or
9 professional licensing board, solely for: (1) selling cannabis
10 paraphernalia to a cardholder upon presentation of an
11 unexpired registry identification card in the recipient's
12 name, if employed and registered as a dispensing agent by a
13 registered dispensing organization; (2) being in the presence
14 or vicinity of the medical use of cannabis as allowed under
15 this Act; or (3) assisting a registered qualifying patient
16 with the act of administering cannabis.

17 (g) A registered cultivation center is not subject to
18 prosecution; search or inspection, except by the Department of
19 Agriculture, Department of Public Health, or State or local
20 law enforcement under Section 130; seizure; or penalty in any
21 manner, or denial of ~~be denied~~ any right or privilege,
22 including, but not limited to, civil penalty or disciplinary
23 action by a business licensing board or entity, for acting
24 under this Act and Department of Agriculture rules to:
25 acquire, possess, cultivate, manufacture, deliver, transfer,
26 transport, supply, or sell cannabis to registered dispensing

1 organizations.

2 (h) A registered cultivation center agent is not subject
3 to prosecution, search, or penalty in any manner, or denial of
4 ~~be denied~~ any right or privilege, including, but not limited
5 to, civil penalty or disciplinary action by a business
6 licensing board or entity, for working or volunteering for a
7 registered cannabis cultivation center under this Act and
8 Department of Agriculture rules, including to perform the
9 actions listed under subsection (g).

10 (i) A registered dispensing organization is not subject to
11 prosecution; search or inspection, except by the Department of
12 Financial and Professional Regulation or State or local law
13 enforcement pursuant to Section 130; seizure; or penalty in
14 any manner, or denial of ~~be denied~~ any right or privilege,
15 including, but not limited to, civil penalty or disciplinary
16 action by a business licensing board or entity, for acting
17 under this Act and Department of Financial and Professional
18 Regulation rules to: acquire, possess, or dispense cannabis,
19 or related supplies, and educational materials to registered
20 qualifying patients or registered designated caregivers on
21 behalf of registered qualifying patients.

22 (j) A registered dispensing organization agent is not
23 subject to prosecution, search, or penalty in any manner, or
24 denial of ~~be denied~~ any right or privilege, including, but not
25 limited to, civil penalty or disciplinary action by a business
26 licensing board or entity, for working or volunteering for a

1 dispensing organization under this Act and Department of
2 Financial and Professional Regulation rules, including to
3 perform the actions listed under subsection (i).

4 (k) Any cannabis, cannabis paraphernalia, illegal
5 property, or interest in legal property that is possessed,
6 owned, or used in connection with the medical use of cannabis
7 as allowed under this Act, or acts incidental to that use, may
8 not be seized or forfeited. This Act does not prevent the
9 seizure or forfeiture of cannabis exceeding the amounts
10 allowed under this Act, nor shall it prevent seizure or
11 forfeiture if the basis for the action is unrelated to the
12 cannabis that is possessed, manufactured, transferred, or used
13 under this Act.

14 (l) Mere possession of, or application for, a registry
15 identification card or registration certificate does not
16 constitute probable cause or reasonable suspicion, nor shall
17 it be used as the sole basis to support the search of the
18 person, property, or home of the person possessing or applying
19 for the registry identification card. The possession of, or
20 application for, a registry identification card does not
21 preclude the existence of probable cause if probable cause
22 exists on other grounds.

23 (m) Nothing in this Act shall preclude local or State law
24 enforcement agencies from searching a registered cultivation
25 center where there is probable cause to believe that the
26 criminal laws of this State have been violated and the search

1 is conducted in conformity with the Illinois Constitution, the
2 Constitution of the United States, and all State statutes.

3 (n) Nothing in this Act shall preclude local or State
4 ~~state~~ law enforcement agencies from searching a registered
5 dispensing organization where there is probable cause to
6 believe that the criminal laws of this State have been
7 violated and the search is conducted in conformity with the
8 Illinois Constitution, the Constitution of the United States,
9 and all State statutes.

10 (o) No individual employed by the State of Illinois shall
11 be subject to criminal or civil penalties for taking any
12 action in accordance with the provisions of this Act, when the
13 actions are within the scope of his or her employment.
14 Representation and indemnification of State employees shall be
15 provided to State employees as set forth in Section 2 of the
16 State Employee Indemnification Act.

17 (p) No law enforcement or correctional agency, nor any
18 individual employed by a law enforcement or correctional
19 agency, shall be subject to criminal or civil liability,
20 except for willful and wanton misconduct, as a result of
21 taking any action within the scope of the official duties of
22 the agency or individual to prohibit or prevent the possession
23 or use of cannabis by a cardholder incarcerated at a
24 correctional facility, jail, or municipal lockup facility, on
25 parole or mandatory supervised release, or otherwise under the
26 lawful jurisdiction of the agency or individual.

1 (Source: P.A. 101-363, eff. 8-19-19; 101-370, eff. 1-1-20;
2 revised 9-24-19.)

3 (410 ILCS 130/35)

4 Sec. 35. Certifying health care professional requirements.

5 (a) A certifying health care professional who certifies a
6 debilitating medical condition for a qualifying patient shall
7 comply with all of the following requirements:

8 (1) The certifying health care professional shall be
9 currently licensed under the Medical Practice Act of 1987
10 to practice medicine in all its branches, the Nurse
11 Practice Act, or the Physician Assistant Practice Act of
12 1987, shall be in good standing, and must hold a
13 controlled substances license under Article III of the
14 Illinois Controlled Substances Act.

15 (2) A certifying health care professional certifying a
16 patient's condition shall comply with generally accepted
17 standards of medical practice, the provisions of the Act
18 under which he or she is licensed and all applicable
19 rules.

20 (3) The physical examination required by this Act may
21 not be performed by remote means, including telemedicine.

22 (4) The certifying health care professional shall
23 maintain a record-keeping system for all patients for whom
24 the certifying health care professional has certified the
25 patient's medical condition. These records shall be

1 accessible to and subject to review by the Department of
2 Public Health and the Department of Financial and
3 Professional Regulation upon request.

4 (b) A certifying health care professional may not:

5 (1) accept, solicit, or offer any form of remuneration
6 from or to a qualifying patient, primary caregiver,
7 cultivation center, or dispensing organization, including
8 each principal officer, board member, agent, and employee,
9 to certify a patient, other than accepting payment from a
10 patient for the fee associated with the required
11 examination, except for the limited purpose of performing
12 a medical cannabis-related research study;

13 (1.5) accept, solicit, or offer any form of
14 remuneration from or to a medical cannabis cultivation
15 center or dispensary organization for the purposes of
16 referring a patient to a specific dispensary organization;

17 (1.10) engage in any activity that is prohibited under
18 Section 22.2 of the Medical Practice Act of 1987,
19 regardless of whether the certifying health care
20 professional is a physician, advanced practice registered
21 nurse, or physician assistant;

22 (2) offer a discount of any other item of value to a
23 qualifying patient who uses or agrees to use a particular
24 primary caregiver or dispensing organization to obtain
25 medical cannabis;

26 (3) conduct a personal physical examination of a

1 patient for purposes of diagnosing a debilitating medical
2 condition at a location where medical cannabis is sold or
3 distributed or at the address of a principal officer,
4 agent, or employee or a medical cannabis organization;

5 (4) hold a direct or indirect economic interest in a
6 cultivation center or dispensing organization if he or she
7 recommends the use of medical cannabis to qualified
8 patients or is in a partnership or other fee or
9 profit-sharing relationship with a certifying health care
10 professional who recommends medical cannabis, except for
11 the limited purpose of performing a medical
12 cannabis-related ~~cannabis-related~~ research study;

13 (5) serve on the board of directors or as an employee
14 of a cultivation center or dispensing organization;

15 (6) refer patients to a cultivation center, a
16 dispensing organization, or a registered designated
17 caregiver; or

18 (7) advertise in a cultivation center or a dispensing
19 organization.

20 (c) The Department of Public Health may with reasonable
21 cause refer a certifying health care professional, who has
22 certified a debilitating medical condition of a patient, to
23 the Illinois Department of Financial and Professional
24 Regulation for potential violations of this Section.

25 (d) Any violation of this Section or any other provision
26 of this Act or rules adopted under this Act is a violation of

1 the certifying health care professional's licensure act.

2 (e) A certifying health care professional who certifies a
3 debilitating medical condition for a qualifying patient may
4 notify the Department of Public Health in writing: (1) if the
5 certifying health care professional has reason to believe
6 either that the registered qualifying patient has ceased to
7 suffer from a debilitating medical condition; (2) that the
8 bona fide health care professional-patient relationship has
9 terminated; or (3) that continued use of medical cannabis
10 would result in contraindication with the patient's other
11 medication. The registered qualifying patient's registry
12 identification card shall be revoked by the Department of
13 Public Health after receiving the certifying health care
14 professional's notification.

15 (f) Nothing in this Act shall preclude a certifying health
16 care professional from referring a patient for health
17 services, except when the referral is limited to certification
18 purposes only, under this Act.

19 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
20 revised 12-9-19.)

21 (410 ILCS 130/36)

22 Sec. 36. Written certification.

23 (a) A certification confirming a patient's debilitating
24 medical condition shall be written on a form provided by the
25 Department of Public Health and shall include, at a minimum,

1 the following:

2 (1) the qualifying patient's name, date of birth, home
3 address, and primary telephone number;

4 (2) the certifying health care professional's name,
5 address, telephone number, email address, and medical,
6 advanced ~~advance~~ practice registered nurse, or physician
7 assistant license number, and the last 4 digits, only, of
8 his or her active controlled substances license under the
9 Illinois Controlled Substances Act and indication of
10 specialty or primary area of clinical practice, if any;

11 (3) the qualifying patient's debilitating medical
12 condition;

13 (4) a statement that the certifying health care
14 professional has confirmed a diagnosis of a debilitating
15 condition; is treating or managing treatment of the
16 patient's debilitating condition; has a bona fide health
17 care professional-patient relationship; has conducted an
18 in-person physical examination; and has conducted a review
19 of the patient's medical history, including reviewing
20 medical records from other treating health care
21 professionals, if any, from the previous 12 months;

22 (5) the certifying health care professional's
23 signature and date of certification; and

24 (6) a statement that a participant in possession of a
25 written certification indicating a debilitating medical
26 condition shall not be considered an unlawful user or

1 addicted to narcotics solely as a result of his or her
2 pending application to or participation in the
3 Compassionate Use of Medical Cannabis Program.

4 (b) A written certification does not constitute a
5 prescription for medical cannabis.

6 (c) Applications for qualifying patients under 18 years
7 old shall require a written certification from a certifying
8 health care professional and a reviewing certifying health
9 care professional.

10 (d) A certification confirming the patient's eligibility
11 to participate in the Opioid Alternative Pilot Program shall
12 be written on a form provided by the Department of Public
13 Health and shall include, at a minimum, the following:

14 (1) the participant's name, date of birth, home
15 address, and primary telephone number;

16 (2) the certifying health care professional's name,
17 address, telephone number, email address, and medical,
18 advanced ~~advance~~ practice registered nurse, or physician
19 assistant license number, and the last 4 digits, only, of
20 his or her active controlled substances license under the
21 Illinois Controlled Substances Act and indication of
22 specialty or primary area of clinical practice, if any;

23 (3) the certifying health care professional's
24 signature and date;

25 (4) the length of participation in the program, which
26 shall be limited to no more than 90 days;

1 (5) a statement identifying the patient has been
2 diagnosed with and is currently undergoing treatment for a
3 medical condition where an opioid has been or could be
4 prescribed; and

5 (6) a statement that a participant in possession of a
6 written certification indicating eligibility to
7 participate in the Opioid Alternative Pilot Program shall
8 not be considered an unlawful user or addicted to
9 narcotics solely as a result of his or her eligibility or
10 participation in the program.

11 (e) The Department of Public Health may provide a single
12 certification form for subsections (a) and (d) of this
13 Section, provided that all requirements of those subsections
14 are included on the form.

15 (f) The Department of Public Health shall not include the
16 word "cannabis" on any application forms or written
17 certification forms that it issues under this Section.

18 (g) A written certification does not constitute a
19 prescription.

20 (h) It is unlawful for any person to knowingly submit a
21 fraudulent certification to be a qualifying patient in the
22 Compassionate Use of Medical Cannabis Program or an Opioid
23 Alternative Pilot Program participant. A violation of this
24 subsection shall result in the person who has knowingly
25 submitted the fraudulent certification being permanently
26 banned from participating in the Compassionate Use of Medical

1 Cannabis Program or the Opioid Alternative Pilot Program.

2 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
3 revised 12-9-19.)

4 (410 ILCS 130/75)

5 Sec. 75. Notifications to Department of Public Health and
6 responses; civil penalty.

7 (a) The following notifications and Department of Public
8 Health responses are required:

9 (1) A registered qualifying patient shall notify the
10 Department of Public Health of any change in his or her
11 name or address, or if the registered qualifying patient
12 ceases to have his or her debilitating medical condition,
13 within 10 days of the change.

14 (2) A registered designated caregiver shall notify the
15 Department of Public Health of any change in his or her
16 name or address, or if the designated caregiver becomes
17 aware the registered qualifying patient passed away,
18 within 10 days of the change.

19 (3) Before a registered qualifying patient changes his
20 or her designated caregiver, the qualifying patient must
21 notify the Department of Public Health.

22 (4) If a cardholder loses his or her registry
23 identification card, he or she shall notify the Department
24 within 10 days of becoming aware the card has been lost.

25 (b) When a cardholder notifies the Department of Public

1 Health of items listed in subsection (a), but remains eligible
2 under this Act, the Department of Public Health shall issue
3 the cardholder a new registry identification card with a new
4 random alphanumeric identification number within 15 business
5 days of receiving the updated information and a fee as
6 specified in Department of Public Health rules. If the person
7 notifying the Department of Public Health is a registered
8 qualifying patient, the Department shall also issue his or her
9 registered designated caregiver, if any, a new registry
10 identification card within 15 business days of receiving the
11 updated information.

12 (c) If a registered qualifying patient ceases to be a
13 registered qualifying patient or changes his or her registered
14 designated caregiver, the Department of Public Health shall
15 promptly notify the designated caregiver. The registered
16 designated caregiver's protections under this Act as to that
17 qualifying patient shall expire 15 days after notification by
18 the Department.

19 (d) A cardholder who fails to make a notification to the
20 Department of Public Health that is required by this Section
21 is subject to a civil infraction, punishable by a penalty of no
22 more than \$150.

23 (e) A registered qualifying patient shall notify the
24 Department of Public Health of any change to his or her
25 designated registered dispensing organization. The Department
26 of Public Health shall provide for immediate changes of a

1 registered qualifying patient's designated registered
2 dispensing organization. Registered dispensing organizations
3 must comply with all requirements of this Act.

4 (f) If the registered qualifying patient's ~~certifying~~
5 certifying health care professional notifies the Department in
6 writing that either the registered qualifying patient has
7 ceased to suffer from a debilitating medical condition, that
8 the bona fide health care professional-patient relationship
9 has terminated, or that continued use of medical cannabis
10 would result in contraindication with the patient's other
11 medication, the card shall become null and void. However, the
12 registered qualifying patient shall have 15 days to destroy
13 his or her remaining medical cannabis and related
14 paraphernalia.

15 (Source: P.A. 100-1114, eff. 8-28-18; 101-363, eff. 8-9-19;
16 revised 12-9-19.)

17 (410 ILCS 130/160)

18 Sec. 160. Annual reports. The Department of Public Health
19 shall submit to the General Assembly a report, by September 30
20 of each year, that does not disclose any identifying
21 information about registered qualifying patients, registered
22 caregivers, or certifying health care professionals, but does
23 contain, at a minimum, all of the following information based
24 on the fiscal year for reporting purposes:

25 (1) the number of applications and renewals filed for

1 registry identification cards or registrations;

2 (2) the number of qualifying patients and designated
3 caregivers served by each dispensary during the report
4 year;

5 (3) the nature of the debilitating medical conditions
6 of the qualifying patients;

7 (4) the number of registry identification cards or
8 registrations revoked for misconduct;

9 (5) the number of certifying health care professionals
10 providing written certifications for qualifying patients;
11 ~~and~~

12 (6) the number of registered medical cannabis
13 cultivation centers or registered dispensing
14 organizations; and

15 (7) the number of Opioid Alternative Pilot Program
16 participants.

17 (Source: P.A. 100-863, eff. 8-14-18; 100-1114, eff. 8-28-18;
18 101-363, eff. 8-9-19; revised 12-9-19.)

19 Section 635. The Infectious Disease Testing Act is amended
20 by changing Section 5 as follows:

21 (410 ILCS 312/5)

22 Sec. 5. Definitions. ~~Definitions.~~ As used in this Act:

23 "Health care provider" has the meaning ascribed to it
24 under HIPAA, as specified in 45 CFR 160.103.

1 "Health facility" means a hospital, nursing home, blood
2 bank, blood center, sperm bank, or other health care
3 institution, including any "health facility" as that term is
4 defined in the Illinois Finance Authority Act.

5 "HIPAA" means the Health Insurance Portability and
6 Accountability Act of 1996, Public Law 104-191, as amended by
7 the Health Information Technology for Economic and Clinical
8 Health Act of 2009, Public Law 111-05, and any subsequent
9 amendments thereto and any regulations promulgated thereunder.

10 "Law enforcement officer" means any person employed by the
11 State, a county, or a municipality as a policeman, peace
12 officer, auxiliary policeman, or correctional officer or in
13 some like position involving the enforcement of the law and
14 protection of the public interest at the risk of that person's
15 life.

16 (Source: P.A. 100-270, eff. 8-22-17; revised 7-23-19.)

17 Section 640. The Lupus Education and Awareness Act is
18 amended by changing Section 15 as follows:

19 (410 ILCS 528/15)

20 Sec. 15. Establishment of the Lupus Education and
21 Awareness Program.

22 (a) Subject to appropriation, there is created within the
23 Department of Public Health the Lupus Education and Awareness
24 Program (LEAP). The Program shall be composed of various

1 components, including, but not limited to, public awareness
2 activities and professional education programs. Subject to
3 appropriation, the Interagency and Partnership Advisory Panel
4 on Lupus is created to oversee LEAP and advise the Department
5 in implementing LEAP.

6 (b) The Department shall establish, promote, and maintain
7 the Lupus Education and Awareness Program with an emphasis on
8 minority populations and at-risk communities in order to raise
9 public awareness, educate consumers, and educate and train
10 health professionals, human service providers, and other
11 audiences.

12 The Department shall work with a national organization
13 that deals with lupus to implement programs to raise public
14 awareness about the symptoms and nature of lupus, personal
15 risk factors, and options for diagnosing and treating the
16 disease, with a particular focus on populations at elevated
17 risk for lupus, including women and communities of color.

18 The Program shall include initiatives to educate and train
19 physicians, health care professionals, and other service
20 providers on the most up-to-date and accurate scientific and
21 medical information regarding lupus diagnosis, treatment,
22 risks and benefits of medications, research advances, and
23 therapeutic decision making, including medical best practices
24 for detecting and treating the disease in special populations.
25 These activities shall include, but not be limited to, all of
26 the following:

1 (1) Distribution of medically-sound health information
2 produced by a national organization that deals with lupus
3 and government agencies, including, but not limited to,
4 the National Institutes of Health, the Centers for Disease
5 Control and Prevention, and the Social Security
6 Administration, through local health departments, schools,
7 agencies on aging, employer wellness programs, physicians
8 and other health professionals, hospitals, health plans
9 and health maintenance organizations, women's health
10 programs, and nonprofit and community-based organizations.

11 (2) Development of educational materials for health
12 professionals that identify the latest scientific and
13 medical information and clinical applications.

14 (3) Working to increase knowledge among physicians,
15 nurses, and health and human services professionals about
16 the importance of lupus diagnosis, treatment, and
17 rehabilitation.

18 (4) Support of continuing medical education programs
19 presented by the leading State academic institutions by
20 providing them with the most up-to-date information.

21 (5) Providing statewide workshops and seminars for
22 in-depth professional development regarding the care and
23 management of patients with lupus in order to bring the
24 latest information on clinical advances to care providers.

25 (6) Development and maintenance of a directory of
26 lupus-related services and lupus health care providers

1 with specialization in services to diagnose and treat
2 lupus. The Department shall disseminate this directory to
3 all stakeholders, including, but not limited to,
4 individuals with lupus, families, and representatives from
5 voluntary organizations, health care professionals, health
6 plans, and State and local health agencies.

7 (c) The Director shall do all of the following:

8 (1) Designate a person in the Department to oversee
9 the Program.

10 (2) Identify the appropriate entities to carry out the
11 Program, including, but not limited to, the following:
12 local health departments, schools, agencies on aging,
13 employer wellness programs, physicians and other health
14 professionals, hospitals, health plans and health
15 maintenance organizations, women's health organizations,
16 and nonprofit and community-based organizations.

17 (3) Base the Program on the most current scientific
18 information and findings.

19 (4) Work with governmental entities, community and
20 business leaders, community organizations, health care and
21 human service providers, and national, State, and local
22 organizations to coordinate efforts to maximize State
23 resources in the areas of lupus education and awareness.

24 (5) Use public health institutions for dissemination
25 of medically sound health materials.

26 (d) The Department shall establish and coordinate the

1 Interagency and Partnership Advisory Panel on Lupus consisting
2 of 15 members, one of whom shall be appointed by the Director
3 as the chair. The Panel shall be composed of:

4 (1) at least 3 individuals with lupus;

5 (2) three representatives from relevant State agencies
6 including the Department;

7 (3) three scientists with experience in lupus who
8 participate in various fields of scientific endeavor,
9 including, but not limited to, biomedical research,
10 social, translational, behavioral, and epidemiological
11 research, and public health;

12 (4) two medical clinicians with experience in treating
13 people with lupus; and

14 (5) four representatives from relevant nonprofit
15 women's and health organizations, including one
16 representative from a national organization that deals
17 with the treatment of lupus.

18 Individuals and organizations may submit nominations to
19 the Director to be named to the Panel. Such nominations may
20 include the following:

21 (i) representatives from appropriate State departments
22 and agencies, such as entities with responsibility for
23 health disparities, public health programs, education,
24 public welfare, and women's health programs;

25 (ii) health and medical professionals with expertise
26 in lupus; and

1 (iii) individuals with lupus, and recognized experts
2 in the provision of health services to women, lupus
3 research, or health disparities.

4 All members of the panel shall serve terms of 2 years. A
5 member may be appointed to serve not more than 2 terms, whether
6 or not consecutive. A majority of the members of the panel
7 shall constitute a quorum. A majority vote of a quorum shall be
8 required for any official action of the Panel. The Panel shall
9 meet at the call of the chair, but not less than 2 times per
10 year. All members shall serve without compensation, but shall
11 be entitled to actual, necessary expenses incurred in the
12 performance of their business as members of the Panel in
13 accordance with the reimbursement policies ~~polices~~ for the
14 State.

15 (Source: P.A. 96-1108, eff. 1-1-11; revised 7-23-19.)

16 Section 645. The Environmental Protection Act is amended
17 by setting forth, renumbering, and changing multiple versions
18 of Sections 9.16 and 22.59, by changing Sections 21, 21.7,
19 22.23d, 39, and 40 as follows:

20 (415 ILCS 5/9.16)

21 Sec. 9.16. Control of ethylene oxide sterilization
22 sources.

23 (a) As used in this Section:

24 "Ethylene oxide sterilization operations" means the

1 process of using ethylene oxide at an ethylene oxide
2 sterilization source to make one or more items free from
3 microorganisms, pathogens, or both microorganisms and
4 pathogens.

5 "Ethylene oxide sterilization source" means any stationary
6 source with ethylene oxide usage that would subject it to the
7 emissions standards in 40 CFR 63.362. "Ethylene oxide
8 sterilization source" does not include beehive fumigators,
9 research or laboratory facilities, hospitals, doctors'
10 offices, clinics, or other stationary sources for which the
11 primary purpose is to provide medical services to humans or
12 animals.

13 "Exhaust point" means any point through which ethylene
14 oxide-laden air exits an ethylene oxide sterilization source.

15 "Stationary source" has the meaning set forth in
16 subsection 1 of Section 39.5.

17 (b) Beginning 180 days after June 21, 2019 (the effective
18 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
19 ~~General Assembly~~, no person shall conduct ethylene oxide
20 sterilization operations, unless the ethylene oxide
21 sterilization source captures, and demonstrates that it
22 captures, 100% of all ethylene oxide emissions and reduces
23 ethylene oxide emissions to the atmosphere from each exhaust
24 point at the ethylene oxide sterilization source by at least
25 99.9% or to 0.2 parts per million.

26 (1) Within 180 days after June 21, 2019 (the effective

1 date of Public Act 101-22) ~~this amendatory Act of the~~
2 ~~101st General Assembly~~ for any existing ethylene oxide
3 sterilization source, or prior to any ethylene oxide
4 sterilization operation for any source that first becomes
5 subject to regulation after June 21, 2019 (the effective
6 date of Public Act 101-22) ~~this amendatory Act of the~~
7 ~~101st General Assembly~~ as an ethylene oxide sterilization
8 source under this Section, the owner or operator of the
9 ethylene oxide sterilization source shall conduct an
10 initial emissions test in accordance with all of the
11 requirements set forth in this paragraph (1) to verify
12 that ethylene oxide emissions to the atmosphere from each
13 exhaust point at the ethylene oxide sterilization source
14 have been reduced by at least 99.9% or to 0.2 parts per
15 million:

16 (A) At least 30 days prior to the scheduled
17 emissions test date, the owner or operator of the
18 ethylene oxide sterilization source shall submit a
19 notification of the scheduled emissions test date and
20 a copy of the proposed emissions test protocol to the
21 Agency for review and written approval. Emissions test
22 protocols submitted to the Agency shall address the
23 manner in which testing will be conducted, including,
24 but not limited to:

25 (i) the name of the independent third party
26 company that will be performing sampling and

1 analysis and the company's experience with similar
2 emissions tests;

3 (ii) the methodologies to be used;

4 (iii) the conditions under which emissions
5 tests will be performed, including a discussion of
6 why these conditions will be representative of
7 maximum emissions from each of the 3 cycles of
8 operation (chamber evacuation, back vent, and
9 aeration) and the means by which the operating
10 parameters for the emission unit and any control
11 equipment will be determined;

12 (iv) the specific determinations of emissions
13 and operations that are intended to be made,
14 including sampling and monitoring locations; and

15 (v) any changes to the test method or methods
16 proposed to accommodate the specific circumstances
17 of testing, with justification.

18 (B) The owner or operator of the ethylene oxide
19 sterilization source shall perform emissions testing
20 in accordance with an Agency-approved test protocol
21 and at representative conditions to verify that
22 ethylene oxide emissions to the atmosphere from each
23 exhaust point at the ethylene oxide sterilization
24 source have been reduced by at least 99.9% or to 0.2
25 parts per million. The duration of the test must
26 incorporate all 3 cycles of operation for

1 determination of the emission reduction efficiency.

2 (C) Upon Agency approval of the test protocol, any
3 source that first becomes subject to regulation after
4 June 21, 2019 (the effective date of Public Act
5 101-22) ~~this amendatory Act of the 101st General~~
6 ~~Assembly~~ as an ethylene oxide sterilization source
7 under this Section may undertake ethylene oxide
8 sterilization operations in accordance with the
9 Agency-approved test protocol for the sole purpose of
10 demonstrating compliance with this subsection (b).

11 (D) The owner or operator of the ethylene oxide
12 sterilization source shall submit to the Agency the
13 results of any and all emissions testing conducted
14 after June 21, 2019 (the effective date of Public Act
15 101-22) ~~this amendatory Act of the 101st General~~
16 ~~Assembly~~, until the Agency accepts testing results
17 under subparagraph (E) of paragraph (1) of this
18 subsection (b), for any existing source or prior to
19 any ethylene oxide sterilization operation for any
20 source that first becomes subject to regulation after
21 June 21, 2019 (the effective date of Public Act
22 101-22) ~~this amendatory Act of the 101st General~~
23 ~~Assembly~~ as an ethylene oxide sterilization source
24 under this Section. The results documentation shall
25 include at a minimum:

26 (i) a summary of results;

1 (ii) a description of test method or methods,
2 including description of sample points, sampling
3 train, analysis equipment, and test schedule;

4 (iii) a detailed description of test
5 conditions, including process information and
6 control equipment information; and

7 (iv) data and calculations, including copies
8 of all raw data sheets, opacity observation
9 records and records of laboratory analyses, sample
10 calculations, and equipment calibration.

11 (E) Within 30 days of receipt, the Agency shall
12 accept, accept with conditions, or decline to accept a
13 stack testing protocol and the testing results
14 submitted to demonstrate compliance with paragraph (1)
15 of this subsection (b). If the Agency accepts with
16 conditions or declines to accept the results
17 submitted, the owner or operator of the ethylene oxide
18 sterilization source shall submit revised results of
19 the emissions testing or conduct emissions testing
20 again. If the owner or operator revises the results,
21 the revised results shall be submitted within 15 days
22 after the owner or operator of the ethylene oxide
23 sterilization source receives written notice of the
24 Agency's conditional acceptance or rejection of the
25 emissions testing results. If the owner or operator
26 conducts emissions testing again, such new emissions

1 testing shall conform to the requirements of this
2 subsection (b).

3 (2) The owner or operator of the ethylene oxide
4 sterilization source shall conduct emissions testing on
5 all exhaust points at the ethylene oxide sterilization
6 source at least once each calendar year to demonstrate
7 compliance with the requirements of this Section and any
8 applicable requirements concerning ethylene oxide that are
9 set forth in either United States Environmental Protection
10 Agency rules or Board rules. Annual emissions tests
11 required under this paragraph (2) shall take place at
12 least 6 months apart. An initial emissions test conducted
13 under paragraph (1) of this subsection (b) satisfies the
14 testing requirement of this paragraph (2) for the calendar
15 year in which the initial emissions test is conducted.

16 (3) At least 30 days before conducting the annual
17 emissions test required under paragraph (2) of this
18 subsection (b), the owner or operator shall submit a
19 notification of the scheduled emissions test date and a
20 copy of the proposed emissions test protocol to the Agency
21 for review and written approval. Emissions test protocols
22 submitted to the Agency under this paragraph (3) must
23 address each item listed in subparagraph (A) of paragraph
24 (1) of this subsection (b). Emissions testing shall be
25 performed in accordance with an Agency-approved test
26 protocol and at representative conditions. In addition, as

1 soon as practicable, but no later than 30 days after the
2 emissions test date, the owner or operator shall submit to
3 the Agency the results of the emissions testing required
4 under paragraph (2) of this subsection (b). Such results
5 must include each item listed in subparagraph (D) of
6 paragraph (1) of this subsection (b).

7 (4) If the owner or operator of an ethylene oxide
8 sterilization source conducts any emissions testing in
9 addition to tests required by Public Act 101-22 ~~this~~
10 ~~amendatory Act of the 101st General Assembly~~, the owner or
11 operator shall submit to the Agency the results of such
12 emissions testing within 30 days after the emissions test
13 date.

14 (5) The Agency shall accept, accept with conditions,
15 or decline to accept testing results submitted to
16 demonstrate compliance with paragraph (2) of this
17 subsection (b). If the Agency accepts with conditions or
18 declines to accept the results submitted, the owner or
19 operator of the ethylene oxide sterilization source shall
20 submit revised results of the emissions testing or conduct
21 emissions testing again. If the owner or operator revises
22 the results, the revised results shall be submitted within
23 15 days after the owner or operator of the ethylene oxide
24 sterilization source receives written notice of the
25 Agency's conditional acceptance or rejection of the
26 emissions testing results. If the owner or operator

1 conducts emissions testing again, such new emissions
2 testing shall conform to the requirements of this
3 subsection (b).

4 (c) If any emissions test conducted more than 180 days
5 after June 21, 2019 (the effective date of Public Act 101-22)
6 ~~this amendatory Act of the 101st General Assembly~~ fails to
7 demonstrate that ethylene oxide emissions to the atmosphere
8 from each exhaust point at the ethylene oxide sterilization
9 source have been reduced by at least 99.9% or to 0.2 parts per
10 million, the owner or operator of the ethylene oxide
11 sterilization source shall immediately cease ethylene oxide
12 sterilization operations and notify the Agency within 24 hours
13 of becoming aware of the failed emissions test. Within 60 days
14 after the date of the test, the owner or operator of the
15 ethylene oxide sterilization source shall:

16 (1) complete an analysis to determine the root cause
17 of the failed emissions test;

18 (2) take any actions necessary to address that root
19 cause;

20 (3) submit a report to the Agency describing the
21 findings of the root cause analysis, any work undertaken
22 to address findings of the root cause analysis, and
23 identifying any feasible best management practices to
24 enhance capture and further reduce ethylene oxide levels
25 within the ethylene oxide sterilization source, including
26 a schedule for implementing such practices; and

1 (4) upon approval by the Agency of the report required
2 by paragraph (3) of this subsection, restart ethylene
3 oxide sterilization operations only to the extent
4 necessary to conduct additional emissions test or tests.
5 The ethylene oxide sterilization source shall conduct such
6 emissions test or tests under the same requirements as the
7 annual test described in paragraphs (2) and (3) of
8 subsection (b). The ethylene oxide sterilization source
9 may restart operations once an emissions test successfully
10 demonstrates that ethylene oxide emissions to the
11 atmosphere from each exhaust point at the ethylene oxide
12 sterilization source have been reduced by at least 99.9%
13 or to 0.2 parts per million, the source has submitted the
14 results of all emissions testing conducted under this
15 subsection to the Agency, and the Agency has approved the
16 results demonstrating compliance.

17 (d) Beginning 180 days after June 21, 2019 (the effective
18 date of Public Act 101-22) this amendatory Act of the 101st
19 General Assembly for any existing source or prior to any
20 ethylene oxide sterilization operation for any source that
21 first becomes subject to regulation after June 21, 2019 (the
22 effective date of Public Act 101-22) ~~this amendatory Act of~~
23 ~~the 101st General Assembly~~ as an ethylene oxide sterilization
24 source under this Section, no person shall conduct ethylene
25 oxide sterilization operations unless the owner or operator of
26 the ethylene oxide sterilization source submits for review and

1 approval by the Agency a plan describing how the owner or
2 operator will continuously collect emissions information at
3 the ethylene oxide sterilization source. This plan must also
4 specify locations at the ethylene oxide sterilization source
5 from which emissions will be collected and identify equipment
6 used for collection and analysis, including the individual
7 system components.

8 (1) The owner or operator of the ethylene oxide
9 sterilization source must provide a notice of acceptance
10 of any conditions added by the Agency to the plan, or
11 correct any deficiencies identified by the Agency in the
12 plan, within 3 business days after receiving the Agency's
13 conditional acceptance or denial of the plan.

14 (2) Upon the Agency's approval of the plan, the owner
15 or operator of the ethylene oxide sterilization source
16 shall implement the plan in accordance with its approved
17 terms.

18 (e) Beginning 180 days after June 21, 2019 (the effective
19 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
20 ~~General Assembly~~ for any existing source or prior to any
21 ethylene oxide sterilization operation for any source that
22 first becomes subject to regulation after June 21, 2019 (the
23 effective date of Public Act 101-22) ~~this amendatory Act of~~
24 ~~the 101st General Assembly~~ as an ethylene oxide sterilization
25 source under this Section, no person shall conduct ethylene
26 oxide sterilization operations unless the owner or operator of

1 the ethylene oxide sterilization source submits for review and
2 approval by the Agency an Ambient Air Monitoring Plan.

3 (1) The Ambient Air Monitoring Plan shall include, at
4 a minimum, the following:

5 (A) Detailed plans to collect and analyze air
6 samples for ethylene oxide on at least a quarterly
7 basis near the property boundaries of the ethylene
8 oxide sterilization source and at community locations
9 with the highest modeled impact pursuant to the
10 modeling conducted under subsection (f). Each
11 quarterly sampling under this subsection shall be
12 conducted over a multiple-day sampling period.

13 (B) A schedule for implementation.

14 (C) The name of the independent third party
15 company that will be performing sampling and analysis
16 and the company's experience with similar testing.

17 (2) The owner or operator of the ethylene oxide
18 sterilization source must provide a notice of acceptance
19 of any conditions added by the Agency to the Ambient Air
20 Monitoring Plan, or correct any deficiencies identified by
21 the Agency in the Ambient Air Monitoring Plan, within 3
22 business days after receiving the Agency's conditional
23 acceptance or denial of the plan.

24 (3) Upon the Agency's approval of the plan, the owner
25 or operator of the ethylene oxide sterilization source
26 shall implement the Ambient Air Monitoring Plan in

1 accordance with its approved terms.

2 (f) Beginning 180 days after June 21, 2019 (the effective
3 date of Public Act 101-22) ~~this amendatory Act of the 101st~~
4 ~~General Assembly~~ for any existing source or prior to any
5 ethylene oxide sterilization operation for any source that
6 first becomes subject to regulation after June 21, 2019 (the
7 effective date of Public Act 101-22) ~~this amendatory Act of~~
8 ~~the 101st General Assembly~~ as an ethylene oxide sterilization
9 source under this Section, no person shall conduct ethylene
10 oxide sterilization operations unless the owner or operator of
11 the ethylene oxide sterilization source has performed
12 dispersion modeling and the Agency approves such modeling.

13 (1) Dispersion modeling must:

14 (A) be conducted using accepted United States
15 Environmental Protection Agency methodologies,
16 including 40 CFR Part 51, Appendix W, except that no
17 background ambient levels of ethylene oxide shall be
18 used;

19 (B) use emissions and stack parameter data from
20 the emissions test conducted in accordance with
21 paragraph (1) of subsection (b), and use 5 years of
22 hourly meteorological data that is representative of
23 the source's location; and

24 (C) use a receptor grid that extends to at least
25 one kilometer around the source and ensure the
26 modeling domain includes the area of maximum impact,

1 with receptor spacing no greater than every 50 meters
2 starting from the building walls of the source
3 extending out to a distance of at least one-half
4 kilometer, then every 100 meters extending out to a
5 distance of at least one kilometer.

6 (2) The owner or operator of the ethylene oxide
7 sterilization source shall submit revised results of all
8 modeling if the Agency accepts with conditions or declines
9 to accept the results submitted.

10 (g) A facility permitted to emit ethylene oxide that has
11 been subject to a seal order under Section 34 is prohibited
12 from using ethylene oxide for sterilization or fumigation
13 purposes, unless (i) the facility can provide a certification
14 to the Agency by the supplier of a product to be sterilized or
15 fumigated that ethylene oxide sterilization or fumigation is
16 the only available method to completely sterilize or fumigate
17 the product and (ii) the Agency has certified that the
18 facility's emission control system uses technology that
19 produces the greatest reduction in ethylene oxide emissions
20 currently available. The certification shall be made by a
21 company representative with knowledge of the sterilization
22 requirements of the product. The certification requirements of
23 this Section shall apply to any group of products packaged
24 together and sterilized as a single product if sterilization
25 or fumigation is the only available method to completely
26 sterilize or fumigate more than half of the individual

1 products contained in the package.

2 A facility is not subject to the requirements of this
3 subsection if the supporting findings of the seal order under
4 Section 34 are found to be without merit by a court of
5 competent jurisdiction.

6 (h) If an entity, or any parent or subsidiary of an entity,
7 that owns or operates a facility permitted by the Agency to
8 emit ethylene oxide acquires by purchase, license, or any
9 other method of acquisition any intellectual property right in
10 a sterilization technology that does not involve the use of
11 ethylene oxide, or by purchase, merger, or any other method of
12 acquisition of any entity that holds an intellectual property
13 right in a sterilization technology that does not involve the
14 use of ethylene oxide, that entity, parent, or subsidiary
15 shall notify the Agency of the acquisition within 30 days of
16 acquiring it. If that entity, parent, or subsidiary has not
17 used the sterilization technology within 3 years of its
18 acquisition, the entity shall notify the Agency within 30 days
19 of the 3-year period elapsing.

20 An entity, or any parent or subsidiary of an entity, that
21 owns or operates a facility permitted by the Agency to emit
22 ethylene oxide that has any intellectual property right in any
23 sterilization technology that does not involve the use of
24 ethylene oxide shall notify the Agency of any offers that it
25 makes to license or otherwise allow the technology to be used
26 by third parties within 30 days of making the offer.

1 An entity, or any parent or subsidiary of an entity, that
2 owns or operates a facility permitted by the Agency to emit
3 ethylene oxide shall provide the Agency with a list of all U.S.
4 patent registrations for sterilization technology that the
5 entity, parent, or subsidiary has any property right in. The
6 list shall include the following:

7 (1) The patent number assigned by the United States
8 Patent and Trademark Office for each patent.

9 (2) The date each patent was filed.

10 (3) The names and addresses of all owners or assignees
11 of each patent.

12 (4) The names and addresses of all inventors of each
13 patent.

14 (i) If a CAAPP permit applicant applies to use ethylene
15 oxide as a sterilant or fumigant at a facility not in existence
16 prior to January 1, 2020, the Agency shall issue a CAAPP permit
17 for emission of ethylene oxide only if:

18 (1) the nearest school or park is at least 10 miles
19 from the permit applicant in counties with populations
20 greater than 50,000;

21 (2) the nearest school or park is at least 15 miles
22 from the permit applicant in counties with populations
23 less than or equal to 50,000; and

24 (3) within 7 days after the application for a CAAPP
25 permit, the permit applicant has published its permit
26 request on its website, published notice in a local

1 newspaper of general circulation, and provided notice to:

2 (A) the State Representative for the
3 representative district in which the facility is
4 located;

5 (B) the State Senator for the legislative district
6 in which the facility is located;

7 (C) the members of the county board for the county
8 in which the facility is located; and

9 (D) the local municipal board members and
10 executives.

11 (j) The owner or operator of an ethylene oxide
12 sterilization source must apply for and obtain a construction
13 permit from the Agency for any modifications made to the
14 source to comply with the requirements of Public Act 101-22
15 ~~this amendatory Act of the 101st General Assembly~~, including,
16 but not limited to, installation of a permanent total
17 enclosure, modification of airflow to create negative pressure
18 within the source, and addition of one or more control
19 devices. Additionally, the owner or operator of the ethylene
20 oxide sterilization source must apply for and obtain from the
21 Agency a modification of the source's operating permit to
22 incorporate such modifications made to the source. Both the
23 construction permit and operating permit must include a limit
24 on ethylene oxide usage at the source.

25 (k) Nothing in this Section shall be interpreted to excuse
26 the ethylene oxide sterilization source from complying with

1 any applicable local requirements.

2 (l) The owner or operator of an ethylene oxide
3 sterilization source must notify the Agency within 5 days
4 after discovering any deviation from any of the requirements
5 in this Section or deviations from any applicable requirements
6 concerning ethylene oxide that are set forth in this Act,
7 United States Environmental Protection Agency rules, or Board
8 rules. As soon as practicable, but no later than 5 business
9 days, after the Agency receives such notification, the Agency
10 must post a notice on its website and notify the members of the
11 General Assembly from the Legislative and Representative
12 Districts in which the source in question is located, the
13 county board members of the county in which the source in
14 question is located, the corporate authorities of the
15 municipality in which the source in question is located, and
16 the Illinois Department of Public Health.

17 (m) The Agency must conduct at least one unannounced
18 inspection of all ethylene oxide sterilization sources subject
19 to this Section per year. Nothing in this Section shall limit
20 the Agency's authority under other provisions of this Act to
21 conduct inspections of ethylene oxide sterilization sources.

22 (n) The Agency shall conduct air testing to determine the
23 ambient levels of ethylene oxide throughout the State. The
24 Agency shall, within 180 days after June 21, 2019 (the
25 effective date of Public Act 101-22) ~~this amendatory Act of~~
26 ~~the 101st General Assembly~~, submit rules for ambient air

1 testing of ethylene oxide to the Board.

2 (Source: P.A. 101-22, eff. 6-21-19; revised 8-9-19.)

3 (415 ILCS 5/9.17)

4 Sec. 9.17 ~~9.16~~. Nonnegligible ethylene oxide emissions
5 sources.

6 (a) In this Section, "nonnegligible ethylene oxide
7 emissions source" means an ethylene oxide emissions source
8 permitted by the Agency that currently emits more than 150
9 pounds of ethylene oxide as reported on the source's 2017
10 Toxic Release Inventory and is located in a county with a
11 population of at least 700,000 based on 2010 census data.
12 "Nonnegligible ethylene oxide emissions source" does not
13 include facilities that are ethylene oxide sterilization
14 sources or hospitals that are licensed under the Hospital
15 Licensing Act or operated under the University of Illinois
16 Hospital Act.

17 (b) Beginning 180 days after June 21, 2019 (the effective
18 date of Public Act 101-23) ~~this amendatory Act of the 101st~~
19 ~~General Assembly~~, no nonnegligible ethylene oxide emissions
20 source shall conduct activities that cause ethylene oxide
21 emissions unless the owner or operator of the nonnegligible
22 ethylene oxide emissions source submits for review and
23 approval of the Agency a plan describing how the owner or
24 operator will continuously collect emissions information. The
25 plan must specify locations at the nonnegligible ethylene

1 oxide emissions source from which emissions will be collected
2 and identify equipment used for collection and analysis,
3 including the individual system components.

4 (1) The owner or operator of the nonnegligible
5 ethylene oxide emissions source must provide a notice of
6 acceptance of any conditions added by the Agency to the
7 plan or correct any deficiencies identified by the Agency
8 in the plan within 3 business days after receiving the
9 Agency's conditional acceptance or denial of the plan.

10 (2) Upon the Agency's approval of the plan the owner
11 or operator of the nonnegligible ethylene oxide emissions
12 source shall implement the plan in accordance with its
13 approved terms.

14 (c) Beginning 180 days after June 21, 2019 (the effective
15 date of Public Act 101-23) ~~this amendatory Act of the 101st~~
16 ~~General Assembly~~, no nonnegligible ethylene oxide emissions
17 source shall conduct activities that cause ethylene oxide
18 emissions unless the owner or operator of the nonnegligible
19 ethylene oxide emissions source has performed dispersion
20 modeling and the Agency approves the dispersion modeling.

21 (1) Dispersion modeling must:

22 (A) be conducted using accepted United States
23 Environmental Protection Agency methodologies,
24 including Appendix W to 40 CFR 51, except that no
25 background ambient levels of ethylene oxide shall be
26 used;

1 (B) use emissions and stack parameter data from
2 any emissions test conducted and 5 years of hourly
3 meteorological data that is representative of the
4 nonnegligible ethylene oxide emissions source's
5 location; and

6 (C) use a receptor grid that extends to at least
7 one kilometer around the nonnegligible ethylene oxide
8 emissions source and ensures the modeling domain
9 includes the area of maximum impact, with receptor
10 spacing no greater than every 50 meters starting from
11 the building walls of the nonnegligible ethylene oxide
12 emissions source extending out to a distance of at
13 least 1/2 kilometer, then every 100 meters extending
14 out to a distance of at least one kilometer.

15 (2) The owner or operator of the nonnegligible
16 ethylene oxide emissions source shall submit revised
17 results of all modeling if the Agency accepts with
18 conditions or declines to accept the results submitted.

19 (d) Beginning 180 days after June 21, 2019 (the effective
20 date of Public Act 101-23) ~~this amendatory Act of the 101st~~
21 ~~General Assembly~~, no nonnegligible ethylene oxide emissions
22 source shall conduct activities that cause ethylene oxide
23 emissions unless the owner or operator of the nonnegligible
24 ethylene oxide emissions source obtains a permit consistent
25 with the requirements in this Section from the Agency to
26 conduct activities that may result in the emission of ethylene

1 oxide.

2 (e) The Agency in issuing the applicable permits to a
3 nonnegligible ethylene oxide emissions source shall:

4 (1) impose a site-specific annual cap on ethylene
5 oxide emissions set to protect the public health; and

6 (2) include permit conditions granting the Agency the
7 authority to reopen the permit if the Agency determines
8 that the emissions of ethylene oxide from the permitted
9 nonnegligible ethylene oxide emissions source pose a risk
10 to the public health as defined by the Agency.

11 (Source: P.A. 101-23, eff. 6-21-19; revised 8-9-19.)

12 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

13 Sec. 21. Prohibited acts. No person shall:

14 (a) Cause or allow the open dumping of any waste.

15 (b) Abandon, dump, or deposit any waste upon the public
16 highways or other public property, except in a sanitary
17 landfill approved by the Agency pursuant to regulations
18 adopted by the Board.

19 (c) Abandon any vehicle in violation of the "Abandoned
20 Vehicles Amendment to the Illinois Vehicle Code", as enacted
21 by the 76th General Assembly.

22 (d) Conduct any waste-storage, waste-treatment, or
23 waste-disposal operation:

24 (1) without a permit granted by the Agency or in
25 violation of any conditions imposed by such permit,

1 including periodic reports and full access to adequate
2 records and the inspection of facilities, as may be
3 necessary to assure compliance with this Act and with
4 regulations and standards adopted thereunder; provided,
5 however, that, except for municipal solid waste landfill
6 units that receive waste on or after October 9, 1993, and
7 CCR surface impoundments, no permit shall be required for
8 (i) any person conducting a waste-storage,
9 waste-treatment, or waste-disposal operation for wastes
10 generated by such person's own activities which are
11 stored, treated, or disposed within the site where such
12 wastes are generated, or (ii) a facility located in a
13 county with a population over 700,000 as of January 1,
14 2000, operated and located in accordance with Section
15 22.38 of this Act, and used exclusively for the transfer,
16 storage, or treatment of general construction or
17 demolition debris, provided that the facility was
18 receiving construction or demolition debris on August 24,
19 2009 (the effective date of Public Act 96-611) ~~this~~
20 ~~amendatory Act of the 96th General Assembly;~~

21 (2) in violation of any regulations or standards
22 adopted by the Board under this Act; or

23 (3) which receives waste after August 31, 1988, does
24 not have a permit issued by the Agency, and is (i) a
25 landfill used exclusively for the disposal of waste
26 generated at the site, (ii) a surface impoundment

1 receiving special waste not listed in an NPDES permit,
2 (iii) a waste pile in which the total volume of waste is
3 greater than 100 cubic yards or the waste is stored for
4 over one year, or (iv) a land treatment facility receiving
5 special waste generated at the site; without giving notice
6 of the operation to the Agency by January 1, 1989, or 30
7 days after the date on which the operation commences,
8 whichever is later, and every 3 years thereafter. The form
9 for such notification shall be specified by the Agency,
10 and shall be limited to information regarding: the name
11 and address of the location of the operation; the type of
12 operation; the types and amounts of waste stored, treated
13 or disposed of on an annual basis; the remaining capacity
14 of the operation; and the remaining expected life of the
15 operation.

16 Item (3) of this subsection (d) shall not apply to any
17 person engaged in agricultural activity who is disposing of a
18 substance that constitutes solid waste, if the substance was
19 acquired for use by that person on his own property, and the
20 substance is disposed of on his own property in accordance
21 with regulations or standards adopted by the Board.

22 This subsection (d) shall not apply to hazardous waste.

23 (e) Dispose, treat, store or abandon any waste, or
24 transport any waste into this State for disposal, treatment,
25 storage or abandonment, except at a site or facility which
26 meets the requirements of this Act and of regulations and

1 standards thereunder.

2 (f) Conduct any hazardous waste-storage, hazardous
3 waste-treatment or hazardous waste-disposal operation:

4 (1) without a RCRA permit for the site issued by the
5 Agency under subsection (d) of Section 39 of this Act, or
6 in violation of any condition imposed by such permit,
7 including periodic reports and full access to adequate
8 records and the inspection of facilities, as may be
9 necessary to assure compliance with this Act and with
10 regulations and standards adopted thereunder; or

11 (2) in violation of any regulations or standards
12 adopted by the Board under this Act; or

13 (3) in violation of any RCRA permit filing requirement
14 established under standards adopted by the Board under
15 this Act; or

16 (4) in violation of any order adopted by the Board
17 under this Act.

18 Notwithstanding the above, no RCRA permit shall be
19 required under this subsection or subsection (d) of Section 39
20 of this Act for any person engaged in agricultural activity
21 who is disposing of a substance which has been identified as a
22 hazardous waste, and which has been designated by Board
23 regulations as being subject to this exception, if the
24 substance was acquired for use by that person on his own
25 property and the substance is disposed of on his own property
26 in accordance with regulations or standards adopted by the

1 Board.

2 (g) Conduct any hazardous waste-transportation operation:

3 (1) without registering with and obtaining a special
4 waste hauling permit from the Agency in accordance with
5 the regulations adopted by the Board under this Act; or

6 (2) in violation of any regulations or standards
7 adopted by the Board under this Act.

8 (h) Conduct any hazardous waste-recycling or hazardous
9 waste-reclamation or hazardous waste-reuse operation in
10 violation of any regulations, standards or permit requirements
11 adopted by the Board under this Act.

12 (i) Conduct any process or engage in any act which
13 produces hazardous waste in violation of any regulations or
14 standards adopted by the Board under subsections (a) and (c)
15 of Section 22.4 of this Act.

16 (j) Conduct any special waste-transportation ~~waste~~
17 ~~transportation~~ operation in violation of any regulations,
18 standards or permit requirements adopted by the Board under
19 this Act. However, sludge from a water or sewage treatment
20 plant owned and operated by a unit of local government which
21 (1) is subject to a sludge management plan approved by the
22 Agency or a permit granted by the Agency, and (2) has been
23 tested and determined not to be a hazardous waste as required
24 by applicable State and federal laws and regulations, may be
25 transported in this State without a special waste hauling
26 permit, and the preparation and carrying of a manifest shall

1 not be required for such sludge under the rules of the
2 Pollution Control Board. The unit of local government which
3 operates the treatment plant producing such sludge shall file
4 an annual report with the Agency identifying the volume of
5 such sludge transported during the reporting period, the
6 hauler of the sludge, and the disposal sites to which it was
7 transported. This subsection (j) shall not apply to hazardous
8 waste.

9 (k) Fail or refuse to pay any fee imposed under this Act.

10 (l) Locate a hazardous waste disposal site above an active
11 or inactive shaft or tunneled mine or within 2 miles of an
12 active fault in the earth's crust. In counties of population
13 less than 225,000 no hazardous waste disposal site shall be
14 located (1) within 1 1/2 miles of the corporate limits as
15 defined on June 30, 1978, of any municipality without the
16 approval of the governing body of the municipality in an
17 official action; or (2) within 1000 feet of an existing
18 private well or the existing source of a public water supply
19 measured from the boundary of the actual active permitted site
20 and excluding existing private wells on the property of the
21 permit applicant. The provisions of this subsection do not
22 apply to publicly owned ~~publicly owned~~ sewage works or the
23 disposal or utilization of sludge from publicly owned
24 ~~publicly owned~~ sewage works.

25 (m) Transfer interest in any land which has been used as a
26 hazardous waste disposal site without written notification to

1 the Agency of the transfer and to the transferee of the
2 conditions imposed by the Agency upon its use under subsection
3 (g) of Section 39.

4 (n) Use any land which has been used as a hazardous waste
5 disposal site except in compliance with conditions imposed by
6 the Agency under subsection (g) of Section 39.

7 (o) Conduct a sanitary landfill operation which is
8 required to have a permit under subsection (d) of this
9 Section, in a manner which results in any of the following
10 conditions:

11 (1) refuse in standing or flowing waters;

12 (2) leachate flows entering waters of the State;

13 (3) leachate flows exiting the landfill confines (as
14 determined by the boundaries established for the landfill
15 by a permit issued by the Agency);

16 (4) open burning of refuse in violation of Section 9
17 of this Act;

18 (5) uncovered refuse remaining from any previous
19 operating day or at the conclusion of any operating day,
20 unless authorized by permit;

21 (6) failure to provide final cover within time limits
22 established by Board regulations;

23 (7) acceptance of wastes without necessary permits;

24 (8) scavenging as defined by Board regulations;

25 (9) deposition of refuse in any unpermitted portion of
26 the landfill;

1 (10) acceptance of a special waste without a required
2 manifest;

3 (11) failure to submit reports required by permits or
4 Board regulations;

5 (12) failure to collect and contain litter from the
6 site by the end of each operating day;

7 (13) failure to submit any cost estimate for the site
8 or any performance bond or other security for the site as
9 required by this Act or Board rules.

10 The prohibitions specified in this subsection (o) shall be
11 enforceable by the Agency either by administrative citation
12 under Section 31.1 of this Act or as otherwise provided by this
13 Act. The specific prohibitions in this subsection do not limit
14 the power of the Board to establish regulations or standards
15 applicable to sanitary landfills.

16 (p) In violation of subdivision (a) of this Section, cause
17 or allow the open dumping of any waste in a manner which
18 results in any of the following occurrences at the dump site:

19 (1) litter;

20 (2) scavenging;

21 (3) open burning;

22 (4) deposition of waste in standing or flowing waters;

23 (5) proliferation of disease vectors;

24 (6) standing or flowing liquid discharge from the dump
25 site;

26 (7) deposition of:

1 (i) general construction or demolition debris as
2 defined in Section 3.160(a) of this Act; or

3 (ii) clean construction or demolition debris as
4 defined in Section 3.160(b) of this Act.

5 The prohibitions specified in this subsection (p) shall be
6 enforceable by the Agency either by administrative citation
7 under Section 31.1 of this Act or as otherwise provided by this
8 Act. The specific prohibitions in this subsection do not limit
9 the power of the Board to establish regulations or standards
10 applicable to open dumping.

11 (q) Conduct a landscape waste composting operation without
12 an Agency permit, provided, however, that no permit shall be
13 required for any person:

14 (1) conducting a landscape waste composting operation
15 for landscape wastes generated by such person's own
16 activities which are stored, treated, or disposed of
17 within the site where such wastes are generated; or

18 (1.5) conducting a landscape waste composting
19 operation that (i) has no more than 25 cubic yards of
20 landscape waste, composting additives, composting
21 material, or end-product compost on-site at any one time
22 and (ii) is not engaging in commercial activity; or

23 (2) applying landscape waste or composted landscape
24 waste at agronomic rates; or

25 (2.5) operating a landscape waste composting facility
26 at a site having 10 or more occupied non-farm residences

1 within 1/2 mile of its boundaries, if the facility meets
2 all of the following criteria:

3 (A) the composting facility is operated by the
4 farmer on property on which the composting material is
5 utilized, and the composting facility constitutes no
6 more than 2% of the site's total acreage;

7 (A-5) any composting additives that the composting
8 facility accepts and uses at the facility are
9 necessary to provide proper conditions for composting
10 and do not exceed 10% of the total composting material
11 at the facility at any one time;

12 (B) the property on which the composting facility
13 is located, and any associated property on which the
14 compost is used, is principally and diligently devoted
15 to the production of agricultural crops and is not
16 owned, leased, or otherwise controlled by any waste
17 hauler or generator of nonagricultural compost
18 materials, and the operator of the composting facility
19 is not an employee, partner, shareholder, or in any
20 way connected with or controlled by any such waste
21 hauler or generator;

22 (C) all compost generated by the composting
23 facility is applied at agronomic rates and used as
24 mulch, fertilizer, or soil conditioner on land
25 actually farmed by the person operating the composting
26 facility, and the finished compost is not stored at

1 the composting site for a period longer than 18 months
2 prior to its application as mulch, fertilizer, or soil
3 conditioner;

4 (D) no fee is charged for the acceptance of
5 materials to be composted at the facility; and

6 (E) the owner or operator, by January 1, 2014 (or
7 the January 1 following commencement of operation,
8 whichever is later) and January 1 of each year
9 thereafter, registers the site with the Agency, (ii)
10 reports to the Agency on the volume of composting
11 material received and used at the site; (iii)
12 certifies to the Agency that the site complies with
13 the requirements set forth in subparagraphs (A),
14 (A-5), (B), (C), and (D) of this paragraph (2.5); and
15 (iv) certifies to the Agency that all composting
16 material was placed more than 200 feet from the
17 nearest potable water supply well, was placed outside
18 the boundary of the 10-year floodplain or on a part of
19 the site that is floodproofed, was placed at least 1/4
20 mile from the nearest residence (other than a
21 residence located on the same property as the
22 facility) or a lesser distance from the nearest
23 residence (other than a residence located on the same
24 property as the facility) if the municipality in which
25 the facility is located has by ordinance approved a
26 lesser distance than 1/4 mile, and was placed more

1 than 5 feet above the water table; any ordinance
2 approving a residential setback of less than 1/4 mile
3 that is used to meet the requirements of this
4 subparagraph (E) of paragraph (2.5) of this subsection
5 must specifically reference this paragraph; or

6 (3) operating a landscape waste composting facility on
7 a farm, if the facility meets all of the following
8 criteria:

9 (A) the composting facility is operated by the
10 farmer on property on which the composting material is
11 utilized, and the composting facility constitutes no
12 more than 2% of the property's total acreage, except
13 that the Board may allow a higher percentage for
14 individual sites where the owner or operator has
15 demonstrated to the Board that the site's soil
16 characteristics or crop needs require a higher rate;

17 (A-1) the composting facility accepts from other
18 agricultural operations for composting with landscape
19 waste no materials other than uncontaminated and
20 source-separated (i) crop residue and other
21 agricultural plant residue generated from the
22 production and harvesting of crops and other customary
23 farm practices, including, but not limited to, stalks,
24 leaves, seed pods, husks, bagasse, and roots and (ii)
25 plant-derived animal bedding, such as straw or
26 sawdust, that is free of manure and was not made from

1 painted or treated wood;

2 (A-2) any composting additives that the composting
3 facility accepts and uses at the facility are
4 necessary to provide proper conditions for composting
5 and do not exceed 10% of the total composting material
6 at the facility at any one time;

7 (B) the property on which the composting facility
8 is located, and any associated property on which the
9 compost is used, is principally and diligently devoted
10 to the production of agricultural crops and is not
11 owned, leased or otherwise controlled by any waste
12 hauler or generator of nonagricultural compost
13 materials, and the operator of the composting facility
14 is not an employee, partner, shareholder, or in any
15 way connected with or controlled by any such waste
16 hauler or generator;

17 (C) all compost generated by the composting
18 facility is applied at agronomic rates and used as
19 mulch, fertilizer or soil conditioner on land actually
20 farmed by the person operating the composting
21 facility, and the finished compost is not stored at
22 the composting site for a period longer than 18 months
23 prior to its application as mulch, fertilizer, or soil
24 conditioner;

25 (D) the owner or operator, by January 1 of each
26 year, (i) registers the site with the Agency, (ii)

1 reports to the Agency on the volume of composting
2 material received and used at the site, (iii)
3 certifies to the Agency that the site complies with
4 the requirements set forth in subparagraphs (A),
5 (A-1), (A-2), (B), and (C) of this paragraph (q)(3),
6 and (iv) certifies to the Agency that all composting
7 material:

8 (I) was placed more than 200 feet from the
9 nearest potable water supply well;

10 (II) was placed outside the boundary of the
11 10-year floodplain or on a part of the site that is
12 floodproofed;

13 (III) was placed either (aa) at least 1/4 mile
14 from the nearest residence (other than a residence
15 located on the same property as the facility) and
16 there are not more than 10 occupied non-farm
17 residences within 1/2 mile of the boundaries of
18 the site on the date of application or (bb) a
19 lesser distance from the nearest residence (other
20 than a residence located on the same property as
21 the facility) provided that the municipality or
22 county in which the facility is located has by
23 ordinance approved a lesser distance than 1/4 mile
24 and there are not more than 10 occupied non-farm
25 residences within 1/2 mile of the boundaries of
26 the site on the date of application; and

1 (IV) was placed more than 5 feet above the
2 water table.

3 Any ordinance approving a residential setback of
4 less than 1/4 mile that is used to meet the
5 requirements of this subparagraph (D) must
6 specifically reference this subparagraph.

7 For the purposes of this subsection (q), "agronomic rates"
8 means the application of not more than 20 tons per acre per
9 year, except that the Board may allow a higher rate for
10 individual sites where the owner or operator has demonstrated
11 to the Board that the site's soil characteristics or crop
12 needs require a higher rate.

13 (r) Cause or allow the storage or disposal of coal
14 combustion waste unless:

15 (1) such waste is stored or disposed of at a site or
16 facility for which a permit has been obtained or is not
17 otherwise required under subsection (d) of this Section;
18 or

19 (2) such waste is stored or disposed of as a part of
20 the design and reclamation of a site or facility which is
21 an abandoned mine site in accordance with the Abandoned
22 Mined Lands and Water Reclamation Act; or

23 (3) such waste is stored or disposed of at a site or
24 facility which is operating under NPDES and Subtitle D
25 permits issued by the Agency pursuant to regulations
26 adopted by the Board for mine-related water pollution and

1 permits issued pursuant to the federal ~~Federal~~ Surface
2 Mining Control and Reclamation Act of 1977 (P.L. 95-87) or
3 the rules and regulations thereunder or any law or rule or
4 regulation adopted by the State of Illinois pursuant
5 thereto, and the owner or operator of the facility agrees
6 to accept the waste; and either:

7 (i) such waste is stored or disposed of in
8 accordance with requirements applicable to refuse
9 disposal under regulations adopted by the Board for
10 mine-related water pollution and pursuant to NPDES and
11 Subtitle D permits issued by the Agency under such
12 regulations; or

13 (ii) the owner or operator of the facility
14 demonstrates all of the following to the Agency, and
15 the facility is operated in accordance with the
16 demonstration as approved by the Agency: (1) the
17 disposal area will be covered in a manner that will
18 support continuous vegetation, (2) the facility will
19 be adequately protected from wind and water erosion,
20 (3) the pH will be maintained so as to prevent
21 excessive leaching of metal ions, and (4) adequate
22 containment or other measures will be provided to
23 protect surface water and groundwater from
24 contamination at levels prohibited by this Act, the
25 Illinois Groundwater Protection Act, or regulations
26 adopted pursuant thereto.

1 Notwithstanding any other provision of this Title, the
2 disposal of coal combustion waste pursuant to item (2) or (3)
3 of this subdivision (r) shall be exempt from the other
4 provisions of this Title V, and notwithstanding the provisions
5 of Title X of this Act, the Agency is authorized to grant
6 experimental permits which include provision for the disposal
7 of wastes from the combustion of coal and other materials
8 pursuant to items (2) and (3) of this subdivision (r).

9 (s) After April 1, 1989, offer for transportation,
10 transport, deliver, receive or accept special waste for which
11 a manifest is required, unless the manifest indicates that the
12 fee required under Section 22.8 of this Act has been paid.

13 (t) Cause or allow a lateral expansion of a municipal
14 solid waste landfill unit on or after October 9, 1993, without
15 a permit modification, granted by the Agency, that authorizes
16 the lateral expansion.

17 (u) Conduct any vegetable by-product treatment, storage,
18 disposal or transportation operation in violation of any
19 regulation, standards or permit requirements adopted by the
20 Board under this Act. However, no permit shall be required
21 under this Title V for the land application of vegetable
22 by-products conducted pursuant to Agency permit issued under
23 Title III of this Act to the generator of the vegetable
24 by-products. In addition, vegetable by-products may be
25 transported in this State without a special waste hauling
26 permit, and without the preparation and carrying of a

1 manifest.

2 (v) (Blank).

3 (w) Conduct any generation, transportation, or recycling
4 of construction or demolition debris, clean or general, or
5 uncontaminated soil generated during construction, remodeling,
6 repair, and demolition of utilities, structures, and roads
7 that is not commingled with any waste, without the maintenance
8 of documentation identifying the hauler, generator, place of
9 origin of the debris or soil, the weight or volume of the
10 debris or soil, and the location, owner, and operator of the
11 facility where the debris or soil was transferred, disposed,
12 recycled, or treated. This documentation must be maintained by
13 the generator, transporter, or recycler for 3 years. This
14 subsection (w) shall not apply to (1) a permitted pollution
15 control facility that transfers or accepts construction or
16 demolition debris, clean or general, or uncontaminated soil
17 for final disposal, recycling, or treatment, (2) a public
18 utility (as that term is defined in the Public Utilities Act)
19 or a municipal utility, (3) the Illinois Department of
20 Transportation, or (4) a municipality or a county highway
21 department, with the exception of any municipality or county
22 highway department located within a county having a population
23 of over 3,000,000 inhabitants or located in a county that is
24 contiguous to a county having a population of over 3,000,000
25 inhabitants; but it shall apply to an entity that contracts
26 with a public utility, a municipal utility, the Illinois

1 Department of Transportation, or a municipality or a county
2 highway department. The terms "generation" and "recycling", as
3 used in this subsection, do not apply to clean construction or
4 demolition debris when (i) used as fill material below grade
5 outside of a setback zone if covered by sufficient
6 uncontaminated soil to support vegetation within 30 days of
7 the completion of filling or if covered by a road or structure,
8 (ii) solely broken concrete without protruding metal bars is
9 used for erosion control, or (iii) milled asphalt or crushed
10 concrete is used as aggregate in construction of the shoulder
11 of a roadway. The terms "generation" and "recycling", as used
12 in this subsection, do not apply to uncontaminated soil that
13 is not commingled with any waste when (i) used as fill material
14 below grade or contoured to grade, or (ii) used at the site of
15 generation.

16 (Source: P.A. 100-103, eff. 8-11-17; 101-171, eff. 7-30-19;
17 revised 9-12-19.)

18 (415 ILCS 5/21.7)

19 Sec. 21.7. Landfills.

20 (a) The purpose of this Section is to enact legislative
21 recommendations provided by the Mahomet Aquifer Protection
22 Task Force, established under Public Act 100-403. The Task
23 Force identified capped but unregulated or underregulated
24 landfills that overlie the Mahomet Aquifer as potentially
25 hazardous to valuable groundwater resources. These unregulated

1 or underregulated landfills generally began accepting waste
2 for disposal sometime prior to 1973.

3 (b) The Agency shall prioritize unregulated or
4 underregulated landfills that overlie the Mahomet Aquifer for
5 inspection. The following factors shall be considered:

6 (1) the presence of, and depth to, any aquifer with
7 potential potable use;

8 (2) whether the landfill has an engineered liner
9 system;

10 (3) whether the landfill has an active groundwater
11 monitoring system;

12 (4) whether waste disposal occurred within the
13 100-year floodplain; and

14 (5) landfills within the setback zone of any potable
15 water supply well.

16 (c) Subject to appropriation, the Agency shall use
17 existing information available from State and federal
18 agencies, such as the Prairie Research Institute, the
19 Department of Natural Resources, the Illinois Emergency
20 Management Agency, the Federal Emergency Management Agency,
21 and the Natural Resources Conservation Service, to identify
22 unknown, unregulated, or underregulated waste disposal sites
23 that overlie the Mahomet Aquifer that may pose a threat to
24 surface water or groundwater resources.

25 (d) Subject to appropriation, for those landfills
26 prioritized for response action following inspection and

1 investigation, the Agency shall use its own data, along with
2 data from municipalities, counties, solid waste management
3 associations, companies, corporations, and individuals, to
4 archive information about the landfills, including their
5 ownership, operational details, and waste disposal history.

6 (Source: P.A. 101-573, eff. 1-1-20; revised 12-9-19.)

7 (415 ILCS 5/22.23d)

8 Sec. 22.23d. Rechargeable batteries.

9 (a) "Rechargeable battery" means one or more voltaic or
10 galvanic cells, electrically connected to produce electric
11 energy, that are ~~is~~ designed to be recharged for repeated
12 uses. "Rechargeable battery" includes, but is not limited to,
13 a battery containing lithium ion, lithium metal, or lithium
14 polymer or that uses lithium as an anode or cathode, that is
15 designed to be recharged for repeated uses. "Rechargeable
16 battery" does not mean either of the following:

17 (1) Any dry cell battery that is used as the principal
18 power source for transportation, including, but not
19 limited to, automobiles, motorcycles, or boats.

20 (2) Any battery that is used only as a backup power
21 source for memory or program instruction storage,
22 timekeeping, or any similar purpose that requires
23 uninterrupted electrical power in order to function if the
24 primary energy supply fails or fluctuates momentarily.

25 (b) Unless expressly authorized by a recycling collection

1 program, beginning January 1, 2020, no person shall knowingly
2 mix a rechargeable battery or any appliance, device, or other
3 item that contains a rechargeable battery with any other
4 material intended for collection by a hauler as a recyclable
5 material.

6 Unless expressly authorized by a recycling collection
7 program, beginning January 1, 2020, no person shall knowingly
8 place a rechargeable battery or any appliance, device, or
9 other item that contains a rechargeable battery into a
10 container intended for collection by a hauler for processing
11 at a recycling center.

12 (c) The Agency shall include on its website information
13 regarding the recycling of rechargeable batteries.

14 (Source: P.A. 101-137, eff. 7-26-19; revised 9-12-19.)

15 (415 ILCS 5/22.59)

16 Sec. 22.59. CCR surface impoundments.

17 (a) The General Assembly finds that:

18 (1) the State of Illinois has a long-standing policy
19 to restore, protect, and enhance the environment,
20 including the purity of the air, land, and waters,
21 including groundwaters, of this State;

22 (2) a clean environment is essential to the growth and
23 well-being of this State;

24 (3) CCR generated by the electric generating industry
25 has caused groundwater contamination and other forms of

1 pollution at active and inactive plants throughout this
2 State;

3 (4) environmental laws should be supplemented to
4 ensure consistent, responsible regulation of all existing
5 CCR surface impoundments; and

6 (5) meaningful participation of State residents,
7 especially vulnerable populations who may be affected by
8 regulatory actions, is critical to ensure that
9 environmental justice considerations are incorporated in
10 the development of, decision-making related to, and
11 implementation of environmental laws and rulemaking that
12 protects and improves the well-being of communities in
13 this State that bear disproportionate burdens imposed by
14 environmental pollution.

15 Therefore, the purpose of this Section is to promote a
16 healthful environment, including clean water, air, and land,
17 meaningful public involvement, and the responsible disposal
18 and storage of coal combustion residuals, so as to protect
19 public health and to prevent pollution of the environment of
20 this State.

21 The provisions of this Section shall be liberally
22 construed to carry out the purposes of this Section.

23 (b) No person shall:

24 (1) cause or allow the discharge of any contaminants
25 from a CCR surface impoundment into the environment so as
26 to cause, directly or indirectly, a violation of this

1 Section or any regulations or standards adopted by the
2 Board under this Section, either alone or in combination
3 with contaminants from other sources;

4 (2) construct, install, modify, operate, or close any
5 CCR surface impoundment without a permit granted by the
6 Agency, or so as to violate any conditions imposed by such
7 permit, any provision of this Section or any regulations
8 or standards adopted by the Board under this Section; or

9 (3) cause or allow, directly or indirectly, the
10 discharge, deposit, injection, dumping, spilling, leaking,
11 or placing of any CCR upon the land in a place and manner
12 so as to cause or tend to cause a violation this Section or
13 any regulations or standards adopted by the Board under
14 this Section.

15 (c) For purposes of this Section, a permit issued by the
16 Administrator of the United States Environmental Protection
17 Agency under Section 4005 of the federal Resource Conservation
18 and Recovery Act, shall be deemed to be a permit under this
19 Section and subsection (y) of Section 39.

20 (d) Before commencing closure of a CCR surface
21 impoundment, in accordance with Board rules, the owner of a
22 CCR surface impoundment must submit to the Agency for approval
23 a closure alternatives analysis that analyzes all closure
24 methods being considered and that otherwise satisfies all
25 closure requirements adopted by the Board under this Act.
26 Complete removal of CCR, as specified by the Board's rules,

1 from the CCR surface impoundment must be considered and
2 analyzed. Section 3.405 does not apply to the Board's rules
3 specifying complete removal of CCR. The selected closure
4 method must ensure compliance with regulations adopted by the
5 Board pursuant to this Section.

6 (e) Owners or operators of CCR surface impoundments who
7 have submitted a closure plan to the Agency before May 1, 2019,
8 and who have completed closure prior to 24 months after July
9 30, 2019 (the effective date of Public Act 101-171) ~~this~~
10 ~~amendatory Act of the 101st General Assembly~~ shall not be
11 required to obtain a construction permit for the surface
12 impoundment closure under this Section.

13 (f) Except for the State, its agencies and institutions, a
14 unit of local government, or not-for-profit electric
15 cooperative as defined in Section 3.4 of the Electric Supplier
16 Act, any person who owns or operates a CCR surface impoundment
17 in this State shall post with the Agency a performance bond or
18 other security for the purpose of: (i) ensuring closure of the
19 CCR surface impoundment and post-closure care in accordance
20 with this Act and its rules; and (ii) insuring remediation of
21 releases from the CCR surface impoundment. The only acceptable
22 forms of financial assurance are: a trust fund, a surety bond
23 guaranteeing payment, a surety bond guaranteeing performance,
24 or an irrevocable letter of credit.

25 (1) The cost estimate for the post-closure care of a
26 CCR surface impoundment shall be calculated using a

1 30-year post-closure care period or such longer period as
2 may be approved by the Agency under Board or federal
3 rules.

4 (2) The Agency is authorized to enter into such
5 contracts and agreements as it may deem necessary to carry
6 out the purposes of this Section. Neither the State, nor
7 the Director, nor any State employee shall be liable for
8 any damages or injuries arising out of or resulting from
9 any action taken under this Section.

10 (3) The Agency shall have the authority to approve or
11 disapprove any performance bond or other security posted
12 under this subsection. Any person whose performance bond
13 or other security is disapproved by the Agency may contest
14 the disapproval as a permit denial appeal pursuant to
15 Section 40.

16 (g) The Board shall adopt rules establishing construction
17 permit requirements, operating permit requirements, design
18 standards, reporting, financial assurance, and closure and
19 post-closure care requirements for CCR surface impoundments.
20 Not later than 8 months after July 30, 2019 (the effective date
21 of Public Act 101-171) ~~this amendatory Act of the 101st~~
22 ~~General Assembly~~ the Agency shall propose, and not later than
23 one year after receipt of the Agency's proposal the Board
24 shall adopt, rules under this Section. The rules must, at a
25 minimum:

26 (1) be at least as protective and comprehensive as the

1 federal regulations or amendments thereto promulgated by
2 the Administrator of the United States Environmental
3 Protection Agency in Subpart D of 40 CFR 257 governing CCR
4 surface impoundments;

5 (2) specify the minimum contents of CCR surface
6 impoundment construction and operating permit
7 applications, including the closure alternatives analysis
8 required under subsection (d);

9 (3) specify which types of permits include
10 requirements for closure, post-closure, remediation and
11 all other requirements applicable to CCR surface
12 impoundments;

13 (4) specify when permit applications for existing CCR
14 surface impoundments must be submitted, taking into
15 consideration whether the CCR surface impoundment must
16 close under the RCRA;

17 (5) specify standards for review and approval by the
18 Agency of CCR surface impoundment permit applications;

19 (6) specify meaningful public participation procedures
20 for the issuance of CCR surface impoundment construction
21 and operating permits, including, but not limited to,
22 public notice of the submission of permit applications, an
23 opportunity for the submission of public comments, an
24 opportunity for a public hearing prior to permit issuance,
25 and a summary and response of the comments prepared by the
26 Agency;

1 (7) prescribe the type and amount of the performance
2 bonds or other securities required under subsection (f),
3 and the conditions under which the State is entitled to
4 collect moneys from such performance bonds or other
5 securities;

6 (8) specify a procedure to identify areas of
7 environmental justice concern in relation to CCR surface
8 impoundments;

9 (9) specify a method to prioritize CCR surface
10 impoundments required to close under RCRA if not otherwise
11 specified by the United States Environmental Protection
12 Agency, so that the CCR surface impoundments with the
13 highest risk to public health and the environment, and
14 areas of environmental justice concern are given first
15 priority;

16 (10) define when complete removal of CCR is achieved
17 and specify the standards for responsible removal of CCR
18 from CCR surface impoundments, including, but not limited
19 to, dust controls and the protection of adjacent surface
20 water and groundwater; and

21 (11) describe the process and standards for
22 identifying a specific alternative source of groundwater
23 pollution when the owner or operator of the CCR surface
24 impoundment believes that groundwater contamination on the
25 site is not from the CCR surface impoundment.

26 (h) Any owner of a CCR surface impoundment that generates

1 CCR and sells or otherwise provides coal combustion byproducts
2 pursuant to Section 3.135 shall, every 12 months, post on its
3 publicly available website a report specifying the volume or
4 weight of CCR, in cubic yards or tons, that it sold or provided
5 during the past 12 months.

6 (i) The owner of a CCR surface impoundment shall post all
7 closure plans, permit applications, and supporting
8 documentation, as well as any Agency approval of the plans or
9 applications on its publicly available website.

10 (j) The owner or operator of a CCR surface impoundment
11 shall pay the following fees:

12 (1) An initial fee to the Agency within 6 months after
13 July 30, 2019 (the effective date of Public Act 101-171)
14 ~~this amendatory Act of the 101st General Assembly~~ of:

15 \$50,000 for each closed CCR surface impoundment;

16 and

17 \$75,000 for each CCR surface impoundment that have
18 not completed closure.

19 (2) Annual fees to the Agency, beginning on July 1,
20 2020, of:

21 \$25,000 for each CCR surface impoundment that has
22 not completed closure; and

23 \$15,000 for each CCR surface impoundment that has
24 completed closure, but has not completed post-closure
25 care.

26 (k) All fees collected by the Agency under subsection (j)

1 shall be deposited into the Environmental Protection Permit
2 and Inspection Fund.

3 (l) The Coal Combustion Residual Surface Impoundment
4 Financial Assurance Fund is created as a special fund in the
5 State treasury. Any moneys forfeited to the State of Illinois
6 from any performance bond or other security required under
7 this Section shall be placed in the Coal Combustion Residual
8 Surface Impoundment Financial Assurance Fund and shall, upon
9 approval by the Governor and the Director, be used by the
10 Agency for the purposes for which such performance bond or
11 other security was issued. The Coal Combustion Residual
12 Surface Impoundment Financial Assurance Fund is not subject to
13 the provisions of subsection (c) of Section 5 of the State
14 Finance Act.

15 (m) The provisions of this Section shall apply, without
16 limitation, to all existing CCR surface impoundments and any
17 CCR surface impoundments constructed after July 30, 2019 (the
18 effective date of Public Act 101-171) ~~this amendatory Act of~~
19 ~~the 101st General Assembly~~, except to the extent prohibited by
20 the Illinois or United States Constitutions.

21 (Source: P.A. 101-171, eff. 7-30-19; revised 10-22-19.)

22 (415 ILCS 5/22.60)

23 (For Section repeal see subsection (e))

24 Sec. 22.60 ~~22.59~~. Pilot project for Will County and Grundy
25 County pyrolysis or gasification facility.

1 (a) As used in this Section:

2 "Plastics" means polystyrene or any other synthetic
3 organic polymer that can be molded into shape under heat and
4 pressure and then set into a rigid or slightly elastic form.

5 "Plastics gasification facility" means a manufacturing
6 facility that:

7 (1) receives only uncontaminated plastics that have
8 been processed prior to receipt at the facility into a
9 feedstock meeting the facility's specifications for a
10 gasification feedstock; and

11 (2) uses heat in an oxygen-deficient atmosphere to
12 process the feedstock into fuels, chemicals, or chemical
13 feedstocks that are returned to the economic mainstream in
14 the form of raw materials or products.

15 "Plastics pyrolysis facility" means a manufacturing
16 facility that:

17 (1) receives only uncontaminated plastics that have
18 been processed prior to receipt at the facility into a
19 feedstock meeting the facility's specifications for a
20 pyrolysis feedstock; and

21 (2) uses heat in the absence of oxygen to process the
22 uncontaminated plastics into fuels, chemicals, or chemical
23 feedstocks that are returned to the economic mainstream in
24 the form of raw materials or products.

25 (b) Provided that permitting and construction has
26 commenced prior to July 1, 2025, a pilot project allowing for a

1 pyrolysis or gasification facility in accordance with this
2 Section is permitted for a locally zoned and approved site in
3 either Will County or Grundy County.

4 (c) To the extent allowed by federal law, uncontaminated
5 plastics that have been processed into a feedstock meeting
6 feedstock specifications for a plastics gasification facility
7 or plastics pyrolysis facility, and that are further processed
8 by such a facility and returned to the economic mainstream in
9 the form of raw materials or products, are considered recycled
10 and are not subject to regulation as waste.

11 (d) The Agency may propose to the Board for adoption, and
12 the Board may adopt, rules establishing standards for
13 materials accepted as feedstocks by plastics gasification
14 facilities and plastics pyrolysis facilities, rules
15 establishing standards for the management of feedstocks at
16 plastics gasification facilities and plastics pyrolysis
17 facilities, and any other rules, as may be necessary to
18 implement and administer this Section.

19 (e) If permitting and construction for the pilot project
20 under subsection (b) has not commenced by July 1, 2025, this
21 Section is repealed.

22 (Source: P.A. 101-141, eff. 7-1-20; revised 8-4-20.)

23 (415 ILCS 5/22.61)

24 Sec. 22.61 ~~22.59~~. Regulation of bisphenol A in business
25 transaction paper.

1 (a) For purposes of this Section, "thermal paper" means
2 paper with bisphenol A added to the coating.

3 (b) Beginning January 1, 2020, no person shall
4 manufacture, for sale in this State, thermal paper.

5 (c) No person shall distribute or use any thermal paper
6 for the making of business or banking records, including, but
7 not limited to, records of receipts, credits, withdrawals,
8 deposits, or credit or debit card transactions. This
9 subsection shall not apply to thermal paper that was
10 manufactured prior to January 1, 2020.

11 (d) The prohibition in subsections (a) and (b) shall not
12 apply to paper containing recycled material.

13 (Source: P.A. 101-457, eff. 8-23-19; revised 10-22-19.)

14 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

15 Sec. 39. Issuance of permits; procedures.

16 (a) When the Board has by regulation required a permit for
17 the construction, installation, or operation of any type of
18 facility, equipment, vehicle, vessel, or aircraft, the
19 applicant shall apply to the Agency for such permit and it
20 shall be the duty of the Agency to issue such a permit upon
21 proof by the applicant that the facility, equipment, vehicle,
22 vessel, or aircraft will not cause a violation of this Act or
23 of regulations hereunder. The Agency shall adopt such
24 procedures as are necessary to carry out its duties under this
25 Section. In making its determinations on permit applications

1 under this Section the Agency may consider prior adjudications
2 of noncompliance with this Act by the applicant that involved
3 a release of a contaminant into the environment. In granting
4 permits, the Agency may impose reasonable conditions
5 specifically related to the applicant's past compliance
6 history with this Act as necessary to correct, detect, or
7 prevent noncompliance. The Agency may impose such other
8 conditions as may be necessary to accomplish the purposes of
9 this Act, and as are not inconsistent with the regulations
10 promulgated by the Board hereunder. Except as otherwise
11 provided in this Act, a bond or other security shall not be
12 required as a condition for the issuance of a permit. If the
13 Agency denies any permit under this Section, the Agency shall
14 transmit to the applicant within the time limitations of this
15 Section specific, detailed statements as to the reasons the
16 permit application was denied. Such statements shall include,
17 but not be limited to the following:

18 (i) the Sections of this Act which may be violated if
19 the permit were granted;

20 (ii) the provision of the regulations, promulgated
21 under this Act, which may be violated if the permit were
22 granted;

23 (iii) the specific type of information, if any, which
24 the Agency deems the applicant did not provide the Agency;
25 and

26 (iv) a statement of specific reasons why the Act and

1 the regulations might not be met if the permit were
2 granted.

3 If there is no final action by the Agency within 90 days
4 after the filing of the application for permit, the applicant
5 may deem the permit issued; except that this time period shall
6 be extended to 180 days when (1) notice and opportunity for
7 public hearing are required by State or federal law or
8 regulation, (2) the application which was filed is for any
9 permit to develop a landfill subject to issuance pursuant to
10 this subsection, or (3) the application that was filed is for a
11 MSWLF unit required to issue public notice under subsection
12 (p) of Section 39. The 90-day and 180-day time periods for the
13 Agency to take final action do not apply to NPDES permit
14 applications under subsection (b) of this Section, to RCRA
15 permit applications under subsection (d) of this Section, to
16 UIC permit applications under subsection (e) of this Section,
17 or to CCR surface impoundment applications under subsection
18 (y) of this Section.

19 The Agency shall publish notice of all final permit
20 determinations for development permits for MSWLF units and for
21 significant permit modifications for lateral expansions for
22 existing MSWLF units one time in a newspaper of general
23 circulation in the county in which the unit is or is proposed
24 to be located.

25 After January 1, 1994 and until July 1, 1998, operating
26 permits issued under this Section by the Agency for sources of

1 air pollution permitted to emit less than 25 tons per year of
2 any combination of regulated air pollutants, as defined in
3 Section 39.5 of this Act, shall be required to be renewed only
4 upon written request by the Agency consistent with applicable
5 provisions of this Act and regulations promulgated hereunder.
6 Such operating permits shall expire 180 days after the date of
7 such a request. The Board shall revise its regulations for the
8 existing State air pollution operating permit program
9 consistent with this provision by January 1, 1994.

10 After June 30, 1998, operating permits issued under this
11 Section by the Agency for sources of air pollution that are not
12 subject to Section 39.5 of this Act and are not required to
13 have a federally enforceable State operating permit shall be
14 required to be renewed only upon written request by the Agency
15 consistent with applicable provisions of this Act and its
16 rules. Such operating permits shall expire 180 days after the
17 date of such a request. Before July 1, 1998, the Board shall
18 revise its rules for the existing State air pollution
19 operating permit program consistent with this paragraph and
20 shall adopt rules that require a source to demonstrate that it
21 qualifies for a permit under this paragraph.

22 (b) The Agency may issue NPDES permits exclusively under
23 this subsection for the discharge of contaminants from point
24 sources into navigable waters, all as defined in the Federal
25 Water Pollution Control Act, as now or hereafter amended,
26 within the jurisdiction of the State, or into any well.

1 All NPDES permits shall contain those terms and
2 conditions, including, but not limited to, schedules of
3 compliance, which may be required to accomplish the purposes
4 and provisions of this Act.

5 The Agency may issue general NPDES permits for discharges
6 from categories of point sources which are subject to the same
7 permit limitations and conditions. Such general permits may be
8 issued without individual applications and shall conform to
9 regulations promulgated under Section 402 of the Federal Water
10 Pollution Control Act, as now or hereafter amended.

11 The Agency may include, among such conditions, effluent
12 limitations and other requirements established under this Act,
13 Board regulations, the Federal Water Pollution Control Act, as
14 now or hereafter amended, and regulations pursuant thereto,
15 and schedules for achieving compliance therewith at the
16 earliest reasonable date.

17 The Agency shall adopt filing requirements and procedures
18 which are necessary and appropriate for the issuance of NPDES
19 permits, and which are consistent with the Act or regulations
20 adopted by the Board, and with the Federal Water Pollution
21 Control Act, as now or hereafter amended, and regulations
22 pursuant thereto.

23 The Agency, subject to any conditions which may be
24 prescribed by Board regulations, may issue NPDES permits to
25 allow discharges beyond deadlines established by this Act or
26 by regulations of the Board without the requirement of a

1 variance, subject to the Federal Water Pollution Control Act,
2 as now or hereafter amended, and regulations pursuant thereto.

3 (c) Except for those facilities owned or operated by
4 sanitary districts organized under the Metropolitan Water
5 Reclamation District Act, no permit for the development or
6 construction of a new pollution control facility may be
7 granted by the Agency unless the applicant submits proof to
8 the Agency that the location of the facility has been approved
9 by the county board ~~County Board~~ of the county if in an
10 unincorporated area, or the governing body of the municipality
11 when in an incorporated area, in which the facility is to be
12 located in accordance with Section 39.2 of this Act. For
13 purposes of this subsection (c), and for purposes of Section
14 39.2 of this Act, the appropriate county board or governing
15 body of the municipality shall be the county board of the
16 county or the governing body of the municipality in which the
17 facility is to be located as of the date when the application
18 for siting approval is filed.

19 In the event that siting approval granted pursuant to
20 Section 39.2 has been transferred to a subsequent owner or
21 operator, that subsequent owner or operator may apply to the
22 Agency for, and the Agency may grant, a development or
23 construction permit for the facility for which local siting
24 approval was granted. Upon application to the Agency for a
25 development or construction permit by that subsequent owner or
26 operator, the permit applicant shall cause written notice of

1 the permit application to be served upon the appropriate
2 county board or governing body of the municipality that
3 granted siting approval for that facility and upon any party
4 to the siting proceeding pursuant to which siting approval was
5 granted. In that event, the Agency shall conduct an evaluation
6 of the subsequent owner or operator's prior experience in
7 waste management operations in the manner conducted under
8 subsection (i) of Section 39 of this Act.

9 Beginning August 20, 1993, if the pollution control
10 facility consists of a hazardous or solid waste disposal
11 facility for which the proposed site is located in an
12 unincorporated area of a county with a population of less than
13 100,000 and includes all or a portion of a parcel of land that
14 was, on April 1, 1993, adjacent to a municipality having a
15 population of less than 5,000, then the local siting review
16 required under this subsection (c) in conjunction with any
17 permit applied for after that date shall be performed by the
18 governing body of that adjacent municipality rather than the
19 county board of the county in which the proposed site is
20 located; and for the purposes of that local siting review, any
21 references in this Act to the county board shall be deemed to
22 mean the governing body of that adjacent municipality;
23 provided, however, that the provisions of this paragraph shall
24 not apply to any proposed site which was, on April 1, 1993,
25 owned in whole or in part by another municipality.

26 In the case of a pollution control facility for which a

1 development permit was issued before November 12, 1981, if an
2 operating permit has not been issued by the Agency prior to
3 August 31, 1989 for any portion of the facility, then the
4 Agency may not issue or renew any development permit nor issue
5 an original operating permit for any portion of such facility
6 unless the applicant has submitted proof to the Agency that
7 the location of the facility has been approved by the
8 appropriate county board or municipal governing body pursuant
9 to Section 39.2 of this Act.

10 After January 1, 1994, if a solid waste disposal facility,
11 any portion for which an operating permit has been issued by
12 the Agency, has not accepted waste disposal for 5 or more
13 consecutive calendar ~~calendars~~ years, before that facility may
14 accept any new or additional waste for disposal, the owner and
15 operator must obtain a new operating permit under this Act for
16 that facility unless the owner and operator have applied to
17 the Agency for a permit authorizing the temporary suspension
18 of waste acceptance. The Agency may not issue a new operation
19 permit under this Act for the facility unless the applicant
20 has submitted proof to the Agency that the location of the
21 facility has been approved or re-approved by the appropriate
22 county board or municipal governing body under Section 39.2 of
23 this Act after the facility ceased accepting waste.

24 Except for those facilities owned or operated by sanitary
25 districts organized under the Metropolitan Water Reclamation
26 District Act, and except for new pollution control facilities

1 governed by Section 39.2, and except for fossil fuel mining
2 facilities, the granting of a permit under this Act shall not
3 relieve the applicant from meeting and securing all necessary
4 zoning approvals from the unit of government having zoning
5 jurisdiction over the proposed facility.

6 Before beginning construction on any new sewage treatment
7 plant or sludge drying site to be owned or operated by a
8 sanitary district organized under the Metropolitan Water
9 Reclamation District Act for which a new permit (rather than
10 the renewal or amendment of an existing permit) is required,
11 such sanitary district shall hold a public hearing within the
12 municipality within which the proposed facility is to be
13 located, or within the nearest community if the proposed
14 facility is to be located within an unincorporated area, at
15 which information concerning the proposed facility shall be
16 made available to the public, and members of the public shall
17 be given the opportunity to express their views concerning the
18 proposed facility.

19 The Agency may issue a permit for a municipal waste
20 transfer station without requiring approval pursuant to
21 Section 39.2 provided that the following demonstration is
22 made:

23 (1) the municipal waste transfer station was in
24 existence on or before January 1, 1979 and was in
25 continuous operation from January 1, 1979 to January 1,
26 1993;

1 (2) the operator submitted a permit application to the
2 Agency to develop and operate the municipal waste transfer
3 station during April of 1994;

4 (3) the operator can demonstrate that the county board
5 of the county, if the municipal waste transfer station is
6 in an unincorporated area, or the governing body of the
7 municipality, if the station is in an incorporated area,
8 does not object to resumption of the operation of the
9 station; and

10 (4) the site has local zoning approval.

11 (d) The Agency may issue RCRA permits exclusively under
12 this subsection to persons owning or operating a facility for
13 the treatment, storage, or disposal of hazardous waste as
14 defined under this Act. Subsection (y) of this Section, rather
15 than this subsection (d), shall apply to permits issued for
16 CCR surface impoundments.

17 All RCRA permits shall contain those terms and conditions,
18 including, but not limited to, schedules of compliance, which
19 may be required to accomplish the purposes and provisions of
20 this Act. The Agency may include among such conditions
21 standards and other requirements established under this Act,
22 Board regulations, the Resource Conservation and Recovery Act
23 of 1976 (P.L. 94-580), as amended, and regulations pursuant
24 thereto, and may include schedules for achieving compliance
25 therewith as soon as possible. The Agency shall require that a
26 performance bond or other security be provided as a condition

1 for the issuance of a RCRA permit.

2 In the case of a permit to operate a hazardous waste or PCB
3 incinerator as defined in subsection (k) of Section 44, the
4 Agency shall require, as a condition of the permit, that the
5 operator of the facility perform such analyses of the waste to
6 be incinerated as may be necessary and appropriate to ensure
7 the safe operation of the incinerator.

8 The Agency shall adopt filing requirements and procedures
9 which are necessary and appropriate for the issuance of RCRA
10 permits, and which are consistent with the Act or regulations
11 adopted by the Board, and with the Resource Conservation and
12 Recovery Act of 1976 (P.L. 94-580), as amended, and
13 regulations pursuant thereto.

14 The applicant shall make available to the public for
15 inspection all documents submitted by the applicant to the
16 Agency in furtherance of an application, with the exception of
17 trade secrets, at the office of the county board or governing
18 body of the municipality. Such documents may be copied upon
19 payment of the actual cost of reproduction during regular
20 business hours of the local office. The Agency shall issue a
21 written statement concurrent with its grant or denial of the
22 permit explaining the basis for its decision.

23 (e) The Agency may issue UIC permits exclusively under
24 this subsection to persons owning or operating a facility for
25 the underground injection of contaminants as defined under
26 this Act.

1 All UIC permits shall contain those terms and conditions,
2 including, but not limited to, schedules of compliance, which
3 may be required to accomplish the purposes and provisions of
4 this Act. The Agency may include among such conditions
5 standards and other requirements established under this Act,
6 Board regulations, the Safe Drinking Water Act (P.L. 93-523),
7 as amended, and regulations pursuant thereto, and may include
8 schedules for achieving compliance therewith. The Agency shall
9 require that a performance bond or other security be provided
10 as a condition for the issuance of a UIC permit.

11 The Agency shall adopt filing requirements and procedures
12 which are necessary and appropriate for the issuance of UIC
13 permits, and which are consistent with the Act or regulations
14 adopted by the Board, and with the Safe Drinking Water Act
15 (P.L. 93-523), as amended, and regulations pursuant thereto.

16 The applicant shall make available to the public for
17 inspection, all documents submitted by the applicant to the
18 Agency in furtherance of an application, with the exception of
19 trade secrets, at the office of the county board or governing
20 body of the municipality. Such documents may be copied upon
21 payment of the actual cost of reproduction during regular
22 business hours of the local office. The Agency shall issue a
23 written statement concurrent with its grant or denial of the
24 permit explaining the basis for its decision.

25 (f) In making any determination pursuant to Section 9.1 of
26 this Act:

1 (1) The Agency shall have authority to make the
2 determination of any question required to be determined by
3 the Clean Air Act, as now or hereafter amended, this Act,
4 or the regulations of the Board, including the
5 determination of the Lowest Achievable Emission Rate,
6 Maximum Achievable Control Technology, or Best Available
7 Control Technology, consistent with the Board's
8 regulations, if any.

9 (2) The Agency shall adopt requirements as necessary
10 to implement public participation procedures, including,
11 but not limited to, public notice, comment, and an
12 opportunity for hearing, which must accompany the
13 processing of applications for PSD permits. The Agency
14 shall briefly describe and respond to all significant
15 comments on the draft permit raised during the public
16 comment period or during any hearing. The Agency may group
17 related comments together and provide one unified response
18 for each issue raised.

19 (3) Any complete permit application submitted to the
20 Agency under this subsection for a PSD permit shall be
21 granted or denied by the Agency not later than one year
22 after the filing of such completed application.

23 (4) The Agency shall, after conferring with the
24 applicant, give written notice to the applicant of its
25 proposed decision on the application, including the terms
26 and conditions of the permit to be issued and the facts,

1 conduct, or other basis upon which the Agency will rely to
2 support its proposed action.

3 (g) The Agency shall include as conditions upon all
4 permits issued for hazardous waste disposal sites such
5 restrictions upon the future use of such sites as are
6 reasonably necessary to protect public health and the
7 environment, including permanent prohibition of the use of
8 such sites for purposes which may create an unreasonable risk
9 of injury to human health or to the environment. After
10 administrative and judicial challenges to such restrictions
11 have been exhausted, the Agency shall file such restrictions
12 of record in the Office of the Recorder of the county in which
13 the hazardous waste disposal site is located.

14 (h) A hazardous waste stream may not be deposited in a
15 permitted hazardous waste site unless specific authorization
16 is obtained from the Agency by the generator and disposal site
17 owner and operator for the deposit of that specific hazardous
18 waste stream. The Agency may grant specific authorization for
19 disposal of hazardous waste streams only after the generator
20 has reasonably demonstrated that, considering technological
21 feasibility and economic reasonableness, the hazardous waste
22 cannot be reasonably recycled for reuse, nor incinerated or
23 chemically, physically or biologically treated so as to
24 neutralize the hazardous waste and render it nonhazardous. In
25 granting authorization under this Section, the Agency may
26 impose such conditions as may be necessary to accomplish the

1 purposes of the Act and are consistent with this Act and
2 regulations promulgated by the Board hereunder. If the Agency
3 refuses to grant authorization under this Section, the
4 applicant may appeal as if the Agency refused to grant a
5 permit, pursuant to the provisions of subsection (a) of
6 Section 40 of this Act. For purposes of this subsection (h),
7 the term "generator" has the meaning given in Section 3.205 of
8 this Act, unless: (1) the hazardous waste is treated,
9 incinerated, or partially recycled for reuse prior to
10 disposal, in which case the last person who treats,
11 incinerates, or partially recycles the hazardous waste prior
12 to disposal is the generator; or (2) the hazardous waste is
13 from a response action, in which case the person performing
14 the response action is the generator. This subsection (h) does
15 not apply to any hazardous waste that is restricted from land
16 disposal under 35 Ill. Adm. Code 728.

17 (i) Before issuing any RCRA permit, any permit for a waste
18 storage site, sanitary landfill, waste disposal site, waste
19 transfer station, waste treatment facility, waste incinerator,
20 or any waste-transportation operation, any permit or interim
21 authorization for a clean construction or demolition debris
22 fill operation, or any permit required under subsection (d-5)
23 of Section 55, the Agency shall conduct an evaluation of the
24 prospective owner's or operator's prior experience in waste
25 management operations, clean construction or demolition debris
26 fill operations, and tire storage site management. The Agency

1 may deny such a permit, or deny or revoke interim
2 authorization, if the prospective owner or operator or any
3 employee or officer of the prospective owner or operator has a
4 history of:

5 (1) repeated violations of federal, State, or local
6 laws, regulations, standards, or ordinances in the
7 operation of waste management facilities or sites, clean
8 construction or demolition debris fill operation
9 facilities or sites, or tire storage sites; or

10 (2) conviction in this or another State of any crime
11 which is a felony under the laws of this State, or
12 conviction of a felony in a federal court; or conviction
13 in this or another state or federal court of any of the
14 following crimes: forgery, official misconduct, bribery,
15 perjury, or knowingly submitting false information under
16 any environmental law, regulation, or permit term or
17 condition; or

18 (3) proof of gross carelessness or incompetence in
19 handling, storing, processing, transporting or disposing
20 of waste, clean construction or demolition debris, or used
21 or waste tires, or proof of gross carelessness or
22 incompetence in using clean construction or demolition
23 debris as fill.

24 (i-5) Before issuing any permit or approving any interim
25 authorization for a clean construction or demolition debris
26 fill operation in which any ownership interest is transferred

1 between January 1, 2005, and the effective date of the
2 prohibition set forth in Section 22.52 of this Act, the Agency
3 shall conduct an evaluation of the operation if any previous
4 activities at the site or facility may have caused or allowed
5 contamination of the site. It shall be the responsibility of
6 the owner or operator seeking the permit or interim
7 authorization to provide to the Agency all of the information
8 necessary for the Agency to conduct its evaluation. The Agency
9 may deny a permit or interim authorization if previous
10 activities at the site may have caused or allowed
11 contamination at the site, unless such contamination is
12 authorized under any permit issued by the Agency.

13 (j) The issuance under this Act of a permit to engage in
14 the surface mining of any resources other than fossil fuels
15 shall not relieve the permittee from its duty to comply with
16 any applicable local law regulating the commencement, location
17 or operation of surface mining facilities.

18 (k) A development permit issued under subsection (a) of
19 Section 39 for any facility or site which is required to have a
20 permit under subsection (d) of Section 21 shall expire at the
21 end of 2 calendar years from the date upon which it was issued,
22 unless within that period the applicant has taken action to
23 develop the facility or the site. In the event that review of
24 the conditions of the development permit is sought pursuant to
25 Section 40 or 41, or permittee is prevented from commencing
26 development of the facility or site by any other litigation

1 beyond the permittee's control, such two-year period shall be
2 deemed to begin on the date upon which such review process or
3 litigation is concluded.

4 (l) No permit shall be issued by the Agency under this Act
5 for construction or operation of any facility or site located
6 within the boundaries of any setback zone established pursuant
7 to this Act, where such construction or operation is
8 prohibited.

9 (m) The Agency may issue permits to persons owning or
10 operating a facility for composting landscape waste. In
11 granting such permits, the Agency may impose such conditions
12 as may be necessary to accomplish the purposes of this Act, and
13 as are not inconsistent with applicable regulations
14 promulgated by the Board. Except as otherwise provided in this
15 Act, a bond or other security shall not be required as a
16 condition for the issuance of a permit. If the Agency denies
17 any permit pursuant to this subsection, the Agency shall
18 transmit to the applicant within the time limitations of this
19 subsection specific, detailed statements as to the reasons the
20 permit application was denied. Such statements shall include
21 but not be limited to the following:

22 (1) the Sections of this Act that may be violated if
23 the permit were granted;

24 (2) the specific regulations promulgated pursuant to
25 this Act that may be violated if the permit were granted;

26 (3) the specific information, if any, the Agency deems

1 the applicant did not provide in its application to the
2 Agency; and

3 (4) a statement of specific reasons why the Act and
4 the regulations might be violated if the permit were
5 granted.

6 If no final action is taken by the Agency within 90 days
7 after the filing of the application for permit, the applicant
8 may deem the permit issued. Any applicant for a permit may
9 waive the 90-day limitation by filing a written statement with
10 the Agency.

11 The Agency shall issue permits for such facilities upon
12 receipt of an application that includes a legal description of
13 the site, a topographic map of the site drawn to the scale of
14 200 feet to the inch or larger, a description of the operation,
15 including the area served, an estimate of the volume of
16 materials to be processed, and documentation that:

17 (1) the facility includes a setback of at least 200
18 feet from the nearest potable water supply well;

19 (2) the facility is located outside the boundary of
20 the 10-year floodplain or the site will be floodproofed;

21 (3) the facility is located so as to minimize
22 incompatibility with the character of the surrounding
23 area, including at least a 200 foot setback from any
24 residence, and in the case of a facility that is developed
25 or the permitted composting area of which is expanded
26 after November 17, 1991, the composting area is located at

1 least 1/8 mile from the nearest residence (other than a
2 residence located on the same property as the facility);

3 (4) the design of the facility will prevent any
4 compost material from being placed within 5 feet of the
5 water table, will adequately control runoff from the site,
6 and will collect and manage any leachate that is generated
7 on the site;

8 (5) the operation of the facility will include
9 appropriate dust and odor control measures, limitations on
10 operating hours, appropriate noise control measures for
11 shredding, chipping and similar equipment, management
12 procedures for composting, containment and disposal of
13 non-compostable wastes, procedures to be used for
14 terminating operations at the site, and recordkeeping
15 sufficient to document the amount of materials received,
16 composted and otherwise disposed of; and

17 (6) the operation will be conducted in accordance with
18 any applicable rules adopted by the Board.

19 The Agency shall issue renewable permits of not longer
20 than 10 years in duration for the composting of landscape
21 wastes, as defined in Section 3.155 of this Act, based on the
22 above requirements.

23 The operator of any facility permitted under this
24 subsection (m) must submit a written annual statement to the
25 Agency on or before April 1 of each year that includes an
26 estimate of the amount of material, in tons, received for

1 composting.

2 (n) The Agency shall issue permits jointly with the
3 Department of Transportation for the dredging or deposit of
4 material in Lake Michigan in accordance with Section 18 of the
5 Rivers, Lakes, and Streams Act.

6 (o) (Blank.)

7 (p) (1) Any person submitting an application for a permit
8 for a new MSWLF unit or for a lateral expansion under
9 subsection (t) of Section 21 of this Act for an existing MSWLF
10 unit that has not received and is not subject to local siting
11 approval under Section 39.2 of this Act shall publish notice
12 of the application in a newspaper of general circulation in
13 the county in which the MSWLF unit is or is proposed to be
14 located. The notice must be published at least 15 days before
15 submission of the permit application to the Agency. The notice
16 shall state the name and address of the applicant, the
17 location of the MSWLF unit or proposed MSWLF unit, the nature
18 and size of the MSWLF unit or proposed MSWLF unit, the nature
19 of the activity proposed, the probable life of the proposed
20 activity, the date the permit application will be submitted,
21 and a statement that persons may file written comments with
22 the Agency concerning the permit application within 30 days
23 after the filing of the permit application unless the time
24 period to submit comments is extended by the Agency.

25 When a permit applicant submits information to the Agency
26 to supplement a permit application being reviewed by the

1 Agency, the applicant shall not be required to reissue the
2 notice under this subsection.

3 (2) The Agency shall accept written comments concerning
4 the permit application that are postmarked no later than 30
5 days after the filing of the permit application, unless the
6 time period to accept comments is extended by the Agency.

7 (3) Each applicant for a permit described in part (1) of
8 this subsection shall file a copy of the permit application
9 with the county board or governing body of the municipality in
10 which the MSWLF unit is or is proposed to be located at the
11 same time the application is submitted to the Agency. The
12 permit application filed with the county board or governing
13 body of the municipality shall include all documents submitted
14 to or to be submitted to the Agency, except trade secrets as
15 determined under Section 7.1 of this Act. The permit
16 application and other documents on file with the county board
17 or governing body of the municipality shall be made available
18 for public inspection during regular business hours at the
19 office of the county board or the governing body of the
20 municipality and may be copied upon payment of the actual cost
21 of reproduction.

22 (q) Within 6 months after July 12, 2011 (the effective
23 date of Public Act 97-95), the Agency, in consultation with
24 the regulated community, shall develop a web portal to be
25 posted on its website for the purpose of enhancing review and
26 promoting timely issuance of permits required by this Act. At

1 a minimum, the Agency shall make the following information
2 available on the web portal:

3 (1) Checklists and guidance relating to the completion
4 of permit applications, developed pursuant to subsection
5 (s) of this Section, which may include, but are not
6 limited to, existing instructions for completing the
7 applications and examples of complete applications. As the
8 Agency develops new checklists and develops guidance, it
9 shall supplement the web portal with those materials.

10 (2) Within 2 years after July 12, 2011 (the effective
11 date of Public Act 97-95), permit application forms or
12 portions of permit applications that can be completed and
13 saved electronically, and submitted to the Agency
14 electronically with digital signatures.

15 (3) Within 2 years after July 12, 2011 (the effective
16 date of Public Act 97-95), an online tracking system where
17 an applicant may review the status of its pending
18 application, including the name and contact information of
19 the permit analyst assigned to the application. Until the
20 online tracking system has been developed, the Agency
21 shall post on its website semi-annual permitting
22 efficiency tracking reports that include statistics on the
23 timeframes for Agency action on the following types of
24 permits received after July 12, 2011 (the effective date
25 of Public Act 97-95): air construction permits, new NPDES
26 permits and associated water construction permits, and

1 modifications of major NPDES permits and associated water
2 construction permits. The reports must be posted by
3 February 1 and August 1 each year and shall include:

4 (A) the number of applications received for each
5 type of permit, the number of applications on which
6 the Agency has taken action, and the number of
7 applications still pending; and

8 (B) for those applications where the Agency has
9 not taken action in accordance with the timeframes set
10 forth in this Act, the date the application was
11 received and the reasons for any delays, which may
12 include, but shall not be limited to, (i) the
13 application being inadequate or incomplete, (ii)
14 scientific or technical disagreements with the
15 applicant, USEPA, or other local, state, or federal
16 agencies involved in the permitting approval process,
17 (iii) public opposition to the permit, or (iv) Agency
18 staffing shortages. To the extent practicable, the
19 tracking report shall provide approximate dates when
20 cause for delay was identified by the Agency, when the
21 Agency informed the applicant of the problem leading
22 to the delay, and when the applicant remedied the
23 reason for the delay.

24 (r) Upon the request of the applicant, the Agency shall
25 notify the applicant of the permit analyst assigned to the
26 application upon its receipt.

1 (s) The Agency is authorized to prepare and distribute
2 guidance documents relating to its administration of this
3 Section and procedural rules implementing this Section.
4 Guidance documents prepared under this subsection shall not be
5 considered rules and shall not be subject to the Illinois
6 Administrative Procedure Act. Such guidance shall not be
7 binding on any party.

8 (t) Except as otherwise prohibited by federal law or
9 regulation, any person submitting an application for a permit
10 may include with the application suggested permit language for
11 Agency consideration. The Agency is not obligated to use the
12 suggested language or any portion thereof in its permitting
13 decision. If requested by the permit applicant, the Agency
14 shall meet with the applicant to discuss the suggested
15 language.

16 (u) If requested by the permit applicant, the Agency shall
17 provide the permit applicant with a copy of the draft permit
18 prior to any public review period.

19 (v) If requested by the permit applicant, the Agency shall
20 provide the permit applicant with a copy of the final permit
21 prior to its issuance.

22 (w) An air pollution permit shall not be required due to
23 emissions of greenhouse gases, as specified by Section 9.15 of
24 this Act.

25 (x) If, before the expiration of a State operating permit
26 that is issued pursuant to subsection (a) of this Section and

1 contains federally enforceable conditions limiting the
2 potential to emit of the source to a level below the major
3 source threshold for that source so as to exclude the source
4 from the Clean Air Act Permit Program, the Agency receives a
5 complete application for the renewal of that permit, then all
6 of the terms and conditions of the permit shall remain in
7 effect until final administrative action has been taken on the
8 application for the renewal of the permit.

9 (y) The Agency may issue permits exclusively under this
10 subsection to persons owning or operating a CCR surface
11 impoundment subject to Section 22.59.

12 All CCR surface impoundment permits shall contain those
13 terms and conditions, including, but not limited to, schedules
14 of compliance, which may be required to accomplish the
15 purposes and provisions of this Act, Board regulations, the
16 Illinois Groundwater Protection Act and regulations pursuant
17 thereto, and the Resource Conservation and Recovery Act and
18 regulations pursuant thereto, and may include schedules for
19 achieving compliance therewith as soon as possible.

20 The Board shall adopt filing requirements and procedures
21 that are necessary and appropriate for the issuance of CCR
22 surface impoundment permits and that are consistent with this
23 Act or regulations adopted by the Board, and with the RCRA, as
24 amended, and regulations pursuant thereto.

25 The applicant shall make available to the public for
26 inspection all documents submitted by the applicant to the

1 Agency in furtherance of an application, with the exception of
2 trade secrets, on its public internet website as well as at the
3 office of the county board or governing body of the
4 municipality where CCR from the CCR surface impoundment will
5 be permanently disposed. Such documents may be copied upon
6 payment of the actual cost of reproduction during regular
7 business hours of the local office.

8 The Agency shall issue a written statement concurrent with
9 its grant or denial of the permit explaining the basis for its
10 decision.

11 (Source: P.A. 101-171, eff. 7-30-19; revised 9-12-19.)

12 (415 ILCS 5/40) (from Ch. 111 1/2, par. 1040)

13 Sec. 40. Appeal of permit denial.

14 (a)(1) If the Agency refuses to grant or grants with
15 conditions a permit under Section 39 of this Act, the
16 applicant may, within 35 days after the date on which the
17 Agency served its decision on the applicant, petition for a
18 hearing before the Board to contest the decision of the
19 Agency. However, the 35-day period for petitioning for a
20 hearing may be extended for an additional period of time not to
21 exceed 90 days by written notice provided to the Board from the
22 applicant and the Agency within the initial appeal period. The
23 Board shall give 21 days' notice to any person in the county
24 where is located the facility in issue who has requested
25 notice of enforcement proceedings and to each member of the

1 General Assembly in whose legislative district that
2 installation or property is located; and shall publish that
3 21-day notice in a newspaper of general circulation in that
4 county. The Agency shall appear as respondent in such hearing.
5 At such hearing the rules prescribed in Section 32 and
6 subsection (a) of Section 33 of this Act shall apply, and the
7 burden of proof shall be on the petitioner. If, however, the
8 Agency issues an NPDES permit that imposes limits which are
9 based upon a criterion or denies a permit based upon
10 application of a criterion, then the Agency shall have the
11 burden of going forward with the basis for the derivation of
12 those limits or criterion which were derived under the Board's
13 rules.

14 (2) Except as provided in paragraph (a)(3), if there is no
15 final action by the Board within 120 days after the date on
16 which it received the petition, the petitioner may deem the
17 permit issued under this Act, provided, however, that that
18 period of 120 days shall not run for any period of time, not to
19 exceed 30 days, during which the Board is without sufficient
20 membership to constitute the quorum required by subsection (a)
21 of Section 5 of this Act, and provided further that such 120
22 day period shall not be stayed for lack of quorum beyond 30
23 days regardless of whether the lack of quorum exists at the
24 beginning of such 120-day period or occurs during the running
25 of such 120-day period.

26 (3) Paragraph (a)(2) shall not apply to any permit which

1 is subject to subsection (b), (d) or (e) of Section 39. If
2 there is no final action by the Board within 120 days after the
3 date on which it received the petition, the petitioner shall
4 be entitled to an Appellate Court order pursuant to subsection
5 (d) of Section 41 of this Act.

6 (b) If the Agency grants a RCRA permit for a hazardous
7 waste disposal site, a third party, other than the permit
8 applicant or Agency, may, within 35 days after the date on
9 which the Agency issued its decision, petition the Board for a
10 hearing to contest the issuance of the permit. Unless the
11 Board determines that such petition is duplicative or
12 frivolous, or that the petitioner is so located as to not be
13 affected by the permitted facility, the Board shall hear the
14 petition in accordance with the terms of subsection (a) of
15 this Section and its procedural rules governing denial
16 appeals, such hearing to be based exclusively on the record
17 before the Agency. The burden of proof shall be on the
18 petitioner. The Agency and the permit applicant shall be named
19 co-respondents.

20 The provisions of this subsection do not apply to the
21 granting of permits issued for the disposal or utilization of
22 sludge from publicly owned ~~publicly owned~~ sewage works.

23 (c) Any party to an Agency proceeding conducted pursuant
24 to Section 39.3 of this Act may petition as of right to the
25 Board for review of the Agency's decision within 35 days from
26 the date of issuance of the Agency's decision, provided that

1 such appeal is not duplicative or frivolous. However, the
2 35-day period for petitioning for a hearing may be extended by
3 the applicant for a period of time not to exceed 90 days by
4 written notice provided to the Board from the applicant and
5 the Agency within the initial appeal period. If another person
6 with standing to appeal wishes to obtain an extension, there
7 must be a written notice provided to the Board by that person,
8 the Agency, and the applicant, within the initial appeal
9 period. The decision of the Board shall be based exclusively
10 on the record compiled in the Agency proceeding. In other
11 respects the Board's review shall be conducted in accordance
12 with subsection (a) of this Section and the Board's procedural
13 rules governing permit denial appeals.

14 (d) In reviewing the denial or any condition of a NA NSR
15 permit issued by the Agency pursuant to rules and regulations
16 adopted under subsection (c) of Section 9.1 of this Act, the
17 decision of the Board shall be based exclusively on the record
18 before the Agency including the record of the hearing, if any,
19 unless the parties agree to supplement the record. The Board
20 shall, if it finds the Agency is in error, make a final
21 determination as to the substantive limitations of the permit
22 including a final determination of Lowest Achievable Emission
23 Rate.

24 (e)(1) If the Agency grants or denies a permit under
25 subsection (b) of Section 39 of this Act, a third party, other
26 than the permit applicant or Agency, may petition the Board

1 within 35 days from the date of issuance of the Agency's
2 decision, for a hearing to contest the decision of the Agency.

3 (2) A petitioner shall include the following within a
4 petition submitted under subdivision (1) of this subsection:

5 (A) a demonstration that the petitioner raised the
6 issues contained within the petition during the public
7 notice period or during the public hearing on the NPDES
8 permit application, if a public hearing was held; and

9 (B) a demonstration that the petitioner is so situated
10 as to be affected by the permitted facility.

11 (3) If the Board determines that the petition is not
12 duplicative or frivolous and contains a satisfactory
13 demonstration under subdivision (2) of this subsection, the
14 Board shall hear the petition (i) in accordance with the terms
15 of subsection (a) of this Section and its procedural rules
16 governing permit denial appeals and (ii) exclusively on the
17 basis of the record before the Agency. The burden of proof
18 shall be on the petitioner. The Agency and permit applicant
19 shall be named co-respondents.

20 (f) Any person who files a petition to contest the
21 issuance of a permit by the Agency shall pay a filing fee.

22 (g) If the Agency grants or denies a permit under
23 subsection (y) of Section 39, a third party, other than the
24 permit applicant or Agency, may appeal the Agency's decision
25 as provided under federal law for CCR surface impoundment
26 permits.

1 (Source: P.A. 100-201, eff. 8-18-17; 101-171, eff. 7-30-19;
2 revised 9-12-19.)

3 Section 650. The Illinois Pesticide Act is amended by
4 changing Sections 5 and 24.1 as follows:

5 (415 ILCS 60/5) (from Ch. 5, par. 805)

6 Sec. 5. Misbranded. ~~+~~ The term misbranded shall apply:

7 1. To any pesticide or device designated as requiring
8 registration by the Director under authority of this Act. ~~+~~

9 A. If its labeling bears any statement or graphic
10 representation relating to labeling or to the
11 ingredients which is misleading or false in any
12 particular.

13 B. If it is an imitation of, or is distributed
14 under, the name of another pesticide.

15 C. If any word, statement, or other required
16 information is not prominently placed upon the label
17 or labeled with such conspicuousness and in such terms
18 as to render it readable and understandable by the
19 ordinary person under customary conditions of purchase
20 and use.

21 2. To any pesticide. ~~+~~

22 A. If the labeling does not contain a statement of
23 the federal ~~Federal~~ use classification under which the
24 product is registered.

1 B. If the labeling accompanying it does not
2 contain directions for use which are necessary for
3 effecting the purpose for which the product is
4 intended and any precautions or requirements imposed
5 by FIFRA which, if complied with, are adequate to
6 protect health and the environment.

7 C. If the label does not bear:

8 i. Name, brand or trademark under which the
9 pesticide is distributed.

10 ii. An ingredient statement on that part of
11 the immediate container which is presented or
12 customarily displayed under usual conditions of
13 purchase.

14 iii. A warning or caution statement
15 commensurate with the toxicity categories levels
16 assigned by USEPA.

17 iv. The net weight or measure of contents.

18 v. The name and address of the manufacturer,
19 registrant, or person for whom manufactured.

20 vi. The USEPA registration number assigned to
21 the pesticide as well as the USEPA number assigned
22 to the producing or manufacturing establishment in
23 which the pesticide was produced.

24 D. If the pesticide contains any substance or
25 substances highly toxic to man (as defined in the
26 USEPA) unless the label bears, in addition to other

1 label requirements:⁺

2 i. The skull and crossbones.

3 ii. The word "POISON" in red prominently
4 displayed on a contrasting background.

5 iii. A statement of practical treatment in
6 case of poisoning by the pesticide.

7 E. If the pesticide container does not bear a
8 registered label, is not accompanied by registered
9 labeling instructions, does not bear a label
10 registered for "experimental use only", or does not
11 bear a label showing SLN registration.

12 F. If the pesticide container is not in compliance
13 with child resistant packaging requirements as set
14 forth by the USEPA.

15 (Source: P.A. 85-177; revised 7-16-19.)

16 (415 ILCS 60/24.1) (from Ch. 5, par. 824.1)

17 Sec. 24.1. Administrative actions and penalties.

18 (1) The Director is authorized after an opportunity for an
19 administrative hearing to suspend, revoke, or modify any
20 license, permit, special order, registration, or certification
21 issued under this Act. This action may be taken in addition to
22 or in lieu of monetary penalties assessed as set forth in this
23 Section. When it is in the interest of the people of the State
24 of Illinois, the Director may, upon good and sufficient
25 evidence, suspend the registration, license, or permit until a

1 hearing has been held. In such cases, the Director shall issue
2 an order in writing setting forth the reasons for the
3 suspension. Such order shall be served personally on the
4 person or by registered or certified mail sent to the person's
5 business address as shown in the latest notification to the
6 Department. When such an order has been issued by the
7 Director, the person may request an immediate hearing.

8 (2) Before initiating hearing proceedings, the Director
9 may issue an advisory letter to a violator of this Act or its
10 rules and regulations when the violation points total 6 or
11 less, as determined by the Department by the Use and Violation
12 Criteria established in this Section. When the Department
13 determines that the violation points total more than 6 but not
14 more than 13, the Director shall issue a warning letter to the
15 violator.

16 (3) The hearing officer upon determination of a violation
17 or violations shall assess one or more of the following
18 penalties:

19 (A) For any person applying pesticides without a
20 license or misrepresenting certification or failing to
21 comply with conditions of an agrichemical facility permit
22 or failing to comply with the conditions of a written
23 authorization for land application of agrichemical
24 contaminated soils or groundwater, a penalty of \$500 shall
25 be assessed for the first offense and \$1,000 for the
26 second and subsequent offenses.

1 (B) For violations of a stop use order imposed by the
 2 Director, the penalty shall be \$2500.

3 (C) For violations of a stop sale order imposed by the
 4 Director, the penalty shall be \$1500 for each individual
 5 item of the product found in violation of the order.

6 (D) For selling restricted use pesticides to a
 7 non-certified applicator the penalty shall be \$1000.

8 (E) For selling restricted use pesticides without a
 9 dealer's license the penalty shall be \$1,000.

10 (F) For constructing or operating without an
 11 agrichemical facility permit after receiving written
 12 notification, the penalty shall be \$500 for the first
 13 offense and \$1,000 for the second and subsequent offenses.

14 (G) For violations of the Act and rules ~~Rules~~ and
 15 regulations ~~Regulations~~, administrative penalties will be
 16 based upon the total violation points as determined by the
 17 Use and Violation Criteria as set forth in paragraph (4)
 18 of this Section. The monetary penalties shall be as
 19 follows:

20	Total Violation Points	Monetary Penalties
21	14-16	\$750
22	17-19	\$1000
23	20-21	\$2500
24	22-25	\$5000
25	26-29	\$7500
26	30 and above	\$10,000

1 (4) The following Use and Violation Criteria establishes
2 the point value which shall be compiled to determine the total
3 violation points and administrative actions or monetary
4 penalties to be imposed as set forth in paragraph (3)(G) of
5 this Section:

6 (A) Point values shall be assessed upon the harm or
7 loss incurred.

8 (1) A point value of 1 shall be assessed for the
9 following:

10 (a) Exposure to a pesticide by plants, animals
11 or humans with no symptoms or damage noted.

12 (b) Fraudulent sales practices or
13 representations with no apparent monetary losses
14 involved.

15 (2) A point value of 2 shall be assessed for the
16 following:

17 (a) Exposure to a pesticide which resulted in:

18 (1) Plants or property showing signs of
19 damage including but not limited to leaf curl,
20 burning, wilting, spotting, discoloration, or
21 dying.

22 (2) Garden produce or an agricultural crop
23 not being harvested on schedule.

24 (3) Fraudulent sales practices or
25 representations resulting in losses under
26 \$500.

1 (3) A point value of 4 shall be assessed for the
2 following:

3 (a) Exposure to a pesticide resulting in a
4 human experiencing headaches, nausea, eye
5 irritation and such other symptoms which persisted
6 less than 3 days.

7 (b) Plant or property damage resulting in a
8 loss below \$1000.

9 (c) Animals exhibiting symptoms of pesticide
10 poisoning including but not limited to eye or skin
11 irritations or lack of coordination.

12 (d) Death to less than 5 animals.

13 (e) Fraudulent sales practices or
14 representations resulting in losses from \$500 to
15 \$2000.

16 (4) A point value of 6 shall be assessed for the
17 following:

18 (a) Exposure to a pesticide resulting in a
19 human experiencing headaches, nausea, eye
20 irritation and such other symptoms which persisted
21 3 or more days.

22 (b) Plant or property damage resulting in a
23 loss of \$1000 or more.

24 (c) Death to 5 or more animals.

25 (d) Fraudulent sales practices or
26 representations resulting in losses over \$2000.

1 (B) Point values shall be assessed based upon the
2 signal word on the label of the chemical involved:

3	Point Value	Signal Word
4	1	Caution
5	2	Warning
6	4	Danger/Poison

7 (C) Point values shall be assessed based upon the
8 degree of responsibility.

9	Point Value	Degree of Responsibility
10	2	Accidental (such as equipment malfunction)
11	4	Negligence
12	10	Knowingly

13 (D) Point values shall be assessed based upon the
14 violator's history for the previous 3 years:

15	Point Value	Record
16	2	Advisory letter
17	3	Warning letter
18	5	Previous criminal conviction of
19		this Act or administrative
20		violation resulting in a
21		monetary penalty
22	7	Certification, license or
23		registration currently
		suspended or revoked

24 (E) Point values shall be assessed based upon the

1 violation type:

2 (1) Application Oriented:

3	Point Value	Violation
4	1	Inadequate records
5	2	Lack of supervision
6	2	Faulty equipment
7	Use contrary to label directions:	
8	2	a. resulting in exposure to applicator or operator
9	3	b. resulting in exposure to other persons or the environment
11	3	c. precautionary statements, sites, rates, restricted use requirements
13	3	Water contamination
14	3	Storage or disposal contrary to label directions
15	3	Pesticide drift
16	4	Direct application to a non-target site
17	6	Falsification of records
18	6	Failure to secure a permit or violation of permit or special order

20 (2) Product Oriented:

	Point Value	Violation
1		
2	6	Pesticide not registered
3	4	Product label claims differ from approved label
4	4	Product composition (active ingredients differs from that of approved label)
5		
6	4	Product not colored as required
7	4	Misbranding as set forth in
8		<u>Section</u> Sec. 5 of the Act (4
9		points will be assessed for each count)

10 (5) Any penalty not paid within 60 days of notice from
11 the Department shall be submitted to the Attorney
12 General's Office for collection. Failure to pay a penalty
13 shall also be grounds for suspension or revocation of
14 permits, licenses and registrations.

15 (6) Private applicators, except those private
16 applicators who have been found by the Department to have
17 committed a "use inconsistent with the label" as defined
18 in subsection 40 of Section 4 of this Act, are exempt from
19 the Use and Violation Criteria point values.

20 (Source: P.A. 90-403, eff. 8-15-97; revised 8-19-20.)

21 Section 655. The Mercury Switch Removal Act is amended by
22 changing Section 15 as follows:

1 (415 ILCS 97/15)

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

3 Sec. 15. Mercury switch collection programs.

4 (a) Within 60 days of April 24, 2006 (the effective date of
5 this Act), manufacturers of vehicles in Illinois that contain
6 mercury switches must begin to implement a mercury switch
7 collection program that facilitates the removal of mercury
8 switches from end-of-life vehicles before the vehicles are
9 flattened, crushed, shredded, or otherwise processed for
10 recycling and to collect and properly manage mercury switches
11 in accordance with the Environmental Protection Act and
12 regulations adopted thereunder. In order to ensure that the
13 mercury switches are removed and collected in a safe and
14 consistent manner, manufacturers must, to the extent
15 practicable, use the currently available end-of-life vehicle
16 recycling infrastructure. The collection program must be
17 designed to achieve capture rates of not less than (i) 35% for
18 the period of July 1, 2006⁷ through June 30, 2007; (ii) 50% for
19 the period of July 1, 2007⁷ through June 30, 2008; and (iii)
20 70% for the period of July 1, 2008⁷ through June 30, 2009 and
21 for each subsequent period of July 1 through June 30. At a
22 minimum, the collection program must:

23 (1) Develop and provide educational materials that
24 include guidance as to which vehicles may contain mercury
25 switches and procedures for locating and removing mercury

1 switches. The materials may include, but are not limited
2 to, brochures, fact sheets, and videos.

3 (2) Conduct outreach activities to encourage vehicle
4 recyclers and vehicle crushers to participate in the
5 mercury switch collection program. The activities may
6 include, but are not limited to, direct mailings,
7 workshops, and site visits.

8 (3) Provide storage containers to participating
9 vehicle recyclers and vehicle crushers for mercury
10 switches removed under the program.

11 (4) Provide a collection and transportation system to
12 periodically collect and replace filled storage containers
13 from vehicle recyclers, vehicle crushers, and scrap metal
14 recyclers, either upon notification that a storage
15 container is full or on a schedule predetermined by the
16 manufacturers.

17 (5) Establish an entity that will serve as a point of
18 contact for the collection program and that will
19 establish, implement, and oversee the collection program
20 on behalf of the manufacturers.

21 (6) Track participation in the collection program and
22 the progress of mercury switch removals and collections.

23 (b) Within 90 days of April 24, 2006 (the effective date of
24 this Act), manufacturers of vehicles in Illinois that contain
25 mercury switches must submit to the Agency an implementation
26 plan that describes how the collection program under

1 subsection (a) of this Section will be carried out for the
2 duration of the program and how the program will achieve the
3 capture rates set forth in subsection (a) of this Section. At a
4 minimum, the implementation plan must:

5 (A) Identify the educational materials that will
6 assist vehicle recyclers, vehicle crushers, and scrap
7 metal processors in identifying, removing, and properly
8 managing mercury switches removed from end-of-life
9 vehicles.

10 (B) Describe the outreach program that will be
11 undertaken to encourage vehicle recyclers and vehicle
12 crushers to participate in the mercury switch collection
13 program.

14 (C) Describe how the manufacturers will ensure that
15 mercury switches removed from end-of-life vehicles are
16 managed in accordance with the Illinois Environmental
17 Protection Act and regulations adopted thereunder.

18 (D) Describe how the manufacturers will collect and
19 document the information required in the quarterly reports
20 submitted pursuant to subsection (e) of this Section.

21 (E) Describe how the collection program will be
22 financed and implemented.

23 (F) Identify the manufacturer's address to which the
24 Agency should send the notice required under subsection
25 (f) of this Section.

26 The Agency shall review the collection program plans it

1 receives for completeness and shall notify the manufacturer in
2 writing if a plan is incomplete. Within 30 days after
3 receiving a notification of incompleteness from the Agency,
4 the manufacturer shall submit to the Agency a plan that
5 contains all of the required information.

6 (c) The Agency must provide assistance to manufacturers in
7 their implementation of the collection program required under
8 this Section. The assistance shall include providing
9 manufacturers with information about businesses likely to be
10 engaged in vehicle recycling or vehicle crushing, conducting
11 site visits to promote participation in the collection
12 program, and assisting with the scheduling, locating, and
13 staffing of workshops conducted to encourage vehicle recyclers
14 and vehicle crushers to participate in the collection program.

15 (d) Manufacturers subject to the collection program
16 requirements of this Section shall provide, to the extent
17 practicable, the opportunity for trade associations of vehicle
18 recyclers, vehicle crushers, and scrap metal recyclers to be
19 involved in the delivery and dissemination of educational
20 materials regarding the identification, removal, collection,
21 and proper management of mercury switches in end-of-life
22 vehicles.

23 (e) (Blank).

24 (f) If the reports required under this Act indicate that
25 the capture rates set forth in subsection (a) of this Section
26 for the period of July 1, 2007~~7~~ through June 30, 2008~~7~~ or for

1 any subsequent period have not been met, the Agency shall
2 provide notice that the capture rate was not met; provided,
3 however, that the Agency is not required to provide notice if
4 it determines that the capture rate was not met due to a force
5 majeure. The Agency shall provide the notice by posting a
6 statement on its website and by sending a written notice via
7 certified mail to the manufacturers subject to the collection
8 program requirement of this Section at the addresses provided
9 in the manufacturers' collection plans. Once the Agency
10 provides notice pursuant to this subsection (f), it is not
11 required to provide notice in subsequent periods in which the
12 capture rate is not met.

13 (g) Beginning 30 days after the Agency first provides
14 notice pursuant to subsection (f) of this Section, the
15 following shall apply:

16 (1) Vehicle recyclers must remove all mercury switches
17 from each end-of-life vehicle before delivering the
18 vehicle to an on-site or off-site vehicle crusher or to a
19 scrap metal recycler, provided that a vehicle recycler is
20 not required to remove a mercury switch that is
21 inaccessible due to significant damage to the vehicle in
22 the area surrounding the mercury switch that occurred
23 before the vehicle recycler's receipt of the vehicle in
24 which case the damage must be noted in the records the
25 vehicle recycler is required to maintain under subsection
26 (c) of Section 10 of this Act.

1 (2) No vehicle recycler, vehicle crusher, or scrap
2 metal recycler shall flatten, crush, or otherwise process
3 an end-of-life vehicle for recycling unless all mercury
4 switches have been removed from the vehicle, provided that
5 a mercury switch that is inaccessible due to significant
6 damage to the vehicle in the area surrounding the mercury
7 switch that occurred before the vehicle recycler's,
8 vehicle crusher's, or scrap metal recycler's receipt of
9 the vehicle is not required to be removed. The damage must
10 be noted in the records the vehicle recycler or vehicle
11 crusher is required to maintain under subsection (c) of
12 Section 10 of this Act.

13 (3) Notwithstanding paragraphs (1) through (2) of this
14 subsection (g), a scrap metal recycler may agree to accept
15 an end-of-life vehicle that contains one or more mercury
16 switches and that has not been flattened, crushed,
17 shredded, or otherwise processed for recycling provided
18 the scrap metal recycler removes all mercury switches from
19 the vehicle before the vehicle is flattened, crushed,
20 shredded, or otherwise processed for recycling. Scrap
21 metal recyclers are not required to remove a mercury
22 switch that is inaccessible due to significant damage to
23 the vehicle in the area surrounding the mercury switch
24 that occurred before the scrap metal recycler's receipt of
25 the vehicle. The damage must be noted in the records the
26 scrap metal recycler is required to maintain under

1 subsection (c) of Section 10 of this Act.

2 (4) Manufacturers subject to the collection program
3 requirements of this Section must provide to vehicle
4 recyclers, vehicle crushers, and scrap metal recyclers the
5 following compensation for all mercury switches removed
6 from end-of-life vehicles on or after the date of the
7 notice: \$2.00 for each mercury switch removed by the
8 vehicle recycler, vehicle crusher, or the scrap metal
9 recycler, the costs of the containers in which the mercury
10 switches are collected, and the costs of packaging and
11 transporting the mercury switches off-site. Payment of
12 this compensation must be provided in a prompt manner.

13 (h) In meeting the requirements of this Section,
14 manufacturers may work individually or as part of a group of 2
15 or more manufacturers.

16 (Source: P.A. 101-81, eff. 7-12-19; revised 9-12-19.)

17 Section 660. The Drycleaner Environmental Response Trust
18 Fund Act is amended by changing Section 65 as follows:

19 (415 ILCS 135/65)

20 (Section scheduled to be repealed on January 1, 2030)

21 Sec. 65. Drycleaning solvent tax.

22 (a) A tax is imposed upon the use of drycleaning solvent by
23 a person engaged in the business of operating a drycleaning
24 facility in this State at the rate of \$10 per gallon of

1 perchloroethylene or other chlorinated drycleaning solvents
2 used in drycleaning operations, \$2 per gallon of
3 petroleum-based drycleaning solvent, and \$1.75 per gallon of
4 green solvents, unless the green solvent is used at a virgin
5 facility, in which case the rate is \$0.35 per gallon. The Board
6 may determine by rule which products are chlorine-based
7 solvents, which products are petroleum-based solvents, and
8 which products are green solvents. All drycleaning solvents
9 shall be considered chlorinated solvents unless the Board
10 determines that the solvents are petroleum-based drycleaning
11 solvents or green solvents.

12 (b) The tax imposed by this Act shall be collected from the
13 purchaser at the time of sale by a seller of drycleaning
14 solvents maintaining a place of business in this State and
15 shall be remitted to the Department of Revenue under the
16 provisions of this Act.

17 (c) The tax imposed by this Act that is not collected by a
18 seller of drycleaning solvents shall be paid directly to the
19 Department of Revenue by the purchaser or end user who is
20 subject to the tax imposed by this Act.

21 (d) No tax shall be imposed upon the use of drycleaning
22 solvent if the drycleaning solvent will not be used in a
23 drycleaning facility or if a floor stock tax has been imposed
24 and paid on the drycleaning solvent. Prior to the purchase of
25 the solvent, the purchaser shall provide a written and signed
26 certificate to the drycleaning solvent seller stating:

- 1 (1) the name and address of the purchaser;
- 2 (2) the purchaser's signature and date of signing; and
- 3 (3) one of the following:

4 (A) that the drycleaning solvent will not be used
5 in a drycleaning facility; or

6 (B) that a floor stock tax has been imposed and
7 paid on the drycleaning solvent.

8 (e) On January 1, 1998, there is imposed on each operator
9 of a drycleaning facility a tax on drycleaning solvent held by
10 the operator on that date for use in a drycleaning facility.
11 The tax imposed shall be the tax that would have been imposed
12 under subsection (a) if the drycleaning solvent held by the
13 operator on that date had been purchased by the operator
14 during the first year of this Act.

15 (f) On or before the 25th day of the 1st month following
16 the end of the calendar quarter, a seller of drycleaning
17 solvents who has collected a tax pursuant to this Section
18 during the previous calendar quarter, or a purchaser or end
19 user of drycleaning solvents required under subsection (c) to
20 submit the tax directly to the Department, shall file a return
21 with the Department of Revenue. The return shall be filed on a
22 form prescribed by the Department of Revenue and shall contain
23 information that the Department of Revenue reasonably
24 requires, but at a minimum will require the reporting of the
25 volume of drycleaning solvent sold to each licensed
26 drycleaner. The Department of Revenue shall report quarterly

1 to the Agency the volume of drycleaning solvent purchased for
2 the quarter by each licensed drycleaner. Each seller of
3 drycleaning solvent maintaining a place of business in this
4 State who is required or authorized to collect the tax imposed
5 by this Act shall pay to the Department the amount of the tax
6 at the time when he or she is required to file his or her
7 return for the period during which the tax was collected.
8 Purchasers or end users remitting the tax directly to the
9 Department under subsection (c) shall file a return with the
10 Department of Revenue and pay the tax so incurred by the
11 purchaser or end user during the preceding calendar quarter.

12 Except as provided in this Section, the seller of
13 drycleaning solvents filing the return under this Section
14 shall, at the time of filing the return, pay to the Department
15 the amount of tax imposed by this Act less a discount of 1.75%,
16 or \$5 per calendar year, whichever is greater. Failure to
17 timely file the returns and provide to the Department the data
18 requested under this Act will result in disallowance of the
19 reimbursement discount.

20 (g) The tax on drycleaning solvents used in drycleaning
21 facilities and the floor stock tax shall be administered by
22 the Department of Revenue under rules adopted by that
23 Department.

24 (h) No person shall knowingly sell or transfer drycleaning
25 solvent to an operator of a drycleaning facility that is not
26 licensed by the Agency under Section 60.

1 (i) The Department of Revenue may adopt rules as necessary
2 to implement this Section.

3 (j) If any payment provided for in this Section exceeds
4 the seller's liabilities under this Act, as shown on an
5 original return, the seller may credit such excess payment
6 against liability subsequently to be remitted to the
7 Department under this Act, in accordance with reasonable rules
8 adopted by the Department. If the Department subsequently
9 determines that all or any part of the credit taken was not
10 actually due to the seller, the seller's discount shall be
11 reduced by an amount equal to the difference between the
12 discount as applied to the credit taken and that actually due,
13 and the seller shall be liable for penalties and interest on
14 such difference.

15 (Source: P.A. 100-1171, eff. 1-4-19; 101-400, eff. 7-1-20;
16 revised 8-19-20.)

17 Section 665. The Laser System Act of 1997 is amended by
18 changing Section 15 as follows:

19 (420 ILCS 56/15)

20 Sec. 15. Definitions. For the purposes of this Act, unless
21 the context requires otherwise:

22 (1) "Agency" means the Illinois Emergency Management
23 Agency.

24 (2) "Director" means the Director of the Illinois

1 Emergency Management Agency.

2 (3) "FDA" means the Food and Drug Administration of
3 the United States Department of Health and Human Services.

4 (4) "Laser installation" means a location or facility
5 where laser systems are produced, stored, disposed of, or
6 used for any purpose.

7 (5) "Laser machine" means a device that is capable of
8 producing laser radiation when associated controlled
9 devices are operated.

10 (6) "Laser radiation" means an electromagnetic
11 radiation emitted from a laser system and includes all
12 reflected radiation, any secondary radiation, or other
13 forms of energy resulting from the primary laser beam.

14 (7) "Laser system" means a device, machine, equipment,
15 or other apparatus that applies a source of energy to a
16 gas, liquid, crystal, or other solid substances or
17 combination thereof in a manner that electromagnetic
18 radiations of a relatively uniform wavelength ~~wave length~~
19 are amplified and emitted in a cohesive beam capable of
20 transmitting the energy developed in a manner that may be
21 harmful to living tissues, including, but not limited to,
22 electromagnetic waves in the range of visible, infrared,
23 or ultraviolet light. Such systems in schools, colleges,
24 occupational schools, and State colleges and other State
25 institutions are also included in the definition of "laser
26 systems".

1 (8) "Operator" is an individual, group of individuals,
2 partnership, firm, corporation, association, or other
3 entity conducting the business or activities carried on
4 within a laser installation.

5 (Source: P.A. 95-777, eff. 8-4-08; revised 8-19-20.)

6 Section 670. The Fire Investigation Act is amended by
7 changing Section 13.1 as follows:

8 (425 ILCS 25/13.1) (from Ch. 127 1/2, par. 17.1)

9 Sec. 13.1. Fire Prevention Fund.

10 (a) There shall be a special fund in the State Treasury
11 known as the Fire Prevention Fund.

12 (b) The following moneys shall be deposited into the Fund:

13 (1) Moneys received by the Department of Insurance
14 under Section 12 of this Act.

15 (2) All fees and reimbursements received by the
16 Office.

17 (3) All receipts from boiler and pressure vessel
18 certification, as provided in Section 13 of the Boiler and
19 Pressure Vessel Safety Act.

20 (4) Such other moneys as may be provided by law.

21 (c) The moneys in the Fire Prevention Fund shall be used,
22 subject to appropriation, for the following purposes:

23 (1) Of the moneys deposited into the fund under
24 Section 12 of this Act, 12.5% shall be available for the

1 maintenance of the Illinois Fire Service Institute and the
2 expenses, facilities, and structures incident thereto, and
3 for making transfers into the General Obligation Bond
4 Retirement and Interest Fund for debt service requirements
5 on bonds issued by the State of Illinois after January 1,
6 1986 for the purpose of constructing a training facility
7 for use by the Institute. An additional 2.5% of the moneys
8 deposited into the Fire Prevention Fund shall be available
9 to the Illinois Fire Service Institute for support of the
10 Cornerstone Training Program.

11 (2) Of the moneys deposited into the Fund under
12 Section 12 of this Act, 10% shall be available for the
13 maintenance of the Chicago Fire Department Training
14 Program and the expenses, facilities, and structures
15 incident thereto, in addition to any moneys payable from
16 the Fund to the City of Chicago pursuant to the Illinois
17 Fire Protection Training Act.

18 (3) For making payments to local governmental agencies
19 and individuals pursuant to Section 10 of the Illinois
20 Fire Protection Training Act.

21 (4) For the maintenance and operation of the Office of
22 the State Fire Marshal, and the expenses incident thereto.

23 (4.5) For the maintenance, operation, and capital
24 expenses of the Mutual Aid Box Alarm System (MABAS).

25 (4.6) For grants awarded by the Small Fire-fighting
26 and Ambulance Service Equipment Grant Program established

1 by Section 2.7 of the State Fire Marshal Act.

2 (5) For any other purpose authorized by law.

3 (c-5) As soon as possible after April 8, 2008 (the
4 effective date of Public Act 95-717), the Comptroller shall
5 order the transfer and the Treasurer shall transfer \$2,000,000
6 from the Fire Prevention Fund to the Fire Service and Small
7 Equipment Fund, \$9,000,000 from the Fire Prevention Fund to
8 the Fire Truck Revolving Loan Fund, and \$4,000,000 from the
9 Fire Prevention Fund to the Ambulance Revolving Loan Fund.
10 Beginning on July 1, 2008, each month, or as soon as practical
11 thereafter, an amount equal to \$2 from each fine received
12 shall be transferred from the Fire Prevention Fund to the Fire
13 Service and Small Equipment Fund, an amount equal to \$1.50
14 from each fine received shall be transferred from the Fire
15 Prevention Fund to the Fire Truck Revolving Loan Fund, and an
16 amount equal to \$4 from each fine received shall be
17 transferred from the Fire Prevention Fund to the Ambulance
18 Revolving Loan Fund. These moneys shall be transferred from
19 the moneys deposited into the Fire Prevention Fund pursuant to
20 Public Act 95-154, together with not more than 25% of any
21 unspent appropriations from the prior fiscal year. These
22 moneys may be allocated to the Fire Truck Revolving Loan Fund,
23 Ambulance Revolving Loan Fund, and Fire Service and Small
24 Equipment Fund at the discretion of the Office for the purpose
25 of implementation of this Act.

26 (d) Any portion of the Fire Prevention Fund remaining

1 unexpended at the end of any fiscal year which is not needed
2 for the maintenance and expenses of the Office or the
3 maintenance and expenses of the Illinois Fire Service
4 Institute, shall remain in the Fire Prevention Fund for the
5 exclusive and restricted uses provided in subsections (c) and
6 (c-5) of this Section.

7 (e) The Office shall keep on file an itemized statement of
8 all expenses incurred which are payable from the Fund, other
9 than expenses incurred by the Illinois Fire Service Institute,
10 and shall approve all vouchers issued therefor before they are
11 submitted to the State Comptroller for payment. Such vouchers
12 shall be allowed and paid in the same manner as other claims
13 against the State.

14 (Source: P.A. 101-82, eff. 1-1-20; revised 9-12-19.)

15 Section 675. The Smoke Detector Act is amended by changing
16 Section 3 as follows:

17 (425 ILCS 60/3) (from Ch. 127 1/2, par. 803)

18 (Text of Section before amendment by P.A. 100-200)

19 Sec. 3. (a) Every dwelling unit or hotel shall be equipped
20 with at least one approved smoke detector in an operating
21 condition within 15 feet of every room used for sleeping
22 purposes. The detector shall be installed on the ceiling and
23 at least 6 inches from any wall, or on a wall located between 4
24 and 6 inches from the ceiling.

1 (b) Every single family residence shall have at least one
2 approved smoke detector installed on every story of the
3 dwelling unit, including basements but not including
4 unoccupied attics. In dwelling units with split levels, a
5 smoke detector installed on the upper level shall suffice for
6 the adjacent lower level if the lower level is less than one
7 full story below the upper level; however, if there is an
8 intervening door between the adjacent levels, a smoke detector
9 shall be installed on each level.

10 (c) Every structure which (1) contains more than one
11 dwelling unit, or (2) contains at least one dwelling unit and
12 is a mixed-use structure, shall contain at least one approved
13 smoke detector at the uppermost ceiling of each interior
14 stairwell. The detector shall be installed on the ceiling, at
15 least 6 inches from the wall, or on a wall located between 4
16 and 6 inches from the ceiling.

17 (d) It shall be the responsibility of the owner of a
18 structure to supply and install all required detectors. The
19 owner shall be responsible for making reasonable efforts to
20 test and maintain detectors in common stairwells and hallways.
21 It shall be the responsibility of a tenant to test and to
22 provide general maintenance for the detectors within the
23 tenant's dwelling unit or rooming unit, and to notify the
24 owner or the authorized agent of the owner in writing of any
25 deficiencies which the tenant cannot correct. The owner shall
26 be responsible for providing one tenant per dwelling unit with

1 written information regarding detector testing and
2 maintenance.

3 The tenant shall be responsible for replacement of any
4 required batteries in the smoke detectors in the tenant's
5 dwelling unit, except that the owner shall ensure that such
6 batteries are in operating condition at the time the tenant
7 takes possession of the dwelling unit. The tenant shall
8 provide the owner or the authorized agent of the owner with
9 access to the dwelling unit to correct any deficiencies in the
10 smoke detector which have been reported in writing to the
11 owner or the authorized agent of the owner.

12 (e) The requirements of this Section shall apply to any
13 dwelling unit in existence on July 1, 1988, beginning on that
14 date. Except as provided in subsections (f) and (g), the smoke
15 detectors required in such dwelling units may be either
16 battery powered or wired into the structure's AC power line,
17 and need not be interconnected.

18 (f) In the case of any dwelling unit that is newly
19 constructed, reconstructed, or substantially remodelled after
20 December 31, 1987, the requirements of this Section shall
21 apply beginning on the first day of occupancy of the dwelling
22 unit after such construction, reconstruction or substantial
23 remodelling. The smoke detectors required in such dwelling
24 unit shall be permanently wired into the structure's AC power
25 line, and if more than one detector is required to be installed
26 within the dwelling unit, the detectors shall be wired so that

1 the actuation of one detector will actuate all the detectors
2 in the dwelling unit.

3 In the case of any dwelling unit that is newly
4 constructed, reconstructed, or substantially remodeled on or
5 after January 1, 2011, smoke detectors permanently wired into
6 the structure's AC power line must also maintain an
7 alternative back-up power source, which may be either a
8 battery or batteries or an emergency generator.

9 (g) Every hotel shall be equipped with operational
10 portable smoke-detecting alarm devices for the deaf and
11 hearing impaired of audible and visual design, available for
12 units of occupancy.

13 Specialized smoke detectors ~~smoke detectors~~ for the deaf
14 and hearing impaired shall be available upon request by guests
15 in such hotels at a rate of at least one such smoke detector
16 per 75 occupancy units or portions thereof, not to exceed 5
17 such smoke detectors per hotel. Incorporation or connection
18 into an existing interior alarm system, so as to be capable of
19 being activated by the system, may be utilized in lieu of the
20 portable alarms.

21 Operators of any hotel shall post conspicuously at the
22 main desk a permanent notice, in letters at least 3 inches in
23 height, stating that smoke detector alarm devices for the deaf
24 and hearing impaired are available. The proprietor may require
25 a refundable deposit for a portable smoke detector not to
26 exceed the cost of the detector.

1 (g-5) A hotel, as defined in this Act, shall be
2 responsible for installing and maintaining smoke detecting
3 equipment.

4 (h) Compliance with an applicable federal, State, or local
5 law or building code which requires the installation and
6 maintenance of smoke detectors in a manner different from this
7 Section, but providing a level of safety for occupants which
8 is equal to or greater than that provided by this Section,
9 shall be deemed to be in compliance with this Section, and the
10 requirements of such more stringent law shall govern over the
11 requirements of this Section.

12 (Source: P.A. 96-1292, eff. 1-1-11; 97-447, eff. 1-1-12;
13 revised 8-19-20.)

14 (Text of Section after amendment by P.A. 100-200)

15 Sec. 3. (a) Every dwelling unit or hotel shall be equipped
16 with at least one approved smoke detector in an operating
17 condition within 15 feet of every room used for sleeping
18 purposes. The detector shall be installed on the ceiling and
19 at least 6 inches from any wall, or on a wall located between 4
20 and 6 inches from the ceiling.

21 (b) Every single family residence shall have at least one
22 approved smoke detector installed on every story of the
23 dwelling unit, including basements but not including
24 unoccupied attics. In dwelling units with split levels, a
25 smoke detector installed on the upper level shall suffice for

1 the adjacent lower level if the lower level is less than one
2 full story below the upper level; however, if there is an
3 intervening door between the adjacent levels, a smoke detector
4 shall be installed on each level.

5 (c) Every structure which (1) contains more than one
6 dwelling unit, or (2) contains at least one dwelling unit and
7 is a mixed-use structure, shall contain at least one approved
8 smoke detector at the uppermost ceiling of each interior
9 stairwell. The detector shall be installed on the ceiling, at
10 least 6 inches from the wall, or on a wall located between 4
11 and 6 inches from the ceiling.

12 (d) It shall be the responsibility of the owner of a
13 structure to supply and install all required detectors. The
14 owner shall be responsible for making reasonable efforts to
15 test and maintain detectors in common stairwells and hallways.
16 It shall be the responsibility of a tenant to test and to
17 provide general maintenance for the detectors within the
18 tenant's dwelling unit or rooming unit, and to notify the
19 owner or the authorized agent of the owner in writing of any
20 deficiencies which the tenant cannot correct. The owner shall
21 be responsible for providing one tenant per dwelling unit with
22 written information regarding detector testing and
23 maintenance.

24 The tenant shall be responsible for replacement of any
25 required batteries in the smoke detectors in the tenant's
26 dwelling unit, except that the owner shall ensure that such

1 batteries are in operating condition at the time the tenant
2 takes possession of the dwelling unit. The tenant shall
3 provide the owner or the authorized agent of the owner with
4 access to the dwelling unit to correct any deficiencies in the
5 smoke detector which have been reported in writing to the
6 owner or the authorized agent of the owner.

7 (e) The requirements of this Section shall apply to any
8 dwelling unit in existence on July 1, 1988, beginning on that
9 date. Except as provided in subsections (f) and (g), the smoke
10 detectors required in such dwelling units may be either:
11 battery powered provided the battery is a self-contained,
12 non-removable, long-term ~~long-term~~ battery, or wired into the
13 structure's AC power line, and need not be interconnected.

14 (1) The battery requirements of this Section shall
15 apply to battery-powered ~~battery-powered~~ smoke detectors
16 that: (A) are in existence and exceed 10 years from the
17 date of their being manufactured; (B) fail ~~fails~~ to
18 respond to operability tests or otherwise malfunction
19 ~~malfunctions~~; or (C) are newly installed.

20 (2) The battery requirements of this Section do not
21 apply to: (A) a fire alarm, smoke detector, smoke alarm,
22 or ancillary component that is electronically connected as
23 a part of a centrally monitored or supervised alarm
24 system; (B) a fire alarm, smoke detector, smoke alarm, or
25 ancillary component that uses: (i) a low-power radio
26 frequency wireless communication signal, or (ii) Wi-Fi or

1 other wireless Local Area Networking capability to send
2 and receive notifications to and from the Internet, such
3 as early low battery warnings before the device reaches a
4 critical low power level; or (C) such other devices as the
5 State Fire Marshal shall designate through its regulatory
6 process.

7 (f) In the case of any dwelling unit that is newly
8 constructed, reconstructed, or substantially remodelled after
9 December 31, 1987, the requirements of this Section shall
10 apply beginning on the first day of occupancy of the dwelling
11 unit after such construction, reconstruction or substantial
12 remodelling. The smoke detectors required in such dwelling
13 unit shall be permanently wired into the structure's AC power
14 line, and if more than one detector is required to be installed
15 within the dwelling unit, the detectors shall be wired so that
16 the actuation of one detector will actuate all the detectors
17 in the dwelling unit.

18 In the case of any dwelling unit that is newly
19 constructed, reconstructed, or substantially remodeled on or
20 after January 1, 2011, smoke detectors permanently wired into
21 the structure's AC power line must also maintain an
22 alternative back-up power source, which may be either a
23 battery or batteries or an emergency generator.

24 (g) Every hotel shall be equipped with operational
25 portable smoke-detecting alarm devices for the deaf and
26 hearing impaired of audible and visual design, available for

1 units of occupancy.

2 Specialized smoke detectors ~~smoke detectors~~ for the deaf
3 and hearing impaired shall be available upon request by guests
4 in such hotels at a rate of at least one such smoke detector
5 per 75 occupancy units or portions thereof, not to exceed 5
6 such smoke detectors per hotel. Incorporation or connection
7 into an existing interior alarm system, so as to be capable of
8 being activated by the system, may be utilized in lieu of the
9 portable alarms.

10 Operators of any hotel shall post conspicuously at the
11 main desk a permanent notice, in letters at least 3 inches in
12 height, stating that smoke detector alarm devices for the deaf
13 and hearing impaired are available. The proprietor may require
14 a refundable deposit for a portable smoke detector not to
15 exceed the cost of the detector.

16 (g-5) A hotel, as defined in this Act, shall be
17 responsible for installing and maintaining smoke detecting
18 equipment.

19 (h) Compliance with an applicable federal, State, or local
20 law or building code which requires the installation and
21 maintenance of smoke detectors in a manner different from this
22 Section, but providing a level of safety for occupants which
23 is equal to or greater than that provided by this Section,
24 shall be deemed to be in compliance with this Section, and the
25 requirements of such more stringent law shall govern over the
26 requirements of this Section.

1 (i) The requirements of this Section shall not apply to
2 dwelling units and hotels within municipalities with a
3 population over 1,000,000 inhabitants.

4 (Source: P.A. 100-200, eff. 1-1-23; revised 8-19-20.)

5 Section 680. The Firearm Dealer License Certification Act
6 is amended by changing Sections 5-1 and 5-5 as follows:

7 (430 ILCS 68/5-1)

8 Sec. 5-1. Short title. This Article 5 ~~±~~ may be cited as
9 the Firearm Dealer License Certification Act. References in
10 this Article to "this Act" mean this Article.

11 (Source: P.A. 100-1178, eff. 1-18-19; revised 7-16-19.)

12 (430 ILCS 68/5-5)

13 Sec. 5-5. Definitions. In this Act:

14 "Certified licensee" means a licensee that has previously
15 certified its license with the Department under this Act.

16 "Department" means the Department of State Police.

17 "Director" means the Director of State Police.

18 "Entity" means any person, firm, corporation, group of
19 individuals, or other legal entity.

20 "Inventory" means firearms in the possession of an
21 individual or entity for the purpose of sale or transfer.

22 "License" means a Federal Firearms License authorizing a
23 person or entity to engage in the business of dealing

1 firearms.

2 "Licensee" means a person, firm, corporation, or other
3 entity who has been given, and is currently in possession of, a
4 valid Federal Firearms License.

5 "Retail location" means a store open to the public from
6 which a certified licensee engages in the business of selling,
7 transferring, or facilitating a sale or transfer of a firearm.
8 For purposes of this Act, the World Shooting and Recreational
9 Complex, a gun show, or a similar event at which a certified
10 licensee engages in business from time to time is not a retail
11 location.

12 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19;
13 revised 9-12-19.)

14 Section 685. The Animal Control Act is amended by changing
15 Section 11 as follows:

16 (510 ILCS 5/11) (from Ch. 8, par. 361)

17 Sec. 11. Animal placement. When not redeemed by the owner,
18 agent, or caretaker, a dog or cat must be scanned for a
19 microchip. If a microchip is present, the registered owner or
20 chip purchaser, if the purchaser was a nonprofit organization,
21 animal shelter, animal control facility, pet store, breeder,
22 or veterinary office, must be notified. After contact has been
23 made or attempted, dogs deemed adoptable by the animal control
24 facility shall be offered for adoption, or made available to a

1 licensed animal shelter~~r~~ or rescue group. After contact has
2 been made or attempted, the animal control facility may
3 either: (1) offer the cat for adoption; (2) return to field or
4 transfer the cat after sterilization; or (3) make the cat
5 available to a licensed animal shelter or animal control
6 facility. The animal may be humanely dispatched pursuant to
7 the Humane Euthanasia in Animal Shelters Act. An animal
8 control facility or animal shelter shall not adopt or release
9 any dog or cat to anyone other than the owner or a foster home
10 unless the animal has been rendered incapable of reproduction
11 and microchipped. This Act shall not prevent humane societies
12 or animal shelters from engaging in activities set forth by
13 their charters; provided, they are not inconsistent with
14 provisions of this Act and other existing laws. No animal
15 shelter or animal control facility shall release dogs or cats
16 to an individual representing a rescue group, unless the group
17 has been licensed by the Department of Agriculture or is a
18 representative of a not-for-profit out-of-state organization,
19 animal shelter, or animal control facility. The Department may
20 suspend or revoke the license of any animal shelter or animal
21 control facility that fails to comply with the requirements
22 set forth in this Section or that fails to report its intake
23 and euthanasia statistics as required by law each year.

24 (Source: P.A. 100-870, eff. 1-1-19; 101-295, eff. 8-9-19;
25 revised 8-20-20.)

1 Section 690. The Illinois Highway Code is amended by
2 changing Sections 6-115 and 6-134 as follows:

3 (605 ILCS 5/6-115) (from Ch. 121, par. 6-115)

4 Sec. 6-115. (a) Except as provided in Section 10-20 of the
5 Township Code or subsection (b), no person shall be eligible
6 to the office of highway commissioner unless he shall be a
7 legal voter and has been one year a resident of the district.
8 In road districts that elect a clerk, the same limitation
9 shall apply to the district clerk.

10 (b) A board of trustees may (i) appoint a non-resident or a
11 resident that has not resided in the district for one year to
12 be a highway commissioner, or (ii) contract with a neighboring
13 township to provide highway commissioner services if:

14 (1) the district is within a township with no
15 incorporated town;

16 (2) the township has ~~is~~ a population of less than 500;
17 and

18 (3) no qualified candidate who has resided in the
19 township for at least one year is willing to serve as
20 highway commissioner.

21 (Source: P.A. 101-197, eff. 1-1-20; revised 9-12-19.)

22 (605 ILCS 5/6-134)

23 Sec. 6-134. Abolishing a road district.

24 (a) By resolution, the board of trustees of any township

1 located in a county with less than 3,000,000 inhabitants may
 2 submit a proposition to abolish the road district of that
 3 township to the electors of that township at a general
 4 election or consolidated election in accordance with the
 5 general election law. The ballot shall be in substantially the
 6 following form:

7 -----
 8 Shall the Road District of the Township of
 9 be abolished with all the rights,
 10 powers, duties, assets, property, liabilities, YES
 11 obligations, and responsibilities being assumed -----
 12 by the Township of ? NO
 13 -----

14 In the event that a majority of the electors voting on such
 15 proposition are in favor thereof, then the road district shall
 16 be abolished by operation of law effective 90 days after vote
 17 certification by the governing election authority or on the
 18 date the term of the highway commissioner in office at the time
 19 the proposition was approved by the electors expires,
 20 whichever is later.

21 On that date, all the rights, powers, duties, assets,
 22 property, liabilities, obligations, and responsibilities of
 23 the road district shall by operation of law vest in and be
 24 assumed by the township. On that date, the township board of

1 trustees shall assume all taxing authority of a road district
2 abolished under this Section. On that date, any highway
3 commissioner of the abolished road district shall cease to
4 hold office, such term having been terminated. Thereafter, the
5 township shall exercise all duties and responsibilities of the
6 highway commissioner as provided in the Illinois Highway Code.
7 The township board of trustees may enter into a contract with
8 the county, a municipality, or a private contractor to
9 administer the roads under its jurisdiction. The township
10 board of trustees shall assume all taxing authority of a
11 township road district abolished under this subsection. For
12 purposes of distribution of revenue, the township shall assume
13 the powers, duties, and obligations of the road district.
14 Distribution of revenue by the township to the treasurer of a
15 municipality under Section 6-507 shall be only paid from
16 moneys levied for road purposes pursuant to Division 5 of
17 Article 6 of this ~~the Illinois Highway~~ Code.

18 (b) If a referendum passed under subsection (a) at the
19 November 6, 2018 election and a road district has not been
20 abolished as provided in subsection (a) by August 23, 2019
21 (the effective date of Public Act 101-519) ~~this amendatory Act~~
22 ~~of the 101st General Assembly:~~

23 (1) the township board shall have the sole authority
24 relating to the following duties and powers of the road
25 district until the date of abolition:

26 (A) creating and approving the budget of the road

1 district;

2 (B) levying taxes (the township board of trustees
3 assumes all taxing authority of the township road
4 district);

5 (C) entering into contracts for the road district;

6 (D) employing and fixing the compensation of road
7 district employees that the township board deems
8 necessary; and

9 (E) setting and adopting rules concerning all
10 benefits available to employees of the road district;~~;~~

11 (2) the road district or the highway commissioner may
12 not commence or maintain litigation against the township
13 to resolve any dispute related to the road district
14 regarding powers of the office of the highway
15 commissioner, the powers of the supervisor, or the powers
16 of the township board.

17 (c) If a township has approved a consolidated road
18 district after a referendum under Section 6-109 and the
19 consolidation is not yet effective and if the township
20 subsequently approves a referendum under this Section, then
21 the consolidation under Section 6-109 is void and shall not
22 occur.

23 (Source: P.A. 100-106, eff. 1-1-18; 101-519, eff. 8-23-19;
24 revised 8-20-20.)

25 Section 695. The Illinois Vehicle Code is amended by

1 changing Sections 1-158.5, 2-111, 3-421, 3-609, 3-699.14,
2 3-704, 3-802, 3-806.3, 4-104, 4-105, 6-106, 6-206, 6-209.1,
3 6-306.5, 11-208.3, 11-501.9, 11-502.1, 11-704, 11-1006,
4 11-1412.3, and 12-610.2 and by setting forth and renumbering
5 multiple versions of Section 3-699.17 as follows:

6 (625 ILCS 5/1-158.5) (from Ch. 95 1/2, par. 1-300)

7 Sec. 1-158.5. Penalties and offenses; definitions
8 ~~offenses definitions~~. The following words and phrases when
9 used in this Act, shall, for the purposes of this Act, have the
10 meanings ascribed to them in Chapter Article V of the "Unified
11 Code of Corrections", ~~as now or hereafter amended~~:

12 Business Offense;

13 Conviction;

14 Court;

15 Felony;

16 Class 1 Felony;

17 Class 2 Felony;

18 Class 3 Felony;

19 Class 4 Felony;

20 Imprisonment;

21 Judgment;

22 Misdemeanor;

23 Class A Misdemeanor;

24 Class B Misdemeanor;

25 Class C Misdemeanor;

1 Offense;
2 Petty Offense;
3 Sentence.

4 (Source: P.A. 90-89, eff. 1-1-98; revised 8-20-20.)

5 (625 ILCS 5/2-111) (from Ch. 95 1/2, par. 2-111)
6 Sec. 2-111. Seizure or confiscation of documents and
7 plates.

8 (a) The Secretary of State or any law enforcement entity
9 is authorized to take possession of any certificate of title,
10 registration card, permit, license, registration plate or
11 digital registration plate, plates, disability license plate
12 or parking decal or device, or registration sticker or digital
13 registration sticker issued by the Secretary ~~or her~~ upon
14 expiration, revocation, cancellation, or suspension thereof,
15 or which is fictitious, or which has been unlawfully or
16 erroneously issued. Police officers who have seized such items
17 shall return the items to the Secretary of State in a manner
18 and form set forth by the Secretary in administrative rule to
19 take possession of such item or items.

20 (b) The Secretary of State is authorized to confiscate any
21 suspected fraudulent, fictitious, or altered documents
22 submitted by an applicant in support of an application for a
23 driver's license or permit.

24 (Source: P.A. 101-185, eff. 1-1-20; 101-395, eff. 8-16-19;
25 revised 9-24-19.)

1 (625 ILCS 5/3-421) (from Ch. 95 1/2, par. 3-421)

2 Sec. 3-421. Right of reassignment.

3 (a) Every natural person shall have the right of
4 reassignment of the license number issued to him during the
5 current registration plate or digital registration plate term,
6 for the ensuing registration plate or digital registration
7 plate term, provided his or her application for reassignment
8 is received in the Office of the Secretary of State on or
9 before September 30 of the final year of the registration
10 plate or digital registration plate term as to a vehicle
11 registered on a calendar year, and on or before March 31 as to
12 a vehicle registered on a fiscal year. The right of
13 reassignment shall apply to every natural person under the
14 staggered registration system provided the application for
15 reassignment is received in the Office of the Secretary of
16 State by the 1st day of the month immediately preceding the
17 applicant's month of expiration.

18 In addition, every natural person shall have the right of
19 reassignment of the license number issued to him for a
20 two-year registration, for the ensuing two-year period. Where
21 the two-year period is for two calendar years, the application
22 for reassignment must be received by the Secretary of State on
23 or before September 30th of the year preceding commencement of
24 the two-year period. Where the two-year period is for two
25 fiscal years commencing on July 1, the application for

1 reassignment must be received by the Secretary of State on or
2 before April 30th immediately preceding commencement of the
3 two-year period.

4 (b) Notwithstanding the above provision, the Secretary of
5 State shall, subject to the existing right of reassignment,
6 have the authority to designate new specific combinations of
7 numerical, alpha-numerical, and numerical-alpha licenses for
8 vehicles registered on a calendar year or on a fiscal year,
9 whether the license be issued for one or more years. The new
10 combinations so specified shall not be subject to the right of
11 reassignment, and no right of reassignment thereto may at any
12 future time be acquired.

13 (c) If a person has a registration plate in his or her name
14 and seeks to reassign the registration plate to his or her
15 spouse, the Secretary shall waive any transfer fee or vanity
16 or personalized registration plate fee upon both spouses
17 signing a form authorizing the reassignment of registration.

18 (c-1) If a person ~~who that~~ has a registration plate in his
19 or her name seeks to reassign the registration plate to his or
20 her child, the Secretary shall waive any transfer fee or
21 vanity or personalized registration plate fee.

22 (Source: P.A. 101-395, eff. 8-16-19; 101-611, eff. 6-1-20;
23 revised 8-4-20.)

24 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)
25 Sec. 3-609. Plates for veterans with disabilities.

1 (a) Any veteran who holds proof of a service-connected
2 disability from the United States Department of Veterans
3 Affairs, and who has obtained certification from a licensed
4 physician, physician assistant, or advanced practice
5 registered nurse that the service-connected disability
6 qualifies the veteran for issuance of registration plates or
7 digital registration plates or decals to a person with
8 disabilities in accordance with Section 3-616, may, without
9 the payment of any registration fee, make application to the
10 Secretary of State for license plates for veterans with
11 disabilities displaying the international symbol of access,
12 for the registration of one motor vehicle of the first
13 division, one motorcycle, or one motor vehicle of the second
14 division weighing not more than 8,000 pounds.

15 (b) Any veteran who holds proof of a service-connected
16 disability from the United States Department of Veterans
17 Affairs, and whose degree of disability has been declared to
18 be 50% or more, but whose disability does not qualify the
19 veteran for a plate or decal for persons with disabilities
20 under Section 3-616, may, without the payment of any
21 registration fee, make application to the Secretary for a
22 special registration plate or digital registration plate
23 without the international symbol of access for the
24 registration of one motor vehicle of the first division, one
25 motorcycle, or one motor vehicle of the second division
26 weighing not more than 8,000 pounds.

1 (c) Renewal of such registration must be accompanied with
2 documentation for eligibility of registration without fee
3 unless the applicant has a permanent qualifying disability,
4 and such registration plates or digital registration plates
5 may not be issued to any person not eligible therefor. The
6 Illinois Department of Veterans' Affairs may assist in
7 providing the documentation of disability.

8 (d) The design and color of the plates shall be within the
9 discretion of the Secretary, except that the plates issued
10 under subsection (b) of this Section shall not contain the
11 international symbol of access. The Secretary may, in his or
12 her discretion, allow the plates to be issued as vanity or
13 personalized plates in accordance with Section 3-405.1 of this
14 Code. Registration shall be for a multi-year period and may be
15 issued staggered registration.

16 (e) Any person eligible to receive license plates under
17 this Section who has been approved for benefits under the
18 Senior Citizens and Persons with Disabilities Property Tax
19 Relief Act, or who has claimed and received a grant under that
20 Act, shall pay a fee of \$24 instead of the fee otherwise
21 provided in this Code for passenger cars displaying standard
22 multi-year registration plates or digital registration plates
23 issued under Section 3-414.1, for motor vehicles registered at
24 8,000 pounds or less under Section 3-815(a), or for
25 recreational vehicles registered at 8,000 pounds or less under
26 Section 3-815(b), for a second set of plates under this

1 Section.

2 (Source: P.A. 100-513, eff. 1-1-18; 101-395, eff. 8-16-19;
3 101-536, eff. 1-1-20; revised 9-24-19.)

4 (625 ILCS 5/3-699.14)

5 Sec. 3-699.14. Universal special license plates.

6 (a) In addition to any other special license plate, the
7 Secretary, upon receipt of all applicable fees and
8 applications made in the form prescribed by the Secretary, may
9 issue Universal special license plates to residents of
10 Illinois on behalf of organizations that have been authorized
11 by the General Assembly to issue decals for Universal special
12 license plates. Appropriate documentation, as determined by
13 the Secretary, shall accompany each application. Authorized
14 organizations shall be designated by amendment to this
15 Section. When applying for a Universal special license plate
16 the applicant shall inform the Secretary of the name of the
17 authorized organization from which the applicant will obtain a
18 decal to place on the plate. The Secretary shall make a record
19 of that organization and that organization shall remain
20 affiliated with that plate until the plate is surrendered,
21 revoked, or otherwise cancelled. The authorized organization
22 may charge a fee to offset the cost of producing and
23 distributing the decal, but that fee shall be retained by the
24 authorized organization and shall be separate and distinct
25 from any registration fees charged by the Secretary. No decal,

1 sticker, or other material may be affixed to a Universal
2 special license plate other than a decal authorized by the
3 General Assembly in this Section or a registration renewal
4 sticker. The special plates issued under this Section shall be
5 affixed only to passenger vehicles of the first division,
6 including motorcycles and autocycles, or motor vehicles of the
7 second division weighing not more than 8,000 pounds. Plates
8 issued under this Section shall expire according to the
9 multi-year procedure under Section 3-414.1 of this Code.

10 (b) The design, color, and format of the Universal special
11 license plate shall be wholly within the discretion of the
12 Secretary. Universal special license plates are not required
13 to designate "Land of Lincoln", as prescribed in subsection
14 (b) of Section 3-412 of this Code. The design shall allow for
15 the application of a decal to the plate. Organizations
16 authorized by the General Assembly to issue decals for
17 Universal special license plates shall comply with rules
18 adopted by the Secretary governing the requirements for and
19 approval of Universal special license plate decals. The
20 Secretary may, in his or her discretion, allow Universal
21 special license plates to be issued as vanity or personalized
22 plates in accordance with Section 3-405.1 of this Code. The
23 Secretary of State must make a version of the special
24 registration plates authorized under this Section in a form
25 appropriate for motorcycles and autocycles.

26 (c) When authorizing a Universal special license plate,

1 the General Assembly shall set forth whether an additional fee
2 is to be charged for the plate and, if a fee is to be charged,
3 the amount of the fee and how the fee is to be distributed.
4 When necessary, the authorizing language shall create a
5 special fund in the State treasury into which fees may be
6 deposited for an authorized Universal special license plate.
7 Additional fees may only be charged if the fee is to be paid
8 over to a State agency or to a charitable entity that is in
9 compliance with the registration and reporting requirements of
10 the Charitable Trust Act and the Solicitation for Charity Act.
11 Any charitable entity receiving fees for the sale of Universal
12 special license plates shall annually provide the Secretary of
13 State a letter of compliance issued by the Attorney General
14 verifying that the entity is in compliance with the Charitable
15 Trust Act and the Solicitation for Charity Act.

16 (d) Upon original issuance and for each registration
17 renewal period, in addition to the appropriate registration
18 fee, if applicable, the Secretary shall collect any additional
19 fees, if required, for issuance of Universal special license
20 plates. The fees shall be collected on behalf of the
21 organization designated by the applicant when applying for the
22 plate. All fees collected shall be transferred to the State
23 agency on whose behalf the fees were collected, or paid into
24 the special fund designated in the law authorizing the
25 organization to issue decals for Universal special license
26 plates. All money in the designated fund shall be distributed

1 by the Secretary subject to appropriation by the General
2 Assembly.

3 (e) The following organizations may issue decals for
4 Universal special license plates with the original and renewal
5 fees and fee distribution as follows:

6 (1) The Illinois Department of Natural Resources.

7 (A) Original issuance: \$25; with \$10 to the
8 Roadside Monarch Habitat Fund and \$15 to the Secretary
9 of State Special License Plate Fund.

10 (B) Renewal: \$25; with \$23 to the Roadside Monarch
11 Habitat Fund and \$2 to the Secretary of State Special
12 License Plate Fund.

13 (2) Illinois Veterans' Homes.

14 (A) Original issuance: \$26, which shall be
15 deposited into the Illinois Veterans' Homes Fund.

16 (B) Renewal: \$26, which shall be deposited into
17 the Illinois Veterans' Homes Fund.

18 (3) The Illinois Department of Human Services for
19 volunteerism decals.

20 (A) Original issuance: \$25, which shall be
21 deposited into the Secretary of State Special License
22 Plate Fund.

23 (B) Renewal: \$25, which shall be deposited into
24 the Secretary of State Special License Plate Fund.

25 (4) The Illinois Department of Public Health.

26 (A) Original issuance: \$25; with \$10 to the

1 Prostate Cancer Awareness Fund and \$15 to the
2 Secretary of State Special License Plate Fund.

3 (B) Renewal: \$25; with \$23 to the Prostate Cancer
4 Awareness Fund and \$2 to the Secretary of State
5 Special License Plate Fund.

6 (5) Horsemen's Council of Illinois.

7 (A) Original issuance: \$25; with \$10 to the
8 Horsemen's Council of Illinois Fund and \$15 to the
9 Secretary of State Special License Plate Fund.

10 (B) Renewal: \$25; with \$23 to the Horsemen's
11 Council of Illinois Fund and \$2 to the Secretary of
12 State Special License Plate Fund.

13 (6) K9s for Veterans, NFP.

14 (A) Original issuance: \$25; with \$10 to the
15 Post-Traumatic Stress Disorder Awareness Fund and \$15
16 to the Secretary of State Special License Plate Fund.

17 (B) Renewal: \$25; with \$23 to the Post-Traumatic
18 Stress Disorder Awareness Fund and \$2 to the Secretary
19 of State Special License Plate Fund.

20 (7) ~~(6)~~ The International Association of Machinists
21 and Aerospace Workers.

22 (A) Original issuance: \$35; with \$20 to the Guide
23 Dogs of America Fund and \$15 to the Secretary of State
24 Special License Plate Fund.

25 (B) Renewal: \$25; with \$23 going to the Guide Dogs
26 of America Fund and \$2 to the Secretary of State

1 Special License Plate Fund.

2 (8) ~~(7)~~ Local Lodge 701 of the International
3 Association of Machinists and Aerospace Workers.

4 (A) Original issuance: \$35; with \$10 to the Guide
5 Dogs of America Fund, \$10 to the Mechanics Training
6 Fund, and \$15 to the Secretary of State Special
7 License Plate Fund.

8 (B) Renewal: \$30; with \$13 to the Guide Dogs of
9 America Fund, \$15 to the Mechanics Training Fund, and
10 \$2 to the Secretary of State Special License Plate
11 Fund.

12 (9) ~~(6)~~ Illinois Department of Human Services.

13 (A) Original issuance: \$25; with \$10 to the
14 Theresa Tracy Trot - Illinois CancerCare Foundation
15 Fund and \$15 to the Secretary of State Special License
16 Plate Fund.

17 (B) Renewal: \$25; with \$23 to the Theresa Tracy
18 Trot - Illinois CancerCare Foundation Fund and \$2 to
19 the Secretary of State Special License Plate Fund.

20 (10) ~~(6)~~ The Illinois Department of Human Services for
21 developmental disabilities awareness decals.

22 (A) Original issuance: \$25; with \$10 to the
23 Developmental Disabilities Awareness Fund and \$15 to
24 the Secretary of State Special License Plate Fund.

25 (B) Renewal: \$25; with \$23 to the Developmental
26 Disabilities Awareness Fund and \$2 to the Secretary of

1 State Special License Plate Fund.

2 (11) ~~(6)~~ The Illinois Department of Human Services for
3 pediatric cancer awareness decals.

4 (A) Original issuance: \$25; with \$10 to the
5 Pediatric Cancer Awareness Fund and \$15 to the
6 Secretary of State Special License Plate Fund.

7 (B) Renewal: \$25; with \$23 to the Pediatric Cancer
8 Awareness Fund and \$2 to the Secretary of State
9 Special License Plate Fund.

10 (f) The following funds are created as special funds in
11 the State treasury:

12 (1) The Roadside Monarch Habitat Fund. All moneys to
13 be paid as grants to the Illinois Department of Natural
14 Resources to fund roadside monarch and other pollinator
15 habitat development, enhancement, and restoration projects
16 in this State.

17 (2) The Prostate Cancer Awareness Fund. All moneys to
18 be paid as grants to the Prostate Cancer Foundation of
19 Chicago.

20 (3) The Horsemen's Council of Illinois Fund. All
21 moneys shall be paid as grants to the Horsemen's Council
22 of Illinois.

23 (4) The Post-Traumatic Stress Disorder Awareness Fund.
24 All money in the Post-Traumatic Stress Disorder Awareness
25 Fund shall be paid as grants to K9s for Veterans, NFP for
26 support, education, and awareness of veterans with

1 post-traumatic stress disorder.

2 (5) ~~(4)~~ The Guide Dogs of America Fund. All moneys
3 shall be paid as grants to the International Guiding Eyes,
4 Inc., doing business as Guide Dogs of America.

5 (6) ~~(5)~~ The Mechanics Training Fund. All moneys shall
6 be paid as grants to the Mechanics Local 701 Training
7 Fund.

8 (7) ~~(4)~~ The Theresa Tracy Trot - Illinois CancerCare
9 Foundation Fund. All money in the Theresa Tracy Trot -
10 Illinois CancerCare Foundation Fund shall be paid to the
11 Illinois CancerCare Foundation for the purpose of
12 furthering pancreatic cancer research.

13 (8) ~~(4)~~ The Developmental Disabilities Awareness Fund.
14 All moneys to be paid as grants to the Illinois Department
15 of Human Services to fund legal aid groups to assist with
16 guardianship fees for private citizens willing to become
17 guardians for individuals with developmental disabilities
18 but who are unable to pay the legal fees associated with
19 becoming a guardian.

20 (9) ~~(4)~~ The Pediatric Cancer Awareness Fund. All
21 moneys to be paid as grants to the Cancer Center at
22 Illinois for pediatric cancer treatment and research.

23 (Source: P.A. 100-57, eff. 1-1-18; 100-60, eff. 1-1-18;
24 100-78, eff. 1-1-18; 100-201, eff. 8-18-17; 100-863, eff.
25 8-14-18; 101-248, eff. 1-1-20; 101-256, eff. 1-1-20; 101-276,
26 eff. 8-9-19; 101-282, eff. 1-1-20; 101-372, eff. 1-1-20;

1 revised 9-24-19.)

2 (625 ILCS 5/3-699.17)

3 Sec. 3-699.17. Global War on Terrorism license plates.

4 (a) In addition to any other special license plate, the
5 Secretary, upon receipt of all applicable fees and
6 applications made in the form prescribed by the Secretary, may
7 issue Global War on Terrorism license plates to residents of
8 this State who have earned the Global War on Terrorism
9 Expeditionary Medal from the United States Armed Forces. The
10 special Global War on Terrorism plates issued under this
11 Section shall be affixed only to passenger vehicles of the
12 first division, including motorcycles, or motor vehicles of
13 the second division weighing not more than 8,000 pounds.
14 Plates issued under this Section shall expire according to the
15 multi-year procedure under Section 3-414.1 of this Code.

16 (b) The design, color, and format of the Global War on
17 Terrorism license plate shall be wholly within the discretion
18 of the Secretary. The Secretary may, in his or her discretion,
19 allow the Global War on Terrorism license plates to be issued
20 as vanity or personalized plates in accordance with Section
21 3-405.1 of this Code. Global War on Terrorism license plates
22 are not required to designate "Land of Lincoln", as prescribed
23 in subsection (b) of Section 3-412 of this Code. The Secretary
24 shall, in his or her discretion, approve and prescribe
25 stickers or decals as provided under Section 3-412.

1 (Source: P.A. 101-51, eff. 7-12-19.)

2 (625 ILCS 5/3-699.18)

3 Sec. 3-699.18 ~~3-699.17~~. Cold War license plates.

4 (a) In addition to any other special license plate, the
5 Secretary, upon receipt of all applicable fees and
6 applications made in the form prescribed by the Secretary of
7 State, may issue Cold War license plates to residents of
8 Illinois who served in the United States Armed Forces between
9 August 15, 1945 and January 1, 1992. The special Cold War
10 plates issued under this Section shall be affixed only to
11 passenger vehicles of the first division, motorcycles, and
12 motor vehicles of the second division weighing not more than
13 8,000 pounds. Plates issued under this Section shall expire
14 according to the staggered multi-year procedure established by
15 Section 3-414.1 of this Code.

16 (b) The design, color, and format of the plates shall be
17 wholly within the discretion of the Secretary of State. The
18 Secretary may, in his or her discretion, allow the plates to be
19 issued as vanity plates or personalized in accordance with
20 Section 3-405.1 of this Code. The plates are not required to
21 designate "Land of Lincoln", as prescribed in subsection (b)
22 of Section 3-412 of this Code. The Secretary shall, in his or
23 her discretion, approve and prescribe stickers or decals as
24 provided under Section 3-412.

25 (Source: P.A. 101-245, eff. 1-1-20; revised 10-23-19.)

1 (625 ILCS 5/3-699.21)

2 Sec. 3-699.21 ~~3-699.17~~. United Nations Protection Force
3 license plates.

4 (a) In addition to any other special license plate, the
5 Secretary, upon receipt of all applicable fees and
6 applications made in the form prescribed by the Secretary of
7 State, may issue United Nations Protection Force license
8 plates to residents of this State who served in the United
9 Nations Protection Force in Yugoslavia. The special United
10 Nations Protection Force plate issued under this Section shall
11 be affixed only to passenger vehicles of the first division
12 and motor vehicles of the second division weighing not more
13 than 8,000 pounds. Plates issued under this Section shall
14 expire according to the staggered multi-year procedure
15 established by Section 3-414.1 of this Code.

16 (b) The design, color, and format of the plates shall be
17 wholly within the discretion of the Secretary of State. The
18 Secretary may, in his or her discretion, allow the plates to be
19 issued as vanity plates or personalized in accordance with
20 Section 3-405.1 of this Code. The plates are not required to
21 designate "Land of Lincoln", as prescribed in subsection (b)
22 of Section 3-412 of this Code. The Secretary shall approve and
23 prescribe stickers or decals as provided under Section 3-412.

24 (c) An applicant shall be charged a \$15 fee for original
25 issuance in addition to the applicable registration fee. This

1 additional fee shall be deposited into the Secretary of State
2 Special License Plate Fund. For each registration renewal
3 period, a \$2 fee, in addition to the appropriate registration
4 fee, shall be charged and shall be deposited into the
5 Secretary of State Special License Plate Fund.

6 (Source: P.A. 101-247, eff. 1-1-20; revised 10-23-19.)

7 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

8 Sec. 3-704. Authority of Secretary of State to suspend or
9 revoke a registration or certificate of title; authority to
10 suspend or revoke the registration of a vehicle.

11 (a) The Secretary of State may suspend or revoke the
12 registration of a vehicle or a certificate of title,
13 registration card, registration sticker or digital
14 registration sticker, registration plate or digital
15 registration plate, disability parking decal or device, or any
16 nonresident or other permit in any of the following events:

17 1. When the Secretary of State is satisfied that such
18 registration or that such certificate, card, plate or
19 digital plate, registration sticker or digital
20 registration sticker, or permit was fraudulently or
21 erroneously issued;

22 2. When a registered vehicle has been dismantled or
23 wrecked or is not properly equipped;

24 3. When the Secretary of State determines that any
25 required fees have not been paid to the Secretary of

1 State, to the Illinois Commerce Commission, or to the
2 Illinois Department of Revenue under the Motor Fuel Tax
3 Law, and the same are not paid upon reasonable notice and
4 demand;

5 4. When a registration card, registration plate or
6 digital registration plate, registration sticker or
7 digital registration sticker, or permit is knowingly
8 displayed upon a vehicle other than the one for which
9 issued;

10 5. When the Secretary of State determines that the
11 owner has committed any offense under this Chapter
12 involving the registration or the certificate, card, plate
13 or digital plate, registration sticker or digital
14 registration sticker, or permit to be suspended or
15 revoked;

16 6. When the Secretary of State determines that a
17 vehicle registered not-for-hire is used or operated
18 for-hire unlawfully, or used or operated for purposes
19 other than those authorized;

20 7. When the Secretary of State determines that an
21 owner of a for-hire motor vehicle has failed to give proof
22 of financial responsibility as required by this Act;

23 8. When the Secretary determines that the vehicle is
24 not subject to or eligible for a registration;

25 9. When the Secretary determines that the owner of a
26 vehicle registered under the mileage weight tax option

1 fails to maintain the records specified by law, or fails
2 to file the reports required by law, or that such vehicle
3 is not equipped with an operable and operating speedometer
4 or odometer;

5 10. When the Secretary of State is so authorized under
6 any other provision of law;

7 11. When the Secretary of State determines that the
8 holder of a disability parking decal or device has
9 committed any offense under Chapter 11 of this Code
10 involving the use of a disability parking decal or device.

11 (a-5) The Secretary of State may revoke a certificate of
12 title and registration card and issue a corrected certificate
13 of title and registration card, at no fee to the vehicle owner
14 or lienholder, if there is proof that the vehicle
15 identification number is erroneously shown on the original
16 certificate of title.

17 (b) The Secretary of State may suspend or revoke the
18 registration of a vehicle as follows:

19 1. When the Secretary of State determines that the
20 owner of a vehicle has not paid a civil penalty or a
21 settlement agreement arising from the violation of rules
22 adopted under the Illinois Motor Carrier Safety Law or the
23 Illinois Hazardous Materials Transportation Act or that a
24 vehicle, regardless of ownership, was the subject of
25 violations of these rules that resulted in a civil penalty
26 or settlement agreement which remains unpaid.

1 2. When the Secretary of State determines that a
2 vehicle registered for a gross weight of more than 16,000
3 pounds within an affected area is not in compliance with
4 the provisions of Section 13-109.1 of this ~~the Illinois~~
5 ~~Vehicle~~ Code.

6 3. When the Secretary of State is notified by the
7 United States Department of Transportation that a vehicle
8 is in violation of the Federal Motor Carrier Safety
9 Regulations, as they are now or hereafter amended, and is
10 prohibited from operating.

11 (c) The Secretary of State may suspend the registration of
12 a vehicle when a court finds that the vehicle was used in a
13 violation of Section 24-3A of the Criminal Code of 1961 or the
14 Criminal Code of 2012 relating to gunrunning. A suspension of
15 registration under this subsection (c) may be for a period of
16 up to 90 days.

17 (d) The Secretary shall deny, suspend, or revoke
18 registration if the applicant fails to disclose material
19 information required, if the applicant has made a materially
20 false statement on the application, if the applicant has
21 applied as a subterfuge for the real party in interest who has
22 been issued a federal out-of-service order, or if the
23 applicant's business is operated by, managed by, or otherwise
24 controlled by or affiliated with a person who is ineligible
25 for registration, including the applicant entity, a relative,
26 family member, corporate officer, or shareholder. The

1 Secretary shall deny, suspend, or revoke registration for
2 either (i) a vehicle if the motor carrier responsible for the
3 safety of the vehicle has been prohibited from operating by
4 the Federal Motor Carrier Safety Administration; or (ii) a
5 carrier whose business is operated by, managed by, or
6 otherwise controlled by or affiliated with a person who is
7 ineligible for registration, which may include the owner, a
8 relative, family member, corporate officer, or shareholder of
9 the carrier.

10 (Source: P.A. 101-185, eff. 1-1-20; 101-395, eff. 8-16-19;
11 revised 9-24-19.)

12 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

13 Sec. 3-802. Reclassifications and upgrades.

14 (a) Definitions. For the purposes of this Section, the
15 following words shall have the meanings ascribed to them as
16 follows:

17 "Reclassification" means changing the registration of
18 a vehicle from one plate category to another.

19 "Upgrade" means increasing the registered weight of a
20 vehicle within the same plate category.

21 (b) When reclassing the registration of a vehicle from one
22 plate category to another, the owner shall receive credit for
23 the unused portion of the present plate and be charged the
24 current portion fees for the new plate. In addition, the
25 appropriate replacement plate and replacement sticker fees

1 shall be assessed.

2 (b-5) Beginning with the 2019 registration year, any
3 individual who has a registration issued under either Section
4 3-405 or 3-405.1 that qualifies for a special license plate
5 under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623,
6 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
7 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680,
8 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, or
9 3-699.17 may reclass his or her registration upon acquiring a
10 special license plate listed in this subsection (b-5) without
11 a replacement plate or digital plate fee or registration
12 sticker or digital registration sticker cost.

13 (b-10) Beginning with the 2019 registration year, any
14 individual who has a special license plate issued under
15 Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624,
16 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651,
17 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681,
18 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, or 3-699.17 may
19 reclass his or her special license plate upon acquiring a new
20 registration under Section 3-405 or 3-405.1 without a
21 replacement plate or digital plate fee or registration sticker
22 or digital registration sticker cost.

23 (c) When upgrading the weight of a registration within the
24 same plate category, the owner shall pay the difference in
25 current period fees between the 2 ~~two~~ plates. In addition, the
26 appropriate replacement plate and replacement sticker fees

1 shall be assessed. In the event new plates are not required,
2 the corrected registration card fee shall be assessed.

3 (d) In the event the owner of the vehicle desires to change
4 the registered weight and change the plate category, the owner
5 shall receive credit for the unused portion of the
6 registration fee of the current plate and pay the current
7 portion of the registration fee for the new plate, and in
8 addition, pay the appropriate replacement plate and
9 replacement sticker fees.

10 (e) Reclassing from one plate category to another plate
11 category can be done only once within any registration period.

12 (f) No refunds shall be made in any of the circumstances
13 found in subsection (b), subsection (c), or subsection (d);
14 however, when reclassing from a flat weight plate to an
15 apportioned plate, a refund may be issued if the credit
16 amounts to an overpayment.

17 (g) In the event the registration of a vehicle registered
18 under the mileage tax option is revoked, the owner shall be
19 required to pay the annual registration fee in the new plate
20 category and shall not receive any credit for the mileage
21 plate fees.

22 (h) Certain special interest plates may be displayed on
23 first division vehicles, second division vehicles weighing
24 8,000 pounds or less, and recreational vehicles. Those plates
25 can be transferred within those vehicle groups.

26 (i) Plates displayed on second division vehicles weighing

1 8,000 pounds or less and passenger vehicle plates may be
2 reclassified from one division to the other.

3 (j) Other than in subsection (i), reclassing from one
4 division to the other division is prohibited. In addition, a
5 reclass from a motor vehicle to a trailer or a trailer to a
6 motor vehicle is prohibited.

7 (Source: P.A. 100-246, eff. 1-1-18; 100-450, eff. 1-1-18;
8 100-863, eff. 8-14-18; 101-51, eff. 7-12-19; 101-395, eff.
9 8-16-19; revised 9-24-19.)

10 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

11 Sec. 3-806.3. Senior citizens. Commencing with the 2009
12 registration year, the registration fee paid by any vehicle
13 owner who has been approved for benefits under the Senior
14 Citizens and Persons with Disabilities Property Tax Relief Act
15 or who is the spouse of such a person shall be \$24 instead of
16 the fee otherwise provided in this Code for passenger cars
17 displaying standard multi-year registration plates or digital
18 registration plates issued under Section 3-414.1, motor
19 vehicles displaying special registration plates or digital
20 registration plates issued under Section 3-609, 3-616, 3-621,
21 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
22 3-647, 3-650, 3-651, 3-663, or 3-699.17, motor vehicles
23 registered at 8,000 pounds or less under Section 3-815(a), and
24 recreational vehicles registered at 8,000 pounds or less under
25 Section 3-815(b). Widows and widowers of claimants shall also

1 be entitled to this reduced registration fee for the
2 registration year in which the claimant was eligible.

3 Commencing with the 2009 registration year, the
4 registration fee paid by any vehicle owner who has claimed and
5 received a grant under the Senior Citizens and Persons with
6 Disabilities Property Tax Relief Act or who is the spouse of
7 such a person shall be \$24 instead of the fee otherwise
8 provided in this Code for passenger cars displaying standard
9 multi-year registration plates or digital registration plates
10 issued under Section 3-414.1, motor vehicles displaying
11 special registration plates or digital registration plates
12 issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623,
13 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
14 3-651, 3-663, 3-664, or 3-699.17, motor vehicles registered at
15 8,000 pounds or less under Section 3-815(a), and recreational
16 vehicles registered at 8,000 pounds or less under Section
17 3-815(b). Widows and widowers of claimants shall also be
18 entitled to this reduced registration fee for the registration
19 year in which the claimant was eligible.

20 Commencing with the 2017 registration year, the reduced
21 fee under this Section shall apply to any special registration
22 plate or digital registration plate authorized in Article VI
23 of Chapter 3 of this Code for which the applicant would
24 otherwise be eligible.

25 Surcharges for vehicle registrations under Section 3-806
26 of this Code shall not be collected from any vehicle owner who

1 has been approved for benefits under the Senior Citizens and
2 Disabled Persons Property Tax Relief Act or a person who is the
3 spouse of such a person.

4 No more than one reduced registration fee under this
5 Section shall be allowed during any 12-month period based on
6 the primary eligibility of any individual, whether such
7 reduced registration fee is allowed to the individual or to
8 the spouse, widow or widower of such individual. This Section
9 does not apply to the fee paid in addition to the registration
10 fee for motor vehicles displaying vanity, personalized, or
11 special license plates.

12 (Source: P.A. 101-51, eff. 7-12-19; 101-395, eff. 8-16-19;
13 revised 9-24-19.)

14 (625 ILCS 5/4-104) (from Ch. 95 1/2, par. 4-104)

15 Sec. 4-104. Offenses relating to possession of titles and
16 registration.

17 (a) It is a violation of this Chapter for:

18 1. A person to possess without authority any
19 manufacturer's ~~manufacturers~~ statement of origin,
20 certificate of title, salvage certificate, junking
21 certificate, display certificate of title, registration
22 card, license plate or digital license plate, registration
23 sticker or digital registration sticker, or temporary
24 registration permit, whether blank or otherwise;

25 2. A person to possess any manufacturer's

1 ~~manufacturers~~ certificate of origin, salvage certificate,
2 junking certificate, certificate of title, or display
3 certificate without complete assignment;

4 3. A person to possess any manufacturer's
5 ~~manufacturers~~ statement of origin, salvage certificate,
6 junking certificate, display certificate or certificate of
7 title, temporary registration permit, registration card,
8 license plate or digital license plate, or registration
9 sticker or digital registration sticker knowing it to have
10 been stolen, converted, altered, forged, or counterfeited;

11 4. A person to display or affix to a vehicle any
12 certificate of title, manufacturer's ~~manufacturers~~
13 statement of origin, salvage certificate, junking
14 certificate, display certificate, temporary registration
15 permit, registration card, license plate or digital
16 license plate, or registration sticker or digital
17 registration sticker not authorized by law for use on such
18 vehicle;

19 5. A person to permit another, not entitled thereto,
20 to use or have possession of any manufacturer's
21 ~~manufacturers~~ statement of origin, salvage certificate,
22 junking certificate, display certificate or certificate of
23 title, registration card, license plate or digital license
24 plate, temporary registration permit, or registration
25 sticker or digital registration sticker;

26 6. A person to fail to mail or deliver to the proper

1 person, within a reasonable period of time after receipt
2 from the Secretary of State, any certificate of title,
3 salvage certificate, junking certificate, display
4 certificate, registration card, temporary registration
5 permit, license plate or digital license plate, or
6 registration sticker or digital registration sticker. If a
7 person mails or delivers reasonable notice to the proper
8 person after receipt from the Secretary of State, a
9 presumption of delivery within a reasonable period of time
10 shall exist; provided, however, the delivery is made,
11 either by mail or otherwise, within 20 days from the date
12 of receipt from the Secretary of State.

13 (b) Sentence:

14 1. A person convicted of a violation of subsection 1
15 or 2 of paragraph (a) of this Section is guilty of a Class
16 4 felony.

17 2. A person convicted of a violation of subsection 3
18 of paragraph (a) of this Section is guilty of a Class 2
19 felony.

20 3. A person convicted of a violation of either
21 subsection 4 or 5 of paragraph (a) of this Section is
22 guilty of a Class A misdemeanor and upon a second or
23 subsequent conviction of such a violation is guilty of a
24 Class 4 felony.

25 4. A person convicted of a violation of subsection 6
26 of paragraph (a) of this Section is guilty of a petty

1 offense.

2 (Source: P.A. 101-395, eff. 8-16-19; revised 8-18-20.)

3 (625 ILCS 5/4-105) (from Ch. 95 1/2, par. 4-105)

4 Sec. 4-105. Offenses relating to disposition of titles and
5 registration.

6 (a) It is a violation of this Chapter for:

7 1. a person to alter, forge, or counterfeit any
8 manufacturer's ~~manufacturers~~ statement of origin,
9 certificate of title, salvage certificate, junking
10 certificate, display certificate, registration sticker or
11 digital registration sticker, registration card, or
12 temporary registration permit;

13 2. a person to alter, forge, or counterfeit an
14 assignment of any manufacturer's ~~manufacturers~~ statement
15 of origin, certificate of title, salvage certificate or
16 junking certificate;

17 3. a person to alter, forge, or counterfeit a release
18 of a security interest on any manufacturer's ~~manufacturers~~
19 statement of origin, certificate of title, salvage
20 certificate or junking certificate;

21 4. a person to alter, forge, or counterfeit an
22 application for any certificate of title, salvage
23 certificate, junking certificate, display certificate,
24 registration sticker or digital registration sticker,
25 registration card, temporary registration permit or

1 license plate;

2 5. a person to use a false or fictitious name or
3 address or altered, forged, counterfeited or stolen
4 manufacturer's identification number, or make a material
5 false statement, or fail to disclose a security interest,
6 or conceal any other material fact on any application for
7 any manufacturer's ~~manufacturers~~ statement of origin,
8 certificate of title, junking certificate, salvage
9 certificate, registration card, license plate or digital
10 license plate, temporary registration permit, or
11 registration sticker or digital registration sticker, or
12 commit a fraud in connection with any application under
13 this Act;

14 6. an unauthorized person to have in his possession a
15 blank Illinois certificate of title paper;

16 7. a person to surrender or cause to be surrendered
17 any certificate of title, salvage or junking certificate
18 in exchange for a certificate of title or other title
19 document from any other state or foreign jurisdiction for
20 the purpose of changing or deleting an "S.V." or "REBUILT"
21 notation, odometer reading, or any other information
22 contained on such Illinois certificate.

23 (b) Sentence ~~÷~~ A person convicted of a violation of this
24 Section shall be guilty of a Class 2 felony.

25 (Source: P.A. 101-395, eff. 8-16-19; revised 8-18-20.)

1 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

2 Sec. 6-106. Application for license or instruction permit.

3 (a) Every application for any permit or license authorized
4 to be issued under this Code shall be made upon a form
5 furnished by the Secretary of State. Every application shall
6 be accompanied by the proper fee and payment of such fee shall
7 entitle the applicant to not more than 3 attempts to pass the
8 examination within a period of one year after the date of
9 application.

10 (b) Every application shall state the legal name, social
11 security number, zip code, date of birth, sex, and residence
12 address of the applicant; briefly describe the applicant;
13 state whether the applicant has theretofore been licensed as a
14 driver, and, if so, when and by what state or country, and
15 whether any such license has ever been cancelled, suspended,
16 revoked or refused, and, if so, the date and reason for such
17 cancellation, suspension, revocation or refusal; shall include
18 an affirmation by the applicant that all information set forth
19 is true and correct; and shall bear the applicant's signature.
20 In addition to the residence address, the Secretary may allow
21 the applicant to provide a mailing address. In the case of an
22 applicant who is a judicial officer or peace officer, the
23 Secretary may allow the applicant to provide an office or work
24 address in lieu of a residence or mailing address. The
25 application form may also require the statement of such
26 additional relevant information as the Secretary of State

1 shall deem necessary to determine the applicant's competency
2 and eligibility. The Secretary of State may, in his
3 discretion, by rule or regulation, provide that an application
4 for a drivers license or permit may include a suitable
5 photograph of the applicant in the form prescribed by the
6 Secretary, and he may further provide that each drivers
7 license shall include a photograph of the driver. The
8 Secretary of State may utilize a photograph process or system
9 most suitable to deter alteration or improper reproduction of
10 a drivers license and to prevent substitution of another photo
11 thereon. For the purposes of this subsection (b), "peace
12 officer" means any person who by virtue of his or her office or
13 public employment is vested by law with a duty to maintain
14 public order or to make arrests for a violation of any penal
15 statute of this State, whether that duty extends to all
16 violations or is limited to specific violations.

17 (b-3) Upon the first issuance of a request for proposals
18 for a digital driver's license and identification card
19 issuance and facial recognition system issued after January 1,
20 2020 (the effective date of Public Act 101-513) ~~this~~
21 ~~amendatory Act of the 101st General Assembly~~, and upon
22 implementation of a new or revised system procured pursuant to
23 that request for proposals, the Secretary shall permit
24 applicants to choose between "male", "female" or "non-binary"
25 when designating the applicant's sex on the driver's license
26 application form. The sex designated by the applicant shall be

1 displayed on the driver's license issued to the applicant.

2 (b-5) Every applicant for a REAL ID compliant driver's
3 license or permit shall provide proof of lawful status in the
4 United States as defined in 6 CFR 37.3, as amended. Applicants
5 who are unable to provide the Secretary with proof of lawful
6 status may apply for a driver's license or permit under
7 Section 6-105.1 of this Code.

8 (c) The application form shall include a notice to the
9 applicant of the registration obligations of sex offenders
10 under the Sex Offender Registration Act. The notice shall be
11 provided in a form and manner prescribed by the Secretary of
12 State. For purposes of this subsection (c), "sex offender" has
13 the meaning ascribed to it in Section 2 of the Sex Offender
14 Registration Act.

15 (d) Any male United States citizen or immigrant who
16 applies for any permit or license authorized to be issued
17 under this Code or for a renewal of any permit or license, and
18 who is at least 18 years of age but less than 26 years of age,
19 must be registered in compliance with the requirements of the
20 federal Military Selective Service Act. The Secretary of State
21 must forward in an electronic format the necessary personal
22 information regarding the applicants identified in this
23 subsection (d) to the Selective Service System. The
24 applicant's signature on the application serves as an
25 indication that the applicant either has already registered
26 with the Selective Service System or that he is authorizing

1 the Secretary to forward to the Selective Service System the
2 necessary information for registration. The Secretary must
3 notify the applicant at the time of application that his
4 signature constitutes consent to registration with the
5 Selective Service System, if he is not already registered.

6 (e) Beginning on or before July 1, 2015, for each original
7 or renewal driver's license application under this Code, the
8 Secretary shall inquire as to whether the applicant is a
9 veteran for purposes of issuing a driver's license with a
10 veteran designation under subsection (e-5) of Section 6-110 of
11 this Code. The acceptable forms of proof shall include, but
12 are not limited to, Department of Defense form DD-214,
13 Department of Defense form DD-256 for applicants who did not
14 receive a form DD-214 upon the completion of initial basic
15 training, Department of Defense form DD-2 (Retired), an
16 identification card issued under the federal Veterans
17 Identification Card Act of 2015, or a United States Department
18 of Veterans Affairs summary of benefits letter. If the
19 document cannot be stamped, the Illinois Department of
20 Veterans' Affairs shall provide a certificate to the veteran
21 to provide to the Secretary of State. The Illinois Department
22 of Veterans' Affairs shall advise the Secretary as to what
23 other forms of proof of a person's status as a veteran are
24 acceptable.

25 For each applicant who is issued a driver's license with a
26 veteran designation, the Secretary shall provide the

1 Department of Veterans' Affairs with the applicant's name,
2 address, date of birth, gender and such other demographic
3 information as agreed to by the Secretary and the Department.
4 The Department may take steps necessary to confirm the
5 applicant is a veteran. If after due diligence, including
6 writing to the applicant at the address provided by the
7 Secretary, the Department is unable to verify the applicant's
8 veteran status, the Department shall inform the Secretary, who
9 shall notify the applicant that ~~the~~ he or she must confirm
10 status as a veteran, or the driver's license will be
11 cancelled.

12 For purposes of this subsection (e):

13 "Armed forces" means any of the Armed Forces of the United
14 States, including a member of any reserve component or
15 National Guard unit.

16 "Veteran" means a person who has served in the armed
17 forces and was discharged or separated under honorable
18 conditions.

19 (Source: P.A. 100-201, eff. 8-18-17; 100-248, eff. 8-22-17;
20 100-811, eff. 1-1-19; 101-106, eff. 1-1-20; 101-287, eff.
21 8-9-19; 101-513, eff. 1-1-20; revised 8-24-20.)

22 (625 ILCS 5/6-206)

23 Sec. 6-206. Discretionary authority to suspend or revoke
24 license or permit; right to a hearing.

25 (a) The Secretary of State is authorized to suspend or

1 revoke the driving privileges of any person without
2 preliminary hearing upon a showing of the person's records or
3 other sufficient evidence that the person:

4 1. Has committed an offense for which mandatory
5 revocation of a driver's license or permit is required
6 upon conviction;

7 2. Has been convicted of not less than 3 offenses
8 against traffic regulations governing the movement of
9 vehicles committed within any 12-month ~~12-month~~ period. No
10 revocation or suspension shall be entered more than 6
11 months after the date of last conviction;

12 3. Has been repeatedly involved as a driver in motor
13 vehicle collisions or has been repeatedly convicted of
14 offenses against laws and ordinances regulating the
15 movement of traffic, to a degree that indicates lack of
16 ability to exercise ordinary and reasonable care in the
17 safe operation of a motor vehicle or disrespect for the
18 traffic laws and the safety of other persons upon the
19 highway;

20 4. Has by the unlawful operation of a motor vehicle
21 caused or contributed to an accident resulting in injury
22 requiring immediate professional treatment in a medical
23 facility or doctor's office to any person, except that any
24 suspension or revocation imposed by the Secretary of State
25 under the provisions of this subsection shall start no
26 later than 6 months after being convicted of violating a

1 law or ordinance regulating the movement of traffic, which
2 violation is related to the accident, or shall start not
3 more than one year after the date of the accident,
4 whichever date occurs later;

5 5. Has permitted an unlawful or fraudulent use of a
6 driver's license, identification card, or permit;

7 6. Has been lawfully convicted of an offense or
8 offenses in another state, including the authorization
9 contained in Section 6-203.1, which if committed within
10 this State would be grounds for suspension or revocation;

11 7. Has refused or failed to submit to an examination
12 provided for by Section 6-207 or has failed to pass the
13 examination;

14 8. Is ineligible for a driver's license or permit
15 under the provisions of Section 6-103;

16 9. Has made a false statement or knowingly concealed a
17 material fact or has used false information or
18 identification in any application for a license,
19 identification card, or permit;

20 10. Has possessed, displayed, or attempted to
21 fraudulently use any license, identification card, or
22 permit not issued to the person;

23 11. Has operated a motor vehicle upon a highway of
24 this State when the person's driving privilege or
25 privilege to obtain a driver's license or permit was
26 revoked or suspended unless the operation was authorized

1 by a monitoring device driving permit, judicial driving
2 permit issued prior to January 1, 2009, probationary
3 license to drive, or ~~a~~ restricted driving permit issued
4 under this Code;

5 12. Has submitted to any portion of the application
6 process for another person or has obtained the services of
7 another person to submit to any portion of the application
8 process for the purpose of obtaining a license,
9 identification card, or permit for some other person;

10 13. Has operated a motor vehicle upon a highway of
11 this State when the person's driver's license or permit
12 was invalid under the provisions of Sections 6-107.1 and
13 6-110;

14 14. Has committed a violation of Section 6-301,
15 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
16 14B of the Illinois Identification Card Act;

17 15. Has been convicted of violating Section 21-2 of
18 the Criminal Code of 1961 or the Criminal Code of 2012
19 relating to criminal trespass to vehicles if the person
20 exercised actual physical control over the vehicle during
21 the commission of the offense, in which case the
22 suspension shall be for one year;

23 16. Has been convicted of violating Section 11-204 of
24 this Code relating to fleeing from a peace officer;

25 17. Has refused to submit to a test, or tests, as
26 required under Section 11-501.1 of this Code and the

1 person has not sought a hearing as provided for in Section
2 11-501.1;

3 18. (Blank);

4 19. Has committed a violation of paragraph (a) or (b)
5 of Section 6-101 relating to driving without a driver's
6 license;

7 20. Has been convicted of violating Section 6-104
8 relating to classification of driver's license;

9 21. Has been convicted of violating Section 11-402 of
10 this Code relating to leaving the scene of an accident
11 resulting in damage to a vehicle in excess of \$1,000, in
12 which case the suspension shall be for one year;

13 22. Has used a motor vehicle in violating paragraph
14 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
15 the Criminal Code of 1961 or the Criminal Code of 2012
16 relating to unlawful use of weapons, in which case the
17 suspension shall be for one year;

18 23. Has, as a driver, been convicted of committing a
19 violation of paragraph (a) of Section 11-502 of this Code
20 for a second or subsequent time within one year of a
21 similar violation;

22 24. Has been convicted by a court-martial or punished
23 by non-judicial punishment by military authorities of the
24 United States at a military installation in Illinois or in
25 another state of or for a traffic-related ~~traffie-related~~
26 offense that is the same as or similar to an offense

1 specified under Section 6-205 or 6-206 of this Code;

2 25. Has permitted any form of identification to be
3 used by another in the application process in order to
4 obtain or attempt to obtain a license, identification
5 card, or permit;

6 26. Has altered or attempted to alter a license or has
7 possessed an altered license, identification card, or
8 permit;

9 27. (Blank);

10 28. Has been convicted for a first time of the illegal
11 possession, while operating or in actual physical control,
12 as a driver, of a motor vehicle, of any controlled
13 substance prohibited under the Illinois Controlled
14 Substances Act, any cannabis prohibited under the Cannabis
15 Control Act, or any methamphetamine prohibited under the
16 Methamphetamine Control and Community Protection Act, in
17 which case the person's driving privileges shall be
18 suspended for one year. Any defendant found guilty of this
19 offense while operating a motor vehicle, shall have an
20 entry made in the court record by the presiding judge that
21 this offense did occur while the defendant was operating a
22 motor vehicle and order the clerk of the court to report
23 the violation to the Secretary of State;

24 29. Has been convicted of the following offenses that
25 were committed while the person was operating or in actual
26 physical control, as a driver, of a motor vehicle:

1 criminal sexual assault, predatory criminal sexual assault
2 of a child, aggravated criminal sexual assault, criminal
3 sexual abuse, aggravated criminal sexual abuse, juvenile
4 pimping, soliciting for a juvenile prostitute, promoting
5 juvenile prostitution as described in subdivision (a)(1),
6 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code
7 of 1961 or the Criminal Code of 2012, and the manufacture,
8 sale or delivery of controlled substances or instruments
9 used for illegal drug use or abuse in which case the
10 driver's driving privileges shall be suspended for one
11 year;

12 30. Has been convicted a second or subsequent time for
13 any combination of the offenses named in paragraph 29 of
14 this subsection, in which case the person's driving
15 privileges shall be suspended for 5 years;

16 31. Has refused to submit to a test as required by
17 Section 11-501.6 of this Code or Section 5-16c of the Boat
18 Registration and Safety Act or has submitted to a test
19 resulting in an alcohol concentration of 0.08 or more or
20 any amount of a drug, substance, or compound resulting
21 from the unlawful use or consumption of cannabis as listed
22 in the Cannabis Control Act, a controlled substance as
23 listed in the Illinois Controlled Substances Act, an
24 intoxicating compound as listed in the Use of Intoxicating
25 Compounds Act, or methamphetamine as listed in the
26 Methamphetamine Control and Community Protection Act, in

1 which case the penalty shall be as prescribed in Section
2 6-208.1;

3 32. Has been convicted of Section 24-1.2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012
5 relating to the aggravated discharge of a firearm if the
6 offender was located in a motor vehicle at the time the
7 firearm was discharged, in which case the suspension shall
8 be for 3 years;

9 33. Has as a driver, who was less than 21 years of age
10 on the date of the offense, been convicted a first time of
11 a violation of paragraph (a) of Section 11-502 of this
12 Code or a similar provision of a local ordinance;

13 34. Has committed a violation of Section 11-1301.5 of
14 this Code or a similar provision of a local ordinance;

15 35. Has committed a violation of Section 11-1301.6 of
16 this Code or a similar provision of a local ordinance;

17 36. Is under the age of 21 years at the time of arrest
18 and has been convicted of not less than 2 offenses against
19 traffic regulations governing the movement of vehicles
20 committed within any 24-month ~~24-month~~ period. No
21 revocation or suspension shall be entered more than 6
22 months after the date of last conviction;

23 37. Has committed a violation of subsection (c) of
24 Section 11-907 of this Code that resulted in damage to the
25 property of another or the death or injury of another;

26 38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance and the person was an occupant of a motor
3 vehicle at the time of the violation;

4 39. Has committed a second or subsequent violation of
5 Section 11-1201 of this Code;

6 40. Has committed a violation of subsection (a-1) of
7 Section 11-908 of this Code;

8 41. Has committed a second or subsequent violation of
9 Section 11-605.1 of this Code, a similar provision of a
10 local ordinance, or a similar violation in any other state
11 within 2 years of the date of the previous violation, in
12 which case the suspension shall be for 90 days;

13 42. Has committed a violation of subsection (a-1) of
14 Section 11-1301.3 of this Code or a similar provision of a
15 local ordinance;

16 43. Has received a disposition of court supervision
17 for a violation of subsection (a), (d), or (e) of Section
18 6-20 of the Liquor Control Act of 1934 or a similar
19 provision of a local ordinance and the person was an
20 occupant of a motor vehicle at the time of the violation,
21 in which case the suspension shall be for a period of 3
22 months;

23 44. Is under the age of 21 years at the time of arrest
24 and has been convicted of an offense against traffic
25 regulations governing the movement of vehicles after
26 having previously had his or her driving privileges

1 suspended or revoked pursuant to subparagraph 36 of this
2 Section;

3 45. Has, in connection with or during the course of a
4 formal hearing conducted under Section 2-118 of this Code:
5 (i) committed perjury; (ii) submitted fraudulent or
6 falsified documents; (iii) submitted documents that have
7 been materially altered; or (iv) submitted, as his or her
8 own, documents that were in fact prepared or composed for
9 another person;

10 46. Has committed a violation of subsection (j) of
11 Section 3-413 of this Code;

12 47. Has committed a violation of subsection (a) of
13 Section 11-502.1 of this Code;

14 48. Has submitted a falsified or altered medical
15 examiner's certificate to the Secretary of State or
16 provided false information to obtain a medical examiner's
17 certificate; ~~or~~

18 49. Has committed a violation of subsection (b-5) of
19 Section 12-610.2 that resulted in great bodily harm,
20 permanent disability, or disfigurement, in which case the
21 driving privileges shall be suspended for 12 months; or

22 50. ~~49.~~ Has been convicted of a violation of Section
23 11-1002 or 11-1002.5 that resulted in a Type A injury to
24 another, in which case the person's driving privileges
25 shall be suspended for 12 months.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license
3 is deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license, or a temporary driver's
6 license.

7 (b) If any conviction forming the basis of a suspension or
8 revocation authorized under this Section is appealed, the
9 Secretary of State may rescind or withhold the entry of the
10 order of suspension or revocation, as the case may be,
11 provided that a certified copy of a stay order of a court is
12 filed with the Secretary of State. If the conviction is
13 affirmed on appeal, the date of the conviction shall relate
14 back to the time the original judgment of conviction was
15 entered and the 6-month ~~6-month~~ limitation prescribed shall
16 not apply.

17 (c) 1. Upon suspending or revoking the driver's license or
18 permit of any person as authorized in this Section, the
19 Secretary of State shall immediately notify the person in
20 writing of the revocation or suspension. The notice to be
21 deposited in the United States mail, postage prepaid, to the
22 last known address of the person.

23 2. If the Secretary of State suspends the driver's license
24 of a person under subsection 2 of paragraph (a) of this
25 Section, a person's privilege to operate a vehicle as an
26 occupation shall not be suspended, provided an affidavit is

1 properly completed, the appropriate fee received, and a permit
2 issued prior to the effective date of the suspension, unless 5
3 offenses were committed, at least 2 of which occurred while
4 operating a commercial vehicle in connection with the driver's
5 regular occupation. All other driving privileges shall be
6 suspended by the Secretary of State. Any driver prior to
7 operating a vehicle for occupational purposes only must submit
8 the affidavit on forms to be provided by the Secretary of State
9 setting forth the facts of the person's occupation. The
10 affidavit shall also state the number of offenses committed
11 while operating a vehicle in connection with the driver's
12 regular occupation. The affidavit shall be accompanied by the
13 driver's license. Upon receipt of a properly completed
14 affidavit, the Secretary of State shall issue the driver a
15 permit to operate a vehicle in connection with the driver's
16 regular occupation only. Unless the permit is issued by the
17 Secretary of State prior to the date of suspension, the
18 privilege to drive any motor vehicle shall be suspended as set
19 forth in the notice that was mailed under this Section. If an
20 affidavit is received subsequent to the effective date of this
21 suspension, a permit may be issued for the remainder of the
22 suspension period.

23 The provisions of this subparagraph shall not apply to any
24 driver required to possess a CDL for the purpose of operating a
25 commercial motor vehicle.

26 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section 6-302
2 and upon conviction thereof shall have all driving privileges
3 revoked without further rights.

4 3. At the conclusion of a hearing under Section 2-118 of
5 this Code, the Secretary of State shall either rescind or
6 continue an order of revocation or shall substitute an order
7 of suspension; or, good cause appearing therefor, rescind,
8 continue, change, or extend the order of suspension. If the
9 Secretary of State does not rescind the order, the Secretary
10 may upon application, to relieve undue hardship (as defined by
11 the rules of the Secretary of State), issue a restricted
12 driving permit granting the privilege of driving a motor
13 vehicle between the petitioner's residence and petitioner's
14 place of employment or within the scope of the petitioner's
15 employment-related ~~employment-related~~ duties, or to allow the
16 petitioner to transport himself or herself, or a family member
17 of the petitioner's household to a medical facility, to
18 receive necessary medical care, to allow the petitioner to
19 transport himself or herself to and from alcohol or drug
20 remedial or rehabilitative activity recommended by a licensed
21 service provider, or to allow the petitioner to transport
22 himself or herself or a family member of the petitioner's
23 household to classes, as a student, at an accredited
24 educational institution, or to allow the petitioner to
25 transport children, elderly persons, or persons with
26 disabilities who do not hold driving privileges and are living

1 in the petitioner's household to and from daycare. The
2 petitioner must demonstrate that no alternative means of
3 transportation is reasonably available and that the petitioner
4 will not endanger the public safety or welfare.

5 (A) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating
7 Section 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense, or
9 Section 9-3 of the Criminal Code of 1961 or the Criminal
10 Code of 2012, where the use of alcohol or other drugs is
11 recited as an element of the offense, or a similar
12 out-of-state offense, or a combination of these offenses,
13 arising out of separate occurrences, that person, if
14 issued a restricted driving permit, may not operate a
15 vehicle unless it has been equipped with an ignition
16 interlock device as defined in Section 1-129.1.

17 (B) If a person's license or permit is revoked or
18 suspended 2 or more times due to any combination of:

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense or Section
22 9-3 of the Criminal Code of 1961 or the Criminal Code
23 of 2012, where the use of alcohol or other drugs is
24 recited as an element of the offense, or a similar
25 out-of-state offense; or

26 (ii) a statutory summary suspension or revocation

1 under Section 11-501.1; or

2 (iii) a suspension under Section 6-203.1;

3 arising out of separate occurrences; that person, if
4 issued a restricted driving permit, may not operate a
5 vehicle unless it has been equipped with an ignition
6 interlock device as defined in Section 1-129.1.

7 (B-5) If a person's license or permit is revoked or
8 suspended due to a conviction for a violation of
9 subparagraph (C) or (F) of paragraph (1) of subsection (d)
10 of Section 11-501 of this Code, or a similar provision of a
11 local ordinance or similar out-of-state offense, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (C) The person issued a permit conditioned upon the
16 use of an ignition interlock device must pay to the
17 Secretary of State DUI Administration Fund an amount not
18 to exceed \$30 per month. The Secretary shall establish by
19 rule the amount and the procedures, terms, and conditions
20 relating to these fees.

21 (D) If the restricted driving permit is issued for
22 employment purposes, then the prohibition against
23 operating a motor vehicle that is not equipped with an
24 ignition interlock device does not apply to the operation
25 of an occupational vehicle owned or leased by that
26 person's employer when used solely for employment

1 purposes. For any person who, within a 5-year period, is
2 convicted of a second or subsequent offense under Section
3 11-501 of this Code, or a similar provision of a local
4 ordinance or similar out-of-state offense, this employment
5 exemption does not apply until either a one-year period
6 has elapsed during which that person had his or her
7 driving privileges revoked or a one-year period has
8 elapsed during which that person had a restricted driving
9 permit which required the use of an ignition interlock
10 device on every motor vehicle owned or operated by that
11 person.

12 (E) In each case the Secretary may issue a restricted
13 driving permit for a period deemed appropriate, except
14 that all permits shall expire no later than 2 years from
15 the date of issuance. A restricted driving permit issued
16 under this Section shall be subject to cancellation,
17 revocation, and suspension by the Secretary of State in
18 like manner and for like cause as a driver's license
19 issued under this Code may be cancelled, revoked, or
20 suspended; except that a conviction upon one or more
21 offenses against laws or ordinances regulating the
22 movement of traffic shall be deemed sufficient cause for
23 the revocation, suspension, or cancellation of a
24 restricted driving permit. The Secretary of State may, as
25 a condition to the issuance of a restricted driving
26 permit, require the applicant to participate in a

1 designated driver remedial or rehabilitative program. The
2 Secretary of State is authorized to cancel a restricted
3 driving permit if the permit holder does not successfully
4 complete the program.

5 (F) A person subject to the provisions of paragraph 4
6 of subsection (b) of Section 6-208 of this Code may make
7 application for a restricted driving permit at a hearing
8 conducted under Section 2-118 of this Code after the
9 expiration of 5 years from the effective date of the most
10 recent revocation or after 5 years from the date of
11 release from a period of imprisonment resulting from a
12 conviction of the most recent offense, whichever is later,
13 provided the person, in addition to all other requirements
14 of the Secretary, shows by clear and convincing evidence:

15 (i) a minimum of 3 years of uninterrupted
16 abstinence from alcohol and the unlawful use or
17 consumption of cannabis under the Cannabis Control
18 Act, a controlled substance under the Illinois
19 Controlled Substances Act, an intoxicating compound
20 under the Use of Intoxicating Compounds Act, or
21 methamphetamine under the Methamphetamine Control and
22 Community Protection Act; and

23 (ii) the successful completion of any
24 rehabilitative treatment and involvement in any
25 ongoing rehabilitative activity that may be
26 recommended by a properly licensed service provider

1 according to an assessment of the person's alcohol or
2 drug use under Section 11-501.01 of this Code.

3 In determining whether an applicant is eligible for a
4 restricted driving permit under this subparagraph (F), the
5 Secretary may consider any relevant evidence, including,
6 but not limited to, testimony, affidavits, records, and
7 the results of regular alcohol or drug tests. Persons
8 subject to the provisions of paragraph 4 of subsection (b)
9 of Section 6-208 of this Code and who have been convicted
10 of more than one violation of paragraph (3), paragraph
11 (4), or paragraph (5) of subsection (a) of Section 11-501
12 of this Code shall not be eligible to apply for a
13 restricted driving permit under this subparagraph (F).

14 A restricted driving permit issued under this
15 subparagraph (F) shall provide that the holder may only
16 operate motor vehicles equipped with an ignition interlock
17 device as required under paragraph (2) of subsection (c)
18 of Section 6-205 of this Code and subparagraph (A) of
19 paragraph 3 of subsection (c) of this Section. The
20 Secretary may revoke a restricted driving permit or amend
21 the conditions of a restricted driving permit issued under
22 this subparagraph (F) if the holder operates a vehicle
23 that is not equipped with an ignition interlock device, or
24 for any other reason authorized under this Code.

25 A restricted driving permit issued under this
26 subparagraph (F) shall be revoked, and the holder barred

1 from applying for or being issued a restricted driving
2 permit in the future, if the holder is convicted of a
3 violation of Section 11-501 of this Code, a similar
4 provision of a local ordinance, or a similar offense in
5 another state.

6 (c-3) In the case of a suspension under paragraph 43 of
7 subsection (a), reports received by the Secretary of State
8 under this Section shall, except during the actual time the
9 suspension is in effect, be privileged information and for use
10 only by the courts, police officers, prosecuting authorities,
11 the driver licensing administrator of any other state, the
12 Secretary of State, or the parent or legal guardian of a driver
13 under the age of 18. However, beginning January 1, 2008, if the
14 person is a CDL holder, the suspension shall also be made
15 available to the driver licensing administrator of any other
16 state, the U.S. Department of Transportation, and the affected
17 driver or motor carrier or prospective motor carrier upon
18 request.

19 (c-4) In the case of a suspension under paragraph 43 of
20 subsection (a), the Secretary of State shall notify the person
21 by mail that his or her driving privileges and driver's
22 license will be suspended one month after the date of the
23 mailing of the notice.

24 (c-5) The Secretary of State may, as a condition of the
25 reissuance of a driver's license or permit to an applicant
26 whose driver's license or permit has been suspended before he

1 or she reached the age of 21 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the
6 Driver Drivers License Compact.

7 (e) The Secretary of State shall not issue a restricted
8 driving permit to a person under the age of 16 years whose
9 driving privileges have been suspended or revoked under any
10 provisions of this Code.

11 (f) In accordance with 49 C.F.R. 384, the Secretary of
12 State may not issue a restricted driving permit for the
13 operation of a commercial motor vehicle to a person holding a
14 CDL whose driving privileges have been suspended, revoked,
15 cancelled, or disqualified under any provisions of this Code.

16 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
17 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-4-21.)

18 (625 ILCS 5/6-209.1)

19 Sec. 6-209.1. Restoration of driving privileges;
20 revocation; suspension; cancellation. The Secretary shall
21 rescind the suspension or cancellation of a person's driver's
22 license that has been suspended or canceled before July 1,
23 2020 (the effective date of Public Act 101-623) ~~this~~
24 ~~amendatory Act of the 101st General Assembly~~ due to:

25 (1) the person being convicted of theft of motor fuel

1 under Section ~~Sections~~ 16-25 or 16K-15 of the Criminal
2 Code of 1961 or the Criminal Code of 2012;

3 (2) the person, since the issuance of the driver's
4 license, being adjudged to be afflicted with or suffering
5 from any mental disability or disease;

6 (3) a violation of Section 6-16 of the Liquor Control
7 Act of 1934 or a similar provision of a local ordinance;

8 (4) the person being convicted of a violation of
9 Section 6-20 of the Liquor Control Act of 1934 or a similar
10 provision of a local ordinance, if the person presents a
11 certified copy of a court order that includes a finding
12 that the person was not an occupant of a motor vehicle at
13 the time of the violation;

14 (5) the person receiving a disposition of court
15 supervision for a violation of subsection ~~subsections~~ (a),
16 (d), or (e) of Section 6-20 of the Liquor Control Act of
17 1934 or a similar provision of a local ordinance, if the
18 person presents a certified copy of a court order that
19 includes a finding that the person was not an occupant of a
20 motor vehicle at the time of the violation;

21 (6) the person failing to pay any fine or penalty due
22 or owing as a result of 10 or more violations of a
23 municipality's or county's vehicular standing, parking, or
24 compliance regulations established by ordinance under
25 Section 11-208.3 of this Code;

26 (7) the person failing to satisfy any fine or penalty

1 resulting from a final order issued by the Illinois State
2 Toll Highway Authority relating directly or indirectly to
3 5 or more toll violations, toll evasions, or both;

4 (8) the person being convicted of a violation of
5 Section 4-102 of this Code, if the person presents a
6 certified copy of a court order that includes a finding
7 that the person did not exercise actual physical control
8 of the vehicle at the time of the violation; or

9 (9) the person being convicted of criminal trespass to
10 vehicles under Section 21-2 of the Criminal Code of 2012,
11 if the person presents a certified copy of a court order
12 that includes a finding that the person did not exercise
13 actual physical control of the vehicle at the time of the
14 violation.

15 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

16 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

17 Sec. 6-306.5. Failure to pay fine or penalty for standing,
18 parking, compliance, automated speed enforcement system, or
19 automated traffic law violations; suspension of driving
20 privileges.

21 (a) Upon receipt of a certified report, as prescribed by
22 subsection (c) of this Section, from any municipality or
23 county stating that the owner of a registered vehicle has
24 failed to pay any fine or penalty due and owing as a result of
25 5 offenses for automated speed enforcement system violations

1 or automated traffic violations as defined in Sections
2 11-208.6, 11-208.8, 11-208.9, or 11-1201.1, or combination
3 thereof, or ~~(3)~~ is more than 14 days in default of a payment
4 plan pursuant to which a suspension had been terminated under
5 subsection (c) of this Section, the Secretary of State shall
6 suspend the driving privileges of such person in accordance
7 with the procedures set forth in this Section. The Secretary
8 shall also suspend the driving privileges of an owner of a
9 registered vehicle upon receipt of a certified report, as
10 prescribed by subsection (f) of this Section, from any
11 municipality or county stating that such person has failed to
12 satisfy any fines or penalties imposed by final judgments for
13 5 or more automated speed enforcement system or automated
14 traffic law violations, or combination thereof, after
15 exhaustion of judicial review procedures.

16 (b) Following receipt of the certified report of the
17 municipality or county as specified in this Section, the
18 Secretary of State shall notify the person whose name appears
19 on the certified report that the person's driver's ~~drivers~~
20 license will be suspended at the end of a specified period of
21 time unless the Secretary of State is presented with a notice
22 from the municipality or county certifying that the fine or
23 penalty due and owing the municipality or county has been paid
24 or that inclusion of that person's name on the certified
25 report was in error. The Secretary's notice shall state in
26 substance the information contained in the municipality's or

1 county's certified report to the Secretary, and shall be
2 effective as specified by subsection (c) of Section 6-211 of
3 this Code.

4 (c) The report of the appropriate municipal or county
5 official notifying the Secretary of State of unpaid fines or
6 penalties pursuant to this Section shall be certified and
7 shall contain the following:

8 (1) The name, last known address as recorded with the
9 Secretary of State, as provided by the lessor of the cited
10 vehicle at the time of lease, or as recorded in a United
11 States Post Office approved database if any notice sent
12 under Section 11-208.3 of this Code is returned as
13 undeliverable, and driver's ~~drivers~~ license number of the
14 person who failed to pay the fine or penalty or who has
15 defaulted in a payment plan and the registration number of
16 any vehicle known to be registered to such person in this
17 State.

18 (2) The name of the municipality or county making the
19 report pursuant to this Section.

20 (3) A statement that the municipality or county sent a
21 notice of impending driver's ~~drivers~~ license suspension as
22 prescribed by ordinance enacted pursuant to Section
23 11-208.3 of this Code or a notice of default in a payment
24 plan, to the person named in the report at the address
25 recorded with the Secretary of State or at the last
26 address known to the lessor of the cited vehicle at the

1 time of lease or, if any notice sent under Section
2 11-208.3 of this Code is returned as undeliverable, at the
3 last known address recorded in a United States Post Office
4 approved database; the date on which such notice was sent;
5 and the address to which such notice was sent. In a
6 municipality or county with a population of 1,000,000 or
7 more, the report shall also include a statement that the
8 alleged violator's State vehicle registration number and
9 vehicle make, if specified on the automated speed
10 enforcement system violation or automated traffic law
11 violation notice, are correct as they appear on the
12 citations.

13 (4) A unique identifying reference number for each
14 request of suspension sent whenever a person has failed to
15 pay the fine or penalty or has defaulted on a payment plan.

16 (d) Any municipality or county making a certified report
17 to the Secretary of State pursuant to this Section shall
18 notify the Secretary of State, in a form prescribed by the
19 Secretary, whenever a person named in the certified report has
20 paid the previously reported fine or penalty, whenever a
21 person named in the certified report has entered into a
22 payment plan pursuant to which the municipality or county has
23 agreed to terminate the suspension, or whenever the
24 municipality or county determines that the original report was
25 in error. A certified copy of such notification shall also be
26 given upon request and at no additional charge to the person

1 named therein. Upon receipt of the municipality's or county's
2 notification or presentation of a certified copy of such
3 notification, the Secretary of State shall terminate the
4 suspension.

5 (e) Any municipality or county making a certified report
6 to the Secretary of State pursuant to this Section shall also
7 by ordinance establish procedures for persons to challenge the
8 accuracy of the certified report. The ordinance shall also
9 state the grounds for such a challenge, which may be limited to
10 (1) the person not having been the owner or lessee of the
11 vehicle or vehicles receiving a combination of 5 or more
12 automated speed enforcement system or automated traffic law
13 violations on the date or dates such notices were issued; and
14 (2) the person having already paid the fine or penalty for the
15 combination of 5 or more automated speed enforcement system or
16 automated traffic law violations indicated on the certified
17 report.

18 (f) Any municipality or county, other than a municipality
19 or county establishing automated speed enforcement system
20 regulations under Section 11-208.8, or automated traffic law
21 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
22 may also cause a suspension of a person's driver's ~~drivers~~
23 license pursuant to this Section. Such municipality or county
24 may invoke this sanction by making a certified report to the
25 Secretary of State upon a person's failure to satisfy any fine
26 or penalty imposed by final judgment for a combination of 5 or

1 more automated speed enforcement system or automated traffic
2 law violations after exhaustion of judicial review procedures,
3 but only if:

4 (1) the municipality or county complies with the
5 provisions of this Section in all respects except in
6 regard to enacting an ordinance pursuant to Section
7 11-208.3;

8 (2) the municipality or county has sent a notice of
9 impending driver's ~~drivers~~ license suspension as
10 prescribed by an ordinance enacted pursuant to subsection
11 (g) of this Section; and

12 (3) in municipalities or counties with a population of
13 1,000,000 or more, the municipality or county has verified
14 that the alleged violator's State vehicle registration
15 number and vehicle make are correct as they appear on the
16 citations.

17 (g) Any municipality or county, other than a municipality
18 or county establishing automated speed enforcement system
19 regulations under Section 11-208.8, or automated traffic law
20 regulations under Section 11-208.6, 11-208.9, or 11-1201.1,
21 may provide by ordinance for the sending of a notice of
22 impending driver's ~~drivers~~ license suspension to the person
23 who has failed to satisfy any fine or penalty imposed by final
24 judgment for a combination of 5 or more automated speed
25 enforcement system or automated traffic law violations after
26 exhaustion of judicial review procedures. An ordinance so

1 providing shall specify that the notice sent to the person
2 liable for any fine or penalty shall state that failure to pay
3 the fine or penalty owing within 45 days of the notice's date
4 will result in the municipality or county notifying the
5 Secretary of State that the person's driver's ~~drivers~~ license
6 is eligible for suspension pursuant to this Section. The
7 notice of impending driver's ~~drivers~~ license suspension shall
8 be sent by first class United States mail, postage prepaid, to
9 the address recorded with the Secretary of State or at the last
10 address known to the lessor of the cited vehicle at the time of
11 lease or, if any notice sent under Section 11-208.3 of this
12 Code is returned as undeliverable, to the last known address
13 recorded in a United States Post Office approved database.

14 (h) An administrative hearing to contest an impending
15 suspension or a suspension made pursuant to this Section may
16 be had upon filing a written request with the Secretary of
17 State. The filing fee for this hearing shall be \$20, to be paid
18 at the time the request is made. A municipality or county which
19 files a certified report with the Secretary of State pursuant
20 to this Section shall reimburse the Secretary for all
21 reasonable costs incurred by the Secretary as a result of the
22 filing of the report, including, but not limited to, the costs
23 of providing the notice required pursuant to subsection (b)
24 and the costs incurred by the Secretary in any hearing
25 conducted with respect to the report pursuant to this
26 subsection and any appeal from such a hearing.

1 (i) The provisions of this Section shall apply on and
2 after January 1, 1988.

3 (j) For purposes of this Section, the term "compliance
4 violation" is defined as in Section 11-208.3.

5 (Source: P.A. 101-623, eff. 7-1-20; revised 8-18-20.)

6 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

7 Sec. 11-208.3. Administrative adjudication of violations
8 of traffic regulations concerning the standing, parking, or
9 condition of vehicles, automated traffic law violations, and
10 automated speed enforcement system violations.

11 (a) Any municipality or county may provide by ordinance
12 for a system of administrative adjudication of vehicular
13 standing and parking violations and vehicle compliance
14 violations as described in this subsection, automated traffic
15 law violations as defined in Section 11-208.6, 11-208.9, or
16 11-1201.1, and automated speed enforcement system violations
17 as defined in Section 11-208.8. The administrative system
18 shall have as its purpose the fair and efficient enforcement
19 of municipal or county regulations through the administrative
20 adjudication of automated speed enforcement system or
21 automated traffic law violations and violations of municipal
22 or county ordinances regulating the standing and parking of
23 vehicles, the condition and use of vehicle equipment, and the
24 display of municipal or county wheel tax licenses within the
25 municipality's or county's borders. The administrative system

1 shall only have authority to adjudicate civil offenses
2 carrying fines not in excess of \$500 or requiring the
3 completion of a traffic education program, or both, that occur
4 after the effective date of the ordinance adopting such a
5 system under this Section. For purposes of this Section,
6 "compliance violation" means a violation of a municipal or
7 county regulation governing the condition or use of equipment
8 on a vehicle or governing the display of a municipal or county
9 wheel tax license.

10 (b) Any ordinance establishing a system of administrative
11 adjudication under this Section shall provide for:

12 (1) A traffic compliance administrator authorized to
13 adopt, distribute, and process parking, compliance, and
14 automated speed enforcement system or automated traffic
15 law violation notices and other notices required by this
16 Section, collect money paid as fines and penalties for
17 violation of parking and compliance ordinances and
18 automated speed enforcement system or automated traffic
19 law violations, and operate an administrative adjudication
20 system. The traffic compliance administrator also may make
21 a certified report to the Secretary of State under Section
22 6-306.5.

23 (2) A parking, standing, compliance, automated speed
24 enforcement system, or automated traffic law violation
25 notice that shall specify or include the date, time, and
26 place of violation of a parking, standing, compliance,

1 automated speed enforcement system, or automated traffic
2 law regulation; the particular regulation violated; any
3 requirement to complete a traffic education program; the
4 fine and any penalty that may be assessed for late payment
5 or failure to complete a required traffic education
6 program, or both, when so provided by ordinance; the
7 vehicle make or a photograph of the vehicle; the state
8 registration number of the vehicle; and the identification
9 number of the person issuing the notice. With regard to
10 automated speed enforcement system or automated traffic
11 law violations, vehicle make shall be specified on the
12 automated speed enforcement system or automated traffic
13 law violation notice if the notice does not include a
14 photograph of the vehicle and the make is available and
15 readily discernible. With regard to municipalities or
16 counties with a population of 1 million or more, it shall
17 be grounds for dismissal of a parking violation if the
18 state registration number or vehicle make specified is
19 incorrect. The violation notice shall state that the
20 completion of any required traffic education program, the
21 payment of any indicated fine, and the payment of any
22 applicable penalty for late payment or failure to complete
23 a required traffic education program, or both, shall
24 operate as a final disposition of the violation. The
25 notice also shall contain information as to the
26 availability of a hearing in which the violation may be

1 contested on its merits. The violation notice shall
2 specify the time and manner in which a hearing may be had.

3 (3) Service of a parking, standing, or compliance
4 violation notice by: (i) affixing the original or a
5 facsimile of the notice to an unlawfully parked or
6 standing vehicle; (ii) handing the notice to the operator
7 of a vehicle if he or she is present; or (iii) mailing the
8 notice to the address of the registered owner or lessee of
9 the cited vehicle as recorded with the Secretary of State
10 or the lessor of the motor vehicle within 30 days after the
11 Secretary of State or the lessor of the motor vehicle
12 notifies the municipality or county of the identity of the
13 owner or lessee of the vehicle, but not later than 90 days
14 after the date of the violation, except that in the case of
15 a lessee of a motor vehicle, service of a parking,
16 standing, or compliance violation notice may occur no
17 later than 210 days after the violation; and service of an
18 automated speed enforcement system or automated traffic
19 law violation notice by mail to the address of the
20 registered owner or lessee of the cited vehicle as
21 recorded with the Secretary of State or the lessor of the
22 motor vehicle within 30 days after the Secretary of State
23 or the lessor of the motor vehicle notifies the
24 municipality or county of the identity of the owner or
25 lessee of the vehicle, but not later than 90 days after the
26 violation, except that in the case of a lessee of a motor

1 vehicle, service of an automated traffic law violation
2 notice may occur no later than 210 days after the
3 violation. A person authorized by ordinance to issue and
4 serve parking, standing, and compliance violation notices
5 shall certify as to the correctness of the facts entered
6 on the violation notice by signing his or her name to the
7 notice at the time of service or, in the case of a notice
8 produced by a computerized device, by signing a single
9 certificate to be kept by the traffic compliance
10 administrator attesting to the correctness of all notices
11 produced by the device while it was under his or her
12 control. In the case of an automated traffic law
13 violation, the ordinance shall require a determination by
14 a technician employed or contracted by the municipality or
15 county that, based on inspection of recorded images, the
16 motor vehicle was being operated in violation of Section
17 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If
18 the technician determines that the vehicle entered the
19 intersection as part of a funeral procession or in order
20 to yield the right-of-way to an emergency vehicle, a
21 citation shall not be issued. In municipalities with a
22 population of less than 1,000,000 inhabitants and counties
23 with a population of less than 3,000,000 inhabitants, the
24 automated traffic law ordinance shall require that all
25 determinations by a technician that a motor vehicle was
26 being operated in violation of Section 11-208.6, 11-208.9,

1 or 11-1201.1 or a local ordinance must be reviewed and
2 approved by a law enforcement officer or retired law
3 enforcement officer of the municipality or county issuing
4 the violation. In municipalities with a population of
5 1,000,000 or more inhabitants and counties with a
6 population of 3,000,000 or more inhabitants, the automated
7 traffic law ordinance shall require that all
8 determinations by a technician that a motor vehicle was
9 being operated in violation of Section 11-208.6, 11-208.9,
10 or 11-1201.1 or a local ordinance must be reviewed and
11 approved by a law enforcement officer or retired law
12 enforcement officer of the municipality or county issuing
13 the violation or by an additional fully trained
14 ~~fully trained~~ reviewing technician who is not employed by
15 the contractor who employs the technician who made the
16 initial determination. In the case of an automated speed
17 enforcement system violation, the ordinance shall require
18 a determination by a technician employed by the
19 municipality, based upon an inspection of recorded images,
20 video or other documentation, including documentation of
21 the speed limit and automated speed enforcement signage,
22 and documentation of the inspection, calibration, and
23 certification of the speed equipment, that the vehicle was
24 being operated in violation of Article VI of Chapter 11 of
25 this Code or a similar local ordinance. If the technician
26 determines that the vehicle speed was not determined by a

1 calibrated, certified speed equipment device based upon
2 the speed equipment documentation, or if the vehicle was
3 an emergency vehicle, a citation may not be issued. The
4 automated speed enforcement ordinance shall require that
5 all determinations by a technician that a violation
6 occurred be reviewed and approved by a law enforcement
7 officer or retired law enforcement officer of the
8 municipality issuing the violation or by an additional
9 fully trained reviewing technician who is not employed by
10 the contractor who employs the technician who made the
11 initial determination. Routine and independent calibration
12 of the speeds produced by automated speed enforcement
13 systems and equipment shall be conducted annually by a
14 qualified technician. Speeds produced by an automated
15 speed enforcement system shall be compared with speeds
16 produced by lidar or other independent equipment. Radar or
17 lidar equipment shall undergo an internal validation test
18 no less frequently than once each week. Qualified
19 technicians shall test loop-based ~~loop-based~~ equipment no
20 less frequently than once a year. Radar equipment shall be
21 checked for accuracy by a qualified technician when the
22 unit is serviced, when unusual or suspect readings
23 persist, or when deemed necessary by a reviewing
24 technician. Radar equipment shall be checked with the
25 internal frequency generator and the internal circuit test
26 whenever the radar is turned on. Technicians must be alert

1 for any unusual or suspect readings, and if unusual or
2 suspect readings of a radar unit persist, that unit shall
3 immediately be removed from service and not returned to
4 service until it has been checked by a qualified
5 technician and determined to be functioning properly.
6 Documentation of the annual calibration results, including
7 the equipment tested, test date, technician performing the
8 test, and test results, shall be maintained and available
9 for use in the determination of an automated speed
10 enforcement system violation and issuance of a citation.
11 The technician performing the calibration and testing of
12 the automated speed enforcement equipment shall be trained
13 and certified in the use of equipment for speed
14 enforcement purposes. Training on the speed enforcement
15 equipment may be conducted by law enforcement, civilian,
16 or manufacturer's personnel and if applicable may be
17 equivalent to the equipment use and operations training
18 included in the Speed Measuring Device Operator Program
19 developed by the National Highway Traffic Safety
20 Administration (NHTSA). The vendor or technician who
21 performs the work shall keep accurate records on each
22 piece of equipment the technician calibrates and tests. As
23 used in this paragraph, "fully trained ~~fully trained~~
24 reviewing technician" means a person who has received at
25 least 40 hours of supervised training in subjects which
26 shall include image inspection and interpretation, the

1 elements necessary to prove a violation, license plate
2 identification, and traffic safety and management. In all
3 municipalities and counties, the automated speed
4 enforcement system or automated traffic law ordinance
5 shall require that no additional fee shall be charged to
6 the alleged violator for exercising his or her right to an
7 administrative hearing, and persons shall be given at
8 least 25 days following an administrative hearing to pay
9 any civil penalty imposed by a finding that Section
10 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar
11 local ordinance has been violated. The original or a
12 facsimile of the violation notice or, in the case of a
13 notice produced by a computerized device, a printed record
14 generated by the device showing the facts entered on the
15 notice, shall be retained by the traffic compliance
16 administrator, and shall be a record kept in the ordinary
17 course of business. A parking, standing, compliance,
18 automated speed enforcement system, or automated traffic
19 law violation notice issued, signed, and served in
20 accordance with this Section, a copy of the notice, or the
21 computer-generated ~~computer-generated~~ record shall be
22 prima facie correct and shall be prima facie evidence of
23 the correctness of the facts shown on the notice. The
24 notice, copy, or computer-generated ~~computer-generated~~
25 record shall be admissible in any subsequent
26 administrative or legal proceedings.

1 (4) An opportunity for a hearing for the registered
2 owner of the vehicle cited in the parking, standing,
3 compliance, automated speed enforcement system, or
4 automated traffic law violation notice in which the owner
5 may contest the merits of the alleged violation, and
6 during which formal or technical rules of evidence shall
7 not apply; provided, however, that under Section 11-1306
8 of this Code the lessee of a vehicle cited in the violation
9 notice likewise shall be provided an opportunity for a
10 hearing of the same kind afforded the registered owner.
11 The hearings shall be recorded, and the person conducting
12 the hearing on behalf of the traffic compliance
13 administrator shall be empowered to administer oaths and
14 to secure by subpoena both the attendance and testimony of
15 witnesses and the production of relevant books and papers.
16 Persons appearing at a hearing under this Section may be
17 represented by counsel at their expense. The ordinance may
18 also provide for internal administrative review following
19 the decision of the hearing officer.

20 (5) Service of additional notices, sent by first class
21 United States mail, postage prepaid, to the address of the
22 registered owner of the cited vehicle as recorded with the
23 Secretary of State or, if any notice to that address is
24 returned as undeliverable, to the last known address
25 recorded in a United States Post Office approved database,
26 or, under Section 11-1306 or subsection (p) of Section

1 11-208.6 or 11-208.9, or subsection (p) of Section
2 11-208.8 of this Code, to the lessee of the cited vehicle
3 at the last address known to the lessor of the cited
4 vehicle at the time of lease or, if any notice to that
5 address is returned as undeliverable, to the last known
6 address recorded in a United States Post Office approved
7 database. The service shall be deemed complete as of the
8 date of deposit in the United States mail. The notices
9 shall be in the following sequence and shall include, but
10 not be limited to, the information specified herein:

11 (i) A second notice of parking, standing, or
12 compliance violation if the first notice of the
13 violation was issued by affixing the original or a
14 facsimile of the notice to the unlawfully parked
15 vehicle or by handing the notice to the operator. This
16 notice shall specify or include the date and location
17 of the violation cited in the parking, standing, or
18 compliance violation notice, the particular regulation
19 violated, the vehicle make or a photograph of the
20 vehicle, the state registration number of the vehicle,
21 any requirement to complete a traffic education
22 program, the fine and any penalty that may be assessed
23 for late payment or failure to complete a traffic
24 education program, or both, when so provided by
25 ordinance, the availability of a hearing in which the
26 violation may be contested on its merits, and the time

1 and manner in which the hearing may be had. The notice
2 of violation shall also state that failure to complete
3 a required traffic education program, to pay the
4 indicated fine and any applicable penalty, or to
5 appear at a hearing on the merits in the time and
6 manner specified, will result in a final determination
7 of violation liability for the cited violation in the
8 amount of the fine or penalty indicated, and that,
9 upon the occurrence of a final determination of
10 violation liability for the failure, and the
11 exhaustion of, or failure to exhaust, available
12 administrative or judicial procedures for review, any
13 incomplete traffic education program or any unpaid
14 fine or penalty, or both, will constitute a debt due
15 and owing the municipality or county.

16 (ii) A notice of final determination of parking,
17 standing, compliance, automated speed enforcement
18 system, or automated traffic law violation liability.
19 This notice shall be sent following a final
20 determination of parking, standing, compliance,
21 automated speed enforcement system, or automated
22 traffic law violation liability and the conclusion of
23 judicial review procedures taken under this Section.
24 The notice shall state that the incomplete traffic
25 education program or the unpaid fine or penalty, or
26 both, is a debt due and owing the municipality or

1 county. The notice shall contain warnings that failure
2 to complete any required traffic education program or
3 to pay any fine or penalty due and owing the
4 municipality or county, or both, within the time
5 specified may result in the municipality's or county's
6 filing of a petition in the Circuit Court to have the
7 incomplete traffic education program or unpaid fine or
8 penalty, or both, rendered a judgment as provided by
9 this Section, or, where applicable, may result in
10 suspension of the person's driver's ~~drivers~~ license
11 for failure to complete a traffic education program or
12 to pay fines or penalties, or both, for 5 or more
13 automated traffic law violations under Section
14 11-208.6 or 11-208.9 or automated speed enforcement
15 system violations under Section 11-208.8.

16 (6) A notice of impending driver's ~~drivers~~ license
17 suspension. This notice shall be sent to the person liable
18 for failure to complete a required traffic education
19 program or to pay any fine or penalty that remains due and
20 owing, or both, on 5 or more unpaid automated speed
21 enforcement system or automated traffic law violations.
22 The notice shall state that failure to complete a required
23 traffic education program or to pay the fine or penalty
24 owing, or both, within 45 days of the notice's date will
25 result in the municipality or county notifying the
26 Secretary of State that the person is eligible for

1 initiation of suspension proceedings under Section 6-306.5
2 of this Code. The notice shall also state that the person
3 may obtain a photostatic copy of an original ticket
4 imposing a fine or penalty by sending a self-addressed
5 ~~self-addressed~~, stamped envelope to the municipality or
6 county along with a request for the photostatic copy. The
7 notice of impending driver's ~~drivers~~ license suspension
8 shall be sent by first class United States mail, postage
9 prepaid, to the address recorded with the Secretary of
10 State or, if any notice to that address is returned as
11 undeliverable, to the last known address recorded in a
12 United States Post Office approved database.

13 (7) Final determinations of violation liability. A
14 final determination of violation liability shall occur
15 following failure to complete the required traffic
16 education program or to pay the fine or penalty, or both,
17 after a hearing officer's determination of violation
18 liability and the exhaustion of or failure to exhaust any
19 administrative review procedures provided by ordinance.
20 Where a person fails to appear at a hearing to contest the
21 alleged violation in the time and manner specified in a
22 prior mailed notice, the hearing officer's determination
23 of violation liability shall become final: (A) upon denial
24 of a timely petition to set aside that determination, or
25 (B) upon expiration of the period for filing the petition
26 without a filing having been made.

1 (8) A petition to set aside a determination of
2 parking, standing, compliance, automated speed enforcement
3 system, or automated traffic law violation liability that
4 may be filed by a person owing an unpaid fine or penalty. A
5 petition to set aside a determination of liability may
6 also be filed by a person required to complete a traffic
7 education program. The petition shall be filed with and
8 ruled upon by the traffic compliance administrator in the
9 manner and within the time specified by ordinance. The
10 grounds for the petition may be limited to: (A) the person
11 not having been the owner or lessee of the cited vehicle on
12 the date the violation notice was issued, (B) the person
13 having already completed the required traffic education
14 program or paid the fine or penalty, or both, for the
15 violation in question, and (C) excusable failure to appear
16 at or request a new date for a hearing. With regard to
17 municipalities or counties with a population of 1 million
18 or more, it shall be grounds for dismissal of a parking
19 violation if the state registration number or vehicle
20 make, only if specified in the violation notice, is
21 incorrect. After the determination of parking, standing,
22 compliance, automated speed enforcement system, or
23 automated traffic law violation liability has been set
24 aside upon a showing of just cause, the registered owner
25 shall be provided with a hearing on the merits for that
26 violation.

1 (9) Procedures for non-residents. Procedures by which
2 persons who are not residents of the municipality or
3 county may contest the merits of the alleged violation
4 without attending a hearing.

5 (10) A schedule of civil fines for violations of
6 vehicular standing, parking, compliance, automated speed
7 enforcement system, or automated traffic law regulations
8 enacted by ordinance pursuant to this Section, and a
9 schedule of penalties for late payment of the fines or
10 failure to complete required traffic education programs,
11 provided, however, that the total amount of the fine and
12 penalty for any one violation shall not exceed \$250,
13 except as provided in subsection (c) of Section 11-1301.3
14 of this Code.

15 (11) Other provisions as are necessary and proper to
16 carry into effect the powers granted and purposes stated
17 in this Section.

18 (c) Any municipality or county establishing vehicular
19 standing, parking, compliance, automated speed enforcement
20 system, or automated traffic law regulations under this
21 Section may also provide by ordinance for a program of vehicle
22 immobilization for the purpose of facilitating enforcement of
23 those regulations. The program of vehicle immobilization shall
24 provide for immobilizing any eligible vehicle upon the public
25 way by presence of a restraint in a manner to prevent operation
26 of the vehicle. Any ordinance establishing a program of

1 vehicle immobilization under this Section shall provide:

2 (1) Criteria for the designation of vehicles eligible
3 for immobilization. A vehicle shall be eligible for
4 immobilization when the registered owner of the vehicle
5 has accumulated the number of incomplete traffic education
6 programs or unpaid final determinations of parking,
7 standing, compliance, automated speed enforcement system,
8 or automated traffic law violation liability, or both, as
9 determined by ordinance.

10 (2) A notice of impending vehicle immobilization and a
11 right to a hearing to challenge the validity of the notice
12 by disproving liability for the incomplete traffic
13 education programs or unpaid final determinations of
14 parking, standing, compliance, automated speed enforcement
15 system, or automated traffic law violation liability, or
16 both, listed on the notice.

17 (3) The right to a prompt hearing after a vehicle has
18 been immobilized or subsequently towed without the
19 completion of the required traffic education program or
20 payment of the outstanding fines and penalties on parking,
21 standing, compliance, automated speed enforcement system,
22 or automated traffic law violations, or both, for which
23 final determinations have been issued. An order issued
24 after the hearing is a final administrative decision
25 within the meaning of Section 3-101 of the Code of Civil
26 Procedure.

1 (4) A post immobilization and post-towing notice
2 advising the registered owner of the vehicle of the right
3 to a hearing to challenge the validity of the impoundment.

4 (d) Judicial review of final determinations of parking,
5 standing, compliance, automated speed enforcement system, or
6 automated traffic law violations and final administrative
7 decisions issued after hearings regarding vehicle
8 immobilization and impoundment made under this Section shall
9 be subject to the provisions of the Administrative Review Law.

10 (e) Any fine, penalty, incomplete traffic education
11 program, or part of any fine or any penalty remaining unpaid
12 after the exhaustion of, or the failure to exhaust,
13 administrative remedies created under this Section and the
14 conclusion of any judicial review procedures shall be a debt
15 due and owing the municipality or county and, as such, may be
16 collected in accordance with applicable law. Completion of any
17 required traffic education program and payment in full of any
18 fine or penalty resulting from a standing, parking,
19 compliance, automated speed enforcement system, or automated
20 traffic law violation shall constitute a final disposition of
21 that violation.

22 (f) After the expiration of the period within which
23 judicial review may be sought for a final determination of
24 parking, standing, compliance, automated speed enforcement
25 system, or automated traffic law violation, the municipality
26 or county may commence a proceeding in the Circuit Court for

1 purposes of obtaining a judgment on the final determination of
2 violation. Nothing in this Section shall prevent a
3 municipality or county from consolidating multiple final
4 determinations of parking, standing, compliance, automated
5 speed enforcement system, or automated traffic law violations
6 against a person in a proceeding. Upon commencement of the
7 action, the municipality or county shall file a certified copy
8 or record of the final determination of parking, standing,
9 compliance, automated speed enforcement system, or automated
10 traffic law violation, which shall be accompanied by a
11 certification that recites facts sufficient to show that the
12 final determination of violation was issued in accordance with
13 this Section and the applicable municipal or county ordinance.
14 Service of the summons and a copy of the petition may be by any
15 method provided by Section 2-203 of the Code of Civil
16 Procedure or by certified mail, return receipt requested,
17 provided that the total amount of fines and penalties for
18 final determinations of parking, standing, compliance,
19 automated speed enforcement system, or automated traffic law
20 violations does not exceed \$2500. If the court is satisfied
21 that the final determination of parking, standing, compliance,
22 automated speed enforcement system, or automated traffic law
23 violation was entered in accordance with the requirements of
24 this Section and the applicable municipal or county ordinance,
25 and that the registered owner or the lessee, as the case may
26 be, had an opportunity for an administrative hearing and for

1 judicial review as provided in this Section, the court shall
2 render judgment in favor of the municipality or county and
3 against the registered owner or the lessee for the amount
4 indicated in the final determination of parking, standing,
5 compliance, automated speed enforcement system, or automated
6 traffic law violation, plus costs. The judgment shall have the
7 same effect and may be enforced in the same manner as other
8 judgments for the recovery of money.

9 (g) The fee for participating in a traffic education
10 program under this Section shall not exceed \$25.

11 A low-income individual required to complete a traffic
12 education program under this Section who provides proof of
13 eligibility for the federal earned income tax credit under
14 Section 32 of the Internal Revenue Code or the Illinois earned
15 income tax credit under Section 212 of the Illinois Income Tax
16 Act shall not be required to pay any fee for participating in a
17 required traffic education program.

18 (Source: P.A. 101-32, eff. 6-28-19; 101-623, eff. 7-1-20;
19 revised 12-21-20.)

20 (625 ILCS 5/11-501.9)

21 Sec. 11-501.9. Suspension of driver's license; failure or
22 refusal of validated roadside chemical tests; failure or
23 refusal of field sobriety tests; implied consent.

24 (a) A person who drives or is in actual physical control of
25 a motor vehicle upon the public highways of this State shall be

1 deemed to have given consent to (i) validated roadside
2 chemical tests or (ii) standardized field sobriety tests
3 approved by the National Highway Traffic Safety
4 Administration, under subsection (a-5) of Section 11-501.2 of
5 this Code, if detained by a law enforcement officer who has a
6 reasonable suspicion that the person is driving or is in
7 actual physical control of a motor vehicle while impaired by
8 the use of cannabis. The law enforcement officer must have an
9 independent, cannabis-related factual basis giving reasonable
10 suspicion that the person is driving or in actual physical
11 control of a motor vehicle while impaired by the use of
12 cannabis for conducting validated roadside chemical tests or
13 standardized field sobriety tests, which shall be included
14 with the results of the validated roadside chemical tests and
15 field sobriety tests in any report made by the law enforcement
16 officer who requests the test. The person's possession of a
17 registry identification card issued under the Compassionate
18 Use of Medical Cannabis Program Act alone is not a sufficient
19 basis for reasonable suspicion.

20 For purposes of this Section, a law enforcement officer of
21 this State who is investigating a person for an offense under
22 Section 11-501 of this Code may travel into an adjoining state
23 where the person has been transported for medical care to
24 complete an investigation and to request that the person
25 submit to field sobriety tests under this Section.

26 (b) A person who is unconscious, or otherwise in a

1 condition rendering the person incapable of refusal, shall be
2 deemed to have withdrawn the consent provided by subsection
3 (a) of this Section.

4 (c) A person requested to submit to validated roadside
5 chemical tests or field sobriety tests, as provided in this
6 Section, shall be warned by the law enforcement officer
7 requesting the field sobriety tests that a refusal to submit
8 to the validated roadside chemical tests or field sobriety
9 tests will result in the suspension of the person's privilege
10 to operate a motor vehicle, as provided in subsection (f) of
11 this Section. The person shall also be warned by the law
12 enforcement officer that if the person submits to validated
13 roadside chemical tests or field sobriety tests as provided in
14 this Section which disclose the person is impaired by the use
15 of cannabis, a suspension of the person's privilege to operate
16 a motor vehicle, as provided in subsection (f) of this
17 Section, will be imposed.

18 (d) The results of validated roadside chemical tests or
19 field sobriety tests administered under this Section shall be
20 admissible in a civil or criminal action or proceeding arising
21 from an arrest for an offense as defined in Section 11-501 of
22 this Code or a similar provision of a local ordinance. These
23 test results shall be admissible only in actions or
24 proceedings directly related to the incident upon which the
25 test request was made.

26 (e) If the person refuses validated roadside chemical

1 tests or field sobriety tests or submits to validated roadside
2 chemical tests or field sobriety tests that disclose the
3 person is impaired by the use of cannabis, the law enforcement
4 officer shall immediately submit a sworn report to the circuit
5 court of venue and the Secretary of State certifying that
6 testing was requested under this Section and that the person
7 refused to submit to validated roadside chemical tests or
8 field sobriety tests or submitted to validated roadside
9 chemical tests or field sobriety tests that disclosed the
10 person was impaired by the use of cannabis. The sworn report
11 must include the law enforcement officer's factual basis for
12 reasonable suspicion that the person was impaired by the use
13 of cannabis.

14 (f) Upon receipt of the sworn report of a law enforcement
15 officer submitted under subsection (e) of this Section, the
16 Secretary of State shall enter the suspension to the driving
17 record as follows:

18 (1) for refusal or failure to complete validated
19 roadside chemical tests or field sobriety tests, a
20 12-month ~~12-month~~ suspension shall be entered; or

21 (2) for submitting to validated roadside chemical
22 tests or field sobriety tests that disclosed the driver
23 was impaired by the use of cannabis, a 6-month ~~6-month~~
24 suspension shall be entered.

25 The Secretary of State shall confirm the suspension by
26 mailing a notice of the effective date of the suspension to the

1 person and the court of venue. However, should the sworn
2 report be defective for insufficient information or be
3 completed in error, the confirmation of the suspension shall
4 not be mailed to the person or entered to the record; instead,
5 the sworn report shall be forwarded to the court of venue with
6 a copy returned to the issuing agency identifying the defect.

7 (g) The law enforcement officer submitting the sworn
8 report under subsection (e) of this Section shall serve
9 immediate notice of the suspension on the person and the
10 suspension shall be effective as provided in subsection (h) of
11 this Section. If immediate notice of the suspension cannot be
12 given, the arresting officer or arresting agency shall give
13 notice by deposit in the United States mail of the notice in an
14 envelope with postage prepaid and addressed to the person at
15 his or her address as shown on the Uniform Traffic Ticket and
16 the suspension shall begin as provided in subsection (h) of
17 this Section. The officer shall confiscate any Illinois
18 driver's license or permit on the person at the time of arrest.
19 If the person has a valid driver's license or permit, the
20 officer shall issue the person a receipt, in a form prescribed
21 by the Secretary of State, that will allow the person to drive
22 during the period provided for in subsection (h) of this
23 Section. The officer shall immediately forward the driver's
24 license or permit to the circuit court of venue along with the
25 sworn report under subsection (e) of this Section.

26 (h) The suspension under subsection (f) of this Section

1 shall take effect on the 46th day following the date the notice
2 of the suspension was given to the person.

3 (i) When a driving privilege has been suspended under this
4 Section and the person is subsequently convicted of violating
5 Section 11-501 of this Code, or a similar provision of a local
6 ordinance, for the same incident, any period served on
7 suspension under this Section shall be credited toward the
8 minimum period of revocation of driving privileges imposed
9 under Section 6-205 of this Code.

10 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19;
11 revised 9-20-19.)

12 (625 ILCS 5/11-502.1)

13 Sec. 11-502.1. Possession of medical cannabis in a motor
14 vehicle.

15 (a) No driver, who is a medical cannabis cardholder, may
16 use medical cannabis within the passenger area of any motor
17 vehicle upon a highway in this State.

18 (b) No driver, who is a medical cannabis cardholder, a
19 medical cannabis designated caregiver, medical cannabis
20 cultivation center agent, or dispensing organization agent may
21 possess medical cannabis within any area of any motor vehicle
22 upon a highway in this State except in a sealed, odor-proof,
23 and child-resistant medical cannabis container.

24 (c) No passenger, who is a medical cannabis card holder, a
25 medical cannabis designated caregiver, or medical cannabis

1 dispensing organization agent may possess medical cannabis
2 within any passenger area of any motor vehicle upon a highway
3 in this State except in a sealed, odor-proof, and
4 child-resistant medical cannabis container.

5 (d) Any person who violates subsections (a) through (c) of
6 this Section:

7 (1) commits a Class A misdemeanor;

8 (2) shall be subject to revocation of his or her
9 medical cannabis card for a period of 2 years from the end
10 of the sentence imposed;

11 (3) ~~(4)~~ shall be subject to revocation of his or her
12 status as a medical cannabis caregiver, medical cannabis
13 cultivation center agent, or medical cannabis dispensing
14 organization agent for a period of 2 years from the end of
15 the sentence imposed.

16 (Source: P.A. 101-27, eff. 6-25-19; revised 8-6-19.)

17 (625 ILCS 5/11-704) (from Ch. 95 1/2, par. 11-704)

18 Sec. 11-704. When overtaking on the right is permitted.

19 (a) The driver of a vehicle with 3 or more wheels may
20 overtake and pass upon the right of another vehicle only under
21 the following conditions:

22 1. When the vehicle overtaken is making or about to
23 make a left turn, ~~+~~

24 2. Upon a roadway with unobstructed pavement of
25 sufficient width for 2 ~~two~~ or more lines of vehicles

1 moving lawfully in the direction being traveled by the
2 overtaking vehicle.

3 3. Upon a one-way street, or upon any roadway on which
4 traffic is restricted to one direction of movement, where
5 the roadway is free from obstructions and of sufficient
6 width for 2 or more lines of moving vehicles.

7 (b) The driver of a 2-wheeled ~~2-wheeled~~ vehicle may not
8 pass upon the right of any other vehicle proceeding in the same
9 direction unless the unobstructed pavement to the right of the
10 vehicle being passed is of a width of not less than 8 feet.
11 This subsection does not apply to devices propelled by human
12 power.

13 (c) The driver of a vehicle may overtake and pass another
14 vehicle upon the right only under conditions permitting such
15 movement in safety. Such movement shall not be made by driving
16 off the roadway.

17 (Source: P.A. 98-485, eff. 1-1-14; revised 8-18-20.)

18 (625 ILCS 5/11-1006) (from Ch. 95 1/2, par. 11-1006)

19 Sec. 11-1006. Pedestrians soliciting rides or business.

20 (a) No person shall stand in a roadway for the purpose of
21 soliciting a ride from the driver of any vehicle.

22 (b) No person shall stand on a highway for the purpose of
23 soliciting employment or business from the occupant of any
24 vehicle.

25 (c) No person shall stand on a highway for the purpose of

1 soliciting contributions from the occupant of any vehicle
2 except within a municipality when expressly permitted by
3 municipal ordinance. The local municipality, city, village, or
4 other local governmental entity in which the solicitation
5 takes place shall determine by ordinance where and when
6 solicitations may take place based on the safety of the
7 solicitors and the safety of motorists. The decision shall
8 also take into account the orderly flow of traffic and may not
9 allow interference with the operation of official traffic
10 control devices. The soliciting agency shall be:

11 1. registered with the Attorney General as a
12 charitable organization as provided by the Solicitation
13 for Charity Act ~~"An Act to regulate solicitation and~~
14 ~~collection of funds for charitable purposes, providing for~~
15 ~~violations thereof, and making an appropriation therefor",~~
16 ~~approved July 26, 1963, as amended;~~

17 2. engaged in a Statewide fundraising ~~fund raising~~
18 activity; and

19 3. liable for any injuries to any person or property
20 during the solicitation which is causally related to an
21 act of ordinary negligence of the soliciting agent.

22 Any person engaged in the act of solicitation shall be 16
23 years of age or more and shall be wearing a high-visibility
24 ~~high-visibility~~ vest.

25 (d) No person shall stand on or in the proximity of a
26 highway for the purpose of soliciting the watching or guarding

1 of any vehicle while parked or about to be parked on a highway.

2 (e) Every person who is convicted of a violation of this
3 Section shall be guilty of a Class A misdemeanor.

4 (Source: P.A. 88-589, eff. 8-14-94; revised 8-18-20.)

5 (625 ILCS 5/11-1412.3)

6 Sec. 11-1412.3. Ownership and operation of a mobile
7 carrying device.

8 (a) A mobile carrying device may be operated on a sidewalk
9 or crosswalk so long as all of the following requirements are
10 met:

11 (1) the mobile carrying device is operated in
12 accordance with the local ordinances, if any, established
13 by the local authority governing where the mobile carrying
14 device is operated;

15 (2) a personal property owner is actively monitoring
16 the operation and navigation of the mobile carrying
17 device; and

18 (3) the mobile carrying device is equipped with a
19 braking system that enables the mobile carrying device to
20 perform a controlled stop.

21 (b) A mobile carrying device operator may not do any of the
22 following:

23 (1) fail to comply with traffic or pedestrian control
24 devices and signals;

25 (2) unreasonably interfere with pedestrians or

1 traffic;

2 (3) transport a person; or

3 (4) operate on a street or highway, except when
4 crossing the street or highway within a crosswalk.

5 (c) A mobile carrying device operator has the rights and
6 obligations applicable to a pedestrian under the same
7 circumstances, and shall ensure that a mobile carrying device
8 shall yield the right-of-way to a pedestrian on a sidewalk or
9 within a crosswalk.

10 (d) A personal property owner may not utilize a mobile
11 carrying device to transport hazardous materials.

12 (e) A personal property owner may not utilize a mobile
13 carrying device unless the person complies with this Section.

14 (f) A mobile carrying device operator that ~~who~~ is not a
15 natural person shall register with the Secretary of State.

16 (g) No contract seeking to exempt a mobile carrying device
17 operator from liability for injury, loss, or death caused by a
18 mobile carrying device shall be valid, and contractual
19 provisions limiting the choice of venue or forum, shortening
20 the statute of limitations, shifting the risk to the user,
21 limiting the availability of class actions, or obtaining
22 judicial remedies shall be invalid and unenforceable.

23 (h) A violation of this Section is a petty offense.

24 (Source: P.A. 101-123, eff. 7-26-19; revised 9-24-19.)

25 (625 ILCS 5/12-610.2)

1 Sec. 12-610.2. Electronic communication devices.

2 (a) As used in this Section:

3 "Electronic communication device" means an electronic
4 device, including, but not limited to, a hand-held wireless
5 telephone, hand-held personal digital assistant, or a portable
6 or mobile computer, but does not include a global positioning
7 system or navigation system or a device that is physically or
8 electronically integrated into the motor vehicle.

9 (b) A person may not operate a motor vehicle on a roadway
10 while using an electronic communication device, including
11 using an electronic communication device to watch or stream
12 video.

13 (b-5) A person commits aggravated use of an electronic
14 communication device when he or she violates subsection (b)
15 and in committing the violation he or she is involved in a
16 motor vehicle accident that results in great bodily harm,
17 permanent disability, disfigurement, or death to another and
18 the violation is a proximate cause of the injury or death.

19 (c) A violation of this Section is an offense against
20 traffic regulations governing the movement of vehicles. A
21 person who violates this Section shall be fined a maximum of
22 \$75 for a first offense, \$100 for a second offense, \$125 for a
23 third offense, and \$150 for a fourth or subsequent offense,
24 except that a person who violates subsection (b-5) shall be
25 assessed a minimum fine of \$1,000.

26 (d) This Section does not apply to:

1 (1) a law enforcement officer or operator of an
2 emergency vehicle while performing his or her official
3 duties;

4 (1.5) a first responder, including a volunteer first
5 responder, while operating his or her own personal motor
6 vehicle using an electronic communication device for the
7 sole purpose of receiving information about an emergency
8 situation while en route to performing his or her official
9 duties;

10 (2) a driver using an electronic communication device
11 for the sole purpose of reporting an emergency situation
12 and continued communication with emergency personnel
13 during the emergency situation;

14 (3) a driver using an electronic communication device
15 in hands-free or voice-operated mode, which may include
16 the use of a headset;

17 (4) a driver of a commercial motor vehicle reading a
18 message displayed on a permanently installed communication
19 device designed for a commercial motor vehicle with a
20 screen that does not exceed 10 inches tall by 10 inches
21 wide in size;

22 (5) a driver using an electronic communication device
23 while parked on the shoulder of a roadway;

24 (6) a driver using an electronic communication device
25 when the vehicle is stopped due to normal traffic being
26 obstructed and the driver has the motor vehicle

1 transmission in neutral or park;

2 (7) a driver using two-way or citizens band radio
3 services;

4 (8) a driver using two-way mobile radio transmitters
5 or receivers for licensees of the Federal Communications
6 Commission in the amateur radio service;

7 (9) a driver using an electronic communication device
8 by pressing a single button to initiate or terminate a
9 voice communication; or

10 (10) a driver using an electronic communication device
11 capable of performing multiple functions, other than a
12 hand-held wireless telephone or hand-held personal digital
13 assistant (for example, a fleet management system,
14 dispatching device, citizens band radio, or music player)
15 for a purpose that is not otherwise prohibited by this
16 Section.

17 (e) A person convicted of violating subsection (b-5)
18 commits a Class A misdemeanor if the violation resulted in
19 great bodily harm, permanent disability, or disfigurement to
20 another. A person convicted of violating subsection (b-5)
21 commits a Class 4 felony if the violation resulted in the death
22 of another person.

23 (Source: P.A. 100-727, eff. 8-3-18; 100-858, eff. 7-1-19;
24 101-81, eff. 7-12-19; 101-90, eff. 7-1-20; 101-297, eff.
25 1-1-20; revised 8-4-20.)

1 Section 700. The Clerks of Courts Act is amended by
2 changing Section 27.1b as follows:

3 (705 ILCS 105/27.1b)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
6 other provision of law, all fees charged by the clerks of the
7 circuit court for the services described in this Section shall
8 be established, collected, and disbursed in accordance with
9 this Section. Except as otherwise specified in this Section,
10 all fees under this Section shall be paid in advance and
11 disbursed by each clerk on a monthly basis. In a county with a
12 population of over 3,000,000, units of local government and
13 school districts shall not be required to pay fees under this
14 Section in advance and the clerk shall instead send an
15 itemized bill to the unit of local government or school
16 district, within 30 days of the fee being incurred, and the
17 unit of local government or school district shall be allowed
18 at least 30 days from the date of the itemized bill to pay;
19 these payments shall be disbursed by each clerk on a monthly
20 basis. Unless otherwise specified in this Section, the amount
21 of a fee shall be determined by ordinance or resolution of the
22 county board and remitted to the county treasurer to be used
23 for purposes related to the operation of the court system in
24 the county. In a county with a population of over 3,000,000,
25 any amount retained by the clerk of the circuit court or

1 remitted to the county treasurer shall be subject to
2 appropriation by the county board.

3 (a) Civil cases. The fee for filing a complaint, petition,
4 or other pleading initiating a civil action shall be as set
5 forth in the applicable schedule under this subsection in
6 accordance with case categories established by the Supreme
7 Court in schedules.

8 (1) SCHEDULE 1: not to exceed a total of \$366 in a
9 county with a population of 3,000,000 or more and not to
10 exceed \$316 in any other county, except as applied to
11 units of local government and school districts in counties
12 with more than 3,000,000 inhabitants an amount not to
13 exceed \$190 through December 31, 2021 and \$184 on and
14 after January 1, 2022. The fees collected under this
15 schedule shall be disbursed as follows:

16 (A) The clerk shall retain a sum, in an amount not
17 to exceed \$55 in a county with a population of
18 3,000,000 or more and in an amount not to exceed \$45 in
19 any other county determined by the clerk with the
20 approval of the Supreme Court, to be used for court
21 automation, court document storage, and administrative
22 purposes.

23 (B) The clerk shall remit up to \$21 to the State
24 Treasurer. The State Treasurer shall deposit the
25 appropriate amounts, in accordance with the clerk's
26 instructions, as follows:

1 (i) up to \$10, as specified by the Supreme
2 Court in accordance with Part 10A of Article II of
3 the Code of Civil Procedure, into the Mandatory
4 Arbitration Fund;

5 (ii) \$2 into the Access to Justice Fund; and

6 (iii) \$9 into the Supreme Court Special
7 Purposes Fund.

8 (C) The clerk shall remit a sum to the County
9 Treasurer, in an amount not to exceed \$290 in a county
10 with a population of 3,000,000 or more and in an amount
11 not to exceed \$250 in any other county, as specified by
12 ordinance or resolution passed by the county board,
13 for purposes related to the operation of the court
14 system in the county.

15 (2) SCHEDULE 2: not to exceed a total of \$357 in a
16 county with a population of 3,000,000 or more and not to
17 exceed \$266 in any other county, except as applied to
18 units of local government and school districts in counties
19 with more than 3,000,000 inhabitants an amount not to
20 exceed \$190 through December 31, 2021 and \$184 on and
21 after January 1, 2022. The fees collected under this
22 schedule shall be disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$55 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$45 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit up to \$21 to the State
5 Treasurer. The State Treasurer shall deposit the
6 appropriate amounts, in accordance with the clerk's
7 instructions, as follows:

8 (i) up to \$10, as specified by the Supreme
9 Court in accordance with Part 10A of Article II of
10 the Code of Civil Procedure, into the Mandatory
11 Arbitration Fund;

12 (ii) \$2 into the Access to Justice Fund: and

13 (iii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$281 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$200 in any other county, as specified by
19 ordinance or resolution passed by the county board,
20 for purposes related to the operation of the court
21 system in the county.

22 (3) SCHEDULE 3: not to exceed a total of \$265 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$89 in any other county, except as applied to units
25 of local government and school districts in counties with
26 more than 3,000,000 inhabitants an amount not to exceed

1 \$190 through December 31, 2021 and \$184 on and after
2 January 1, 2022. The fees collected under this schedule
3 shall be disbursed as follows:

4 (A) The clerk shall retain a sum, in an amount not
5 to exceed \$55 in a county with a population of
6 3,000,000 or more and in an amount not to exceed \$22 in
7 any other county determined by the clerk with the
8 approval of the Supreme Court, to be used for court
9 automation, court document storage, and administrative
10 purposes.

11 (B) The clerk shall remit \$11 to the State
12 Treasurer. The State Treasurer shall deposit the
13 appropriate amounts in accordance with the clerk's
14 instructions, as follows:

15 (i) \$2 into the Access to Justice Fund; and

16 (ii) \$9 into the Supreme Court Special
17 Purposes Fund.

18 (C) The clerk shall remit a sum to the County
19 Treasurer, in an amount not to exceed \$199 in a county
20 with a population of 3,000,000 or more and in an amount
21 not to exceed \$56 in any other county, as specified by
22 ordinance or resolution passed by the county board,
23 for purposes related to the operation of the court
24 system in the county.

25 (4) SCHEDULE 4: \$0.

26 (b) Appearance. The fee for filing an appearance in a

1 civil action, including a cannabis civil law action under the
2 Cannabis Control Act, shall be as set forth in the applicable
3 schedule under this subsection in accordance with case
4 categories established by the Supreme Court in schedules.

5 (1) SCHEDULE 1: not to exceed a total of \$230 in a
6 county with a population of 3,000,000 or more and not to
7 exceed \$191 in any other county, except as applied to
8 units of local government and school districts in counties
9 with more than 3,000,000 inhabitants an amount not to
10 exceed \$75. The fees collected under this schedule shall
11 be disbursed as follows:

12 (A) The clerk shall retain a sum, in an amount not
13 to exceed \$50 in a county with a population of
14 3,000,000 or more and in an amount not to exceed \$45 in
15 any other county determined by the clerk with the
16 approval of the Supreme Court, to be used for court
17 automation, court document storage, and administrative
18 purposes.

19 (B) The clerk shall remit up to \$21 to the State
20 Treasurer. The State Treasurer shall deposit the
21 appropriate amounts, in accordance with the clerk's
22 instructions, as follows:

23 (i) up to \$10, as specified by the Supreme
24 Court in accordance with Part 10A of Article II of
25 the Code of Civil Procedure, into the Mandatory
26 Arbitration Fund;

1 (ii) \$2 into the Access to Justice Fund; and

2 (iii) \$9 into the Supreme Court Special
3 Purposes Fund.

4 (C) The clerk shall remit a sum to the County
5 Treasurer, in an amount not to exceed \$159 in a county
6 with a population of 3,000,000 or more and in an amount
7 not to exceed \$125 in any other county, as specified by
8 ordinance or resolution passed by the county board,
9 for purposes related to the operation of the court
10 system in the county.

11 (2) SCHEDULE 2: not to exceed a total of \$130 in a
12 county with a population of 3,000,000 or more and not to
13 exceed \$109 in any other county, except as applied to
14 units of local government and school districts in counties
15 with more than 3,000,000 inhabitants an amount not to
16 exceed \$75. The fees collected under this schedule shall
17 be disbursed as follows:

18 (A) The clerk shall retain a sum, in an amount not
19 to exceed \$50 in a county with a population of
20 3,000,000 or more and in an amount not to exceed \$10 in
21 any other county determined by the clerk with the
22 approval of the Supreme Court, to be used for court
23 automation, court document storage, and administrative
24 purposes.

25 (B) The clerk shall remit \$9 to the State
26 Treasurer, which the State Treasurer shall deposit

1 into the Supreme Court Special Purpose Fund.

2 (C) The clerk shall remit a sum to the County
3 Treasurer, in an amount not to exceed \$71 in a county
4 with a population of 3,000,000 or more and in an amount
5 not to exceed \$90 in any other county, as specified by
6 ordinance or resolution passed by the county board,
7 for purposes related to the operation of the court
8 system in the county.

9 (3) SCHEDULE 3: \$0.

10 (b-5) Kane County and Will County. In Kane County and Will
11 County civil cases, there is an additional fee of up to \$30 as
12 set by the county board under Section 5-1101.3 of the Counties
13 Code to be paid by each party at the time of filing the first
14 pleading, paper, or other appearance; provided that no
15 additional fee shall be required if more than one party is
16 represented in a single pleading, paper, or other appearance.
17 Distribution of fees collected under this subsection (b-5)
18 shall be as provided in Section 5-1101.3 of the Counties Code.

19 (c) Counterclaim or third party complaint. When any
20 defendant files a counterclaim or third party complaint, as
21 part of the defendant's answer or otherwise, the defendant
22 shall pay a filing fee for each counterclaim or third party
23 complaint in an amount equal to the filing fee the defendant
24 would have had to pay had the defendant brought a separate
25 action for the relief sought in the counterclaim or third
26 party complaint, less the amount of the appearance fee, if

1 any, that the defendant has already paid in the action in which
2 the counterclaim or third party complaint is filed.

3 (d) Alias summons. The clerk shall collect a fee not to
4 exceed \$6 in a county with a population of 3,000,000 or more
5 and not to exceed \$5 in any other county for each alias summons
6 or citation issued by the clerk, except as applied to units of
7 local government and school districts in counties with more
8 than 3,000,000 inhabitants an amount not to exceed \$5 for each
9 alias summons or citation issued by the clerk.

10 (e) Jury services. The clerk shall collect, in addition to
11 other fees allowed by law, a sum not to exceed \$212.50, as a
12 fee for the services of a jury in every civil action not
13 quasi-criminal in its nature and not a proceeding for the
14 exercise of the right of eminent domain and in every other
15 action wherein the right of trial by jury is or may be given by
16 law. The jury fee shall be paid by the party demanding a jury
17 at the time of filing the jury demand. If the fee is not paid
18 by either party, no jury shall be called in the action or
19 proceeding, and the action or proceeding shall be tried by the
20 court without a jury.

21 (f) Change of venue. In connection with a change of venue:

22 (1) The clerk of the jurisdiction from which the case
23 is transferred may charge a fee, not to exceed \$40, for the
24 preparation and certification of the record; and

25 (2) The clerk of the jurisdiction to which the case is
26 transferred may charge the same filing fee as if it were

1 the commencement of a new suit.

2 (g) Petition to vacate or modify.

3 (1) In a proceeding involving a petition to vacate or
4 modify any final judgment or order filed within 30 days
5 after the judgment or order was entered, except for an
6 eviction case, small claims case, petition to reopen an
7 estate, petition to modify, terminate, or enforce a
8 judgment or order for child or spousal support, or
9 petition to modify, suspend, or terminate an order for
10 withholding, the fee shall not exceed \$60 in a county with
11 a population of 3,000,000 or more and shall not exceed \$50
12 in any other county, except as applied to units of local
13 government and school districts in counties with more than
14 3,000,000 inhabitants an amount not to exceed \$50.

15 (2) In a proceeding involving a petition to vacate or
16 modify any final judgment or order filed more than 30 days
17 after the judgment or order was entered, except for a
18 petition to modify, terminate, or enforce a judgment or
19 order for child or spousal support, or petition to modify,
20 suspend, or terminate an order for withholding, the fee
21 shall not exceed \$75.

22 (3) In a proceeding involving a motion to vacate or
23 amend a final order, motion to vacate an ex parte
24 judgment, judgment of forfeiture, or "failure to appear"
25 or "failure to comply" notices sent to the Secretary of
26 State, the fee shall equal \$40.

1 (h) Appeals preparation. The fee for preparation of a
2 record on appeal shall be based on the number of pages, as
3 follows:

4 (1) if the record contains no more than 100 pages, the
5 fee shall not exceed \$70 in a county with a population of
6 3,000,000 or more and shall not exceed \$50 in any other
7 county;

8 (2) if the record contains between 100 and 200 pages,
9 the fee shall not exceed \$100; and

10 (3) if the record contains 200 or more pages, the
11 clerk may collect an additional fee not to exceed 25 cents
12 per page.

13 (i) Remands. In any cases remanded to the circuit court
14 from the Supreme Court or the appellate court for a new trial,
15 the clerk shall reinstate the case with either its original
16 number or a new number. The clerk shall not charge any new or
17 additional fee for the reinstatement. Upon reinstatement, the
18 clerk shall advise the parties of the reinstatement. Parties
19 shall have the same right to a jury trial on remand and
20 reinstatement that they had before the appeal, and no
21 additional or new fee or charge shall be made for a jury trial
22 after remand.

23 (j) Garnishment, wage deduction, and citation. In
24 garnishment affidavit, wage deduction affidavit, and citation
25 petition proceedings:

26 (1) if the amount in controversy in the proceeding is

1 not more than \$1,000, the fee may not exceed \$35 in a
2 county with a population of 3,000,000 or more and may not
3 exceed \$15 in any other county, except as applied to units
4 of local government and school districts in counties with
5 more than 3,000,000 inhabitants an amount not to exceed
6 \$15;

7 (2) if the amount in controversy in the proceeding is
8 greater than \$1,000 and not more than \$5,000, the fee may
9 not exceed \$45 in a county with a population of 3,000,000
10 or more and may not exceed \$30 in any other county, except
11 as applied to units of local government and school
12 districts in counties with more than 3,000,000 inhabitants
13 an amount not to exceed \$30; and

14 (3) if the amount in controversy in the proceeding is
15 greater than \$5,000, the fee may not exceed \$65 in a county
16 with a population of 3,000,000 or more and may not exceed
17 \$50 in any other county, except as applied to units of
18 local government and school districts in counties with
19 more than 3,000,000 inhabitants an amount not to exceed
20 \$50.

21 (j-5) Debt collection. In any proceeding to collect a debt
22 subject to the exception in item (ii) of subparagraph (A-5) of
23 paragraph (1) of subsection (z) of this Section, the circuit
24 court shall order and the clerk shall collect from each
25 judgment debtor a fee of:

26 (1) \$35 if the amount in controversy in the proceeding

1 is not more than \$1,000;

2 (2) \$45 if the amount in controversy in the proceeding
3 is greater than \$1,000 and not more than \$5,000; and

4 (3) \$65 if the amount in controversy in the proceeding
5 is greater than \$5,000.

6 (k) Collections.

7 (1) For all collections made of others, except the
8 State and county and except in maintenance or child
9 support cases, the clerk may collect a fee of up to 2.5% of
10 the amount collected and turned over.

11 (2) In child support and maintenance cases, the clerk
12 may collect an annual fee of up to \$36 from the person
13 making payment for maintaining child support records and
14 the processing of support orders to the State of Illinois
15 KIDS system and the recording of payments issued by the
16 State Disbursement Unit for the official record of the
17 Court. This fee is in addition to and separate from
18 amounts ordered to be paid as maintenance or child support
19 and shall be deposited into a Separate Maintenance and
20 Child Support Collection Fund, of which the clerk shall be
21 the custodian, ex officio, to be used by the clerk to
22 maintain child support orders and record all payments
23 issued by the State Disbursement Unit for the official
24 record of the Court. The clerk may recover from the person
25 making the maintenance or child support payment any
26 additional cost incurred in the collection of this annual

1 fee.

2 (3) The clerk may collect a fee of \$5 for
3 certifications made to the Secretary of State as provided
4 in Section 7-703 of the Illinois Vehicle Code, and this
5 fee shall be deposited into the Separate Maintenance and
6 Child Support Collection Fund.

7 (4) In proceedings to foreclose the lien of delinquent
8 real estate taxes, State's Attorneys shall receive a fee
9 of 10% of the total amount realized from the sale of real
10 estate sold in the proceedings. The clerk shall collect
11 the fee from the total amount realized from the sale of the
12 real estate sold in the proceedings and remit to the
13 County Treasurer to be credited to the earnings of the
14 Office of the State's Attorney.

15 (l) Mailing. The fee for the clerk mailing documents shall
16 not exceed \$10 plus the cost of postage.

17 (m) Certified copies. The fee for each certified copy of a
18 judgment, after the first copy, shall not exceed \$10.

19 (n) Certification, authentication, and reproduction.

20 (1) The fee for each certification or authentication
21 for taking the acknowledgment of a deed or other
22 instrument in writing with the seal of office shall not
23 exceed \$6.

24 (2) The fee for reproduction of any document contained
25 in the clerk's files shall not exceed:

26 (A) \$2 for the first page;

1 (B) 50 cents per page for the next 19 pages; and

2 (C) 25 cents per page for all additional pages.

3 (o) Record search. For each record search, within a
4 division or municipal district, the clerk may collect a search
5 fee not to exceed \$6 for each year searched.

6 (p) Hard copy. For each page of hard copy print output,
7 when case records are maintained on an automated medium, the
8 clerk may collect a fee not to exceed \$10 in a county with a
9 population of 3,000,000 or more and not to exceed \$6 in any
10 other county, except as applied to units of local government
11 and school districts in counties with more than 3,000,000
12 inhabitants an amount not to exceed \$6.

13 (q) Index inquiry and other records. No fee shall be
14 charged for a single plaintiff and defendant index inquiry or
15 single case record inquiry when this request is made in person
16 and the records are maintained in a current automated medium,
17 and when no hard copy print output is requested. The fees to be
18 charged for management records, multiple case records, and
19 multiple journal records may be specified by the Chief Judge
20 pursuant to the guidelines for access and dissemination of
21 information approved by the Supreme Court.

22 (r) Performing a marriage. There shall be a \$10 fee for
23 performing a marriage in court.

24 (s) Voluntary assignment. For filing each deed of
25 voluntary assignment, the clerk shall collect a fee not to
26 exceed \$20. For recording a deed of voluntary assignment, the

1 clerk shall collect a fee not to exceed 50 cents for each 100
2 words. Exceptions filed to claims presented to an assignee of
3 a debtor who has made a voluntary assignment for the benefit of
4 creditors shall be considered and treated, for the purpose of
5 taxing costs therein, as actions in which the party or parties
6 filing the exceptions shall be considered as party or parties
7 plaintiff, and the claimant or claimants as party or parties
8 defendant, and those parties respectively shall pay to the
9 clerk the same fees as provided by this Section to be paid in
10 other actions.

11 (t) Expungement petition. The clerk may collect a fee not
12 to exceed \$60 for each expungement petition filed and an
13 additional fee not to exceed \$4 for each certified copy of an
14 order to expunge arrest records.

15 (u) Transcripts of judgment. For the filing of a
16 transcript of judgment, the clerk may collect the same fee as
17 if it were the commencement of a new suit.

18 (v) Probate filings.

19 (1) For each account (other than one final account)
20 filed in the estate of a decedent, or ward, the fee shall
21 not exceed \$25.

22 (2) For filing a claim in an estate when the amount
23 claimed is greater than \$150 and not more than \$500, the
24 fee shall not exceed \$40 in a county with a population of
25 3,000,000 or more and shall not exceed \$25 in any other
26 county; when the amount claimed is greater than \$500 and

1 not more than \$10,000, the fee shall not exceed \$55 in a
2 county with a population of 3,000,000 or more and shall
3 not exceed \$40 in any other county; and when the amount
4 claimed is more than \$10,000, the fee shall not exceed \$75
5 in a county with a population of 3,000,000 or more and
6 shall not exceed \$60 in any other county; except the court
7 in allowing a claim may add to the amount allowed the
8 filing fee paid by the claimant.

9 (3) For filing in an estate a claim, petition, or
10 supplemental proceeding based upon an action seeking
11 equitable relief including the construction or contest of
12 a will, enforcement of a contract to make a will, and
13 proceedings involving testamentary trusts or the
14 appointment of testamentary trustees, the fee shall not
15 exceed \$60.

16 (4) There shall be no fee for filing in an estate: (i)
17 the appearance of any person for the purpose of consent;
18 or (ii) the appearance of an executor, administrator,
19 administrator to collect, guardian, guardian ad litem, or
20 special administrator.

21 (5) For each jury demand, the fee shall not exceed
22 \$137.50.

23 (6) For each certified copy of letters of office, of
24 court order, or other certification, the fee shall not
25 exceed \$2 per page.

26 (7) For each exemplification, the fee shall not exceed

1 \$2, plus the fee for certification.

2 (8) The executor, administrator, guardian, petitioner,
3 or other interested person or his or her attorney shall
4 pay the cost of publication by the clerk directly to the
5 newspaper.

6 (9) The person on whose behalf a charge is incurred
7 for witness, court reporter, appraiser, or other
8 miscellaneous fees shall pay the same directly to the
9 person entitled thereto.

10 (10) The executor, administrator, guardian,
11 petitioner, or other interested person or his or her
12 attorney shall pay to the clerk all postage charges
13 incurred by the clerk in mailing petitions, orders,
14 notices, or other documents pursuant to the provisions of
15 the Probate Act of 1975.

16 (w) Corrections of numbers. For correction of the case
17 number, case title, or attorney computer identification
18 number, if required by rule of court, on any document filed in
19 the clerk's office, to be charged against the party that filed
20 the document, the fee shall not exceed \$25.

21 (x) Miscellaneous.

22 (1) Interest earned on any fees collected by the clerk
23 shall be turned over to the county general fund as an
24 earning of the office.

25 (2) For any check, draft, or other bank instrument
26 returned to the clerk for non-sufficient funds, account

1 closed, or payment stopped, the clerk shall collect a fee
2 of \$25.

3 (y) Other fees. Any fees not covered in this Section shall
4 be set by rule or administrative order of the circuit court
5 with the approval of the Administrative Office of the Illinois
6 Courts. The clerk of the circuit court may provide services in
7 connection with the operation of the clerk's office, other
8 than those services mentioned in this Section, as may be
9 requested by the public and agreed to by the clerk and approved
10 by the Chief Judge. Any charges for additional services shall
11 be as agreed to between the clerk and the party making the
12 request and approved by the Chief Judge. Nothing in this
13 subsection shall be construed to require any clerk to provide
14 any service not otherwise required by law.

15 (y-5) Unpaid fees. Unless a court ordered payment schedule
16 is implemented or the fee requirements of this Section are
17 waived under a court order, the clerk of the circuit court may
18 add to any unpaid fees and costs under this Section a
19 delinquency amount equal to 5% of the unpaid fees that remain
20 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
21 after 60 days, and 15% of the unpaid fees that remain unpaid
22 after 90 days. Notice to those parties may be made by signage
23 posting or publication. The additional delinquency amounts
24 collected under this Section shall be deposited into the
25 Circuit Court Clerk Operations and Administration Fund and
26 used to defray additional administrative costs incurred by the

1 clerk of the circuit court in collecting unpaid fees and
2 costs.

3 (z) Exceptions.

4 (1) No fee authorized by this Section shall apply to:

5 (A) police departments or other law enforcement
6 agencies. In this Section, "law enforcement agency"
7 means: an agency of the State or agency of a unit of
8 local government which is vested by law or ordinance
9 with the duty to maintain public order and to enforce
10 criminal laws or ordinances; the Attorney General; or
11 any State's Attorney;

12 (A-5) any unit of local government or school
13 district, except in counties having a population of
14 500,000 or more the county board may by resolution set
15 fees for units of local government or school districts
16 no greater than the minimum fees applicable in
17 counties with a population less than 3,000,000;
18 provided however, no fee may be charged to any unit of
19 local government or school district in connection with
20 any action which, in whole or in part, is: (i) to
21 enforce an ordinance; (ii) to collect a debt; or (iii)
22 under the Administrative Review Law;

23 (B) any action instituted by the corporate
24 authority of a municipality with more than 1,000,000
25 inhabitants under Section 11-31-1 of the Illinois
26 Municipal Code and any action instituted under

1 subsection (b) of Section 11-31-1 of the Illinois
2 Municipal Code by a private owner or tenant of real
3 property within 1,200 feet of a dangerous or unsafe
4 building seeking an order compelling the owner or
5 owners of the building to take any of the actions
6 authorized under that subsection;

7 (C) any commitment petition or petition for an
8 order authorizing the administration of psychotropic
9 medication or electroconvulsive therapy under the
10 Mental Health and Developmental Disabilities Code;

11 (D) a petitioner in any order of protection
12 proceeding, including, but not limited to, fees for
13 filing, modifying, withdrawing, certifying, or
14 photocopying petitions for orders of protection,
15 issuing alias summons, any related filing service, or
16 certifying, modifying, vacating, or photocopying any
17 orders of protection; or

18 (E) proceedings for the appointment of a
19 confidential intermediary under the Adoption Act.

20 (2) No fee other than the filing fee contained in the
21 applicable schedule in subsection (a) shall be charged to
22 any person in connection with an adoption proceeding.

23 (3) Upon good cause shown, the court may waive any
24 fees associated with a special needs adoption. The term
25 "special needs adoption" has the meaning provided by the
26 Illinois Department of Children and Family Services.

1 (aa) This Section is repealed on January 1, 2022.
2 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
3 100-1161, eff. 7-1-19; 101-645, eff. 6-26-20; revised
4 8-18-20.)

5 Section 705. The Juvenile Court Act of 1987 is amended by
6 changing Sections 2-4a, 2-31, 5-710, and 5-915 as follows:

7 (705 ILCS 405/2-4a)

8 Sec. 2-4a. Special immigrant minor.

9 (a) The court has jurisdiction to make the findings
10 necessary to enable a minor who has been adjudicated a ward of
11 the court to petition the United States Citizenship and
12 Immigration Services for classification as a special immigrant
13 juvenile under 8 U.S.C. 1101(a)(27)(J). A minor for whom the
14 court finds under subsection (b) shall remain under the
15 jurisdiction of the court until his or her special immigrant
16 juvenile petition is filed with the United States Citizenship
17 and Immigration Services, or its successor agency.

18 (b) If a motion requests findings regarding Special
19 Immigrant Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and
20 the evidence, which may consist solely of, but is not limited
21 to, a declaration of the minor, supports the findings, the
22 court shall issue an order that includes the following
23 findings:

24 (1) (A) the minor is declared a dependent of the

1 court; or (B) the minor is legally committed to, or placed
2 under the custody of, a State agency or department, or an
3 individual or entity appointed by the court; and

4 (2) that reunification of the minor with one or both
5 of the minor's parents is not viable due to abuse,
6 neglect, abandonment, or other similar basis; and

7 (3) that it is not in the best interest of the minor to
8 be returned to the minor's or parent's previous country of
9 nationality or last habitual residence.

10 (c) In this Section, ~~(1) The term~~ "abandonment" means,
11 but is not limited to, the failure of a parent or legal
12 guardian to maintain a reasonable degree of interest, concern,
13 or responsibility for the welfare of his or her minor child or
14 ward. ~~(2) (Blank).~~

15 ~~(d) (Blank).~~

16 (Source: P.A. 101-121, eff. 11-25-19 (see P.A. 101-592 for the
17 effective date of changes made by P.A. 101-121); revised
18 9-8-20.)

19 (705 ILCS 405/2-31) (from Ch. 37, par. 802-31)

20 Sec. 2-31. Duration of wardship and discharge of
21 proceedings.

22 (1) All proceedings under Article II of this Act in
23 respect of any minor automatically terminate upon his or her
24 attaining the age of 21 years.

25 (2) Whenever the court determines, and makes written

1 factual findings, that health, safety, and the best interests
2 of the minor and the public no longer require the wardship of
3 the court, the court shall order the wardship terminated and
4 all proceedings under this Act respecting that minor finally
5 closed and discharged. The court may at the same time continue
6 or terminate any custodianship or guardianship theretofore
7 ordered but the termination must be made in compliance with
8 Section 2-28. When terminating wardship under this Section, if
9 the minor is over 18~~7~~, or if wardship is terminated in
10 conjunction with an order partially or completely emancipating
11 the minor in accordance with the Emancipation of Minors Act,
12 the court shall also consider the following factors, in
13 addition to the health, safety, and best interest of the minor
14 and the public: (A) the minor's wishes regarding case closure;
15 (B) the manner in which the minor will maintain independence
16 without services from the Department; (C) the minor's
17 engagement in services including placement offered by the
18 Department; (D) if the minor is not engaged~~l~~, the Department's
19 efforts to engage the minor; (E) the nature of communication
20 between the minor and the Department; (F) the minor's
21 involvement in other State systems or services; (G) the
22 minor's connections with family and other community support;
23 and (H) any other factor the court deems relevant. The minor's
24 lack of cooperation with services provided by the Department
25 of Children and Family Services shall not by itself be
26 considered sufficient evidence that the minor is prepared to

1 live independently and that it is in the best interest of the
2 minor to terminate wardship. It shall not be in the minor's
3 best interest to terminate wardship of a minor over the age of
4 18 who is in the guardianship of the Department of Children and
5 Family Services if the Department has not made reasonable
6 efforts to ensure that the minor has documents necessary for
7 adult living as provided in Section 35.10 of the Children and
8 Family Services Act.

9 (3) The wardship of the minor and any custodianship or
10 guardianship respecting the minor for whom a petition was
11 filed after July 24, 1991 (the effective date of Public Act
12 87-14) ~~this amendatory Act of 1991~~ automatically terminates
13 when he attains the age of 19 years, except as set forth in
14 subsection (1) of this Section. The clerk of the court shall at
15 that time record all proceedings under this Act as finally
16 closed and discharged for that reason. The provisions of this
17 subsection (3) become inoperative on and after July 12, 2019
18 ~~(the effective date of Public Act 101-78) this amendatory Act~~
19 ~~of the 101st General Assembly.~~

20 (4) Notwithstanding any provision of law to the contrary,
21 the changes made by Public Act 101-78 ~~this amendatory Act of~~
22 ~~the 101st General Assembly~~ apply to all cases that are pending
23 on or after July 12, 2019 (the effective date of Public Act
24 101-78) ~~this amendatory Act of the 101st General Assembly.~~

25 (Source: P.A. 100-680, eff. 1-1-19; 101-78, eff. 7-12-19;
26 revised 9-12-19.)

1 (705 ILCS 405/5-710)

2 Sec. 5-710. Kinds of sentencing orders.

3 (1) The following kinds of sentencing orders may be made
4 in respect of wards of the court:

5 (a) Except as provided in Sections 5-805, 5-810, and
6 5-815, a minor who is found guilty under Section 5-620 may
7 be:

8 (i) put on probation or conditional discharge and
9 released to his or her parents, guardian or legal
10 custodian, provided, however, that any such minor who
11 is not committed to the Department of Juvenile Justice
12 under this subsection and who is found to be a
13 delinquent for an offense which is first degree
14 murder, a Class X felony, or a forcible felony shall be
15 placed on probation;

16 (ii) placed in accordance with Section 5-740, with
17 or without also being put on probation or conditional
18 discharge;

19 (iii) required to undergo a substance abuse
20 assessment conducted by a licensed provider and
21 participate in the indicated clinical level of care;

22 (iv) on and after January 1, 2015 (the effective
23 date of Public Act 98-803) ~~this amendatory Act of the~~
24 ~~98th General Assembly~~ and before January 1, 2017,
25 placed in the guardianship of the Department of

1 Children and Family Services, but only if the
2 delinquent minor is under 16 years of age or, pursuant
3 to Article II of this Act, a minor under the age of 18
4 for whom an independent basis of abuse, neglect, or
5 dependency exists. On and after January 1, 2017,
6 placed in the guardianship of the Department of
7 Children and Family Services, but only if the
8 delinquent minor is under 15 years of age or, pursuant
9 to Article II of this Act, a minor for whom an
10 independent basis of abuse, neglect, or dependency
11 exists. An independent basis exists when the
12 allegations or adjudication of abuse, neglect, or
13 dependency do not arise from the same facts, incident,
14 or circumstances which give rise to a charge or
15 adjudication of delinquency;

16 (v) placed in detention for a period not to exceed
17 30 days, either as the exclusive order of disposition
18 or, where appropriate, in conjunction with any other
19 order of disposition issued under this paragraph,
20 provided that any such detention shall be in a
21 juvenile detention home and the minor so detained
22 shall be 10 years of age or older. However, the 30-day
23 limitation may be extended by further order of the
24 court for a minor under age 15 committed to the
25 Department of Children and Family Services if the
26 court finds that the minor is a danger to himself or

1 others. The minor shall be given credit on the
2 sentencing order of detention for time spent in
3 detention under Sections 5-501, 5-601, 5-710, or 5-720
4 of this Article as a result of the offense for which
5 the sentencing order was imposed. The court may grant
6 credit on a sentencing order of detention entered
7 under a violation of probation or violation of
8 conditional discharge under Section 5-720 of this
9 Article for time spent in detention before the filing
10 of the petition alleging the violation. A minor shall
11 not be deprived of credit for time spent in detention
12 before the filing of a violation of probation or
13 conditional discharge alleging the same or related act
14 or acts. The limitation that the minor shall only be
15 placed in a juvenile detention home does not apply as
16 follows:

17 Persons 18 years of age and older who have a
18 petition of delinquency filed against them may be
19 confined in an adult detention facility. In making a
20 determination whether to confine a person 18 years of
21 age or older who has a petition of delinquency filed
22 against the person, these factors, among other
23 matters, shall be considered:

24 (A) the age of the person;

25 (B) any previous delinquent or criminal
26 history of the person;

1 (C) any previous abuse or neglect history of
2 the person;

3 (D) any mental health history of the person;
4 and

5 (E) any educational history of the person;

6 (vi) ordered partially or completely emancipated
7 in accordance with the provisions of the Emancipation
8 of Minors Act;

9 (vii) subject to having his or her driver's
10 license or driving privileges suspended for such time
11 as determined by the court but only until he or she
12 attains 18 years of age;

13 (viii) put on probation or conditional discharge
14 and placed in detention under Section 3-6039 of the
15 Counties Code for a period not to exceed the period of
16 incarceration permitted by law for adults found guilty
17 of the same offense or offenses for which the minor was
18 adjudicated delinquent, and in any event no longer
19 than upon attainment of age 21; this subdivision
20 (viii) notwithstanding any contrary provision of the
21 law;

22 (ix) ordered to undergo a medical or other
23 procedure to have a tattoo symbolizing allegiance to a
24 street gang removed from his or her body; or

25 (x) placed in electronic monitoring or home
26 detention under Part 7A of this Article.

1 (b) A minor found to be guilty may be committed to the
2 Department of Juvenile Justice under Section 5-750 if the
3 minor is at least 13 years and under 20 years of age,
4 provided that the commitment to the Department of Juvenile
5 Justice shall be made only if the minor was found guilty of
6 a felony offense or first degree murder. The court shall
7 include in the sentencing order any pre-custody credits
8 the minor is entitled to under Section 5-4.5-100 of the
9 Unified Code of Corrections. The time during which a minor
10 is in custody before being released upon the request of a
11 parent, guardian or legal custodian shall also be
12 considered as time spent in custody.

13 (c) When a minor is found to be guilty for an offense
14 which is a violation of the Illinois Controlled Substances
15 Act, the Cannabis Control Act, or the Methamphetamine
16 Control and Community Protection Act and made a ward of
17 the court, the court may enter a disposition order
18 requiring the minor to undergo assessment, counseling or
19 treatment in a substance use disorder treatment program
20 approved by the Department of Human Services.

21 (2) Any sentencing order other than commitment to the
22 Department of Juvenile Justice may provide for protective
23 supervision under Section 5-725 and may include an order of
24 protection under Section 5-730.

25 (3) Unless the sentencing order expressly so provides, it
26 does not operate to close proceedings on the pending petition,

1 but is subject to modification until final closing and
2 discharge of the proceedings under Section 5-750.

3 (4) In addition to any other sentence, the court may order
4 any minor found to be delinquent to make restitution, in
5 monetary or non-monetary form, under the terms and conditions
6 of Section 5-5-6 of the Unified Code of Corrections, except
7 that the "presentencing hearing" referred to in that Section
8 shall be the sentencing hearing for purposes of this Section.
9 The parent, guardian or legal custodian of the minor may be
10 ordered by the court to pay some or all of the restitution on
11 the minor's behalf, pursuant to the Parental Responsibility
12 Law. The State's Attorney is authorized to act on behalf of any
13 victim in seeking restitution in proceedings under this
14 Section, up to the maximum amount allowed in Section 5 of the
15 Parental Responsibility Law.

16 (5) Any sentencing order where the minor is committed or
17 placed in accordance with Section 5-740 shall provide for the
18 parents or guardian of the estate of the minor to pay to the
19 legal custodian or guardian of the person of the minor such
20 sums as are determined by the custodian or guardian of the
21 person of the minor as necessary for the minor's needs. The
22 payments may not exceed the maximum amounts provided for by
23 Section 9.1 of the Children and Family Services Act.

24 (6) Whenever the sentencing order requires the minor to
25 attend school or participate in a program of training, the
26 truant officer or designated school official shall regularly

1 report to the court if the minor is a chronic or habitual
2 truant under Section 26-2a of the School Code. Notwithstanding
3 any other provision of this Act, in instances in which
4 educational services are to be provided to a minor in a
5 residential facility where the minor has been placed by the
6 court, costs incurred in the provision of those educational
7 services must be allocated based on the requirements of the
8 School Code.

9 (7) In no event shall a guilty minor be committed to the
10 Department of Juvenile Justice for a period of time in excess
11 of that period for which an adult could be committed for the
12 same act. The court shall include in the sentencing order a
13 limitation on the period of confinement not to exceed the
14 maximum period of imprisonment the court could impose under
15 Chapter V ~~5~~ of the Unified Code of Corrections.

16 (7.5) In no event shall a guilty minor be committed to the
17 Department of Juvenile Justice or placed in detention when the
18 act for which the minor was adjudicated delinquent would not
19 be illegal if committed by an adult.

20 (7.6) In no event shall a guilty minor be committed to the
21 Department of Juvenile Justice for an offense which is a Class
22 4 felony under Section 19-4 (criminal trespass to a
23 residence), 21-1 (criminal damage to property), 21-1.01
24 (criminal damage to government supported property), 21-1.3
25 (criminal defacement of property), 26-1 (disorderly conduct),
26 or 31-4 (obstructing justice) of the Criminal Code of 2012.

1 (7.75) In no event shall a guilty minor be committed to the
2 Department of Juvenile Justice for an offense that is a Class 3
3 or Class 4 felony violation of the Illinois Controlled
4 Substances Act unless the commitment occurs upon a third or
5 subsequent judicial finding of a violation of probation for
6 substantial noncompliance with court-ordered treatment or
7 programming.

8 (8) A minor found to be guilty for reasons that include a
9 violation of Section 21-1.3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 shall be ordered to perform community
11 service for not less than 30 and not more than 120 hours, if
12 community service is available in the jurisdiction. The
13 community service shall include, but need not be limited to,
14 the cleanup and repair of the damage that was caused by the
15 violation or similar damage to property located in the
16 municipality or county in which the violation occurred. The
17 order may be in addition to any other order authorized by this
18 Section.

19 (8.5) A minor found to be guilty for reasons that include a
20 violation of Section 3.02 or Section 3.03 of the Humane Care
21 for Animals Act or paragraph (d) of subsection (1) of Section
22 21-1 of the Criminal Code of 1961 or paragraph (4) of
23 subsection (a) of Section 21-1 of the Criminal Code of 2012
24 shall be ordered to undergo medical or psychiatric treatment
25 rendered by a psychiatrist or psychological treatment rendered
26 by a clinical psychologist. The order may be in addition to any

1 other order authorized by this Section.

2 (9) In addition to any other sentencing order, the court
3 shall order any minor found to be guilty for an act which would
4 constitute, predatory criminal sexual assault of a child,
5 aggravated criminal sexual assault, criminal sexual assault,
6 aggravated criminal sexual abuse, or criminal sexual abuse if
7 committed by an adult to undergo medical testing to determine
8 whether the defendant has any sexually transmissible disease
9 including a test for infection with human immunodeficiency
10 virus (HIV) or any other identified causative agency of
11 acquired immunodeficiency syndrome (AIDS). Any medical test
12 shall be performed only by appropriately licensed medical
13 practitioners and may include an analysis of any bodily fluids
14 as well as an examination of the minor's person. Except as
15 otherwise provided by law, the results of the test shall be
16 kept strictly confidential by all medical personnel involved
17 in the testing and must be personally delivered in a sealed
18 envelope to the judge of the court in which the sentencing
19 order was entered for the judge's inspection in camera. Acting
20 in accordance with the best interests of the victim and the
21 public, the judge shall have the discretion to determine to
22 whom the results of the testing may be revealed. The court
23 shall notify the minor of the results of the test for infection
24 with the human immunodeficiency virus (HIV). The court shall
25 also notify the victim if requested by the victim, and if the
26 victim is under the age of 15 and if requested by the victim's

1 parents or legal guardian, the court shall notify the victim's
2 parents or the legal guardian, of the results of the test for
3 infection with the human immunodeficiency virus (HIV). The
4 court shall provide information on the availability of HIV
5 testing and counseling at the Department of Public Health
6 facilities to all parties to whom the results of the testing
7 are revealed. The court shall order that the cost of any test
8 shall be paid by the county and may be taxed as costs against
9 the minor.

10 (10) When a court finds a minor to be guilty the court
11 shall, before entering a sentencing order under this Section,
12 make a finding whether the offense committed either: (a) was
13 related to or in furtherance of the criminal activities of an
14 organized gang or was motivated by the minor's membership in
15 or allegiance to an organized gang, or (b) involved a
16 violation of subsection (a) of Section 12-7.1 of the Criminal
17 Code of 1961 or the Criminal Code of 2012, a violation of any
18 Section of Article 24 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, or a violation of any statute that
20 involved the wrongful use of a firearm. If the court
21 determines the question in the affirmative, and the court does
22 not commit the minor to the Department of Juvenile Justice,
23 the court shall order the minor to perform community service
24 for not less than 30 hours nor more than 120 hours, provided
25 that community service is available in the jurisdiction and is
26 funded and approved by the county board of the county where the

1 offense was committed. The community service shall include,
2 but need not be limited to, the cleanup and repair of any
3 damage caused by a violation of Section 21-1.3 of the Criminal
4 Code of 1961 or the Criminal Code of 2012 and similar damage to
5 property located in the municipality or county in which the
6 violation occurred. When possible and reasonable, the
7 community service shall be performed in the minor's
8 neighborhood. This order shall be in addition to any other
9 order authorized by this Section except for an order to place
10 the minor in the custody of the Department of Juvenile
11 Justice. For the purposes of this Section, "organized gang"
12 has the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (11) If the court determines that the offense was
15 committed in furtherance of the criminal activities of an
16 organized gang, as provided in subsection (10), and that the
17 offense involved the operation or use of a motor vehicle or the
18 use of a driver's license or permit, the court shall notify the
19 Secretary of State of that determination and of the period for
20 which the minor shall be denied driving privileges. If, at the
21 time of the determination, the minor does not hold a driver's
22 license or permit, the court shall provide that the minor
23 shall not be issued a driver's license or permit until his or
24 her 18th birthday. If the minor holds a driver's license or
25 permit at the time of the determination, the court shall
26 provide that the minor's driver's license or permit shall be

1 revoked until his or her 21st birthday, or until a later date
2 or occurrence determined by the court. If the minor holds a
3 driver's license at the time of the determination, the court
4 may direct the Secretary of State to issue the minor a judicial
5 driving permit, also known as a JDP. The JDP shall be subject
6 to the same terms as a JDP issued under Section 6-206.1 of the
7 Illinois Vehicle Code, except that the court may direct that
8 the JDP be effective immediately.

9 (12) (Blank).

10 (Source: P.A. 100-201, eff. 8-18-17; 100-431, eff. 8-25-17;
11 100-759, eff. 1-1-19; 101-2, eff. 7-1-19; 101-79, eff.
12 7-12-19; 101-159, eff. 1-1-20; revised 8-8-19.)

13 (705 ILCS 405/5-915)

14 Sec. 5-915. Expungement of juvenile law enforcement and
15 juvenile court records.

16 (0.05) (Blank).

17 (0.1) (a) The Department of State Police and all law
18 enforcement agencies within the State shall automatically
19 expunge, on or before January 1 of each year, all juvenile law
20 enforcement records relating to events occurring before an
21 individual's 18th birthday if:

22 (1) one year or more has elapsed since the date of the
23 arrest or law enforcement interaction documented in the
24 records;

25 (2) no petition for delinquency or criminal charges

1 were filed with the clerk of the circuit court relating to
2 the arrest or law enforcement interaction documented in
3 the records; and

4 (3) 6 months have elapsed since the date of the arrest
5 without an additional subsequent arrest or filing of a
6 petition for delinquency or criminal charges whether
7 related or not to the arrest or law enforcement
8 interaction documented in the records.

9 (b) If the law enforcement agency is unable to verify
10 satisfaction of conditions (2) and (3) of this subsection
11 (0.1), records that satisfy condition (1) of this subsection
12 (0.1) shall be automatically expunged if the records relate to
13 an offense that if committed by an adult would not be an
14 offense classified as Class 2 felony or higher, an offense
15 under Article 11 of the Criminal Code of 1961 or Criminal Code
16 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
17 12-15, or 12-16 of the Criminal Code of 1961.

18 (0.15) If a juvenile law enforcement record meets
19 paragraph (a) of subsection (0.1) of this Section, a juvenile
20 law enforcement record created:

21 (1) prior to January 1, 2018, but on or after January
22 1, 2013 shall be automatically expunged prior to January
23 1, 2020;

24 (2) prior to January 1, 2013, but on or after January
25 1, 2000, shall be automatically expunged prior to January
26 1, 2023; and

1 (3) prior to January 1, 2000 shall not be subject to
2 the automatic expungement provisions of this Act.

3 Nothing in this subsection (0.15) shall be construed to
4 restrict or modify an individual's right to have his or her
5 juvenile law enforcement records expunged except as otherwise
6 may be provided in this Act.

7 (0.2) (a) Upon dismissal of a petition alleging
8 delinquency or upon a finding of not delinquent, the
9 successful termination of an order of supervision, or the
10 successful termination of an adjudication for an offense which
11 would be a Class B misdemeanor, Class C misdemeanor, or a petty
12 or business offense if committed by an adult, the court shall
13 automatically order the expungement of the juvenile court
14 records and juvenile law enforcement records. The clerk shall
15 deliver a certified copy of the expungement order to the
16 Department of State Police and the arresting agency. Upon
17 request, the State's Attorney shall furnish the name of the
18 arresting agency. The expungement shall be completed within 60
19 business days after the receipt of the expungement order.

20 (b) If the chief law enforcement officer of the agency, or
21 his or her designee, certifies in writing that certain
22 information is needed for a pending investigation involving
23 the commission of a felony, that information, and information
24 identifying the juvenile, may be retained until the statute of
25 limitations for the felony has run. If the chief law
26 enforcement officer of the agency, or his or her designee,

1 certifies in writing that certain information is needed with
2 respect to an internal investigation of any law enforcement
3 office, that information and information identifying the
4 juvenile may be retained within an intelligence file until the
5 investigation is terminated or the disciplinary action,
6 including appeals, has been completed, whichever is later.
7 Retention of a portion of a juvenile's law enforcement record
8 does not disqualify the remainder of his or her record from
9 immediate automatic expungement.

10 (0.3) (a) Upon an adjudication of delinquency based on any
11 offense except a disqualified offense, the juvenile court
12 shall automatically order the expungement of the juvenile
13 court and law enforcement records 2 years after the juvenile's
14 case was closed if no delinquency or criminal proceeding is
15 pending and the person has had no subsequent delinquency
16 adjudication or criminal conviction. The clerk shall deliver a
17 certified copy of the expungement order to the Department of
18 State Police and the arresting agency. Upon request, the
19 State's Attorney shall furnish the name of the arresting
20 agency. The expungement shall be completed within 60 business
21 days after the receipt of the expungement order. In this
22 subsection (0.3), "disqualified offense" means any of the
23 following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1,
24 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
26 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,

1 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,
2 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
3 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
4 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
5 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
6 of subsection (a) of Section 11-14.4, subsection (a-5) of
7 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)
8 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
9 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
10 subparagraph (i) of paragraph (1) of subsection (a) of Section
11 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
12 Section 24-1.6, paragraph (1) of subsection (a) of Section
13 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
14 of 2012.

15 (b) If the chief law enforcement officer of the agency, or
16 his or her designee, certifies in writing that certain
17 information is needed for a pending investigation involving
18 the commission of a felony, that information, and information
19 identifying the juvenile, may be retained in an intelligence
20 file until the investigation is terminated or for one
21 additional year, whichever is sooner. Retention of a portion
22 of a juvenile's juvenile law enforcement record does not
23 disqualify the remainder of his or her record from immediate
24 automatic expungement.

25 (0.4) Automatic expungement for the purposes of this
26 Section shall not require law enforcement agencies to

1 obliterate or otherwise destroy juvenile law enforcement
2 records that would otherwise need to be automatically expunged
3 under this Act, except after 2 years following the subject
4 arrest for purposes of use in civil litigation against a
5 governmental entity or its law enforcement agency or personnel
6 which created, maintained, or used the records. However, these
7 juvenile law enforcement records shall be considered expunged
8 for all other purposes during this period and the offense,
9 which the records or files concern, shall be treated as if it
10 never occurred as required under Section 5-923.

11 (0.5) Subsection (0.1) or (0.2) of this Section does not
12 apply to violations of traffic, boating, fish and game laws,
13 or county or municipal ordinances.

14 (0.6) Juvenile law enforcement records of a plaintiff who
15 has filed civil litigation against the governmental entity or
16 its law enforcement agency or personnel that created,
17 maintained, or used the records, or juvenile law enforcement
18 records that contain information related to the allegations
19 set forth in the civil litigation may not be expunged until
20 after 2 years have elapsed after the conclusion of the
21 lawsuit, including any appeal.

22 (0.7) Officer-worn body camera recordings shall not be
23 automatically expunged except as otherwise authorized by the
24 Law Enforcement Officer-Worn Body Camera Act.

25 (1) Whenever a person has been arrested, charged, or
26 adjudicated delinquent for an incident occurring before his or

1 her 18th birthday that if committed by an adult would be an
2 offense, and that person's juvenile law enforcement and
3 juvenile court records are not eligible for automatic
4 expungement under subsection (0.1), (0.2), or (0.3), the
5 person may petition the court at any time for expungement of
6 juvenile law enforcement records and juvenile court records
7 relating to the incident and, upon termination of all juvenile
8 court proceedings relating to that incident, the court shall
9 order the expungement of all records in the possession of the
10 Department of State Police, the clerk of the circuit court,
11 and law enforcement agencies relating to the incident, but
12 only in any of the following circumstances:

13 (a) the minor was arrested and no petition for
14 delinquency was filed with the clerk of the circuit court;

15 (a-5) the minor was charged with an offense and the
16 petition or petitions were dismissed without a finding of
17 delinquency;

18 (b) the minor was charged with an offense and was
19 found not delinquent of that offense;

20 (c) the minor was placed under supervision under
21 Section 5-615, and the order of supervision has since been
22 successfully terminated; or

23 (d) the minor was adjudicated for an offense which
24 would be a Class B misdemeanor, Class C misdemeanor, or a
25 petty or business offense if committed by an adult.

26 (1.5) The Department of State Police shall allow a person

1 to use the Access and Review process, established in the
2 Department of State Police, for verifying that his or her
3 juvenile law enforcement records relating to incidents
4 occurring before his or her 18th birthday eligible under this
5 Act have been expunged.

6 (1.6) (Blank).

7 (1.7) (Blank).

8 (1.8) (Blank).

9 (2) Any person whose delinquency adjudications are not
10 eligible for automatic expungement under subsection (0.3) of
11 this Section may petition the court to expunge all juvenile
12 law enforcement records relating to any incidents occurring
13 before his or her 18th birthday which did not result in
14 proceedings in criminal court and all juvenile court records
15 with respect to any adjudications except those based upon
16 first degree murder or an offense under Article 11 of the
17 Criminal Code of 2012 if the person is required to register
18 under the Sex Offender Registration Act at the time he or she
19 petitions the court for expungement; provided that: ~~(a)~~
20 ~~(blank); or (b)~~ 2 years have elapsed since all juvenile court
21 proceedings relating to him or her have been terminated and
22 his or her commitment to the Department of Juvenile Justice
23 under this Act has been terminated.

24 (2.5) If a minor is arrested and no petition for
25 delinquency is filed with the clerk of the circuit court at the
26 time the minor is released from custody, the youth officer, if

1 applicable, or other designated person from the arresting
2 agency, shall notify verbally and in writing to the minor or
3 the minor's parents or guardians that the minor shall have an
4 arrest record and shall provide the minor and the minor's
5 parents or guardians with an expungement information packet,
6 information regarding this State's expungement laws including
7 a petition to expunge juvenile law enforcement and juvenile
8 court records obtained from the clerk of the circuit court.

9 (2.6) If a minor is referred to court, then, at the time of
10 sentencing, ~~or~~ dismissal of the case, or successful completion
11 of supervision, the judge shall inform the delinquent minor of
12 his or her rights regarding expungement and the clerk of the
13 circuit court shall provide an expungement information packet
14 to the minor, written in plain language, including information
15 regarding this State's expungement laws and a petition for
16 expungement, a sample of a completed petition, expungement
17 instructions that shall include information informing the
18 minor that (i) once the case is expunged, it shall be treated
19 as if it never occurred, (ii) he or she may apply to have
20 petition fees waived, (iii) once he or she obtains an
21 expungement, he or she may not be required to disclose that he
22 or she had a juvenile law enforcement or juvenile court
23 record, and (iv) if petitioning he or she may file the petition
24 on his or her own or with the assistance of an attorney. The
25 failure of the judge to inform the delinquent minor of his or
26 her right to petition for expungement as provided by law does

1 not create a substantive right, nor is that failure grounds
2 for: (i) a reversal of an adjudication of delinquency;~~17~~ (ii) a
3 new trial; or (iii) an appeal.

4 (2.7) (Blank).

5 (2.8) (Blank).

6 (3) (Blank).

7 (3.1) (Blank).

8 (3.2) (Blank).

9 (3.3) (Blank).

10 (4) (Blank).

11 (5) (Blank).

12 (5.5) Whether or not expunged, records eligible for
13 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
14 (0.3) (a) may be treated as expunged by the individual subject
15 to the records.

16 (6) (Blank).

17 (6.5) The Department of State Police or any employee of
18 the Department shall be immune from civil or criminal
19 liability for failure to expunge any records of arrest that
20 are subject to expungement under this Section because of
21 inability to verify a record. Nothing in this Section shall
22 create Department of State Police liability or responsibility
23 for the expungement of juvenile law enforcement records it
24 does not possess.

25 (7) (Blank).

26 (7.5) (Blank).

1 ~~(8) (a) (Blank).~~ ~~(b) (Blank).~~ ~~(c)~~ The expungement of
2 juvenile law enforcement or juvenile court records under
3 subsection (0.1), (0.2), or (0.3) of this Section shall be
4 funded by appropriation by the General Assembly for that
5 purpose.

6 (9) (Blank).

7 (10) (Blank).

8 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
9 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
10 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
11 eff. 12-20-18; revised 7-16-19.)

12 Section 710. The Court of Claims Act is amended by
13 changing Section 22 as follows:

14 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

15 Sec. 22. Every claim cognizable by the court ~~Court~~ and not
16 otherwise sooner barred by law shall be forever barred from
17 prosecution therein unless it is filed with the clerk of the
18 court ~~Clerk of the Court~~ within the time set forth as follows:

19 (a) All claims arising out of a contract must be filed
20 within 5 years after it first accrues, saving to minors,
21 and persons under legal disability at the time the claim
22 accrues, in which cases the claim must be filed within 5
23 years from the time the disability ceases.

24 (b) All claims cognizable against the State by vendors

1 of goods or services under the ~~"The~~ Illinois Public Aid
2 Code", ~~approved April 11, 1967, as amended,~~ must file
3 within one year after the accrual of the cause of action,
4 as provided in Section 11-13 of that Code.

5 (c) All claims arising under paragraph (c) of Section
6 8 of this Act must be automatically heard by the court
7 within 120 days after the person asserting such claim is
8 either issued a certificate of innocence from the circuit
9 court ~~Circuit Court~~ as provided in Section 2-702 of the
10 Code of Civil Procedure, or is granted a pardon by the
11 Governor, whichever occurs later, without the person
12 asserting the claim being required to file a petition
13 under Section 11 of this Act, except as otherwise provided
14 by the Crime Victims Compensation Act. Any claims filed by
15 the claimant under paragraph (c) of Section 8 of this Act
16 must be filed within 2 years after the person asserting
17 such claim is either issued a certificate of innocence as
18 provided in Section 2-702 of the Code of Civil Procedure,
19 or is granted a pardon by the Governor, whichever occurs
20 later.

21 (d) All claims arising under paragraph (f) of Section
22 8 of this Act must be filed within the time set forth in
23 Section 3 of the Line of Duty Compensation Act.

24 (e) All claims arising under paragraph (h) of Section
25 8 of this Act must be filed within one year of the date of
26 the death of the guardsman or militiaman as provided in

1 Section 3 of the "~~Illinois National Guardsman's and Naval~~
2 ~~Militiaman's Compensation Act~~", ~~approved August 12, 1971,~~
3 ~~as amended.~~

4 (f) All claims arising under paragraph (g) of Section
5 8 of this Act must be filed within one year of the crime on
6 which a claim is based as provided in Section 6.1 of the
7 "~~Crime Victims Compensation Act~~", ~~approved August 23,~~
8 ~~1973, as amended.~~

9 (g) All claims arising from the Comptroller's refusal
10 to issue a replacement warrant pursuant to Section 10.10
11 of the State Comptroller Act must be filed within 5 years
12 after the date of the Comptroller's refusal.

13 (h) All other claims must be filed within 2 years
14 after it first accrues, saving to minors, and persons
15 under legal disability at the time the claim accrues, in
16 which case the claim must be filed within 2 years from the
17 time the disability ceases.

18 (i) The changes made by Public Act 86-458 apply to all
19 warrants issued within the 5-year ~~5-year~~ period preceding
20 August 31, 1989 (the effective date of Public Act 86-458).
21 The changes made to this Section by Public Act 100-1124
22 ~~this amendatory Act of the 100th General Assembly~~ apply to
23 claims pending on November 27, 2018 (the effective date of
24 Public Act 100-1124) ~~this amendatory Act of the 100th~~
25 ~~General Assembly~~ and to claims filed thereafter.

26 (j) All time limitations established under this Act

1 and the rules promulgated under this Act shall be binding
2 and jurisdictional, except upon extension authorized by
3 law or rule and granted pursuant to a motion timely filed.
4 (Source: P.A. 100-1124, eff. 11-27-18; revised 7-16-19.)

5 Section 715. The Criminal Code of 2012 is amended by
6 changing Sections 2-13, 3-6, 9-3.2, 12-2, 28-1, 28-2, 28-3,
7 28-5, and 29B-21 as follows:

8 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

9 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
10 person who by virtue of his office or public employment is
11 vested by law with a duty to maintain public order or to make
12 arrests for offenses, whether that duty extends to all
13 offenses or is limited to specific offenses, or (ii) any
14 person who, by statute, is granted and authorized to exercise
15 powers similar to those conferred upon any peace officer
16 employed by a law enforcement agency of this State.

17 For purposes of Sections concerning unlawful use of
18 weapons, for the purposes of assisting an Illinois peace
19 officer in an arrest, or when the commission of any offense
20 under Illinois law is directly observed by the person, and
21 statutes involving the false personation of a peace officer,
22 false personation of a peace officer while carrying a deadly
23 weapon, false personation of a peace officer in attempting or
24 committing a felony, and false personation of a peace officer

1 in attempting or committing a forcible felony, then officers,
2 agents, or employees of the federal government commissioned by
3 federal statute to make arrests for violations of federal
4 criminal laws shall be considered "peace officers" under this
5 Code, including, but not limited to, all criminal
6 investigators of:

7 (1) the United States Department of Justice, the
8 Federal Bureau of Investigation, and the Drug Enforcement
9 Administration ~~Agency~~ and all United States Marshals or
10 Deputy United States Marshals whose duties involve the
11 enforcement of federal criminal laws;

12 (1.5) the United States Department of Homeland
13 Security, United States Citizenship and Immigration
14 Services, United States Coast Guard, United States Customs
15 and Border Protection, and United States Immigration and
16 Customs Enforcement;

17 (2) the United States Department of the Treasury, the
18 Alcohol and Tobacco Tax and Trade Bureau, and the United
19 States Secret Service;

20 (3) the United States Internal Revenue Service;

21 (4) the United States General Services Administration;

22 (5) the United States Postal Service;

23 (6) (blank); and

24 (7) the United States Department of Defense.

25 (Source: P.A. 99-651, eff. 1-1-17; revised 8-28-20.)

1 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

2 Sec. 3-6. Extended limitations. The period within which a
3 prosecution must be commenced under the provisions of Section
4 3-5 or other applicable statute is extended under the
5 following conditions:

6 (a) A prosecution for theft involving a breach of a
7 fiduciary obligation to the aggrieved person may be commenced
8 as follows:

9 (1) If the aggrieved person is a minor or a person
10 under legal disability, then during the minority or legal
11 disability or within one year after the termination
12 thereof.

13 (2) In any other instance, within one year after the
14 discovery of the offense by an aggrieved person, or by a
15 person who has legal capacity to represent an aggrieved
16 person or has a legal duty to report the offense, and is
17 not himself or herself a party to the offense; or in the
18 absence of such discovery, within one year after the
19 proper prosecuting officer becomes aware of the offense.
20 However, in no such case is the period of limitation so
21 extended more than 3 years beyond the expiration of the
22 period otherwise applicable.

23 (b) A prosecution for any offense based upon misconduct in
24 office by a public officer or employee may be commenced within
25 one year after discovery of the offense by a person having a
26 legal duty to report such offense, or in the absence of such

1 discovery, within one year after the proper prosecuting
2 officer becomes aware of the offense. However, in no such case
3 is the period of limitation so extended more than 3 years
4 beyond the expiration of the period otherwise applicable.

5 (b-5) When the victim is under 18 years of age at the time
6 of the offense, a prosecution for involuntary servitude,
7 involuntary sexual servitude of a minor, or trafficking in
8 persons and related offenses under Section 10-9 of this Code
9 may be commenced within 25 years of the victim attaining the
10 age of 18 years.

11 (b-6) When the victim is 18 years of age or over at the
12 time of the offense, a prosecution for involuntary servitude,
13 involuntary sexual servitude of a minor, or trafficking in
14 persons and related offenses under Section 10-9 of this Code
15 may be commenced within 25 years after the commission of the
16 offense.

17 (b-7) ~~(b-6)~~ When the victim is under 18 years of age at the
18 time of the offense, a prosecution for female genital
19 mutilation may be commenced at any time.

20 (c) (Blank).

21 (d) A prosecution for child pornography, aggravated child
22 pornography, indecent solicitation of a child, soliciting for
23 a juvenile prostitute, juvenile pimping, exploitation of a
24 child, or promoting juvenile prostitution except for keeping a
25 place of juvenile prostitution may be commenced within one
26 year of the victim attaining the age of 18 years. However, in

1 no such case shall the time period for prosecution expire
2 sooner than 3 years after the commission of the offense.

3 (e) Except as otherwise provided in subdivision (j), a
4 prosecution for any offense involving sexual conduct or sexual
5 penetration, as defined in Section 11-0.1 of this Code, where
6 the defendant was within a professional or fiduciary
7 relationship or a purported professional or fiduciary
8 relationship with the victim at the time of the commission of
9 the offense may be commenced within one year after the
10 discovery of the offense by the victim.

11 (f) A prosecution for any offense set forth in Section 44
12 of the Environmental Protection Act may be commenced within 5
13 years after the discovery of such an offense by a person or
14 agency having the legal duty to report the offense or in the
15 absence of such discovery, within 5 years after the proper
16 prosecuting officer becomes aware of the offense.

17 (f-5) A prosecution for any offense set forth in Section
18 16-30 of this Code may be commenced within 5 years after the
19 discovery of the offense by the victim of that offense.

20 (g) (Blank).

21 (h) (Blank).

22 (i) Except as otherwise provided in subdivision (j), a
23 prosecution for criminal sexual assault, aggravated criminal
24 sexual assault, or aggravated criminal sexual abuse may be
25 commenced at any time. If the victim consented to the
26 collection of evidence using an Illinois State Police Sexual

1 Assault Evidence Collection Kit under the Sexual Assault
2 Survivors Emergency Treatment Act, it shall constitute
3 reporting for purposes of this Section.

4 Nothing in this subdivision (i) shall be construed to
5 shorten a period within which a prosecution must be commenced
6 under any other provision of this Section.

7 (i-5) A prosecution for armed robbery, home invasion,
8 kidnapping, or aggravated kidnaping may be commenced within 10
9 years of the commission of the offense if it arises out of the
10 same course of conduct and meets the criteria under one of the
11 offenses in subsection (i) of this Section.

12 (j) (1) When the victim is under 18 years of age at the
13 time of the offense, a prosecution for criminal sexual
14 assault, aggravated criminal sexual assault, predatory
15 criminal sexual assault of a child, aggravated criminal sexual
16 abuse, felony criminal sexual abuse, or female genital
17 mutilation may be commenced at any time.

18 (2) When in circumstances other than as described in
19 paragraph (1) of this subsection (j), when the victim is under
20 18 years of age at the time of the offense, a prosecution for
21 failure of a person who is required to report an alleged or
22 suspected commission of criminal sexual assault, aggravated
23 criminal sexual assault, predatory criminal sexual assault of
24 a child, aggravated criminal sexual abuse, or felony criminal
25 sexual abuse under the Abused and Neglected Child Reporting
26 Act may be commenced within 20 years after the child victim

1 attains 18 years of age.

2 (3) When the victim is under 18 years of age at the time of
3 the offense, a prosecution for misdemeanor criminal sexual
4 abuse may be commenced within 10 years after the child victim
5 attains 18 years of age.

6 (4) Nothing in this subdivision (j) shall be construed to
7 shorten a period within which a prosecution must be commenced
8 under any other provision of this Section.

9 (j-5) A prosecution for armed robbery, home invasion,
10 kidnapping, or aggravated kidnaping may be commenced at any
11 time if it arises out of the same course of conduct and meets
12 the criteria under one of the offenses in subsection (j) of
13 this Section.

14 (k) (Blank).

15 (l) A prosecution for any offense set forth in Section
16 26-4 of this Code may be commenced within one year after the
17 discovery of the offense by the victim of that offense.

18 (l-5) A prosecution for any offense involving sexual
19 conduct or sexual penetration, as defined in Section 11-0.1 of
20 this Code, in which the victim was 18 years of age or older at
21 the time of the offense, may be commenced within one year after
22 the discovery of the offense by the victim when corroborating
23 physical evidence is available. The charging document shall
24 state that the statute of limitations is extended under this
25 subsection (l-5) and shall state the circumstances justifying
26 the extension. Nothing in this subsection (l-5) shall be

1 construed to shorten a period within which a prosecution must
2 be commenced under any other provision of this Section or
3 Section 3-5 of this Code.

4 (m) The prosecution shall not be required to prove at
5 trial facts which extend the general limitations in Section
6 3-5 of this Code when the facts supporting extension of the
7 period of general limitations are properly pled in the
8 charging document. Any challenge relating to the extension of
9 the general limitations period as defined in this Section
10 shall be exclusively conducted under Section 114-1 of the Code
11 of Criminal Procedure of 1963.

12 (n) A prosecution for any offense set forth in subsection
13 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
14 Illinois Public Aid Code, in which the total amount of money
15 involved is \$5,000 or more, including the monetary value of
16 food stamps and the value of commodities under Section 16-1 of
17 this Code may be commenced within 5 years of the last act
18 committed in furtherance of the offense.

19 (Source: P.A. 100-80, eff. 8-11-17; 100-318, eff. 8-24-17;
20 100-434, eff. 1-1-18; 100-863, eff. 8-14-18; 100-998, eff.
21 1-1-19; 100-1010, eff. 1-1-19; 100-1087, eff. 1-1-19; 101-18,
22 eff. 1-1-20; 101-81, eff. 7-12-19; 101-130, eff. 1-1-20;
23 101-285, eff. 1-1-20; revised 9-23-19.)

24 (720 ILCS 5/9-3.2) (from Ch. 38, par. 9-3.2)

25 Sec. 9-3.2. Involuntary manslaughter and reckless homicide

1 of an unborn child.

2 (a) A person who unintentionally kills an unborn child
3 without lawful justification commits involuntary manslaughter
4 of an unborn child if his acts whether lawful or unlawful which
5 cause the death are such as are likely to cause death or great
6 bodily harm to some individual, and he performs them
7 recklessly, except in cases in which the cause of death
8 consists of the driving of a motor vehicle, in which case the
9 person commits reckless homicide of an unborn child.

10 (b) Sentence.

11 (1) Involuntary manslaughter of an unborn child is a
12 Class 3 felony.

13 (2) Reckless homicide of an unborn child is a Class 3
14 felony.

15 (c) For purposes of this Section, (1) "unborn child" shall
16 mean any individual of the human species from the implantation
17 of an embryo until birth, and (2) "person" shall not include
18 the pregnant individual whose unborn child is killed.

19 (d) This Section shall not apply to acts which cause the
20 death of an unborn child if those acts were committed during
21 any abortion, as defined in Section 1-10 of the Reproductive
22 Health Act,~~7~~ to which the pregnant individual has consented.
23 This Section shall not apply to acts which were committed
24 pursuant to usual and customary standards of medical practice
25 during diagnostic testing or therapeutic treatment.

26 (e) The provisions of this Section shall not be construed

1 to prohibit the prosecution of any person under any other
2 provision of law, nor shall it be construed to preclude any
3 civil cause of action.

4 (Source: P.A. 101-13, eff. 6-12-19; revised 7-23-19.)

5 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

6 Sec. 12-2. Aggravated assault.

7 (a) Offense based on location of conduct. A person commits
8 aggravated assault when he or she commits an assault against
9 an individual who is on or about a public way, public property,
10 a public place of accommodation or amusement, or a sports
11 venue, or in a church, synagogue, mosque, or other building,
12 structure, or place used for religious worship.

13 (b) Offense based on status of victim. A person commits
14 aggravated assault when, in committing an assault, he or she
15 knows the individual assaulted to be any of the following:

16 (1) A person with a physical disability or a person 60
17 years of age or older and the assault is without legal
18 justification.

19 (2) A teacher or school employee upon school grounds
20 or grounds adjacent to a school or in any part of a
21 building used for school purposes.

22 (3) A park district employee upon park grounds or
23 grounds adjacent to a park or in any part of a building
24 used for park purposes.

25 (4) A community policing volunteer, private security

1 officer, or utility worker:

2 (i) performing his or her official duties;

3 (ii) assaulted to prevent performance of his or
4 her official duties; or

5 (iii) assaulted in retaliation for performing his
6 or her official duties.

7 (4.1) A peace officer, fireman, emergency management
8 worker, or emergency medical services personnel:

9 (i) performing his or her official duties;

10 (ii) assaulted to prevent performance of his or
11 her official duties; or

12 (iii) assaulted in retaliation for performing his
13 or her official duties.

14 (5) A correctional officer or probation officer:

15 (i) performing his or her official duties;

16 (ii) assaulted to prevent performance of his or
17 her official duties; or

18 (iii) assaulted in retaliation for performing his
19 or her official duties.

20 (6) A correctional institution employee, a county
21 juvenile detention center employee who provides direct and
22 continuous supervision of residents of a juvenile
23 detention center, including a county juvenile detention
24 center employee who supervises recreational activity for
25 residents of a juvenile detention center, or a Department
26 of Human Services employee, Department of Human Services

1 officer, or employee of a subcontractor of the Department
2 of Human Services supervising or controlling sexually
3 dangerous persons or sexually violent persons:

4 (i) performing his or her official duties;

5 (ii) assaulted to prevent performance of his or
6 her official duties; or

7 (iii) assaulted in retaliation for performing his
8 or her official duties.

9 (7) An employee of the State of Illinois, a municipal
10 corporation therein, or a political subdivision thereof,
11 performing his or her official duties.

12 (8) A transit employee performing his or her official
13 duties, or a transit passenger.

14 (9) A sports official or coach actively participating
15 in any level of athletic competition within a sports
16 venue, on an indoor playing field or outdoor playing
17 field, or within the immediate vicinity of such a facility
18 or field.

19 (10) A person authorized to serve process under
20 Section 2-202 of the Code of Civil Procedure or a special
21 process server appointed by the circuit court, while that
22 individual is in the performance of his or her duties as a
23 process server.

24 (c) Offense based on use of firearm, device, or motor
25 vehicle. A person commits aggravated assault when, in
26 committing an assault, he or she does any of the following:

1 (1) Uses a deadly weapon, an air rifle as defined in
2 Section 24.8-0.1 of this Act, or any device manufactured
3 and designed to be substantially similar in appearance to
4 a firearm, other than by discharging a firearm.

5 (2) Discharges a firearm, other than from a motor
6 vehicle.

7 (3) Discharges a firearm from a motor vehicle.

8 (4) Wears a hood, robe, or mask to conceal his or her
9 identity.

10 (5) Knowingly and without lawful justification shines
11 or flashes a laser gun sight or other laser device
12 attached to a firearm, or used in concert with a firearm,
13 so that the laser beam strikes near or in the immediate
14 vicinity of any person.

15 (6) Uses a firearm, other than by discharging the
16 firearm, against a peace officer, community policing
17 volunteer, fireman, private security officer, emergency
18 management worker, emergency medical services personnel,
19 employee of a police department, employee of a sheriff's
20 department, or traffic control municipal employee:

21 (i) performing his or her official duties;

22 (ii) assaulted to prevent performance of his or
23 her official duties; or

24 (iii) assaulted in retaliation for performing his
25 or her official duties.

26 (7) Without justification operates a motor vehicle in

1 a manner which places a person, other than a person listed
2 in subdivision (b) (4), in reasonable apprehension of being
3 struck by the moving motor vehicle.

4 (8) Without justification operates a motor vehicle in
5 a manner which places a person listed in subdivision
6 (b) (4), in reasonable apprehension of being struck by the
7 moving motor vehicle.

8 (9) Knowingly video or audio records the offense with
9 the intent to disseminate the recording.

10 (d) Sentence. Aggravated assault as defined in subdivision
11 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
12 (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor, except
13 that aggravated assault as defined in subdivision (b) (4) and
14 (b) (7) is a Class 4 felony if a Category I, Category II, or
15 Category III weapon is used in the commission of the assault.
16 Aggravated assault as defined in subdivision (b) (4.1), (b) (5),
17 (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or (c) (7) is a Class
18 4 felony. Aggravated assault as defined in subdivision (c) (3)
19 or (c) (8) is a Class 3 felony.

20 (e) For the purposes of this Section, "Category I weapon",
21 "Category II weapon", and "Category III weapon" have the
22 meanings ascribed to those terms in Section 33A-1 of this
23 Code.

24 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

25 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

1 Sec. 28-1. Gambling.

2 (a) A person commits gambling when he or she:

3 (1) knowingly plays a game of chance or skill for
4 money or other thing of value, unless excepted in
5 subsection (b) of this Section;

6 (2) knowingly makes a wager upon the result of any
7 game, contest, or any political nomination, appointment or
8 election;

9 (3) knowingly operates, keeps, owns, uses, purchases,
10 exhibits, rents, sells, bargains for the sale or lease of,
11 manufactures or distributes any gambling device;

12 (4) contracts to have or give himself or herself or
13 another the option to buy or sell, or contracts to buy or
14 sell, at a future time, any grain or other commodity
15 whatsoever, or any stock or security of any company, where
16 it is at the time of making such contract intended by both
17 parties thereto that the contract to buy or sell, or the
18 option, whenever exercised, or the contract resulting
19 therefrom, shall be settled, not by the receipt or
20 delivery of such property, but by the payment only of
21 differences in prices thereof; however, the issuance,
22 purchase, sale, exercise, endorsement or guarantee, by or
23 through a person registered with the Secretary of State
24 pursuant to Section 8 of the Illinois Securities Law of
25 1953, or by or through a person exempt from such
26 registration under said Section 8, of a put, call, or

1 other option to buy or sell securities which have been
2 registered with the Secretary of State or which are exempt
3 from such registration under Section 3 of the Illinois
4 Securities Law of 1953 is not gambling within the meaning
5 of this paragraph (4);

6 (5) knowingly owns or possesses any book, instrument
7 or apparatus by means of which bets or wagers have been, or
8 are, recorded or registered, or knowingly possesses any
9 money which he has received in the course of a bet or
10 wager;

11 (6) knowingly sells pools upon the result of any game
12 or contest of skill or chance, political nomination,
13 appointment or election;

14 (7) knowingly sets up or promotes any lottery or
15 sells, offers to sell or transfers any ticket or share for
16 any lottery;

17 (8) knowingly sets up or promotes any policy game or
18 sells, offers to sell or knowingly possesses or transfers
19 any policy ticket, slip, record, document or other similar
20 device;

21 (9) knowingly drafts, prints or publishes any lottery
22 ticket or share, or any policy ticket, slip, record,
23 document or similar device, except for such activity
24 related to lotteries, bingo games and raffles authorized
25 by and conducted in accordance with the laws of Illinois
26 or any other state or foreign government;

1 (10) knowingly advertises any lottery or policy game,
2 except for such activity related to lotteries, bingo games
3 and raffles authorized by and conducted in accordance with
4 the laws of Illinois or any other state;

5 (11) knowingly transmits information as to wagers,
6 betting odds, or changes in betting odds by telephone,
7 telegraph, radio, semaphore or similar means; or knowingly
8 installs or maintains equipment for the transmission or
9 receipt of such information; except that nothing in this
10 subdivision (11) prohibits transmission or receipt of such
11 information for use in news reporting of sporting events
12 or contests; or

13 (12) knowingly establishes, maintains, or operates an
14 Internet site that permits a person to play a game of
15 chance or skill for money or other thing of value by means
16 of the Internet or to make a wager upon the result of any
17 game, contest, political nomination, appointment, or
18 election by means of the Internet. This item (12) does not
19 apply to activities referenced in items (6), (6.1), (8),
20 ~~and~~ (8.1), and (15) of subsection (b) of this Section.

21 (b) Participants in any of the following activities shall
22 not be convicted of gambling:

23 (1) Agreements to compensate for loss caused by the
24 happening of chance including without limitation contracts
25 of indemnity or guaranty and life or health or accident
26 insurance.

1 (2) Offers of prizes, award or compensation to the
2 actual contestants in any bona fide contest for the
3 determination of skill, speed, strength or endurance or to
4 the owners of animals or vehicles entered in such contest.

5 (3) Pari-mutuel betting as authorized by the law of
6 this State.

7 (4) Manufacture of gambling devices, including the
8 acquisition of essential parts therefor and the assembly
9 thereof, for transportation in interstate or foreign
10 commerce to any place outside this State when such
11 transportation is not prohibited by any applicable Federal
12 law; or the manufacture, distribution, or possession of
13 video gaming terminals, as defined in the Video Gaming
14 Act, by manufacturers, distributors, and terminal
15 operators licensed to do so under the Video Gaming Act.

16 (5) The game commonly known as "bingo", when conducted
17 in accordance with the Bingo License and Tax Act.

18 (6) Lotteries when conducted by the State of Illinois
19 in accordance with the Illinois Lottery Law. This
20 exemption includes any activity conducted by the
21 Department of Revenue to sell lottery tickets pursuant to
22 the provisions of the Illinois Lottery Law and its rules.

23 (6.1) The purchase of lottery tickets through the
24 Internet for a lottery conducted by the State of Illinois
25 under the program established in Section 7.12 of the
26 Illinois Lottery Law.

1 (7) Possession of an antique slot machine that is
2 neither used nor intended to be used in the operation or
3 promotion of any unlawful gambling activity or enterprise.
4 For the purpose of this subparagraph (b)(7), an antique
5 slot machine is one manufactured 25 years ago or earlier.

6 (8) Raffles and poker runs when conducted in
7 accordance with the Raffles and Poker Runs Act.

8 (8.1) The purchase of raffle chances for a raffle
9 conducted in accordance with the Raffles and Poker Runs
10 Act.

11 (9) Charitable games when conducted in accordance with
12 the Charitable Games Act.

13 (10) Pull tabs and jar games when conducted under the
14 Illinois Pull Tabs and Jar Games Act.

15 (11) Gambling games when authorized by the Illinois
16 Gambling Act.

17 (12) Video gaming terminal games at a licensed
18 establishment, licensed truck stop establishment, licensed
19 large truck stop establishment, licensed fraternal
20 establishment, or licensed veterans establishment when
21 conducted in accordance with the Video Gaming Act.

22 (13) Games of skill or chance where money or other
23 things of value can be won but no payment or purchase is
24 required to participate.

25 (14) Savings promotion raffles authorized under
26 Section 5g of the Illinois Banking Act, Section 7008 of

1 the Savings Bank Act, Section 42.7 of the Illinois Credit
2 Union Act, Section 5136B of the National Bank Act (12
3 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12
4 U.S.C. 1463).

5 (15) Sports wagering when conducted in accordance with
6 the Sports Wagering Act.

7 (c) Sentence.

8 Gambling is a Class A misdemeanor. A second or subsequent
9 conviction under subsections (a)(3) through (a)(12), is a
10 Class 4 felony.

11 (d) Circumstantial evidence.

12 In prosecutions under this Section circumstantial evidence
13 shall have the same validity and weight as in any criminal
14 prosecution.

15 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
16 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
17 101-109, eff. 7-19-19; revised 8-6-19.)

18 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

19 Sec. 28-2. Definitions.

20 (a) A "gambling device" is any clock, tape machine, slot
21 machine or other machines or device for the reception of money
22 or other thing of value on chance or skill or upon the action
23 of which money or other thing of value is staked, hazarded,
24 bet, won, or lost; or any mechanism, furniture, fixture,
25 equipment, or other device designed primarily for use in a

1 gambling place. A "gambling device" does not include:

2 (1) A coin-in-the-slot operated mechanical device
3 played for amusement which rewards the player with the
4 right to replay such mechanical device, which device is so
5 constructed or devised as to make such result of the
6 operation thereof depend in part upon the skill of the
7 player and which returns to the player thereof no money,
8 property, l or right to receive money or property.

9 (2) Vending machines by which full and adequate return
10 is made for the money invested and in which there is no
11 element of chance or hazard.

12 (3) A crane game. For the purposes of this paragraph
13 (3), a "crane game" is an amusement device involving
14 skill, if it rewards the player exclusively with
15 merchandise contained within the amusement device proper
16 and limited to toys, novelties, l and prizes other than
17 currency, each having a wholesale value which is not more
18 than \$25.

19 (4) A redemption machine. For the purposes of this
20 paragraph (4), a "redemption machine" is a single-player
21 or multi-player amusement device involving a game, the
22 object of which is throwing, rolling, bowling, shooting,
23 placing, or propelling a ball or other object that is
24 either physical or computer generated on a display or with
25 lights into, upon, or against a hole or other target that
26 is either physical or computer generated on a display or

1 with lights, or stopping, by physical, mechanical, or
2 electronic means, a moving object that is either physical
3 or computer generated on a display or with lights into,
4 upon, or against a hole or other target that is either
5 physical or computer generated on a display or with
6 lights, provided that all of the following conditions are
7 met:

8 (A) The outcome of the game is predominantly
9 determined by the skill of the player.

10 (B) The award of the prize is based solely upon the
11 player's achieving the object of the game or otherwise
12 upon the player's score.

13 (C) Only merchandise prizes are awarded.

14 (D) The wholesale value of prizes awarded in lieu
15 of tickets or tokens for single play of the device does
16 not exceed \$25.

17 (E) The redemption value of tickets, tokens, and
18 other representations of value, which may be
19 accumulated by players to redeem prizes of greater
20 value, for a single play of the device does not exceed
21 \$25.

22 (5) Video gaming terminals at a licensed
23 establishment, licensed truck stop establishment, licensed
24 large truck stop establishment, licensed fraternal
25 establishment, or licensed veterans establishment licensed
26 in accordance with the Video Gaming Act.

1 (a-5) "Internet" means an interactive computer service or
2 system or an information service, system, or access software
3 provider that provides or enables computer access by multiple
4 users to a computer server, and includes, but is not limited
5 to, an information service, system, or access software
6 provider that provides access to a network system commonly
7 known as the Internet, or any comparable system or service and
8 also includes, but is not limited to, a World Wide Web page,
9 newsgroup, message board, mailing list, or chat area on any
10 interactive computer service or system or other online
11 service.

12 (a-6) "Access" has the meaning ascribed to the term in
13 Section 17-55.

14 (a-7) "Computer" has the meaning ascribed to the term in
15 Section 17-0.5.

16 (b) A "lottery" is any scheme or procedure whereby one or
17 more prizes are distributed by chance among persons who have
18 paid or promised consideration for a chance to win such
19 prizes, whether such scheme or procedure is called a lottery,
20 raffle, gift, sale, or some other name, excluding savings
21 promotion raffles authorized under Section 5g of the Illinois
22 Banking Act, Section 7008 of the Savings Bank Act, Section
23 42.7 of the Illinois Credit Union Act, Section 5136B of the
24 National Bank Act (12 U.S.C. 25a), or Section 4 of the Home
25 Owners' Loan Act (12 U.S.C. 1463).

26 (c) A "policy game" is any scheme or procedure whereby a

1 person promises or guarantees by any instrument, bill,
2 certificate, writing, token, or other device that any
3 particular number, character, ticket, or certificate shall in
4 the event of any contingency in the nature of a lottery entitle
5 the purchaser or holder to receive money, property, or
6 evidence of debt.

7 (Source: P.A. 101-31, eff. 6-28-19; 101-87, eff. 1-1-20;
8 revised 8-6-19.)

9 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

10 Sec. 28-3. Keeping a gambling place. A "gambling place" is
11 any real estate, vehicle, boat, or any other property
12 whatsoever used for the purposes of gambling other than
13 gambling conducted in the manner authorized by the Illinois
14 Gambling Act, the Sports Wagering Act, or the Video Gaming
15 Act. Any person who knowingly permits any premises or property
16 owned or occupied by him or under his control to be used as a
17 gambling place commits a Class A misdemeanor. Each subsequent
18 offense is a Class 4 felony. When any premises is determined by
19 the circuit court to be a gambling place:

20 (a) Such premises is a public nuisance and may be
21 proceeded against as such, and

22 (b) All licenses, permits or certificates issued by
23 the State of Illinois or any subdivision or public agency
24 thereof authorizing the serving of food or liquor on such
25 premises shall be void; and no license, permit or

1 certificate so cancelled shall be reissued for such
2 premises for a period of 60 days thereafter; nor shall any
3 person convicted of keeping a gambling place be reissued
4 such license for one year from his conviction and, after a
5 second conviction of keeping a gambling place, any such
6 person shall not be reissued such license, and

7 (c) Such premises of any person who knowingly permits
8 thereon a violation of any Section of this Article shall
9 be held liable for, and may be sold to pay any unsatisfied
10 judgment that may be recovered and any unsatisfied fine
11 that may be levied under any Section of this Article.

12 (Source: P.A. 101-31, Article 25, Section 25-915, eff.
13 6-28-19; 101-31, Article 35, Section 35-80, eff. 6-28-19;
14 revised 7-12-19.)

15 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

16 Sec. 28-5. Seizure of gambling devices and gambling funds.

17 (a) Every device designed for gambling which is incapable
18 of lawful use or every device used unlawfully for gambling
19 shall be considered a "gambling device", and shall be subject
20 to seizure, confiscation and destruction by the Department of
21 State Police or by any municipal, or other local authority,
22 within whose jurisdiction the same may be found. As used in
23 this Section, a "gambling device" includes any slot machine,
24 and includes any machine or device constructed for the
25 reception of money or other thing of value and so constructed

1 as to return, or to cause someone to return, on chance to the
2 player thereof money, property or a right to receive money or
3 property. With the exception of any device designed for
4 gambling which is incapable of lawful use, no gambling device
5 shall be forfeited or destroyed unless an individual with a
6 property interest in said device knows of the unlawful use of
7 the device.

8 (b) Every gambling device shall be seized and forfeited to
9 the county wherein such seizure occurs. Any money or other
10 thing of value integrally related to acts of gambling shall be
11 seized and forfeited to the county wherein such seizure
12 occurs.

13 (c) If, within 60 days after any seizure pursuant to
14 subparagraph (b) of this Section, a person having any property
15 interest in the seized property is charged with an offense,
16 the court which renders judgment upon such charge shall,
17 within 30 days after such judgment, conduct a forfeiture
18 hearing to determine whether such property was a gambling
19 device at the time of seizure. Such hearing shall be commenced
20 by a written petition by the State, including material
21 allegations of fact, the name and address of every person
22 determined by the State to have any property interest in the
23 seized property, a representation that written notice of the
24 date, time and place of such hearing has been mailed to every
25 such person by certified mail at least 10 days before such
26 date, and a request for forfeiture. Every such person may

1 appear as a party and present evidence at such hearing. The
2 quantum of proof required shall be a preponderance of the
3 evidence, and the burden of proof shall be on the State. If the
4 court determines that the seized property was a gambling
5 device at the time of seizure, an order of forfeiture and
6 disposition of the seized property shall be entered: a
7 gambling device shall be received by the State's Attorney, who
8 shall effect its destruction, except that valuable parts
9 thereof may be liquidated and the resultant money shall be
10 deposited in the general fund of the county wherein such
11 seizure occurred; money and other things of value shall be
12 received by the State's Attorney and, upon liquidation, shall
13 be deposited in the general fund of the county wherein such
14 seizure occurred. However, in the event that a defendant
15 raises the defense that the seized slot machine is an antique
16 slot machine described in subparagraph (b) (7) of Section 28-1
17 of this Code and therefore he is exempt from the charge of a
18 gambling activity participant, the seized antique slot machine
19 shall not be destroyed or otherwise altered until a final
20 determination is made by the Court as to whether it is such an
21 antique slot machine. Upon a final determination by the Court
22 of this question in favor of the defendant, such slot machine
23 shall be immediately returned to the defendant. Such order of
24 forfeiture and disposition shall, for the purposes of appeal,
25 be a final order and judgment in a civil proceeding.

26 (d) If a seizure pursuant to subparagraph (b) of this

1 Section is not followed by a charge pursuant to subparagraph
2 (c) of this Section, or if the prosecution of such charge is
3 permanently terminated or indefinitely discontinued without
4 any judgment of conviction or acquittal (1) the State's
5 Attorney shall commence an in rem proceeding for the
6 forfeiture and destruction of a gambling device, or for the
7 forfeiture and deposit in the general fund of the county of any
8 seized money or other things of value, or both, in the circuit
9 court and (2) any person having any property interest in such
10 seized gambling device, money or other thing of value may
11 commence separate civil proceedings in the manner provided by
12 law.

13 (e) Any gambling device displayed for sale to a riverboat
14 gambling operation, casino gambling operation, or organization
15 gaming facility or used to train occupational licensees of a
16 riverboat gambling operation, casino gambling operation, or
17 organization gaming facility as authorized under the Illinois
18 Gambling Act is exempt from seizure under this Section.

19 (f) Any gambling equipment, devices, and supplies provided
20 by a licensed supplier in accordance with the Illinois
21 Gambling Act which are removed from a riverboat, casino, or
22 organization gaming facility for repair are exempt from
23 seizure under this Section.

24 (g) The following video gaming terminals are exempt from
25 seizure under this Section:

26 (1) Video gaming terminals for sale to a licensed

1 distributor or operator under the Video Gaming Act.

2 (2) Video gaming terminals used to train licensed
3 technicians or licensed terminal handlers.

4 (3) Video gaming terminals that are removed from a
5 licensed establishment, licensed truck stop establishment,
6 licensed large truck stop establishment, licensed
7 fraternal establishment, or licensed veterans
8 establishment for repair.

9 (h) Property seized or forfeited under this Section is
10 subject to reporting under the Seizure and Forfeiture
11 Reporting Act.

12 (i) Any sports lottery terminals provided by a central
13 system provider that are removed from a lottery retailer for
14 repair under the Sports Wagering Act are exempt from seizure
15 under this Section.

16 (Source: P.A. 100-512, eff. 7-1-18; 101-31, Article 25,
17 Section 25-915, eff. 6-28-19; 101-31, Article 35, Section
18 35-80, eff. 6-28-19; revised 7-12-19.)

19 (720 ILCS 5/29B-21)

20 Sec. 29B-21. Attorney's fees. Nothing in this Article
21 applies to property that constitutes reasonable bona fide
22 attorney's fees paid to an attorney for services rendered or
23 to be rendered in the forfeiture proceeding or criminal
24 proceeding relating directly thereto if the property was paid
25 before its seizure and before the issuance of any seizure

1 warrant or court order prohibiting transfer of the property
2 and if the attorney, at the time he or she received the
3 property, did not know that it was property subject to
4 forfeiture under this Article.

5 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18;
6 revised 7-12-19.)

7 Section 720. The Cannabis Control Act is amended by
8 changing Sections 5.2 and 5.3 as follows:

9 (720 ILCS 550/5.2) (from Ch. 56 1/2, par. 705.2)

10 Sec. 5.2. Delivery of cannabis on school grounds.

11 (a) Any person who violates subsection (e) of Section 5 in
12 any school, on the real property comprising any school, or any
13 conveyance owned, leased or contracted by a school to
14 transport students to or from school or a school related
15 activity, or on any public way within 500 feet of the real
16 property comprising any school, or in any conveyance owned,
17 leased or contracted by a school to transport students to or
18 from school or a school related activity, and at the time of
19 the violation persons under the age of 18 are present, the
20 offense is committed during school hours, or the offense is
21 committed at times when persons under the age of 18 are
22 reasonably expected to be present in the school, in the
23 conveyance, on the real property, or on the public way, such as
24 when after-school activities are occurring, is guilty of a

1 Class 1 felony, the fine for which shall not exceed \$200,000.~~+~~

2 (b) Any person who violates subsection (d) of Section 5 in
3 any school, on the real property comprising any school, or any
4 conveyance owned, leased or contracted by a school to
5 transport students to or from school or a school related
6 activity, or on any public way within 500 feet of the real
7 property comprising any school, or in any conveyance owned,
8 leased or contracted by a school to transport students to or
9 from school or a school related activity, and at the time of
10 the violation persons under the age of 18 are present, the
11 offense is committed during school hours, or the offense is
12 committed at times when persons under the age of 18 are
13 reasonably expected to be present in the school, in the
14 conveyance, on the real property, or on the public way, such as
15 when after-school activities are occurring, is guilty of a
16 Class 2 felony, the fine for which shall not exceed \$100,000.~~+~~

17 (c) Any person who violates subsection (c) of Section 5 in
18 any school, on the real property comprising any school, or any
19 conveyance owned, leased or contracted by a school to
20 transport students to or from school or a school related
21 activity, or on any public way within 500 feet of the real
22 property comprising any school, or in any conveyance owned,
23 leased or contracted by a school to transport students to or
24 from school or a school related activity, and at the time of
25 the violation persons under the age of 18 are present, the
26 offense is committed during school hours, or the offense is

1 committed at times when persons under the age of 18 are
2 reasonably expected to be present in the school, in the
3 conveyance, on the real property, or on the public way, such as
4 when after-school activities are occurring, is guilty of a
5 Class 3 felony, the fine for which shall not exceed \$50,000.~~+~~

6 (d) Any person who violates subsection (b) of Section 5 in
7 any school, on the real property comprising any school, or any
8 conveyance owned, leased or contracted by a school to
9 transport students to or from school or a school related
10 activity, or on any public way within 500 feet of the real
11 property comprising any school, or in any conveyance owned,
12 leased or contracted by a school to transport students to or
13 from school or a school related activity, and at the time of
14 the violation persons under the age of 18 are present, the
15 offense is committed during school hours, or the offense is
16 committed at times when persons under the age of 18 are
17 reasonably expected to be present in the school, in the
18 conveyance, on the real property, or on the public way, such as
19 when after-school activities are occurring, is guilty of a
20 Class 4 felony, the fine for which shall not exceed \$25,000.~~+~~

21 (e) Any person who violates subsection (a) of Section 5 in
22 any school, on the real property comprising any school, or in
23 any conveyance owned, leased or contracted by a school to
24 transport students to or from school or a school related
25 activity, on any public way within 500 feet of the real
26 property comprising any school, or any conveyance owned,

1 leased or contracted by a school to transport students to or
2 from school or a school related activity, and at the time of
3 the violation persons under the age of 18 are present, the
4 offense is committed during school hours, or the offense is
5 committed at times when persons under the age of 18 are
6 reasonably expected to be present in the school, in the
7 conveyance, on the real property, or on the public way, such as
8 when after-school activities are occurring, is guilty of a
9 Class A misdemeanor.

10 (f) This Section does not apply to a violation that occurs
11 in or on the grounds of a building that is designated as a
12 school but is no longer operational or active as a school,
13 including a building that is temporarily or permanently closed
14 by a unit of local government.

15 (Source: P.A. 100-3, eff. 1-1-18; 101-429, eff. 8-20-19;
16 revised 8-28-20.)

17 (720 ILCS 550/5.3)

18 Sec. 5.3. Unlawful use of cannabis-based product
19 manufacturing equipment.

20 (a) A person commits unlawful use of cannabis-based
21 product manufacturing equipment when he or she knowingly
22 engages in the possession, procurement, transportation,
23 storage, or delivery of any equipment used in the
24 manufacturing of any cannabis-based product using volatile or
25 explosive gas, including, but not limited to, canisters of

1 butane gas, with the intent to manufacture, compound, covert,
2 produce, derive, process, or prepare either directly or
3 indirectly any cannabis-based product.

4 (b) This Section does not apply to a cultivation center or
5 cultivation center agent that prepares medical cannabis or
6 cannabis-infused products in compliance with the Compassionate
7 Use of Medical Cannabis Program Act and Department of Public
8 Health and Department of Agriculture rules.

9 (c) Sentence. A person who violates this Section is guilty
10 of a Class 2 felony.

11 (d) This Section does not apply to craft growers,
12 cultivation centers, and infuser organizations licensed under
13 the Cannabis Regulation and Tax Act.

14 (e) This Section does not apply to manufacturers of
15 cannabis-based product manufacturing equipment or transporting
16 organizations with documentation identifying the seller and
17 purchaser of the equipment if the seller or purchaser is a
18 craft grower, cultivation center, or infuser organization
19 licensed under the Cannabis Regulation and Tax Act.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-363, eff. 8-9-19;
21 revised 9-23-19.)

22 Section 725. The Prevention of Tobacco Use by Persons
23 under 21 Years of Age and Sale and Distribution of Tobacco
24 Products Act is amended by changing Section 2 as follows:

1 (720 ILCS 675/2) (from Ch. 23, par. 2358)

2 Sec. 2. Penalties.

3 (a) Any person who violates subsection (a), (a-5),
4 (a-5.1), (a-8), (b), or (d) of Section 1 of this Act is guilty
5 of a petty offense. For the first offense in a 24-month period,
6 the person shall be fined \$200 if his or her employer has a
7 training program that facilitates compliance with minimum-age
8 tobacco laws. For the second offense in a 24-month period, the
9 person shall be fined \$400 if his or her employer has a
10 training program that facilitates compliance with minimum-age
11 tobacco laws. For the third offense in a 24-month period, the
12 person shall be fined \$600 if his or her employer has a
13 training program that facilitates compliance with minimum-age
14 tobacco laws. For the fourth or subsequent offense in a
15 24-month period, the person shall be fined \$800 if his or her
16 employer has a training program that facilitates compliance
17 with minimum-age tobacco laws. For the purposes of this
18 subsection, the 24-month period shall begin with the person's
19 first violation of the Act. The penalties in this subsection
20 are in addition to any other penalties prescribed under the
21 Cigarette Tax Act and the Tobacco Products Tax Act of 1995.

22 (a-5) Any retailer who violates subsection (a), (a-5),
23 (a-5.1), (a-8), (b), or (d) of Section 1 of this Act is guilty
24 of a petty offense. For the first offense in a 24-month period,
25 the retailer shall be fined \$200 if it does not have a training
26 program that facilitates compliance with minimum-age tobacco

1 laws. For the second offense in a 24-month period, the
2 retailer shall be fined \$400 if it does not have a training
3 program that facilitates compliance with minimum-age tobacco
4 laws. For the third offense within a 24-month period, the
5 retailer shall be fined \$600 if it does not have a training
6 program that facilitates compliance with minimum-age tobacco
7 laws. For the fourth or subsequent offense in a 24-month
8 period, the retailer shall be fined \$800 if it does not have a
9 training program that facilitates compliance with minimum-age
10 tobacco laws. For the purposes of this subsection, the
11 24-month period shall begin with the person's first violation
12 of the Act. The penalties in this subsection are in addition to
13 any other penalties prescribed under the Cigarette Tax Act and
14 the Tobacco Products Tax Act of 1995.

15 (a-6) For the purpose of this Act, a training program that
16 facilitates compliance with minimum-age tobacco laws must
17 include at least the following elements: (i) it must explain
18 that only individuals displaying valid identification
19 demonstrating that they are 21 years of age or older shall be
20 eligible to purchase tobacco products, electronic cigarettes,
21 or alternative nicotine products and (ii) it must explain
22 where a clerk can check identification for a date of birth. The
23 training may be conducted electronically. Each retailer that
24 has a training program shall require each employee who
25 completes the training program to sign a form attesting that
26 the employee has received and completed tobacco training. The

1 form shall be kept in the employee's file and may be used to
2 provide proof of training.

3 (b) ~~(Blank).~~ If a person under 21 years of age violates
4 subsection (a-6) of Section 1, he or she is guilty of a Class A
5 misdemeanor.

6 (c) (Blank).

7 (d) (Blank).

8 (e) (Blank).

9 (f) (Blank).

10 (g) (Blank).

11 (h) All moneys collected as fines for violations of
12 subsection (a), (a-5), (a-5.1), (a-6), (a-8), (b), or (d) ~~or~~
13 ~~(a-7)~~ of Section 1 shall be distributed in the following
14 manner:

15 (1) one-half of each fine shall be distributed to the
16 unit of local government or other entity that successfully
17 prosecuted the offender; and

18 (2) one-half shall be remitted to the State to be used
19 for enforcing this Act.

20 Any violation of subsection (a) or (a-5) of Section 1
21 shall be reported to the Department of Revenue within 7
22 business days.

23 (Source: P.A. 100-201, eff. 8-18-17; 101-2, eff. 7-1-19;
24 revised 4-29-19.)

25 Section 730. The Prevention of Cigarette Sales to Persons

1 under 21 Years of Age Act is amended by changing Section 7 as
2 follows:

3 (720 ILCS 678/7)

4 Sec. 7. Age verification and shipping requirements to
5 prevent delivery sales to persons under 21 years of age.

6 (a) No person, other than a delivery service, shall mail,
7 ship, or otherwise cause to be delivered a shipping package in
8 connection with a delivery sale unless the person:

9 (1) prior to the first delivery sale to the
10 prospective consumer, obtains from the prospective
11 consumer a written certification which includes a
12 statement signed by the prospective consumer that
13 certifies:

14 (A) the prospective consumer's current address;

15 and

16 (B) that the prospective consumer is at least the
17 legal minimum age;

18 (2) informs, in writing, such prospective consumer
19 that:

20 (A) the signing of another person's name to the
21 certification described in this Section is illegal;

22 (B) sales of cigarettes to individuals under 21
23 years of age are illegal;

24 (C) the purchase of cigarettes by individuals
25 under 21 years of age is illegal; and

1 (D) the name and identity of the prospective
2 consumer may be reported to the state of the
3 consumer's current address under the Act of October
4 19, 1949 (15 U.S.C. § 375, et seq.), commonly known as
5 the Jenkins Act;

6 (3) makes a good faith effort to verify the date of
7 birth of the prospective consumer provided pursuant to
8 this Section by:

9 (A) comparing the date of birth against a
10 commercially available database; or

11 (B) obtaining a photocopy or other image of a
12 valid, government-issued identification stating the
13 date of birth or age of the prospective consumer;

14 (4) provides to the prospective consumer a notice that
15 meets the requirements of subsection (b);

16 (5) receives payment for the delivery sale from the
17 prospective consumer by a credit or debit card that has
18 been issued in such consumer's name, or by a check or other
19 written instrument in such consumer's name; and

20 (6) ensures that the shipping package is delivered to
21 the same address as is shown on the government-issued
22 identification or contained in the commercially available
23 database.

24 (b) The notice required under this Section shall include:

25 (1) a statement that cigarette sales to consumers
26 below 21 years of age are illegal;

1 (2) a statement that sales of cigarettes are
2 restricted to those consumers who provide verifiable proof
3 of age in accordance with subsection (a);

4 (3) a statement that cigarette sales are subject to
5 tax under Section 2 of the Cigarette Tax Act (35 ILCS
6 130/2), Section 2 of the Cigarette Use Tax Act, and
7 Section 3 of the Use Tax Act and an explanation of how the
8 correct tax has been, or is to be, paid with respect to
9 such delivery sale.

10 (c) A statement meets the requirement of this Section if:

11 (1) the statement is clear and conspicuous;

12 (2) the statement is contained in a printed box set
13 apart from the other contents of the communication;

14 (3) the statement is printed in bold, capital letters;

15 (4) the statement is printed with a degree of color
16 contrast between the background and the printed statement
17 that is no less than the color contrast between the
18 background and the largest text used in the communication;
19 and

20 (5) for any printed material delivered by electronic
21 means, the statement appears at both the top and the
22 bottom of the electronic mail message or both the top and
23 the bottom of the Internet website homepage.

24 (d) Each person, other than a delivery service, who mails,
25 ships, or otherwise causes to be delivered a shipping package
26 in connection with a delivery sale shall:

1 (1) include as part of the shipping documents a clear
2 and conspicuous statement stating: "Cigarettes: Illinois
3 Law Prohibits Shipping to Individuals Under 21 and
4 Requires the Payment of All Applicable Taxes";

5 (2) use a method of mailing, shipping, or delivery
6 that requires a signature before the shipping package is
7 released to the consumer; and

8 (3) ensure that the shipping package is not delivered
9 to any post office box.

10 (Source: P.A. 101-2, eff. 7-1-19; revised 4-29-19.)

11 Section 735. The Code of Criminal Procedure of 1963 is
12 amended by changing Sections 110-5, 111-1, 112A-23, and
13 124A-20 as follows:

14 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

15 Sec. 110-5. Determining the amount of bail and conditions
16 of release.

17 (a) In determining the amount of monetary bail or
18 conditions of release, if any, which will reasonably assure
19 the appearance of a defendant as required or the safety of any
20 other person or the community and the likelihood of compliance
21 by the defendant with all the conditions of bail, the court
22 shall, on the basis of available information, take into
23 account such matters as the nature and circumstances of the
24 offense charged, whether the evidence shows that as part of

1 the offense there was a use of violence or threatened use of
2 violence, whether the offense involved corruption of public
3 officials or employees, whether there was physical harm or
4 threats of physical harm to any public official, public
5 employee, judge, prosecutor, juror or witness, senior citizen,
6 child, or person with a disability, whether evidence shows
7 that during the offense or during the arrest the defendant
8 possessed or used a firearm, machine gun, explosive or metal
9 piercing ammunition or explosive bomb device or any military
10 or paramilitary armament, whether the evidence shows that the
11 offense committed was related to or in furtherance of the
12 criminal activities of an organized gang or was motivated by
13 the defendant's membership in or allegiance to an organized
14 gang, the condition of the victim, any written statement
15 submitted by the victim or proffer or representation by the
16 State regarding the impact which the alleged criminal conduct
17 has had on the victim and the victim's concern, if any, with
18 further contact with the defendant if released on bail,
19 whether the offense was based on racial, religious, sexual
20 orientation or ethnic hatred, the likelihood of the filing of
21 a greater charge, the likelihood of conviction, the sentence
22 applicable upon conviction, the weight of the evidence against
23 such defendant, whether there exists motivation or ability to
24 flee, whether there is any verification as to prior residence,
25 education, or family ties in the local jurisdiction, in
26 another county, state or foreign country, the defendant's

1 employment, financial resources, character and mental
2 condition, past conduct, prior use of alias names or dates of
3 birth, and length of residence in the community, the consent
4 of the defendant to periodic drug testing in accordance with
5 Section 110-6.5, whether a foreign national defendant is
6 lawfully admitted in the United States of America, whether the
7 government of the foreign national maintains an extradition
8 treaty with the United States by which the foreign government
9 will extradite to the United States its national for a trial
10 for a crime allegedly committed in the United States, whether
11 the defendant is currently subject to deportation or exclusion
12 under the immigration laws of the United States, whether the
13 defendant, although a United States citizen, is considered
14 under the law of any foreign state a national of that state for
15 the purposes of extradition or non-extradition to the United
16 States, the amount of unrecovered proceeds lost as a result of
17 the alleged offense, the source of bail funds tendered or
18 sought to be tendered for bail, whether from the totality of
19 the court's consideration, the loss of funds posted or sought
20 to be posted for bail will not deter the defendant from flight,
21 whether the evidence shows that the defendant is engaged in
22 significant possession, manufacture, or delivery of a
23 controlled substance or cannabis, either individually or in
24 consort with others, whether at the time of the offense
25 charged he or she was on bond or pre-trial release pending
26 trial, probation, periodic imprisonment or conditional

1 discharge pursuant to this Code or the comparable Code of any
2 other state or federal jurisdiction, whether the defendant is
3 on bond or pre-trial release pending the imposition or
4 execution of sentence or appeal of sentence for any offense
5 under the laws of Illinois or any other state or federal
6 jurisdiction, whether the defendant is under parole, aftercare
7 release, mandatory supervised release, or work release from
8 the Illinois Department of Corrections or Illinois Department
9 of Juvenile Justice or any penal institution or corrections
10 department of any state or federal jurisdiction, the
11 defendant's record of convictions, whether the defendant has
12 been convicted of a misdemeanor or ordinance offense in
13 Illinois or similar offense in other state or federal
14 jurisdiction within the 10 years preceding the current charge
15 or convicted of a felony in Illinois, whether the defendant
16 was convicted of an offense in another state or federal
17 jurisdiction that would be a felony if committed in Illinois
18 within the 20 years preceding the current charge or has been
19 convicted of such felony and released from the penitentiary
20 within 20 years preceding the current charge if a penitentiary
21 sentence was imposed in Illinois or other state or federal
22 jurisdiction, the defendant's records of juvenile adjudication
23 of delinquency in any jurisdiction, any record of appearance
24 or failure to appear by the defendant at court proceedings,
25 whether there was flight to avoid arrest or prosecution,
26 whether the defendant escaped or attempted to escape to avoid

1 arrest, whether the defendant refused to identify himself or
2 herself, or whether there was a refusal by the defendant to be
3 fingerprinted as required by law. Information used by the
4 court in its findings or stated in or offered in connection
5 with this Section may be by way of proffer based upon reliable
6 information offered by the State or defendant. All evidence
7 shall be admissible if it is relevant and reliable regardless
8 of whether it would be admissible under the rules of evidence
9 applicable at criminal trials. If the State presents evidence
10 that the offense committed by the defendant was related to or
11 in furtherance of the criminal activities of an organized gang
12 or was motivated by the defendant's membership in or
13 allegiance to an organized gang, and if the court determines
14 that the evidence may be substantiated, the court shall
15 prohibit the defendant from associating with other members of
16 the organized gang as a condition of bail or release. For the
17 purposes of this Section, "organized gang" has the meaning
18 ascribed to it in Section 10 of the Illinois Streetgang
19 Terrorism Omnibus Prevention Act.

20 (a-5) There shall be a presumption that any conditions of
21 release imposed shall be non-monetary in nature and the court
22 shall impose the least restrictive conditions or combination
23 of conditions necessary to reasonably assure the appearance of
24 the defendant for further court proceedings and protect the
25 integrity of the judicial proceedings from a specific threat
26 to a witness or participant. Conditions of release may

1 include, but not be limited to, electronic home monitoring,
2 curfews, drug counseling, stay-away orders, and in-person
3 reporting. The court shall consider the defendant's
4 socio-economic circumstance when setting conditions of release
5 or imposing monetary bail.

6 (b) The amount of bail shall be:

7 (1) Sufficient to assure compliance with the
8 conditions set forth in the bail bond, which shall include
9 the defendant's current address with a written
10 admonishment to the defendant that he or she must comply
11 with the provisions of Section 110-12 regarding any change
12 in his or her address. The defendant's address shall at
13 all times remain a matter of public record with the clerk
14 of the court.

15 (2) Not oppressive.

16 (3) Considerate of the financial ability of the
17 accused.

18 (4) When a person is charged with a drug related
19 offense involving possession or delivery of cannabis or
20 possession or delivery of a controlled substance as
21 defined in the Cannabis Control Act, the Illinois
22 Controlled Substances Act, or the Methamphetamine Control
23 and Community Protection Act, the full street value of the
24 drugs seized shall be considered. "Street value" shall be
25 determined by the court on the basis of a proffer by the
26 State based upon reliable information of a law enforcement

1 official contained in a written report as to the amount
2 seized and such proffer may be used by the court as to the
3 current street value of the smallest unit of the drug
4 seized.

5 (b-5) Upon the filing of a written request demonstrating
6 reasonable cause, the State's Attorney may request a source of
7 bail hearing either before or after the posting of any funds.
8 If the hearing is granted, before the posting of any bail, the
9 accused must file a written notice requesting that the court
10 conduct a source of bail hearing. The notice must be
11 accompanied by justifying affidavits stating the legitimate
12 and lawful source of funds for bail. At the hearing, the court
13 shall inquire into any matters stated in any justifying
14 affidavits, and may also inquire into matters appropriate to
15 the determination which shall include, but are not limited to,
16 the following:

17 (1) the background, character, reputation, and
18 relationship to the accused of any surety; and

19 (2) the source of any money or property deposited by
20 any surety, and whether any such money or property
21 constitutes the fruits of criminal or unlawful conduct;
22 and

23 (3) the source of any money posted as cash bail, and
24 whether any such money constitutes the fruits of criminal
25 or unlawful conduct; and

26 (4) the background, character, reputation, and

1 relationship to the accused of the person posting cash
2 bail.

3 Upon setting the hearing, the court shall examine, under
4 oath, any persons who may possess material information.

5 The State's Attorney has a right to attend the hearing, to
6 call witnesses and to examine any witness in the proceeding.
7 The court shall, upon request of the State's Attorney,
8 continue the proceedings for a reasonable period to allow the
9 State's Attorney to investigate the matter raised in any
10 testimony or affidavit. If the hearing is granted after the
11 accused has posted bail, the court shall conduct a hearing
12 consistent with this subsection (b-5). At the conclusion of
13 the hearing, the court must issue an order either approving or
14 ~~of~~ disapproving the bail.

15 (c) When a person is charged with an offense punishable by
16 fine only the amount of the bail shall not exceed double the
17 amount of the maximum penalty.

18 (d) When a person has been convicted of an offense and only
19 a fine has been imposed the amount of the bail shall not exceed
20 double the amount of the fine.

21 (e) The State may appeal any order granting bail or
22 setting a given amount for bail.

23 (f) When a person is charged with a violation of an order
24 of protection under Section 12-3.4 or 12-30 of the Criminal
25 Code of 1961 or the Criminal Code of 2012 or when a person is
26 charged with domestic battery, aggravated domestic battery,

1 kidnapping, aggravated kidnaping, unlawful restraint,
2 aggravated unlawful restraint, stalking, aggravated stalking,
3 cyberstalking, harassment by telephone, harassment through
4 electronic communications, or an attempt to commit first
5 degree murder committed against an intimate partner regardless
6 whether an order of protection has been issued against the
7 person,

8 (1) whether the alleged incident involved harassment
9 or abuse, as defined in the Illinois Domestic Violence Act
10 of 1986;

11 (2) whether the person has a history of domestic
12 violence, as defined in the Illinois Domestic Violence
13 Act, or a history of other criminal acts;

14 (3) based on the mental health of the person;

15 (4) whether the person has a history of violating the
16 orders of any court or governmental entity;

17 (5) whether the person has been, or is, potentially a
18 threat to any other person;

19 (6) whether the person has access to deadly weapons or
20 a history of using deadly weapons;

21 (7) whether the person has a history of abusing
22 alcohol or any controlled substance;

23 (8) based on the severity of the alleged incident that
24 is the basis of the alleged offense, including, but not
25 limited to, the duration of the current incident, and
26 whether the alleged incident involved the use of a weapon,

1 physical injury, sexual assault, strangulation, abuse
2 during the alleged victim's pregnancy, abuse of pets, or
3 forcible entry to gain access to the alleged victim;

4 (9) whether a separation of the person from the
5 alleged victim or a termination of the relationship
6 between the person and the alleged victim has recently
7 occurred or is pending;

8 (10) whether the person has exhibited obsessive or
9 controlling behaviors toward the alleged victim,
10 including, but not limited to, stalking, surveillance, or
11 isolation of the alleged victim or victim's family member
12 or members;

13 (11) whether the person has expressed suicidal or
14 homicidal ideations;

15 (12) based on any information contained in the
16 complaint and any police reports, affidavits, or other
17 documents accompanying the complaint,

18 the court may, in its discretion, order the respondent to
19 undergo a risk assessment evaluation using a recognized,
20 evidence-based instrument conducted by an Illinois Department
21 of Human Services approved partner abuse intervention program
22 provider, pretrial service, probation, or parole agency. These
23 agencies shall have access to summaries of the defendant's
24 criminal history, which shall not include victim interviews or
25 information, for the risk evaluation. Based on the information
26 collected from the 12 points to be considered at a bail hearing

1 under this subsection (f), the results of any risk evaluation
2 conducted and the other circumstances of the violation, the
3 court may order that the person, as a condition of bail, be
4 placed under electronic surveillance as provided in Section
5 5-8A-7 of the Unified Code of Corrections. Upon making a
6 determination whether or not to order the respondent to
7 undergo a risk assessment evaluation or to be placed under
8 electronic surveillance and risk assessment, the court shall
9 document in the record the court's reasons for making those
10 determinations. The cost of the electronic surveillance and
11 risk assessment shall be paid by, or on behalf, of the
12 defendant. As used in this subsection (f), "intimate partner"
13 means a spouse or a current or former partner in a cohabitation
14 or dating relationship.

15 (Source: P.A. 99-143, eff. 7-27-15; 100-1, eff. 1-1-18;
16 revised 7-12-19.)

17 (725 ILCS 5/111-1) (from Ch. 38, par. 111-1)

18 Sec. 111-1. Methods of prosecution.

19 (a) When authorized by law a prosecution may be commenced
20 by:

21 (1) ~~(a)~~ A complaint;

22 (2) ~~(b)~~ An information;

23 (3) ~~(c)~~ An indictment.

24 (b) ~~(d)~~ Upon commencement of a prosecution for a violation
25 of Section 11-501 of the Illinois Vehicle Code, or a similar

1 provision of a local ordinance, or Section 9-3 of the Criminal
2 Code of 1961 or the Criminal Code of 2012 relating to the
3 offense of reckless homicide, the victims of these offenses
4 shall have all the rights under this Section as they do in
5 Section 4 of the ~~Bill of~~ Rights of Crime ~~for~~ Victims and
6 Witnesses ~~of Violent Crime~~ Act.

7 For the purposes of this Section "victim" shall mean an
8 individual who has suffered personal injury as a result of the
9 commission of a violation of Section 11-501 of the Illinois
10 Vehicle Code, or a similar provision of a local ordinance, or
11 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
12 of 2012 relating to the offense of reckless homicide. In
13 regard to a violation of Section 9-3 of the Criminal Code of
14 1961 or the Criminal Code of 2012 relating to the offense of
15 reckless homicide, "victim" shall also include, but not be
16 limited to, spouse, guardian, parent, or other family member.

17 (c) ~~(e)~~ Upon arrest after commencement of a prosecution
18 for a sex offense against a person known to be an employee, the
19 State's Attorney shall immediately provide the superintendent
20 of schools or school administrator that employs the employee
21 with a copy of the complaint, information, or indictment.

22 For the purposes of this subsection: "employee" has the
23 meaning provided in subsection (a) of Section 24-5 of the
24 School Code; and "sex offense" has the meaning provided in
25 Section 2 of the Sex Offender Registration Act.

26 This subsection shall not be construed to diminish the

1 rights, privileges, or remedies of an employee under a
2 collective bargaining agreement or employment contract.

3 (Source: P.A. 101-521, eff. 8-23-19; revised 9-8-20.)

4 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

5 Sec. 112A-23. Enforcement of protective orders.

6 (a) When violation is crime. A violation of any protective
7 order, whether issued in a civil, quasi-criminal proceeding,
8 shall be enforced by a criminal court when:

9 (1) The respondent commits the crime of violation of a
10 domestic violence order of protection pursuant to Section
11 12-3.4 or 12-30 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, by having knowingly violated:

13 (i) remedies described in paragraphs (1), (2),
14 (3), (14), or (14.5) of subsection (b) of Section
15 112A-14 of this Code,

16 (ii) a remedy, which is substantially similar to
17 the remedies authorized under paragraphs (1), (2),
18 (3), (14), or (14.5) of subsection (b) of Section 214
19 of the Illinois Domestic Violence Act of 1986, in a
20 valid order of protection, which is authorized under
21 the laws of another state, tribe or United States
22 territory, or

23 (iii) ~~or~~ any other remedy when the act constitutes
24 a crime against the protected parties as defined by
25 the Criminal Code of 1961 or the Criminal Code of 2012.

1 Prosecution for a violation of a domestic violence
2 order of protection shall not bar concurrent prosecution
3 for any other crime, including any crime that may have
4 been committed at the time of the violation of the
5 domestic violence order of protection; or

6 (2) The respondent commits the crime of child
7 abduction pursuant to Section 10-5 of the Criminal Code of
8 1961 or the Criminal Code of 2012, by having knowingly
9 violated:

10 (i) remedies described in paragraphs (5), (6), or
11 (8) of subsection (b) of Section 112A-14 of this Code,
12 or

13 (ii) a remedy, which is substantially similar to
14 the remedies authorized under paragraphs (1), (5),
15 (6), or (8) of subsection (b) of Section 214 of the
16 Illinois Domestic Violence Act of 1986, in a valid
17 domestic violence order of protection, which is
18 authorized under the laws of another state, tribe or
19 United States territory.

20 (3) The respondent commits the crime of violation of a
21 civil no contact order when the respondent violates
22 Section 12-3.8 of the Criminal Code of 2012. Prosecution
23 for a violation of a civil no contact order shall not bar
24 concurrent prosecution for any other crime, including any
25 crime that may have been committed at the time of the
26 violation of the civil no contact order.

1 (4) The respondent commits the crime of violation of a
2 stalking no contact order when the respondent violates
3 Section 12-3.9 of the Criminal Code of 2012. Prosecution
4 for a violation of a stalking no contact order shall not
5 bar concurrent prosecution for any other crime, including
6 any crime that may have been committed at the time of the
7 violation of the stalking no contact order.

8 (b) When violation is contempt of court. A violation of
9 any valid protective order, whether issued in a civil or
10 criminal proceeding, may be enforced through civil or criminal
11 contempt procedures, as appropriate, by any court with
12 jurisdiction, regardless where the act or acts which violated
13 the protective order were committed, to the extent consistent
14 with the venue provisions of this Article. Nothing in this
15 Article shall preclude any Illinois court from enforcing any
16 valid protective order issued in another state. Illinois
17 courts may enforce protective orders through both criminal
18 prosecution and contempt proceedings, unless the action which
19 is second in time is barred by collateral estoppel or the
20 constitutional prohibition against double jeopardy.

21 (1) In a contempt proceeding where the petition for a
22 rule to show cause sets forth facts evidencing an
23 immediate danger that the respondent will flee the
24 jurisdiction, conceal a child, or inflict physical abuse
25 on the petitioner or minor children or on dependent adults
26 in petitioner's care, the court may order the attachment

1 of the respondent without prior service of the rule to
2 show cause or the petition for a rule to show cause. Bond
3 shall be set unless specifically denied in writing.

4 (2) A petition for a rule to show cause for violation
5 of a protective order shall be treated as an expedited
6 proceeding.

7 (c) Violation of custody, allocation of parental
8 responsibility, or support orders. A violation of remedies
9 described in paragraphs (5), (6), (8), or (9) of subsection
10 (b) of Section 112A-14 of this Code may be enforced by any
11 remedy provided by Section 607.5 of the Illinois Marriage and
12 Dissolution of Marriage Act. The court may enforce any order
13 for support issued under paragraph (12) of subsection (b) of
14 Section 112A-14 of this Code in the manner provided for under
15 Parts V and VII of the Illinois Marriage and Dissolution of
16 Marriage Act.

17 (d) Actual knowledge. A protective order may be enforced
18 pursuant to this Section if the respondent violates the order
19 after respondent has actual knowledge of its contents as shown
20 through one of the following means:

21 (1) (Blank).

22 (2) (Blank).

23 (3) By service of a protective order under subsection
24 (f) of Section 112A-17.5 or Section 112A-22 of this Code.

25 (4) By other means demonstrating actual knowledge of
26 the contents of the order.

1 (e) The enforcement of a protective order in civil or
2 criminal court shall not be affected by either of the
3 following:

4 (1) The existence of a separate, correlative order
5 entered under Section 112A-15 of this Code.

6 (2) Any finding or order entered in a conjoined
7 criminal proceeding.

8 (f) Circumstances. The court, when determining whether or
9 not a violation of a protective order has occurred, shall not
10 require physical manifestations of abuse on the person of the
11 victim.

12 (g) Penalties.

13 (1) Except as provided in paragraph (3) of this
14 subsection (g), where the court finds the commission of a
15 crime or contempt of court under subsections (a) or (b) of
16 this Section, the penalty shall be the penalty that
17 generally applies in such criminal or contempt
18 proceedings, and may include one or more of the following:
19 incarceration, payment of restitution, a fine, payment of
20 attorneys' fees and costs, or community service.

21 (2) The court shall hear and take into account
22 evidence of any factors in aggravation or mitigation
23 before deciding an appropriate penalty under paragraph (1)
24 of this subsection (g).

25 (3) To the extent permitted by law, the court is
26 encouraged to:

1 (i) increase the penalty for the knowing violation
2 of any protective order over any penalty previously
3 imposed by any court for respondent's violation of any
4 protective order or penal statute involving petitioner
5 as victim and respondent as defendant;

6 (ii) impose a minimum penalty of 24 hours
7 imprisonment for respondent's first violation of any
8 protective order; and

9 (iii) impose a minimum penalty of 48 hours
10 imprisonment for respondent's second or subsequent
11 violation of a protective order

12 unless the court explicitly finds that an increased
13 penalty or that period of imprisonment would be manifestly
14 unjust.

15 (4) In addition to any other penalties imposed for a
16 violation of a protective order, a criminal court may
17 consider evidence of any violations of a protective order:

18 (i) to increase, revoke, or modify the bail bond
19 on an underlying criminal charge pursuant to Section
20 110-6 of this Code;

21 (ii) to revoke or modify an order of probation,
22 conditional discharge, or supervision, pursuant to
23 Section 5-6-4 of the Unified Code of Corrections;

24 (iii) to revoke or modify a sentence of periodic
25 imprisonment, pursuant to Section 5-7-2 of the Unified
26 Code of Corrections.

1 (Source: P.A. 99-90, eff. 1-1-16; 100-199, eff. 1-1-18;
2 100-597, eff. 6-29-18; revised 7-12-19.)

3 (725 ILCS 5/124A-20)

4 Sec. 124A-20. Assessment waiver.

5 (a) As used in this Section:

6 "Assessments" means any costs imposed on a criminal
7 defendant under Article 15 of the Criminal and Traffic
8 Assessment Act, but does not include violation of the Illinois
9 Vehicle Code assessments.

10 "Indigent person" means any person who meets one or more
11 of the following criteria:

12 (1) He or she is receiving assistance under one or
13 more of the following means-based governmental public
14 benefits programs: Supplemental Security Income; Aid to
15 the Aged, Blind and Disabled; Temporary Assistance for
16 Needy Families; Supplemental Nutrition Assistance Program;
17 General Assistance; Transitional Assistance; or State
18 Children and Family Assistance.

19 (2) His or her available personal income is 200% or
20 less of the current poverty level, unless the applicant's
21 assets that are not exempt under Part 9 or 10 of Article
22 XII of the Code of Civil Procedure are of a nature and
23 value that the court determines that the applicant is able
24 to pay the assessments.

25 (3) He or she is, in the discretion of the court,

1 unable to proceed in an action with payment of assessments
2 and whose payment of those assessments would result in
3 substantial hardship to the person or his or her family.

4 "Poverty level" means the current poverty level as
5 established by the United States Department of Health and
6 Human Services.

7 (b) Upon the application of any defendant, after the
8 commencement of an action, but no later than 30 days after
9 sentencing:

10 (1) If the court finds that the applicant is an
11 indigent person, the court shall grant the applicant a
12 full assessment waiver exempting him or her from the
13 payment of any assessments.

14 (2) The court shall grant the applicant a partial
15 assessment as follows:

16 (A) 75% of all assessments shall be waived if the
17 applicant's available income is greater than 200% but
18 no more than 250% of the poverty level, unless the
19 applicant's assets that are not exempt under Part 9 or
20 10 of Article XII of the Code of Civil Procedure are
21 such that the applicant is able, without undue
22 hardship, to pay the total assessments.

23 (B) 50% of all assessments shall be waived if the
24 applicant's available income is greater than 250% but
25 no more than 300% of the poverty level, unless the
26 applicant's assets that are not exempt under Part 9 or

1 10 of Article XII of the Code of Civil Procedure are
2 such that the court determines that the applicant is
3 able, without undue hardship, to pay a greater portion
4 of the assessments.

5 (C) 25% of all assessments shall be waived if the
6 applicant's available income is greater than 300% but
7 no more than 400% of the poverty level, unless the
8 applicant's assets that are not exempt under Part 9 or
9 10 of Article XII of the Code of Civil Procedure are
10 such that the court determines that the applicant is
11 able, without undue hardship, to pay a greater portion
12 of the assessments.

13 (c) An application for a waiver of assessments shall be in
14 writing, signed by the defendant or, if the defendant is a
15 minor, by another person having knowledge of the facts, and
16 filed no later than 30 days after sentencing. The contents of
17 the application for a waiver of assessments, and the procedure
18 for deciding the applications, shall be established by Supreme
19 Court Rule. Factors to consider in evaluating an application
20 shall include:

21 (1) the applicant's receipt of needs based
22 governmental public benefits, including Supplemental
23 Security Income (SSI); Aid to the Aged, Blind and Disabled
24 (AABD ~~ADDD~~); Temporary Assistance for Needy Families
25 (TANF); Supplemental Nutrition Assistance Program (SNAP or
26 "food stamps"); General Assistance; Transitional

1 Assistance; or State Children and Family Assistance;

2 (2) the employment status of the applicant and amount

3 of monthly income, if any;

4 (3) income received from the applicant's pension,

5 Social Security benefits, unemployment benefits, and other

6 sources;

7 (4) income received by the applicant from other

8 household members;

9 (5) the applicant's monthly expenses, including rent,

10 home mortgage, other mortgage, utilities, food, medical,

11 vehicle, childcare, debts, child support, and other

12 expenses; and

13 (6) financial affidavits or other similar supporting

14 documentation provided by the applicant showing that

15 payment of the imposed assessments would result in

16 substantial hardship to the applicant or the applicant's

17 family.

18 (d) The clerk of court shall provide the application for a

19 waiver of assessments to any defendant who indicates an

20 inability to pay the assessments. The clerk of the court shall

21 post in a conspicuous place in the courthouse a notice, no

22 smaller than 8.5 x 11 inches and using no smaller than 30-point

23 typeface printed in English and in Spanish, advising criminal

24 defendants they may ask the court for a waiver of any court

25 ordered assessments. The notice shall be substantially as

26 follows:

1 "If you are unable to pay the required assessments,
2 you may ask the court to waive payment of them. Ask the
3 clerk of the court for forms."

4 (e) For good cause shown, the court may allow an applicant
5 whose application is denied or who receives a partial
6 assessment waiver to defer payment of the assessments, make
7 installment payments, or make payment upon reasonable terms
8 and conditions stated in the order.

9 (f) Nothing in this Section shall be construed to affect
10 the right of a party to court-appointed counsel, as authorized
11 by any other provision of law or by the rules of the Illinois
12 Supreme Court.

13 (g) The provisions of this Section are severable under
14 Section 1.31 of the Statute on Statutes.

15 (Source: P.A. 100-987, eff. 7-1-19; revised 8-28-20.)

16 Section 740. The Rights of Crime Victims and Witnesses Act
17 is amended by changing Section 4.5 as follows:

18 (725 ILCS 120/4.5)

19 Sec. 4.5. Procedures to implement the rights of crime
20 victims. To afford crime victims their rights, law
21 enforcement, prosecutors, judges, and corrections will provide
22 information, as appropriate, of the following procedures:

23 (a) At the request of the crime victim, law enforcement
24 authorities investigating the case shall provide notice of the

1 status of the investigation, except where the State's Attorney
2 determines that disclosure of such information would
3 unreasonably interfere with the investigation, until such time
4 as the alleged assailant is apprehended or the investigation
5 is closed.

6 (a-5) When law enforcement authorities reopen a closed
7 case to resume investigating, they shall provide notice of the
8 reopening of the case, except where the State's Attorney
9 determines that disclosure of such information would
10 unreasonably interfere with the investigation.

11 (b) The office of the State's Attorney:

12 (1) shall provide notice of the filing of an
13 information, the return of an indictment, or the filing of
14 a petition to adjudicate a minor as a delinquent for a
15 violent crime;

16 (2) shall provide timely notice of the date, time, and
17 place of court proceedings; of any change in the date,
18 time, and place of court proceedings; and of any
19 cancellation of court proceedings. Notice shall be
20 provided in sufficient time, wherever possible, for the
21 victim to make arrangements to attend or to prevent an
22 unnecessary appearance at court proceedings;

23 (3) or victim advocate personnel shall provide
24 information of social services and financial assistance
25 available for victims of crime, including information of
26 how to apply for these services and assistance;

1 (3.5) or victim advocate personnel shall provide
2 information about available victim services, including
3 referrals to programs, counselors, and agencies that
4 assist a victim to deal with trauma, loss, and grief;

5 (4) shall assist in having any stolen or other
6 personal property held by law enforcement authorities for
7 evidentiary or other purposes returned as expeditiously as
8 possible, pursuant to the procedures set out in Section
9 115-9 of the Code of Criminal Procedure of 1963;

10 (5) or victim advocate personnel shall provide
11 appropriate employer intercession services to ensure that
12 employers of victims will cooperate with the criminal
13 justice system in order to minimize an employee's loss of
14 pay and other benefits resulting from court appearances;

15 (6) shall provide, whenever possible, a secure waiting
16 area during court proceedings that does not require
17 victims to be in close proximity to defendants or
18 juveniles accused of a violent crime, and their families
19 and friends;

20 (7) shall provide notice to the crime victim of the
21 right to have a translator present at all court
22 proceedings and, in compliance with the federal Americans
23 with Disabilities Act of 1990, the right to communications
24 access through a sign language interpreter or by other
25 means;

26 (8) (blank);

1 (8.5) shall inform the victim of the right to be
2 present at all court proceedings, unless the victim is to
3 testify and the court determines that the victim's
4 testimony would be materially affected if the victim hears
5 other testimony at trial;

6 (9) shall inform the victim of the right to have
7 present at all court proceedings, subject to the rules of
8 evidence and confidentiality, an advocate and other
9 support person of the victim's choice;

10 (9.3) shall inform the victim of the right to retain
11 an attorney, at the victim's own expense, who, upon
12 written notice filed with the clerk of the court and
13 State's Attorney, is to receive copies of all notices,
14 motions, and court orders filed thereafter in the case, in
15 the same manner as if the victim were a named party in the
16 case;

17 (9.5) shall inform the victim of (A) the victim's
18 right under Section 6 of this Act to make a statement at
19 the sentencing hearing; (B) the right of the victim's
20 spouse, guardian, parent, grandparent, and other immediate
21 family and household members under Section 6 of this Act
22 to present a statement at sentencing; and (C) if a
23 presentence report is to be prepared, the right of the
24 victim's spouse, guardian, parent, grandparent, and other
25 immediate family and household members to submit
26 information to the preparer of the presentence report

1 about the effect the offense has had on the victim and the
2 person;

3 (10) at the sentencing shall make a good faith attempt
4 to explain the minimum amount of time during which the
5 defendant may actually be physically imprisoned. The
6 Office of the State's Attorney shall further notify the
7 crime victim of the right to request from the Prisoner
8 Review Board or Department of Juvenile Justice information
9 concerning the release of the defendant;

10 (11) shall request restitution at sentencing and as
11 part of a plea agreement if the victim requests
12 restitution;

13 (12) shall, upon the court entering a verdict of not
14 guilty by reason of insanity, inform the victim of the
15 notification services available from the Department of
16 Human Services, including the statewide telephone number,
17 under subparagraph (d) (2) of this Section;

18 (13) shall provide notice within a reasonable time
19 after receipt of notice from the custodian, of the release
20 of the defendant on bail or personal recognizance or the
21 release from detention of a minor who has been detained;

22 (14) shall explain in nontechnical language the
23 details of any plea or verdict of a defendant, or any
24 adjudication of a juvenile as a delinquent;

25 (15) shall make all reasonable efforts to consult with
26 the crime victim before the Office of the State's Attorney

1 makes an offer of a plea bargain to the defendant or enters
2 into negotiations with the defendant concerning a possible
3 plea agreement, and shall consider the written statement,
4 if prepared prior to entering into a plea agreement. The
5 right to consult with the prosecutor does not include the
6 right to veto a plea agreement or to insist the case go to
7 trial. If the State's Attorney has not consulted with the
8 victim prior to making an offer or entering into plea
9 negotiations with the defendant, the Office of the State's
10 Attorney shall notify the victim of the offer or the
11 negotiations within 2 business days and confer with the
12 victim;

13 (16) shall provide notice of the ultimate disposition
14 of the cases arising from an indictment or an information,
15 or a petition to have a juvenile adjudicated as a
16 delinquent for a violent crime;

17 (17) shall provide notice of any appeal taken by the
18 defendant and information on how to contact the
19 appropriate agency handling the appeal, and how to request
20 notice of any hearing, oral argument, or decision of an
21 appellate court;

22 (18) shall provide timely notice of any request for
23 post-conviction review filed by the defendant under
24 Article 122 of the Code of Criminal Procedure of 1963, and
25 of the date, time and place of any hearing concerning the
26 petition. Whenever possible, notice of the hearing shall

1 be given within 48 hours of the court's scheduling of the
2 hearing; and

3 (19) shall forward a copy of any statement presented
4 under Section 6 to the Prisoner Review Board or Department
5 of Juvenile Justice to be considered in making a
6 determination under Section 3-2.5-85 or subsection (b) of
7 Section 3-3-8 of the Unified Code of Corrections.

8 (c) The court shall ensure that the rights of the victim
9 are afforded.

10 (c-5) The following procedures shall be followed to afford
11 victims the rights guaranteed by Article I, Section 8.1 of the
12 Illinois Constitution:

13 (1) Written notice. A victim may complete a written
14 notice of intent to assert rights on a form prepared by the
15 Office of the Attorney General and provided to the victim
16 by the State's Attorney. The victim may at any time
17 provide a revised written notice to the State's Attorney.
18 The State's Attorney shall file the written notice with
19 the court. At the beginning of any court proceeding in
20 which the right of a victim may be at issue, the court and
21 prosecutor shall review the written notice to determine
22 whether the victim has asserted the right that may be at
23 issue.

24 (2) Victim's retained attorney. A victim's attorney
25 shall file an entry of appearance limited to assertion of
26 the victim's rights. Upon the filing of the entry of

1 appearance and service on the State's Attorney and the
2 defendant, the attorney is to receive copies of all
3 notices, motions and court orders filed thereafter in the
4 case.

5 (3) Standing. The victim has standing to assert the
6 rights enumerated in subsection (a) of Article I, Section
7 8.1 of the Illinois Constitution and the statutory rights
8 under Section 4 of this Act in any court exercising
9 jurisdiction over the criminal case. The prosecuting
10 attorney, a victim, or the victim's retained attorney may
11 assert the victim's rights. The defendant in the criminal
12 case has no standing to assert a right of the victim in any
13 court proceeding, including on appeal.

14 (4) Assertion of and enforcement of rights.

15 (A) The prosecuting attorney shall assert a
16 victim's right or request enforcement of a right by
17 filing a motion or by orally asserting the right or
18 requesting enforcement in open court in the criminal
19 case outside the presence of the jury. The prosecuting
20 attorney shall consult with the victim and the
21 victim's attorney regarding the assertion or
22 enforcement of a right. If the prosecuting attorney
23 decides not to assert or enforce a victim's right, the
24 prosecuting attorney shall notify the victim or the
25 victim's attorney in sufficient time to allow the
26 victim or the victim's attorney to assert the right or

1 to seek enforcement of a right.

2 (B) If the prosecuting attorney elects not to
3 assert a victim's right or to seek enforcement of a
4 right, the victim or the victim's attorney may assert
5 the victim's right or request enforcement of a right
6 by filing a motion or by orally asserting the right or
7 requesting enforcement in open court in the criminal
8 case outside the presence of the jury.

9 (C) If the prosecuting attorney asserts a victim's
10 right or seeks enforcement of a right, and the court
11 denies the assertion of the right or denies the
12 request for enforcement of a right, the victim or
13 victim's attorney may file a motion to assert the
14 victim's right or to request enforcement of the right
15 within 10 days of the court's ruling. The motion need
16 not demonstrate the grounds for a motion for
17 reconsideration. The court shall rule on the merits of
18 the motion.

19 (D) The court shall take up and decide any motion
20 or request asserting or seeking enforcement of a
21 victim's right without delay, unless a specific time
22 period is specified by law or court rule. The reasons
23 for any decision denying the motion or request shall
24 be clearly stated on the record.

25 (5) Violation of rights and remedies.

26 (A) If the court determines that a victim's right

1 has been violated, the court shall determine the
2 appropriate remedy for the violation of the victim's
3 right by hearing from the victim and the parties,
4 considering all factors relevant to the issue, and
5 then awarding appropriate relief to the victim.

6 (A-5) Consideration of an issue of a substantive
7 nature or an issue that implicates the constitutional
8 or statutory right of a victim at a court proceeding
9 labeled as a status hearing shall constitute a per se
10 violation of a victim's right.

11 (B) The appropriate remedy shall include only
12 actions necessary to provide the victim the right to
13 which the victim was entitled and may include
14 reopening previously held proceedings; however, in no
15 event shall the court vacate a conviction. Any remedy
16 shall be tailored to provide the victim an appropriate
17 remedy without violating any constitutional right of
18 the defendant. In no event shall the appropriate
19 remedy be a new trial, damages, or costs.

20 (6) Right to be heard. Whenever a victim has the right
21 to be heard, the court shall allow the victim to exercise
22 the right in any reasonable manner the victim chooses.

23 (7) Right to attend trial. A party must file a written
24 motion to exclude a victim from trial at least 60 days
25 prior to the date set for trial. The motion must state with
26 specificity the reason exclusion is necessary to protect a

1 constitutional right of the party, and must contain an
2 offer of proof. The court shall rule on the motion within
3 30 days. If the motion is granted, the court shall set
4 forth on the record the facts that support its finding
5 that the victim's testimony will be materially affected if
6 the victim hears other testimony at trial.

7 (8) Right to have advocate and support person present
8 at court proceedings.

9 (A) A party who intends to call an advocate as a
10 witness at trial must seek permission of the court
11 before the subpoena is issued. The party must file a
12 written motion at least 90 days before trial that sets
13 forth specifically the issues on which the advocate's
14 testimony is sought and an offer of proof regarding
15 (i) the content of the anticipated testimony of the
16 advocate; and (ii) the relevance, admissibility, and
17 materiality of the anticipated testimony. The court
18 shall consider the motion and make findings within 30
19 days of the filing of the motion. If the court finds by
20 a preponderance of the evidence that: (i) the
21 anticipated testimony is not protected by an absolute
22 privilege; and (ii) the anticipated testimony contains
23 relevant, admissible, and material evidence that is
24 not available through other witnesses or evidence, the
25 court shall issue a subpoena requiring the advocate to
26 appear to testify at an in camera hearing. The

1 prosecuting attorney and the victim shall have 15 days
2 to seek appellate review before the advocate is
3 required to testify at an ex parte in camera
4 proceeding.

5 The prosecuting attorney, the victim, and the
6 advocate's attorney shall be allowed to be present at
7 the ex parte in camera proceeding. If, after
8 conducting the ex parte in camera hearing, the court
9 determines that due process requires any testimony
10 regarding confidential or privileged information or
11 communications, the court shall provide to the
12 prosecuting attorney, the victim, and the advocate's
13 attorney a written memorandum on the substance of the
14 advocate's testimony. The prosecuting attorney, the
15 victim, and the advocate's attorney shall have 15 days
16 to seek appellate review before a subpoena may be
17 issued for the advocate to testify at trial. The
18 presence of the prosecuting attorney at the ex parte
19 in camera proceeding does not make the substance of
20 the advocate's testimony that the court has ruled
21 inadmissible subject to discovery.

22 (B) If a victim has asserted the right to have a
23 support person present at the court proceedings, the
24 victim shall provide the name of the person the victim
25 has chosen to be the victim's support person to the
26 prosecuting attorney, within 60 days of trial. The

1 prosecuting attorney shall provide the name to the
2 defendant. If the defendant intends to call the
3 support person as a witness at trial, the defendant
4 must seek permission of the court before a subpoena is
5 issued. The defendant must file a written motion at
6 least 45 days prior to trial that sets forth
7 specifically the issues on which the support person
8 will testify and an offer of proof regarding: (i) the
9 content of the anticipated testimony of the support
10 person; and (ii) the relevance, admissibility, and
11 materiality of the anticipated testimony.

12 If the prosecuting attorney intends to call the
13 support person as a witness during the State's
14 case-in-chief, the prosecuting attorney shall inform
15 the court of this intent in the response to the
16 defendant's written motion. The victim may choose a
17 different person to be the victim's support person.
18 The court may allow the defendant to inquire about
19 matters outside the scope of the direct examination
20 during cross-examination. If the court allows the
21 defendant to do so, the support person shall be
22 allowed to remain in the courtroom after the support
23 person has testified. A defendant who fails to
24 question the support person about matters outside the
25 scope of direct examination during the State's
26 case-in-chief waives the right to challenge the

1 presence of the support person on appeal. The court
2 shall allow the support person to testify if called as
3 a witness in the defendant's case-in-chief or the
4 State's rebuttal.

5 If the court does not allow the defendant to
6 inquire about matters outside the scope of the direct
7 examination, the support person shall be allowed to
8 remain in the courtroom after the support person has
9 been called by the defendant or the defendant has
10 rested. The court shall allow the support person to
11 testify in the State's rebuttal.

12 If the prosecuting attorney does not intend to
13 call the support person in the State's case-in-chief,
14 the court shall verify with the support person whether
15 the support person, if called as a witness, would
16 testify as set forth in the offer of proof. If the
17 court finds that the support person would testify as
18 set forth in the offer of proof, the court shall rule
19 on the relevance, materiality, and admissibility of
20 the anticipated testimony. If the court rules the
21 anticipated testimony is admissible, the court shall
22 issue the subpoena. The support person may remain in
23 the courtroom after the support person testifies and
24 shall be allowed to testify in rebuttal.

25 If the court excludes the victim's support person
26 during the State's case-in-chief, the victim shall be

1 allowed to choose another support person to be present
2 in court.

3 If the victim fails to designate a support person
4 within 60 days of trial and the defendant has
5 subpoenaed the support person to testify at trial, the
6 court may exclude the support person from the trial
7 until the support person testifies. If the court
8 excludes the support person the victim may choose
9 another person as a support person.

10 (9) Right to notice and hearing before disclosure of
11 confidential or privileged information or records. A
12 defendant who seeks to subpoena records of or concerning
13 the victim that are confidential or privileged by law must
14 seek permission of the court before the subpoena is
15 issued. The defendant must file a written motion and an
16 offer of proof regarding the relevance, admissibility and
17 materiality of the records. If the court finds by a
18 preponderance of the evidence that: (A) the records are
19 not protected by an absolute privilege and (B) the records
20 contain relevant, admissible, and material evidence that
21 is not available through other witnesses or evidence, the
22 court shall issue a subpoena requiring a sealed copy of
23 the records be delivered to the court to be reviewed in
24 camera. If, after conducting an in camera review of the
25 records, the court determines that due process requires
26 disclosure of any portion of the records, the court shall

1 provide copies of what it intends to disclose to the
2 prosecuting attorney and the victim. The prosecuting
3 attorney and the victim shall have 30 days to seek
4 appellate review before the records are disclosed to the
5 defendant. The disclosure of copies of any portion of the
6 records to the prosecuting attorney does not make the
7 records subject to discovery.

8 (10) Right to notice of court proceedings. If the
9 victim is not present at a court proceeding in which a
10 right of the victim is at issue, the court shall ask the
11 prosecuting attorney whether the victim was notified of
12 the time, place, and purpose of the court proceeding and
13 that the victim had a right to be heard at the court
14 proceeding. If the court determines that timely notice was
15 not given or that the victim was not adequately informed
16 of the nature of the court proceeding, the court shall not
17 rule on any substantive issues, accept a plea, or impose a
18 sentence and shall continue the hearing for the time
19 necessary to notify the victim of the time, place and
20 nature of the court proceeding. The time between court
21 proceedings shall not be attributable to the State under
22 Section 103-5 of the Code of Criminal Procedure of 1963.

23 (11) Right to timely disposition of the case. A victim
24 has the right to timely disposition of the case so as to
25 minimize the stress, cost, and inconvenience resulting
26 from the victim's involvement in the case. Before ruling

1 on a motion to continue trial or other court proceeding,
2 the court shall inquire into the circumstances for the
3 request for the delay and, if the victim has provided
4 written notice of the assertion of the right to a timely
5 disposition, and whether the victim objects to the delay.
6 If the victim objects, the prosecutor shall inform the
7 court of the victim's objections. If the prosecutor has
8 not conferred with the victim about the continuance, the
9 prosecutor shall inform the court of the attempts to
10 confer. If the court finds the attempts of the prosecutor
11 to confer with the victim were inadequate to protect the
12 victim's right to be heard, the court shall give the
13 prosecutor at least 3 but not more than 5 business days to
14 confer with the victim. In ruling on a motion to continue,
15 the court shall consider the reasons for the requested
16 continuance, the number and length of continuances that
17 have been granted, the victim's objections and procedures
18 to avoid further delays. If a continuance is granted over
19 the victim's objection, the court shall specify on the
20 record the reasons for the continuance and the procedures
21 that have been or will be taken to avoid further delays.

22 (12) Right to Restitution.

23 (A) If the victim has asserted the right to
24 restitution and the amount of restitution is known at
25 the time of sentencing, the court shall enter the
26 judgment of restitution at the time of sentencing.

1 (B) If the victim has asserted the right to
2 restitution and the amount of restitution is not known
3 at the time of sentencing, the prosecutor shall,
4 within 5 days after sentencing, notify the victim what
5 information and documentation related to restitution
6 is needed and that the information and documentation
7 must be provided to the prosecutor within 45 days
8 after sentencing. Failure to timely provide
9 information and documentation related to restitution
10 shall be deemed a waiver of the right to restitution.
11 The prosecutor shall file and serve within 60 days
12 after sentencing a proposed judgment for restitution
13 and a notice that includes information concerning the
14 identity of any victims or other persons seeking
15 restitution, whether any victim or other person
16 expressly declines restitution, the nature and amount
17 of any damages together with any supporting
18 documentation, a restitution amount recommendation,
19 and the names of any co-defendants and their case
20 numbers. Within 30 days after receipt of the proposed
21 judgment for restitution, the defendant shall file any
22 objection to the proposed judgment, a statement of
23 grounds for the objection, and a financial statement.
24 If the defendant does not file an objection, the court
25 may enter the judgment for restitution without further
26 proceedings. If the defendant files an objection and

1 either party requests a hearing, the court shall
2 schedule a hearing.

3 (13) Access to presentence reports.

4 (A) The victim may request a copy of the
5 presentence report prepared under the Unified Code of
6 Corrections from the State's Attorney. The State's
7 Attorney shall redact the following information before
8 providing a copy of the report:

9 (i) the defendant's mental history and
10 condition;

11 (ii) any evaluation prepared under subsection
12 (b) or (b-5) of Section 5-3-2; and

13 (iii) the name, address, phone number, and
14 other personal information about any other victim.

15 (B) The State's Attorney or the defendant may
16 request the court redact other information in the
17 report that may endanger the safety of any person.

18 (C) The State's Attorney may orally disclose to
19 the victim any of the information that has been
20 redacted if there is a reasonable likelihood that the
21 information will be stated in court at the sentencing.

22 (D) The State's Attorney must advise the victim
23 that the victim must maintain the confidentiality of
24 the report and other information. Any dissemination of
25 the report or information that was not stated at a
26 court proceeding constitutes indirect criminal

1 contempt of court.

2 (14) Appellate relief. If the trial court denies the
3 relief requested, the victim, the victim's attorney, or
4 the prosecuting attorney may file an appeal within 30 days
5 of the trial court's ruling. The trial or appellate court
6 may stay the court proceedings if the court finds that a
7 stay would not violate a constitutional right of the
8 defendant. If the appellate court denies the relief
9 sought, the reasons for the denial shall be clearly stated
10 in a written opinion. In any appeal in a criminal case, the
11 State may assert as error the court's denial of any crime
12 victim's right in the proceeding to which the appeal
13 relates.

14 (15) Limitation on appellate relief. In no case shall
15 an appellate court provide a new trial to remedy the
16 violation of a victim's right.

17 (16) The right to be reasonably protected from the
18 accused throughout the criminal justice process and the
19 right to have the safety of the victim and the victim's
20 family considered in denying or fixing the amount of bail,
21 determining whether to release the defendant, and setting
22 conditions of release after arrest and conviction. A
23 victim of domestic violence, a sexual offense, or stalking
24 may request the entry of a protective order under Article
25 112A of the Code of Criminal Procedure of 1963.

26 (d) Procedures after the imposition of sentence.

1 (1) The Prisoner Review Board shall inform a victim or
2 any other concerned citizen, upon written request, of the
3 prisoner's release on parole, mandatory supervised
4 release, electronic detention, work release, international
5 transfer or exchange, or by the custodian, other than the
6 Department of Juvenile Justice, of the discharge of any
7 individual who was adjudicated a delinquent for a crime
8 from State custody and by the sheriff of the appropriate
9 county of any such person's final discharge from county
10 custody. The Prisoner Review Board, upon written request,
11 shall provide to a victim or any other concerned citizen a
12 recent photograph of any person convicted of a felony,
13 upon his or her release from custody. The Prisoner Review
14 Board, upon written request, shall inform a victim or any
15 other concerned citizen when feasible at least 7 days
16 prior to the prisoner's release on furlough of the times
17 and dates of such furlough. Upon written request by the
18 victim or any other concerned citizen, the State's
19 Attorney shall notify the person once of the times and
20 dates of release of a prisoner sentenced to periodic
21 imprisonment. Notification shall be based on the most
22 recent information as to victim's or other concerned
23 citizen's residence or other location available to the
24 notifying authority.

25 (2) When the defendant has been committed to the
26 Department of Human Services pursuant to Section 5-2-4 or

1 any other provision of the Unified Code of Corrections,
2 the victim may request to be notified by the releasing
3 authority of the approval by the court of an on-grounds
4 pass, a supervised off-grounds pass, an unsupervised
5 off-grounds pass, or conditional release; the release on
6 an off-grounds pass; the return from an off-grounds pass;
7 transfer to another facility; conditional release; escape;
8 death; or final discharge from State custody. The
9 Department of Human Services shall establish and maintain
10 a statewide telephone number to be used by victims to make
11 notification requests under these provisions and shall
12 publicize this telephone number on its website and to the
13 State's Attorney of each county.

14 (3) In the event of an escape from State custody, the
15 Department of Corrections or the Department of Juvenile
16 Justice immediately shall notify the Prisoner Review Board
17 of the escape and the Prisoner Review Board shall notify
18 the victim. The notification shall be based upon the most
19 recent information as to the victim's residence or other
20 location available to the Board. When no such information
21 is available, the Board shall make all reasonable efforts
22 to obtain the information and make the notification. When
23 the escapee is apprehended, the Department of Corrections
24 or the Department of Juvenile Justice immediately shall
25 notify the Prisoner Review Board and the Board shall
26 notify the victim.

1 (4) The victim of the crime for which the prisoner has
2 been sentenced has the right to register with the Prisoner
3 Review Board's victim registry. Victims registered with
4 the Board shall receive reasonable written notice not less
5 than 30 days prior to the parole hearing or target
6 aftercare release date. The victim has the right to submit
7 a victim statement for consideration by the Prisoner
8 Review Board or the Department of Juvenile Justice in
9 writing, on film, videotape, or other electronic means, or
10 in the form of a recording prior to the parole hearing or
11 target aftercare release date, or in person at the parole
12 hearing or aftercare release protest hearing, or by
13 calling the toll-free number established in subsection (f)
14 of this Section. The victim shall be notified within 7
15 days after the prisoner has been granted parole or
16 aftercare release and shall be informed of the right to
17 inspect the registry of parole decisions, established
18 under subsection (g) of Section 3-3-5 of the Unified Code
19 of Corrections. The provisions of this paragraph (4) are
20 subject to the Open Parole Hearings Act. Victim statements
21 provided to the Board shall be confidential and
22 privileged, including any statements received prior to
23 January 1, 2020 (the effective date of Public Act 101-288)
24 ~~this amendatory Act of the 101st General Assembly~~, except
25 if the statement was an oral statement made by the victim
26 at a hearing open to the public.

1 (4-1) The crime victim has the right to submit a
2 victim statement for consideration by the Prisoner Review
3 Board or the Department of Juvenile Justice prior to or at
4 a hearing to determine the conditions of mandatory
5 supervised release of a person sentenced to a determinate
6 sentence or at a hearing on revocation of mandatory
7 supervised release of a person sentenced to a determinate
8 sentence. A victim statement may be submitted in writing,
9 on film, videotape, or other electronic means, or in the
10 form of a recording, or orally at a hearing, or by calling
11 the toll-free number established in subsection (f) of this
12 Section. Victim statements provided to the Board shall be
13 confidential and privileged, including any statements
14 received prior to January 1, 2020 (the effective date of
15 Public Act 101-288) ~~this amendatory Act of the 101st~~
16 ~~General Assembly~~, except if the statement was an oral
17 statement made by the victim at a hearing open to the
18 public.

19 (4-2) The crime victim has the right to submit a
20 victim statement to the Prisoner Review Board for
21 consideration at an executive clemency hearing as provided
22 in Section 3-3-13 of the Unified Code of Corrections. A
23 victim statement may be submitted in writing, on film,
24 videotape, or other electronic means, or in the form of a
25 recording prior to a hearing, or orally at a hearing, or by
26 calling the toll-free number established in subsection (f)

1 of this Section. Victim statements provided to the Board
2 shall be confidential and privileged, including any
3 statements received prior to January 1, 2020 (the
4 effective date of Public Act 101-288) ~~this amendatory Act~~
5 ~~of the 101st General Assembly~~, except if the statement was
6 an oral statement made by the victim at a hearing open to
7 the public.

8 (5) If a statement is presented under Section 6, the
9 Prisoner Review Board or Department of Juvenile Justice
10 shall inform the victim of any order of discharge pursuant
11 to Section 3-2.5-85 or 3-3-8 of the Unified Code of
12 Corrections.

13 (6) At the written or oral request of the victim of the
14 crime for which the prisoner was sentenced or the State's
15 Attorney of the county where the person seeking parole or
16 aftercare release was prosecuted, the Prisoner Review
17 Board or Department of Juvenile Justice shall notify the
18 victim and the State's Attorney of the county where the
19 person seeking parole or aftercare release was prosecuted
20 of the death of the prisoner if the prisoner died while on
21 parole or aftercare release or mandatory supervised
22 release.

23 (7) When a defendant who has been committed to the
24 Department of Corrections, the Department of Juvenile
25 Justice, or the Department of Human Services is released
26 or discharged and subsequently committed to the Department

1 of Human Services as a sexually violent person and the
2 victim had requested to be notified by the releasing
3 authority of the defendant's discharge, conditional
4 release, death, or escape from State custody, the
5 releasing authority shall provide to the Department of
6 Human Services such information that would allow the
7 Department of Human Services to contact the victim.

8 (8) When a defendant has been convicted of a sex
9 offense as defined in Section 2 of the Sex Offender
10 Registration Act and has been sentenced to the Department
11 of Corrections or the Department of Juvenile Justice, the
12 Prisoner Review Board or the Department of Juvenile
13 Justice shall notify the victim of the sex offense of the
14 prisoner's eligibility for release on parole, aftercare
15 release, mandatory supervised release, electronic
16 detention, work release, international transfer or
17 exchange, or by the custodian of the discharge of any
18 individual who was adjudicated a delinquent for a sex
19 offense from State custody and by the sheriff of the
20 appropriate county of any such person's final discharge
21 from county custody. The notification shall be made to the
22 victim at least 30 days, whenever possible, before release
23 of the sex offender.

24 (e) The officials named in this Section may satisfy some
25 or all of their obligations to provide notices and other
26 information through participation in a statewide victim and

1 witness notification system established by the Attorney
2 General under Section 8.5 of this Act.

3 (f) The Prisoner Review Board shall establish a toll-free
4 number that may be accessed by the crime victim to present a
5 victim statement to the Board in accordance with paragraphs
6 (4), (4-1), and (4-2) of subsection (d).

7 (Source: P.A. 100-199, eff. 1-1-18; 100-961, eff. 1-1-19;
8 101-81, eff. 7-12-19; 101-288, eff. 1-1-20; revised 9-23-19.)

9 Section 745. The Unified Code of Corrections is amended by
10 changing Sections 3-1-2, 3-2.5-20, 3-3-2, 3-6-3, 3-8-5,
11 3-14-1, 5-2-4, 5-3-2, 5-5-3.2, and 5-6-3 and by setting forth
12 and renumbering multiple versions of Section 3-2-2.3 as
13 follows:

14 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

15 Sec. 3-1-2. Definitions.

16 (a) "Chief Administrative Officer" means the person
17 designated by the Director to exercise the powers and duties
18 of the Department of Corrections in regard to committed
19 persons within a correctional institution or facility, and
20 includes the superintendent of any juvenile institution or
21 facility.

22 (a-3) "Aftercare release" means the conditional and
23 revocable release of a person committed to the Department of
24 Juvenile Justice under the Juvenile Court Act of 1987, under

1 the supervision of the Department of Juvenile Justice.

2 (a-5) "Sex offense" for the purposes of paragraph (16) of
3 subsection (a) of Section 3-3-7, paragraph (10) of subsection
4 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
5 Section 5-6-3.1 only means:

6 (i) A violation of any of the following Sections of
7 the Criminal Code of 1961 or the Criminal Code of 2012:
8 10-7 (aiding or abetting child abduction under Section
9 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
10 solicitation of a child), 11-6.5 (indecent solicitation of
11 an adult), 11-14.4 (promoting juvenile prostitution),
12 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
13 (keeping a place of juvenile prostitution), 11-18.1
14 (patronizing a juvenile prostitute), 11-19.1 (juvenile
15 pimping), 11-19.2 (exploitation of a child), 11-20.1
16 (child pornography), 11-20.1B or 11-20.3 (aggravated child
17 pornography), 11-1.40 or 12-14.1 (predatory criminal
18 sexual assault of a child), or 12-33 (ritualized abuse of
19 a child). An attempt to commit any of these offenses.

20 (ii) A violation of any of the following Sections of
21 the Criminal Code of 1961 or the Criminal Code of 2012:
22 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
23 12-14 (aggravated criminal sexual assault), 11-1.60 or
24 12-16 (aggravated criminal sexual abuse), and subsection
25 (a) of Section 11-1.50 or subsection (a) of Section 12-15
26 (criminal sexual abuse). An attempt to commit any of these

1 offenses.

2 (iii) A violation of any of the following Sections of
3 the Criminal Code of 1961 or the Criminal Code of 2012 when
4 the defendant is not a parent of the victim:

- 5 10-1 (kidnapping),
6 10-2 (aggravated kidnapping),
7 10-3 (unlawful restraint),
8 10-3.1 (aggravated unlawful restraint).

9 An attempt to commit any of these offenses.

10 (iv) A violation of any former law of this State
11 substantially equivalent to any offense listed in this
12 subsection (a-5).

13 An offense violating federal law or the law of another
14 state that is substantially equivalent to any offense listed
15 in this subsection (a-5) shall constitute a sex offense for
16 the purpose of this subsection (a-5). A finding or
17 adjudication as a sexually dangerous person under any federal
18 law or law of another state that is substantially equivalent
19 to the Sexually Dangerous Persons Act shall constitute an
20 adjudication for a sex offense for the purposes of this
21 subsection (a-5).

22 (b) "Commitment" means a judicially determined placement
23 in the custody of the Department of Corrections on the basis of
24 delinquency or conviction.

25 (c) "Committed person" is a person committed to the
26 Department, however a committed person shall not be considered

1 to be an employee of the Department of Corrections for any
2 purpose, including eligibility for a pension, benefits, or any
3 other compensation or rights or privileges which may be
4 provided to employees of the Department.

5 (c-5) "Computer scrub software" means any third-party
6 added software, designed to delete information from the
7 computer unit, the hard drive, or other software, which would
8 eliminate and prevent discovery of browser activity,
9 including, but not limited to, Internet history, address bar
10 or bars, cache or caches, and/or cookies, and which would
11 over-write files in a way so as to make previous computer
12 activity, including, but not limited to, website access, more
13 difficult to discover.

14 (c-10) "Content-controlled tablet" means any device that
15 can only access visitation applications or content relating to
16 educational or personal development.

17 (d) "Correctional institution or facility" means any
18 building or part of a building where committed persons are
19 kept in a secured manner.

20 (e) "Department" means both the Department of Corrections
21 and the Department of Juvenile Justice of this State, unless
22 the context is specific to either the Department of
23 Corrections or the Department of Juvenile Justice.

24 (f) "Director" means both the Director of Corrections and
25 the Director of Juvenile Justice, unless the context is
26 specific to either the Director of Corrections or the Director

1 of Juvenile Justice.

2 (f-5) (Blank).

3 (g) "Discharge" means the final termination of a
4 commitment to the Department of Corrections.

5 (h) "Discipline" means the rules and regulations for the
6 maintenance of order and the protection of persons and
7 property within the institutions and facilities of the
8 Department and their enforcement.

9 (i) "Escape" means the intentional and unauthorized
10 absence of a committed person from the custody of the
11 Department.

12 (j) "Furlough" means an authorized leave of absence from
13 the Department of Corrections for a designated purpose and
14 period of time.

15 (k) "Parole" means the conditional and revocable release
16 of a person committed to the Department of Corrections under
17 the supervision of a parole officer.

18 (l) "Prisoner Review Board" means the Board established in
19 Section 3-3-1(a), independent of the Department, to review
20 rules and regulations with respect to good time credits, to
21 hear charges brought by the Department against certain
22 prisoners alleged to have violated Department rules with
23 respect to good time credits, to set release dates for certain
24 prisoners sentenced under the law in effect prior to February
25 1, 1978 (the effective date of Public Act 80-1099) ~~this~~
26 ~~Amendatory Act of 1977~~, to hear and decide the time of

1 aftercare release for persons committed to the Department of
2 Juvenile Justice under the Juvenile Court Act of 1987 to hear
3 requests and make recommendations to the Governor with respect
4 to pardon, reprieve or commutation, to set conditions for
5 parole, aftercare release, and mandatory supervised release
6 and determine whether violations of those conditions justify
7 revocation of parole or release, and to assume all other
8 functions previously exercised by the Illinois Parole and
9 Pardon Board.

10 (m) Whenever medical treatment, service, counseling, or
11 care is referred to in this Unified Code of Corrections, such
12 term may be construed by the Department or Court, within its
13 discretion, to include treatment, service, or counseling by a
14 Christian Science practitioner or nursing care appropriate
15 therewith whenever request therefor is made by a person
16 subject to the provisions of this Code Act.

17 (n) "Victim" shall have the meaning ascribed to it in
18 subsection (a) of Section 3 of the ~~Bill of Rights~~ of Crime for
19 ~~Victims and Witnesses of Violent Crime~~ Act.

20 (o) "Wrongfully imprisoned person" means a person who has
21 been discharged from a prison of this State and has received:

22 (1) a pardon from the Governor stating that such
23 pardon is issued on the ground of innocence of the crime
24 for which he or she was imprisoned; or

25 (2) a certificate of innocence from the Circuit Court
26 as provided in Section 2-702 of the Code of Civil

1 Procedure.

2 (Source: P.A. 100-198, eff. 1-1-18; revised 9-21-20.)

3 (730 ILCS 5/3-2-2.3)

4 Sec. 3-2-2.3. Voting rights information.

5 (a) The Department shall make available to a person in its
6 custody current resource materials, maintained by the Illinois
7 State Board of Elections, containing detailed information
8 regarding the voting rights of a person with a criminal
9 conviction in the following formats:

10 (1) in print;

11 (2) on the Department's website; and

12 (3) in a visible location on the premises of each
13 Department facility where notices are customarily posted.

14 (b) The current resource materials described under
15 subsection (a) shall be provided upon release of a person on
16 parole, mandatory supervised release, final discharge, or
17 pardon from the Department.

18 (Source: P.A. 101-442, eff. 1-1-20.)

19 (730 ILCS 5/3-2-2.4)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 3-2-2.4 ~~3-2-2.3~~. Tamms Minimum Security Unit Task
22 Force.

23 (a) The Tamms Minimum Security Unit Task Force is created
24 to study using the Tamms Minimum Security Unit as a vocational

1 training facility for the Department of Corrections. The
2 membership of the Task Force shall include:

3 (1) one member to serve as chair, appointed by the
4 Lieutenant Governor;

5 (2) one member of the House of Representatives
6 appointed by the Speaker of the House of Representatives;

7 (3) one member of the House of Representatives
8 appointed by the Minority Leader of the House of
9 Representatives;

10 (4) one member of the Senate appointed by the Senate
11 President;

12 (5) one member of the Senate appointed by the Senate
13 Minority Leader;

14 (6) the Director of Corrections or his or her
15 designee;

16 (7) one member of a labor organization representing a
17 plurality of Department of Corrections employees;

18 (8) one member representing Shawnee Community College,
19 appointed by the President of Shawnee Community College;

20 (9) one member representing Southern Illinois
21 University, appointed by the President of Southern
22 Illinois University;

23 (10) the mayor of Tamms, Illinois; and

24 (11) one member representing Alexander County,
25 appointed by the Chairman of the Alexander County Board.

26 (b) Each member of the Task Force shall serve without

1 compensation. The members of the Task Force shall select a
2 Chairperson. The Task Force shall meet 2 times per year or at
3 the call of the Chairperson. The Department of Corrections
4 shall provide administrative support to the Task Force.

5 (c) The Task Force shall submit a report to the Governor
6 and the General Assembly on or before December 31, 2020 with
7 its recommendations. The Task Force is dissolved on January 1,
8 2021.

9 (d) This Section is repealed on January 1, 2022.

10 (Source: P.A. 101-449, eff. 1-1-20; revised 10-23-19.)

11 (730 ILCS 5/3-2.5-20)

12 Sec. 3-2.5-20. General powers and duties.

13 (a) In addition to the powers, duties, and
14 responsibilities which are otherwise provided by law or
15 transferred to the Department as a result of this Article, the
16 Department, as determined by the Director, shall have, but is
17 ~~are~~ not limited to, the following rights, powers, functions,
18 and duties:

19 (1) To accept juveniles committed to it by the courts
20 of this State for care, custody, treatment, and
21 rehabilitation.

22 (2) To maintain and administer all State juvenile
23 correctional institutions previously under the control of
24 the Juvenile and Women's & Children Divisions of the
25 Department of Corrections, and to establish and maintain

1 institutions as needed to meet the needs of the youth
2 committed to its care.

3 (3) To identify the need for and recommend the funding
4 and implementation of an appropriate mix of programs and
5 services within the juvenile justice continuum, including,
6 but not limited to, prevention, nonresidential and
7 residential commitment programs, day treatment, and
8 conditional release programs and services, with the
9 support of educational, vocational, alcohol, drug abuse,
10 and mental health services where appropriate.

11 (3.5) To assist youth committed to the Department of
12 Juvenile Justice under the Juvenile Court Act of 1987 with
13 successful reintegration into society, the Department
14 shall retain custody and control of all adjudicated
15 delinquent juveniles released under Section 3-2.5-85 or
16 3-3-10 of this Code, shall provide a continuum of
17 post-release treatment and services to those youth, and
18 shall supervise those youth during their release period in
19 accordance with the conditions set by the Department or
20 the Prisoner Review Board.

21 (4) To establish and provide transitional and
22 post-release treatment programs for juveniles committed to
23 the Department. Services shall include, but are not
24 limited to:

25 (i) family and individual counseling and treatment
26 placement;

1 (ii) referral services to any other State or local
2 agencies;

3 (iii) mental health services;

4 (iv) educational services;

5 (v) family counseling services; and

6 (vi) substance abuse services.

7 (5) To access vital records of juveniles for the
8 purposes of providing necessary documentation for
9 transitional services such as obtaining identification,
10 educational enrollment, employment, and housing.

11 (6) To develop staffing and workload standards and
12 coordinate staff development and training appropriate for
13 juvenile populations.

14 (6.5) To develop policies and procedures promoting
15 family engagement and visitation appropriate for juvenile
16 populations.

17 (7) To develop, with the approval of the Office of the
18 Governor and the Governor's Office of Management and
19 Budget, annual budget requests.

20 (8) To administer the Interstate Compact for
21 Juveniles, with respect to all juveniles under its
22 jurisdiction, and to cooperate with the Department of
23 Human Services with regard to all non-offender juveniles
24 subject to the Interstate Compact for Juveniles.

25 (9) To decide the date of release on aftercare for
26 youth committed to the Department under Section 5-750 of

1 the Juvenile Court Act of 1987.

2 (10) To set conditions of aftercare release for all
3 youth committed to the Department under the Juvenile Court
4 Act of 1987.

5 (b) The Department may employ personnel in accordance with
6 the Personnel Code and Section 3-2.5-15 of this Code, provide
7 facilities, contract for goods and services, and adopt rules
8 as necessary to carry out its functions and purposes, all in
9 accordance with applicable State and federal law.

10 (c) On and after the date 6 months after August 16, 2013
11 (the effective date of Public Act 98-488), as provided in the
12 Executive Order 1 (2012) Implementation Act, all of the
13 powers, duties, rights, and responsibilities related to State
14 healthcare purchasing under this Code that were transferred
15 from the Department of Corrections to the Department of
16 Healthcare and Family Services by Executive Order 3 (2005) are
17 transferred back to the Department of Corrections; however,
18 powers, duties, rights, and responsibilities related to State
19 healthcare purchasing under this Code that were exercised by
20 the Department of Corrections before the effective date of
21 Executive Order 3 (2005) but that pertain to individuals
22 resident in facilities operated by the Department of Juvenile
23 Justice are transferred to the Department of Juvenile Justice.
24 (Source: P.A. 101-219, eff. 1-1-20; revised 9-24-19.)

25 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

1 Sec. 3-3-2. Powers and duties.

2 (a) The Parole and Pardon Board is abolished and the term
3 "Parole and Pardon Board" as used in any law of Illinois, shall
4 read "Prisoner Review Board." After February 1, 1978 (the
5 effective date of Public Act 81-1099) ~~this amendatory Act of~~
6 ~~1977~~, the Prisoner Review Board shall provide by rule for the
7 orderly transition of all files, records, and documents of the
8 Parole and Pardon Board and for such other steps as may be
9 necessary to effect an orderly transition and shall:

10 (1) hear by at least one member and through a panel of
11 at least 3 members decide, cases of prisoners who were
12 sentenced under the law in effect prior to February 1,
13 1978 (the effective date of Public Act 81-1099) ~~this~~
14 ~~amendatory Act of 1977~~, and who are eligible for parole;

15 (2) hear by at least one member and through a panel of
16 at least 3 members decide, the conditions of parole and
17 the time of discharge from parole, impose sanctions for
18 violations of parole, and revoke parole for those
19 sentenced under the law in effect prior to February 1,
20 1978 (the effective date of Public Act 81-1099) ~~this~~
21 ~~amendatory Act of 1977~~; provided that the decision to
22 parole and the conditions of parole for all prisoners who
23 were sentenced for first degree murder or who received a
24 minimum sentence of 20 years or more under the law in
25 effect prior to February 1, 1978 shall be determined by a
26 majority vote of the Prisoner Review Board. One

1 representative supporting parole and one representative
2 opposing parole will be allowed to speak. Their comments
3 shall be limited to making corrections and filling in
4 omissions to the Board's presentation and discussion;

5 (3) hear by at least one member and through a panel of
6 at least 3 members decide, the conditions of mandatory
7 supervised release and the time of discharge from
8 mandatory supervised release, impose sanctions for
9 violations of mandatory supervised release, and revoke
10 mandatory supervised release for those sentenced under the
11 law in effect after February 1, 1978 (the effective date
12 of Public Act 81-1099) ~~this amendatory Act of 1977~~;

13 (3.5) hear by at least one member and through a panel
14 of at least 3 members decide, the conditions of mandatory
15 supervised release and the time of discharge from
16 mandatory supervised release, to impose sanctions for
17 violations of mandatory supervised release and revoke
18 mandatory supervised release for those serving extended
19 supervised release terms pursuant to paragraph (4) of
20 subsection (d) of Section 5-8-1;

21 (3.6) hear by at least one member and through a panel
22 of at least 3 members decide whether to revoke aftercare
23 release for those committed to the Department of Juvenile
24 Justice under the Juvenile Court Act of 1987;

25 (4) hear by at least one member and through a panel of
26 at least 3 members, decide cases brought by the Department

1 of Corrections against a prisoner in the custody of the
2 Department for alleged violation of Department rules with
3 respect to sentence credits under Section 3-6-3 of this
4 Code in which the Department seeks to revoke sentence
5 credits, if the amount of time at issue exceeds 30 days or
6 when, during any 12-month ~~12-month~~ period, the cumulative
7 amount of credit revoked exceeds 30 days except where the
8 infraction is committed or discovered within 60 days of
9 scheduled release. In such cases, the Department of
10 Corrections may revoke up to 30 days of sentence credit.
11 The Board may subsequently approve the revocation of
12 additional sentence credit, if the Department seeks to
13 revoke sentence credit in excess of 30 ~~thirty~~ days.
14 However, the Board shall not be empowered to review the
15 Department's decision with respect to the loss of 30 days
16 of sentence credit for any prisoner or to increase any
17 penalty beyond the length requested by the Department;

18 (5) hear by at least one member and through a panel of
19 at least 3 members decide, the release dates for certain
20 prisoners sentenced under the law in existence prior to
21 February 1, 1978 (the effective date of Public Act
22 81-1099) ~~this amendatory Act of 1977~~, in accordance with
23 Section 3-3-2.1 of this Code;

24 (6) hear by at least one member and through a panel of
25 at least 3 members decide, all requests for pardon,
26 reprieve or commutation, and make confidential

1 recommendations to the Governor;

2 (6.5) hear by at least one member who is qualified in
3 the field of juvenile matters and through a panel of at
4 least 3 members, 2 of whom are qualified in the field of
5 juvenile matters, decide parole review cases in accordance
6 with Section 5-4.5-115 of this Code and make release
7 determinations of persons under the age of 21 at the time
8 of the commission of an offense or offenses, other than
9 those persons serving sentences for first degree murder or
10 aggravated criminal sexual assault;

11 (6.6) hear by at least a quorum of the Prisoner Review
12 Board and decide by a majority of members present at the
13 hearing, in accordance with Section 5-4.5-115 of this
14 Code, release determinations of persons under the age of
15 21 at the time of the commission of an offense or offenses
16 of those persons serving sentences for first degree murder
17 or aggravated criminal sexual assault;

18 (7) comply with the requirements of the Open Parole
19 Hearings Act;

20 (8) hear by at least one member and, through a panel of
21 at least 3 members, decide cases brought by the Department
22 of Corrections against a prisoner in the custody of the
23 Department for court dismissal of a frivolous lawsuit
24 pursuant to Section 3-6-3(d) of this Code in which the
25 Department seeks to revoke up to 180 days of sentence
26 credit, and if the prisoner has not accumulated 180 days

1 of sentence credit at the time of the dismissal, then all
2 sentence credit accumulated by the prisoner shall be
3 revoked;

4 (9) hear by at least 3 members, and, through a panel of
5 at least 3 members, decide whether to grant certificates
6 of relief from disabilities or certificates of good
7 conduct as provided in Article 5.5 of Chapter V;

8 (10) upon a petition by a person who has been
9 convicted of a Class 3 or Class 4 felony and who meets the
10 requirements of this paragraph, hear by at least 3 members
11 and, with the unanimous vote of a panel of 3 members, issue
12 a certificate of eligibility for sealing recommending that
13 the court order the sealing of all official records of the
14 arresting authority, the circuit court clerk, and the
15 Department of State Police concerning the arrest and
16 conviction for the Class 3 or 4 felony. A person may not
17 apply to the Board for a certificate of eligibility for
18 sealing:

19 (A) until 5 years have elapsed since the
20 expiration of his or her sentence;

21 (B) until 5 years have elapsed since any arrests
22 or detentions by a law enforcement officer for an
23 alleged violation of law, other than a petty offense,
24 traffic offense, conservation offense, or local
25 ordinance offense;

26 (C) if convicted of a violation of the Cannabis

1 Control Act, Illinois Controlled Substances Act, the
2 Methamphetamine Control and Community Protection Act,
3 the Methamphetamine Precursor Control Act, or the
4 Methamphetamine Precursor Tracking Act unless the
5 petitioner has completed a drug abuse program for the
6 offense on which sealing is sought and provides proof
7 that he or she has completed the program successfully;

8 (D) if convicted of:

9 (i) a sex offense described in Article 11 or
10 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
11 the Criminal Code of 1961 or the Criminal Code of
12 2012;

13 (ii) aggravated assault;

14 (iii) aggravated battery;

15 (iv) domestic battery;

16 (v) aggravated domestic battery;

17 (vi) violation of an order of protection;

18 (vii) an offense under the Criminal Code of
19 1961 or the Criminal Code of 2012 involving a
20 firearm;

21 (viii) driving while under the influence of
22 alcohol, other drug or drugs, intoxicating
23 compound or compounds, or any combination thereof;

24 (ix) aggravated driving while under the
25 influence of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or any

1 combination thereof; or
2 (x) any crime defined as a crime of violence
3 under Section 2 of the Crime Victims Compensation
4 Act.

5 If a person has applied to the Board for a certificate
6 of eligibility for sealing and the Board denies the
7 certificate, the person must wait at least 4 years before
8 filing again or filing for pardon from the Governor unless
9 the Chairman of the Prisoner Review Board grants a waiver.

10 The decision to issue or refrain from issuing a
11 certificate of eligibility for sealing shall be at the
12 Board's sole discretion, and shall not give rise to any
13 cause of action against either the Board or its members.

14 The Board may only authorize the sealing of Class 3
15 and 4 felony convictions of the petitioner from one
16 information or indictment under this paragraph (10). A
17 petitioner may only receive one certificate of eligibility
18 for sealing under this provision for life; and

19 (11) upon a petition by a person who after having been
20 convicted of a Class 3 or Class 4 felony thereafter served
21 in the United States Armed Forces or National Guard of
22 this or any other state and had received an honorable
23 discharge from the United States Armed Forces or National
24 Guard or who at the time of filing the petition is enlisted
25 in the United States Armed Forces or National Guard of
26 this or any other state and served one tour of duty and who

1 meets the requirements of this paragraph, hear by at least
2 3 members and, with the unanimous vote of a panel of 3
3 members, issue a certificate of eligibility for
4 expungement recommending that the court order the
5 expungement of all official records of the arresting
6 authority, the circuit court clerk, and the Department of
7 State Police concerning the arrest and conviction for the
8 Class 3 or 4 felony. A person may not apply to the Board
9 for a certificate of eligibility for expungement:

10 (A) if convicted of:

11 (i) a sex offense described in Article 11 or
12 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
13 the Criminal Code of 1961 or Criminal Code of
14 2012;

15 (ii) an offense under the Criminal Code of
16 1961 or Criminal Code of 2012 involving a firearm;
17 or

18 (iii) a crime of violence as defined in
19 Section 2 of the Crime Victims Compensation Act;
20 or

21 (B) if the person has not served in the United
22 States Armed Forces or National Guard of this or any
23 other state or has not received an honorable discharge
24 from the United States Armed Forces or National Guard
25 of this or any other state or who at the time of the
26 filing of the petition is serving in the United States

1 Armed Forces or National Guard of this or any other
2 state and has not completed one tour of duty.

3 If a person has applied to the Board for a certificate
4 of eligibility for expungement and the Board denies the
5 certificate, the person must wait at least 4 years before
6 filing again or filing for a pardon with authorization for
7 expungement from the Governor unless the Governor or
8 Chairman of the Prisoner Review Board grants a waiver.

9 (a-5) The Prisoner Review Board, with the cooperation of
10 and in coordination with the Department of Corrections and the
11 Department of Central Management Services, shall implement a
12 pilot project in 3 correctional institutions providing for the
13 conduct of hearings under paragraphs (1) and (4) of subsection
14 (a) of this Section through interactive video conferences. The
15 project shall be implemented within 6 months after January 1,
16 1997 (the effective date of Public Act 89-490) ~~this amendatory~~
17 ~~Act of 1996~~. Within 6 months after the implementation of the
18 pilot project, the Prisoner Review Board, with the cooperation
19 of and in coordination with the Department of Corrections and
20 the Department of Central Management Services, shall report to
21 the Governor and the General Assembly regarding the use,
22 costs, effectiveness, and future viability of interactive
23 video conferences for Prisoner Review Board hearings.

24 (b) Upon recommendation of the Department the Board may
25 restore sentence credit previously revoked.

26 (c) The Board shall cooperate with the Department in

1 promoting an effective system of parole and mandatory
2 supervised release.

3 (d) The Board shall promulgate rules for the conduct of
4 its work, and the Chairman shall file a copy of such rules and
5 any amendments thereto with the Director and with the
6 Secretary of State.

7 (e) The Board shall keep records of all of its official
8 actions and shall make them accessible in accordance with law
9 and the rules of the Board.

10 (f) The Board or one who has allegedly violated the
11 conditions of his or her parole, aftercare release, or
12 mandatory supervised release may require by subpoena the
13 attendance and testimony of witnesses and the production of
14 documentary evidence relating to any matter under
15 investigation or hearing. The Chairman of the Board may sign
16 subpoenas which shall be served by any agent or public
17 official authorized by the Chairman of the Board, or by any
18 person lawfully authorized to serve a subpoena under the laws
19 of the State of Illinois. The attendance of witnesses, and the
20 production of documentary evidence, may be required from any
21 place in the State to a hearing location in the State before
22 the Chairman of the Board or his or her designated agent or
23 agents or any duly constituted Committee or Subcommittee of
24 the Board. Witnesses so summoned shall be paid the same fees
25 and mileage that are paid witnesses in the circuit courts of
26 the State, and witnesses whose depositions are taken and the

1 persons taking those depositions are each entitled to the same
2 fees as are paid for like services in actions in the circuit
3 courts of the State. Fees and mileage shall be vouchered for
4 payment when the witness is discharged from further
5 attendance.

6 In case of disobedience to a subpoena, the Board may
7 petition any circuit court of the State for an order requiring
8 the attendance and testimony of witnesses or the production of
9 documentary evidence or both. A copy of such petition shall be
10 served by personal service or by registered or certified mail
11 upon the person who has failed to obey the subpoena, and such
12 person shall be advised in writing that a hearing upon the
13 petition will be requested in a court room to be designated in
14 such notice before the judge hearing motions or extraordinary
15 remedies at a specified time, on a specified date, not less
16 than 10 nor more than 15 days after the deposit of the copy of
17 the written notice and petition in the U.S. mail ~~mails~~
18 addressed to the person at his or her last known address or
19 after the personal service of the copy of the notice and
20 petition upon such person. The court upon the filing of such a
21 petition, may order the person refusing to obey the subpoena
22 to appear at an investigation or hearing, or to there produce
23 documentary evidence, if so ordered, or to give evidence
24 relative to the subject matter of that investigation or
25 hearing. Any failure to obey such order of the circuit court
26 may be punished by that court as a contempt of court.

1 Each member of the Board and any hearing officer
2 designated by the Board shall have the power to administer
3 oaths and to take the testimony of persons under oath.

4 (g) Except under subsection (a) of this Section, a
5 majority of the members then appointed to the Prisoner Review
6 Board shall constitute a quorum for the transaction of all
7 business of the Board.

8 (h) The Prisoner Review Board shall annually transmit to
9 the Director a detailed report of its work for the preceding
10 calendar year. The annual report shall also be transmitted to
11 the Governor for submission to the Legislature.

12 (Source: P.A. 100-1182, eff. 6-1-19; 101-288, eff. 1-1-20;
13 revised 8-19-20.)

14 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

15 Sec. 3-6-3. Rules and regulations for sentence credit.

16 (a) (1) The Department of Corrections shall prescribe rules
17 and regulations for awarding and revoking sentence credit for
18 persons committed to the Department which shall be subject to
19 review by the Prisoner Review Board.

20 (1.5) As otherwise provided by law, sentence credit may be
21 awarded for the following:

22 (A) successful completion of programming while in
23 custody of the Department or while in custody prior to
24 sentencing;

25 (B) compliance with the rules and regulations of the

1 Department; or

2 (C) service to the institution, service to a
3 community, or service to the State.

4 (2) Except as provided in paragraph (4.7) of this
5 subsection (a), the rules and regulations on sentence credit
6 shall provide, with respect to offenses listed in clause (i),
7 (ii), or (iii) of this paragraph (2) committed on or after June
8 19, 1998 or with respect to the offense listed in clause (iv)
9 of this paragraph (2) committed on or after June 23, 2005 (the
10 effective date of Public Act 94-71) or with respect to offense
11 listed in clause (vi) committed on or after June 1, 2008 (the
12 effective date of Public Act 95-625) or with respect to the
13 offense of being an armed habitual criminal committed on or
14 after August 2, 2005 (the effective date of Public Act 94-398)
15 or with respect to the offenses listed in clause (v) of this
16 paragraph (2) committed on or after August 13, 2007 (the
17 effective date of Public Act 95-134) or with respect to the
18 offense of aggravated domestic battery committed on or after
19 July 23, 2010 (the effective date of Public Act 96-1224) or
20 with respect to the offense of attempt to commit terrorism
21 committed on or after January 1, 2013 (the effective date of
22 Public Act 97-990), the following:

23 (i) that a prisoner who is serving a term of
24 imprisonment for first degree murder or for the offense of
25 terrorism shall receive no sentence credit and shall serve
26 the entire sentence imposed by the court;

1 (ii) that a prisoner serving a sentence for attempt to
2 commit terrorism, attempt to commit first degree murder,
3 solicitation of murder, solicitation of murder for hire,
4 intentional homicide of an unborn child, predatory
5 criminal sexual assault of a child, aggravated criminal
6 sexual assault, criminal sexual assault, aggravated
7 kidnapping, aggravated battery with a firearm as described
8 in Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),
9 or (e) (4) of Section 12-3.05, heinous battery as described
10 in Section 12-4.1 or subdivision (a) (2) of Section
11 12-3.05, being an armed habitual criminal, aggravated
12 battery of a senior citizen as described in Section 12-4.6
13 or subdivision (a) (4) of Section 12-3.05, or aggravated
14 battery of a child as described in Section 12-4.3 or
15 subdivision (b) (1) of Section 12-3.05 shall receive no
16 more than 4.5 days of sentence credit for each month of his
17 or her sentence of imprisonment;

18 (iii) that a prisoner serving a sentence for home
19 invasion, armed robbery, aggravated vehicular hijacking,
20 aggravated discharge of a firearm, or armed violence with
21 a category I weapon or category II weapon, when the court
22 has made and entered a finding, pursuant to subsection
23 (c-1) of Section 5-4-1 of this Code, that the conduct
24 leading to conviction for the enumerated offense resulted
25 in great bodily harm to a victim, shall receive no more
26 than 4.5 days of sentence credit for each month of his or

1 her sentence of imprisonment;

2 (iv) that a prisoner serving a sentence for aggravated
3 discharge of a firearm, whether or not the conduct leading
4 to conviction for the offense resulted in great bodily
5 harm to the victim, shall receive no more than 4.5 days of
6 sentence credit for each month of his or her sentence of
7 imprisonment;

8 (v) that a person serving a sentence for gunrunning,
9 narcotics racketeering, controlled substance trafficking,
10 methamphetamine trafficking, drug-induced homicide,
11 aggravated methamphetamine-related child endangerment,
12 money laundering pursuant to clause (c) (4) or (5) of
13 Section 29B-1 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, or a Class X felony conviction for delivery
15 of a controlled substance, possession of a controlled
16 substance with intent to manufacture or deliver,
17 calculated criminal drug conspiracy, criminal drug
18 conspiracy, street gang criminal drug conspiracy,
19 participation in methamphetamine manufacturing,
20 aggravated participation in methamphetamine
21 manufacturing, delivery of methamphetamine, possession
22 with intent to deliver methamphetamine, aggravated
23 delivery of methamphetamine, aggravated possession with
24 intent to deliver methamphetamine, methamphetamine
25 conspiracy when the substance containing the controlled
26 substance or methamphetamine is 100 grams or more shall

1 receive no more than 7.5 days sentence credit for each
2 month of his or her sentence of imprisonment;

3 (vi) that a prisoner serving a sentence for a second
4 or subsequent offense of luring a minor shall receive no
5 more than 4.5 days of sentence credit for each month of his
6 or her sentence of imprisonment; and

7 (vii) that a prisoner serving a sentence for
8 aggravated domestic battery shall receive no more than 4.5
9 days of sentence credit for each month of his or her
10 sentence of imprisonment.

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or after
14 June 23, 2005 (the effective date of Public Act 94-71) or
15 subdivision (a)(2)(v) committed on or after August 13, 2007
16 (the effective date of Public Act 95-134) or subdivision
17 (a)(2)(vi) committed on or after June 1, 2008 (the effective
18 date of Public Act 95-625) or subdivision (a)(2)(vii)
19 committed on or after July 23, 2010 (the effective date of
20 Public Act 96-1224), and other than the offense of aggravated
21 driving under the influence of alcohol, other drug or drugs,
22 or intoxicating compound or compounds, or any combination
23 thereof as defined in subparagraph (F) of paragraph (1) of
24 subsection (d) of Section 11-501 of the Illinois Vehicle Code,
25 and other than the offense of aggravated driving under the
26 influence of alcohol, other drug or drugs, or intoxicating

1 compound or compounds, or any combination thereof as defined
2 in subparagraph (C) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code committed on or
4 after January 1, 2011 (the effective date of Public Act
5 96-1230), the rules and regulations shall provide that a
6 prisoner who is serving a term of imprisonment shall receive
7 one day of sentence credit for each day of his or her sentence
8 of imprisonment or recommitment under Section 3-3-9. Each day
9 of sentence credit shall reduce by one day the prisoner's
10 period of imprisonment or recommitment under Section 3-3-9.

11 (2.2) A prisoner serving a term of natural life
12 imprisonment or a prisoner who has been sentenced to death
13 shall receive no sentence credit.

14 (2.3) Except as provided in paragraph (4.7) of this
15 subsection (a), the rules and regulations on sentence credit
16 shall provide that a prisoner who is serving a sentence for
17 aggravated driving under the influence of alcohol, other drug
18 or drugs, or intoxicating compound or compounds, or any
19 combination thereof as defined in subparagraph (F) of
20 paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code, shall receive no more than 4.5 days of
22 sentence credit for each month of his or her sentence of
23 imprisonment.

24 (2.4) Except as provided in paragraph (4.7) of this
25 subsection (a), the rules and regulations on sentence credit
26 shall provide with respect to the offenses of aggravated

1 battery with a machine gun or a firearm equipped with any
2 device or attachment designed or used for silencing the report
3 of a firearm or aggravated discharge of a machine gun or a
4 firearm equipped with any device or attachment designed or
5 used for silencing the report of a firearm, committed on or
6 after July 15, 1999 (the effective date of Public Act 91-121),
7 that a prisoner serving a sentence for any of these offenses
8 shall receive no more than 4.5 days of sentence credit for each
9 month of his or her sentence of imprisonment.

10 (2.5) Except as provided in paragraph (4.7) of this
11 subsection (a), the rules and regulations on sentence credit
12 shall provide that a prisoner who is serving a sentence for
13 aggravated arson committed on or after July 27, 2001 (the
14 effective date of Public Act 92-176) shall receive no more
15 than 4.5 days of sentence credit for each month of his or her
16 sentence of imprisonment.

17 (2.6) Except as provided in paragraph (4.7) of this
18 subsection (a), the rules and regulations on sentence credit
19 shall provide that a prisoner who is serving a sentence for
20 aggravated driving under the influence of alcohol, other drug
21 or drugs, or intoxicating compound or compounds or any
22 combination thereof as defined in subparagraph (C) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code committed on or after January 1, 2011
25 (the effective date of Public Act 96-1230) shall receive no
26 more than 4.5 days of sentence credit for each month of his or

1 her sentence of imprisonment.

2 (3) In addition to the sentence credits earned under
3 paragraphs (2.1), (4), (4.1), and (4.7) of this subsection
4 (a), the rules and regulations shall also provide that the
5 Director may award up to 180 days of earned sentence credit for
6 good conduct in specific instances as the Director deems
7 proper. The good conduct may include, but is not limited to,
8 compliance with the rules and regulations of the Department,
9 service to the Department, service to a community, or service
10 to the State.

11 Eligible inmates for an award of earned sentence credit
12 under this paragraph (3) may be selected to receive the credit
13 at the Director's or his or her designee's sole discretion.
14 Eligibility for the additional earned sentence credit under
15 this paragraph (3) shall be based on, but is not limited to,
16 the results of any available risk/needs assessment or other
17 relevant assessments or evaluations administered by the
18 Department using a validated instrument, the circumstances of
19 the crime, any history of conviction for a forcible felony
20 enumerated in Section 2-8 of the Criminal Code of 2012, the
21 inmate's behavior and disciplinary history while incarcerated,
22 and the inmate's commitment to rehabilitation, including
23 participation in programming offered by the Department.

24 The Director shall not award sentence credit under this
25 paragraph (3) to an inmate unless the inmate has served a
26 minimum of 60 days of the sentence; except nothing in this

1 paragraph shall be construed to permit the Director to extend
2 an inmate's sentence beyond that which was imposed by the
3 court. Prior to awarding credit under this paragraph (3), the
4 Director shall make a written determination that the inmate:

5 (A) is eligible for the earned sentence credit;

6 (B) has served a minimum of 60 days, or as close to 60
7 days as the sentence will allow;

8 (B-1) has received a risk/needs assessment or other
9 relevant evaluation or assessment administered by the
10 Department using a validated instrument; and

11 (C) has met the eligibility criteria established by
12 rule for earned sentence credit.

13 The Director shall determine the form and content of the
14 written determination required in this subsection.

15 (3.5) The Department shall provide annual written reports
16 to the Governor and the General Assembly on the award of earned
17 sentence credit no later than February 1 of each year. The
18 Department must publish both reports on its website within 48
19 hours of transmitting the reports to the Governor and the
20 General Assembly. The reports must include:

21 (A) the number of inmates awarded earned sentence
22 credit;

23 (B) the average amount of earned sentence credit
24 awarded;

25 (C) the holding offenses of inmates awarded earned
26 sentence credit; and

1 (D) the number of earned sentence credit revocations.

2 (4)(A) Except as provided in paragraph (4.7) of this
3 subsection (a), the rules and regulations shall also provide
4 that the sentence credit accumulated and retained under
5 paragraph (2.1) of subsection (a) of this Section by any
6 inmate during specific periods of time in which such inmate is
7 engaged full-time in substance abuse programs, correctional
8 industry assignments, educational programs, behavior
9 modification programs, life skills courses, or re-entry
10 planning provided by the Department under this paragraph (4)
11 and satisfactorily completes the assigned program as
12 determined by the standards of the Department, shall be
13 multiplied by a factor of 1.25 for program participation
14 before August 11, 1993 and 1.50 for program participation on
15 or after that date. The rules and regulations shall also
16 provide that sentence credit, subject to the same offense
17 limits and multiplier provided in this paragraph, may be
18 provided to an inmate who was held in pre-trial detention
19 prior to his or her current commitment to the Department of
20 Corrections and successfully completed a full-time, 60-day or
21 longer substance abuse program, educational program, behavior
22 modification program, life skills course, or re-entry planning
23 provided by the county department of corrections or county
24 jail. Calculation of this county program credit shall be done
25 at sentencing as provided in Section 5-4.5-100 of this Code
26 and shall be included in the sentencing order. However, no

1 inmate shall be eligible for the additional sentence credit
2 under this paragraph (4) or (4.1) of this subsection (a) while
3 assigned to a boot camp or electronic detention.

4 (B) The Department shall award sentence credit under this
5 paragraph (4) accumulated prior to January 1, 2020 (the
6 effective date of Public Act 101-440) ~~this amendatory Act of~~
7 ~~the 101st General Assembly~~ in an amount specified in
8 subparagraph (C) of this paragraph (4) to an inmate serving a
9 sentence for an offense committed prior to June 19, 1998, if
10 the Department determines that the inmate is entitled to this
11 sentence credit, based upon:

12 (i) documentation provided by the Department that the
13 inmate engaged in any full-time substance abuse programs,
14 correctional industry assignments, educational programs,
15 behavior modification programs, life skills courses, or
16 re-entry planning provided by the Department under this
17 paragraph (4) and satisfactorily completed the assigned
18 program as determined by the standards of the Department
19 during the inmate's current term of incarceration; or

20 (ii) the inmate's own testimony in the form of an
21 affidavit or documentation, or a third party's
22 documentation or testimony in the form of an affidavit
23 that the inmate likely engaged in any full-time substance
24 abuse programs, correctional industry assignments,
25 educational programs, behavior modification programs, life
26 skills courses, or re-entry planning provided by the

1 Department under paragraph (4) and satisfactorily
2 completed the assigned program as determined by the
3 standards of the Department during the inmate's current
4 term of incarceration.

5 (C) If the inmate can provide documentation that he or she
6 is entitled to sentence credit under subparagraph (B) in
7 excess of 45 days of participation in those programs, the
8 inmate shall receive 90 days of sentence credit. If the inmate
9 cannot provide documentation of more than 45 days of
10 participation in those programs, the inmate shall receive 45
11 days of sentence credit. In the event of a disagreement
12 between the Department and the inmate as to the amount of
13 credit accumulated under subparagraph (B), if the Department
14 provides documented proof of a lesser amount of days of
15 participation in those programs, that proof shall control. If
16 the Department provides no documentary proof, the inmate's
17 proof as set forth in clause (ii) of subparagraph (B) shall
18 control as to the amount of sentence credit provided.

19 (D) If the inmate has been convicted of a sex offense as
20 defined in Section 2 of the Sex Offender Registration Act,
21 sentencing credits under subparagraph (B) of this paragraph
22 (4) shall be awarded by the Department only if the conditions
23 set forth in paragraph (4.6) of subsection (a) are satisfied.
24 No inmate serving a term of natural life imprisonment shall
25 receive sentence credit under subparagraph (B) of this
26 paragraph (4).

1 Educational, vocational, substance abuse, behavior
2 modification programs, life skills courses, re-entry planning,
3 and correctional industry programs under which sentence credit
4 may be increased under this paragraph (4) and paragraph (4.1)
5 of this subsection (a) shall be evaluated by the Department on
6 the basis of documented standards. The Department shall report
7 the results of these evaluations to the Governor and the
8 General Assembly by September 30th of each year. The reports
9 shall include data relating to the recidivism rate among
10 program participants.

11 Availability of these programs shall be subject to the
12 limits of fiscal resources appropriated by the General
13 Assembly for these purposes. Eligible inmates who are denied
14 immediate admission shall be placed on a waiting list under
15 criteria established by the Department. The inability of any
16 inmate to become engaged in any such programs by reason of
17 insufficient program resources or for any other reason
18 established under the rules and regulations of the Department
19 shall not be deemed a cause of action under which the
20 Department or any employee or agent of the Department shall be
21 liable for damages to the inmate.

22 (4.1) Except as provided in paragraph (4.7) of this
23 subsection (a), the rules and regulations shall also provide
24 that an additional 90 days of sentence credit shall be awarded
25 to any prisoner who passes high school equivalency testing
26 while the prisoner is committed to the Department of

1 Corrections. The sentence credit awarded under this paragraph
2 (4.1) shall be in addition to, and shall not affect, the award
3 of sentence credit under any other paragraph of this Section,
4 but shall also be pursuant to the guidelines and restrictions
5 set forth in paragraph (4) of subsection (a) of this Section.
6 The sentence credit provided for in this paragraph shall be
7 available only to those prisoners who have not previously
8 earned a high school diploma or a high school equivalency
9 certificate. If, after an award of the high school equivalency
10 testing sentence credit has been made, the Department
11 determines that the prisoner was not eligible, then the award
12 shall be revoked. The Department may also award 90 days of
13 sentence credit to any committed person who passed high school
14 equivalency testing while he or she was held in pre-trial
15 detention prior to the current commitment to the Department of
16 Corrections.

17 Except as provided in paragraph (4.7) of this subsection
18 (a), the rules and regulations shall provide that an
19 additional 180 days of sentence credit shall be awarded to any
20 prisoner who obtains a bachelor's degree while the prisoner is
21 committed to the Department of Corrections. The sentence
22 credit awarded under this paragraph (4.1) shall be in addition
23 to, and shall not affect, the award of sentence credit under
24 any other paragraph of this Section, but shall also be under
25 the guidelines and restrictions set forth in paragraph (4) of
26 this subsection (a). The sentence credit provided for in this

1 paragraph shall be available only to those prisoners who have
2 not earned a bachelor's degree prior to the current commitment
3 to the Department of Corrections. If, after an award of the
4 bachelor's degree sentence credit has been made, the
5 Department determines that the prisoner was not eligible, then
6 the award shall be revoked. The Department may also award 180
7 days of sentence credit to any committed person who earned a
8 bachelor's degree while he or she was held in pre-trial
9 detention prior to the current commitment to the Department of
10 Corrections.

11 Except as provided in paragraph (4.7) of this subsection
12 (a), the rules and regulations shall provide that an
13 additional 180 days of sentence credit shall be awarded to any
14 prisoner who obtains a master's or professional degree while
15 the prisoner is committed to the Department of Corrections.
16 The sentence credit awarded under this paragraph (4.1) shall
17 be in addition to, and shall not affect, the award of sentence
18 credit under any other paragraph of this Section, but shall
19 also be under the guidelines and restrictions set forth in
20 paragraph (4) of this subsection (a). The sentence credit
21 provided for in this paragraph shall be available only to
22 those prisoners who have not previously earned a master's or
23 professional degree prior to the current commitment to the
24 Department of Corrections. If, after an award of the master's
25 or professional degree sentence credit has been made, the
26 Department determines that the prisoner was not eligible, then

1 the award shall be revoked. The Department may also award 180
2 days of sentence credit to any committed person who earned a
3 master's or professional degree while he or she was held in
4 pre-trial detention prior to the current commitment to the
5 Department of Corrections.

6 (4.5) The rules and regulations on sentence credit shall
7 also provide that when the court's sentencing order recommends
8 a prisoner for substance abuse treatment and the crime was
9 committed on or after September 1, 2003 (the effective date of
10 Public Act 93-354), the prisoner shall receive no sentence
11 credit awarded under clause (3) of this subsection (a) unless
12 he or she participates in and completes a substance abuse
13 treatment program. The Director may waive the requirement to
14 participate in or complete a substance abuse treatment program
15 in specific instances if the prisoner is not a good candidate
16 for a substance abuse treatment program for medical,
17 programming, or operational reasons. Availability of substance
18 abuse treatment shall be subject to the limits of fiscal
19 resources appropriated by the General Assembly for these
20 purposes. If treatment is not available and the requirement to
21 participate and complete the treatment has not been waived by
22 the Director, the prisoner shall be placed on a waiting list
23 under criteria established by the Department. The Director may
24 allow a prisoner placed on a waiting list to participate in and
25 complete a substance abuse education class or attend substance
26 abuse self-help meetings in lieu of a substance abuse

1 treatment program. A prisoner on a waiting list who is not
2 placed in a substance abuse program prior to release may be
3 eligible for a waiver and receive sentence credit under clause
4 (3) of this subsection (a) at the discretion of the Director.

5 (4.6) The rules and regulations on sentence credit shall
6 also provide that a prisoner who has been convicted of a sex
7 offense as defined in Section 2 of the Sex Offender
8 Registration Act shall receive no sentence credit unless he or
9 she either has successfully completed or is participating in
10 sex offender treatment as defined by the Sex Offender
11 Management Board. However, prisoners who are waiting to
12 receive treatment, but who are unable to do so due solely to
13 the lack of resources on the part of the Department, may, at
14 the Director's sole discretion, be awarded sentence credit at
15 a rate as the Director shall determine.

16 (4.7) On or after January 1, 2018 (the effective date of
17 Public Act 100-3) ~~this amendatory Act of the 100th General~~
18 ~~Assembly~~, sentence credit under paragraph (3), (4), or (4.1)
19 of this subsection (a) may be awarded to a prisoner who is
20 serving a sentence for an offense described in paragraph (2),
21 (2.3), (2.4), (2.5), or (2.6) for credit earned on or after
22 January 1, 2018 (the effective date of Public Act 100-3) ~~this~~
23 ~~amendatory Act of the 100th General Assembly~~; provided, the
24 award of the credits under this paragraph (4.7) shall not
25 reduce the sentence of the prisoner to less than the following
26 amounts:

1 (i) 85% of his or her sentence if the prisoner is
2 required to serve 85% of his or her sentence; or

3 (ii) 60% of his or her sentence if the prisoner is
4 required to serve 75% of his or her sentence, except if the
5 prisoner is serving a sentence for gunrunning his or her
6 sentence shall not be reduced to less than 75%.

7 (iii) 100% of his or her sentence if the prisoner is
8 required to serve 100% of his or her sentence.

9 (5) Whenever the Department is to release any inmate
10 earlier than it otherwise would because of a grant of earned
11 sentence credit under paragraph (3) of subsection (a) of this
12 Section given at any time during the term, the Department
13 shall give reasonable notice of the impending release not less
14 than 14 days prior to the date of the release to the State's
15 Attorney of the county where the prosecution of the inmate
16 took place, and if applicable, the State's Attorney of the
17 county into which the inmate will be released. The Department
18 must also make identification information and a recent photo
19 of the inmate being released accessible on the Internet by
20 means of a hyperlink labeled "Community Notification of Inmate
21 Early Release" on the Department's World Wide Web homepage.
22 The identification information shall include the inmate's:
23 name, any known alias, date of birth, physical
24 characteristics, commitment offense, and county where
25 conviction was imposed. The identification information shall
26 be placed on the website within 3 days of the inmate's release

1 and the information may not be removed until either:
2 completion of the first year of mandatory supervised release
3 or return of the inmate to custody of the Department.

4 (b) Whenever a person is or has been committed under
5 several convictions, with separate sentences, the sentences
6 shall be construed under Section 5-8-4 in granting and
7 forfeiting of sentence credit.

8 (c) The Department shall prescribe rules and regulations
9 for revoking sentence credit, including revoking sentence
10 credit awarded under paragraph (3) of subsection (a) of this
11 Section. The Department shall prescribe rules and regulations
12 for suspending or reducing the rate of accumulation of
13 sentence credit for specific rule violations, during
14 imprisonment. These rules and regulations shall provide that
15 no inmate may be penalized more than one year of sentence
16 credit for any one infraction.

17 When the Department seeks to revoke, suspend, or reduce
18 the rate of accumulation of any sentence credits for an
19 alleged infraction of its rules, it shall bring charges
20 therefor against the prisoner sought to be so deprived of
21 sentence credits before the Prisoner Review Board as provided
22 in subparagraph (a) (4) of Section 3-3-2 of this Code, if the
23 amount of credit at issue exceeds 30 days or when, during any
24 12-month ~~12-month~~ period, the cumulative amount of credit
25 revoked exceeds 30 days except where the infraction is
26 committed or discovered within 60 days of scheduled release.

1 In those cases, the Department of Corrections may revoke up to
2 30 days of sentence credit. The Board may subsequently approve
3 the revocation of additional sentence credit, if the
4 Department seeks to revoke sentence credit in excess of 30
5 days. However, the Board shall not be empowered to review the
6 Department's decision with respect to the loss of 30 days of
7 sentence credit within any calendar year for any prisoner or
8 to increase any penalty beyond the length requested by the
9 Department.

10 The Director of the Department of Corrections, in
11 appropriate cases, may restore up to 30 days of sentence
12 credits which have been revoked, suspended, or reduced. Any
13 restoration of sentence credits in excess of 30 days shall be
14 subject to review by the Prisoner Review Board. However, the
15 Board may not restore sentence credit in excess of the amount
16 requested by the Director.

17 Nothing contained in this Section shall prohibit the
18 Prisoner Review Board from ordering, pursuant to Section
19 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
20 sentence imposed by the court that was not served due to the
21 accumulation of sentence credit.

22 (d) If a lawsuit is filed by a prisoner in an Illinois or
23 federal court against the State, the Department of
24 Corrections, or the Prisoner Review Board, or against any of
25 their officers or employees, and the court makes a specific
26 finding that a pleading, motion, or other paper filed by the

1 prisoner is frivolous, the Department of Corrections shall
2 conduct a hearing to revoke up to 180 days of sentence credit
3 by bringing charges against the prisoner sought to be deprived
4 of the sentence credits before the Prisoner Review Board as
5 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
6 If the prisoner has not accumulated 180 days of sentence
7 credit at the time of the finding, then the Prisoner Review
8 Board may revoke all sentence credit accumulated by the
9 prisoner.

10 For purposes of this subsection (d):

11 (1) "Frivolous" means that a pleading, motion, or
12 other filing which purports to be a legal document filed
13 by a prisoner in his or her lawsuit meets any or all of the
14 following criteria:

15 (A) it lacks an arguable basis either in law or in
16 fact;

17 (B) it is being presented for any improper
18 purpose, such as to harass or to cause unnecessary
19 delay or needless increase in the cost of litigation;

20 (C) the claims, defenses, and other legal
21 contentions therein are not warranted by existing law
22 or by a nonfrivolous argument for the extension,
23 modification, or reversal of existing law or the
24 establishment of new law;

25 (D) the allegations and other factual contentions
26 do not have evidentiary support or, if specifically so

1 identified, are not likely to have evidentiary support
2 after a reasonable opportunity for further
3 investigation or discovery; or

4 (E) the denials of factual contentions are not
5 warranted on the evidence, or if specifically so
6 identified, are not reasonably based on a lack of
7 information or belief.

8 (2) "Lawsuit" means a motion pursuant to Section 116-3
9 of the Code of Criminal Procedure of 1963, a habeas corpus
10 action under Article X of the Code of Civil Procedure or
11 under federal law (28 U.S.C. 2254), a petition for claim
12 under the Court of Claims Act, an action under the federal
13 Civil Rights Act (42 U.S.C. 1983), or a second or
14 subsequent petition for post-conviction relief under
15 Article 122 of the Code of Criminal Procedure of 1963
16 whether filed with or without leave of court or a second or
17 subsequent petition for relief from judgment under Section
18 2-1401 of the Code of Civil Procedure.

19 (e) Nothing in Public Act 90-592 or 90-593 affects the
20 validity of Public Act 89-404.

21 (f) Whenever the Department is to release any inmate who
22 has been convicted of a violation of an order of protection
23 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, earlier than it otherwise would
25 because of a grant of sentence credit, the Department, as a
26 condition of release, shall require that the person, upon

1 release, be placed under electronic surveillance as provided
2 in Section 5-8A-7 of this Code.

3 (Source: P.A. 100-3, eff. 1-1-18; 100-575, eff. 1-8-18;
4 101-440, eff. 1-1-20; revised 8-19-20.)

5 (730 ILCS 5/3-8-5) (from Ch. 38, par. 1003-8-5)

6 Sec. 3-8-5. Transfer to Department of Human Services.

7 (a) The Department shall cause inquiry and examination at
8 periodic intervals to ascertain whether any person committed
9 to it may be subject to involuntary admission, as defined in
10 Section 1-119 of the Mental Health and Developmental
11 Disabilities Code, or meets the standard for judicial
12 admission as defined in Section 4-500 of the Mental Health and
13 Developmental Disabilities Code, or is an intoxicated person
14 or a person with a substance use disorder as defined in the
15 Substance Use Disorder Act. The Department may provide special
16 psychiatric or psychological or other counseling or treatment
17 to such persons in a separate institution within the
18 Department, or the Director of the Department of Corrections
19 may transfer such persons other than intoxicated persons or
20 persons with substance use disorders to the Department of
21 Human Services for observation, diagnosis and treatment,
22 subject to the approval of the Secretary ~~Director~~ of the
23 Department of Human Services, for a period of not more than 6
24 months, if the person consents in writing to the transfer. The
25 person shall be advised of his right not to consent, and if he

1 does not consent, such transfer may be effected only by
2 commitment under paragraphs (c) and (d) of this Section.

3 (b) The person's spouse, guardian, or nearest relative and
4 his attorney of record shall be advised of their right to
5 object, and if objection is made, such transfer may be
6 effected only by commitment under paragraph (c) of this
7 Section. Notices of such transfer shall be mailed to such
8 person's spouse, guardian, or nearest relative and to the
9 attorney of record marked for delivery to addressee only at
10 his last known address by certified mail with return receipt
11 requested together with written notification of the manner and
12 time within which he may object thereto.

13 (c) If a committed person does not consent to his transfer
14 to the Department of Human Services or if a person objects
15 under paragraph (b) of this Section, or if the Department of
16 Human Services determines that a transferred person requires
17 commitment to the Department of Human Services for more than 6
18 months, or if the person's sentence will expire within 6
19 months, the Director of the Department of Corrections shall
20 file a petition in the circuit court of the county in which the
21 correctional institution or facility is located requesting the
22 transfer of such person to the Department of Human Services. A
23 certificate of a psychiatrist, a clinical psychologist, or, if
24 admission to a developmental disability facility is sought, ~~of~~
25 a physician that the person is in need of commitment to the
26 Department of Human Services for treatment or habilitation

1 shall be attached to the petition. Copies of the petition
2 shall be furnished to the named person and to the state's
3 attorneys of the county in which the correctional institution
4 or facility is located and the county in which the named person
5 was committed to the Department of Corrections.

6 (d) The court shall set a date for a hearing on the
7 petition within the time limit set forth in the Mental Health
8 and Developmental Disabilities Code. The hearing shall be
9 conducted in the manner prescribed by the Mental Health and
10 Developmental Disabilities Code. If the person is found to be
11 in need of commitment to the Department of Human Services for
12 treatment or habilitation, the court may commit him to that
13 Department.

14 (e) Nothing in this Section shall limit the right of the
15 Director or the chief administrative officer of any
16 institution or facility to utilize the emergency admission
17 provisions of the Mental Health and Developmental Disabilities
18 Code with respect to any person in his custody or care. The
19 transfer of a person to an institution or facility of the
20 Department of Human Services under paragraph (a) of this
21 Section does not discharge the person from the control of the
22 Department.

23 (Source: P.A. 100-759, eff. 1-1-19; revised 7-12-19.)

24 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

25 Sec. 3-14-1. Release from the institution.

1 (a) Upon release of a person on parole, mandatory release,
2 final discharge or pardon the Department shall return all
3 property held for him, provide him with suitable clothing and
4 procure necessary transportation for him to his designated
5 place of residence and employment. It may provide such person
6 with a grant of money for travel and expenses which may be paid
7 in installments. The amount of the money grant shall be
8 determined by the Department.

9 (a-1) The Department shall, before a wrongfully imprisoned
10 person, as defined in Section 3-1-2 of this Code, is
11 discharged from the Department, provide him or her with any
12 documents necessary after discharge.

13 (a-2) The Department of Corrections may establish and
14 maintain, in any institution it administers, revolving funds
15 to be known as "Travel and Allowances Revolving Funds". These
16 revolving funds shall be used for advancing travel and expense
17 allowances to committed, paroled, and discharged prisoners.
18 The moneys paid into such revolving funds shall be from
19 appropriations to the Department for Committed, Paroled, and
20 Discharged Prisoners.

21 (a-3) Upon release of a person who is eligible to vote on
22 parole, mandatory release, final discharge, or pardon, the
23 Department shall provide the person with a form that informs
24 him or her that his or her voting rights have been restored and
25 a voter registration application. The Department shall have
26 available voter registration applications in the languages

1 provided by the Illinois State Board of Elections. The form
2 that informs the person that his or her rights have been
3 restored shall include the following information:

4 (1) All voting rights are restored upon release from
5 the Department's custody.

6 (2) A person who is eligible to vote must register in
7 order to be able to vote.

8 The Department of Corrections shall confirm that the
9 person received the voter registration application and has
10 been informed that his or her voting rights have been
11 restored.

12 (a-4) ~~(a-3)~~ Prior to release of a person on parole,
13 mandatory supervised release, final discharge, or pardon, the
14 Department shall screen every person for Medicaid eligibility.
15 Officials of the correctional institution or facility where
16 the committed person is assigned shall assist an eligible
17 person to complete a Medicaid application to ensure that the
18 person begins receiving benefits as soon as possible after his
19 or her release. The application must include the eligible
20 person's address associated with his or her residence upon
21 release from the facility. If the residence is temporary, the
22 eligible person must notify the Department of Human Services
23 of his or her change in address upon transition to permanent
24 housing.

25 (b) (Blank).

26 (c) Except as otherwise provided in this Code, the

1 Department shall establish procedures to provide written
2 notification of any release of any person who has been
3 convicted of a felony to the State's Attorney and sheriff of
4 the county from which the offender was committed, and the
5 State's Attorney and sheriff of the county into which the
6 offender is to be paroled or released. Except as otherwise
7 provided in this Code, the Department shall establish
8 procedures to provide written notification to the proper law
9 enforcement agency for any municipality of any release of any
10 person who has been convicted of a felony if the arrest of the
11 offender or the commission of the offense took place in the
12 municipality, if the offender is to be paroled or released
13 into the municipality, or if the offender resided in the
14 municipality at the time of the commission of the offense. If a
15 person convicted of a felony who is in the custody of the
16 Department of Corrections or on parole or mandatory supervised
17 release informs the Department that he or she has resided,
18 resides, or will reside at an address that is a housing
19 facility owned, managed, operated, or leased by a public
20 housing agency, the Department must send written notification
21 of that information to the public housing agency that owns,
22 manages, operates, or leases the housing facility. The written
23 notification shall, when possible, be given at least 14 days
24 before release of the person from custody, or as soon
25 thereafter as possible. The written notification shall be
26 provided electronically if the State's Attorney, sheriff,

1 proper law enforcement agency, or public housing agency has
2 provided the Department with an accurate and up to date email
3 address.

4 (c-1) (Blank).

5 (c-2) The Department shall establish procedures to provide
6 notice to the Department of State Police of the release or
7 discharge of persons convicted of violations of the
8 Methamphetamine Control and Community Protection Act or a
9 violation of the Methamphetamine Precursor Control Act. The
10 Department of State Police shall make this information
11 available to local, State, or federal law enforcement agencies
12 upon request.

13 (c-5) If a person on parole or mandatory supervised
14 release becomes a resident of a facility licensed or regulated
15 by the Department of Public Health, the Illinois Department of
16 Public Aid, or the Illinois Department of Human Services, the
17 Department of Corrections shall provide copies of the
18 following information to the appropriate licensing or
19 regulating Department and the licensed or regulated facility
20 where the person becomes a resident:

21 (1) The mittimus and any pre-sentence investigation
22 reports.

23 (2) The social evaluation prepared pursuant to Section
24 3-8-2.

25 (3) Any pre-release evaluation conducted pursuant to
26 subsection (j) of Section 3-6-2.

1 (4) Reports of disciplinary infractions and
2 dispositions.

3 (5) Any parole plan, including orders issued by the
4 Prisoner Review Board, and any violation reports and
5 dispositions.

6 (6) The name and contact information for the assigned
7 parole agent and parole supervisor.

8 This information shall be provided within 3 days of the
9 person becoming a resident of the facility.

10 (c-10) If a person on parole or mandatory supervised
11 release becomes a resident of a facility licensed or regulated
12 by the Department of Public Health, the Illinois Department of
13 Public Aid, or the Illinois Department of Human Services, the
14 Department of Corrections shall provide written notification
15 of such residence to the following:

16 (1) The Prisoner Review Board.

17 (2) The chief of police and sheriff in the
18 municipality and county in which the licensed facility is
19 located.

20 The notification shall be provided within 3 days of the
21 person becoming a resident of the facility.

22 (d) Upon the release of a committed person on parole,
23 mandatory supervised release, final discharge or pardon, the
24 Department shall provide such person with information
25 concerning programs and services of the Illinois Department of
26 Public Health to ascertain whether such person has been

1 exposed to the human immunodeficiency virus (HIV) or any
2 identified causative agent of Acquired Immunodeficiency
3 Syndrome (AIDS).

4 (e) Upon the release of a committed person on parole,
5 mandatory supervised release, final discharge, pardon, or who
6 has been wrongfully imprisoned, the Department shall verify
7 the released person's full name, date of birth, and social
8 security number. If verification is made by the Department by
9 obtaining a certified copy of the released person's birth
10 certificate and the released person's social security card or
11 other documents authorized by the Secretary, the Department
12 shall provide the birth certificate and social security card
13 or other documents authorized by the Secretary to the released
14 person. If verification by the Department is done by means
15 other than obtaining a certified copy of the released person's
16 birth certificate and the released person's social security
17 card or other documents authorized by the Secretary, the
18 Department shall complete a verification form, prescribed by
19 the Secretary of State, and shall provide that verification
20 form to the released person.

21 (f) Forty-five days prior to the scheduled discharge of a
22 person committed to the custody of the Department of
23 Corrections, the Department shall give the person who is
24 otherwise uninsured an opportunity to apply for health care
25 coverage including medical assistance under Article V of the
26 Illinois Public Aid Code in accordance with subsection (b) of

1 Section 1-8.5 of the Illinois Public Aid Code, and the
2 Department of Corrections shall provide assistance with
3 completion of the application for health care coverage
4 including medical assistance. The Department may adopt rules
5 to implement this Section.

6 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
7 revised 9-9-19.)

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 5/5-3-2) (from Ch. 38, par. 1005-3-2)
16 Sec. 5-3-2. Presentence report.

17 (a) In felony cases, the presentence report shall set
18 forth:

19 (1) the defendant's history of delinquency or
20 criminality, physical and mental history and condition,
21 family situation and background, economic status,
22 education, occupation and personal habits;

23 (2) information about special resources within the
24 community which might be available to assist the
25 defendant's rehabilitation, including treatment centers,

1 residential facilities, vocational training services,
2 correctional manpower programs, employment opportunities,
3 special educational programs, alcohol and drug abuse
4 programming, psychiatric and marriage counseling, and
5 other programs and facilities which could aid the
6 defendant's successful reintegration into society;

7 (3) the effect the offense committed has had upon the
8 victim or victims thereof, and any compensatory benefit
9 that various sentencing alternatives would confer on such
10 victim or victims;

11 (3.5) information provided by the victim's spouse,
12 guardian, parent, grandparent, and other immediate family
13 and household members about the effect the offense
14 committed has had on the victim and on the person
15 providing the information; if the victim's spouse,
16 guardian, parent, grandparent, or other immediate family
17 or household member has provided a written statement, the
18 statement shall be attached to the report;

19 (4) information concerning the defendant's status
20 since arrest, including his record if released on his own
21 recognizance, or the defendant's achievement record if
22 released on a conditional pre-trial supervision program;

23 (5) when appropriate, a plan, based upon the personal,
24 economic and social adjustment needs of the defendant,
25 utilizing public and private community resources as an
26 alternative to institutional sentencing;

1 (6) any other matters that the investigatory officer
2 deems relevant or the court directs to be included;

3 (7) information concerning the defendant's eligibility
4 for a sentence to a county impact incarceration program
5 under Section 5-8-1.2 of this Code; and

6 (8) information concerning the defendant's eligibility
7 for a sentence to an impact incarceration program
8 administered by the Department under Section 5-8-1.1.

9 (b) The investigation shall include a physical and mental
10 examination of the defendant when so ordered by the court. If
11 the court determines that such an examination should be made,
12 it shall issue an order that the defendant submit to
13 examination at such time and place as designated by the court
14 and that such examination be conducted by a physician,
15 psychologist or psychiatrist designated by the court. Such an
16 examination may be conducted in a court clinic if so ordered by
17 the court. The cost of such examination shall be paid by the
18 county in which the trial is held.

19 (b-5) In cases involving felony sex offenses in which the
20 offender is being considered for probation only or any felony
21 offense that is sexually motivated as defined in the Sex
22 Offender Management Board Act in which the offender is being
23 considered for probation only, the investigation shall include
24 a sex offender evaluation by an evaluator approved by the
25 Board and conducted in conformance with the standards
26 developed under the Sex Offender Management Board Act. In

1 cases in which the offender is being considered for any
2 mandatory prison sentence, the investigation shall not include
3 a sex offender evaluation.

4 (c) In misdemeanor, business offense or petty offense
5 cases, except as specified in subsection (d) of this Section,
6 when a presentence report has been ordered by the court, such
7 presentence report shall contain information on the
8 defendant's history of delinquency or criminality and shall
9 further contain only those matters listed in any of paragraphs
10 (1) through (6) of subsection (a) or in subsection (b) of this
11 Section as are specified by the court in its order for the
12 report.

13 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or
14 12-30 of the Criminal Code of 1961 or the Criminal Code of
15 2012, the presentence report shall set forth information about
16 alcohol, drug abuse, psychiatric, and marriage counseling or
17 other treatment programs and facilities, information on the
18 defendant's history of delinquency or criminality, and shall
19 contain those additional matters listed in any of paragraphs
20 (1) through (6) of subsection (a) or in subsection (b) of this
21 Section as are specified by the court.

22 (e) Nothing in this Section shall cause the defendant to
23 be held without bail or to have his bail revoked for the
24 purpose of preparing the presentence report or making an
25 examination.

26 (Source: P.A. 101-105, eff. 1-1-20; revised 9-24-19.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term
3 sentencing.

4 (a) The following factors shall be accorded weight in
5 favor of imposing a term of imprisonment or may be considered
6 by the court as reasons to impose a more severe sentence under
7 Section 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened
9 serious harm;

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency
13 or criminal activity;

14 (4) the defendant, by the duties of his office or by
15 his position, was obliged to prevent the particular
16 offense committed or to bring the offenders committing it
17 to justice;

18 (5) the defendant held public office at the time of
19 the offense, and the offense related to the conduct of
20 that office;

21 (6) the defendant utilized his professional reputation
22 or position in the community to commit the offense, or to
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from
25 committing the same crime;

1 (8) the defendant committed the offense against a
2 person 60 years of age or older or such person's property;

3 (9) the defendant committed the offense against a
4 person who has a physical disability or such person's
5 property;

6 (10) by reason of another individual's actual or
7 perceived race, color, creed, religion, ancestry, gender,
8 sexual orientation, physical or mental disability, or
9 national origin, the defendant committed the offense
10 against (i) the person or property of that individual;
11 (ii) the person or property of a person who has an
12 association with, is married to, or has a friendship with
13 the other individual; or (iii) the person or property of a
14 relative (by blood or marriage) of a person described in
15 clause (i) or (ii). For the purposes of this Section,
16 "sexual orientation" has the meaning ascribed to it in
17 paragraph (O-1) of Section 1-103 of the Illinois Human
18 Rights Act;

19 (11) the offense took place in a place of worship or on
20 the grounds of a place of worship, immediately prior to,
21 during or immediately following worship services. For
22 purposes of this subparagraph, "place of worship" shall
23 mean any church, synagogue or other building, structure or
24 place used primarily for religious worship;

25 (12) the defendant was convicted of a felony committed
26 while he was released on bail or his own recognizance

1 pending trial for a prior felony and was convicted of such
2 prior felony, or the defendant was convicted of a felony
3 committed while he was serving a period of probation,
4 conditional discharge, or mandatory supervised release
5 under subsection (d) of Section 5-8-1 for a prior felony;

6 (13) the defendant committed or attempted to commit a
7 felony while he was wearing a bulletproof vest. For the
8 purposes of this paragraph (13), a bulletproof vest is any
9 device which is designed for the purpose of protecting the
10 wearer from bullets, shot or other lethal projectiles;

11 (14) the defendant held a position of trust or
12 supervision such as, but not limited to, family member as
13 defined in Section 11-0.1 of the Criminal Code of 2012,
14 teacher, scout leader, baby sitter, or day care worker, in
15 relation to a victim under 18 years of age, and the
16 defendant committed an offense in violation of Section
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
18 11-14.4 except for an offense that involves keeping a
19 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
20 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
21 or 12-16 of the Criminal Code of 1961 or the Criminal Code
22 of 2012 against that victim;

23 (15) the defendant committed an offense related to the
24 activities of an organized gang. For the purposes of this
25 factor, "organized gang" has the meaning ascribed to it in
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation
3 of one of the following Sections while in a school,
4 regardless of the time of day or time of year; on any
5 conveyance owned, leased, or contracted by a school to
6 transport students to or from school or a school related
7 activity; on the real property of a school; or on a public
8 way within 1,000 feet of the real property comprising any
9 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
10 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
11 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
12 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
13 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
14 for subdivision (a) (4) or (g) (1), of the Criminal Code of
15 1961 or the Criminal Code of 2012;

16 (16.5) the defendant committed an offense in violation
17 of one of the following Sections while in a day care
18 center, regardless of the time of day or time of year; on
19 the real property of a day care center, regardless of the
20 time of day or time of year; or on a public way within
21 1,000 feet of the real property comprising any day care
22 center, regardless of the time of day or time of year:
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision
2 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
3 Criminal Code of 2012;

4 (17) the defendant committed the offense by reason of
5 any person's activity as a community policing volunteer or
6 to prevent any person from engaging in activity as a
7 community policing volunteer. For the purpose of this
8 Section, "community policing volunteer" has the meaning
9 ascribed to it in Section 2-3.5 of the Criminal Code of
10 2012;

11 (18) the defendant committed the offense in a nursing
12 home or on the real property comprising a nursing home.
13 For the purposes of this paragraph (18), "nursing home"
14 means a skilled nursing or intermediate long term care
15 facility that is subject to license by the Illinois
16 Department of Public Health under the Nursing Home Care
17 Act, the Specialized Mental Health Rehabilitation Act of
18 2013, the ID/DD Community Care Act, or the MC/DD Act;

19 (19) the defendant was a federally licensed firearm
20 dealer and was previously convicted of a violation of
21 subsection (a) of Section 3 of the Firearm Owners
22 Identification Card Act and has now committed either a
23 felony violation of the Firearm Owners Identification Card
24 Act or an act of armed violence while armed with a firearm;

25 (20) the defendant (i) committed the offense of
26 reckless homicide under Section 9-3 of the Criminal Code

1 of 1961 or the Criminal Code of 2012 or the offense of
2 driving under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds or any
4 combination thereof under Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance
6 and (ii) was operating a motor vehicle in excess of 20
7 miles per hour over the posted speed limit as provided in
8 Article VI of Chapter 11 of the Illinois Vehicle Code;

9 (21) the defendant (i) committed the offense of
10 reckless driving or aggravated reckless driving under
11 Section 11-503 of the Illinois Vehicle Code and (ii) was
12 operating a motor vehicle in excess of 20 miles per hour
13 over the posted speed limit as provided in Article VI of
14 Chapter 11 of the Illinois Vehicle Code;

15 (22) the defendant committed the offense against a
16 person that the defendant knew, or reasonably should have
17 known, was a member of the Armed Forces of the United
18 States serving on active duty. For purposes of this clause
19 (22), the term "Armed Forces" means any of the Armed
20 Forces of the United States, including a member of any
21 reserve component thereof or National Guard unit called to
22 active duty;

23 (23) the defendant committed the offense against a
24 person who was elderly or infirm or who was a person with a
25 disability by taking advantage of a family or fiduciary
26 relationship with the elderly or infirm person or person

1 with a disability;

2 (24) the defendant committed any offense under Section
3 11-20.1 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 and possessed 100 or more images;

5 (25) the defendant committed the offense while the
6 defendant or the victim was in a train, bus, or other
7 vehicle used for public transportation;

8 (26) the defendant committed the offense of child
9 pornography or aggravated child pornography, specifically
10 including paragraph (1), (2), (3), (4), (5), or (7) of
11 subsection (a) of Section 11-20.1 of the Criminal Code of
12 1961 or the Criminal Code of 2012 where a child engaged in,
13 solicited for, depicted in, or posed in any act of sexual
14 penetration or bound, fettered, or subject to sadistic,
15 masochistic, or sadomasochistic abuse in a sexual context
16 and specifically including paragraph (1), (2), (3), (4),
17 (5), or (7) of subsection (a) of Section 11-20.1B or
18 Section 11-20.3 of the Criminal Code of 1961 where a child
19 engaged in, solicited for, depicted in, or posed in any
20 act of sexual penetration or bound, fettered, or subject
21 to sadistic, masochistic, or sadomasochistic abuse in a
22 sexual context;

23 (27) the defendant committed the offense of first
24 degree murder, assault, aggravated assault, battery,
25 aggravated battery, robbery, armed robbery, or aggravated
26 robbery against a person who was a veteran and the

1 defendant knew, or reasonably should have known, that the
2 person was a veteran performing duties as a representative
3 of a veterans' organization. For the purposes of this
4 paragraph (27), "veteran" means an Illinois resident who
5 has served as a member of the United States Armed Forces, a
6 member of the Illinois National Guard, or a member of the
7 United States Reserve Forces; and "veterans' organization"
8 means an organization comprised of members of which
9 substantially all are individuals who are veterans or
10 spouses, widows, or widowers of veterans, the primary
11 purpose of which is to promote the welfare of its members
12 and to provide assistance to the general public in such a
13 way as to confer a public benefit;

14 (28) the defendant committed the offense of assault,
15 aggravated assault, battery, aggravated battery, robbery,
16 armed robbery, or aggravated robbery against a person that
17 the defendant knew or reasonably should have known was a
18 letter carrier or postal worker while that person was
19 performing his or her duties delivering mail for the
20 United States Postal Service;

21 (29) the defendant committed the offense of criminal
22 sexual assault, aggravated criminal sexual assault,
23 criminal sexual abuse, or aggravated criminal sexual abuse
24 against a victim with an intellectual disability, and the
25 defendant holds a position of trust, authority, or
26 supervision in relation to the victim;

1 (30) the defendant committed the offense of promoting
2 juvenile prostitution, patronizing a prostitute, or
3 patronizing a minor engaged in prostitution and at the
4 time of the commission of the offense knew that the
5 prostitute or minor engaged in prostitution was in the
6 custody or guardianship of the Department of Children and
7 Family Services;

8 (31) the defendant (i) committed the offense of
9 driving while under the influence of alcohol, other drug
10 or drugs, intoxicating compound or compounds or any
11 combination thereof in violation of Section 11-501 of the
12 Illinois Vehicle Code or a similar provision of a local
13 ordinance and (ii) the defendant during the commission of
14 the offense was driving his or her vehicle upon a roadway
15 designated for one-way traffic in the opposite direction
16 of the direction indicated by official traffic control
17 devices; ~~or~~

18 (32) the defendant committed the offense of reckless
19 homicide while committing a violation of Section 11-907 of
20 the Illinois Vehicle Code; ~~or~~

21 (33) ~~(32)~~ the defendant was found guilty of an
22 administrative infraction related to an act or acts of
23 public indecency or sexual misconduct in the penal
24 institution. In this paragraph (33) ~~(32)~~, "penal
25 institution" has the same meaning as in Section 2-14 of
26 the Criminal Code of 2012; or ~~or~~

1 (34) ~~(32)~~ the defendant committed the offense of
2 leaving the scene of an accident in violation of
3 subsection (b) of Section 11-401 of the Illinois Vehicle
4 Code and the accident resulted in the death of a person and
5 at the time of the offense, the defendant was: (i) driving
6 under the influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds or any combination
8 thereof as defined by Section 11-501 of the Illinois
9 Vehicle Code; or (ii) operating the motor vehicle while
10 using an electronic communication device as defined in
11 Section 12-610.2 of the Illinois Vehicle Code.

12 For the purposes of this Section:

13 "School" is defined as a public or private elementary or
14 secondary school, community college, college, or university.

15 "Day care center" means a public or private State
16 certified and licensed day care center as defined in Section
17 2.09 of the Child Care Act of 1969 that displays a sign in
18 plain view stating that the property is a day care center.

19 "Intellectual disability" means significantly subaverage
20 intellectual functioning which exists concurrently with
21 impairment in adaptive behavior.

22 "Public transportation" means the transportation or
23 conveyance of persons by means available to the general
24 public, and includes paratransit services.

25 "Traffic control devices" means all signs, signals,
26 markings, and devices that conform to the Illinois Manual on

1 Uniform Traffic Control Devices, placed or erected by
2 authority of a public body or official having jurisdiction,
3 for the purpose of regulating, warning, or guiding traffic.

4 (b) The following factors, related to all felonies, may be
5 considered by the court as reasons to impose an extended term
6 sentence under Section 5-8-2 upon any offender:

7 (1) When a defendant is convicted of any felony, after
8 having been previously convicted in Illinois or any other
9 jurisdiction of the same or similar class felony or
10 greater class felony, when such conviction has occurred
11 within 10 years after the previous conviction, excluding
12 time spent in custody, and such charges are separately
13 brought and tried and arise out of different series of
14 acts; or

15 (2) When a defendant is convicted of any felony and
16 the court finds that the offense was accompanied by
17 exceptionally brutal or heinous behavior indicative of
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony
20 committed against:

21 (i) a person under 12 years of age at the time of
22 the offense or such person's property;

23 (ii) a person 60 years of age or older at the time
24 of the offense or such person's property; or

25 (iii) a person who had a physical disability at
26 the time of the offense or such person's property; or

1 (4) When a defendant is convicted of any felony and
2 the offense involved any of the following types of
3 specific misconduct committed as part of a ceremony, rite,
4 initiation, observance, performance, practice or activity
5 of any actual or ostensible religious, fraternal, or
6 social group:

7 (i) the brutalizing or torturing of humans or
8 animals;

9 (ii) the theft of human corpses;

10 (iii) the kidnapping of humans;

11 (iv) the desecration of any cemetery, religious,
12 fraternal, business, governmental, educational, or
13 other building or property; or

14 (v) ritualized abuse of a child; or

15 (5) When a defendant is convicted of a felony other
16 than conspiracy and the court finds that the felony was
17 committed under an agreement with 2 or more other persons
18 to commit that offense and the defendant, with respect to
19 the other individuals, occupied a position of organizer,
20 supervisor, financier, or any other position of management
21 or leadership, and the court further finds that the felony
22 committed was related to or in furtherance of the criminal
23 activities of an organized gang or was motivated by the
24 defendant's leadership in an organized gang; or

25 (6) When a defendant is convicted of an offense
26 committed while using a firearm with a laser sight

1 attached to it. For purposes of this paragraph, "laser
2 sight" has the meaning ascribed to it in Section 26-7 of
3 the Criminal Code of 2012; or

4 (7) When a defendant who was at least 17 years of age
5 at the time of the commission of the offense is convicted
6 of a felony and has been previously adjudicated a
7 delinquent minor under the Juvenile Court Act of 1987 for
8 an act that if committed by an adult would be a Class X or
9 Class 1 felony when the conviction has occurred within 10
10 years after the previous adjudication, excluding time
11 spent in custody; or

12 (8) When a defendant commits any felony and the
13 defendant used, possessed, exercised control over, or
14 otherwise directed an animal to assault a law enforcement
15 officer engaged in the execution of his or her official
16 duties or in furtherance of the criminal activities of an
17 organized gang in which the defendant is engaged; or

18 (9) When a defendant commits any felony and the
19 defendant knowingly video or audio records the offense
20 with the intent to disseminate the recording.

21 (c) The following factors may be considered by the court
22 as reasons to impose an extended term sentence under Section
23 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
24 offenses:

25 (1) When a defendant is convicted of first degree
26 murder, after having been previously convicted in Illinois

1 of any offense listed under paragraph (c)(2) of Section
2 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
3 occurred within 10 years after the previous conviction,
4 excluding time spent in custody, and the charges are
5 separately brought and tried and arise out of different
6 series of acts.

7 (1.5) When a defendant is convicted of first degree
8 murder, after having been previously convicted of domestic
9 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
10 (720 ILCS 5/12-3.3) committed on the same victim or after
11 having been previously convicted of violation of an order
12 of protection (720 ILCS 5/12-30) in which the same victim
13 was the protected person.

14 (2) When a defendant is convicted of voluntary
15 manslaughter, second degree murder, involuntary
16 manslaughter, or reckless homicide in which the defendant
17 has been convicted of causing the death of more than one
18 individual.

19 (3) When a defendant is convicted of aggravated
20 criminal sexual assault or criminal sexual assault, when
21 there is a finding that aggravated criminal sexual assault
22 or criminal sexual assault was also committed on the same
23 victim by one or more other individuals, and the defendant
24 voluntarily participated in the crime with the knowledge
25 of the participation of the others in the crime, and the
26 commission of the crime was part of a single course of

1 conduct during which there was no substantial change in
2 the nature of the criminal objective.

3 (4) If the victim was under 18 years of age at the time
4 of the commission of the offense, when a defendant is
5 convicted of aggravated criminal sexual assault or
6 predatory criminal sexual assault of a child under
7 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
8 of Section 12-14.1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

10 (5) When a defendant is convicted of a felony
11 violation of Section 24-1 of the Criminal Code of 1961 or
12 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
13 finding that the defendant is a member of an organized
14 gang.

15 (6) When a defendant was convicted of unlawful use of
16 weapons under Section 24-1 of the Criminal Code of 1961 or
17 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
18 a weapon that is not readily distinguishable as one of the
19 weapons enumerated in Section 24-1 of the Criminal Code of
20 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

21 (7) When a defendant is convicted of an offense
22 involving the illegal manufacture of a controlled
23 substance under Section 401 of the Illinois Controlled
24 Substances Act (720 ILCS 570/401), the illegal manufacture
25 of methamphetamine under Section 25 of the Methamphetamine
26 Control and Community Protection Act (720 ILCS 646/25), or

1 the illegal possession of explosives and an emergency
2 response officer in the performance of his or her duties
3 is killed or injured at the scene of the offense while
4 responding to the emergency caused by the commission of
5 the offense. In this paragraph, "emergency" means a
6 situation in which a person's life, health, or safety is
7 in jeopardy; and "emergency response officer" means a
8 peace officer, community policing volunteer, fireman,
9 emergency medical technician-ambulance, emergency medical
10 technician-intermediate, emergency medical
11 technician-paramedic, ambulance driver, other medical
12 assistance or first aid personnel, or hospital emergency
13 room personnel.

14 (8) When the defendant is convicted of attempted mob
15 action, solicitation to commit mob action, or conspiracy
16 to commit mob action under Section 8-1, 8-2, or 8-4 of the
17 Criminal Code of 2012, where the criminal object is a
18 violation of Section 25-1 of the Criminal Code of 2012,
19 and an electronic communication is used in the commission
20 of the offense. For the purposes of this paragraph (8),
21 "electronic communication" shall have the meaning provided
22 in Section 26.5-0.1 of the Criminal Code of 2012.

23 (d) For the purposes of this Section, "organized gang" has
24 the meaning ascribed to it in Section 10 of the Illinois
25 Streetgang Terrorism Omnibus Prevention Act.

26 (e) The court may impose an extended term sentence under

1 Article 4.5 of Chapter V upon an offender who has been
2 convicted of a felony violation of Section 11-1.20, 11-1.30,
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
4 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
5 when the victim of the offense is under 18 years of age at the
6 time of the commission of the offense and, during the
7 commission of the offense, the victim was under the influence
8 of alcohol, regardless of whether or not the alcohol was
9 supplied by the offender; and the offender, at the time of the
10 commission of the offense, knew or should have known that the
11 victim had consumed alcohol.

12 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;
13 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

14 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

15 Sec. 5-6-3. Conditions of probation and of conditional
16 discharge.

17 (a) The conditions of probation and of conditional
18 discharge shall be that the person:

19 (1) not violate any criminal statute of any
20 jurisdiction;

21 (2) report to or appear in person before such person
22 or agency as directed by the court;

23 (3) refrain from possessing a firearm or other
24 dangerous weapon where the offense is a felony or, if a
25 misdemeanor, the offense involved the intentional or

1 knowing infliction of bodily harm or threat of bodily
2 harm;

3 (4) not leave the State without the consent of the
4 court or, in circumstances in which the reason for the
5 absence is of such an emergency nature that prior consent
6 by the court is not possible, without the prior
7 notification and approval of the person's probation
8 officer. Transfer of a person's probation or conditional
9 discharge supervision to another state is subject to
10 acceptance by the other state pursuant to the Interstate
11 Compact for Adult Offender Supervision;

12 (5) permit the probation officer to visit him at his
13 home or elsewhere to the extent necessary to discharge his
14 duties;

15 (6) perform no less than 30 hours of community service
16 and not more than 120 hours of community service, if
17 community service is available in the jurisdiction and is
18 funded and approved by the county board where the offense
19 was committed, where the offense was related to or in
20 furtherance of the criminal activities of an organized
21 gang and was motivated by the offender's membership in or
22 allegiance to an organized gang. The community service
23 shall include, but not be limited to, the cleanup and
24 repair of any damage caused by a violation of Section
25 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
26 2012 and similar damage to property located within the

1 municipality or county in which the violation occurred.
2 When possible and reasonable, the community service should
3 be performed in the offender's neighborhood. For purposes
4 of this Section, "organized gang" has the meaning ascribed
5 to it in Section 10 of the Illinois Streetgang Terrorism
6 Omnibus Prevention Act. The court may give credit toward
7 the fulfillment of community service hours for
8 participation in activities and treatment as determined by
9 court services;

10 (7) if he or she is at least 17 years of age and has
11 been sentenced to probation or conditional discharge for a
12 misdemeanor or felony in a county of 3,000,000 or more
13 inhabitants and has not been previously convicted of a
14 misdemeanor or felony, may be required by the sentencing
15 court to attend educational courses designed to prepare
16 the defendant for a high school diploma and to work toward
17 a high school diploma or to work toward passing high
18 school equivalency testing or to work toward completing a
19 vocational training program approved by the court. The
20 person on probation or conditional discharge must attend a
21 public institution of education to obtain the educational
22 or vocational training required by this paragraph (7). The
23 court shall revoke the probation or conditional discharge
24 of a person who wilfully fails to comply with this
25 paragraph (7). The person on probation or conditional
26 discharge shall be required to pay for the cost of the

1 educational courses or high school equivalency testing if
2 a fee is charged for those courses or testing. The court
3 shall resentence the offender whose probation or
4 conditional discharge has been revoked as provided in
5 Section 5-6-4. This paragraph (7) does not apply to a
6 person who has a high school diploma or has successfully
7 passed high school equivalency testing. This paragraph (7)
8 does not apply to a person who is determined by the court
9 to be a person with a developmental disability or
10 otherwise mentally incapable of completing the educational
11 or vocational program;

12 (8) if convicted of possession of a substance
13 prohibited by the Cannabis Control Act, the Illinois
14 Controlled Substances Act, or the Methamphetamine Control
15 and Community Protection Act after a previous conviction
16 or disposition of supervision for possession of a
17 substance prohibited by the Cannabis Control Act or
18 Illinois Controlled Substances Act or after a sentence of
19 probation under Section 10 of the Cannabis Control Act,
20 Section 410 of the Illinois Controlled Substances Act, or
21 Section 70 of the Methamphetamine Control and Community
22 Protection Act and upon a finding by the court that the
23 person is addicted, undergo treatment at a substance abuse
24 program approved by the court;

25 (8.5) if convicted of a felony sex offense as defined
26 in the Sex Offender Management Board Act, the person shall

1 undergo and successfully complete sex offender treatment
2 by a treatment provider approved by the Board and
3 conducted in conformance with the standards developed
4 under the Sex Offender Management Board Act;

5 (8.6) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing
7 at the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders;

16 (8.7) if convicted for an offense committed on or
17 after June 1, 2008 (the effective date of Public Act
18 95-464) that would qualify the accused as a child sex
19 offender as defined in Section 11-9.3 or 11-9.4 of the
20 Criminal Code of 1961 or the Criminal Code of 2012,
21 refrain from communicating with or contacting, by means of
22 the Internet, a person who is not related to the accused
23 and whom the accused reasonably believes to be under 18
24 years of age; for purposes of this paragraph (8.7),
25 "Internet" has the meaning ascribed to it in Section
26 16-0.1 of the Criminal Code of 2012; and a person is not

1 related to the accused if the person is not: (i) the
2 spouse, brother, or sister of the accused; (ii) a
3 descendant of the accused; (iii) a first or second cousin
4 of the accused; or (iv) a step-child or adopted child of
5 the accused;

6 (8.8) if convicted for an offense under Section 11-6,
7 11-9.1, 11-14.4 that involves soliciting for a juvenile
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 or any attempt to commit any of these offenses, committed
11 on or after June 1, 2009 (the effective date of Public Act
12 95-983):

13 (i) not access or use a computer or any other
14 device with Internet capability without the prior
15 written approval of the offender's probation officer,
16 except in connection with the offender's employment or
17 search for employment with the prior approval of the
18 offender's probation officer;

19 (ii) submit to periodic unannounced examinations
20 of the offender's computer or any other device with
21 Internet capability by the offender's probation
22 officer, a law enforcement officer, or assigned
23 computer or information technology specialist,
24 including the retrieval and copying of all data from
25 the computer or device and any internal or external
26 peripherals and removal of such information,

1 equipment, or device to conduct a more thorough
2 inspection;

3 (iii) submit to the installation on the offender's
4 computer or device with Internet capability, at the
5 offender's expense, of one or more hardware or
6 software systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions
8 concerning the offender's use of or access to a
9 computer or any other device with Internet capability
10 imposed by the offender's probation officer;

11 (8.9) if convicted of a sex offense as defined in the
12 Sex Offender Registration Act committed on or after
13 January 1, 2010 (the effective date of Public Act 96-262),
14 refrain from accessing or using a social networking
15 website as defined in Section 17-0.5 of the Criminal Code
16 of 2012;

17 (9) if convicted of a felony or of any misdemeanor
18 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
19 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
20 2012 that was determined, pursuant to Section 112A-11.1 of
21 the Code of Criminal Procedure of 1963, to trigger the
22 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
23 at a time and place designated by the court, his or her
24 Firearm Owner's Identification Card and any and all
25 firearms in his or her possession. The Court shall return
26 to the Department of State Police Firearm Owner's

1 Identification Card Office the person's Firearm Owner's
2 Identification Card;

3 (10) if convicted of a sex offense as defined in
4 subsection (a-5) of Section 3-1-2 of this Code, unless the
5 offender is a parent or guardian of the person under 18
6 years of age present in the home and no non-familial
7 minors are present, not participate in a holiday event
8 involving children under 18 years of age, such as
9 distributing candy or other items to children on
10 Halloween, wearing a Santa Claus costume on or preceding
11 Christmas, being employed as a department store Santa
12 Claus, or wearing an Easter Bunny costume on or preceding
13 Easter;

14 (11) if convicted of a sex offense as defined in
15 Section 2 of the Sex Offender Registration Act committed
16 on or after January 1, 2010 (the effective date of Public
17 Act 96-362) that requires the person to register as a sex
18 offender under that Act, may not knowingly use any
19 computer scrub software on any computer that the sex
20 offender uses;

21 (12) if convicted of a violation of the
22 Methamphetamine Control and Community Protection Act, the
23 Methamphetamine Precursor Control Act, or a
24 methamphetamine related offense:

25 (A) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 pseudoephedrine unless prescribed by a physician; and

2 (B) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 ammonium nitrate; and

5 (13) if convicted of a hate crime involving the
6 protected class identified in subsection (a) of Section
7 12-7.1 of the Criminal Code of 2012 that gave rise to the
8 offense the offender committed, perform public or
9 community service of no less than 200 hours and enroll in
10 an educational program discouraging hate crimes that
11 includes racial, ethnic, and cultural sensitivity training
12 ordered by the court.

13 (b) The Court may in addition to other reasonable
14 conditions relating to the nature of the offense or the
15 rehabilitation of the defendant as determined for each
16 defendant in the proper discretion of the Court require that
17 the person:

18 (1) serve a term of periodic imprisonment under
19 Article 7 for a period not to exceed that specified in
20 paragraph (d) of Section 5-7-1;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational
23 training;

24 (4) undergo medical, psychological or psychiatric
25 treatment; or treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

- 1 instruction or residence of defendants on probation;
- 2 (6) support his dependents;
- 3 (7) and in addition, if a minor:
- 4 (i) reside with his parents or in a foster home;
- 5 (ii) attend school;
- 6 (iii) attend a non-residential program for youth;
- 7 (iv) contribute to his own support at home or in a
- 8 foster home;
- 9 (v) with the consent of the superintendent of the
- 10 facility, attend an educational program at a facility
- 11 other than the school in which the offense was
- 12 committed if he or she is convicted of a crime of
- 13 violence as defined in Section 2 of the Crime Victims
- 14 Compensation Act committed in a school, on the real
- 15 property comprising a school, or within 1,000 feet of
- 16 the real property comprising a school;
- 17 (8) make restitution as provided in Section 5-5-6 of
- 18 this Code;
- 19 (9) perform some reasonable public or community
- 20 service;
- 21 (10) serve a term of home confinement. In addition to
- 22 any other applicable condition of probation or conditional
- 23 discharge, the conditions of home confinement shall be
- 24 that the offender:
- 25 (i) remain within the interior premises of the
- 26 place designated for his confinement during the hours

1 designated by the court;

2 (ii) admit any person or agent designated by the
3 court into the offender's place of confinement at any
4 time for purposes of verifying the offender's
5 compliance with the conditions of his confinement; and

6 (iii) if further deemed necessary by the court or
7 the Probation or Court Services Department, be placed
8 on an approved electronic monitoring device, subject
9 to Article 8A of Chapter V;

10 (iv) for persons convicted of any alcohol,
11 cannabis or controlled substance violation who are
12 placed on an approved monitoring device as a condition
13 of probation or conditional discharge, the court shall
14 impose a reasonable fee for each day of the use of the
15 device, as established by the county board in
16 subsection (g) of this Section, unless after
17 determining the inability of the offender to pay the
18 fee, the court assesses a lesser fee or no fee as the
19 case may be. This fee shall be imposed in addition to
20 the fees imposed under subsections (g) and (i) of this
21 Section. The fee shall be collected by the clerk of the
22 circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The
24 clerk of the circuit court shall pay all monies
25 collected from this fee to the county treasurer for
26 deposit in the substance abuse services fund under

1 Section 5-1086.1 of the Counties Code, except as
2 provided in an administrative order of the Chief Judge
3 of the circuit court.

4 The Chief Judge of the circuit court of the county
5 may by administrative order establish a program for
6 electronic monitoring of offenders, in which a vendor
7 supplies and monitors the operation of the electronic
8 monitoring device, and collects the fees on behalf of
9 the county. The program shall include provisions for
10 indigent offenders and the collection of unpaid fees.
11 The program shall not unduly burden the offender and
12 shall be subject to review by the Chief Judge.

13 The Chief Judge of the circuit court may suspend
14 any additional charges or fees for late payment,
15 interest, or damage to any device; and

16 (v) for persons convicted of offenses other than
17 those referenced in clause (iv) above and who are
18 placed on an approved monitoring device as a condition
19 of probation or conditional discharge, the court shall
20 impose a reasonable fee for each day of the use of the
21 device, as established by the county board in
22 subsection (g) of this Section, unless after
23 determining the inability of the defendant to pay the
24 fee, the court assesses a lesser fee or no fee as the
25 case may be. This fee shall be imposed in addition to
26 the fees imposed under subsections (g) and (i) of this

1 Section. The fee shall be collected by the clerk of the
2 circuit court, except as provided in an administrative
3 order of the Chief Judge of the circuit court. The
4 clerk of the circuit court shall pay all monies
5 collected from this fee to the county treasurer who
6 shall use the monies collected to defray the costs of
7 corrections. The county treasurer shall deposit the
8 fee collected in the probation and court services
9 fund. The Chief Judge of the circuit court of the
10 county may by administrative order establish a program
11 for electronic monitoring of offenders, in which a
12 vendor supplies and monitors the operation of the
13 electronic monitoring device, and collects the fees on
14 behalf of the county. The program shall include
15 provisions for indigent offenders and the collection
16 of unpaid fees. The program shall not unduly burden
17 the offender and shall be subject to review by the
18 Chief Judge.

19 The Chief Judge of the circuit court may suspend
20 any additional charges or fees for late payment,
21 interest, or damage to any device.

22 (11) comply with the terms and conditions of an order
23 of protection issued by the court pursuant to the Illinois
24 Domestic Violence Act of 1986, as now or hereafter
25 amended, or an order of protection issued by the court of
26 another state, tribe, or United States territory. A copy

1 of the order of protection shall be transmitted to the
2 probation officer or agency having responsibility for the
3 case;

4 (12) reimburse any "local anti-crime program" as
5 defined in Section 7 of the Anti-Crime Advisory Council
6 Act for any reasonable expenses incurred by the program on
7 the offender's case, not to exceed the maximum amount of
8 the fine authorized for the offense for which the
9 defendant was sentenced;

10 (13) contribute a reasonable sum of money, not to
11 exceed the maximum amount of the fine authorized for the
12 offense for which the defendant was sentenced, (i) to a
13 "local anti-crime program", as defined in Section 7 of the
14 Anti-Crime Advisory Council Act, or (ii) for offenses
15 under the jurisdiction of the Department of Natural
16 Resources, to the fund established by the Department of
17 Natural Resources for the purchase of evidence for
18 investigation purposes and to conduct investigations as
19 outlined in Section 805-105 of the Department of Natural
20 Resources (Conservation) Law;

21 (14) refrain from entering into a designated
22 geographic area except upon such terms as the court finds
23 appropriate. Such terms may include consideration of the
24 purpose of the entry, the time of day, other persons
25 accompanying the defendant, and advance approval by a
26 probation officer, if the defendant has been placed on

1 probation or advance approval by the court, if the
2 defendant was placed on conditional discharge;

3 (15) refrain from having any contact, directly or
4 indirectly, with certain specified persons or particular
5 types of persons, including but not limited to members of
6 street gangs and drug users or dealers;

7 (16) refrain from having in his or her body the
8 presence of any illicit drug prohibited by the Cannabis
9 Control Act, the Illinois Controlled Substances Act, or
10 the Methamphetamine Control and Community Protection Act,
11 unless prescribed by a physician, and submit samples of
12 his or her blood or urine or both for tests to determine
13 the presence of any illicit drug;

14 (17) if convicted for an offense committed on or after
15 June 1, 2008 (the effective date of Public Act 95-464)
16 that would qualify the accused as a child sex offender as
17 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
18 of 1961 or the Criminal Code of 2012, refrain from
19 communicating with or contacting, by means of the
20 Internet, a person who is related to the accused and whom
21 the accused reasonably believes to be under 18 years of
22 age; for purposes of this paragraph (17), "Internet" has
23 the meaning ascribed to it in Section 16-0.1 of the
24 Criminal Code of 2012; and a person is related to the
25 accused if the person is: (i) the spouse, brother, or
26 sister of the accused; (ii) a descendant of the accused;

1 (iii) a first or second cousin of the accused; or (iv) a
2 step-child or adopted child of the accused;

3 (18) if convicted for an offense committed on or after
4 June 1, 2009 (the effective date of Public Act 95-983)
5 that would qualify as a sex offense as defined in the Sex
6 Offender Registration Act:

7 (i) not access or use a computer or any other
8 device with Internet capability without the prior
9 written approval of the offender's probation officer,
10 except in connection with the offender's employment or
11 search for employment with the prior approval of the
12 offender's probation officer;

13 (ii) submit to periodic unannounced examinations
14 of the offender's computer or any other device with
15 Internet capability by the offender's probation
16 officer, a law enforcement officer, or assigned
17 computer or information technology specialist,
18 including the retrieval and copying of all data from
19 the computer or device and any internal or external
20 peripherals and removal of such information,
21 equipment, or device to conduct a more thorough
22 inspection;

23 (iii) submit to the installation on the offender's
24 computer or device with Internet capability, at the
25 subject's expense, of one or more hardware or software
26 systems to monitor the Internet use; and

1 (iv) submit to any other appropriate restrictions
2 concerning the offender's use of or access to a
3 computer or any other device with Internet capability
4 imposed by the offender's probation officer; and

5 (19) refrain from possessing a firearm or other
6 dangerous weapon where the offense is a misdemeanor that
7 did not involve the intentional or knowing infliction of
8 bodily harm or threat of bodily harm.

9 (c) The court may as a condition of probation or of
10 conditional discharge require that a person under 18 years of
11 age found guilty of any alcohol, cannabis or controlled
12 substance violation, refrain from acquiring a driver's license
13 during the period of probation or conditional discharge. If
14 such person is in possession of a permit or license, the court
15 may require that the minor refrain from driving or operating
16 any motor vehicle during the period of probation or
17 conditional discharge, except as may be necessary in the
18 course of the minor's lawful employment.

19 (d) An offender sentenced to probation or to conditional
20 discharge shall be given a certificate setting forth the
21 conditions thereof.

22 (e) Except where the offender has committed a fourth or
23 subsequent violation of subsection (c) of Section 6-303 of the
24 Illinois Vehicle Code, the court shall not require as a
25 condition of the sentence of probation or conditional
26 discharge that the offender be committed to a period of

1 imprisonment in excess of 6 months. This 6-month limit shall
2 not include periods of confinement given pursuant to a
3 sentence of county impact incarceration under Section 5-8-1.2.

4 Persons committed to imprisonment as a condition of
5 probation or conditional discharge shall not be committed to
6 the Department of Corrections.

7 (f) The court may combine a sentence of periodic
8 imprisonment under Article 7 or a sentence to a county impact
9 incarceration program under Article 8 with a sentence of
10 probation or conditional discharge.

11 (g) An offender sentenced to probation or to conditional
12 discharge and who during the term of either undergoes
13 mandatory drug or alcohol testing, or both, or is assigned to
14 be placed on an approved electronic monitoring device, shall
15 be ordered to pay all costs incidental to such mandatory drug
16 or alcohol testing, or both, and all costs incidental to such
17 approved electronic monitoring in accordance with the
18 defendant's ability to pay those costs. The county board with
19 the concurrence of the Chief Judge of the judicial circuit in
20 which the county is located shall establish reasonable fees
21 for the cost of maintenance, testing, and incidental expenses
22 related to the mandatory drug or alcohol testing, or both, and
23 all costs incidental to approved electronic monitoring,
24 involved in a successful probation program for the county. The
25 concurrence of the Chief Judge shall be in the form of an
26 administrative order. The fees shall be collected by the clerk

1 of the circuit court, except as provided in an administrative
2 order of the Chief Judge of the circuit court. The clerk of the
3 circuit court shall pay all moneys collected from these fees
4 to the county treasurer who shall use the moneys collected to
5 defray the costs of drug testing, alcohol testing, and
6 electronic monitoring. The county treasurer shall deposit the
7 fees collected in the county working cash fund under Section
8 6-27001 or Section 6-29002 of the Counties Code, as the case
9 may be. The Chief Judge of the circuit court of the county may
10 by administrative order establish a program for electronic
11 monitoring of offenders, in which a vendor supplies and
12 monitors the operation of the electronic monitoring device,
13 and collects the fees on behalf of the county. The program
14 shall include provisions for indigent offenders and the
15 collection of unpaid fees. The program shall not unduly burden
16 the offender and shall be subject to review by the Chief Judge.

17 The Chief Judge of the circuit court may suspend any
18 additional charges or fees for late payment, interest, or
19 damage to any device.

20 (h) Jurisdiction over an offender may be transferred from
21 the sentencing court to the court of another circuit with the
22 concurrence of both courts. Further transfers or retransfers
23 of jurisdiction are also authorized in the same manner. The
24 court to which jurisdiction has been transferred shall have
25 the same powers as the sentencing court. The probation
26 department within the circuit to which jurisdiction has been

1 transferred, or which has agreed to provide supervision, may
2 impose probation fees upon receiving the transferred offender,
3 as provided in subsection (i). For all transfer cases, as
4 defined in Section 9b of the Probation and Probation Officers
5 Act, the probation department from the original sentencing
6 court shall retain all probation fees collected prior to the
7 transfer. After the transfer, all probation fees shall be paid
8 to the probation department within the circuit to which
9 jurisdiction has been transferred.

10 (i) The court shall impose upon an offender sentenced to
11 probation after January 1, 1989 or to conditional discharge
12 after January 1, 1992 or to community service under the
13 supervision of a probation or court services department after
14 January 1, 2004, as a condition of such probation or
15 conditional discharge or supervised community service, a fee
16 of \$50 for each month of probation or conditional discharge
17 supervision or supervised community service ordered by the
18 court, unless after determining the inability of the person
19 sentenced to probation or conditional discharge or supervised
20 community service to pay the fee, the court assesses a lesser
21 fee. The court may not impose the fee on a minor who is placed
22 in the guardianship or custody of the Department of Children
23 and Family Services under the Juvenile Court Act of 1987 while
24 the minor is in placement. The fee shall be imposed only upon
25 an offender who is actively supervised by the probation and
26 court services department. The fee shall be collected by the

1 clerk of the circuit court. The clerk of the circuit court
2 shall pay all monies collected from this fee to the county
3 treasurer for deposit in the probation and court services fund
4 under Section 15.1 of the Probation and Probation Officers
5 Act.

6 A circuit court may not impose a probation fee under this
7 subsection (i) in excess of \$25 per month unless the circuit
8 court has adopted, by administrative order issued by the chief
9 judge, a standard probation fee guide determining an
10 offender's ability to pay. Of the amount collected as a
11 probation fee, up to \$5 of that fee collected per month may be
12 used to provide services to crime victims and their families.

13 The Court may only waive probation fees based on an
14 offender's ability to pay. The probation department may
15 re-evaluate an offender's ability to pay every 6 months, and,
16 with the approval of the Director of Court Services or the
17 Chief Probation Officer, adjust the monthly fee amount. An
18 offender may elect to pay probation fees due in a lump sum. Any
19 offender that has been assigned to the supervision of a
20 probation department, or has been transferred either under
21 subsection (h) of this Section or under any interstate
22 compact, shall be required to pay probation fees to the
23 department supervising the offender, based on the offender's
24 ability to pay.

25 Public Act 93-970 deletes the \$10 increase in the fee
26 under this subsection that was imposed by Public Act 93-616.

1 This deletion is intended to control over any other Act of the
2 93rd General Assembly that retains or incorporates that fee
3 increase.

4 (i-5) In addition to the fees imposed under subsection (i)
5 of this Section, in the case of an offender convicted of a
6 felony sex offense (as defined in the Sex Offender Management
7 Board Act) or an offense that the court or probation
8 department has determined to be sexually motivated (as defined
9 in the Sex Offender Management Board Act), the court or the
10 probation department shall assess additional fees to pay for
11 all costs of treatment, assessment, evaluation for risk and
12 treatment, and monitoring the offender, based on that
13 offender's ability to pay those costs either as they occur or
14 under a payment plan.

15 (j) All fines and costs imposed under this Section for any
16 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
17 Code, or a similar provision of a local ordinance, and any
18 violation of the Child Passenger Protection Act, or a similar
19 provision of a local ordinance, shall be collected and
20 disbursed by the circuit clerk as provided under the Criminal
21 and Traffic Assessment Act.

22 (k) Any offender who is sentenced to probation or
23 conditional discharge for a felony sex offense as defined in
24 the Sex Offender Management Board Act or any offense that the
25 court or probation department has determined to be sexually
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or
2 indirectly, with any persons specified by the court and shall
3 be available for all evaluations and treatment programs
4 required by the court or the probation department.

5 (1) The court may order an offender who is sentenced to
6 probation or conditional discharge for a violation of an order
7 of protection be placed under electronic surveillance as
8 provided in Section 5-8A-7 of this Code.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
10 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.
11 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

12 Section 750. The Open Parole Hearings Act is amended by
13 changing Section 5 as follows:

14 (730 ILCS 105/5) (from Ch. 38, par. 1655)

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

16 (a) "Applicant" means an inmate who is being considered
17 for parole by the Prisoner Review Board.

18 (a-1) "Aftercare releasee" means a person released from
19 the Department of Juvenile Justice on aftercare release
20 subject to aftercare revocation proceedings.

21 (b) "Board" means the Prisoner Review Board as established
22 in Section 3-3-1 of the Unified Code of Corrections.

23 (c) "Parolee" means a person subject to parole revocation
24 proceedings.

1 (d) "Parole hearing" means the formal hearing and
2 determination of an inmate being considered for release from
3 incarceration on parole.

4 (e) "Parole, aftercare release, or mandatory supervised
5 release revocation hearing" means the formal hearing and
6 determination of allegations that a parolee, aftercare
7 releasee, or mandatory supervised releasee has violated the
8 conditions of his or her release.

9 (f) "Victim" means a victim or witness of a violent crime
10 as defined in subsection (a) of Section 3 of the ~~Bill of Rights~~
11 of Crime for Victims and Witnesses ~~of Violent Crime~~ Act, or any
12 person legally related to the victim by blood, marriage,
13 adoption, or guardianship, or any friend of the victim, or any
14 concerned citizen.

15 (g) "Violent crime" means a crime defined in subsection
16 (c) of Section 3 of the ~~Bill of Rights~~ of Crime for Victims and
17 Witnesses ~~of Violent Crime~~ Act.

18 (Source: P.A. 98-558, eff. 1-1-14; 99-628, eff. 1-1-17;
19 revised 9-21-20.)

20 Section 755. The Private Detention Facility Moratorium Act
21 is amended by changing Sections 10 and 20 as follows:

22 (730 ILCS 141/10)

23 Sec. 10. Definition ~~Definitions~~. In this Act, ~~÷~~ "detention
24 ~~Detention~~ facility" means any building, facility, or structure

1 used to detain individuals, not including State work release
2 centers or juvenile or adult residential treatment facilities.
3 (Source: P.A. 101-20, eff. 6-21-19; revised 7-23-19.)

4 (730 ILCS 141/20)

5 Sec. 20. Exemptions. This Act does not prohibit the State,
6 a unit of local government, or any sheriff that owns, manages,
7 or operates a detention facility from contracting with a
8 private entity or person to provide ancillary services in that
9 facility, such as⁷ medical services, food service, educational
10 services, or facility repair and maintenance.

11 (Source: P.A. 101-20, eff. 6-21-19; revised 7-23-19.)

12 Section 760. The Illinois Crime Reduction Act of 2009 is
13 amended by changing Section 10 as follows:

14 (730 ILCS 190/10)

15 Sec. 10. Evidence-based programming.

16 (a) Purpose. Research and practice have identified new
17 strategies and policies that can result in a significant
18 reduction in recidivism rates and the successful local
19 reintegration of offenders. The purpose of this Section is to
20 ensure that State and local agencies direct their resources to
21 services and programming that have been demonstrated to be
22 effective in reducing recidivism and reintegrating offenders
23 into the locality.

1 (b) Evidence-based programming in local supervision.

2 (1) The Parole Division of the Department of
3 Corrections and the Prisoner Review Board shall adopt
4 policies, rules, and regulations that, within the first
5 year of the adoption, validation, and utilization of the
6 statewide, standardized risk assessment tool described in
7 this Act, result in at least 25% of supervised individuals
8 being supervised in accordance with evidence-based
9 practices; within 3 years of the adoption, validation, and
10 utilization of the statewide, standardized risk assessment
11 tool result in at least 50% of supervised individuals
12 being supervised in accordance with evidence-based
13 practices; and within 5 years of the adoption, validation,
14 and utilization of the statewide, standardized risk
15 assessment tool result in at least 75% of supervised
16 individuals being supervised in accordance with
17 evidence-based practices. The policies, rules, and
18 regulations shall:

19 (A) Provide for a standardized individual case
20 plan that follows the offender through the criminal
21 justice system (including in-prison if the supervised
22 individual is in prison) that is:

23 (i) Based on the assets of the individual as
24 well as his or her risks and needs identified
25 through the assessment tool as described in this
26 Act.

1 (ii) Comprised of treatment and supervision
2 services appropriate to achieve the purpose of
3 this Act.

4 (iii) Consistently updated, based on program
5 participation by the supervised individual and
6 other behavior modification exhibited by the
7 supervised individual.

8 (B) Concentrate resources and services on
9 high-risk offenders.

10 (C) Provide for the use of evidence-based
11 programming related to education, job training,
12 cognitive behavioral therapy, and other programming
13 designed to reduce criminal behavior.

14 (D) Establish a system of graduated responses.

15 (i) The system shall set forth a menu of
16 presumptive responses for the most common types of
17 supervision violations.

18 (ii) The system shall be guided by the model
19 list of intermediate sanctions created by the
20 Probation Services Division of the State of
21 Illinois pursuant to subsection (1) of Section 15
22 of the Probation and Probation Officers Act and
23 the system of intermediate sanctions created by
24 the Chief Judge of each circuit court pursuant to
25 Section 5-6-1 of the Unified Code of Corrections.

26 (iii) The system of responses shall take into

1 account factors such as the severity of the
2 current violation; the supervised individual's
3 risk level as determined by a validated assessment
4 tool described in this Act; the supervised
5 individual's assets; his or her previous criminal
6 record; and the number and severity of any
7 previous supervision violations.

8 (iv) The system shall also define positive
9 reinforcements that supervised individuals may
10 receive for compliance with conditions of
11 supervision.

12 (v) Response to violations should be swift and
13 certain and should be imposed as soon as
14 practicable but no longer than 3 working days of
15 detection of the violation behavior.

16 (2) Conditions of local supervision (probation and
17 mandatory supervised release). Conditions of local
18 supervision whether imposed by a sentencing judge or the
19 Prisoner Review Board shall be imposed in accordance with
20 the offender's risks, assets, and needs as identified
21 through the assessment tool described in this Act.

22 (3) The Department of Corrections and the Prisoner
23 Review Board shall annually publish an exemplar copy of
24 any evidence-based assessments, questionnaires, or other
25 instruments used to set conditions of release.

26 (c) Evidence-based in-prison programming.

1 (1) The Department of Corrections shall adopt
2 policies, rules, and regulations that, within the first
3 year of the adoption, validation, and utilization of the
4 statewide, standardized risk assessment tool described in
5 this Act, result in at least 25% of incarcerated
6 individuals receiving services and programming in
7 accordance with evidence-based practices; within 3 years
8 of the adoption, validation, and utilization of the
9 statewide, standardized risk assessment tool result in at
10 least 50% of incarcerated individuals receiving services
11 and programming in accordance with evidence-based
12 practices; and within 5 years of the adoption, validation,
13 and utilization of the statewide, standardized risk
14 assessment tool result in at least 75% of incarcerated
15 individuals receiving services and programming in
16 accordance with evidence-based practices. The policies,
17 rules, and regulations shall:

18 (A) Provide for the use and development of a case
19 plan based on the risks, assets, and needs identified
20 through the assessment tool as described in this Act.
21 The case plan should be used to determine in-prison
22 programming; should be continuously updated based on
23 program participation by the prisoner and other
24 behavior modification exhibited by the prisoner; and
25 should be used when creating the case plan described
26 in subsection (b).

1 (B) Provide for the use of evidence-based
2 programming related to education, job training,
3 cognitive behavioral therapy and other evidence-based
4 programming.

5 (C) Establish education programs based on a
6 teacher to student ratio of no more than 1:30.

7 (D) Expand the use of drug prisons, modeled after
8 the Sheridan Correctional Center, to provide
9 sufficient drug treatment and other support services
10 to non-violent inmates with a history of substance
11 abuse.

12 (2) Participation and completion of programming by
13 prisoners can impact earned time credit as determined
14 under Section 3-6-3 of the Unified Code of Corrections.

15 (3) The Department of Corrections shall provide its
16 employees with intensive and ongoing training and
17 professional development services to support the
18 implementation of evidence-based practices. The training
19 and professional development services shall include
20 assessment techniques, case planning, cognitive behavioral
21 training, risk reduction and intervention strategies,
22 effective communication skills, substance abuse treatment
23 education and other topics identified by the Department or
24 its employees.

25 (d) The Parole Division of the Department of Corrections
26 and the Prisoner Review Board shall provide their employees

1 with intensive and ongoing training and professional
2 development services to support the implementation of
3 evidence-based practices. The training and professional
4 development services shall include assessment techniques, case
5 planning, cognitive behavioral training, risk reduction and
6 intervention strategies, effective communication skills,
7 substance abuse treatment education, and other topics
8 identified by the agencies or their employees.

9 (e) The Department of Corrections, the Prisoner Review
10 Board, and other correctional entities referenced in the
11 policies, rules, and regulations of this Act shall design,
12 implement, and make public a system to evaluate the
13 effectiveness of evidence-based practices in increasing public
14 safety and in successful reintegration of those under
15 supervision into the locality. Annually, each agency shall
16 submit to the Sentencing Policy Advisory Council a
17 comprehensive report on the success of implementing
18 evidence-based practices. The data compiled and analyzed by
19 the Council shall be delivered annually to the Governor and
20 the General Assembly.

21 (f) The Department of Corrections and the Prisoner Review
22 Board shall release a report annually published on their
23 websites that reports the following information about the
24 usage of electronic monitoring and GPS monitoring as a
25 condition of parole and mandatory supervised release during
26 the prior calendar year:

1 (1) demographic data of individuals on electronic
2 monitoring and GPS monitoring, separated by the following
3 categories:

4 (A) race or ethnicity;

5 (B) gender; and

6 (C) age;

7 (2) incarceration data of individuals subject to
8 conditions of electronic or GPS monitoring, separated by
9 the following categories:

10 (A) highest class of offense for which the
11 individuals are ~~is~~ currently serving a term of
12 release; and

13 (B) length of imprisonment served prior to the
14 current release period;

15 (3) the number of individuals subject to conditions of
16 electronic or GPS monitoring, separated by the following
17 categories:

18 (A) the number of individuals subject to
19 monitoring under Section 5-8A-6 of the Unified Code of
20 Corrections;

21 (B) the number of individuals subject monitoring
22 under Section 5-8A-7 of the Unified Code of
23 Corrections;

24 (C) the number of individuals subject to
25 monitoring under a discretionary order of the Prisoner
26 Review Board at the time of their release; and

1 (D) the number of individuals subject to
2 monitoring as a sanction for violations of parole or
3 mandatory supervised release, separated by the
4 following categories:

5 (i) the number of individuals subject to
6 monitoring as part of a graduated sanctions
7 program; and

8 (ii) the number of individuals subject to
9 monitoring as a new condition of re-release after
10 a revocation hearing before the Prisoner Review
11 Board;

12 (4) the number of discretionary monitoring orders
13 issued by the Prisoner Review Board, separated by the
14 following categories:

15 (A) less than 30 days;

16 (B) 31 to 60 days;

17 (C) 61 to 90 days;

18 (D) 91 to 120 days;

19 (E) 121 to 150 days;

20 (F) 151 to 180 days;

21 (G) 181 to 364 days;

22 (H) 365 days or more; and

23 (I) duration of release term;

24 (5) the number of discretionary monitoring orders by
25 the Board which removed or terminated monitoring prior to
26 the completion of the original period ordered;

1 (6) the number and severity category for sanctions
2 imposed on individuals on electronic or GPS monitoring,
3 separated by the following categories:

4 (A) absconding from electronic monitoring or GPS;

5 (B) tampering or removing the electronic
6 monitoring or GPS device;

7 (C) unauthorized leaving of the residence;

8 (D) presence of the individual in a prohibited
9 area; or

10 (E) other violations of the terms of the
11 electronic monitoring program;

12 (7) the number of individuals for whom a parole
13 revocation case was filed for failure to comply with the
14 terms of electronic or GPS monitoring, separated by the
15 following categories:

16 (A) cases when failure to comply with the terms of
17 monitoring was the sole violation alleged; and

18 (B) cases when failure to comply with the terms of
19 monitoring was alleged in conjunction with other
20 alleged violations;

21 (8) residential data for individuals subject to
22 electronic or GPS monitoring, separated by the following
23 categories:

24 (A) the county of the residence address for
25 individuals subject to electronic or GPS monitoring as
26 a condition of their release; and

1 (B) for counties with a population over 3,000,000,
2 the zip codes of the residence address for individuals
3 subject to electronic or GPS monitoring as a condition
4 of their release;

5 (9) the number of individuals for whom parole
6 revocation cases were filed due to violations of paragraph
7 (1) of subsection (a) of Section 3-3-7 of the Unified Code
8 of Corrections, separated by the following categories:

9 (A) the number of individuals whose violation of
10 paragraph (1) of subsection (a) of Section 3-3-7 of
11 the Unified Code of Corrections allegedly occurred
12 while the individual was subject to conditions of
13 electronic or GPS monitoring;

14 (B) the number of individuals who had violations
15 of paragraph (1) of subsection (a) of Section 3-3-7 of
16 the Unified Code of Corrections alleged against them
17 who were never subject to electronic or GPS monitoring
18 during their current term of release; and

19 (C) the number of individuals who had violations
20 of paragraph (1) of subsection (a) of Section 3-3-7 of
21 the Unified Code of Corrections alleged against them
22 who were subject to electronic or GPS monitoring for
23 any period of time during their current term of their
24 release, but who were not subject to such monitoring
25 at the time of the alleged violation of paragraph (1)
26 of subsection (a) of Section 3-3-7 of the Unified Code

1 of Corrections.

2 (Source: P.A. 101-231, eff. 1-1-20; revised 9-12-19.)

3 Section 765. The Re-Entering Citizens Civics Education Act
4 is amended by changing Section 5 as follows:

5 (730 ILCS 200/5)

6 Sec. 5. Definitions. In this Act:

7 "Committed person" means a person committed to the
8 Department.

9 "Commitment" means a judicially determined placement in
10 the custody of the Department of Corrections or the Department
11 of Juvenile Justice on the basis of conviction or delinquency.

12 "Correctional institution or facility" means a Department
13 of Corrections or Department of Juvenile Justice building or
14 part of a Department of Corrections or Department of Juvenile
15 Justice building where committed persons are detained in a
16 secure manner.

17 "Department" includes the Department of Corrections and
18 the Department of Juvenile Justice, unless the text solely
19 specifies a particular Department.

20 "Detainee" means a committed person in the physical
21 custody of the Department of Corrections or the Department of
22 Juvenile Justice.

23 "Director" includes the Directors ~~Director~~ of the
24 Department of Corrections and the Department of Juvenile

1 Justice unless the text solely specifies a particular
2 Director.

3 "Discharge" means the end of a sentence or the final
4 termination of a detainee's physical commitment to and
5 confinement in the Department of Corrections or Department of
6 Juvenile Justice.

7 "Peer educator" means an incarcerated citizen who is
8 specifically trained in voting rights education, who shall
9 conduct voting and civics education workshops for detainees
10 scheduled for discharge within 12 months.

11 "Program" means the nonpartisan peer education and
12 information instruction established by this Act.

13 "Re-entering citizen" means any United States citizen who
14 is: 17 years of age or older; in the physical custody of the
15 Department of Corrections or Department of Juvenile Justice;
16 and scheduled to be re-entering society within 12 months.

17 (Source: P.A. 101-441, eff. 1-1-20; revised 8-19-20.)

18 Section 770. The Code of Civil Procedure is amended by
19 changing Sections 2-206, 2-1401, 5-105, 8-301, and 20-104 and
20 the heading of Article VIII Part 3 as follows:

21 (735 ILCS 5/2-206) (from Ch. 110, par. 2-206)

22 Sec. 2-206. Service by publication; affidavit; mailing;
23 certificate.

24 (a) Whenever, in any action affecting property or status

1 within the jurisdiction of the court, including an action to
2 obtain the specific performance, reformation, or rescission of
3 a contract for the conveyance of land, except for an action
4 brought under Part 15 of Article XV of this Code that is ~~are~~
5 subject to subsection (a-5), the plaintiff or his or her
6 attorney shall file, at the office of the clerk of the court in
7 which the action is pending, an affidavit showing that the
8 defendant resides or has gone out of this State, or on due
9 inquiry cannot be found, or is concealed within this State, so
10 that process cannot be served upon him or her, and stating the
11 place of residence of the defendant, if known, or that upon
12 diligent inquiry his or her place of residence cannot be
13 ascertained, the clerk shall cause publication to be made in
14 some newspaper published in the county in which the action is
15 pending. If there is no newspaper published in that county,
16 then the publication shall be in a newspaper published in an
17 adjoining county in this State, having a circulation in the
18 county in which action is pending. The publication shall
19 contain notice of the pendency of the action, the title of the
20 court, the title of the case, showing the names of the first
21 named plaintiff and the first named defendant, the number of
22 the case, the names of the parties to be served by publication,
23 and the date on or after which default may be entered against
24 such party. The clerk shall also, within 10 days of the first
25 publication of the notice, send a copy thereof by mail,
26 addressed to each defendant whose place of residence is stated

1 in such affidavit. The certificate of the clerk that he or she
2 has sent the copy in pursuance of this Section is evidence that
3 he or she has done so.

4 (a-5) If, in any action brought under Part 15 of Article XV
5 of this Code, the plaintiff, or his or her attorney, shall
6 file, at the office of the clerk of the court in which the
7 action is pending, an affidavit showing that the defendant
8 resides outside of or has left this State, or on due inquiry
9 cannot be found, or is concealed within this State so that
10 process cannot be served upon him or her, and stating the place
11 of residence of the defendant, if known, or that upon diligent
12 inquiry his or her place of residence cannot be ascertained,
13 the plaintiff, or his or her representative, shall cause
14 publication to be made in some newspaper published in the
15 county in which the action is pending. If there is no newspaper
16 published in that county, then the publication shall be in a
17 newspaper published in an adjoining county in this State,
18 having a circulation in the county in which action is pending.
19 The publication shall contain notice of the pendency of the
20 action, the title of the court, the title of the case, showing
21 the names of the first named plaintiff and the first named
22 defendant, the number of the case, the names of the parties to
23 be served by publication, and the date on or after which
24 default may be entered against such party. It shall be the
25 non-delegable duty of the clerk of the court, within 10 days of
26 the first publication of the notice, to send a copy thereof by

1 mail, addressed to each defendant whose place of residence is
2 stated in such affidavit. The certificate of the clerk of the
3 court that he or she has sent the copy in pursuance of this
4 Section is evidence that he or she has done so.

5 (b) In any action brought by a unit of local government to
6 cause the demolition, repair, or enclosure of a dangerous and
7 unsafe or uncompleted or abandoned building, notice by
8 publication under this Section may be commenced during the
9 time during which attempts are made to locate the defendant
10 for personal service. In that case, the unit of local
11 government shall file with the clerk an affidavit stating that
12 the action meets the requirements of this subsection and that
13 all required attempts are being made to locate the defendant.
14 Upon the filing of the affidavit, the clerk shall cause
15 publication to be made under this Section. Upon completing the
16 attempts to locate the defendant required by this Section, the
17 municipality shall file with the clerk an affidavit meeting
18 the requirements of subsection (a). Service under this
19 subsection shall not be deemed to have been made until the
20 affidavit is filed and service by publication in the manner
21 prescribed in subsection (a) is completed.

22 (Source: P.A. 101-539, eff. 1-1-20; revised 8-19-20.)

23 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

24 Sec. 2-1401. Relief from judgments.

25 (a) Relief from final orders and judgments, after 30 days

1 from the entry thereof, may be had upon petition as provided in
2 this Section. Writs of error coram nobis and coram vobis,
3 bills of review and bills in the nature of bills of review are
4 abolished. All relief heretofore obtainable and the grounds
5 for such relief heretofore available, whether by any of the
6 foregoing remedies or otherwise, shall be available in every
7 case, by proceedings hereunder, regardless of the nature of
8 the order or judgment from which relief is sought or of the
9 proceedings in which it was entered. Except as provided in the
10 Illinois Parentage Act of 2015, there shall be no distinction
11 between actions and other proceedings, statutory or otherwise,
12 as to availability of relief, grounds for relief or the relief
13 obtainable.

14 (b) The petition must be filed in the same proceeding in
15 which the order or judgment was entered but is not a
16 continuation thereof. The petition must be supported by
17 affidavit or other appropriate showing as to matters not of
18 record. A petition to reopen a foreclosure proceeding must
19 include as parties to the petition, but is not limited to, all
20 parties in the original action in addition to the current
21 record title holders of the property, current occupants, and
22 any individual or entity that had a recorded interest in the
23 property before the filing of the petition. All parties to the
24 petition shall be notified as provided by rule.

25 (b-5) A movant may present a meritorious claim under this
26 Section if the allegations in the petition establish each of

1 the following by a preponderance of the evidence:

2 (1) the movant was convicted of a forcible felony;

3 (2) the movant's participation in the offense was
4 related to him or her previously having been a victim of
5 domestic violence as perpetrated by an intimate partner;

6 (3) no evidence of domestic violence against the
7 movant was presented at the movant's sentencing hearing;

8 (4) the movant was unaware of the mitigating nature of
9 the evidence of the domestic violence at the time of
10 sentencing and could not have learned of its significance
11 sooner through diligence; and

12 (5) the new evidence of domestic violence against the
13 movant is material and noncumulative to other evidence
14 offered at the sentencing hearing, and is of such a
15 conclusive character that it would likely change the
16 sentence imposed by the original trial court.

17 Nothing in this subsection (b-5) shall prevent a movant
18 from applying for any other relief under this Section or any
19 other law otherwise available to him or her.

20 As used in this subsection (b-5):

21 "Domestic violence" means abuse as defined in Section
22 103 of the Illinois Domestic Violence Act of 1986.

23 "Forcible felony" has the meaning ascribed to the term
24 in Section 2-8 of the Criminal Code of 2012.

25 "Intimate partner" means a spouse or former spouse,
26 persons who have or allegedly have had a child in common,

1 or persons who have or have had a dating or engagement
2 relationship.

3 (b-10) A movant may present a meritorious claim under this
4 Section if the allegations in the petition establish each of
5 the following by a preponderance of the evidence:

6 (A) she was convicted of a forcible felony;

7 (B) her participation in the offense was a direct
8 result of her suffering from post-partum depression or
9 post-partum psychosis;

10 (C) no evidence of post-partum depression or
11 post-partum psychosis was presented by a qualified medical
12 person at trial or sentencing, or both;

13 (D) she was unaware of the mitigating nature of the
14 evidence or, if aware, was at the time unable to present
15 this defense due to suffering from post-partum depression
16 or post-partum psychosis, or, at the time of trial or
17 sentencing, neither was a recognized mental illness and as
18 such, she was unable to receive proper treatment; and

19 (E) evidence of post-partum depression or post-partum
20 psychosis as suffered by the person is material and
21 noncumulative to other evidence offered at the time of
22 trial or sentencing, and it is of such a conclusive
23 character that it would likely change the sentence imposed
24 by the original court.

25 Nothing in this subsection (b-10) prevents a person from
26 applying for any other relief under this Article or any other

1 law otherwise available to her.

2 As used in this subsection (b-10):

3 "Post-partum depression" means a mood disorder which
4 strikes many women during and after pregnancy and usually
5 occurs during pregnancy and up to 12 months after
6 delivery. This depression can include anxiety disorders.

7 "Post-partum psychosis" means an extreme form of
8 post-partum depression which can occur during pregnancy
9 and up to 12 months after delivery. This can include
10 losing touch with reality, distorted thinking, delusions,
11 auditory and visual hallucinations, paranoia,
12 hyperactivity and rapid speech, or mania.

13 (c) Except as provided in Section 20b of the Adoption Act
14 and Section 2-32 of the Juvenile Court Act of 1987 or in a
15 petition based upon Section 116-3 of the Code of Criminal
16 Procedure of 1963 or subsection (b-10) of this Section, or in a
17 motion to vacate and expunge convictions under the Cannabis
18 Control Act as provided by subsection (i) of Section 5.2 of the
19 Criminal Identification Act, the petition must be filed not
20 later than 2 years after the entry of the order or judgment.
21 Time during which the person seeking relief is under legal
22 disability or duress or the ground for relief is fraudulently
23 concealed shall be excluded in computing the period of 2
24 years.

25 (d) The filing of a petition under this Section does not
26 affect the order or judgment, or suspend its operation.

1 (e) Unless lack of jurisdiction affirmatively appears from
2 the record proper, the vacation or modification of an order or
3 judgment pursuant to the provisions of this Section does not
4 affect the right, title or interest in or to any real or
5 personal property of any person, not a party to the original
6 action, acquired for value after the entry of the order or
7 judgment but before the filing of the petition, nor affect any
8 right of any person not a party to the original action under
9 any certificate of sale issued before the filing of the
10 petition, pursuant to a sale based on the order or judgment.
11 When a petition is filed pursuant to this Section to reopen a
12 foreclosure proceeding, notwithstanding the provisions of
13 Section 15-1701 of this Code, the purchaser or successor
14 purchaser of real property subject to a foreclosure sale who
15 was not a party to the mortgage foreclosure proceedings is
16 entitled to remain in possession of the property until the
17 foreclosure action is defeated or the previously foreclosed
18 defendant redeems from the foreclosure sale if the purchaser
19 has been in possession of the property for more than 6 months.

20 (f) Nothing contained in this Section affects any existing
21 right to relief from a void order or judgment, or to employ any
22 existing method to procure that relief.

23 (Source: P.A. 100-1048, eff. 8-23-18; 101-27, eff. 6-25-19;
24 101-411, eff. 8-16-19; revised 9-17-19.)

25 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

1 Sec. 5-105. Waiver of court fees, costs, and charges.

2 (a) As used in this Section:

3 (1) "Fees, costs, and charges" means payments imposed
4 on a party in connection with the prosecution or defense
5 of a civil action, including, but not limited to: fees set
6 forth in Section 27.1b of the Clerks of Courts Act; fees
7 for service of process and other papers served either
8 within or outside this State, including service by
9 publication pursuant to Section 2-206 of this Code and
10 publication of necessary legal notices; motion fees;
11 charges for participation in, or attendance at, any
12 mandatory process or procedure including, but not limited
13 to, conciliation, mediation, arbitration, counseling,
14 evaluation, "Children First", "Focus on Children" or
15 similar programs; fees for supplementary proceedings;
16 charges for translation services; guardian ad litem fees;
17 and all other processes and procedures deemed by the court
18 to be necessary to commence, prosecute, defend, or enforce
19 relief in a civil action.

20 (2) "Indigent person" means any person who meets one
21 or more of the following criteria:

22 (i) He or she is receiving assistance under one or
23 more of the following means-based governmental public
24 benefits programs: Supplemental Security Income (SSI),
25 Aid to the Aged, Blind and Disabled (AABD), Temporary
26 Assistance for Needy Families (TANF), Supplemental

1 Nutrition Assistance Program (SNAP), General
2 Assistance, Transitional Assistance, or State Children
3 and Family Assistance.

4 (ii) His or her available personal income is 125%
5 or less of the current poverty level, unless the
6 applicant's assets that are not exempt under Part 9 or
7 10 of Article XII of this Code are of a nature and
8 value that the court determines that the applicant is
9 able to pay the fees, costs, and charges.

10 (iii) He or she is, in the discretion of the court,
11 unable to proceed in an action without payment of
12 fees, costs, and charges and whose payment of those
13 fees, costs, and charges would result in substantial
14 hardship to the person or his or her family.

15 (iv) He or she is an indigent person pursuant to
16 Section 5-105.5 of this Code.

17 (3) "Poverty level" means the current poverty level as
18 established by the United States Department of Health and
19 Human Services.

20 (b) On the application of any person, before or after the
21 commencement of an action:

22 (1) If the court finds that the applicant is an
23 indigent person, the court shall grant the applicant a
24 full fees, costs, and charges waiver entitling him or her
25 to sue or defend the action without payment of any of the
26 fees, costs, and charges.

1 (2) If the court finds that the applicant satisfies
2 any of the criteria contained in items (i), (ii), or (iii)
3 of this subdivision (b)(2), the court shall grant the
4 applicant a partial fees, costs, and charges waiver
5 entitling him or her to sue or defend the action upon
6 payment of the applicable percentage of the assessments,
7 costs, and charges of the action, as follows:

8 (i) the court shall waive 75% of all fees, costs,
9 and charges if the available income of the applicant
10 is greater than 125% but does not exceed 150% of the
11 poverty level, unless the assets of the applicant that
12 are not exempt under Part 9 or 10 of Article XII of
13 this Code are such that the applicant is able, without
14 undue hardship, to pay a greater portion of the fees,
15 costs, and charges;

16 (ii) the court shall waive 50% of all fees, costs,
17 and charges if the available income is greater than
18 150% but does not exceed 175% of the poverty level,
19 unless the assets of the applicant that are not exempt
20 under Part 9 or 10 of Article XII of this Code are such
21 that the applicant is able, without undue hardship, to
22 pay a greater portion of the fees, costs, and charges;
23 and

24 (iii) the court shall waive 25% of all fees,
25 costs, and charges if the available income of the
26 applicant is greater than 175% but does not exceed

1 200% of the current poverty level, unless the assets
2 of the applicant that are not exempt under Part 9 or 10
3 of Article XII of this Code are such that the applicant
4 is able, without undue hardship, to pay a greater
5 portion of the fees, costs, and charges.

6 (c) An application for waiver of court fees, costs, and
7 charges shall be in writing and signed by the applicant, or, if
8 the applicant is a minor or an incompetent adult, by another
9 person having knowledge of the facts. The contents of the
10 application for waiver of court fees, costs, and charges, and
11 the procedure for the decision of the applications, shall be
12 established by Supreme Court Rule. Factors to consider in
13 evaluating an application shall include:

14 (1) the applicant's receipt of needs based
15 governmental public benefits, including Supplemental
16 Security Income (SSI); Aid to the Aged, Blind and Disabled
17 (AABD ~~ADDD~~); Temporary Assistance for Needy Families
18 (TANF); Supplemental Nutrition Assistance Program (SNAP or
19 "food stamps"); General Assistance; Transitional
20 Assistance; or State Children and Family Assistance;

21 (2) the employment status of the applicant and amount
22 of monthly income, if any;

23 (3) income received from the applicant's pension,
24 Social Security benefits, unemployment benefits, and other
25 sources;

26 (4) income received by the applicant from other

1 household members;

2 (5) the applicant's monthly expenses, including rent,
3 home mortgage, other mortgage, utilities, food, medical,
4 vehicle, childcare, debts, child support, and other
5 expenses; and

6 (6) financial affidavits or other similar supporting
7 documentation provided by the applicant showing that
8 payment of the imposed fees, costs, and charges would
9 result in substantial hardship to the applicant or the
10 applicant's family.

11 (c-5) The court shall provide, through the office of the
12 clerk of the court, the application for waiver of court fees,
13 costs, and charges to any person seeking to sue or defend an
14 action who indicates an inability to pay the fees, costs, and
15 charges of the action. The clerk of the court shall post in a
16 conspicuous place in the courthouse a notice no smaller than
17 8.5 x 11 inches, using no smaller than 30-point typeface
18 printed in English and in Spanish, advising the public that
19 they may ask the court for permission to sue or defend a civil
20 action without payment of fees, costs, and charges. The notice
21 shall be substantially as follows:

22 "If you are unable to pay the fees, costs, and charges
23 of an action you may ask the court to allow you to proceed
24 without paying them. Ask the clerk of the court for
25 forms."

26 (d) (Blank).

1 (e) The clerk of the court shall not refuse to accept and
2 file any complaint, appearance, or other paper presented by
3 the applicant if accompanied by an application for waiver of
4 court fees, costs, and charges, and those papers shall be
5 considered filed on the date the application is presented. If
6 the application is denied or a partial fees, costs, and
7 charges waiver is granted, the order shall state a date
8 certain by which the necessary fees, costs, and charges must
9 be paid. For good cause shown, the court may allow an applicant
10 who receives a partial fees, costs, and charges waiver to
11 defer payment of fees, costs, and charges, make installment
12 payments, or make payment upon reasonable terms and conditions
13 stated in the order. The court may dismiss the claims or strike
14 the defenses of any party failing to pay the fees, costs, and
15 charges within the time and in the manner ordered by the court.
16 A judicial ruling on an application for waiver of court
17 assessments does not constitute a decision of a substantial
18 issue in the case under Section 2-1001 of this Code.

19 (f) The order granting a full or partial fees, costs, and
20 charges waiver shall expire after one year. Upon expiration of
21 the waiver, or a reasonable period of time before expiration,
22 the party whose fees, costs, and charges were waived may file
23 another application for waiver and the court shall consider
24 the application in accordance with the applicable Supreme
25 Court Rule.

26 (f-5) If, before or at the time of final disposition of the

1 case, the court obtains information, including information
2 from the court file, suggesting that a person whose fees,
3 costs, and charges were initially waived was not entitled to a
4 full or partial waiver at the time of application, the court
5 may require the person to appear at a court hearing by giving
6 the applicant no less than 10 days' written notice of the
7 hearing and the specific reasons why the initial waiver might
8 be reconsidered. The court may require the applicant to
9 provide reasonably available evidence, including financial
10 information, to support his or her eligibility for the waiver,
11 but the court shall not require submission of information that
12 is unrelated to the criteria for eligibility and application
13 requirements set forth in subdivision (b)(1) or (b)(2) of this
14 Section. If the court finds that the person was not initially
15 entitled to any waiver, the person shall pay all fees, costs,
16 and charges relating to the civil action, including any
17 previously waived fees, costs, and charges. The order may
18 state terms of payment in accordance with subsection (e). The
19 court shall not conduct a hearing under this subsection more
20 often than once every 6 months.

21 (f-10) If, before or at the time of final disposition of
22 the case, the court obtains information, including information
23 from the court file, suggesting that a person who received a
24 full or partial waiver has experienced a change in financial
25 condition so that he or she is no longer eligible for that
26 waiver, the court may require the person to appear at a court

1 hearing by giving the applicant no less than 10 days' written
2 notice of the hearing and the specific reasons why the waiver
3 might be reconsidered. The court may require the person to
4 provide reasonably available evidence, including financial
5 information, to support his or her continued eligibility for
6 the waiver, but shall not require submission of information
7 that is unrelated to the criteria for eligibility and
8 application requirements set forth in subdivisions (b)(1) and
9 (b)(2) of this Section. If the court enters an order finding
10 that the person is no longer entitled to a waiver, or is
11 entitled to a partial waiver different than that which the
12 person had previously received, the person shall pay the
13 requisite fees, costs, and charges from the date of the order
14 going forward. The order may state terms of payment in
15 accordance with subsection (e) of this Section. The court
16 shall not conduct a hearing under this subsection more often
17 than once every 6 months.

18 (g) A court, in its discretion, may appoint counsel to
19 represent an indigent person, and that counsel shall perform
20 his or her duties without fees, charges, or reward.

21 (h) Nothing in this Section shall be construed to affect
22 the right of a party to sue or defend an action in forma
23 pauperis without the payment of fees, costs, charges, or the
24 right of a party to court-appointed counsel, as authorized by
25 any other provision of law or by the rules of the Illinois
26 Supreme Court. Nothing in this Section shall be construed to

1 limit the authority of a court to order another party to the
2 action to pay the fees, costs, and charges of the action.

3 (h-5) If a party is represented by a civil legal services
4 provider or an attorney in a court-sponsored pro bono program
5 as defined in Section 5-105.5 of this Code, the attorney
6 representing that party shall file a certification with the
7 court in accordance with Supreme Court Rule 298 and that party
8 shall be allowed to sue or defend without payment of fees,
9 costs, and charges without filing an application under this
10 Section.

11 (h-10) (Blank).

12 (i) The provisions of this Section are severable under
13 Section 1.31 of the Statute on Statutes.

14 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
15 101-36, eff. 6-28-19; revised 8-6-19.)

16 (735 ILCS 5/Art. VIII Pt. 3 heading)

17 Part 3. Surviving Partner or Joint Contractor ~~Joint Contractor~~

18 (735 ILCS 5/8-301) (from Ch. 110, par. 8-301)

19 Sec. 8-301. Surviving partner or joint contractor
20 ~~joint contractor~~. In any action or proceeding by or against
21 any surviving partner or partners, or joint contractor or
22 joint contractors, no adverse party or person adversely
23 interested in the event thereof, shall, by virtue of Section
24 8-101 of this Act, be rendered a competent witness to testify

1 to any admission or conversation by any deceased partner or
2 joint contractor, unless some one or more of the surviving
3 partners or joint contractors were also present at the time of
4 such admission or conversation; and in every action or
5 proceeding a party to the same who has contracted with an agent
6 of the adverse party - the agent having since died - shall not
7 be a competent witness as to any admission or conversation
8 between himself or herself and such agent, unless such
9 admission or conversation with the deceased agent was had or
10 made in the presence of a surviving agent or agents of such
11 adverse party, and then only except where the conditions are
12 such that under the provisions of Sections 8-201 and 8-401 of
13 this Act he or she would have been permitted to testify if the
14 deceased person had been a principal and not an agent.

15 (Source: P.A. 82-280; revised 7-16-19.)

16 (735 ILCS 5/20-104) (from Ch. 110, par. 20-104)

17 Sec. 20-104. (a) Before any action is instituted pursuant
18 to this Act, the State or local governmental unit shall make a
19 good faith attempt to collect amounts owed to it by using
20 informal procedures and methods. Civil recoveries provided for
21 in this Article shall be recoverable only: (1) in actions on
22 behalf of the State, by the Attorney General; (2) in actions on
23 behalf of a municipality with a population over 500,000, by
24 the corporation counsel of such municipality; and (3) in
25 actions on behalf of any other local governmental unit, by

1 counsel designated by the local government unit or, if so
2 requested by the local governmental unit and the state's
3 attorney so agrees, by the state's attorney. However, nothing
4 in clause (3) of this subsection (a) shall affect agreements
5 made pursuant to the State's Attorneys ~~Attorney~~ Appellate
6 Prosecutor's Act, ~~as amended~~. If the state's attorney of a
7 county brings an action on behalf of another unit of local
8 government pursuant to this Section, the county shall be
9 reimbursed by the unit of local government in an amount
10 mutually agreed upon before the action is initiated.

11 (b) Notwithstanding any other provision in this Section,
12 any private citizen residing within the boundaries of the
13 governmental unit affected may bring an action to recover the
14 damages authorized in this Article on behalf of such
15 governmental unit if: (a) the citizen has sent a letter by
16 certified mail, return receipt requested, to the appropriate
17 government official stating his intention to file suit for
18 recovery under this Article and (b) the appropriate
19 governmental official has not, within 60 days of the date of
20 delivery on the citizen's return receipt, either instituted an
21 action for recovery or sent notice to the citizen by certified
22 mail, return receipt requested, that the official has arranged
23 for a settlement with the party alleged to have illegally
24 obtained the compensation or that the official intends to
25 commence suit within 60 days of the date of the notice. A
26 denial by the official of the liability of the party alleged

1 liable by the citizen, failure to have actually arranged for a
2 settlement as stated, or failure to commence a suit within the
3 designated period after having stated the intention in the
4 notice to do so shall also permit the citizen to commence the
5 action.

6 For purposes of this subsection (b), "appropriate
7 government official" shall mean: (1) the Attorney General,
8 where the government unit alleged damaged is the State; (2)
9 the corporation counsel where the government unit alleged
10 damaged is a municipality with a population of over 500,000;
11 and (3) the chief executive officer of any other local
12 government unit where that unit is alleged damaged.

13 Any private citizen commencing an action in compliance
14 with this subsection which is reasonable and commenced in good
15 faith shall be entitled to recover court costs and litigation
16 expenses, including reasonable attorney's fees, from any
17 defendant found liable under this Article.

18 (Source: P.A. 84-1462; revised 7-16-19.)

19 Section 775. The Parental Right of Recovery Act is amended
20 by changing Section 2 as follows:

21 (740 ILCS 120/2) (from Ch. 70, par. 602)

22 Sec. 2. For the purpose of this Act, unless the context
23 clearly requires otherwise:

24 (1) "Illegal drug" means (i) any substance as defined and

1 included in the Schedules of Article II of the Illinois
2 Controlled Substances Act, (ii) any cannabis as defined in
3 Section 3 of the Cannabis Control Act, or (iii) any drug as
4 defined in paragraph (b) of Section 3 of the Pharmacy Practice
5 Act which is obtained without a prescription or otherwise in
6 violation of the law.

7 (2) "Minor" means a person who has not attained age 18.

8 (3) "Legal guardian" means a person appointed guardian, or
9 given custody, of a minor by a circuit court of this State, but
10 does not include a person appointed guardian, or given
11 custody, of a minor under the Juvenile Court Act or the
12 Juvenile Court Act of 1987.

13 (4) "Parent" means any natural or adoptive parent of a
14 minor.

15 (5) "Person" means any natural person, corporation,
16 association, partnership, or other organization.

17 (6) "Prescription" means any order for drugs, written or
18 verbal, by a physician, dentist, veterinarian, or other person
19 authorized to prescribe drugs within the limits of his or her
20 license, containing the following: (1) name ~~Name~~ of the
21 patient; (2) date when prescription was given; (3) name and
22 strength of drug prescribed; (4) quantity, directions for use,
23 prescriber's name, address and signature, and the United
24 States Drug Enforcement Administration ~~Agency~~ number where
25 required, for controlled substances.

26 (7) "Sale or transfer" means the actual or constructive

1 transfer of possession of an illegal drug, with or without
2 consideration, whether directly or through an agent.

3 (Source: P.A. 95-689, eff. 10-29-07; revised 8-19-20.)

4 Section 780. The Federal Law Enforcement Officer Immunity
5 Act is amended by changing Section 5 as follows:

6 (745 ILCS 22/5)

7 Sec. 5. Definition. As used in this Act, "federal law
8 enforcement officer" means any officer, agent, or employee of
9 the federal government commissioned by federal statute to make
10 arrests for violations of federal criminal laws, including but
11 not limited to, all criminal investigators of:

12 (a) The United States Department of Justice, the
13 Federal Bureau of Investigation, the Drug Enforcement
14 Administration, ~~Agency~~ and all United States Marshals or
15 Deputy United States Marshals whose duties involve the
16 enforcement of federal criminal laws;

17 (a-5) The United States Department of Homeland
18 Security, United States Citizenship and Immigration
19 Services, United States Coast Guard, United States Customs
20 and Border Protection, and United States Immigration and
21 Customs Enforcement;

22 (b) The United States Department of the Treasury, the
23 Alcohol and Tobacco Tax and Trade Bureau, and the United
24 States Secret Service;

- 1 (c) The United States Internal Revenue Service;
2 (d) The United States General Services Administration;
3 (e) The United States Postal Service;
4 (f) (Blank); and
5 (g) The United States Department of Defense.
6 (Source: P.A. 99-651, eff. 1-1-17; revised 8-19-20.)

7 Section 785. The Good Samaritan Food Donor Act is amended
8 by changing Section 2.02 as follows:

9 (745 ILCS 50/2.02) (from Ch. 56 1/2, par. 2002.02)

10 Sec. 2.02. "Charitable organization" is defined as set
11 forth in Section 1 of the Solicitation for Charity Act ~~"An Act~~
12 ~~to regulate solicitation and collection of funds for~~
13 ~~charitable purposes, providing for violations thereof, and~~
14 ~~making an appropriation therefor", approved July 26, 1963, as~~
15 ~~amended.~~

16 (Source: P.A. 82-580; revised 9-4-20.)

17 Section 790. The Adoption Act is amended by changing
18 Section 1 as follows:

19 (750 ILCS 50/1) (from Ch. 40, par. 1501)

20 Sec. 1. Definitions. When used in this Act, unless the
21 context otherwise requires:

22 A. "Child" means a person under legal age subject to

1 adoption under this Act.

2 B. "Related child" means a child subject to adoption where
3 either or both of the adopting parents stands in any of the
4 following relationships to the child by blood, marriage,
5 adoption, or civil union: parent, grand-parent,
6 great-grandparent, brother, sister, step-parent,
7 step-grandparent, step-brother, step-sister, uncle, aunt,
8 great-uncle, great-aunt, first cousin, or second cousin. A
9 person is related to the child as a first cousin or second
10 cousin if they are both related to the same ancestor as either
11 grandchild or great-grandchild. A child whose parent has
12 executed a consent to adoption, a surrender, or a waiver
13 pursuant to Section 10 of this Act or whose parent has signed a
14 denial of paternity pursuant to Section 12 of the Vital
15 Records Act or Section 12a of this Act, or whose parent has had
16 his or her parental rights terminated, is not a related child
17 to that person, unless (1) the consent is determined to be void
18 or is void pursuant to subsection O of Section 10 of this Act;
19 or (2) the parent of the child executed a consent to adoption
20 by a specified person or persons pursuant to subsection A-1 of
21 Section 10 of this Act and a court of competent jurisdiction
22 finds that such consent is void; or (3) the order terminating
23 the parental rights of the parent is vacated by a court of
24 competent jurisdiction.

25 C. "Agency" for the purpose of this Act means a public
26 child welfare agency or a licensed child welfare agency.

1 D. "Unfit person" means any person whom the court shall
2 find to be unfit to have a child, without regard to the
3 likelihood that the child will be placed for adoption. The
4 grounds of unfitness are any one or more of the following,
5 except that a person shall not be considered an unfit person
6 for the sole reason that the person has relinquished a child in
7 accordance with the Abandoned Newborn Infant Protection Act:

8 (a) Abandonment of the child.

9 (a-1) Abandonment of a newborn infant in a hospital.

10 (a-2) Abandonment of a newborn infant in any setting
11 where the evidence suggests that the parent intended to
12 relinquish his or her parental rights.

13 (b) Failure to maintain a reasonable degree of
14 interest, concern or responsibility as to the child's
15 welfare.

16 (c) Desertion of the child for more than 3 months next
17 preceding the commencement of the Adoption proceeding.

18 (d) Substantial neglect of the child if continuous or
19 repeated.

20 (d-1) Substantial neglect, if continuous or repeated,
21 of any child residing in the household which resulted in
22 the death of that child.

23 (e) Extreme or repeated cruelty to the child.

24 (f) There is a rebuttable presumption, which can be
25 overcome only by clear and convincing evidence, that a
26 parent is unfit if:

1 (1) Two or more findings of physical abuse have
2 been entered regarding any children under Section 2-21
3 of the Juvenile Court Act of 1987, the most recent of
4 which was determined by the juvenile court hearing the
5 matter to be supported by clear and convincing
6 evidence; or

7 (2) The parent has been convicted or found not
8 guilty by reason of insanity and the conviction or
9 finding resulted from the death of any child by
10 physical abuse; or

11 (3) There is a finding of physical child abuse
12 resulting from the death of any child under Section
13 2-21 of the Juvenile Court Act of 1987.

14 No conviction or finding of delinquency pursuant to
15 Article V of the Juvenile Court Act of 1987 shall be
16 considered a criminal conviction for the purpose of
17 applying any presumption under this item (f).

18 (g) Failure to protect the child from conditions
19 within his environment injurious to the child's welfare.

20 (h) Other neglect of, or misconduct toward the child;
21 provided that in making a finding of unfitness the court
22 hearing the adoption proceeding shall not be bound by any
23 previous finding, order or judgment affecting or
24 determining the rights of the parents toward the child
25 sought to be adopted in any other proceeding except such
26 proceedings terminating parental rights as shall be had

1 under either this Act, the Juvenile Court Act or the
2 Juvenile Court Act of 1987.

3 (i) Depravity. Conviction of any one of the following
4 crimes shall create a presumption that a parent is
5 depraved which can be overcome only by clear and
6 convincing evidence: (1) first degree murder in violation
7 of paragraph (1) ~~±~~ or (2) ~~±~~ of subsection (a) of Section
8 9-1 of the Criminal Code of 1961 or the Criminal Code of
9 2012 or conviction of second degree murder in violation of
10 subsection (a) of Section 9-2 of the Criminal Code of 1961
11 or the Criminal Code of 2012 of a parent of the child to be
12 adopted; (2) first degree murder or second degree murder
13 of any child in violation of the Criminal Code of 1961 or
14 the Criminal Code of 2012; (3) attempt or conspiracy to
15 commit first degree murder or second degree murder of any
16 child in violation of the Criminal Code of 1961 or the
17 Criminal Code of 2012; (4) solicitation to commit murder
18 of any child, solicitation to commit murder of any child
19 for hire, or solicitation to commit second degree murder
20 of any child in violation of the Criminal Code of 1961 or
21 the Criminal Code of 2012; (5) predatory criminal sexual
22 assault of a child in violation of Section 11-1.40 or
23 12-14.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012; (6) heinous battery of any child in violation of
25 the Criminal Code of 1961; (7) aggravated battery of any
26 child in violation of the Criminal Code of 1961 or the

1 Criminal Code of 2012; (8) any violation of Section
2 11-1.20 or Section 12-13 of the Criminal Code of 1961 or
3 the Criminal Code of 2012; (9) any violation of subsection
4 (a) of Section 11-1.50 or Section 12-16 of the Criminal
5 Code of 1961 or the Criminal Code of 2012; (10) any
6 violation of Section 11-9.1 of the Criminal Code of 1961
7 or the Criminal Code of 2012; (11) any violation of
8 Section 11-9.1A of the Criminal Code of 1961 or the
9 Criminal Code of 2012; or (12) an offense in any other
10 state the elements of which are similar and bear a
11 substantial relationship to any of the enumerated offenses
12 in this subsection (i).

13 There is a rebuttable presumption that a parent is
14 deprived if the parent has been criminally convicted of at
15 least 3 felonies under the laws of this State or any other
16 state, or under federal law, or the criminal laws of any
17 United States territory; and at least one of these
18 convictions took place within 5 years of the filing of the
19 petition or motion seeking termination of parental rights.

20 There is a rebuttable presumption that a parent is
21 deprived if that parent has been criminally convicted of
22 either first or second degree murder of any person as
23 defined in the Criminal Code of 1961 or the Criminal Code
24 of 2012 within 10 years of the filing date of the petition
25 or motion to terminate parental rights.

26 No conviction or finding of delinquency pursuant to

1 Article 5 of the Juvenile Court Act of 1987 shall be
2 considered a criminal conviction for the purpose of
3 applying any presumption under this item (i).

4 (j) Open and notorious adultery or fornication.

5 (j-1) (Blank).

6 (k) Habitual drunkenness or addiction to drugs, other
7 than those prescribed by a physician, for at least one
8 year immediately prior to the commencement of the
9 unfitness proceeding.

10 There is a rebuttable presumption that a parent is
11 unfit under this subsection with respect to any child to
12 which that parent gives birth where there is a confirmed
13 test result that at birth the child's blood, urine, or
14 meconium contained any amount of a controlled substance as
15 defined in subsection (f) of Section 102 of the Illinois
16 Controlled Substances Act or metabolites of such
17 substances, the presence of which in the newborn infant
18 was not the result of medical treatment administered to
19 the mother or the newborn infant; and the biological
20 mother of this child is the biological mother of at least
21 one other child who was adjudicated a neglected minor
22 under subsection (c) of Section 2-3 of the Juvenile Court
23 Act of 1987.

24 (l) Failure to demonstrate a reasonable degree of
25 interest, concern or responsibility as to the welfare of a
26 new born child during the first 30 days after its birth.

1 (m) Failure by a parent (i) to make reasonable efforts
2 to correct the conditions that were the basis for the
3 removal of the child from the parent during any 9-month
4 period following the adjudication of neglected or abused
5 minor under Section 2-3 of the Juvenile Court Act of 1987
6 or dependent minor under Section 2-4 of that Act, or (ii)
7 to make reasonable progress toward the return of the child
8 to the parent during any 9-month period following the
9 adjudication of neglected or abused minor under Section
10 2-3 of the Juvenile Court Act of 1987 or dependent minor
11 under Section 2-4 of that Act. If a service plan has been
12 established as required under Section 8.2 of the Abused
13 and Neglected Child Reporting Act to correct the
14 conditions that were the basis for the removal of the
15 child from the parent and if those services were
16 available, then, for purposes of this Act, "failure to
17 make reasonable progress toward the return of the child to
18 the parent" includes the parent's failure to substantially
19 fulfill his or her obligations under the service plan and
20 correct the conditions that brought the child into care
21 during any 9-month period following the adjudication under
22 Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
23 Notwithstanding any other provision, when a petition or
24 motion seeks to terminate parental rights on the basis of
25 item (ii) of this subsection (m), the petitioner shall
26 file with the court and serve on the parties a pleading

1 that specifies the 9-month period or periods relied on.
2 The pleading shall be filed and served on the parties no
3 later than 3 weeks before the date set by the court for
4 closure of discovery, and the allegations in the pleading
5 shall be treated as incorporated into the petition or
6 motion. Failure of a respondent to file a written denial
7 of the allegations in the pleading shall not be treated as
8 an admission that the allegations are true.

9 (m-1) (Blank).

10 (n) Evidence of intent to forgo his or her parental
11 rights, whether or not the child is a ward of the court,
12 (1) as manifested by his or her failure for a period of 12
13 months: (i) to visit the child, (ii) to communicate with
14 the child or agency, although able to do so and not
15 prevented from doing so by an agency or by court order, or
16 (iii) to maintain contact with or plan for the future of
17 the child, although physically able to do so, or (2) as
18 manifested by the father's failure, where he and the
19 mother of the child were unmarried to each other at the
20 time of the child's birth, (i) to commence legal
21 proceedings to establish his paternity under the Illinois
22 Parentage Act of 1984, the Illinois Parentage Act of 2015,
23 or the law of the jurisdiction of the child's birth within
24 30 days of being informed, pursuant to Section 12a of this
25 Act, that he is the father or the likely father of the
26 child or, after being so informed where the child is not

1 yet born, within 30 days of the child's birth, or (ii) to
2 make a good faith effort to pay a reasonable amount of the
3 expenses related to the birth of the child and to provide a
4 reasonable amount for the financial support of the child,
5 the court to consider in its determination all relevant
6 circumstances, including the financial condition of both
7 parents; provided that the ground for termination provided
8 in this subparagraph (n)(2)(ii) shall only be available
9 where the petition is brought by the mother or the husband
10 of the mother.

11 Contact or communication by a parent with his or her
12 child that does not demonstrate affection and concern does
13 not constitute reasonable contact and planning under
14 subdivision (n). In the absence of evidence to the
15 contrary, the ability to visit, communicate, maintain
16 contact, pay expenses and plan for the future shall be
17 presumed. The subjective intent of the parent, whether
18 expressed or otherwise, unsupported by evidence of the
19 foregoing parental acts manifesting that intent, shall not
20 preclude a determination that the parent has intended to
21 forgo his or her parental rights. In making this
22 determination, the court may consider but shall not
23 require a showing of diligent efforts by an authorized
24 agency to encourage the parent to perform the acts
25 specified in subdivision (n).

26 It shall be an affirmative defense to any allegation

1 under paragraph (2) of this subsection that the father's
2 failure was due to circumstances beyond his control or to
3 impediments created by the mother or any other person
4 having legal custody. Proof of that fact need only be by a
5 preponderance of the evidence.

6 (o) Repeated or continuous failure by the parents,
7 although physically and financially able, to provide the
8 child with adequate food, clothing, or shelter.

9 (p) Inability to discharge parental responsibilities
10 supported by competent evidence from a psychiatrist,
11 licensed clinical social worker, or clinical psychologist
12 of mental impairment, mental illness or an intellectual
13 disability as defined in Section 1-116 of the Mental
14 Health and Developmental Disabilities Code, or
15 developmental disability as defined in Section 1-106 of
16 that Code, and there is sufficient justification to
17 believe that the inability to discharge parental
18 responsibilities shall extend beyond a reasonable time
19 period. However, this subdivision (p) shall not be
20 construed so as to permit a licensed clinical social
21 worker to conduct any medical diagnosis to determine
22 mental illness or mental impairment.

23 (q) (Blank).

24 (r) The child is in the temporary custody or
25 guardianship of the Department of Children and Family
26 Services, the parent is incarcerated as a result of

1 criminal conviction at the time the petition or motion for
2 termination of parental rights is filed, prior to
3 incarceration the parent had little or no contact with the
4 child or provided little or no support for the child, and
5 the parent's incarceration will prevent the parent from
6 discharging his or her parental responsibilities for the
7 child for a period in excess of 2 years after the filing of
8 the petition or motion for termination of parental rights.

9 (s) The child is in the temporary custody or
10 guardianship of the Department of Children and Family
11 Services, the parent is incarcerated at the time the
12 petition or motion for termination of parental rights is
13 filed, the parent has been repeatedly incarcerated as a
14 result of criminal convictions, and the parent's repeated
15 incarceration has prevented the parent from discharging
16 his or her parental responsibilities for the child.

17 (t) A finding that at birth the child's blood, urine,
18 or meconium contained any amount of a controlled substance
19 as defined in subsection (f) of Section 102 of the
20 Illinois Controlled Substances Act, or a metabolite of a
21 controlled substance, with the exception of controlled
22 substances or metabolites of such substances, the presence
23 of which in the newborn infant was the result of medical
24 treatment administered to the mother or the newborn
25 infant, and that the biological mother of this child is
26 the biological mother of at least one other child who was

1 adjudicated a neglected minor under subsection (c) of
2 Section 2-3 of the Juvenile Court Act of 1987, after which
3 the biological mother had the opportunity to enroll in and
4 participate in a clinically appropriate substance abuse
5 counseling, treatment, and rehabilitation program.

6 E. "Parent" means a person who is the legal mother or legal
7 father of the child as defined in subsection X or Y of this
8 Section. For the purpose of this Act, a parent who has executed
9 a consent to adoption, a surrender, or a waiver pursuant to
10 Section 10 of this Act, who has signed a Denial of Paternity
11 pursuant to Section 12 of the Vital Records Act or Section 12a
12 of this Act, or whose parental rights have been terminated by a
13 court, is not a parent of the child who was the subject of the
14 consent, surrender, waiver, or denial unless (1) the consent
15 is void pursuant to subsection O of Section 10 of this Act; or
16 (2) the person executed a consent to adoption by a specified
17 person or persons pursuant to subsection A-1 of Section 10 of
18 this Act and a court of competent jurisdiction finds that the
19 consent is void; or (3) the order terminating the parental
20 rights of the person is vacated by a court of competent
21 jurisdiction.

22 F. A person is available for adoption when the person is:

23 (a) a child who has been surrendered for adoption to
24 an agency and to whose adoption the agency has thereafter
25 consented;

26 (b) a child to whose adoption a person authorized by

1 law, other than his parents, has consented, or to whose
2 adoption no consent is required pursuant to Section 8 of
3 this Act;

4 (c) a child who is in the custody of persons who intend
5 to adopt him through placement made by his parents;

6 (c-1) a child for whom a parent has signed a specific
7 consent pursuant to subsection O of Section 10;

8 (d) an adult who meets the conditions set forth in
9 Section 3 of this Act; or

10 (e) a child who has been relinquished as defined in
11 Section 10 of the Abandoned Newborn Infant Protection Act.

12 A person who would otherwise be available for adoption
13 shall not be deemed unavailable for adoption solely by reason
14 of his or her death.

15 G. The singular includes the plural and the plural
16 includes the singular and the "male" includes the "female", as
17 the context of this Act may require.

18 H. (Blank).

19 I. "Habitual residence" has the meaning ascribed to it in
20 the federal Intercountry Adoption Act of 2000 and regulations
21 promulgated thereunder.

22 J. "Immediate relatives" means the biological parents, the
23 parents of the biological parents and siblings of the
24 biological parents.

25 K. "Intercountry adoption" is a process by which a child
26 from a country other than the United States is adopted by

1 persons who are habitual residents of the United States, or
2 the child is a habitual resident of the United States who is
3 adopted by persons who are habitual residents of a country
4 other than the United States.

5 L. (Blank).

6 M. "Interstate Compact on the Placement of Children" is a
7 law enacted by all states and certain territories for the
8 purpose of establishing uniform procedures for handling the
9 interstate placement of children in foster homes, adoptive
10 homes, or other child care facilities.

11 N. (Blank).

12 O. "Preadoption requirements" means any conditions or
13 standards established by the laws or administrative rules of
14 this State that must be met by a prospective adoptive parent
15 prior to the placement of a child in an adoptive home.

16 P. "Abused child" means a child whose parent or immediate
17 family member, or any person responsible for the child's
18 welfare, or any individual residing in the same home as the
19 child, or a paramour of the child's parent:

20 (a) inflicts, causes to be inflicted, or allows to be
21 inflicted upon the child physical injury, by other than
22 accidental means, that causes death, disfigurement,
23 impairment of physical or emotional health, or loss or
24 impairment of any bodily function;

25 (b) creates a substantial risk of physical injury to
26 the child by other than accidental means which would be

1 likely to cause death, disfigurement, impairment of
2 physical or emotional health, or loss or impairment of any
3 bodily function;

4 (c) commits or allows to be committed any sex offense
5 against the child, as sex offenses are defined in the
6 Criminal Code of 2012 and extending those definitions of
7 sex offenses to include children under 18 years of age;

8 (d) commits or allows to be committed an act or acts of
9 torture upon the child; or

10 (e) inflicts excessive corporal punishment.

11 Q. "Neglected child" means any child whose parent or other
12 person responsible for the child's welfare withholds or denies
13 nourishment or medically indicated treatment including food or
14 care denied solely on the basis of the present or anticipated
15 mental or physical impairment as determined by a physician
16 acting alone or in consultation with other physicians or
17 otherwise does not provide the proper or necessary support,
18 education as required by law, or medical or other remedial
19 care recognized under State law as necessary for a child's
20 well-being, or other care necessary for his or her well-being,
21 including adequate food, clothing and shelter; or who is
22 abandoned by his or her parents or other person responsible
23 for the child's welfare.

24 A child shall not be considered neglected or abused for
25 the sole reason that the child's parent or other person
26 responsible for his or her welfare depends upon spiritual

1 means through prayer alone for the treatment or cure of
2 disease or remedial care as provided under Section 4 of the
3 Abused and Neglected Child Reporting Act. A child shall not be
4 considered neglected or abused for the sole reason that the
5 child's parent or other person responsible for the child's
6 welfare failed to vaccinate, delayed vaccination, or refused
7 vaccination for the child due to a waiver on religious or
8 medical grounds as permitted by law.

9 R. "Putative father" means a man who may be a child's
10 father, but who (1) is not married to the child's mother on or
11 before the date that the child was or is to be born and (2) has
12 not established paternity of the child in a court proceeding
13 before the filing of a petition for the adoption of the child.
14 The term includes a male who is less than 18 years of age.
15 "Putative father" does not mean a man who is the child's father
16 as a result of criminal sexual abuse or assault as defined
17 under Article 11 of the Criminal Code of 2012.

18 S. "Standby adoption" means an adoption in which a parent
19 consents to custody and termination of parental rights to
20 become effective upon the occurrence of a future event, which
21 is either the death of the parent or the request of the parent
22 for the entry of a final judgment of adoption.

23 T. (Blank).

24 T-5. "Biological parent", "birth parent", or "natural
25 parent" of a child are interchangeable terms that mean a
26 person who is biologically or genetically related to that

1 child as a parent.

2 U. "Interstate adoption" means the placement of a minor
3 child with a prospective adoptive parent for the purpose of
4 pursuing an adoption for that child that is subject to the
5 provisions of the Interstate Compact on the Placement of
6 Children.

7 V. (Blank).

8 W. (Blank).

9 X. "Legal father" of a child means a man who is recognized
10 as or presumed to be that child's father:

11 (1) because of his marriage to or civil union with the
12 child's parent at the time of the child's birth or within
13 300 days prior to that child's birth, unless he signed a
14 denial of paternity pursuant to Section 12 of the Vital
15 Records Act or a waiver pursuant to Section 10 of this Act;
16 or

17 (2) because his paternity of the child has been
18 established pursuant to the Illinois Parentage Act, the
19 Illinois Parentage Act of 1984, or the Gestational
20 Surrogacy Act; or

21 (3) because he is listed as the child's father or
22 parent on the child's birth certificate, unless he is
23 otherwise determined by an administrative or judicial
24 proceeding not to be the parent of the child or unless he
25 rescinds his acknowledgment of paternity pursuant to the
26 Illinois Parentage Act of 1984; or

1 (4) because his paternity or adoption of the child has
2 been established by a court of competent jurisdiction.

3 The definition in this subsection X shall not be construed
4 to provide greater or lesser rights as to the number of parents
5 who can be named on a final judgment order of adoption or
6 Illinois birth certificate that otherwise exist under Illinois
7 law.

8 Y. "Legal mother" of a child means a woman who is
9 recognized as or presumed to be that child's mother:

10 (1) because she gave birth to the child except as
11 provided in the Gestational Surrogacy Act; or

12 (2) because her maternity of the child has been
13 established pursuant to the Illinois Parentage Act of 1984
14 or the Gestational Surrogacy Act; or

15 (3) because her maternity or adoption of the child has
16 been established by a court of competent jurisdiction; or

17 (4) because of her marriage to or civil union with the
18 child's other parent at the time of the child's birth or
19 within 300 days prior to the time of birth; or

20 (5) because she is listed as the child's mother or
21 parent on the child's birth certificate unless she is
22 otherwise determined by an administrative or judicial
23 proceeding not to be the parent of the child.

24 The definition in this subsection Y shall not be construed
25 to provide greater or lesser rights as to the number of parents
26 who can be named on a final judgment order of adoption or

1 Illinois birth certificate that otherwise exist under Illinois
2 law.

3 Z. "Department" means the Illinois Department of Children
4 and Family Services.

5 AA. "Placement disruption" means a circumstance where the
6 child is removed from an adoptive placement before the
7 adoption is finalized.

8 BB. "Secondary placement" means a placement, including but
9 not limited to the placement of a youth in care as defined in
10 Section 4d of the Children and Family Services Act, that
11 occurs after a placement disruption or an adoption
12 dissolution. "Secondary placement" does not mean secondary
13 placements arising due to the death of the adoptive parent of
14 the child.

15 CC. "Adoption dissolution" means a circumstance where the
16 child is removed from an adoptive placement after the adoption
17 is finalized.

18 DD. "Unregulated placement" means the secondary placement
19 of a child that occurs without the oversight of the courts, the
20 Department, or a licensed child welfare agency.

21 EE. "Post-placement and post-adoption support services"
22 means support services for placed or adopted children and
23 families that include, but are not limited to, mental health
24 treatment, including counseling and other support services for
25 emotional, behavioral, or developmental needs, and treatment
26 for substance abuse.

1 (Source: P.A. 100-159, eff. 8-18-17; 101-155, eff. 1-1-20;
2 101-529, eff. 1-1-20; revised 9-17-19.)

3 Section 795. The Probate Act of 1975 is amended by
4 changing Section 11-1 as follows:

5 (755 ILCS 5/11-1) (from Ch. 110 1/2, par. 11-1)

6 Sec. 11-1. Definitions. As used in this Article:

7 "Administrative separation" means a parent's, legal
8 guardian's, legal custodian's, or primary caretaker's: (1)
9 arrest, detention, incarceration, removal, or deportation in
10 connection with federal immigration enforcement; or (2)
11 receipt of official communication by federal, State, or local
12 authorities regarding immigration enforcement that gives
13 reasonable notice that care and supervision of the child by
14 the parent, legal guardian, legal custodian, or primary
15 caretaker will be interrupted or cannot be provided.

16 "Minor" means ~~is~~ a person who has not attained the age of
17 18 years. A person who has attained the age of 18 years is of
18 legal age for all purposes except as otherwise provided in the
19 Illinois Uniform Transfers to Minors Act.

20 (Source: P.A. 101-120, eff. 7-23-19; revised 9-12-19.)

21 Section 800. The Illinois Residential Real Property
22 Transfer on Death Instrument Act is amended by changing
23 Section 5 as follows:

1 (755 ILCS 27/5)

2 Sec. 5. Definitions. In this Act:

3 "Beneficiary" means a person that receives residential
4 real estate under a transfer on death instrument.

5 "Designated beneficiary" means a person designated to
6 receive residential real estate in a transfer on death
7 instrument.

8 "Joint owner" means an individual who owns residential
9 real estate concurrently with one or more other individuals
10 with a right of survivorship. The term includes a joint tenant
11 or a tenant by the entirety. The term does not include a tenant
12 in common.

13 "Owner" means an individual who makes a transfer on death
14 instrument.

15 "Person" means an individual, corporation, business trust,
16 land trust, estate, inter vivos ~~inter vivos~~ revocable or
17 irrevocable trust, testamentary trust, partnership, limited
18 liability company, association, joint venture, public
19 corporation, government or governmental subdivision, agency,
20 or instrumentality, or any other legal or commercial entity.

21 "Residential real estate" means real property improved
22 with not less than one nor more than 4 residential dwelling
23 units; a residential condominium unit, including, l but not
24 limited to, l the common elements allocated to the exclusive use
25 thereof that form an integral part of the condominium unit and

1 any parking unit or units specified by the declaration to be
2 allocated to a specific residential condominium unit; or a
3 single tract of agriculture real estate consisting of 40 acres
4 or less which is improved with a single family residence. If a
5 declaration of condominium ownership provides for individually
6 owned and transferable parking units, "residential real
7 estate" does not include the parking unit of a specific
8 residential condominium unit unless the parking unit is
9 included in the legal description of the property being
10 transferred by a transfer on death instrument.

11 "Transfer on death instrument" means an instrument
12 authorized under this Act.

13 (Source: P.A. 97-555, eff. 1-1-12; 98-821, eff. 1-1-15;
14 revised 7-16-19.)

15 Section 805. The Illinois Trust Code is amended by
16 changing Sections 816, 913, 1005, and 1219 as follows:

17 (760 ILCS 3/816)

18 Sec. 816. Specific powers of trustee. Without limiting the
19 authority conferred by Section 815, a trustee may:

20 (1) collect trust property and accept or reject
21 additions to the trust property from a settlor or any
22 other person;

23 (2) acquire or sell property, for cash or on credit,
24 at public or private sale;

1 (3) exchange, partition, or otherwise change the
2 character of trust property;

3 (4) deposit trust money in an account in a regulated
4 financial-service institution;

5 (5) borrow money, with or without security, and
6 mortgage or pledge or otherwise encumber trust property
7 for a period within or extending beyond the duration of
8 the trust;

9 (6) with respect to an interest in a proprietorship,
10 partnership, limited liability company, business trust,
11 corporation, or other form of business or enterprise,
12 continue the business or other enterprise and take any
13 action that may be taken by shareholders, members, or
14 property owners, including merging, dissolving, pledging
15 other trust assets or guaranteeing a debt obligation of
16 the business or enterprise, or otherwise changing the form
17 of business organization or contributing additional
18 capital;

19 (7) with respect to stocks or other securities,
20 exercise the rights of an absolute owner, including the
21 right to:

22 (A) vote, or give proxies to vote, with or without
23 power of substitution, or enter into or continue a
24 voting trust agreement;

25 (B) hold a security in the name of a nominee or in
26 other form without disclosure of the trust so that

1 title may pass by delivery;

2 (C) pay calls, assessments, and other sums
3 chargeable or accruing against the securities, and
4 sell or exercise stock subscription or conversion
5 rights;

6 (D) deposit the securities with a depository or
7 other regulated financial-service institution; and

8 (E) participate in mergers, consolidations,
9 foreclosures, reorganizations, and liquidations;

10 (8) with respect to an interest in real property,
11 construct, or make ordinary or extraordinary repairs to,
12 alterations to, or improvements in, buildings or other
13 structures, demolish improvements, raze existing or erect
14 new party walls or buildings, subdivide or develop land,
15 dedicate any interest in real estate, dedicate land to
16 public use or grant public or private easements, enter
17 into contracts relating to real estate, and make or vacate
18 plats and adjust boundaries;

19 (9) enter into a lease for any purpose as lessor or
20 lessee, including a lease or other arrangement for
21 exploration and removal of natural resources, with or
22 without the option to purchase or renew, for a period
23 within or extending beyond the duration of the trust;

24 (10) grant an option involving a sale, lease, or other
25 disposition of trust property or acquire an option for the
26 acquisition of property, including an option exercisable

1 beyond the duration of the trust, and exercise an option
2 so acquired;

3 (11) insure the property of the trust against damage
4 or loss and insure the trustee, the trustee's agents, and
5 beneficiaries against liability arising from the
6 administration of the trust;

7 (12) abandon or decline to administer property of no
8 value or of insufficient value to justify its collection
9 or continued administration;

10 (13) with respect to possible liability for violation
11 of environmental law:

12 (A) inspect or investigate property the trustee
13 holds or has been asked to hold, or property owned or
14 operated by an organization in which the trustee holds
15 or has been asked to hold an interest, for the purpose
16 of determining the application of environmental law
17 with respect to the property;

18 (B) take action to prevent, abate, or otherwise
19 remedy any actual or potential violation of any
20 environmental law affecting property held directly or
21 indirectly by the trustee, whether taken before or
22 after the assertion of a claim or the initiation of
23 governmental enforcement;

24 (C) decline to accept property into trust or
25 disclaim any power with respect to property that is or
26 may be burdened with liability for violation of

1 environmental law;

2 (D) compromise claims against the trust that may
3 be asserted for an alleged violation of environmental
4 law; and

5 (E) pay the expense of any inspection, review,
6 abatement, or remedial action to comply with
7 environmental law;

8 (14) pay, contest, prosecute, or abandon any claim,
9 settle a claim or charges in favor of or against the trust,
10 and release, in whole or in part, a claim belonging to the
11 trust;

12 (15) pay taxes, assessments, compensation of the
13 trustee and of employees and agents of the trust, and
14 other expenses incurred in the administration of the
15 trust;

16 (16) exercise elections with respect to federal,
17 state, and local taxes;

18 (17) select a mode of payment under any employee
19 benefit or retirement plan, annuity, or life insurance
20 payable to the trustee, exercise rights related to the
21 employee benefit or retirement plan, annuity, or life
22 insurance payable to the trustee, including exercise the
23 right to indemnification for expenses and against
24 liabilities, and take appropriate action to collect the
25 proceeds;

26 (18) make loans out of trust property, including loans

1 to a beneficiary on terms and conditions the trustee
2 considers to be fair and reasonable under the
3 circumstances, and the trustee has a lien on future
4 distributions for repayment of those loans;

5 (19) pledge trust property to guarantee loans made by
6 others to the beneficiary;

7 (20) appoint a trustee to act in another jurisdiction
8 to act as sole or co-trustee with respect to any part or
9 all of trust property located in the other jurisdiction,
10 confer upon the appointed trustee any or all of the
11 rights, powers, and duties of the appointing trustee,
12 require that the appointed trustee furnish security, and
13 remove any trustee so appointed;

14 (21) distribute income and principal in one or more of
15 the following ways, without being required to see to the
16 application of any distribution, as the trustee believes
17 to be for the best interests of any beneficiary who at the
18 time of distribution is incapacitated or in the opinion of
19 the trustee is unable to manage property or business
20 affairs because of incapacity:

21 (A) directly to the beneficiary;

22 (B) to the guardian of the estate, or if none, the
23 guardian of the person of the beneficiary;

24 (C) to a custodian for the beneficiary under any
25 state's Uniform Transfers to Minors Act, Uniform Gifts
26 to Minors Act or Uniform Custodial Trust Act, and, for

1 that purpose, to create a custodianship or custodial
2 trust;

3 (D) to an adult relative of the beneficiary to be
4 expended on the beneficiary's behalf;

5 (E) by expending the money or using the property
6 directly for the benefit of the beneficiary;

7 (F) to a trust, created before the distribution
8 becomes payable, for the sole benefit of the
9 beneficiary and those dependent upon the beneficiary
10 during his or her lifetime, to be administered as a
11 part of the trust, except that any amount distributed
12 to the trust under this subparagraph (F) shall be
13 separately accounted for by the trustee of the trust
14 and shall be indefeasibly vested in the beneficiary so
15 that if the beneficiary dies before complete
16 distribution of the amounts, the amounts and the
17 accretions, earnings, and income, if any, shall be
18 paid to the beneficiary's estate, except that this
19 subparagraph (F) does not apply to the extent that it
20 would cause a trust otherwise qualifying for the
21 federal estate tax marital deduction not to qualify;
22 and

23 (G) by managing it as a separate fund on the
24 beneficiary's behalf, subject to the beneficiary's
25 continuing right to withdraw the distribution;

26 (22) on distribution of trust property or the division

1 or termination of a trust, make distributions in divided
2 or undivided interests, allocate particular assets in
3 proportionate or disproportionate shares, value the trust
4 property for those purposes, and adjust for resulting
5 differences in valuation;

6 (23) resolve a dispute concerning the interpretation
7 of the trust or its administration by judicial proceeding,
8 nonjudicial settlement agreement under Section 111,
9 mediation, arbitration, or other procedure for alternative
10 dispute resolution;

11 (24) prosecute or defend an action, claim, or judicial
12 proceeding in any jurisdiction to protect trust property
13 and the trustee in the performance of the trustee's
14 duties;

15 (25) execute contracts, notes, conveyances, and other
16 instruments that are useful to achieve or facilitate the
17 exercise of the trustee's powers, regardless of whether
18 the instruments contain covenants and warranties binding
19 upon and creating a charge against the trust estate or
20 excluding personal liability;

21 (26) on termination of the trust, exercise the powers
22 appropriate to wind up the administration of the trust and
23 distribute the trust property to the persons entitled to
24 it;

25 (27) enter into agreements for bank or other deposit
26 accounts, safe deposit boxes, or custodian, agency, or

1 depository arrangements for all or any part of the trust
2 estate, including, to the extent fair to the
3 beneficiaries, agreements for services provided by a bank
4 operated by or affiliated with the trustee, and to pay
5 reasonable compensation for those services, including, to
6 the extent fair to the beneficiaries, compensation to the
7 bank operated by or affiliated with the trustee, except
8 that nothing in this Section shall be construed as
9 removing any depository arrangements from the requirements
10 of the prudent investor rule;

11 (28) engage attorneys, auditors, financial advisors,
12 and other agents and pay reasonable compensation to such
13 persons;

14 (29) invest in or hold undivided interests in
15 property;

16 (30) if fair to the beneficiaries, deal with the
17 executor, trustee, or other representative of any other
18 trust or estate in which a beneficiary of the trust has an
19 interest, even if the trustee is an executor, trustee, or
20 other representative of the other trust or estate;

21 (31) make equitable division or distribution in cash
22 or in kind, or both, and for that purpose may value any
23 property divided or distributed in kind;

24 (32) rely upon an affidavit, certificate, letter, or
25 other evidence reasonably believed to be genuine and on
26 the basis of any such evidence to make any payment or

1 distribution in good faith without liability;

2 (33) except as otherwise directed by the court, have
3 all of the rights, powers, and duties given to or imposed
4 upon the trustee by law and the terms of the trust during
5 the period between the termination of the trust and the
6 distribution of the trust assets and during any period in
7 which any litigation is pending that may void or
8 invalidate the trust in whole or in part or affect the
9 rights, powers, duties, or discretions of the trustee;

10 (34) plant and harvest crops; breed, raise, purchase,
11 and sell livestock; lease land, equipment, or livestock
12 for cash or on shares, purchase and sell, exchange or
13 otherwise acquire or dispose of farm equipment and farm
14 produce of all kinds; make improvements, construct,
15 repair, or demolish and remove any buildings, structures,
16 or fences, engage agents, managers, and employees and
17 delegate powers to them; engage in drainage and
18 conservation programs; terrace, clear, ditch, and drain
19 lands and install irrigation systems; replace improvements
20 and equipment; fertilize and improve the soil; engage in
21 the growing, improvement, and sale of trees and other
22 forest crops; participate or decline to participate in
23 governmental agricultural or land programs; and perform
24 such acts as the trustee deems appropriate using such
25 methods as are commonly employed by other farm owners in
26 the community in which the farm property is located;

1 (35) drill, mine, and otherwise operate for the
2 development of oil, gas, and other minerals; enter into
3 contracts relating to the installation and operation of
4 absorption and repressuring plants; enter into unitization
5 or pooling agreements for any purpose including primary,
6 secondary, or tertiary recovery; place and maintain
7 pipelines ~~pipe—lines~~; execute oil, gas, and mineral
8 leases, division and transfer orders, grants, deeds,
9 releases and assignments, and other instruments;
10 participate in a cooperative coal marketing association or
11 similar entity; and perform such other acts as the trustee
12 deems appropriate using such methods as are commonly
13 employed by owners of similar interests in the community
14 in which the interests are located;

15 (36) continue an unincorporated business and
16 participate in its management by having the trustee or one
17 or more agents of the trustee act as a manager with
18 appropriate compensation from the business and incorporate
19 the business;

20 (37) continue a business in the partnership form and
21 participate in its management by having the trustee or one
22 or more agents of the trustee act as a partner, limited
23 partner, or employee with appropriate compensation from
24 the business; enter into new partnership agreements and
25 incorporate the business; and, with respect to activities
26 under this paragraph (37), the trustee or the agent or

1 agents of the trustee shall not be personally liable to
2 third persons with respect to actions not sounding in tort
3 unless the trustee or agent fails to identify the trust
4 estate and disclose that the trustee or agent is acting in
5 a representative capacity, except that nothing in this
6 paragraph impairs in any way the liability of the trust
7 estate with respect to activities under this paragraph
8 (37) to the extent of the assets of the trust estate. ~~;~~

9 (38) Release, by means of any written renunciation,
10 relinquishment, surrender, refusal to accept,
11 extinguishment, and any other form of release, any power
12 granted to the trustee by applicable law or the terms of a
13 trust and held by such trustee in its fiduciary capacity,
14 including any power to invade property, any power to
15 alter, amend, or revoke any instrument, whether or not
16 such release causes a termination of any right or interest
17 thereunder, and any power remaining where one or more
18 partial releases have heretofore or hereafter been made
19 with respect to such power, whether heretofore or
20 hereafter created or reserved as to: (i) any property that
21 is subject thereto; (ii) any one or more of the objects
22 thereof; or (iii) limit in any other respect the extent to
23 which it may be exercised. The release may be permanent or
24 applicable only for a specific time and may apply only to
25 the trustee executing the release or the trustee and all
26 future trustees, successor trustees, and co-trustees of

1 the trust acting at any time or from time to time.

2 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

3 (760 ILCS 3/913)

4 Sec. 913. Life insurance.

5 (a) Notwithstanding any other provision, the duties of a
6 trustee with respect to acquiring or retaining as a trust
7 asset a contract of insurance upon the life of the settlor,
8 upon the lives of the settlor and the settlor's spouse, or upon
9 the life of any person for which the trustee has an insurable
10 interest in accordance with Section 113, do not include any of
11 the following duties:

12 (1) to determine whether any contract of life
13 insurance in the trust, or to be acquired by the trust, is
14 or remains a proper investment, including, without
15 limitation, with respect to:

16 (A) the type of insurance contract;

17 (B) the quality of the insurance contract;

18 (C) the quality of the insurance company; or

19 (D) the investments held within the insurance
20 contract;

21 (2) to diversify the investment among different
22 policies or insurers, among available asset classes, or
23 within an insurance contract;

24 (3) to inquire about or investigate into the health or
25 financial condition of an insured;

1 (4) to prevent the lapse of a life insurance contract
2 if the trust does not receive contributions or hold other
3 readily marketable assets to pay the life insurance
4 contract premiums; or

5 (5) to exercise any policy options, rights, or
6 privileges available under any contract of life insurance
7 in the trust, including any right to borrow the cash value
8 or reserve of the policy, acquire a paid-up policy, or
9 convert to a different policy.

10 (b) The trustee is not liable to the beneficiaries of the
11 trust, the beneficiaries of the contract of insurance, or to
12 any other party for loss arising from the absence of these
13 duties regarding insurance contracts under this Section.

14 (c) This Section applies to an irrevocable trust created
15 after the effective date of this Code or to a revocable trust
16 that becomes irrevocable after the effective date of this
17 Code. The trustee of a trust described under this Section
18 established before the effective date of this Code shall
19 notify the settlor in writing that, unless the settlor
20 provides written notice to the contrary to the trustee within
21 90 days of the trustee's notice, this Section applies to the
22 trust. This Section does not apply if, within 90 days of the
23 trustee's notice, the settlor notifies the trustee in writing
24 that this Section does not apply. If the settlor is deceased,
25 then the trustee shall give notice to all of the legally
26 competent current beneficiaries, and this Section applies to

1 the trust unless the majority of the beneficiaries notify the
2 trustee to the contrary in writing within 90 days of the
3 trustee's notice.

4 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

5 (760 ILCS 3/1005)

6 Sec. 1005. Limitation on action against trustee.

7 (a) A beneficiary may not commence a proceeding against a
8 trustee for breach of trust for any matter disclosed in
9 writing by a trust accounting, or otherwise as provided in
10 Sections 813.1, 813.2, and ~~Section~~ 1102, after the date on
11 which the disclosure becomes binding upon the beneficiary as
12 provided below:

13 (1) With respect to a trust that becomes irrevocable
14 after the effective date of this Code and to trustees
15 accepting appointment after the effective date of this
16 Code, a matter disclosed in writing by a trust accounting
17 or otherwise pursuant to Section 813.1 and Section 1102 is
18 binding on each person who receives the information and
19 each person represented as provided in Article 3 by a
20 person who receives the information, and all of the
21 person's respective successors, representatives, heirs,
22 and assigns, unless an action against the trustee is
23 instituted within 2 years after the date the information
24 is furnished. A trust accounting or other communication
25 adequately discloses the existence of a potential claim

1 for breach of trust if it provides sufficient information
2 so that the person entitled to receive the information
3 knows of the potential claim or should have inquired into
4 its existence.

5 (2) With respect to a trust that became irrevocable
6 before the effective date of this Code or a trustee that
7 accepted appointment before the effective date of this
8 Code, a current account is binding on each beneficiary
9 receiving the account and on the beneficiary's heirs and
10 assigns unless an action against the trustee is instituted
11 by the beneficiary or the beneficiary's heirs and assigns
12 within 3 years after the date the current account is
13 furnished, and a final accounting is binding on each
14 beneficiary receiving the final accounting and all persons
15 claiming by or through the beneficiary, unless an action
16 against the trustee is instituted by the beneficiary or
17 person claiming by or through him or her within 3 years
18 after the date the final account is furnished. If the
19 account is provided to the representative of the estate of
20 the beneficiary or to a spouse, parent, adult child, or
21 guardian of the person of the beneficiary, the account is
22 binding on the beneficiary unless an action is instituted
23 against the trustee by the representative of the estate of
24 the beneficiary or by the spouse, parent, adult child, or
25 guardian of the person to whom the account is furnished
26 within 3 years after the date it is furnished.

1 (3) Notwithstanding paragraphs (1) and (2), with
2 respect to trust estates that terminated and were
3 distributed 10 years or less before January 1, 1988, the
4 final account furnished to the beneficiaries entitled to
5 distribution of the trust estate is binding on the
6 beneficiaries receiving the final account, and all persons
7 claiming by or through them, unless an action against the
8 trustee is instituted by the beneficiary or person
9 claiming by or through him or her within 5 years after
10 January 1, 1988 or within 10 years after the date the final
11 account was furnished, whichever is longer.

12 (4) Notwithstanding paragraphs (1), (2) and (3), with
13 respect to trust estates that terminated and were
14 distributed more than 10 years before January 1, 1988, the
15 final account furnished to the beneficiaries entitled to
16 distribution of the trust estate is binding on the
17 beneficiaries receiving the final account, and all persons
18 claiming by or through them, unless an action against the
19 trustee is instituted by the beneficiary or person
20 claiming by or through him or her within 2 years after
21 January 1, 1988.

22 (b) Unless barred earlier under subsection (a), a judicial
23 proceeding by a beneficiary against a trustee for breach of
24 trust must be commenced within 5 years after the first to occur
25 of:

26 (1) the removal, resignation, or death of the trustee;

1 (2) the termination of the beneficiary's interest in
2 the trust; or

3 (3) the termination of the trust.

4 (c) Notwithstanding any other provision of this Section, a
5 beneficiary may bring any action against the trustee for
6 fraudulent concealment within the time limit set forth in
7 Section 13-215 of the Code of Civil Procedure.

8 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

9 (760 ILCS 3/1219)

10 Sec. 1219. Tax-related limitations.

11 (a) In this Section:

12 (1) "Grantor trust" means a trust as to which a
13 settlor of a first trust is considered the owner under
14 Sections 671 through 677 of the Internal Revenue Code or
15 Section 679 of the Internal Revenue Code.

16 (2) "Nongrantor trust" means a trust that is not a
17 grantor trust.

18 (3) "Qualified benefits property" means property
19 subject to the minimum distribution requirements of
20 Section 401(a)(9) of the Internal Revenue Code, and any
21 applicable regulations, or to any similar requirements
22 that refer to Section 401(a)(9) of the Internal Revenue
23 Code or the regulations.

24 (b) An exercise of the decanting power is subject to the
25 following limitations:

1 (1) If a first trust contains property that qualified,
2 or would have qualified but for provisions of this Article
3 other than this Section, for a marital deduction for
4 purposes of the gift or estate tax under the Internal
5 Revenue Code or a state gift, estate, or inheritance tax,
6 the second-trust instrument must not include or omit any
7 term that, if included in or omitted from the trust
8 instrument for the trust to which the property was
9 transferred, would have prevented the transfer from
10 qualifying for the deduction, or would have reduced the
11 amount of the deduction, under the same provisions of the
12 Internal Revenue Code or state law under which the
13 transfer qualified.

14 (2) If the first trust contains property that
15 qualified, or would have qualified but for provisions of
16 this Article other than this Section, for a charitable
17 deduction for purposes of the income, gift, or estate tax
18 under the Internal Revenue Code or a state income, gift,
19 estate, or inheritance tax, the second-trust instrument
20 must not include or omit any term that, if included in or
21 omitted from the trust instrument for the trust to which
22 the property was transferred, would have prevented the
23 transfer from qualifying for the deduction, or would have
24 reduced the amount of the deduction, under the same
25 provisions of the Internal Revenue Code or state law under
26 which the transfer qualified.

1 (3) If the first trust contains property that
2 qualified, or would have qualified but for provisions of
3 this Article other than this Section, for the exclusion
4 from the gift tax described in Section 2503(b) of the
5 Internal Revenue Code, the second-trust instrument must
6 not include or omit a term that, if included in or omitted
7 from the trust instrument for the trust to which the
8 property was transferred, would have prevented the
9 transfer from qualifying under the same provision of
10 Section 2503 of the Internal Revenue Code. If the first
11 trust contains property that qualified, or would have
12 qualified but for provisions of this Article other than
13 this Section, for the exclusion from the gift tax
14 described in Section 2503(b) of the Internal Revenue Code,
15 by application of Section 2503(c) of the Internal Revenue
16 Code, the second-trust instrument must not include or omit
17 a term that, if included or omitted from the trust
18 instrument for the trust to which the property was
19 transferred, would have prevented the transfer from
20 qualifying under Section 2503(c) of the Internal Revenue
21 Code.

22 (4) If the property of the first trust includes shares
23 of stock in an S corporation, as defined in Section 1361 of
24 the Internal Revenue Code and the first trust is, or but
25 for provisions of this Article other than this Section
26 would be, a permitted shareholder under any provision of

1 Section 1361 of the Internal Revenue Code, an authorized
2 fiduciary may exercise the power with respect to part or
3 all of the S corporation ~~S corporation~~ stock only if any
4 second trust receiving the stock is a permitted
5 shareholder under Section 1361(c)(2) of the Internal
6 Revenue Code. If the property of the first trust includes
7 shares of stock in an S corporation and the first trust is,
8 or but for provisions of this Article other than this
9 Section, would be, a qualified subchapter S ~~subchapter S~~
10 trust within the meaning of Section 1361(d) of the
11 Internal Revenue Code, the second-trust instrument must
12 not include or omit a term that prevents the second trust
13 from qualifying as a qualified subchapter S ~~subchapter S~~
14 trust.

15 (5) If the first trust contains property that
16 qualified, or would have qualified but for provisions of
17 this Article other than this Section, for a zero inclusion
18 ratio for purposes of the generation-skipping transfer tax
19 under Section 2642(c) of the Internal Revenue Code the
20 second-trust instrument must not include or omit a term
21 that, if included in or omitted from the first-trust
22 instrument, would have prevented the transfer to the first
23 trust from qualifying for a zero inclusion ratio under
24 Section 2642(a) of the Internal Revenue Code.

25 (6) If the first trust is directly or indirectly the
26 beneficiary of qualified benefits property, the

1 second-trust instrument may not include or omit any term
2 that, if included in or omitted from the first-trust
3 instrument, would have increased the minimum distributions
4 required with respect to the qualified benefits property
5 under Section 401(a)(9) of the Internal Revenue Code and
6 any applicable regulations, or any similar requirements
7 that refer to Section 401(a)(9) of the Internal Revenue
8 Code or the regulations. If an attempted exercise of the
9 decanting power violates the preceding sentence, the
10 trustee is deemed to have held the qualified benefits
11 property and any reinvested distributions of the property
12 as a separate share from the date of the exercise of the
13 power and Section 1222 applies to the separate share.

14 (7) If the first trust qualifies as a grantor trust
15 because of the application of Section 672(f)(2)(A) of the
16 Internal Revenue Code the second trust may not include or
17 omit a term that, if included in or omitted from the
18 first-trust instrument, would have prevented the first
19 trust from qualifying under Section 672(f)(2)(A) of the
20 Internal Revenue Code.

21 (8) In this paragraph (8), "tax benefit" means a
22 federal or state tax deduction, exemption, exclusion, or
23 other benefit not otherwise listed in this Section, except
24 for a benefit arising from being a grantor trust. Subject
25 to paragraph (9) of this subsection (b), a second-trust
26 instrument may not include or omit a term that, if

1 included in or omitted from the first-trust instrument,
2 would have prevented qualification for a tax benefit if:

3 (A) the first-trust instrument expressly indicates
4 an intent to qualify for the benefit or the
5 first-trust instrument clearly is designed to enable
6 the first trust to qualify for the benefit; and

7 (B) the transfer of property held by the first
8 trust or the first trust qualified, or but for
9 provisions of this Article other than this Section,
10 would have qualified for the tax benefit.

11 (9) Subject to paragraph (4) of this subsection (b):

12 (A) except as otherwise provided in paragraph (7)
13 of this subsection (b), the second trust may be a
14 nongrantor trust, even if the first trust is a grantor
15 trust; and

16 (B) except as otherwise provided in paragraph (10)
17 of this subsection (b), the second trust may be a
18 grantor trust, even if the first trust is a nongrantor
19 trust.

20 (10) An authorized fiduciary may not exercise the
21 decanting power if a settlor objects in a signed record
22 delivered to the fiduciary within the notice period and:

23 (A) the first trust and second trusts are both
24 grantor trusts, in whole or in part, the first trust
25 grants the settlor or another person the power to
26 cause the second trust to cease to be a grantor trust,

1 and the second trust does not grant an equivalent
2 power to the settlor or other person; or

3 (B) the first trust is a nongrantor trust and the
4 second trust is a grantor trust, in whole or in part,
5 with respect to the settlor, unless:

6 (i) the settlor has the power at all times to
7 cause the second trust to cease to be a grantor
8 trust; or

9 (ii) the first-trust instrument contains a
10 provision granting the settlor or another person a
11 power that would cause the first trust to cease to
12 be a grantor trust and the second-trust instrument
13 contains the same provision.

14 (Source: P.A. 101-48, eff. 1-1-20; revised 8-6-19.)

15 Section 810. The Charitable Trust Act is amended by
16 changing Section 1 as follows:

17 (760 ILCS 55/1) (from Ch. 14, par. 51)

18 Sec. 1. This Act may be cited as the Charitable Trust Act.

19 (Source: Laws 1961, p. 2094; revised 7-16-19.)

20 Section 815. The Mobile Home Landlord and Tenant Rights
21 Act is amended by changing Section 16 as follows:

22 (765 ILCS 745/16) (from Ch. 80, par. 216)

1 Sec. 16. Improper grounds for eviction. The following
2 conduct by a tenant shall not constitute grounds for eviction
3 or termination of the lease, nor shall an eviction order be
4 entered against a tenant:

5 (a) As a reprisal for the tenant's effort to secure or
6 enforce any rights under the lease or the laws of the State
7 of Illinois, or its governmental subdivisions of the
8 United States;

9 (b) As a reprisal for the tenant's good faith
10 complaint to a governmental authority of the park owner's
11 alleged violation of any health or safety law, regulation,
12 code or ordinance, or State law or regulation which has as
13 its objective the regulation of premises used for dwelling
14 purposes;

15 (c) As a reprisal for the tenant's being an organizer
16 or member of, or involved in any activities relative to a
17 homeowners' ~~home owners~~ association;

18 (d) As a reprisal for or on the basis of the tenant's
19 immigration or citizenship status.

20 (Source: P.A. 100-173, eff. 1-1-18; 101-439, eff. 8-21-19;
21 revised 9-4-20.)

22 Section 820. The Illinois Trade Secrets Act is amended by
23 changing Section 6 as follows:

24 (765 ILCS 1065/6) (from Ch. 140, par. 356)

1 Sec. 6. In an action under this Act, a court shall preserve
2 the secrecy of an alleged trade secret by reasonable means,
3 which may include granting protective orders in connection
4 with discovery proceedings, holding in camera ~~in camera~~
5 hearings, sealing the records of the action, and ordering any
6 person involved in the litigation not to disclose an alleged
7 trade secret without prior court approval.

8 (Source: P.A. 85-366; revised 7-16-19.)

9 Section 825. The Illinois Human Rights Act is amended by
10 changing Sections 1-103, 2-101, 2-108, 6-102, 7A-102, and
11 7A-103 as follows:

12 (775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

13 Sec. 1-103. General definitions. When used in this Act,
14 unless the context requires otherwise, the term:

15 (A) Age. "Age" means the chronological age of a person who
16 is at least 40 years old, except with regard to any practice
17 described in Section 2-102, insofar as that practice concerns
18 training or apprenticeship programs. In the case of training
19 or apprenticeship programs, for the purposes of Section 2-102,
20 "age" means the chronological age of a person who is 18 but not
21 yet 40 years old.

22 (B) Aggrieved party. "Aggrieved party" means a person who
23 is alleged or proved to have been injured by a civil rights
24 violation or believes he or she will be injured by a civil

1 rights violation under Article 3 that is about to occur.

2 (B-5) Arrest record. "Arrest record" means:

3 (1) an arrest not leading to a conviction;

4 (2) a juvenile record; or

5 (3) criminal history record information ordered
6 expunged, sealed, or impounded under Section 5.2 of the
7 Criminal Identification Act.

8 (C) Charge. "Charge" means an allegation filed with the
9 Department by an aggrieved party or initiated by the
10 Department under its authority.

11 (D) Civil rights violation. "Civil rights violation"
12 includes and shall be limited to only those specific acts set
13 forth in Sections 2-102, 2-103, 2-105, 3-102, 3-102.1, 3-103,
14 3-104, 3-104.1, 3-105, 3-105.1, 4-102, 4-103, 5-102, 5A-102,
15 6-101, and 6-102 of this Act.

16 (E) Commission. "Commission" means the Human Rights
17 Commission created by this Act.

18 (F) Complaint. "Complaint" means the formal pleading filed
19 by the Department with the Commission following an
20 investigation and finding of substantial evidence of a civil
21 rights violation.

22 (G) Complainant. "Complainant" means a person including
23 the Department who files a charge of civil rights violation
24 with the Department or the Commission.

25 (H) Department. "Department" means the Department of Human
26 Rights created by this Act.

1 (I) Disability. "Disability" means a determinable physical
2 or mental characteristic of a person, including, but not
3 limited to, a determinable physical characteristic which
4 necessitates the person's use of a guide, hearing or support
5 dog, the history of such characteristic, or the perception of
6 such characteristic by the person complained against, which
7 may result from disease, injury, congenital condition of birth
8 or functional disorder and which characteristic:

9 (1) For purposes of Article 2, is unrelated to the
10 person's ability to perform the duties of a particular job
11 or position and, pursuant to Section 2-104 of this Act, a
12 person's illegal use of drugs or alcohol is not a
13 disability;

14 (2) For purposes of Article 3, is unrelated to the
15 person's ability to acquire, rent, or maintain a housing
16 accommodation;

17 (3) For purposes of Article 4, is unrelated to a
18 person's ability to repay;

19 (4) For purposes of Article 5, is unrelated to a
20 person's ability to utilize and benefit from a place of
21 public accommodation;

22 (5) For purposes of Article 5, also includes any
23 mental, psychological, or developmental disability,
24 including autism spectrum disorders.

25 (J) Marital status. "Marital status" means the legal
26 status of being married, single, separated, divorced, or

1 widowed.

2 (J-1) Military status. "Military status" means a person's
3 status on active duty in or status as a veteran of the armed
4 forces of the United States, status as a current member or
5 veteran of any reserve component of the armed forces of the
6 United States, including the United States Army Reserve,
7 United States Marine Corps Reserve, United States Navy
8 Reserve, United States Air Force Reserve, and United States
9 Coast Guard Reserve, or status as a current member or veteran
10 of the Illinois Army National Guard or Illinois Air National
11 Guard.

12 (K) National origin. "National origin" means the place in
13 which a person or one of his or her ancestors was born.

14 (K-5) "Order of protection status" means a person's status
15 as being a person protected under an order of protection
16 issued pursuant to the Illinois Domestic Violence Act of 1986,
17 Article 112A of the Code of Criminal Procedure of 1963, the
18 Stalking No Contact Order Act, or the Civil No Contact Order
19 Act, or an order of protection issued by a court of another
20 state.

21 (L) Person. "Person" includes one or more individuals,
22 partnerships, associations or organizations, labor
23 organizations, labor unions, joint apprenticeship committees,
24 or union labor associations, corporations, the State of
25 Illinois and its instrumentalities, political subdivisions,
26 units of local government, legal representatives, trustees in

1 bankruptcy or receivers.

2 (L-5) Pregnancy. "Pregnancy" means pregnancy, childbirth,
3 or medical or common conditions related to pregnancy or
4 childbirth.

5 (M) Public contract. "Public contract" includes every
6 contract to which the State, any of its political
7 subdivisions, or any municipal corporation is a party.

8 (N) Religion. "Religion" includes all aspects of religious
9 observance and practice, as well as belief, except that with
10 respect to employers, for the purposes of Article 2,
11 "religion" has the meaning ascribed to it in paragraph (F) of
12 Section 2-101.

13 (O) Sex. "Sex" means the status of being male or female.

14 (O-1) Sexual orientation. "Sexual orientation" means
15 actual or perceived heterosexuality, homosexuality,
16 bisexuality, or gender-related identity, whether or not
17 traditionally associated with the person's designated sex at
18 birth. "Sexual orientation" does not include a physical or
19 sexual attraction to a minor by an adult.

20 (P) Unfavorable military discharge. "Unfavorable military
21 discharge" includes discharges from the Armed Forces of the
22 United States, their Reserve components, or any National Guard
23 or Naval Militia which are classified as RE-3 or the
24 equivalent thereof, but does not include those characterized
25 as RE-4 or "Dishonorable".

26 (Q) Unlawful discrimination. "Unlawful discrimination"

1 means discrimination against a person because of his or her
2 actual or perceived: race, color, religion, national origin,
3 ancestry, age, sex, marital status, order of protection
4 status, disability, military status, sexual orientation,
5 pregnancy, or unfavorable discharge from military service as
6 those terms are defined in this Section.

7 (Source: P.A. 100-714, eff. 1-1-19; 101-81, eff. 7-12-19;
8 101-221, eff. 1-1-20; 101-565, eff. 1-1-20; revised 9-18-19.)

9 (775 ILCS 5/2-101)

10 Sec. 2-101. Definitions. The following definitions are
11 applicable strictly in the context of this Article.

12 (A) Employee.

13 (1) "Employee" includes:

14 (a) Any individual performing services for
15 remuneration within this State for an employer;

16 (b) An apprentice;

17 (c) An applicant for any apprenticeship.

18 For purposes of subsection (D) of Section 2-102 of
19 this Act, "employee" also includes an unpaid intern. An
20 unpaid intern is a person who performs work for an
21 employer under the following circumstances:

22 (i) the employer is not committed to hiring the
23 person performing the work at the conclusion of the
24 intern's tenure;

25 (ii) the employer and the person performing the

1 work agree that the person is not entitled to wages for
2 the work performed; and

3 (iii) the work performed:

4 (I) supplements training given in an
5 educational environment that may enhance the
6 employability of the intern;

7 (II) provides experience for the benefit of
8 the person performing the work;

9 (III) does not displace regular employees;

10 (IV) is performed under the close supervision
11 of existing staff; and

12 (V) provides no immediate advantage to the
13 employer providing the training and may
14 occasionally impede the operations of the
15 employer.

16 (2) "Employee" does not include:

17 (a) (Blank);

18 (b) Individuals employed by persons who are not
19 "employers" as defined by this Act;

20 (c) Elected public officials or the members of
21 their immediate personal staffs;

22 (d) Principal administrative officers of the State
23 or of any political subdivision, municipal corporation
24 or other governmental unit or agency;

25 (e) A person in a vocational rehabilitation
26 facility certified under federal law who has been

1 designated an evaluatee, trainee, or work activity
2 client.

3 (B) Employer.

4 (1) "Employer" includes:

5 (a) Any person employing one or more employees
6 within Illinois during 20 or more calendar weeks
7 within the calendar year of or preceding the alleged
8 violation;

9 (b) Any person employing one or more employees
10 when a complainant alleges civil rights violation due
11 to unlawful discrimination based upon his or her
12 physical or mental disability unrelated to ability,
13 pregnancy, or sexual harassment;

14 (c) The State and any political subdivision,
15 municipal corporation or other governmental unit or
16 agency, without regard to the number of employees;

17 (d) Any party to a public contract without regard
18 to the number of employees;

19 (e) A joint apprenticeship or training committee
20 without regard to the number of employees.

21 (2) "Employer" does not include any place of worship,
22 religious corporation, association, educational
23 institution, society, or non-profit nursing institution
24 conducted by and for those who rely upon treatment by
25 prayer through spiritual means in accordance with the
26 tenets of a recognized church or religious denomination

1 with respect to the employment of individuals of a
2 particular religion to perform work connected with the
3 carrying on by such place of worship, corporation,
4 association, educational institution, society or
5 non-profit nursing institution of its activities.

6 (C) Employment Agency. "Employment Agency" includes both
7 public and private employment agencies and any person, labor
8 organization, or labor union having a hiring hall or hiring
9 office regularly undertaking, with or without compensation, to
10 procure opportunities to work, or to procure, recruit, refer
11 or place employees.

12 (D) Labor Organization. "Labor Organization" includes any
13 organization, labor union, craft union, or any voluntary
14 unincorporated association designed to further the cause of
15 the rights of union labor which is constituted for the
16 purpose, in whole or in part, of collective bargaining or of
17 dealing with employers concerning grievances, terms or
18 conditions of employment, or apprenticeships or applications
19 for apprenticeships, or of other mutual aid or protection in
20 connection with employment, including apprenticeships or
21 applications for apprenticeships.

22 (E) Sexual Harassment. "Sexual harassment" means any
23 unwelcome sexual advances or requests for sexual favors or any
24 conduct of a sexual nature when (1) submission to such conduct
25 is made either explicitly or implicitly a term or condition of
26 an individual's employment, (2) submission to or rejection of

1 such conduct by an individual is used as the basis for
2 employment decisions affecting such individual, or (3) such
3 conduct has the purpose or effect of substantially interfering
4 with an individual's work performance or creating an
5 intimidating, hostile or offensive working environment.

6 For purposes of this definition, the phrase "working
7 environment" is not limited to a physical location an employee
8 is assigned to perform his or her duties.

9 (E-1) Harassment. "Harassment" means any unwelcome conduct
10 on the basis of an individual's actual or perceived race,
11 color, religion, national origin, ancestry, age, sex, marital
12 status, order of protection status, disability, military
13 status, sexual orientation, pregnancy, unfavorable discharge
14 from military service, or citizenship status that has the
15 purpose or effect of substantially interfering with the
16 individual's work performance or creating an intimidating,
17 hostile, or offensive working environment. For purposes of
18 this definition, the phrase "working environment" is not
19 limited to a physical location an employee is assigned to
20 perform his or her duties.

21 (F) Religion. "Religion" with respect to employers
22 includes all aspects of religious observance and practice, as
23 well as belief, unless an employer demonstrates that he is
24 unable to reasonably accommodate an employee's or prospective
25 employee's religious observance or practice without undue
26 hardship on the conduct of the employer's business.

1 (G) Public Employer. "Public employer" means the State, an
2 agency or department thereof, unit of local government, school
3 district, instrumentality or political subdivision.

4 (H) Public Employee. "Public employee" means an employee
5 of the State, agency or department thereof, unit of local
6 government, school district, instrumentality or political
7 subdivision. "Public employee" does not include public
8 officers or employees of the General Assembly or agencies
9 thereof.

10 (I) Public Officer. "Public officer" means a person who is
11 elected to office pursuant to the Constitution or a statute or
12 ordinance, or who is appointed to an office which is
13 established, and the qualifications and duties of which are
14 prescribed, by the Constitution or a statute or ordinance, to
15 discharge a public duty for the State, agency or department
16 thereof, unit of local government, school district,
17 instrumentality or political subdivision.

18 (J) Eligible Bidder. "Eligible bidder" means a person who,
19 prior to contract award or prior to bid opening for State
20 contracts for construction or construction-related services,
21 has filed with the Department a properly completed, sworn and
22 currently valid employer report form, pursuant to the
23 Department's regulations. The provisions of this Article
24 relating to eligible bidders apply only to bids on contracts
25 with the State and its departments, agencies, boards, and
26 commissions, and the provisions do not apply to bids on

1 contracts with units of local government or school districts.

2 (K) Citizenship Status. "Citizenship status" means the
3 status of being:

4 (1) a born U.S. citizen;

5 (2) a naturalized U.S. citizen;

6 (3) a U.S. national; or

7 (4) a person born outside the United States and not a
8 U.S. citizen who is not an unauthorized alien and who is
9 protected from discrimination under the provisions of
10 Section 1324b of Title 8 of the United States Code, as now
11 or hereafter amended.

12 (Source: P.A. 100-43, eff. 8-9-17; 101-221, eff. 1-1-20;
13 101-430, eff. 7-1-20; revised 8-4-20.)

14 (775 ILCS 5/2-108)

15 (Section scheduled to be repealed on January 1, 2030)

16 Sec. 2-108. Employer disclosure requirements.

17 (A) Definitions. The following definitions are applicable
18 strictly to this Section:

19 (1) "Employer" means:

20 (a) any person employing one or more employees
21 within this State;

22 (b) a labor organization; or

23 (c) the State and any political subdivision,
24 municipal corporation, or other governmental unit or
25 agency, without regard to the number of employees.

1 (2) "Settlement" means any written commitment or
2 written agreement, including any agreed judgment,
3 stipulation, decree, agreement to settle, assurance of
4 discontinuance, or otherwise between an employee, as
5 defined by subsection (A) of Section 2-101, or a
6 nonemployee to whom an employer owes a duty under this Act
7 pursuant to subsection (A-10) or (D-5) of Section 2-102,
8 and an employer under which the employer directly or
9 indirectly provides to an individual compensation or other
10 consideration due to an allegation that the individual has
11 been a victim of sexual harassment or unlawful
12 discrimination under this Act.

13 (3) "Adverse judgment or administrative ruling" means
14 any final and non-appealable adverse judgment or final and
15 non-appealable administrative ruling entered in favor of
16 an employee as defined by subsection (A) of Section 2-101
17 or a nonemployee to whom an employer owes a duty under this
18 Act pursuant to subsection (A-10) or (D-5) of Section
19 2-102, and against the employer during the preceding year
20 in which there was a finding of sexual harassment or
21 unlawful discrimination brought under this Act, Title VII
22 of the Civil Rights Act of 1964, or any other federal,
23 State, or local law prohibiting sexual harassment or
24 unlawful discrimination.

25 (B) Required disclosures. Beginning July 1, 2020, and by
26 each July 1 thereafter, each employer that had an adverse

1 judgment or administrative ruling against it in the preceding
2 calendar year, as provided in this Section, shall disclose
3 annually to the Department of Human Rights the following
4 information:

5 (1) the total number of adverse judgments or
6 administrative rulings during the preceding year;

7 (2) whether any equitable relief was ordered against
8 the employer in any adverse judgment or administrative
9 ruling described in paragraph (1);

10 (3) how many adverse judgments or administrative
11 rulings described in paragraph (1) are in each of the
12 following categories:

13 (a) sexual harassment;

14 (b) discrimination or harassment on the basis of
15 sex;

16 (c) discrimination or harassment on the basis of
17 race, color, or national origin;

18 (d) discrimination or harassment on the basis of
19 religion;

20 (e) discrimination or harassment on the basis of
21 age;

22 (f) discrimination or harassment on the basis of
23 disability;

24 (g) discrimination or harassment on the basis of
25 military status or unfavorable discharge from military
26 status;

1 (h) discrimination or harassment on the basis of
2 sexual orientation or gender identity; and

3 (i) discrimination or harassment on the basis of
4 any other characteristic protected under this Act.†

5 (C) Settlements. If the Department is investigating a
6 charge filed pursuant to this Act, the Department may request
7 the employer responding to the charge to submit the total
8 number of settlements entered into during the preceding 5
9 years, or less at the direction of the Department, that relate
10 to any alleged act of sexual harassment or unlawful
11 discrimination that:

12 (1) occurred in the workplace of the employer; or

13 (2) involved the behavior of an employee of the
14 employer or a corporate executive of the employer, without
15 regard to whether that behavior occurred in the workplace
16 of the employer.

17 The total number of settlements entered into during the
18 requested period shall be reported along with how many
19 settlements are in each of the following categories, when
20 requested by the Department pursuant to this subsection:

21 (a) sexual harassment;

22 (b) discrimination or harassment on the basis of sex;

23 (c) discrimination or harassment on the basis of race,
24 color, or national origin;

25 (d) discrimination or harassment on the basis of
26 religion;

- 1 (e) discrimination or harassment on the basis of age;
- 2 (f) discrimination or harassment on the basis of
3 disability;
- 4 (g) discrimination or harassment on the basis of
5 military status or unfavorable discharge from military
6 status;
- 7 (h) discrimination or harassment on the basis of
8 sexual orientation or gender identity; and
- 9 (i) discrimination or harassment on the basis of any
10 other characteristic protected under this Act;

11 The Department shall not rely on the existence of any
12 settlement agreement to support a finding of substantial
13 evidence under this Act.

14 (D) Prohibited disclosures. An employer may not disclose
15 the name of a victim of an act of alleged sexual harassment or
16 unlawful discrimination in any disclosures required under this
17 Section.

18 (E) Annual report. The Department shall publish an annual
19 report aggregating the information reported by employers under
20 subsection (B) of this Section such that no individual
21 employer data is available to the public. The report shall
22 include the number of adverse judgments or administrative
23 rulings filed during the preceding calendar year based on each
24 of the protected classes identified by this Act.

25 The report shall be filed with the General Assembly and
26 made available to the public by December 31 of each reporting

1 year. Data submitted by an employer to comply with this
2 Section is confidential and exempt from the Freedom of
3 Information Act.

4 (F) Failure to report and penalties. If an employer fails
5 to make any disclosures required under this Section, the
6 Department shall issue a notice to show cause giving the
7 employer 30 days to disclose the required information. If the
8 employer does not make the required disclosures within 30
9 days, the Department shall petition the Illinois Human Rights
10 Commission for entry of an order imposing a civil penalty
11 against the employer pursuant to Section 8-109.1. The civil
12 penalty shall be paid into the Department of Human Rights'
13 Training and Development Fund.

14 (G) Rules. The Department shall adopt any rules it deems
15 necessary for implementation of this Section.

16 (H) This Section is repealed on January 1, 2030.

17 (Source: P.A. 101-221, eff. 1-1-20; revised 9-12-19.)

18 (775 ILCS 5/6-102)

19 Sec. 6-102. Violations of other Acts. A person who
20 violates ~~the~~ Section 11-117-12.2 of the Illinois Municipal
21 Code, Section 224.05 of the Illinois Insurance Code, Section
22 8-201.5 of the Public Utilities Act, Sections 2-1401.1,
23 9-107.10, 9-107.11, and 15-1501.6 of the Code of Civil
24 Procedure, Section 4.05 of the Interest Act, the Military
25 Personnel Cellular Phone Contract Termination Act, Section

1 405-272 of the Civil Administrative Code of Illinois, Section
2 10-63 of the Illinois Administrative Procedure Act, Sections
3 30.25 and 30.30 of the Military Code of Illinois, Section 16 of
4 the Landlord and Tenant Act, Section 26.5 of the Retail
5 Installment Sales Act, or Section 37 of the Motor Vehicle
6 Leasing Act commits a civil rights violation within the
7 meaning of this Act.

8 (Source: P.A. 100-1101, eff. 1-1-19; revised 7-16-19.)

9 (775 ILCS 5/7A-102) (from Ch. 68, par. 7A-102)

10 Sec. 7A-102. Procedures.

11 (A) Charge.

12 (1) Within 300 calendar days after the date that a
13 civil rights violation allegedly has been committed, a
14 charge in writing under oath or affirmation may be filed
15 with the Department by an aggrieved party or issued by the
16 Department itself under the signature of the Director.

17 (2) The charge shall be in such detail as to
18 substantially apprise any party properly concerned as to
19 the time, place, and facts surrounding the alleged civil
20 rights violation.

21 (3) Charges deemed filed with the Department pursuant
22 to subsection (A-1) of this Section shall be deemed to be
23 in compliance with this subsection.

24 (A-1) Equal Employment Opportunity Commission Charges.

25 (1) If a charge is filed with the Equal Employment

1 Opportunity Commission (EEOC) within 300 calendar days
2 after the date of the alleged civil rights violation, the
3 charge shall be deemed filed with the Department on the
4 date filed with the EEOC. If the EEOC is the governmental
5 agency designated to investigate the charge first, the
6 Department shall take no action until the EEOC makes a
7 determination on the charge and after the complainant
8 notifies the Department of the EEOC's determination. In
9 such cases, after receiving notice from the EEOC that a
10 charge was filed, the Department shall notify the parties
11 that (i) a charge has been received by the EEOC and has
12 been sent to the Department for dual filing purposes; (ii)
13 the EEOC is the governmental agency responsible for
14 investigating the charge and that the investigation shall
15 be conducted pursuant to the rules and procedures adopted
16 by the EEOC; (iii) it will take no action on the charge
17 until the EEOC issues its determination; (iv) the
18 complainant must submit a copy of the EEOC's determination
19 within 30 days after service of the determination by the
20 EEOC on the complainant; and (v) that the time period to
21 investigate the charge contained in subsection (G) of this
22 Section is tolled from the date on which the charge is
23 filed with the EEOC until the EEOC issues its
24 determination.

25 (2) If the EEOC finds reasonable cause to believe that
26 there has been a violation of federal law and if the

1 Department is timely notified of the EEOC's findings by
2 the complainant, the Department shall notify the
3 complainant that the Department has adopted the EEOC's
4 determination of reasonable cause and that the complainant
5 has the right, within 90 days after receipt of the
6 Department's notice, to either file his or her own
7 complaint with the Illinois Human Rights Commission or
8 commence a civil action in the appropriate circuit court
9 or other appropriate court of competent jurisdiction. This
10 notice shall be provided to the complainant within 10
11 business days after the Department's receipt of the EEOC's
12 determination. The Department's notice to the complainant
13 that the Department has adopted the EEOC's determination
14 of reasonable cause shall constitute the Department's
15 Report for purposes of subparagraph (D) of this Section.

16 (3) For those charges alleging violations within the
17 jurisdiction of both the EEOC and the Department and for
18 which the EEOC either (i) does not issue a determination,
19 but does issue the complainant a notice of a right to sue,
20 including when the right to sue is issued at the request of
21 the complainant, or (ii) determines that it is unable to
22 establish that illegal discrimination has occurred and
23 issues the complainant a right to sue notice, and if the
24 Department is timely notified of the EEOC's determination
25 by the complainant, the Department shall notify the
26 parties, within 10 business days after receipt of the

1 EEOC's determination, that the Department will adopt the
2 EEOC's determination as a dismissal for lack of
3 substantial evidence unless the complainant requests in
4 writing within 35 days after receipt of the Department's
5 notice that the Department review the EEOC's
6 determination.

7 (a) If the complainant does not file a written
8 request with the Department to review the EEOC's
9 determination within 35 days after receipt of the
10 Department's notice, the Department shall notify the
11 complainant, within 10 business days after the
12 expiration of the 35-day period, that the decision of
13 the EEOC has been adopted by the Department as a
14 dismissal for lack of substantial evidence and that
15 the complainant has the right, within 90 days after
16 receipt of the Department's notice, to commence a
17 civil action in the appropriate circuit court or other
18 appropriate court of competent jurisdiction. The
19 Department's notice to the complainant that the
20 Department has adopted the EEOC's determination shall
21 constitute the Department's report for purposes of
22 subparagraph (D) of this Section.

23 (b) If the complainant does file a written request
24 with the Department to review the EEOC's
25 determination, the Department shall review the EEOC's
26 determination and any evidence obtained by the EEOC

1 during its investigation. If, after reviewing the
2 EEOC's determination and any evidence obtained by the
3 EEOC, the Department determines there is no need for
4 further investigation of the charge, the Department
5 shall issue a report and the Director shall determine
6 whether there is substantial evidence that the alleged
7 civil rights violation has been committed pursuant to
8 subsection (D) of this Section ~~7A-102~~. If, after
9 reviewing the EEOC's determination and any evidence
10 obtained by the EEOC, the Department determines there
11 is a need for further investigation of the charge, the
12 Department may conduct any further investigation it
13 deems necessary. After reviewing the EEOC's
14 determination, the evidence obtained by the EEOC, and
15 any additional investigation conducted by the
16 Department, the Department shall issue a report and
17 the Director shall determine whether there is
18 substantial evidence that the alleged civil rights
19 violation has been committed pursuant to subsection
20 (D) of this Section ~~7A-102 of this Act~~.

21 (4) Pursuant to this Section, if the EEOC dismisses
22 the charge or a portion of the charge of discrimination
23 because, under federal law, the EEOC lacks jurisdiction
24 over the charge, and if, under this Act, the Department
25 has jurisdiction over the charge of discrimination, the
26 Department shall investigate the charge or portion of the

1 charge dismissed by the EEOC for lack of jurisdiction
2 pursuant to subsections (A), (A-1), (B), (B-1), (C), (D),
3 (E), (F), (G), (H), (I), (J), and (K) of this Section
4 ~~7A-102 of this Act.~~

5 (5) The time limit set out in subsection (G) of this
6 Section is tolled from the date on which the charge is
7 filed with the EEOC to the date on which the EEOC issues
8 its determination.

9 (6) The failure of the Department to meet the
10 10-business-day notification deadlines set out in
11 paragraph (2) of this subsection shall not impair the
12 rights of any party.

13 (B) Notice and Response to Charge. The Department shall,
14 within 10 days of the date on which the charge was filed, serve
15 a copy of the charge on the respondent and provide all parties
16 with a notice of the complainant's right to opt out of the
17 investigation within 60 days as set forth in subsection (C-1).
18 This period shall not be construed to be jurisdictional. The
19 charging party and the respondent may each file a position
20 statement and other materials with the Department regarding
21 the charge of alleged discrimination within 60 days of receipt
22 of the notice of the charge. The position statements and other
23 materials filed shall remain confidential unless otherwise
24 agreed to by the party providing the information and shall not
25 be served on or made available to the other party during the
26 pendency of a charge with the Department. The Department may

1 require the respondent to file a response to the allegations
2 contained in the charge. Upon the Department's request, the
3 respondent shall file a response to the charge within 60 days
4 and shall serve a copy of its response on the complainant or
5 his or her representative. Notwithstanding any request from
6 the Department, the respondent may elect to file a response to
7 the charge within 60 days of receipt of notice of the charge,
8 provided the respondent serves a copy of its response on the
9 complainant or his or her representative. All allegations
10 contained in the charge not denied by the respondent within 60
11 days of the Department's request for a response may be deemed
12 admitted, unless the respondent states that it is without
13 sufficient information to form a belief with respect to such
14 allegation. The Department may issue a notice of default
15 directed to any respondent who fails to file a response to a
16 charge within 60 days of receipt of the Department's request,
17 unless the respondent can demonstrate good cause as to why
18 such notice should not issue. The term "good cause" shall be
19 defined by rule promulgated by the Department. Within 30 days
20 of receipt of the respondent's response, the complainant may
21 file a reply to said response and shall serve a copy of said
22 reply on the respondent or his or her representative. A party
23 shall have the right to supplement his or her response or reply
24 at any time that the investigation of the charge is pending.
25 The Department shall, within 10 days of the date on which the
26 charge was filed, and again no later than 335 days thereafter,

1 send by certified or registered mail, or electronic mail if
2 elected by the party, written notice to the complainant and to
3 the respondent informing the complainant of the complainant's
4 rights to either file a complaint with the Human Rights
5 Commission or commence a civil action in the appropriate
6 circuit court under subparagraph (2) of paragraph (G),
7 including in such notice the dates within which the
8 complainant may exercise these rights. In the notice the
9 Department shall notify the complainant that the charge of
10 civil rights violation will be dismissed with prejudice and
11 with no right to further proceed if a written complaint is not
12 timely filed with the Commission or with the appropriate
13 circuit court by the complainant pursuant to subparagraph (2)
14 of paragraph (G) or by the Department pursuant to subparagraph
15 (1) of paragraph (G).

16 (B-1) Mediation. The complainant and respondent may agree
17 to voluntarily submit the charge to mediation without waiving
18 any rights that are otherwise available to either party
19 pursuant to this Act and without incurring any obligation to
20 accept the result of the mediation process. Nothing occurring
21 in mediation shall be disclosed by the Department or
22 admissible in evidence in any subsequent proceeding unless the
23 complainant and the respondent agree in writing that such
24 disclosure be made.

25 (C) Investigation.

26 (1) The Department shall conduct an investigation

1 sufficient to determine whether the allegations set forth
2 in the charge are supported by substantial evidence unless
3 the complainant elects to opt out of an investigation
4 pursuant to subsection (C-1).

5 (2) The Director or his or her designated
6 representatives shall have authority to request any member
7 of the Commission to issue subpoenas to compel the
8 attendance of a witness or the production for examination
9 of any books, records or documents whatsoever.

10 (3) If any witness whose testimony is required for any
11 investigation resides outside the State, or through
12 illness or any other good cause as determined by the
13 Director is unable to be interviewed by the investigator
14 or appear at a fact finding conference, his or her
15 testimony or deposition may be taken, within or without
16 the State, in the same manner as is provided for in the
17 taking of depositions in civil cases in circuit courts.

18 (4) Upon reasonable notice to the complainant and the
19 respondent, the Department shall conduct a fact finding
20 conference, unless prior to 365 days after the date on
21 which the charge was filed the Director has determined
22 whether there is substantial evidence that the alleged
23 civil rights violation has been committed, the charge has
24 been dismissed for lack of jurisdiction, or the parties
25 voluntarily and in writing agree to waive the fact finding
26 conference. Any party's failure to attend the conference

1 without good cause shall result in dismissal or default.

2 The term "good cause" shall be defined by rule promulgated

3 by the Department. A notice of dismissal or default shall

4 be issued by the Director. The notice of default issued by

5 the Director shall notify the respondent that a request

6 for review may be filed in writing with the Commission

7 within 30 days of receipt of notice of default. The notice

8 of dismissal issued by the Director shall give the

9 complainant notice of his or her right to seek review of

10 the dismissal before the Human Rights Commission or

11 commence a civil action in the appropriate circuit court.

12 If the complainant chooses to have the Human Rights

13 Commission review the dismissal order, he or she shall

14 file a request for review with the Commission within 90

15 days after receipt of the Director's notice. If the

16 complainant chooses to file a request for review with the

17 Commission, he or she may not later commence a civil

18 action in a circuit court. If the complainant chooses to

19 commence a civil action in a circuit court, he or she must

20 do so within 90 days after receipt of the Director's

21 notice.

22 (C-1) Opt out of Department's investigation. At any time

23 within 60 days after receipt of notice of the right to opt out,

24 a complainant may submit a written request seeking notice from

25 the Director indicating that the complainant has opted out of

26 the investigation and may commence a civil action in the

1 appropriate circuit court or other appropriate court of
2 competent jurisdiction. Within 10 business days of receipt of
3 the complainant's request to opt out of the investigation, the
4 Director shall issue a notice to the parties stating that: (i)
5 the complainant has exercised the right to opt out of the
6 investigation; (ii) the complainant has 90 days after receipt
7 of the Director's notice to commence an action in the
8 appropriate circuit court or other appropriate court of
9 competent jurisdiction; and (iii) the Department has ceased
10 its investigation and is administratively closing the charge.
11 The complainant shall notify the Department and the respondent
12 that a complaint has been filed with the appropriate circuit
13 court or other appropriate court of competent jurisdiction and
14 shall mail a copy of the complaint to the Department and the
15 respondent on the same date that the complaint is filed with
16 the appropriate court. Once a complainant has opted out of the
17 investigation under this subsection, he or she may not file or
18 refile a substantially similar charge with the Department
19 arising from the same incident of unlawful discrimination or
20 harassment.

21 (D) Report.

22 (1) Each charge investigated under subsection (C)
23 shall be the subject of a report to the Director. The
24 report shall be a confidential document subject to review
25 by the Director, authorized Department employees, the
26 parties, and, where indicated by this Act, members of the

1 Commission or their designated hearing officers.

2 (2) Upon review of the report, the Director shall
3 determine whether there is substantial evidence that the
4 alleged civil rights violation has been committed. The
5 determination of substantial evidence is limited to
6 determining the need for further consideration of the
7 charge pursuant to this Act and includes, but is not
8 limited to, findings of fact and conclusions, as well as
9 the reasons for the determinations on all material issues.
10 Substantial evidence is evidence which a reasonable mind
11 accepts as sufficient to support a particular conclusion
12 and which consists of more than a mere scintilla but may be
13 somewhat less than a preponderance.

14 (3) If the Director determines that there is no
15 substantial evidence, the charge shall be dismissed by
16 order of the Director and the Director shall give the
17 complainant notice of his or her right to seek review of
18 the dismissal order before the Commission or commence a
19 civil action in the appropriate circuit court. If the
20 complainant chooses to have the Human Rights Commission
21 review the dismissal order, he or she shall file a request
22 for review with the Commission within 90 days after
23 receipt of the Director's notice. If the complainant
24 chooses to file a request for review with the Commission,
25 he or she may not later commence a civil action in a
26 circuit court. If the complainant chooses to commence a

1 civil action in a circuit court, he or she must do so
2 within 90 days after receipt of the Director's notice.

3 (4) If the Director determines that there is
4 substantial evidence, he or she shall notify the
5 complainant and respondent of that determination. The
6 Director shall also notify the parties that the
7 complainant has the right to either commence a civil
8 action in the appropriate circuit court or request that
9 the Department of Human Rights file a complaint with the
10 Human Rights Commission on his or her behalf. Any such
11 complaint shall be filed within 90 days after receipt of
12 the Director's notice. If the complainant chooses to have
13 the Department file a complaint with the Human Rights
14 Commission on his or her behalf, the complainant must,
15 within 30 days after receipt of the Director's notice,
16 request in writing that the Department file the complaint.
17 If the complainant timely requests that the Department
18 file the complaint, the Department shall file the
19 complaint on his or her behalf. If the complainant fails
20 to timely request that the Department file the complaint,
21 the complainant may file his or her complaint with the
22 Commission or commence a civil action in the appropriate
23 circuit court. If the complainant files a complaint with
24 the Human Rights Commission, the complainant shall give
25 notice to the Department of the filing of the complaint
26 with the Human Rights Commission.

1 (E) Conciliation.

2 (1) When there is a finding of substantial evidence,
3 the Department may designate a Department employee who is
4 an attorney licensed to practice in Illinois to endeavor
5 to eliminate the effect of the alleged civil rights
6 violation and to prevent its repetition by means of
7 conference and conciliation.

8 (2) When the Department determines that a formal
9 conciliation conference is necessary, the complainant and
10 respondent shall be notified of the time and place of the
11 conference by registered or certified mail at least 10
12 days prior thereto and either or both parties shall appear
13 at the conference in person or by attorney.

14 (3) The place fixed for the conference shall be within
15 35 miles of the place where the civil rights violation is
16 alleged to have been committed.

17 (4) Nothing occurring at the conference shall be
18 disclosed by the Department unless the complainant and
19 respondent agree in writing that such disclosure be made.

20 (5) The Department's efforts to conciliate the matter
21 shall not stay or extend the time for filing the complaint
22 with the Commission or the circuit court.

23 (F) Complaint.

24 (1) When the complainant requests that the Department
25 file a complaint with the Commission on his or her behalf,
26 the Department shall prepare a written complaint, under

1 oath or affirmation, stating the nature of the civil
2 rights violation substantially as alleged in the charge
3 previously filed and the relief sought on behalf of the
4 aggrieved party. The Department shall file the complaint
5 with the Commission.

6 (2) If the complainant chooses to commence a civil
7 action in a circuit court, he or she must do so in the
8 circuit court in the county wherein the civil rights
9 violation was allegedly committed. The form of the
10 complaint in any such civil action shall be in accordance
11 with the ~~Illinois~~ Code of Civil Procedure.

12 (G) Time Limit.

13 (1) When a charge of a civil rights violation has been
14 properly filed, the Department, within 365 days thereof or
15 within any extension of that period agreed to in writing
16 by all parties, shall issue its report as required by
17 subparagraph (D). Any such report shall be duly served
18 upon both the complainant and the respondent.

19 (2) If the Department has not issued its report within
20 365 days after the charge is filed, or any such longer
21 period agreed to in writing by all the parties, the
22 complainant shall have 90 days to either file his or her
23 own complaint with the Human Rights Commission or commence
24 a civil action in the appropriate circuit court. If the
25 complainant files a complaint with the Commission, the
26 form of the complaint shall be in accordance with the

1 provisions of paragraph (F)(1). If the complainant
2 commences a civil action in a circuit court, the form of
3 the complaint shall be in accordance with the ~~Illinois~~
4 Code of Civil Procedure. The aggrieved party shall notify
5 the Department that a complaint has been filed and shall
6 serve a copy of the complaint on the Department on the same
7 date that the complaint is filed with the Commission or in
8 circuit court. If the complainant files a complaint with
9 the Commission, he or she may not later commence a civil
10 action in circuit court.

11 (3) If an aggrieved party files a complaint with the
12 Human Rights Commission or commences a civil action in
13 circuit court pursuant to paragraph (2) of this
14 subsection, or if the time period for filing a complaint
15 has expired, the Department shall immediately cease its
16 investigation and dismiss the charge of civil rights
17 violation. Any final order entered by the Commission under
18 this Section is appealable in accordance with paragraph
19 (B)(1) of Section 8-111. Failure to immediately cease an
20 investigation and dismiss the charge of civil rights
21 violation as provided in this paragraph (3) constitutes
22 grounds for entry of an order by the circuit court
23 permanently enjoining the investigation. The Department
24 may also be liable for any costs and other damages
25 incurred by the respondent as a result of the action of the
26 Department.

1 (4) (Blank).

2 (H) Public Act 89-370 ~~This amendatory Act of 1995~~ applies
3 to causes of action filed on or after January 1, 1996.

4 (I) Public Act 89-520 ~~This amendatory Act of 1996~~ applies
5 to causes of action filed on or after January 1, 1996.

6 (J) The changes made to this Section by Public Act 95-243
7 apply to charges filed on or after the effective date of those
8 changes.

9 (K) The changes made to this Section by Public Act 96-876
10 ~~this amendatory Act of the 96th General Assembly~~ apply to
11 charges filed on or after the effective date of those changes.

12 (L) The changes made to this Section by Public Act
13 100-1066 ~~this amendatory Act of the 100th General Assembly~~
14 apply to charges filed on or after August 24, 2018 (the
15 effective date of Public Act 100-1066) ~~this amendatory Act of~~
16 ~~the 100th General Assembly~~.

17 (Source: P.A. 100-492, eff. 9-8-17; 100-588, eff. 6-8-18;
18 100-1066, eff. 8-24-18; 101-221, eff. 1-1-20; revised
19 9-12-19.)

20 (775 ILCS 5/7A-103) (from Ch. 68, par. 7A-103)

21 Sec. 7A-103. Settlement.

22 (A) Circumstances. A settlement of any charge prior to the
23 filing of a complaint may be effectuated at any time upon
24 agreement of the parties and the approval of the Department. A
25 settlement of any charge after the filing of a complaint shall

1 be effectuated as specified in Section 8-105(A)(2) of this
2 Act.

3 (B) Form. Settlements of charges prior to the filing of
4 complaints shall be reduced to writing by the Department,
5 signed by the parties, and submitted by the Department to the
6 Commission for approval. Settlements of charges after the
7 filing of complaints shall be effectuated as specified in
8 Section 8-105(A)(2) of this Act.

9 (C) Violation.

10 (1) When either party alleges that a settlement order
11 has been violated, the Department shall conduct an
12 investigation into the matter.

13 (2) Upon finding substantial evidence to demonstrate
14 that a settlement has been violated, the Department shall
15 file notice of a settlement order violation with the
16 Commission and serve all parties.

17 (D) Dismissal For Refusal To Accept Settlement Offer. The
18 Department shall dismiss a charge if it is satisfied that:

19 (1) the respondent has eliminated the effects of the
20 civil rights violation charged and taken steps to prevent
21 its repetition; or

22 (2) the respondent offers and the complainant declines
23 to accept terms of settlement which the Department finds
24 are sufficient to eliminate the effects of the civil
25 rights violation charged and prevent its repetition.

26 When the Department dismisses a charge under this Section

1 it shall notify the complainant that he or she may seek review
2 of the dismissal order before the Commission. The complainant
3 shall have 30 days from receipt of notice to file a request for
4 review by the Commission.

5 In determining whether the respondent has eliminated the
6 effects of the civil rights violation charged, or has offered
7 terms of settlement sufficient to eliminate same, the
8 Department shall consider the extent to which the respondent
9 has either fully provided, or reasonably offered by way of
10 terms of settlement, as the case may be, the relevant relief
11 available to the complainant under Section 8A-104 ~~8-108~~ of
12 this Act.

13 (E) Public Act 89-370 ~~This amendatory Act of 1995~~ applies
14 to causes of action filed on or after January 1, 1996.

15 (F) The changes made to this Section by Public Act 95-243
16 ~~this amendatory Act of the 95th General Assembly~~ apply to
17 charges filed on or after the effective date of those changes.

18 (Source: P.A. 95-243, eff. 1-1-08; revised 9-4-20.)

19 Section 830. The Business Corporation Act of 1983 is
20 amended by changing Sections 15.35 and 15.65 as follows:

21 (805 ILCS 5/15.35) (from Ch. 32, par. 15.35)

22 (Section scheduled to be repealed on December 31, 2025)

23 Sec. 15.35. Franchise taxes payable by domestic
24 corporations. For the privilege of exercising its franchises

1 in this State, each domestic corporation shall pay to the
2 Secretary of State the following franchise taxes, computed on
3 the basis, at the rates and for the periods prescribed in this
4 Act:

5 (a) An initial franchise tax at the time of filing its
6 first report of issuance of shares.

7 (b) An additional franchise tax at the time of filing
8 (1) a report of the issuance of additional shares, or (2) a
9 report of an increase in paid-in capital without the
10 issuance of shares, or (3) an amendment to the articles of
11 incorporation or a report of cumulative changes in paid-in
12 capital, whenever any amendment or such report discloses
13 an increase in its paid-in capital over the amount thereof
14 last reported in any document, other than an annual
15 report, interim annual report or final transition annual
16 report required by this Act to be filed in the office of
17 the Secretary of State.

18 (c) An additional franchise tax at the time of filing
19 a report of paid-in capital following a statutory merger
20 or consolidation, which discloses that the paid-in capital
21 of the surviving or new corporation immediately after the
22 merger or consolidation is greater than the sum of the
23 paid-in capital of all of the merged or consolidated
24 corporations as last reported by them in any documents,
25 other than annual reports, required by this Act to be
26 filed in the office of the Secretary of State; and in

1 addition, the surviving or new corporation shall be liable
2 for a further additional franchise tax on the paid-in
3 capital of each of the merged or consolidated corporations
4 as last reported by them in any document, other than an
5 annual report, required by this Act to be filed with the
6 Secretary of State from their taxable year end to the next
7 succeeding anniversary month or, in the case of a
8 corporation which has established an extended filing
9 month, the extended filing month of the surviving or new
10 corporation; however if the taxable year ends within the
11 2-month ~~2-month~~ period immediately preceding the
12 anniversary month or, in the case of a corporation which
13 has established an extended filing month, the extended
14 filing month of the surviving or new corporation the tax
15 will be computed to the anniversary month or, in the case
16 of a corporation which has established an extended filing
17 month, the extended filing month of the surviving or new
18 corporation in the next succeeding calendar year.

19 (d) An annual franchise tax payable each year with the
20 annual report which the corporation is required by this
21 Act to file.

22 ~~(e)~~ On or after January 1, 2020 and prior to January 1,
23 2021, the first \$30 in liability is exempt from the tax imposed
24 under this Section. On or after January 1, 2021 and prior to
25 January 1, 2022, the first \$1,000 in liability is exempt from
26 the tax imposed under this Section. On or after January 1, 2022

1 and prior to January 1, 2023, the first \$10,000 in liability is
2 exempt from the tax imposed under this Section. On or after
3 January 1, 2023 and prior to January 1, 2024, the first
4 \$100,000 in liability is exempt from the tax imposed under
5 this Section. The provisions of this Section shall not require
6 the payment of any franchise tax that would otherwise have
7 been due and payable on or after January 1, 2024. There shall
8 be no refunds or proration of franchise tax for any taxes due
9 and payable on or after January 1, 2024 on the basis that a
10 portion of the corporation's taxable year extends beyond
11 January 1, 2024. Public Act 101-9 ~~This amendatory Act of the~~
12 ~~101st General Assembly~~ shall not affect any right accrued or
13 established, or any liability or penalty incurred prior to
14 January 1, 2024.

15 ~~(f)~~ This Section is repealed on December 31, 2025.

16 (Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

17 (805 ILCS 5/15.65) (from Ch. 32, par. 15.65)

18 (Section scheduled to be repealed on December 31, 2024)

19 Sec. 15.65. Franchise taxes payable by foreign
20 corporations. For the privilege of exercising its authority to
21 transact such business in this State as set out in its
22 application therefor or any amendment thereto, each foreign
23 corporation shall pay to the Secretary of State the following
24 franchise taxes, computed on the basis, at the rates and for
25 the periods prescribed in this Act:

1 (a) An initial franchise tax at the time of filing its
2 application for authority to transact business in this
3 State.

4 (b) An additional franchise tax at the time of filing
5 (1) a report of the issuance of additional shares, or (2) a
6 report of an increase in paid-in capital without the
7 issuance of shares, or (3) a report of cumulative changes
8 in paid-in capital or a report of an exchange or
9 reclassification of shares, whenever any such report
10 discloses an increase in its paid-in capital over the
11 amount thereof last reported in any document, other than
12 an annual report, interim annual report or final
13 transition annual report, required by this Act to be filed
14 in the office of the Secretary of State.

15 (c) Whenever the corporation shall be a party to a
16 statutory merger and shall be the surviving corporation,
17 an additional franchise tax at the time of filing its
18 report following merger, if such report discloses that the
19 amount represented in this State of its paid-in capital
20 immediately after the merger is greater than the aggregate
21 of the amounts represented in this State of the paid-in
22 capital of such of the merged corporations as were
23 authorized to transact business in this State at the time
24 of the merger, as last reported by them in any documents,
25 other than annual reports, required by this Act to be
26 filed in the office of the Secretary of State; and in

1 addition, the surviving corporation shall be liable for a
2 further additional franchise tax on the paid-in capital of
3 each of the merged corporations as last reported by them
4 in any document, other than an annual report, required by
5 this Act to be filed with the Secretary of State, from
6 their taxable year end to the next succeeding anniversary
7 month or, in the case of a corporation which has
8 established an extended filing month, the extended filing
9 month of the surviving corporation; however if the taxable
10 year ends within the 2-month ~~2-month~~ period immediately
11 preceding the anniversary month or the extended filing
12 month of the surviving corporation, the tax will be
13 computed to the anniversary or, extended filing month of
14 the surviving corporation in the next succeeding calendar
15 year.

16 (d) An annual franchise tax payable each year with any
17 annual report which the corporation is required by this
18 Act to file.

19 ~~(e)~~ On or after January 1, 2020 and prior to January 1,
20 2021, the first \$30 in liability is exempt from the tax imposed
21 under this Section. On or after January 1, 2021 and prior to
22 January 1, 2022, the first \$1,000 in liability is exempt from
23 the tax imposed under this Section. On or after January 1, 2022
24 and prior to January 1, 2023, the first \$10,000 in liability is
25 exempt from the tax imposed under this Section. On or after
26 January 1, 2023 and prior to January 1, 2024, the first

1 \$100,000 in liability is exempt from the tax imposed under
2 this Section. The provisions of this Section shall not require
3 the payment of any franchise tax that would otherwise have
4 been due and payable on or after January 1, 2024. There shall
5 be no refunds or proration of franchise tax for any taxes due
6 and payable on or after January 1, 2024 on the basis that a
7 portion of the corporation's taxable year extends beyond
8 January 1, 2024. Public Act 101-9 ~~This amendatory Act of the~~
9 ~~101st General Assembly~~ shall not affect any right accrued or
10 established, or any liability or penalty incurred prior to
11 January 1, 2024.

12 ~~(f)~~ This Section is repealed on December 31, 2024.

13 (Source: P.A. 101-9, eff. 6-5-19; revised 7-18-19.)

14 Section 835. The General Not For Profit Corporation Act of
15 1986 is amended by changing Section 111.25 as follows:

16 (805 ILCS 105/111.25) (from Ch. 32, par. 111.25)

17 Sec. 111.25. Articles of merger or consolidation.

18 (a) Articles of merger or consolidation shall be executed
19 by each corporation and filed in duplicate in accordance with
20 Section 101.10 of this Act and shall set forth:

21 (1) the name of each corporation;

22 (2) the plan of merger or consolidation;

23 (3) as to each corporation where the plan of merger or
24 consolidation was adopted pursuant to Section 111.15 of

1 this Act:

2 (i) a statement that the plan received the
3 affirmative vote of a majority of the directors in
4 office, at a meeting of the board of directors, and the
5 date of the meeting; or

6 (ii) a statement that the plan was adopted by
7 written consent, signed by all the directors in
8 office, in compliance with Section 108.45 of this Act;
9 and

10 (4) as to each corporation where the plan of merger or
11 consolidation was adopted pursuant to Section 111.20 of
12 this Act:

13 (i) a statement that the plan was adopted at a
14 meeting of members by the affirmative vote of members
15 having not less than the minimum number of votes
16 necessary to adopt the plan, as provided by this Act,
17 the articles of incorporation, or the bylaws, and the
18 date of the meeting; or

19 (ii) a statement that the plan was adopted by
20 written consent, signed by members having not less
21 than the minimum number of votes necessary to adopt
22 the plan, as provided by this Act, the articles of
23 incorporation or the bylaws, in compliance with
24 Section 107.10 of this Act.

25 (b) When the provisions of this Section have been complied
26 with, the Secretary of State shall file the articles of merger

1 or consolidation.

2 (Source: P.A. 91-357, eff. 7-29-99; 92-33, eff. 7-1-01;
3 revised 7-18-19.)

4 Section 840. The Limited Worker Cooperative Association
5 Act is amended by changing Section 25 as follows:

6 (805 ILCS 317/25)

7 Sec. 25. Articles of organization. ~~(a)~~ The articles of
8 organization of a limited cooperative association shall state:

9 (1) the domestic entity name of the limited
10 cooperative association;

11 (2) the purposes for which the limited cooperative
12 association is formed, which may be for any lawful
13 purpose;

14 (3) the registered agent name and registered agent
15 address of the association's initial registered agent;

16 (4) the street address and, if different, mailing
17 address of the association's initial principal office;

18 (5) the true name and street address and, if
19 different, mailing address of each organizer; and

20 (6) any other provision, not inconsistent with law,
21 that the worker-members, members, or organizers elect to
22 set out in the articles for the regulation of the internal
23 affairs of the worker cooperative, including any
24 provisions that, under this Act, are required or permitted

1 to be set out in the bylaws of the worker cooperative.

2 (Source: P.A. 101-292, eff. 1-1-20; revised 9-4-20.)

3 Section 845. The Illinois Pre-Need Cemetery Sales Act is
4 amended by changing Section 16 as follows:

5 (815 ILCS 390/16) (from Ch. 21, par. 216)

6 Sec. 16. Trust funds; disbursements.

7 (a) A trustee shall make no disbursements from the trust
8 fund except as provided in this Act.

9 (b) A trustee has a duty to invest and manage the trust
10 assets pursuant to the Illinois Prudent Investor Law under
11 Article 9 of the Illinois Trust Code. Whenever the seller
12 changes trustees pursuant to this Act, the trustee must
13 provide written notice of the change in trustees to the
14 Comptroller no less than 28 days prior to the effective date of
15 such a change in trustee. The trustee has an ongoing duty to
16 provide the Comptroller with a current and true copy of the
17 trust agreement under which the trust funds are held pursuant
18 to this Act.

19 (c) The trustee may rely upon certifications and
20 affidavits made to it under the provisions of this Act, and
21 shall not be liable to any person for such reliance.

22 (d) A trustee shall be allowed to withdraw from the trust
23 funds maintained pursuant to this Act a reasonable fee
24 pursuant to the Illinois Trust Code.

1 (e) The trust shall be a single-purpose trust fund. In the
2 event of the seller's bankruptcy, insolvency or assignment for
3 the benefit of creditors, or an adverse judgment, the trust
4 funds shall not be available to any creditor as assets of the
5 seller or to pay any expenses of any bankruptcy or similar
6 proceeding, but shall be distributed to the purchasers or
7 managed for their benefit by the trustee holding the funds.
8 Except in an action by the Comptroller to revoke a license
9 issued pursuant to this Act and for creation of a receivership
10 as provided in this Act, the trust shall not be subject to
11 judgment, execution, garnishment, attachment, or other seizure
12 by process in bankruptcy or otherwise, nor to sale, pledge,
13 mortgage, or other alienation, and shall not be assignable
14 except as approved by the Comptroller. The changes made by
15 this amendatory Act of the 91st General Assembly are intended
16 to clarify existing law regarding the inability of licensees
17 to pledge the trust.

18 (f) Because it is not known at the time of deposit or at
19 the time that income is earned on the trust account to whom the
20 principal and the accumulated earnings will be distributed,
21 for purposes of determining the Illinois Income Tax due on
22 these trust funds, the principal and any accrued earnings or
23 losses relating to each individual account shall be held in
24 suspense until the final determination is made as to whom the
25 account shall be paid.

26 (g) A trustee shall at least annually furnish to each

1 purchaser a statement identifying: (1) the receipts,
2 disbursements, and inventory of the trust, including an
3 explanation of any fees or expenses charged by the trustee
4 under paragraph (d) of this Section or otherwise, (2) an
5 explanation of the purchaser's right to a refund, if any,
6 under this Act, and (3) the primary regulator of the trust as a
7 corporate fiduciary under state or federal law.

8 (h) If the trustee has reason to believe that the contact
9 information for a purchaser is no longer valid, then the
10 trustee shall promptly notify the seller. If the trustee has
11 reason to believe that the purchaser is deceased, then the
12 trustee shall promptly notify the seller. A trustee shall
13 remit as provided in Section 18.5 of this Act any pre-need
14 trust funds, including both the principal and any accrued
15 earnings or losses, relating to an individual account that is
16 presumed abandoned under Section 18.5.

17 (Source: P.A. 101-48, eff. 1-1-20; 101-552, eff. 1-1-20;
18 revised 9-17-19.)

19 Section 850. The Consumer Fraud and Deceptive Business
20 Practices Act is amended by changing Section 2DDD as follows:

21 (815 ILCS 505/2DDD)

22 Sec. 2DDD. Alternative gas suppliers.

23 (a) Definitions.

24 (1) "Alternative gas supplier" has the same meaning as

1 in Section 19-105 of the Public Utilities Act.

2 (2) "Gas utility" has the same meaning as in Section
3 19-105 of the Public Utilities Act.

4 (b) It is an unfair or deceptive act or practice within the
5 meaning of Section 2 of this Act for any person to violate any
6 provision of this Section.

7 (c) Solicitation.

8 (1) An alternative gas supplier shall not utilize the
9 name of a public utility in any manner that is deceptive or
10 misleading, including, but not limited to, implying or
11 otherwise leading a customer to believe that an
12 alternative gas supplier is soliciting on behalf of or is
13 an agent of a utility. An alternative gas supplier shall
14 not utilize the name, or any other identifying insignia,
15 graphics, or wording, that has been used at any time to
16 represent a public utility company or its services or to
17 identify, label, or define any of its natural gas supply
18 offers and shall not misrepresent the affiliation of any
19 alternative supplier with the gas utility, governmental
20 bodies, or consumer groups.

21 (2) If any sales solicitation, agreement, contract, or
22 verification is translated into another language and
23 provided to a customer, all of the documents must be
24 provided to the customer in that other language.

25 (2.3) An alternative gas supplier shall state that it
26 represents an independent seller of gas certified by the

1 Illinois Commerce Commission and that he or she is not
2 employed by, representing, endorsed by, or acting on
3 behalf of a utility, or a utility program.

4 (2.5) All in-person and telephone solicitations shall
5 be conducted in, translated into, and provided in a
6 language in which the consumer subject to the marketing or
7 solicitation is able to understand and communicate. An
8 alternative gas supplier shall terminate a solicitation if
9 the consumer subject to the marketing or communication is
10 unable to understand and communicate in the language in
11 which the marketing or solicitation is being conducted. An
12 alternative gas supplier shall comply with Section 2N of
13 this Act.

14 (3) An alternative gas supplier shall clearly and
15 conspicuously disclose the following information to all
16 customers:

17 (A) the prices, terms, and conditions of the
18 products and services being sold to the customer;

19 (B) where the solicitation occurs in person,
20 including through door-to-door solicitation, the
21 salesperson's name;

22 (C) the alternative gas supplier's contact
23 information, including the address, phone number, and
24 website;

25 (D) contact information for the Illinois Commerce
26 Commission, including the toll-free number for

1 consumer complaints and website;

2 (E) a statement of the customer's right to rescind
3 the offer within 10 business days of the date on the
4 utility's notice confirming the customer's decision to
5 switch suppliers, as well as phone numbers for the
6 supplier and utility that the consumer may use to
7 rescind the contract;

8 (F) the amount of the early termination fee, if
9 any; and

10 (G) the utility gas supply cost rates per therm
11 price available from the Illinois Commerce Commission
12 website applicable at the time the alternative gas
13 supplier is offering or selling the products or
14 services to the customer and shall disclose the
15 following statement:

16 "(Name of the alternative gas supplier) is not the
17 same entity as your gas delivery company. You are not
18 required to enroll with (name of alternative retail
19 gas supplier). Beginning on (effective date), the
20 utility gas supply cost rate per therm is (cost). The
21 utility gas supply cost will expire on (expiration
22 date). For more information go to the Illinois
23 Commerce Commission's free website at
24 www.icc.illinois.gov/ags/consumereducation.aspx."

25 (4) Except as provided in paragraph (5) of this
26 subsection (c), an alternative gas supplier shall send the

1 information described in paragraph (3) of this subsection
2 (c) to all customers within one business day of the
3 authorization of a switch.

4 (5) An alternative gas supplier engaging in
5 door-to-door solicitation of consumers shall provide the
6 information described in paragraph (3) of this subsection
7 (c) during all door-to-door solicitations that result in a
8 customer deciding to switch his or her ~~their~~ supplier.

9 (d) Customer Authorization. An alternative gas supplier
10 shall not submit or execute a change in a customer's selection
11 of a natural gas provider unless and until (i) the alternative
12 gas supplier first discloses all material terms and conditions
13 of the offer to the customer; (ii) the alternative gas
14 supplier has obtained the customer's express agreement to
15 accept the offer after the disclosure of all material terms
16 and conditions of the offer; and (iii) the alternative gas
17 supplier has confirmed the request for a change in accordance
18 with one of the following procedures:

19 (1) The alternative gas supplier has obtained the
20 customer's written or electronically signed authorization
21 in a form that meets the following requirements:

22 (A) An alternative gas supplier shall obtain any
23 necessary written or electronically signed
24 authorization from a customer for a change in natural
25 gas service by using a letter of agency as specified in
26 this Section. Any letter of agency that does not

1 conform with this Section is invalid.

2 (B) The letter of agency shall be a separate
3 document (or an easily separable document containing
4 only the authorization language described in item (E)
5 of this paragraph (1)) whose sole purpose is to
6 authorize a natural gas provider change. The letter of
7 agency must be signed and dated by the customer
8 requesting the natural gas provider change.

9 (C) The letter of agency shall not be combined
10 with inducements of any kind on the same document.

11 (D) Notwithstanding items (A) and (B) of this
12 paragraph (1), the letter of agency may be combined
13 with checks that contain only the required letter of
14 agency language prescribed in item (E) of this
15 paragraph (1) and the necessary information to make
16 the check a negotiable instrument. The letter of
17 agency check shall not contain any promotional
18 language or material. The letter of agency check shall
19 contain in easily readable, bold face type on the face
20 of the check, a notice that the consumer is
21 authorizing a natural gas provider change by signing
22 the check. The letter of agency language also shall be
23 placed near the signature line on the back of the
24 check.

25 (E) At a minimum, the letter of agency must be
26 printed with a print of sufficient size to be clearly

1 legible, and must contain clear and unambiguous
2 language that confirms:

3 (i) the customer's billing name and address;

4 (ii) the decision to change the natural gas
5 provider from the current provider to the
6 prospective alternative gas supplier;

7 (iii) the terms, conditions, and nature of the
8 service to be provided to the customer, including,
9 but not limited to, the rates for the service
10 contracted for by the customer; and

11 (iv) that the customer understands that any
12 natural gas provider selection the customer
13 chooses may involve a charge to the customer for
14 changing the customer's natural gas provider.

15 (F) Letters of agency shall not suggest or require
16 that a customer take some action in order to retain the
17 customer's current natural gas provider.

18 (G) If any portion of a letter of agency is
19 translated into another language, then all portions of
20 the letter of agency must be translated into that
21 language.

22 (2) An appropriately qualified independent third party
23 has obtained, in accordance with the procedures set forth
24 in this paragraph (2), the customer's oral authorization
25 to change natural gas providers that confirms and includes
26 appropriate verification data. The independent third party

1 must (i) not be owned, managed, controlled, or directed by
2 the alternative gas supplier or the alternative gas
3 supplier's marketing agent; (ii) not have any financial
4 incentive to confirm provider change requests for the
5 alternative gas supplier or the alternative gas supplier's
6 marketing agent; and (iii) operate in a location
7 physically separate from the alternative gas supplier or
8 the alternative gas supplier's marketing agent. Automated
9 third-party verification systems and 3-way conference
10 calls may be used for verification purposes so long as the
11 other requirements of this paragraph (2) are satisfied. An
12 ~~A~~ alternative gas supplier or alternative gas supplier's
13 sales representative initiating a 3-way conference call or
14 a call through an automated verification system must drop
15 off the call once the 3-way connection has been
16 established. All third-party verification methods shall
17 elicit, at a minimum, the following information:

18 (A) the identity of the customer;

19 (B) confirmation that the person on the call is
20 authorized to make the provider change;

21 (C) confirmation that the person on the call wants
22 to make the provider change;

23 (D) the names of the providers affected by the
24 change;

25 (E) the service address of the service to be
26 switched; and

1 (F) the price of the service to be provided and the
2 material terms and conditions of the service being
3 offered, including whether any early termination fees
4 apply.

5 Third-party verifiers may not market the alternative
6 gas supplier's services. All third-party verifications
7 shall be conducted in the same language that was used in
8 the underlying sales transaction and shall be recorded in
9 their entirety. Submitting alternative gas suppliers shall
10 maintain and preserve audio records of verification of
11 customer authorization for a minimum period of 2 years
12 after obtaining the verification. Automated systems must
13 provide customers with an option to speak with a live
14 person at any time during the call. Each disclosure made
15 during the third-party verification must be made
16 individually to obtain clear acknowledgment of each
17 disclosure. The alternative gas supplier must be in a
18 location where he or she cannot hear the customer while
19 the third-party verification is conducted. The alternative
20 gas supplier shall not contact the customer after the
21 third-party verification for a period of 24 hours unless
22 the customer initiates the contact.

23 (3) The alternative gas supplier has obtained the
24 customer's electronic authorization to change natural gas
25 service via telephone. Such authorization must elicit the
26 information in subparagraphs (A) ~~paragraph (2) (A)~~ through

1 (F) of paragraph (2) of this subsection (d). Alternative
2 gas suppliers electing to confirm sales electronically
3 shall establish one or more toll-free telephone numbers
4 exclusively for that purpose. Calls to the number or
5 numbers shall connect a customer to a voice response unit,
6 or similar mechanism, that makes a date-stamped,
7 time-stamped recording of the required information
8 regarding the alternative gas supplier change.

9 The alternative gas supplier shall not use such
10 electronic authorization systems to market its services.

11 (4) When a consumer initiates the call to the
12 prospective alternative gas supplier, in order to enroll
13 the consumer as a customer, the prospective alternative
14 gas supplier must, with the consent of the customer, make
15 a date-stamped, time-stamped audio recording that elicits,
16 at a minimum, the following information:

17 (A) the identity of the customer;

18 (B) confirmation that the person on the call is
19 authorized to make the provider change;

20 (C) confirmation that the person on the call wants
21 to make the provider change;

22 (D) the names of the providers affected by the
23 change;

24 (E) the service address of the service to be
25 switched; and

26 (F) the price of the service to be supplied and the

1 material terms and conditions of the service being
2 offered, including whether any early termination fees
3 apply.

4 Submitting alternative gas suppliers shall maintain
5 and preserve the audio records containing the information
6 set forth above for a minimum period of 2 years.

7 (5) In the event that a customer enrolls for service
8 from an alternative gas supplier via an Internet website,
9 the alternative gas supplier shall obtain an
10 electronically signed letter of agency in accordance with
11 paragraph (1) of this subsection (d) and any customer
12 information shall be protected in accordance with all
13 applicable statutes and rules. In addition, an alternative
14 gas supplier shall provide the following when marketing
15 via an Internet website:

16 (A) The Internet enrollment website shall, at a
17 minimum, include:

18 (i) a copy of the alternative gas supplier's
19 customer contract, which clearly and conspicuously
20 discloses all terms and conditions; and

21 (ii) a conspicuous prompt for the customer to
22 print or save a copy of the contract.

23 (B) Any electronic version of the contract shall
24 be identified by version number, in order to ensure
25 the ability to verify the particular contract to which
26 the customer assents.

1 (C) Throughout the duration of the alternative gas
2 supplier's contract with a customer, the alternative
3 gas supplier shall retain and, within 3 business days
4 of the customer's request, provide to the customer an
5 e-mail, paper, or facsimile of the terms and
6 conditions of the numbered contract version to which
7 the customer assents.

8 (D) The alternative gas supplier shall provide a
9 mechanism by which both the submission and receipt of
10 the electronic letter of agency are recorded by time
11 and date.

12 (E) After the customer completes the electronic
13 letter of agency, the alternative gas supplier shall
14 disclose conspicuously through its website that the
15 customer has been enrolled and the alternative gas
16 supplier shall provide the customer an enrollment
17 confirmation number.

18 (6) When a customer is solicited in person by the
19 alternative gas supplier's sales agent, the alternative
20 gas supplier may only obtain the customer's authorization
21 to change natural gas service through the method provided
22 for in paragraph (2) of this subsection (d).

23 Alternative gas suppliers must be in compliance with the
24 provisions of this subsection (d) within 90 days after April
25 10, 2009 (the effective date of Public Act 95-1051) ~~this~~
26 ~~amendatory Act of the 95th General Assembly.~~

1 (e) Early Termination.

2 (1) Beginning January 1, 2020, consumers shall have
3 the right to terminate their contract with an alternative
4 gas supplier at any time without any termination fees or
5 penalties.

6 (2) In any agreement that contains an early
7 termination clause, an alternative gas supplier shall
8 provide the customer the opportunity to terminate the
9 agreement without any termination fee or penalty within 10
10 business days after the date of the first bill issued to
11 the customer for products or services provided by the
12 alternative gas supplier. The agreement shall disclose the
13 opportunity and provide a toll-free phone number that the
14 customer may call in order to terminate the agreement.

15 (f) The alternative gas supplier shall provide each
16 customer the opportunity to rescind its agreement without
17 penalty within 10 business days after the date on the gas
18 utility notice to the customer. The alternative gas supplier
19 shall disclose to the customer all of the following:

20 (1) that the gas utility shall send a notice
21 confirming the switch;

22 (2) that from the date the utility issues the notice
23 confirming the switch, the customer shall have 10 business
24 days before the switch will become effective;

25 (3) that the customer may contact the gas utility or
26 the alternative gas supplier to rescind the switch within

1 10 business days; and

2 (4) the contact information for the gas utility and
3 the alternative gas supplier.

4 The alternative gas supplier disclosure shall be included
5 in its sales solicitations, contracts, and all applicable
6 sales verification scripts.

7 (f-5)(1) Beginning January 1, 2020, an alternative gas
8 supplier shall not sell or offer to sell any products or
9 services to a consumer pursuant to a contract in which the
10 contract automatically renews, unless an alternative gas
11 supplier provides to the consumer at the outset of the offer,
12 in addition to other disclosures required by law, a separate
13 written statement titled "Automatic Contract Renewal" that
14 clearly and conspicuously discloses in bold lettering in at
15 least 12-point font the terms and conditions of the automatic
16 contract renewal provision, including: (i) the estimated bill
17 cycle on which the initial contract term expires and a
18 statement that it could be later based on when the utility
19 accepts the initial enrollment; (ii) the estimated bill cycle
20 on which the new contract term begins and a statement that it
21 will immediately follow the last billing cycle of the current
22 term; (iii) the procedure to terminate the contract before the
23 new contract term applies; and (iv) the cancellation
24 procedure. If the alternative gas supplier sells or offers to
25 sell the products or services to a consumer during an
26 in-person solicitation or telemarketing solicitation, the

1 disclosures described in this paragraph (1) shall also be made
2 to the consumer verbally during the solicitation. Nothing in
3 this paragraph (1) shall be construed to apply to contracts
4 entered into before January 1, 2020.

5 (2) At least 30 days before, but not more than 60 days
6 prior, to the end of the initial contract term, in any and all
7 contracts that automatically renew after the initial term, the
8 alternative gas supplier shall send, in addition to other
9 disclosures required by law, a separate written notice of the
10 contract renewal to the consumer that clearly and
11 conspicuously discloses the following:

12 (A) a statement printed or visible from the outside of
13 the envelope or in the subject line of the email, if the
14 customer has agreed to receive official documents by
15 email, that states "Contract Renewal Notice";

16 (B) a statement in bold lettering, in at least
17 12-point font, that the contract will automatically renew
18 unless the customer cancels it;

19 (C) the billing cycle in which service under the
20 current term will expire;

21 (D) the billing cycle in which service under the new
22 term will begin;

23 (E) the process and options available to the consumer
24 to reject the new contract terms;

25 (F) the cancellation process if the consumer's
26 contract automatically renews before the consumer rejects

1 the new contract terms;

2 (G) the terms and conditions of the new contract term;

3 (H) for a fixed rate or flat bill contract, a
4 side-by-side comparison of the current fixed rate or flat
5 bill to the new fixed rate or flat bill; for a variable
6 rate contract or time-of-use product in which the first
7 month's renewal price can be determined, a side-by-side
8 comparison of the current price and the price for the
9 first month of the new variable or time-of-use price; or
10 for a variable or time-of-use contract based on a publicly
11 available index, a side-by-side comparison of the current
12 formula and the new formula; and

13 (I) the phone number and email address to submit a
14 consumer inquiry or complaint to the Illinois Commerce
15 Commission and the Office of the Attorney General.

16 (3) An alternative gas supplier shall not automatically
17 renew a consumer's enrollment after the current term of the
18 contract expires when the current term of the contract
19 provides that the consumer will be charged a fixed rate and the
20 renewed contract provides that the consumer will be charged a
21 variable rate, unless: (i) the alternative gas supplier
22 complies with paragraphs (1) and (2); and (ii) the customer
23 expressly consents to the contract renewal in writing or by
24 electronic signature at least 30 days, but no more than 60
25 days, before the contract expires.

26 (4) An alternative gas supplier shall not submit a change

1 to a customer's gas service provider in violation of Section
2 19-116 of the Public Utilities Act.

3 (g) The provisions of this Section shall apply only to
4 alternative gas suppliers serving or seeking to serve
5 residential and small commercial customers and only to the
6 extent such alternative gas suppliers provide services to
7 residential and small commercial customers.

8 (Source: P.A. 101-590, eff. 1-1-20; revised 9-4-20.)

9 Section 855. The Automatic Contract Renewal Act is amended
10 by changing Section 5 as follows:

11 (815 ILCS 601/5)

12 Sec. 5. Definitions ~~Definition~~. In this Act:

13 "Contract" means a written agreement between 2 or more
14 parties.

15 "Parties" includes ~~include~~ individuals and other legal
16 entities, but does ~~do~~ not include the federal government, this
17 State or another state, or a unit of local government.

18 (Source: P.A. 101-412, eff. 8-16-19; revised 9-4-20.)

19 Section 860. The Workplace Transparency Act is amended by
20 changing Section 1-25 as follows:

21 (820 ILCS 96/1-25)

22 Sec. 1-25. Conditions of employment or continued

1 employment.

2 (a) Any agreement, clause, covenant, or waiver that is a
3 unilateral condition of employment or continued employment and
4 has the purpose or effect of preventing an employee or
5 prospective employee from making truthful statements or
6 disclosures about alleged unlawful employment practices is
7 against public policy, void to the extent it prevents such
8 statements or disclosures, and severable from an otherwise
9 valid and enforceable contract under this Act.

10 (b) Any agreement, clause, covenant, or waiver that is a
11 unilateral condition of employment or continued employment and
12 requires the employee or prospective employee to waive,
13 arbitrate, or otherwise diminish any existing or future claim,
14 right, or benefit related to an unlawful employment practice
15 to which the employee or prospective employee would otherwise
16 be entitled under any provision of State or federal law, is
17 against public policy, void to the extent it denies an
18 employee or prospective employee a substantive or procedural
19 right or remedy related to alleged unlawful employment
20 practices, and severable from an otherwise valid and
21 enforceable contract under this Act.

22 (c) Any agreement, clause, covenant, or waiver that is a
23 mutual condition of employment or continued employment may
24 include provisions that would otherwise be against public
25 policy as a unilateral condition of employment or continued
26 employment, but only if the agreement, clause, covenant, or

1 waiver is in writing, demonstrates actual, knowing, and
2 bargained-for consideration from both parties, and
3 acknowledges the right of the employee or prospective employee
4 to:

5 (1) report any good faith allegation of unlawful
6 employment practices to any appropriate federal, State, or
7 local government agency enforcing discrimination laws;

8 (2) report any good faith allegation of criminal
9 conduct to any appropriate federal, State, or local
10 official;

11 (3) participate in a proceeding with any appropriate
12 federal, State, or local government agency enforcing
13 discrimination laws;

14 (4) make any truthful statements or disclosures
15 required by law, regulation, or legal process; and

16 (5) request or receive confidential legal advice.

17 (d) Failure to comply with the provisions of subsection
18 (c) shall establish a rebuttable presumption that the
19 agreement, clause, covenant, or waiver is a unilateral
20 condition of employment or continued employment that is
21 governed by subsection ~~subsections~~ (a) or (b).

22 (e) Nothing in this Section shall be construed to prevent
23 an employee or prospective employee and an employer from
24 negotiating and bargaining over the terms, privileges, and
25 conditions of employment.

26 (Source: P.A. 101-221, eff. 1-1-20; revised 9-12-19.)

1 Section 865. The Workers' Compensation Act is amended by
2 changing Section 4a-5 as follows:

3 (820 ILCS 305/4a-5) (from Ch. 48, par. 138.4a-5)

4 Sec. 4a-5. There is hereby created a Self-Insurers
5 Security Fund. The State Treasurer shall be the ex officio
6 ~~ex officio~~ custodian of the Self-Insurers Security Fund.
7 Moneys in the Fund shall be deposited in a separate account in
8 the same manner as are State Funds and any interest accruing
9 thereon shall be added thereto every 6 months. It shall be
10 subject to audit the same as State funds and accounts and shall
11 be protected by the general bond given by the State Treasurer.
12 The funds in the Self-Insurers Security Fund shall not be
13 subject to appropriation and shall be made available for the
14 purposes of compensating employees who are eligible to receive
15 benefits from their employers pursuant to the provisions of
16 the Workers' Compensation Act or Workers' Occupational
17 Diseases Act, when, pursuant to this Section, the Board has
18 determined that a private self-insurer has become an insolvent
19 self-insurer and is unable to pay compensation benefits due to
20 financial insolvency. Moneys in the Fund may be used to
21 compensate any type of injury or occupational disease which is
22 compensable under either Act, and all claims for related
23 administrative fees, operating costs of the Board, attorney's
24 fees, and other costs reasonably incurred by the Board. At the

1 discretion of the Chairman, moneys in the Self-Insurers
2 Security Fund may also be used for paying the salaries and
3 benefits of the Self-Insurers Advisory Board employees and the
4 operating costs of the Board. Payment from the Self-Insurers
5 Security Fund shall be made by the Comptroller only upon the
6 authorization of the Chairman as evidenced by properly
7 certified vouchers of the Commission, upon the direction of
8 the Board.

9 (Source: P.A. 101-40, eff. 1-1-20; revised 8-6-19.)

10 Section 870. The Hotel and Casino Employee Safety Act is
11 amended by changing Sections 5-5, 5-10, and 5-15 as follows:

12 (820 ILCS 325/5-5)

13 (This Section may contain text from a Public Act with a
14 delayed effective date)

15 Sec. 5-5. Definitions. As used in this Act:

16 "Casino" has the meaning ascribed to the term "riverboat"
17 under the Illinois ~~Riverboat~~ Gambling Act.

18 "Casino employer" means any person, business, or
19 organization that holds an owners license pursuant to the
20 Illinois ~~Riverboat~~ Gambling Act that operates a casino and
21 either directly employs or through a subcontractor, including
22 through the services of a temporary staffing agency, exercises
23 direction and control over any natural person who is working
24 on the casino premises.

1 "Complaining employee" means an employee who has alleged
2 an instance of sexual assault or sexual harassment by a guest.

3 "Employee" means any natural person who works full-time or
4 part-time for a hotel employer or casino employer for or under
5 the direction of the hotel employer or casino employer or any
6 subcontractor of the hotel employer or casino employer for
7 wages or salary or remuneration of any type under a contract or
8 subcontract of employment.

9 "Guest" means any invitee to a hotel or casino, including
10 a registered guest, person occupying a guest room with a
11 registered guest or other occupant of a guest room, person
12 patronizing food or beverage facilities provided by the hotel
13 or casino, or any other person whose presence at the hotel or
14 casino is permitted by the hotel or casino. "Guest" does not
15 include an employee.

16 "Guest room" means any room made available by a hotel for
17 overnight occupancy by guests.

18 "Hotel" means any building or buildings maintained,
19 advertised, and held out to the public to be a place where
20 lodging is offered for consideration to travelers and guests.
21 "Hotel" includes an inn, motel, tourist home or court, and
22 lodging house.

23 "Hotel employer" means any person, business entity, or
24 organization that operates a hotel and either directly employs
25 or through a subcontractor, including through the services of
26 a temporary staffing agency, exercises direction and control

1 over any natural person who is working on the hotel premises
2 and employed in furtherance of the hotel's provision of
3 lodging to travelers and guests.

4 "Notification device" or "safety device" means a portable
5 emergency contact device, supplied by the hotel employer or
6 casino employer, that utilizes technology that the hotel
7 employer or casino employer deems appropriate for the hotel's
8 or casino's size, physical layout, and technological
9 capabilities and that is designed so that an employee can
10 quickly and easily activate the device to alert a hotel or
11 casino security officer, manager, or other appropriate hotel
12 or casino staff member designated by the hotel or casino and
13 effectively summon to the employee's location prompt
14 assistance by a hotel or casino security officer, manager, or
15 other appropriate hotel or casino staff member designated by
16 the hotel or casino.

17 "Offending guest" means a guest a complaining employee has
18 alleged sexually assaulted or sexually harassed the
19 complaining employee.

20 "Restroom" means any room equipped with toilets or
21 urinals.

22 "Sexual assault" means: (1) an act of sexual conduct, as
23 defined in Section 11-0.1 of the Criminal Code of 2012; or (2)
24 any act of sexual penetration, as defined in Section 11-0.1 of
25 the Criminal Code of 2012 and includes, without limitation,
26 acts prohibited under Sections 11-1.20 through 11-1.60 of the

1 Criminal Code of 2012.

2 "Sexual harassment" means any harassment or discrimination
3 on the basis of an individual's actual or perceived sex or
4 gender, including unwelcome sexual advances, requests for
5 sexual favors, or other verbal or physical conduct of a sexual
6 nature.

7 (Source: P.A. 101-221, eff. 3-1-21 (See Section 50 of P.A.
8 101-639 for effective date of P.A. 101-221); revised 6-16-20.)

9 (820 ILCS 325/5-10)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 Sec. 5-10. Hotels and casinos; safety devices; anti-sexual
13 harassment policies.

14 (a) Each hotel and casino shall equip an employee who is
15 assigned to work in a guest room, restroom, or casino floor,
16 under circumstances where no other employee is present in the
17 room or area, with a safety device or notification device. The
18 employee may use the safety device or notification device to
19 summon help if the employee reasonably believes that an
20 ongoing crime, sexual harassment, sexual assault, or other
21 emergency is occurring in the employee's presence. The safety
22 device or notification device shall be provided by the hotel
23 or casino at no cost to the employee.

24 (b) Each hotel employer and casino employer shall develop,
25 maintain, and comply with a written anti-sexual harassment

1 policy to protect employees against sexual assault and sexual
2 harassment by guests. This policy shall:

3 (1) encourage an employee to immediately report to the
4 hotel employer or casino employer any instance of alleged
5 sexual assault or sexual harassment by a guest;

6 (2) describe the procedures that the complaining
7 employee and hotel employer or casino employer shall
8 follow in cases under paragraph (1);

9 (3) instruct the complaining employee to cease work
10 and to leave the immediate area where danger is perceived
11 until hotel or casino security personnel or police arrive
12 to provide assistance;

13 (4) offer temporary work assignments to the
14 complaining employee during the duration of the offending
15 guest's stay at the hotel or casino, which may include
16 assigning the complaining employee to work on a different
17 floor or at a different station or work area away from the
18 offending guest;

19 (5) provide the complaining employee with necessary
20 paid time off to:

21 (A) file a police report or criminal complaint
22 with the appropriate local authorities against the
23 offending guest; and

24 (B) if so required, testify as a witness at any
25 legal proceeding that may ensue as a result of the
26 criminal complaint filed against the offending guest,

1 if the complaining employee is still in the employ of
2 the hotel or casino at the time the legal proceeding
3 occurs;

4 (6) inform the complaining employee that the Illinois
5 Human Rights Act and Title VII of the Civil Rights Act of
6 1964 provide additional protections against sexual
7 harassment in the workplace; and

8 (7) inform the complaining employee that Section 5-15
9 ~~15~~ makes it illegal for an employer to retaliate against
10 any employee who: reasonably uses a safety device or
11 notification device; in good faith avails himself or
12 herself of the requirements set forth in paragraph (3),
13 (4), or (5); or discloses, reports, or testifies about any
14 violation of this Act or rules adopted under this Act.

15 Each hotel employer and casino employer shall provide all
16 employees with a current copy in English and Spanish of the
17 hotel employer's or casino employer's anti-sexual harassment
18 policy and post the policy in English and Spanish in
19 conspicuous places in areas of the hotel or casino, such as
20 supply rooms or employee lunch rooms, where employees can
21 reasonably be expected to see it. Each hotel employer and
22 casino employer shall also make all reasonable efforts to
23 provide employees with a current copy of its written
24 anti-sexual harassment policy in any language other than
25 English and Spanish that, in its sole discretion, is spoken by
26 a predominant portion of its employees.

1 (Source: P.A. 101-221, eff. 3-1-21 (See Section 50 of P.A.
2 101-639 for effective date of P.A. 101-221); revised 6-16-20.)

3 (820 ILCS 325/5-15)

4 (This Section may contain text from a Public Act with a
5 delayed effective date)

6 Sec. 5-15. Retaliation prohibited. It is unlawful for a
7 hotel employer or casino employer to retaliate against an
8 employee for:

9 (1) reasonably using a safety device or notification
10 device;

11 (2) availing himself or herself of the provisions of
12 paragraph (3), (4), or (5) of subsection (b) of Section
13 5-10 ~~40~~; or

14 (3) disclosing, reporting, or testifying about any
15 violation of this Act or any rule adopted under this Act.

16 (Source: P.A. 101-221, eff. 3-1-21 (See Section 50 of P.A.
17 101-639 for effective date of P.A. 101-221); revised 6-16-20.)

18 Section 875. The Illinois Income Tax Act is amended by
19 changing Sections 201, 208, 502, and 901 as follows:

20 (35 ILCS 5/201)

21 (Text of Section without the changes made by P.A. 101-8,
22 which did not take effect (see Section 99 of P.A. 101-8))

23 Sec. 201. Tax imposed.

1 (a) In general. A tax measured by net income is hereby
2 imposed on every individual, corporation, trust and estate for
3 each taxable year ending after July 31, 1969 on the privilege
4 of earning or receiving income in or as a resident of this
5 State. Such tax shall be in addition to all other occupation or
6 privilege taxes imposed by this State or by any municipal
7 corporation or political subdivision thereof.

8 (b) Rates. The tax imposed by subsection (a) of this
9 Section shall be determined as follows, except as adjusted by
10 subsection (d-1):

11 (1) In the case of an individual, trust or estate, for
12 taxable years ending prior to July 1, 1989, an amount
13 equal to 2 1/2% of the taxpayer's net income for the
14 taxable year.

15 (2) In the case of an individual, trust or estate, for
16 taxable years beginning prior to July 1, 1989 and ending
17 after June 30, 1989, an amount equal to the sum of (i) 2
18 1/2% of the taxpayer's net income for the period prior to
19 July 1, 1989, as calculated under Section 202.3, and (ii)
20 3% of the taxpayer's net income for the period after June
21 30, 1989, as calculated under Section 202.3.

22 (3) In the case of an individual, trust or estate, for
23 taxable years beginning after June 30, 1989, and ending
24 prior to January 1, 2011, an amount equal to 3% of the
25 taxpayer's net income for the taxable year.

26 (4) In the case of an individual, trust, or estate,

1 for taxable years beginning prior to January 1, 2011, and
2 ending after December 31, 2010, an amount equal to the sum
3 of (i) 3% of the taxpayer's net income for the period prior
4 to January 1, 2011, as calculated under Section 202.5, and
5 (ii) 5% of the taxpayer's net income for the period after
6 December 31, 2010, as calculated under Section 202.5.

7 (5) In the case of an individual, trust, or estate,
8 for taxable years beginning on or after January 1, 2011,
9 and ending prior to January 1, 2015, an amount equal to 5%
10 of the taxpayer's net income for the taxable year.

11 (5.1) In the case of an individual, trust, or estate,
12 for taxable years beginning prior to January 1, 2015, and
13 ending after December 31, 2014, an amount equal to the sum
14 of (i) 5% of the taxpayer's net income for the period prior
15 to January 1, 2015, as calculated under Section 202.5, and
16 (ii) 3.75% of the taxpayer's net income for the period
17 after December 31, 2014, as calculated under Section
18 202.5.

19 (5.2) In the case of an individual, trust, or estate,
20 for taxable years beginning on or after January 1, 2015,
21 and ending prior to July 1, 2017, an amount equal to 3.75%
22 of the taxpayer's net income for the taxable year.

23 (5.3) In the case of an individual, trust, or estate,
24 for taxable years beginning prior to July 1, 2017, and
25 ending after June 30, 2017, an amount equal to the sum of
26 (i) 3.75% of the taxpayer's net income for the period

1 prior to July 1, 2017, as calculated under Section 202.5,
2 and (ii) 4.95% of the taxpayer's net income for the period
3 after June 30, 2017, as calculated under Section 202.5.

4 (5.4) In the case of an individual, trust, or estate,
5 for taxable years beginning on or after July 1, 2017, an
6 amount equal to 4.95% of the taxpayer's net income for the
7 taxable year.

8 (6) In the case of a corporation, for taxable years
9 ending prior to July 1, 1989, an amount equal to 4% of the
10 taxpayer's net income for the taxable year.

11 (7) In the case of a corporation, for taxable years
12 beginning prior to July 1, 1989 and ending after June 30,
13 1989, an amount equal to the sum of (i) 4% of the
14 taxpayer's net income for the period prior to July 1,
15 1989, as calculated under Section 202.3, and (ii) 4.8% of
16 the taxpayer's net income for the period after June 30,
17 1989, as calculated under Section 202.3.

18 (8) In the case of a corporation, for taxable years
19 beginning after June 30, 1989, and ending prior to January
20 1, 2011, an amount equal to 4.8% of the taxpayer's net
21 income for the taxable year.

22 (9) In the case of a corporation, for taxable years
23 beginning prior to January 1, 2011, and ending after
24 December 31, 2010, an amount equal to the sum of (i) 4.8%
25 of the taxpayer's net income for the period prior to
26 January 1, 2011, as calculated under Section 202.5, and

1 (ii) 7% of the taxpayer's net income for the period after
2 December 31, 2010, as calculated under Section 202.5.

3 (10) In the case of a corporation, for taxable years
4 beginning on or after January 1, 2011, and ending prior to
5 January 1, 2015, an amount equal to 7% of the taxpayer's
6 net income for the taxable year.

7 (11) In the case of a corporation, for taxable years
8 beginning prior to January 1, 2015, and ending after
9 December 31, 2014, an amount equal to the sum of (i) 7% of
10 the taxpayer's net income for the period prior to January
11 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
12 of the taxpayer's net income for the period after December
13 31, 2014, as calculated under Section 202.5.

14 (12) In the case of a corporation, for taxable years
15 beginning on or after January 1, 2015, and ending prior to
16 July 1, 2017, an amount equal to 5.25% of the taxpayer's
17 net income for the taxable year.

18 (13) In the case of a corporation, for taxable years
19 beginning prior to July 1, 2017, and ending after June 30,
20 2017, an amount equal to the sum of (i) 5.25% of the
21 taxpayer's net income for the period prior to July 1,
22 2017, as calculated under Section 202.5, and (ii) 7% of
23 the taxpayer's net income for the period after June 30,
24 2017, as calculated under Section 202.5.

25 (14) In the case of a corporation, for taxable years
26 beginning on or after July 1, 2017, an amount equal to 7%

1 of the taxpayer's net income for the taxable year.

2 The rates under this subsection (b) are subject to the
3 provisions of Section 201.5.

4 (b-5) Surcharge; sale or exchange of assets, properties,
5 and intangibles of organization gaming licensees. For each of
6 taxable years 2019 through 2027, a surcharge is imposed on all
7 taxpayers on income arising from the sale or exchange of
8 capital assets, depreciable business property, real property
9 used in the trade or business, and Section 197 intangibles (i)
10 of an organization licensee under the Illinois Horse Racing
11 Act of 1975 and (ii) of an organization gaming licensee under
12 the Illinois Gambling Act. The amount of the surcharge is
13 equal to the amount of federal income tax liability for the
14 taxable year attributable to those sales and exchanges. The
15 surcharge imposed shall not apply if:

16 (1) the organization gaming license, organization
17 license, or racetrack property is transferred as a result
18 of any of the following:

19 (A) bankruptcy, a receivership, or a debt
20 adjustment initiated by or against the initial
21 licensee or the substantial owners of the initial
22 licensee;

23 (B) cancellation, revocation, or termination of
24 any such license by the Illinois Gaming Board or the
25 Illinois Racing Board;

26 (C) a determination by the Illinois Gaming Board

1 that transfer of the license is in the best interests
2 of Illinois gaming;

3 (D) the death of an owner of the equity interest in
4 a licensee;

5 (E) the acquisition of a controlling interest in
6 the stock or substantially all of the assets of a
7 publicly traded company;

8 (F) a transfer by a parent company to a wholly
9 owned subsidiary; or

10 (G) the transfer or sale to or by one person to
11 another person where both persons were initial owners
12 of the license when the license was issued; or

13 (2) the controlling interest in the organization
14 gaming license, organization license, or racetrack
15 property is transferred in a transaction to lineal
16 descendants in which no gain or loss is recognized or as a
17 result of a transaction in accordance with Section 351 of
18 the Internal Revenue Code in which no gain or loss is
19 recognized; or

20 (3) live horse racing was not conducted in 2010 at a
21 racetrack located within 3 miles of the Mississippi River
22 under a license issued pursuant to the Illinois Horse
23 Racing Act of 1975.

24 The transfer of an organization gaming license,
25 organization license, or racetrack property by a person other
26 than the initial licensee to receive the organization gaming

1 license is not subject to a surcharge. The Department shall
2 adopt rules necessary to implement and administer this
3 subsection.

4 (c) Personal Property Tax Replacement Income Tax.
5 Beginning on July 1, 1979 and thereafter, in addition to such
6 income tax, there is also hereby imposed the Personal Property
7 Tax Replacement Income Tax measured by net income on every
8 corporation (including Subchapter S corporations), partnership
9 and trust, for each taxable year ending after June 30, 1979.
10 Such taxes are imposed on the privilege of earning or
11 receiving income in or as a resident of this State. The
12 Personal Property Tax Replacement Income Tax shall be in
13 addition to the income tax imposed by subsections (a) and (b)
14 of this Section and in addition to all other occupation or
15 privilege taxes imposed by this State or by any municipal
16 corporation or political subdivision thereof.

17 (d) Additional Personal Property Tax Replacement Income
18 Tax Rates. The personal property tax replacement income tax
19 imposed by this subsection and subsection (c) of this Section
20 in the case of a corporation, other than a Subchapter S
21 corporation and except as adjusted by subsection (d-1), shall
22 be an additional amount equal to 2.85% of such taxpayer's net
23 income for the taxable year, except that beginning on January
24 1, 1981, and thereafter, the rate of 2.85% specified in this
25 subsection shall be reduced to 2.5%, and in the case of a
26 partnership, trust or a Subchapter S corporation shall be an

1 additional amount equal to 1.5% of such taxpayer's net income
2 for the taxable year.

3 (d-1) Rate reduction for certain foreign insurers. In the
4 case of a foreign insurer, as defined by Section 35A-5 of the
5 Illinois Insurance Code, whose state or country of domicile
6 imposes on insurers domiciled in Illinois a retaliatory tax
7 (excluding any insurer whose premiums from reinsurance assumed
8 are 50% or more of its total insurance premiums as determined
9 under paragraph (2) of subsection (b) of Section 304, except
10 that for purposes of this determination premiums from
11 reinsurance do not include premiums from inter-affiliate
12 reinsurance arrangements), beginning with taxable years ending
13 on or after December 31, 1999, the sum of the rates of tax
14 imposed by subsections (b) and (d) shall be reduced (but not
15 increased) to the rate at which the total amount of tax imposed
16 under this Act, net of all credits allowed under this Act,
17 shall equal (i) the total amount of tax that would be imposed
18 on the foreign insurer's net income allocable to Illinois for
19 the taxable year by such foreign insurer's state or country of
20 domicile if that net income were subject to all income taxes
21 and taxes measured by net income imposed by such foreign
22 insurer's state or country of domicile, net of all credits
23 allowed or (ii) a rate of zero if no such tax is imposed on
24 such income by the foreign insurer's state of domicile. For
25 the purposes of this subsection (d-1), an inter-affiliate
26 includes a mutual insurer under common management.

1 (1) For the purposes of subsection (d-1), in no event
2 shall the sum of the rates of tax imposed by subsections
3 (b) and (d) be reduced below the rate at which the sum of:

4 (A) the total amount of tax imposed on such
5 foreign insurer under this Act for a taxable year, net
6 of all credits allowed under this Act, plus

7 (B) the privilege tax imposed by Section 409 of
8 the Illinois Insurance Code, the fire insurance
9 company tax imposed by Section 12 of the Fire
10 Investigation Act, and the fire department taxes
11 imposed under Section 11-10-1 of the Illinois
12 Municipal Code,

13 equals 1.25% for taxable years ending prior to December
14 31, 2003, or 1.75% for taxable years ending on or after
15 December 31, 2003, of the net taxable premiums written for
16 the taxable year, as described by subsection (1) of
17 Section 409 of the Illinois Insurance Code. This paragraph
18 will in no event increase the rates imposed under
19 subsections (b) and (d).

20 (2) Any reduction in the rates of tax imposed by this
21 subsection shall be applied first against the rates
22 imposed by subsection (b) and only after the tax imposed
23 by subsection (a) net of all credits allowed under this
24 Section other than the credit allowed under subsection (i)
25 has been reduced to zero, against the rates imposed by
26 subsection (d).

1 This subsection (d-1) is exempt from the provisions of
2 Section 250.

3 (e) Investment credit. A taxpayer shall be allowed a
4 credit against the Personal Property Tax Replacement Income
5 Tax for investment in qualified property.

6 (1) A taxpayer shall be allowed a credit equal to .5%
7 of the basis of qualified property placed in service
8 during the taxable year, provided such property is placed
9 in service on or after July 1, 1984. There shall be allowed
10 an additional credit equal to .5% of the basis of
11 qualified property placed in service during the taxable
12 year, provided such property is placed in service on or
13 after July 1, 1986, and the taxpayer's base employment
14 within Illinois has increased by 1% or more over the
15 preceding year as determined by the taxpayer's employment
16 records filed with the Illinois Department of Employment
17 Security. Taxpayers who are new to Illinois shall be
18 deemed to have met the 1% growth in base employment for the
19 first year in which they file employment records with the
20 Illinois Department of Employment Security. The provisions
21 added to this Section by Public Act 85-1200 (and restored
22 by Public Act 87-895) shall be construed as declaratory of
23 existing law and not as a new enactment. If, in any year,
24 the increase in base employment within Illinois over the
25 preceding year is less than 1%, the additional credit
26 shall be limited to that percentage times a fraction, the

1 numerator of which is .5% and the denominator of which is
2 1%, but shall not exceed .5%. The investment credit shall
3 not be allowed to the extent that it would reduce a
4 taxpayer's liability in any tax year below zero, nor may
5 any credit for qualified property be allowed for any year
6 other than the year in which the property was placed in
7 service in Illinois. For tax years ending on or after
8 December 31, 1987, and on or before December 31, 1988, the
9 credit shall be allowed for the tax year in which the
10 property is placed in service, or, if the amount of the
11 credit exceeds the tax liability for that year, whether it
12 exceeds the original liability or the liability as later
13 amended, such excess may be carried forward and applied to
14 the tax liability of the 5 taxable years following the
15 excess credit years if the taxpayer (i) makes investments
16 which cause the creation of a minimum of 2,000 full-time
17 equivalent jobs in Illinois, (ii) is located in an
18 enterprise zone established pursuant to the Illinois
19 Enterprise Zone Act and (iii) is certified by the
20 Department of Commerce and Community Affairs (now
21 Department of Commerce and Economic Opportunity) as
22 complying with the requirements specified in clause (i)
23 and (ii) by July 1, 1986. The Department of Commerce and
24 Community Affairs (now Department of Commerce and Economic
25 Opportunity) shall notify the Department of Revenue of all
26 such certifications immediately. For tax years ending

1 after December 31, 1988, the credit shall be allowed for
2 the tax year in which the property is placed in service,
3 or, if the amount of the credit exceeds the tax liability
4 for that year, whether it exceeds the original liability
5 or the liability as later amended, such excess may be
6 carried forward and applied to the tax liability of the 5
7 taxable years following the excess credit years. The
8 credit shall be applied to the earliest year for which
9 there is a liability. If there is credit from more than one
10 tax year that is available to offset a liability, earlier
11 credit shall be applied first.

12 (2) The term "qualified property" means property
13 which:

14 (A) is tangible, whether new or used, including
15 buildings and structural components of buildings and
16 signs that are real property, but not including land
17 or improvements to real property that are not a
18 structural component of a building such as
19 landscaping, sewer lines, local access roads, fencing,
20 parking lots, and other appurtenances;

21 (B) is depreciable pursuant to Section 167 of the
22 Internal Revenue Code, except that "3-year property"
23 as defined in Section 168(c)(2)(A) of that Code is not
24 eligible for the credit provided by this subsection
25 (e);

26 (C) is acquired by purchase as defined in Section

1 179(d) of the Internal Revenue Code;

2 (D) is used in Illinois by a taxpayer who is
3 primarily engaged in manufacturing, or in mining coal
4 or fluorite, or in retailing, or was placed in service
5 on or after July 1, 2006 in a River Edge Redevelopment
6 Zone established pursuant to the River Edge
7 Redevelopment Zone Act; and

8 (E) has not previously been used in Illinois in
9 such a manner and by such a person as would qualify for
10 the credit provided by this subsection (e) or
11 subsection (f).

12 (3) For purposes of this subsection (e),
13 "manufacturing" means the material staging and production
14 of tangible personal property by procedures commonly
15 regarded as manufacturing, processing, fabrication, or
16 assembling which changes some existing material into new
17 shapes, new qualities, or new combinations. For purposes
18 of this subsection (e) the term "mining" shall have the
19 same meaning as the term "mining" in Section 613(c) of the
20 Internal Revenue Code. For purposes of this subsection
21 (e), the term "retailing" means the sale of tangible
22 personal property for use or consumption and not for
23 resale, or services rendered in conjunction with the sale
24 of tangible personal property for use or consumption and
25 not for resale. For purposes of this subsection (e),
26 "tangible personal property" has the same meaning as when

1 that term is used in the Retailers' Occupation Tax Act,
2 and, for taxable years ending after December 31, 2008,
3 does not include the generation, transmission, or
4 distribution of electricity.

5 (4) The basis of qualified property shall be the basis
6 used to compute the depreciation deduction for federal
7 income tax purposes.

8 (5) If the basis of the property for federal income
9 tax depreciation purposes is increased after it has been
10 placed in service in Illinois by the taxpayer, the amount
11 of such increase shall be deemed property placed in
12 service on the date of such increase in basis.

13 (6) The term "placed in service" shall have the same
14 meaning as under Section 46 of the Internal Revenue Code.

15 (7) If during any taxable year, any property ceases to
16 be qualified property in the hands of the taxpayer within
17 48 months after being placed in service, or the situs of
18 any qualified property is moved outside Illinois within 48
19 months after being placed in service, the Personal
20 Property Tax Replacement Income Tax for such taxable year
21 shall be increased. Such increase shall be determined by
22 (i) recomputing the investment credit which would have
23 been allowed for the year in which credit for such
24 property was originally allowed by eliminating such
25 property from such computation and, (ii) subtracting such
26 recomputed credit from the amount of credit previously

1 allowed. For the purposes of this paragraph (7), a
2 reduction of the basis of qualified property resulting
3 from a redetermination of the purchase price shall be
4 deemed a disposition of qualified property to the extent
5 of such reduction.

6 (8) Unless the investment credit is extended by law,
7 the basis of qualified property shall not include costs
8 incurred after December 31, 2018, except for costs
9 incurred pursuant to a binding contract entered into on or
10 before December 31, 2018.

11 (9) Each taxable year ending before December 31, 2000,
12 a partnership may elect to pass through to its partners
13 the credits to which the partnership is entitled under
14 this subsection (e) for the taxable year. A partner may
15 use the credit allocated to him or her under this
16 paragraph only against the tax imposed in subsections (c)
17 and (d) of this Section. If the partnership makes that
18 election, those credits shall be allocated among the
19 partners in the partnership in accordance with the rules
20 set forth in Section 704(b) of the Internal Revenue Code,
21 and the rules promulgated under that Section, and the
22 allocated amount of the credits shall be allowed to the
23 partners for that taxable year. The partnership shall make
24 this election on its Personal Property Tax Replacement
25 Income Tax return for that taxable year. The election to
26 pass through the credits shall be irrevocable.

1 For taxable years ending on or after December 31,
2 2000, a partner that qualifies its partnership for a
3 subtraction under subparagraph (I) of paragraph (2) of
4 subsection (d) of Section 203 or a shareholder that
5 qualifies a Subchapter S corporation for a subtraction
6 under subparagraph (S) of paragraph (2) of subsection (b)
7 of Section 203 shall be allowed a credit under this
8 subsection (e) equal to its share of the credit earned
9 under this subsection (e) during the taxable year by the
10 partnership or Subchapter S corporation, determined in
11 accordance with the determination of income and
12 distributive share of income under Sections 702 and 704
13 and Subchapter S of the Internal Revenue Code. This
14 paragraph is exempt from the provisions of Section 250.

15 (f) Investment credit; Enterprise Zone; River Edge
16 Redevelopment Zone.

17 (1) A taxpayer shall be allowed a credit against the
18 tax imposed by subsections (a) and (b) of this Section for
19 investment in qualified property which is placed in
20 service in an Enterprise Zone created pursuant to the
21 Illinois Enterprise Zone Act or, for property placed in
22 service on or after July 1, 2006, a River Edge
23 Redevelopment Zone established pursuant to the River Edge
24 Redevelopment Zone Act. For partners, shareholders of
25 Subchapter S corporations, and owners of limited liability
26 companies, if the liability company is treated as a

1 partnership for purposes of federal and State income
2 taxation, there shall be allowed a credit under this
3 subsection (f) to be determined in accordance with the
4 determination of income and distributive share of income
5 under Sections 702 and 704 and Subchapter S of the
6 Internal Revenue Code. The credit shall be .5% of the
7 basis for such property. The credit shall be available
8 only in the taxable year in which the property is placed in
9 service in the Enterprise Zone or River Edge Redevelopment
10 Zone and shall not be allowed to the extent that it would
11 reduce a taxpayer's liability for the tax imposed by
12 subsections (a) and (b) of this Section to below zero. For
13 tax years ending on or after December 31, 1985, the credit
14 shall be allowed for the tax year in which the property is
15 placed in service, or, if the amount of the credit exceeds
16 the tax liability for that year, whether it exceeds the
17 original liability or the liability as later amended, such
18 excess may be carried forward and applied to the tax
19 liability of the 5 taxable years following the excess
20 credit year. The credit shall be applied to the earliest
21 year for which there is a liability. If there is credit
22 from more than one tax year that is available to offset a
23 liability, the credit accruing first in time shall be
24 applied first.

25 (2) The term qualified property means property which:

26 (A) is tangible, whether new or used, including

1 buildings and structural components of buildings;

2 (B) is depreciable pursuant to Section 167 of the
3 Internal Revenue Code, except that "3-year property"
4 as defined in Section 168(c)(2)(A) of that Code is not
5 eligible for the credit provided by this subsection
6 (f);

7 (C) is acquired by purchase as defined in Section
8 179(d) of the Internal Revenue Code;

9 (D) is used in the Enterprise Zone or River Edge
10 Redevelopment Zone by the taxpayer; and

11 (E) has not been previously used in Illinois in
12 such a manner and by such a person as would qualify for
13 the credit provided by this subsection (f) or
14 subsection (e).

15 (3) The basis of qualified property shall be the basis
16 used to compute the depreciation deduction for federal
17 income tax purposes.

18 (4) If the basis of the property for federal income
19 tax depreciation purposes is increased after it has been
20 placed in service in the Enterprise Zone or River Edge
21 Redevelopment Zone by the taxpayer, the amount of such
22 increase shall be deemed property placed in service on the
23 date of such increase in basis.

24 (5) The term "placed in service" shall have the same
25 meaning as under Section 46 of the Internal Revenue Code.

26 (6) If during any taxable year, any property ceases to

1 be qualified property in the hands of the taxpayer within
2 48 months after being placed in service, or the situs of
3 any qualified property is moved outside the Enterprise
4 Zone or River Edge Redevelopment Zone within 48 months
5 after being placed in service, the tax imposed under
6 subsections (a) and (b) of this Section for such taxable
7 year shall be increased. Such increase shall be determined
8 by (i) recomputing the investment credit which would have
9 been allowed for the year in which credit for such
10 property was originally allowed by eliminating such
11 property from such computation, and (ii) subtracting such
12 recomputed credit from the amount of credit previously
13 allowed. For the purposes of this paragraph (6), a
14 reduction of the basis of qualified property resulting
15 from a redetermination of the purchase price shall be
16 deemed a disposition of qualified property to the extent
17 of such reduction.

18 (7) There shall be allowed an additional credit equal
19 to 0.5% of the basis of qualified property placed in
20 service during the taxable year in a River Edge
21 Redevelopment Zone, provided such property is placed in
22 service on or after July 1, 2006, and the taxpayer's base
23 employment within Illinois has increased by 1% or more
24 over the preceding year as determined by the taxpayer's
25 employment records filed with the Illinois Department of
26 Employment Security. Taxpayers who are new to Illinois

1 shall be deemed to have met the 1% growth in base
2 employment for the first year in which they file
3 employment records with the Illinois Department of
4 Employment Security. If, in any year, the increase in base
5 employment within Illinois over the preceding year is less
6 than 1%, the additional credit shall be limited to that
7 percentage times a fraction, the numerator of which is
8 0.5% and the denominator of which is 1%, but shall not
9 exceed 0.5%.

10 (8) For taxable years beginning on or after January 1,
11 2021, there shall be allowed an Enterprise Zone
12 construction jobs credit against the taxes imposed under
13 subsections (a) and (b) of this Section as provided in
14 Section 13 of the Illinois Enterprise Zone Act.

15 The credit or credits may not reduce the taxpayer's
16 liability to less than zero. If the amount of the credit or
17 credits exceeds the taxpayer's liability, the excess may
18 be carried forward and applied against the taxpayer's
19 liability in succeeding calendar years in the same manner
20 provided under paragraph (4) of Section 211 of this Act.
21 The credit or credits shall be applied to the earliest
22 year for which there is a tax liability. If there are
23 credits from more than one taxable year that are available
24 to offset a liability, the earlier credit shall be applied
25 first.

26 For partners, shareholders of Subchapter S

1 corporations, and owners of limited liability companies,
2 if the liability company is treated as a partnership for
3 the purposes of federal and State income taxation, there
4 shall be allowed a credit under this Section to be
5 determined in accordance with the determination of income
6 and distributive share of income under Sections 702 and
7 704 and Subchapter S of the Internal Revenue Code.

8 The total aggregate amount of credits awarded under
9 the Blue Collar Jobs Act (Article 20 of Public Act 101-9
10 ~~this amendatory Act of the 101st General Assembly~~) shall
11 not exceed \$20,000,000 in any State fiscal year.

12 This paragraph (8) is exempt from the provisions of
13 Section 250.

14 (g) (Blank).

15 (h) Investment credit; High Impact Business.

16 (1) Subject to subsections (b) and (b-5) of Section
17 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall
18 be allowed a credit against the tax imposed by subsections
19 (a) and (b) of this Section for investment in qualified
20 property which is placed in service by a Department of
21 Commerce and Economic Opportunity designated High Impact
22 Business. The credit shall be .5% of the basis for such
23 property. The credit shall not be available (i) until the
24 minimum investments in qualified property set forth in
25 subdivision (a)(3)(A) of Section 5.5 of the Illinois
26 Enterprise Zone Act have been satisfied or (ii) until the

1 time authorized in subsection (b-5) of the Illinois
2 Enterprise Zone Act for entities designated as High Impact
3 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
4 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
5 Act, and shall not be allowed to the extent that it would
6 reduce a taxpayer's liability for the tax imposed by
7 subsections (a) and (b) of this Section to below zero. The
8 credit applicable to such investments shall be taken in
9 the taxable year in which such investments have been
10 completed. The credit for additional investments beyond
11 the minimum investment by a designated high impact
12 business authorized under subdivision (a)(3)(A) of Section
13 5.5 of the Illinois Enterprise Zone Act shall be available
14 only in the taxable year in which the property is placed in
15 service and shall not be allowed to the extent that it
16 would reduce a taxpayer's liability for the tax imposed by
17 subsections (a) and (b) of this Section to below zero. For
18 tax years ending on or after December 31, 1987, the credit
19 shall be allowed for the tax year in which the property is
20 placed in service, or, if the amount of the credit exceeds
21 the tax liability for that year, whether it exceeds the
22 original liability or the liability as later amended, such
23 excess may be carried forward and applied to the tax
24 liability of the 5 taxable years following the excess
25 credit year. The credit shall be applied to the earliest
26 year for which there is a liability. If there is credit

1 from more than one tax year that is available to offset a
2 liability, the credit accruing first in time shall be
3 applied first.

4 Changes made in this subdivision (h) (1) by Public Act
5 88-670 restore changes made by Public Act 85-1182 and
6 reflect existing law.

7 (2) The term qualified property means property which:

8 (A) is tangible, whether new or used, including
9 buildings and structural components of buildings;

10 (B) is depreciable pursuant to Section 167 of the
11 Internal Revenue Code, except that "3-year property"
12 as defined in Section 168(c) (2) (A) of that Code is not
13 eligible for the credit provided by this subsection
14 (h);

15 (C) is acquired by purchase as defined in Section
16 179(d) of the Internal Revenue Code; and

17 (D) is not eligible for the Enterprise Zone
18 Investment Credit provided by subsection (f) of this
19 Section.

20 (3) The basis of qualified property shall be the basis
21 used to compute the depreciation deduction for federal
22 income tax purposes.

23 (4) If the basis of the property for federal income
24 tax depreciation purposes is increased after it has been
25 placed in service in a federally designated Foreign Trade
26 Zone or Sub-Zone located in Illinois by the taxpayer, the

1 amount of such increase shall be deemed property placed in
2 service on the date of such increase in basis.

3 (5) The term "placed in service" shall have the same
4 meaning as under Section 46 of the Internal Revenue Code.

5 (6) If during any taxable year ending on or before
6 December 31, 1996, any property ceases to be qualified
7 property in the hands of the taxpayer within 48 months
8 after being placed in service, or the situs of any
9 qualified property is moved outside Illinois within 48
10 months after being placed in service, the tax imposed
11 under subsections (a) and (b) of this Section for such
12 taxable year shall be increased. Such increase shall be
13 determined by (i) recomputing the investment credit which
14 would have been allowed for the year in which credit for
15 such property was originally allowed by eliminating such
16 property from such computation, and (ii) subtracting such
17 recomputed credit from the amount of credit previously
18 allowed. For the purposes of this paragraph (6), a
19 reduction of the basis of qualified property resulting
20 from a redetermination of the purchase price shall be
21 deemed a disposition of qualified property to the extent
22 of such reduction.

23 (7) Beginning with tax years ending after December 31,
24 1996, if a taxpayer qualifies for the credit under this
25 subsection (h) and thereby is granted a tax abatement and
26 the taxpayer relocates its entire facility in violation of

1 the explicit terms and length of the contract under
2 Section 18-183 of the Property Tax Code, the tax imposed
3 under subsections (a) and (b) of this Section shall be
4 increased for the taxable year in which the taxpayer
5 relocated its facility by an amount equal to the amount of
6 credit received by the taxpayer under this subsection (h).

7 (h-5) High Impact Business construction ~~constructions~~ jobs
8 credit. For taxable years beginning on or after January 1,
9 2021, there shall also be allowed a High Impact Business
10 construction jobs credit against the tax imposed under
11 subsections (a) and (b) of this Section as provided in
12 subsections (i) and (j) of Section 5.5 of the Illinois
13 Enterprise Zone Act.

14 The credit or credits may not reduce the taxpayer's
15 liability to less than zero. If the amount of the credit or
16 credits exceeds the taxpayer's liability, the excess may be
17 carried forward and applied against the taxpayer's liability
18 in succeeding calendar years in the manner provided under
19 paragraph (4) of Section 211 of this Act. The credit or credits
20 shall be applied to the earliest year for which there is a tax
21 liability. If there are credits from more than one taxable
22 year that are available to offset a liability, the earlier
23 credit shall be applied first.

24 For partners, shareholders of Subchapter S corporations,
25 and owners of limited liability companies, if the liability
26 company is treated as a partnership for the purposes of

1 federal and State income taxation, there shall be allowed a
2 credit under this Section to be determined in accordance with
3 the determination of income and distributive share of income
4 under Sections 702 and 704 and Subchapter S of the Internal
5 Revenue Code.

6 The total aggregate amount of credits awarded under the
7 Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~
8 ~~amendatory Act of the 101st General Assembly~~) shall not exceed
9 \$20,000,000 in any State fiscal year.

10 This subsection (h-5) is exempt from the provisions of
11 Section 250.

12 (i) Credit for Personal Property Tax Replacement Income
13 Tax. For tax years ending prior to December 31, 2003, a credit
14 shall be allowed against the tax imposed by subsections (a)
15 and (b) of this Section for the tax imposed by subsections (c)
16 and (d) of this Section. This credit shall be computed by
17 multiplying the tax imposed by subsections (c) and (d) of this
18 Section by a fraction, the numerator of which is base income
19 allocable to Illinois and the denominator of which is Illinois
20 base income, and further multiplying the product by the tax
21 rate imposed by subsections (a) and (b) of this Section.

22 Any credit earned on or after December 31, 1986 under this
23 subsection which is unused in the year the credit is computed
24 because it exceeds the tax liability imposed by subsections
25 (a) and (b) for that year (whether it exceeds the original
26 liability or the liability as later amended) may be carried

1 forward and applied to the tax liability imposed by
2 subsections (a) and (b) of the 5 taxable years following the
3 excess credit year, provided that no credit may be carried
4 forward to any year ending on or after December 31, 2003. This
5 credit shall be applied first to the earliest year for which
6 there is a liability. If there is a credit under this
7 subsection from more than one tax year that is available to
8 offset a liability the earliest credit arising under this
9 subsection shall be applied first.

10 If, during any taxable year ending on or after December
11 31, 1986, the tax imposed by subsections (c) and (d) of this
12 Section for which a taxpayer has claimed a credit under this
13 subsection (i) is reduced, the amount of credit for such tax
14 shall also be reduced. Such reduction shall be determined by
15 recomputing the credit to take into account the reduced tax
16 imposed by subsections (c) and (d). If any portion of the
17 reduced amount of credit has been carried to a different
18 taxable year, an amended return shall be filed for such
19 taxable year to reduce the amount of credit claimed.

20 (j) Training expense credit. Beginning with tax years
21 ending on or after December 31, 1986 and prior to December 31,
22 2003, a taxpayer shall be allowed a credit against the tax
23 imposed by subsections (a) and (b) under this Section for all
24 amounts paid or accrued, on behalf of all persons employed by
25 the taxpayer in Illinois or Illinois residents employed
26 outside of Illinois by a taxpayer, for educational or

1 vocational training in semi-technical or technical fields or
2 semi-skilled or skilled fields, which were deducted from gross
3 income in the computation of taxable income. The credit
4 against the tax imposed by subsections (a) and (b) shall be
5 1.6% of such training expenses. For partners, shareholders of
6 subchapter S corporations, and owners of limited liability
7 companies, if the liability company is treated as a
8 partnership for purposes of federal and State income taxation,
9 there shall be allowed a credit under this subsection (j) to be
10 determined in accordance with the determination of income and
11 distributive share of income under Sections 702 and 704 and
12 subchapter S of the Internal Revenue Code.

13 Any credit allowed under this subsection which is unused
14 in the year the credit is earned may be carried forward to each
15 of the 5 taxable years following the year for which the credit
16 is first computed until it is used. This credit shall be
17 applied first to the earliest year for which there is a
18 liability. If there is a credit under this subsection from
19 more than one tax year that is available to offset a liability,
20 the earliest credit arising under this subsection shall be
21 applied first. No carryforward credit may be claimed in any
22 tax year ending on or after December 31, 2003.

23 (k) Research and development credit. For tax years ending
24 after July 1, 1990 and prior to December 31, 2003, and
25 beginning again for tax years ending on or after December 31,
26 2004, and ending prior to January 1, 2027, a taxpayer shall be

1 allowed a credit against the tax imposed by subsections (a)
2 and (b) of this Section for increasing research activities in
3 this State. The credit allowed against the tax imposed by
4 subsections (a) and (b) shall be equal to 6 1/2% of the
5 qualifying expenditures for increasing research activities in
6 this State. For partners, shareholders of subchapter S
7 corporations, and owners of limited liability companies, if
8 the liability company is treated as a partnership for purposes
9 of federal and State income taxation, there shall be allowed a
10 credit under this subsection to be determined in accordance
11 with the determination of income and distributive share of
12 income under Sections 702 and 704 and subchapter S of the
13 Internal Revenue Code.

14 For purposes of this subsection, "qualifying expenditures"
15 means the qualifying expenditures as defined for the federal
16 credit for increasing research activities which would be
17 allowable under Section 41 of the Internal Revenue Code and
18 which are conducted in this State, "qualifying expenditures
19 for increasing research activities in this State" means the
20 excess of qualifying expenditures for the taxable year in
21 which incurred over qualifying expenditures for the base
22 period, "qualifying expenditures for the base period" means
23 the average of the qualifying expenditures for each year in
24 the base period, and "base period" means the 3 taxable years
25 immediately preceding the taxable year for which the
26 determination is being made.

1 Any credit in excess of the tax liability for the taxable
2 year may be carried forward. A taxpayer may elect to have the
3 unused credit shown on its final completed return carried over
4 as a credit against the tax liability for the following 5
5 taxable years or until it has been fully used, whichever
6 occurs first; provided that no credit earned in a tax year
7 ending prior to December 31, 2003 may be carried forward to any
8 year ending on or after December 31, 2003.

9 If an unused credit is carried forward to a given year from
10 2 or more earlier years, that credit arising in the earliest
11 year will be applied first against the tax liability for the
12 given year. If a tax liability for the given year still
13 remains, the credit from the next earliest year will then be
14 applied, and so on, until all credits have been used or no tax
15 liability for the given year remains. Any remaining unused
16 credit or credits then will be carried forward to the next
17 following year in which a tax liability is incurred, except
18 that no credit can be carried forward to a year which is more
19 than 5 years after the year in which the expense for which the
20 credit is given was incurred.

21 No inference shall be drawn from Public Act 91-644 ~~this~~
22 ~~amendatory Act of the 91st General Assembly~~ in construing this
23 Section for taxable years beginning before January 1, 1999.

24 It is the intent of the General Assembly that the research
25 and development credit under this subsection (k) shall apply
26 continuously for all tax years ending on or after December 31,

1 2004 and ending prior to January 1, 2027, including, but not
2 limited to, the period beginning on January 1, 2016 and ending
3 on July 6, 2017 (the effective date of Public Act 100-22) ~~this~~
4 ~~amendatory Act of the 100th General Assembly~~. All actions
5 taken in reliance on the continuation of the credit under this
6 subsection (k) by any taxpayer are hereby validated.

7 (l) Environmental Remediation Tax Credit.

8 (i) For tax years ending after December 31, 1997 and
9 on or before December 31, 2001, a taxpayer shall be
10 allowed a credit against the tax imposed by subsections
11 (a) and (b) of this Section for certain amounts paid for
12 unreimbursed eligible remediation costs, as specified in
13 this subsection. For purposes of this Section,
14 "unreimbursed eligible remediation costs" means costs
15 approved by the Illinois Environmental Protection Agency
16 ("Agency") under Section 58.14 of the Environmental
17 Protection Act that were paid in performing environmental
18 remediation at a site for which a No Further Remediation
19 Letter was issued by the Agency and recorded under Section
20 58.10 of the Environmental Protection Act. The credit must
21 be claimed for the taxable year in which Agency approval
22 of the eligible remediation costs is granted. The credit
23 is not available to any taxpayer if the taxpayer or any
24 related party caused or contributed to, in any material
25 respect, a release of regulated substances on, in, or
26 under the site that was identified and addressed by the

1 remedial action pursuant to the Site Remediation Program
2 of the Environmental Protection Act. After the Pollution
3 Control Board rules are adopted pursuant to the Illinois
4 Administrative Procedure Act for the administration and
5 enforcement of Section 58.9 of the Environmental
6 Protection Act, determinations as to credit availability
7 for purposes of this Section shall be made consistent with
8 those rules. For purposes of this Section, "taxpayer"
9 includes a person whose tax attributes the taxpayer has
10 succeeded to under Section 381 of the Internal Revenue
11 Code and "related party" includes the persons disallowed a
12 deduction for losses by paragraphs (b), (c), and (f)(1) of
13 Section 267 of the Internal Revenue Code by virtue of
14 being a related taxpayer, as well as any of its partners.
15 The credit allowed against the tax imposed by subsections
16 (a) and (b) shall be equal to 25% of the unreimbursed
17 eligible remediation costs in excess of \$100,000 per site,
18 except that the \$100,000 threshold shall not apply to any
19 site contained in an enterprise zone as determined by the
20 Department of Commerce and Community Affairs (now
21 Department of Commerce and Economic Opportunity). The
22 total credit allowed shall not exceed \$40,000 per year
23 with a maximum total of \$150,000 per site. For partners
24 and shareholders of subchapter S corporations, there shall
25 be allowed a credit under this subsection to be determined
26 in accordance with the determination of income and

1 distributive share of income under Sections 702 and 704
2 and subchapter S of the Internal Revenue Code.

3 (ii) A credit allowed under this subsection that is
4 unused in the year the credit is earned may be carried
5 forward to each of the 5 taxable years following the year
6 for which the credit is first earned until it is used. The
7 term "unused credit" does not include any amounts of
8 unreimbursed eligible remediation costs in excess of the
9 maximum credit per site authorized under paragraph (i).
10 This credit shall be applied first to the earliest year
11 for which there is a liability. If there is a credit under
12 this subsection from more than one tax year that is
13 available to offset a liability, the earliest credit
14 arising under this subsection shall be applied first. A
15 credit allowed under this subsection may be sold to a
16 buyer as part of a sale of all or part of the remediation
17 site for which the credit was granted. The purchaser of a
18 remediation site and the tax credit shall succeed to the
19 unused credit and remaining carry-forward period of the
20 seller. To perfect the transfer, the assignor shall record
21 the transfer in the chain of title for the site and provide
22 written notice to the Director of the Illinois Department
23 of Revenue of the assignor's intent to sell the
24 remediation site and the amount of the tax credit to be
25 transferred as a portion of the sale. In no event may a
26 credit be transferred to any taxpayer if the taxpayer or a

1 related party would not be eligible under the provisions
2 of subsection (i).

3 (iii) For purposes of this Section, the term "site"
4 shall have the same meaning as under Section 58.2 of the
5 Environmental Protection Act.

6 (m) Education expense credit. Beginning with tax years
7 ending after December 31, 1999, a taxpayer who is the
8 custodian of one or more qualifying pupils shall be allowed a
9 credit against the tax imposed by subsections (a) and (b) of
10 this Section for qualified education expenses incurred on
11 behalf of the qualifying pupils. The credit shall be equal to
12 25% of qualified education expenses, but in no event may the
13 total credit under this subsection claimed by a family that is
14 the custodian of qualifying pupils exceed (i) \$500 for tax
15 years ending prior to December 31, 2017, and (ii) \$750 for tax
16 years ending on or after December 31, 2017. In no event shall a
17 credit under this subsection reduce the taxpayer's liability
18 under this Act to less than zero. Notwithstanding any other
19 provision of law, for taxable years beginning on or after
20 January 1, 2017, no taxpayer may claim a credit under this
21 subsection (m) if the taxpayer's adjusted gross income for the
22 taxable year exceeds (i) \$500,000, in the case of spouses
23 filing a joint federal tax return or (ii) \$250,000, in the case
24 of all other taxpayers. This subsection is exempt from the
25 provisions of Section 250 of this Act.

26 For purposes of this subsection:

1 "Qualifying pupils" means individuals who (i) are
2 residents of the State of Illinois, (ii) are under the age of
3 21 at the close of the school year for which a credit is
4 sought, and (iii) during the school year for which a credit is
5 sought were full-time pupils enrolled in a kindergarten
6 through twelfth grade education program at any school, as
7 defined in this subsection.

8 "Qualified education expense" means the amount incurred on
9 behalf of a qualifying pupil in excess of \$250 for tuition,
10 book fees, and lab fees at the school in which the pupil is
11 enrolled during the regular school year.

12 "School" means any public or nonpublic elementary or
13 secondary school in Illinois that is in compliance with Title
14 VI of the Civil Rights Act of 1964 and attendance at which
15 satisfies the requirements of Section 26-1 of the School Code,
16 except that nothing shall be construed to require a child to
17 attend any particular public or nonpublic school to qualify
18 for the credit under this Section.

19 "Custodian" means, with respect to qualifying pupils, an
20 Illinois resident who is a parent, the parents, a legal
21 guardian, or the legal guardians of the qualifying pupils.

22 (n) River Edge Redevelopment Zone site remediation tax
23 credit.

24 (i) For tax years ending on or after December 31,
25 2006, a taxpayer shall be allowed a credit against the tax
26 imposed by subsections (a) and (b) of this Section for

1 certain amounts paid for unreimbursed eligible remediation
2 costs, as specified in this subsection. For purposes of
3 this Section, "unreimbursed eligible remediation costs"
4 means costs approved by the Illinois Environmental
5 Protection Agency ("Agency") under Section 58.14a of the
6 Environmental Protection Act that were paid in performing
7 environmental remediation at a site within a River Edge
8 Redevelopment Zone for which a No Further Remediation
9 Letter was issued by the Agency and recorded under Section
10 58.10 of the Environmental Protection Act. The credit must
11 be claimed for the taxable year in which Agency approval
12 of the eligible remediation costs is granted. The credit
13 is not available to any taxpayer if the taxpayer or any
14 related party caused or contributed to, in any material
15 respect, a release of regulated substances on, in, or
16 under the site that was identified and addressed by the
17 remedial action pursuant to the Site Remediation Program
18 of the Environmental Protection Act. Determinations as to
19 credit availability for purposes of this Section shall be
20 made consistent with rules adopted by the Pollution
21 Control Board pursuant to the Illinois Administrative
22 Procedure Act for the administration and enforcement of
23 Section 58.9 of the Environmental Protection Act. For
24 purposes of this Section, "taxpayer" includes a person
25 whose tax attributes the taxpayer has succeeded to under
26 Section 381 of the Internal Revenue Code and "related

1 party" includes the persons disallowed a deduction for
2 losses by paragraphs (b), (c), and (f)(1) of Section 267
3 of the Internal Revenue Code by virtue of being a related
4 taxpayer, as well as any of its partners. The credit
5 allowed against the tax imposed by subsections (a) and (b)
6 shall be equal to 25% of the unreimbursed eligible
7 remediation costs in excess of \$100,000 per site.

8 (ii) A credit allowed under this subsection that is
9 unused in the year the credit is earned may be carried
10 forward to each of the 5 taxable years following the year
11 for which the credit is first earned until it is used. This
12 credit shall be applied first to the earliest year for
13 which there is a liability. If there is a credit under this
14 subsection from more than one tax year that is available
15 to offset a liability, the earliest credit arising under
16 this subsection shall be applied first. A credit allowed
17 under this subsection may be sold to a buyer as part of a
18 sale of all or part of the remediation site for which the
19 credit was granted. The purchaser of a remediation site
20 and the tax credit shall succeed to the unused credit and
21 remaining carry-forward period of the seller. To perfect
22 the transfer, the assignor shall record the transfer in
23 the chain of title for the site and provide written notice
24 to the Director of the Illinois Department of Revenue of
25 the assignor's intent to sell the remediation site and the
26 amount of the tax credit to be transferred as a portion of

1 the sale. In no event may a credit be transferred to any
2 taxpayer if the taxpayer or a related party would not be
3 eligible under the provisions of subsection (i).

4 (iii) For purposes of this Section, the term "site"
5 shall have the same meaning as under Section 58.2 of the
6 Environmental Protection Act.

7 (o) For each of taxable years during the Compassionate Use
8 of Medical Cannabis Program, a surcharge is imposed on all
9 taxpayers on income arising from the sale or exchange of
10 capital assets, depreciable business property, real property
11 used in the trade or business, and Section 197 intangibles of
12 an organization registrant under the Compassionate Use of
13 Medical Cannabis Program Act. The amount of the surcharge is
14 equal to the amount of federal income tax liability for the
15 taxable year attributable to those sales and exchanges. The
16 surcharge imposed does not apply if:

17 (1) the medical cannabis cultivation center
18 registration, medical cannabis dispensary registration, or
19 the property of a registration is transferred as a result
20 of any of the following:

21 (A) bankruptcy, a receivership, or a debt
22 adjustment initiated by or against the initial
23 registration or the substantial owners of the initial
24 registration;

25 (B) cancellation, revocation, or termination of
26 any registration by the Illinois Department of Public

1 Health;

2 (C) a determination by the Illinois Department of
3 Public Health that transfer of the registration is in
4 the best interests of Illinois qualifying patients as
5 defined by the Compassionate Use of Medical Cannabis
6 Program Act;

7 (D) the death of an owner of the equity interest in
8 a registrant;

9 (E) the acquisition of a controlling interest in
10 the stock or substantially all of the assets of a
11 publicly traded company;

12 (F) a transfer by a parent company to a wholly
13 owned subsidiary; or

14 (G) the transfer or sale to or by one person to
15 another person where both persons were initial owners
16 of the registration when the registration was issued;
17 or

18 (2) the cannabis cultivation center registration,
19 medical cannabis dispensary registration, or the
20 controlling interest in a registrant's property is
21 transferred in a transaction to lineal descendants in
22 which no gain or loss is recognized or as a result of a
23 transaction in accordance with Section 351 of the Internal
24 Revenue Code in which no gain or loss is recognized.

25 (Source: P.A. 100-22, eff. 7-6-17; 101-9, eff. 6-5-19; 101-31,
26 eff. 6-28-19; 101-207, eff. 8-2-19; 101-363, eff. 8-9-19;

1 revised 11-18-20.)

2 (Text of Section with the changes made by P.A. 101-8,
3 which did not take effect (see Section 99 of P.A. 101-8))

4 Sec. 201. Tax imposed.

5 (a) In general. A tax measured by net income is hereby
6 imposed on every individual, corporation, trust and estate for
7 each taxable year ending after July 31, 1969 on the privilege
8 of earning or receiving income in or as a resident of this
9 State. Such tax shall be in addition to all other occupation or
10 privilege taxes imposed by this State or by any municipal
11 corporation or political subdivision thereof.

12 (b) Rates. The tax imposed by subsection (a) of this
13 Section shall be determined as follows, except as adjusted by
14 subsection (d-1):

15 (1) In the case of an individual, trust or estate, for
16 taxable years ending prior to July 1, 1989, an amount
17 equal to 2 1/2% of the taxpayer's net income for the
18 taxable year.

19 (2) In the case of an individual, trust or estate, for
20 taxable years beginning prior to July 1, 1989 and ending
21 after June 30, 1989, an amount equal to the sum of (i) 2
22 1/2% of the taxpayer's net income for the period prior to
23 July 1, 1989, as calculated under Section 202.3, and (ii)
24 3% of the taxpayer's net income for the period after June
25 30, 1989, as calculated under Section 202.3.

1 (3) In the case of an individual, trust or estate, for
2 taxable years beginning after June 30, 1989, and ending
3 prior to January 1, 2011, an amount equal to 3% of the
4 taxpayer's net income for the taxable year.

5 (4) In the case of an individual, trust, or estate,
6 for taxable years beginning prior to January 1, 2011, and
7 ending after December 31, 2010, an amount equal to the sum
8 of (i) 3% of the taxpayer's net income for the period prior
9 to January 1, 2011, as calculated under Section 202.5, and
10 (ii) 5% of the taxpayer's net income for the period after
11 December 31, 2010, as calculated under Section 202.5.

12 (5) In the case of an individual, trust, or estate,
13 for taxable years beginning on or after January 1, 2011,
14 and ending prior to January 1, 2015, an amount equal to 5%
15 of the taxpayer's net income for the taxable year.

16 (5.1) In the case of an individual, trust, or estate,
17 for taxable years beginning prior to January 1, 2015, and
18 ending after December 31, 2014, an amount equal to the sum
19 of (i) 5% of the taxpayer's net income for the period prior
20 to January 1, 2015, as calculated under Section 202.5, and
21 (ii) 3.75% of the taxpayer's net income for the period
22 after December 31, 2014, as calculated under Section
23 202.5.

24 (5.2) In the case of an individual, trust, or estate,
25 for taxable years beginning on or after January 1, 2015,
26 and ending prior to July 1, 2017, an amount equal to 3.75%

1 of the taxpayer's net income for the taxable year.

2 (5.3) In the case of an individual, trust, or estate,
3 for taxable years beginning prior to July 1, 2017, and
4 ending after June 30, 2017, an amount equal to the sum of
5 (i) 3.75% of the taxpayer's net income for the period
6 prior to July 1, 2017, as calculated under Section 202.5,
7 and (ii) 4.95% of the taxpayer's net income for the period
8 after June 30, 2017, as calculated under Section 202.5.

9 (5.4) In the case of an individual, trust, or estate,
10 for taxable years beginning on or after July 1, 2017 ~~and~~
11 ~~beginning prior to January 1, 2021~~, an amount equal to
12 4.95% of the taxpayer's net income for the taxable year.

13 ~~(5.5) In the case of an individual, trust, or estate,~~
14 ~~for taxable years beginning on or after January 1, 2021,~~
15 ~~an amount calculated under the rate structure set forth in~~
16 ~~Section 201.1.~~

17 (6) In the case of a corporation, for taxable years
18 ending prior to July 1, 1989, an amount equal to 4% of the
19 taxpayer's net income for the taxable year.

20 (7) In the case of a corporation, for taxable years
21 beginning prior to July 1, 1989 and ending after June 30,
22 1989, an amount equal to the sum of (i) 4% of the
23 taxpayer's net income for the period prior to July 1,
24 1989, as calculated under Section 202.3, and (ii) 4.8% of
25 the taxpayer's net income for the period after June 30,
26 1989, as calculated under Section 202.3.

1 (8) In the case of a corporation, for taxable years
2 beginning after June 30, 1989, and ending prior to January
3 1, 2011, an amount equal to 4.8% of the taxpayer's net
4 income for the taxable year.

5 (9) In the case of a corporation, for taxable years
6 beginning prior to January 1, 2011, and ending after
7 December 31, 2010, an amount equal to the sum of (i) 4.8%
8 of the taxpayer's net income for the period prior to
9 January 1, 2011, as calculated under Section 202.5, and
10 (ii) 7% of the taxpayer's net income for the period after
11 December 31, 2010, as calculated under Section 202.5.

12 (10) In the case of a corporation, for taxable years
13 beginning on or after January 1, 2011, and ending prior to
14 January 1, 2015, an amount equal to 7% of the taxpayer's
15 net income for the taxable year.

16 (11) In the case of a corporation, for taxable years
17 beginning prior to January 1, 2015, and ending after
18 December 31, 2014, an amount equal to the sum of (i) 7% of
19 the taxpayer's net income for the period prior to January
20 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
21 of the taxpayer's net income for the period after December
22 31, 2014, as calculated under Section 202.5.

23 (12) In the case of a corporation, for taxable years
24 beginning on or after January 1, 2015, and ending prior to
25 July 1, 2017, an amount equal to 5.25% of the taxpayer's
26 net income for the taxable year.

1 (13) In the case of a corporation, for taxable years
2 beginning prior to July 1, 2017, and ending after June 30,
3 2017, an amount equal to the sum of (i) 5.25% of the
4 taxpayer's net income for the period prior to July 1,
5 2017, as calculated under Section 202.5, and (ii) 7% of
6 the taxpayer's net income for the period after June 30,
7 2017, as calculated under Section 202.5.

8 (14) In the case of a corporation, for taxable years
9 beginning on or after July 1, 2017 ~~and beginning prior to~~
10 ~~January 1, 2021~~, an amount equal to 7% of the taxpayer's
11 net income for the taxable year.

12 ~~(15) In the case of a corporation, for taxable years~~
13 ~~beginning on or after January 1, 2021, an amount equal to~~
14 ~~7.99% of the taxpayer's net income for the taxable year.~~

15 The rates under this subsection (b) are subject to the
16 provisions of Section 201.5.

17 (b-5) Surcharge; sale or exchange of assets, properties,
18 and intangibles of organization gaming licensees. For each of
19 taxable years 2019 through 2027, a surcharge is imposed on all
20 taxpayers on income arising from the sale or exchange of
21 capital assets, depreciable business property, real property
22 used in the trade or business, and Section 197 intangibles (i)
23 of an organization licensee under the Illinois Horse Racing
24 Act of 1975 and (ii) of an organization gaming licensee under
25 the Illinois Gambling Act. The amount of the surcharge is
26 equal to the amount of federal income tax liability for the

1 taxable year attributable to those sales and exchanges. The
2 surcharge imposed shall not apply if:

3 (1) the organization gaming license, organization
4 license, or racetrack property is transferred as a result
5 of any of the following:

6 (A) bankruptcy, a receivership, or a debt
7 adjustment initiated by or against the initial
8 licensee or the substantial owners of the initial
9 licensee;

10 (B) cancellation, revocation, or termination of
11 any such license by the Illinois Gaming Board or the
12 Illinois Racing Board;

13 (C) a determination by the Illinois Gaming Board
14 that transfer of the license is in the best interests
15 of Illinois gaming;

16 (D) the death of an owner of the equity interest in
17 a licensee;

18 (E) the acquisition of a controlling interest in
19 the stock or substantially all of the assets of a
20 publicly traded company;

21 (F) a transfer by a parent company to a wholly
22 owned subsidiary; or

23 (G) the transfer or sale to or by one person to
24 another person where both persons were initial owners
25 of the license when the license was issued; or

26 (2) the controlling interest in the organization

1 gaming license, organization license, or racetrack
2 property is transferred in a transaction to lineal
3 descendants in which no gain or loss is recognized or as a
4 result of a transaction in accordance with Section 351 of
5 the Internal Revenue Code in which no gain or loss is
6 recognized; or

7 (3) live horse racing was not conducted in 2010 at a
8 racetrack located within 3 miles of the Mississippi River
9 under a license issued pursuant to the Illinois Horse
10 Racing Act of 1975.

11 The transfer of an organization gaming license,
12 organization license, or racetrack property by a person other
13 than the initial licensee to receive the organization gaming
14 license is not subject to a surcharge. The Department shall
15 adopt rules necessary to implement and administer this
16 subsection.

17 (c) Personal Property Tax Replacement Income Tax.
18 Beginning on July 1, 1979 and thereafter, in addition to such
19 income tax, there is also hereby imposed the Personal Property
20 Tax Replacement Income Tax measured by net income on every
21 corporation (including Subchapter S corporations), partnership
22 and trust, for each taxable year ending after June 30, 1979.
23 Such taxes are imposed on the privilege of earning or
24 receiving income in or as a resident of this State. The
25 Personal Property Tax Replacement Income Tax shall be in
26 addition to the income tax imposed by subsections (a) and (b)

1 of this Section and in addition to all other occupation or
2 privilege taxes imposed by this State or by any municipal
3 corporation or political subdivision thereof.

4 (d) Additional Personal Property Tax Replacement Income
5 Tax Rates. The personal property tax replacement income tax
6 imposed by this subsection and subsection (c) of this Section
7 in the case of a corporation, other than a Subchapter S
8 corporation and except as adjusted by subsection (d-1), shall
9 be an additional amount equal to 2.85% of such taxpayer's net
10 income for the taxable year, except that beginning on January
11 1, 1981, and thereafter, the rate of 2.85% specified in this
12 subsection shall be reduced to 2.5%, and in the case of a
13 partnership, trust or a Subchapter S corporation shall be an
14 additional amount equal to 1.5% of such taxpayer's net income
15 for the taxable year.

16 (d-1) Rate reduction for certain foreign insurers. In the
17 case of a foreign insurer, as defined by Section 35A-5 of the
18 Illinois Insurance Code, whose state or country of domicile
19 imposes on insurers domiciled in Illinois a retaliatory tax
20 (excluding any insurer whose premiums from reinsurance assumed
21 are 50% or more of its total insurance premiums as determined
22 under paragraph (2) of subsection (b) of Section 304, except
23 that for purposes of this determination premiums from
24 reinsurance do not include premiums from inter-affiliate
25 reinsurance arrangements), beginning with taxable years ending
26 on or after December 31, 1999, the sum of the rates of tax

1 imposed by subsections (b) and (d) shall be reduced (but not
2 increased) to the rate at which the total amount of tax imposed
3 under this Act, net of all credits allowed under this Act,
4 shall equal (i) the total amount of tax that would be imposed
5 on the foreign insurer's net income allocable to Illinois for
6 the taxable year by such foreign insurer's state or country of
7 domicile if that net income were subject to all income taxes
8 and taxes measured by net income imposed by such foreign
9 insurer's state or country of domicile, net of all credits
10 allowed or (ii) a rate of zero if no such tax is imposed on
11 such income by the foreign insurer's state of domicile. For
12 the purposes of this subsection (d-1), an inter-affiliate
13 includes a mutual insurer under common management.

14 (1) For the purposes of subsection (d-1), in no event
15 shall the sum of the rates of tax imposed by subsections
16 (b) and (d) be reduced below the rate at which the sum of:

17 (A) the total amount of tax imposed on such
18 foreign insurer under this Act for a taxable year, net
19 of all credits allowed under this Act, plus

20 (B) the privilege tax imposed by Section 409 of
21 the Illinois Insurance Code, the fire insurance
22 company tax imposed by Section 12 of the Fire
23 Investigation Act, and the fire department taxes
24 imposed under Section 11-10-1 of the Illinois
25 Municipal Code,

26 equals 1.25% for taxable years ending prior to December

1 31, 2003, or 1.75% for taxable years ending on or after
2 December 31, 2003, of the net taxable premiums written for
3 the taxable year, as described by subsection (1) of
4 Section 409 of the Illinois Insurance Code. This paragraph
5 will in no event increase the rates imposed under
6 subsections (b) and (d).

7 (2) Any reduction in the rates of tax imposed by this
8 subsection shall be applied first against the rates
9 imposed by subsection (b) and only after the tax imposed
10 by subsection (a) net of all credits allowed under this
11 Section other than the credit allowed under subsection (i)
12 has been reduced to zero, against the rates imposed by
13 subsection (d).

14 This subsection (d-1) is exempt from the provisions of
15 Section 250.

16 (e) Investment credit. A taxpayer shall be allowed a
17 credit against the Personal Property Tax Replacement Income
18 Tax for investment in qualified property.

19 (1) A taxpayer shall be allowed a credit equal to .5%
20 of the basis of qualified property placed in service
21 during the taxable year, provided such property is placed
22 in service on or after July 1, 1984. There shall be allowed
23 an additional credit equal to .5% of the basis of
24 qualified property placed in service during the taxable
25 year, provided such property is placed in service on or
26 after July 1, 1986, and the taxpayer's base employment

1 within Illinois has increased by 1% or more over the
2 preceding year as determined by the taxpayer's employment
3 records filed with the Illinois Department of Employment
4 Security. Taxpayers who are new to Illinois shall be
5 deemed to have met the 1% growth in base employment for the
6 first year in which they file employment records with the
7 Illinois Department of Employment Security. The provisions
8 added to this Section by Public Act 85-1200 (and restored
9 by Public Act 87-895) shall be construed as declaratory of
10 existing law and not as a new enactment. If, in any year,
11 the increase in base employment within Illinois over the
12 preceding year is less than 1%, the additional credit
13 shall be limited to that percentage times a fraction, the
14 numerator of which is .5% and the denominator of which is
15 1%, but shall not exceed .5%. The investment credit shall
16 not be allowed to the extent that it would reduce a
17 taxpayer's liability in any tax year below zero, nor may
18 any credit for qualified property be allowed for any year
19 other than the year in which the property was placed in
20 service in Illinois. For tax years ending on or after
21 December 31, 1987, and on or before December 31, 1988, the
22 credit shall be allowed for the tax year in which the
23 property is placed in service, or, if the amount of the
24 credit exceeds the tax liability for that year, whether it
25 exceeds the original liability or the liability as later
26 amended, such excess may be carried forward and applied to

1 the tax liability of the 5 taxable years following the
2 excess credit years if the taxpayer (i) makes investments
3 which cause the creation of a minimum of 2,000 full-time
4 equivalent jobs in Illinois, (ii) is located in an
5 enterprise zone established pursuant to the Illinois
6 Enterprise Zone Act and (iii) is certified by the
7 Department of Commerce and Community Affairs (now
8 Department of Commerce and Economic Opportunity) as
9 complying with the requirements specified in clause (i)
10 and (ii) by July 1, 1986. The Department of Commerce and
11 Community Affairs (now Department of Commerce and Economic
12 Opportunity) shall notify the Department of Revenue of all
13 such certifications immediately. For tax years ending
14 after December 31, 1988, the credit shall be allowed for
15 the tax year in which the property is placed in service,
16 or, if the amount of the credit exceeds the tax liability
17 for that year, whether it exceeds the original liability
18 or the liability as later amended, such excess may be
19 carried forward and applied to the tax liability of the 5
20 taxable years following the excess credit years. The
21 credit shall be applied to the earliest year for which
22 there is a liability. If there is credit from more than one
23 tax year that is available to offset a liability, earlier
24 credit shall be applied first.

25 (2) The term "qualified property" means property
26 which:

1 (A) is tangible, whether new or used, including
2 buildings and structural components of buildings and
3 signs that are real property, but not including land
4 or improvements to real property that are not a
5 structural component of a building such as
6 landscaping, sewer lines, local access roads, fencing,
7 parking lots, and other appurtenances;

8 (B) is depreciable pursuant to Section 167 of the
9 Internal Revenue Code, except that "3-year property"
10 as defined in Section 168(c)(2)(A) of that Code is not
11 eligible for the credit provided by this subsection
12 (e);

13 (C) is acquired by purchase as defined in Section
14 179(d) of the Internal Revenue Code;

15 (D) is used in Illinois by a taxpayer who is
16 primarily engaged in manufacturing, or in mining coal
17 or fluorite, or in retailing, or was placed in service
18 on or after July 1, 2006 in a River Edge Redevelopment
19 Zone established pursuant to the River Edge
20 Redevelopment Zone Act; and

21 (E) has not previously been used in Illinois in
22 such a manner and by such a person as would qualify for
23 the credit provided by this subsection (e) or
24 subsection (f).

25 (3) For purposes of this subsection (e),
26 "manufacturing" means the material staging and production

1 of tangible personal property by procedures commonly
2 regarded as manufacturing, processing, fabrication, or
3 assembling which changes some existing material into new
4 shapes, new qualities, or new combinations. For purposes
5 of this subsection (e) the term "mining" shall have the
6 same meaning as the term "mining" in Section 613(c) of the
7 Internal Revenue Code. For purposes of this subsection
8 (e), the term "retailing" means the sale of tangible
9 personal property for use or consumption and not for
10 resale, or services rendered in conjunction with the sale
11 of tangible personal property for use or consumption and
12 not for resale. For purposes of this subsection (e),
13 "tangible personal property" has the same meaning as when
14 that term is used in the Retailers' Occupation Tax Act,
15 and, for taxable years ending after December 31, 2008,
16 does not include the generation, transmission, or
17 distribution of electricity.

18 (4) The basis of qualified property shall be the basis
19 used to compute the depreciation deduction for federal
20 income tax purposes.

21 (5) If the basis of the property for federal income
22 tax depreciation purposes is increased after it has been
23 placed in service in Illinois by the taxpayer, the amount
24 of such increase shall be deemed property placed in
25 service on the date of such increase in basis.

26 (6) The term "placed in service" shall have the same

1 meaning as under Section 46 of the Internal Revenue Code.

2 (7) If during any taxable year, any property ceases to
3 be qualified property in the hands of the taxpayer within
4 48 months after being placed in service, or the situs of
5 any qualified property is moved outside Illinois within 48
6 months after being placed in service, the Personal
7 Property Tax Replacement Income Tax for such taxable year
8 shall be increased. Such increase shall be determined by
9 (i) recomputing the investment credit which would have
10 been allowed for the year in which credit for such
11 property was originally allowed by eliminating such
12 property from such computation and, (ii) subtracting such
13 recomputed credit from the amount of credit previously
14 allowed. For the purposes of this paragraph (7), a
15 reduction of the basis of qualified property resulting
16 from a redetermination of the purchase price shall be
17 deemed a disposition of qualified property to the extent
18 of such reduction.

19 (8) Unless the investment credit is extended by law,
20 the basis of qualified property shall not include costs
21 incurred after December 31, 2018, except for costs
22 incurred pursuant to a binding contract entered into on or
23 before December 31, 2018.

24 (9) Each taxable year ending before December 31, 2000,
25 a partnership may elect to pass through to its partners
26 the credits to which the partnership is entitled under

1 this subsection (e) for the taxable year. A partner may
2 use the credit allocated to him or her under this
3 paragraph only against the tax imposed in subsections (c)
4 and (d) of this Section. If the partnership makes that
5 election, those credits shall be allocated among the
6 partners in the partnership in accordance with the rules
7 set forth in Section 704(b) of the Internal Revenue Code,
8 and the rules promulgated under that Section, and the
9 allocated amount of the credits shall be allowed to the
10 partners for that taxable year. The partnership shall make
11 this election on its Personal Property Tax Replacement
12 Income Tax return for that taxable year. The election to
13 pass through the credits shall be irrevocable.

14 For taxable years ending on or after December 31,
15 2000, a partner that qualifies its partnership for a
16 subtraction under subparagraph (I) of paragraph (2) of
17 subsection (d) of Section 203 or a shareholder that
18 qualifies a Subchapter S corporation for a subtraction
19 under subparagraph (S) of paragraph (2) of subsection (b)
20 of Section 203 shall be allowed a credit under this
21 subsection (e) equal to its share of the credit earned
22 under this subsection (e) during the taxable year by the
23 partnership or Subchapter S corporation, determined in
24 accordance with the determination of income and
25 distributive share of income under Sections 702 and 704
26 and Subchapter S of the Internal Revenue Code. This

1 paragraph is exempt from the provisions of Section 250.

2 (f) Investment credit; Enterprise Zone; River Edge
3 Redevelopment Zone.

4 (1) A taxpayer shall be allowed a credit against the
5 tax imposed by subsections (a) and (b) of this Section for
6 investment in qualified property which is placed in
7 service in an Enterprise Zone created pursuant to the
8 Illinois Enterprise Zone Act or, for property placed in
9 service on or after July 1, 2006, a River Edge
10 Redevelopment Zone established pursuant to the River Edge
11 Redevelopment Zone Act. For partners, shareholders of
12 Subchapter S corporations, and owners of limited liability
13 companies, if the liability company is treated as a
14 partnership for purposes of federal and State income
15 taxation, there shall be allowed a credit under this
16 subsection (f) to be determined in accordance with the
17 determination of income and distributive share of income
18 under Sections 702 and 704 and Subchapter S of the
19 Internal Revenue Code. The credit shall be .5% of the
20 basis for such property. The credit shall be available
21 only in the taxable year in which the property is placed in
22 service in the Enterprise Zone or River Edge Redevelopment
23 Zone and shall not be allowed to the extent that it would
24 reduce a taxpayer's liability for the tax imposed by
25 subsections (a) and (b) of this Section to below zero. For
26 tax years ending on or after December 31, 1985, the credit

1 shall be allowed for the tax year in which the property is
2 placed in service, or, if the amount of the credit exceeds
3 the tax liability for that year, whether it exceeds the
4 original liability or the liability as later amended, such
5 excess may be carried forward and applied to the tax
6 liability of the 5 taxable years following the excess
7 credit year. The credit shall be applied to the earliest
8 year for which there is a liability. If there is credit
9 from more than one tax year that is available to offset a
10 liability, the credit accruing first in time shall be
11 applied first.

12 (2) The term qualified property means property which:

13 (A) is tangible, whether new or used, including
14 buildings and structural components of buildings;

15 (B) is depreciable pursuant to Section 167 of the
16 Internal Revenue Code, except that "3-year property"
17 as defined in Section 168(c)(2)(A) of that Code is not
18 eligible for the credit provided by this subsection
19 (f);

20 (C) is acquired by purchase as defined in Section
21 179(d) of the Internal Revenue Code;

22 (D) is used in the Enterprise Zone or River Edge
23 Redevelopment Zone by the taxpayer; and

24 (E) has not been previously used in Illinois in
25 such a manner and by such a person as would qualify for
26 the credit provided by this subsection (f) or

1 subsection (e).

2 (3) The basis of qualified property shall be the basis
3 used to compute the depreciation deduction for federal
4 income tax purposes.

5 (4) If the basis of the property for federal income
6 tax depreciation purposes is increased after it has been
7 placed in service in the Enterprise Zone or River Edge
8 Redevelopment Zone by the taxpayer, the amount of such
9 increase shall be deemed property placed in service on the
10 date of such increase in basis.

11 (5) The term "placed in service" shall have the same
12 meaning as under Section 46 of the Internal Revenue Code.

13 (6) If during any taxable year, any property ceases to
14 be qualified property in the hands of the taxpayer within
15 48 months after being placed in service, or the situs of
16 any qualified property is moved outside the Enterprise
17 Zone or River Edge Redevelopment Zone within 48 months
18 after being placed in service, the tax imposed under
19 subsections (a) and (b) of this Section for such taxable
20 year shall be increased. Such increase shall be determined
21 by (i) recomputing the investment credit which would have
22 been allowed for the year in which credit for such
23 property was originally allowed by eliminating such
24 property from such computation, and (ii) subtracting such
25 recomputed credit from the amount of credit previously
26 allowed. For the purposes of this paragraph (6), a

1 reduction of the basis of qualified property resulting
2 from a redetermination of the purchase price shall be
3 deemed a disposition of qualified property to the extent
4 of such reduction.

5 (7) There shall be allowed an additional credit equal
6 to 0.5% of the basis of qualified property placed in
7 service during the taxable year in a River Edge
8 Redevelopment Zone, provided such property is placed in
9 service on or after July 1, 2006, and the taxpayer's base
10 employment within Illinois has increased by 1% or more
11 over the preceding year as determined by the taxpayer's
12 employment records filed with the Illinois Department of
13 Employment Security. Taxpayers who are new to Illinois
14 shall be deemed to have met the 1% growth in base
15 employment for the first year in which they file
16 employment records with the Illinois Department of
17 Employment Security. If, in any year, the increase in base
18 employment within Illinois over the preceding year is less
19 than 1%, the additional credit shall be limited to that
20 percentage times a fraction, the numerator of which is
21 0.5% and the denominator of which is 1%, but shall not
22 exceed 0.5%.

23 (8) For taxable years beginning on or after January 1,
24 2021, there shall be allowed an Enterprise Zone
25 construction jobs credit against the taxes imposed under
26 subsections (a) and (b) of this Section as provided in

1 Section 13 of the Illinois Enterprise Zone Act.

2 The credit or credits may not reduce the taxpayer's
3 liability to less than zero. If the amount of the credit or
4 credits exceeds the taxpayer's liability, the excess may
5 be carried forward and applied against the taxpayer's
6 liability in succeeding calendar years in the same manner
7 provided under paragraph (4) of Section 211 of this Act.
8 The credit or credits shall be applied to the earliest
9 year for which there is a tax liability. If there are
10 credits from more than one taxable year that are available
11 to offset a liability, the earlier credit shall be applied
12 first.

13 For partners, shareholders of Subchapter S
14 corporations, and owners of limited liability companies,
15 if the liability company is treated as a partnership for
16 the purposes of federal and State income taxation, there
17 shall be allowed a credit under this Section to be
18 determined in accordance with the determination of income
19 and distributive share of income under Sections 702 and
20 704 and Subchapter S of the Internal Revenue Code.

21 The total aggregate amount of credits awarded under
22 the Blue Collar Jobs Act (Article 20 of Public Act 101-9
23 ~~this amendatory Act of the 101st General Assembly~~) shall
24 not exceed \$20,000,000 in any State fiscal year.

25 This paragraph (8) is exempt from the provisions of
26 Section 250.

1 (g) (Blank).

2 (h) Investment credit; High Impact Business.

3 (1) Subject to subsections (b) and (b-5) of Section
4 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall
5 be allowed a credit against the tax imposed by subsections
6 (a) and (b) of this Section for investment in qualified
7 property which is placed in service by a Department of
8 Commerce and Economic Opportunity designated High Impact
9 Business. The credit shall be .5% of the basis for such
10 property. The credit shall not be available (i) until the
11 minimum investments in qualified property set forth in
12 subdivision (a)(3)(A) of Section 5.5 of the Illinois
13 Enterprise Zone Act have been satisfied or (ii) until the
14 time authorized in subsection (b-5) of the Illinois
15 Enterprise Zone Act for entities designated as High Impact
16 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
17 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
18 Act, and shall not be allowed to the extent that it would
19 reduce a taxpayer's liability for the tax imposed by
20 subsections (a) and (b) of this Section to below zero. The
21 credit applicable to such investments shall be taken in
22 the taxable year in which such investments have been
23 completed. The credit for additional investments beyond
24 the minimum investment by a designated high impact
25 business authorized under subdivision (a)(3)(A) of Section
26 5.5 of the Illinois Enterprise Zone Act shall be available

1 only in the taxable year in which the property is placed in
2 service and shall not be allowed to the extent that it
3 would reduce a taxpayer's liability for the tax imposed by
4 subsections (a) and (b) of this Section to below zero. For
5 tax years ending on or after December 31, 1987, the credit
6 shall be allowed for the tax year in which the property is
7 placed in service, or, if the amount of the credit exceeds
8 the tax liability for that year, whether it exceeds the
9 original liability or the liability as later amended, such
10 excess may be carried forward and applied to the tax
11 liability of the 5 taxable years following the excess
12 credit year. The credit shall be applied to the earliest
13 year for which there is a liability. If there is credit
14 from more than one tax year that is available to offset a
15 liability, the credit accruing first in time shall be
16 applied first.

17 Changes made in this subdivision (h) (1) by Public Act
18 88-670 restore changes made by Public Act 85-1182 and
19 reflect existing law.

20 (2) The term qualified property means property which:

21 (A) is tangible, whether new or used, including
22 buildings and structural components of buildings;

23 (B) is depreciable pursuant to Section 167 of the
24 Internal Revenue Code, except that "3-year property"
25 as defined in Section 168(c) (2) (A) of that Code is not
26 eligible for the credit provided by this subsection

1 (h);

2 (C) is acquired by purchase as defined in Section
3 179(d) of the Internal Revenue Code; and

4 (D) is not eligible for the Enterprise Zone
5 Investment Credit provided by subsection (f) of this
6 Section.

7 (3) The basis of qualified property shall be the basis
8 used to compute the depreciation deduction for federal
9 income tax purposes.

10 (4) If the basis of the property for federal income
11 tax depreciation purposes is increased after it has been
12 placed in service in a federally designated Foreign Trade
13 Zone or Sub-Zone located in Illinois by the taxpayer, the
14 amount of such increase shall be deemed property placed in
15 service on the date of such increase in basis.

16 (5) The term "placed in service" shall have the same
17 meaning as under Section 46 of the Internal Revenue Code.

18 (6) If during any taxable year ending on or before
19 December 31, 1996, any property ceases to be qualified
20 property in the hands of the taxpayer within 48 months
21 after being placed in service, or the situs of any
22 qualified property is moved outside Illinois within 48
23 months after being placed in service, the tax imposed
24 under subsections (a) and (b) of this Section for such
25 taxable year shall be increased. Such increase shall be
26 determined by (i) recomputing the investment credit which

1 would have been allowed for the year in which credit for
2 such property was originally allowed by eliminating such
3 property from such computation, and (ii) subtracting such
4 recomputed credit from the amount of credit previously
5 allowed. For the purposes of this paragraph (6), a
6 reduction of the basis of qualified property resulting
7 from a redetermination of the purchase price shall be
8 deemed a disposition of qualified property to the extent
9 of such reduction.

10 (7) Beginning with tax years ending after December 31,
11 1996, if a taxpayer qualifies for the credit under this
12 subsection (h) and thereby is granted a tax abatement and
13 the taxpayer relocates its entire facility in violation of
14 the explicit terms and length of the contract under
15 Section 18-183 of the Property Tax Code, the tax imposed
16 under subsections (a) and (b) of this Section shall be
17 increased for the taxable year in which the taxpayer
18 relocated its facility by an amount equal to the amount of
19 credit received by the taxpayer under this subsection (h).

20 (h-5) High Impact Business construction ~~constructions~~ jobs
21 credit. For taxable years beginning on or after January 1,
22 2021, there shall also be allowed a High Impact Business
23 construction jobs credit against the tax imposed under
24 subsections (a) and (b) of this Section as provided in
25 subsections (i) and (j) of Section 5.5 of the Illinois
26 Enterprise Zone Act.

1 The credit or credits may not reduce the taxpayer's
2 liability to less than zero. If the amount of the credit or
3 credits exceeds the taxpayer's liability, the excess may be
4 carried forward and applied against the taxpayer's liability
5 in succeeding calendar years in the manner provided under
6 paragraph (4) of Section 211 of this Act. The credit or credits
7 shall be applied to the earliest year for which there is a tax
8 liability. If there are credits from more than one taxable
9 year that are available to offset a liability, the earlier
10 credit shall be applied first.

11 For partners, shareholders of Subchapter S corporations,
12 and owners of limited liability companies, if the liability
13 company is treated as a partnership for the purposes of
14 federal and State income taxation, there shall be allowed a
15 credit under this Section to be determined in accordance with
16 the determination of income and distributive share of income
17 under Sections 702 and 704 and Subchapter S of the Internal
18 Revenue Code.

19 The total aggregate amount of credits awarded under the
20 Blue Collar Jobs Act (Article 20 of Public Act 101-9 ~~this~~
21 ~~amendatory Act of the 101st General Assembly~~) shall not exceed
22 \$20,000,000 in any State fiscal year.

23 This subsection (h-5) is exempt from the provisions of
24 Section 250.

25 (i) Credit for Personal Property Tax Replacement Income
26 Tax. For tax years ending prior to December 31, 2003, a credit

1 shall be allowed against the tax imposed by subsections (a)
2 and (b) of this Section for the tax imposed by subsections (c)
3 and (d) of this Section. This credit shall be computed by
4 multiplying the tax imposed by subsections (c) and (d) of this
5 Section by a fraction, the numerator of which is base income
6 allocable to Illinois and the denominator of which is Illinois
7 base income, and further multiplying the product by the tax
8 rate imposed by subsections (a) and (b) of this Section.

9 Any credit earned on or after December 31, 1986 under this
10 subsection which is unused in the year the credit is computed
11 because it exceeds the tax liability imposed by subsections
12 (a) and (b) for that year (whether it exceeds the original
13 liability or the liability as later amended) may be carried
14 forward and applied to the tax liability imposed by
15 subsections (a) and (b) of the 5 taxable years following the
16 excess credit year, provided that no credit may be carried
17 forward to any year ending on or after December 31, 2003. This
18 credit shall be applied first to the earliest year for which
19 there is a liability. If there is a credit under this
20 subsection from more than one tax year that is available to
21 offset a liability the earliest credit arising under this
22 subsection shall be applied first.

23 If, during any taxable year ending on or after December
24 31, 1986, the tax imposed by subsections (c) and (d) of this
25 Section for which a taxpayer has claimed a credit under this
26 subsection (i) is reduced, the amount of credit for such tax

1 shall also be reduced. Such reduction shall be determined by
2 recomputing the credit to take into account the reduced tax
3 imposed by subsections (c) and (d). If any portion of the
4 reduced amount of credit has been carried to a different
5 taxable year, an amended return shall be filed for such
6 taxable year to reduce the amount of credit claimed.

7 (j) Training expense credit. Beginning with tax years
8 ending on or after December 31, 1986 and prior to December 31,
9 2003, a taxpayer shall be allowed a credit against the tax
10 imposed by subsections (a) and (b) under this Section for all
11 amounts paid or accrued, on behalf of all persons employed by
12 the taxpayer in Illinois or Illinois residents employed
13 outside of Illinois by a taxpayer, for educational or
14 vocational training in semi-technical or technical fields or
15 semi-skilled or skilled fields, which were deducted from gross
16 income in the computation of taxable income. The credit
17 against the tax imposed by subsections (a) and (b) shall be
18 1.6% of such training expenses. For partners, shareholders of
19 subchapter S corporations, and owners of limited liability
20 companies, if the liability company is treated as a
21 partnership for purposes of federal and State income taxation,
22 there shall be allowed a credit under this subsection (j) to be
23 determined in accordance with the determination of income and
24 distributive share of income under Sections 702 and 704 and
25 subchapter S of the Internal Revenue Code.

26 Any credit allowed under this subsection which is unused

1 in the year the credit is earned may be carried forward to each
2 of the 5 taxable years following the year for which the credit
3 is first computed until it is used. This credit shall be
4 applied first to the earliest year for which there is a
5 liability. If there is a credit under this subsection from
6 more than one tax year that is available to offset a liability,
7 the earliest credit arising under this subsection shall be
8 applied first. No carryforward credit may be claimed in any
9 tax year ending on or after December 31, 2003.

10 (k) Research and development credit. For tax years ending
11 after July 1, 1990 and prior to December 31, 2003, and
12 beginning again for tax years ending on or after December 31,
13 2004, and ending prior to January 1, 2027, a taxpayer shall be
14 allowed a credit against the tax imposed by subsections (a)
15 and (b) of this Section for increasing research activities in
16 this State. The credit allowed against the tax imposed by
17 subsections (a) and (b) shall be equal to 6 1/2% of the
18 qualifying expenditures for increasing research activities in
19 this State. For partners, shareholders of subchapter S
20 corporations, and owners of limited liability companies, if
21 the liability company is treated as a partnership for purposes
22 of federal and State income taxation, there shall be allowed a
23 credit under this subsection to be determined in accordance
24 with the determination of income and distributive share of
25 income under Sections 702 and 704 and subchapter S of the
26 Internal Revenue Code.

1 For purposes of this subsection, "qualifying expenditures"
2 means the qualifying expenditures as defined for the federal
3 credit for increasing research activities which would be
4 allowable under Section 41 of the Internal Revenue Code and
5 which are conducted in this State, "qualifying expenditures
6 for increasing research activities in this State" means the
7 excess of qualifying expenditures for the taxable year in
8 which incurred over qualifying expenditures for the base
9 period, "qualifying expenditures for the base period" means
10 the average of the qualifying expenditures for each year in
11 the base period, and "base period" means the 3 taxable years
12 immediately preceding the taxable year for which the
13 determination is being made.

14 Any credit in excess of the tax liability for the taxable
15 year may be carried forward. A taxpayer may elect to have the
16 unused credit shown on its final completed return carried over
17 as a credit against the tax liability for the following 5
18 taxable years or until it has been fully used, whichever
19 occurs first; provided that no credit earned in a tax year
20 ending prior to December 31, 2003 may be carried forward to any
21 year ending on or after December 31, 2003.

22 If an unused credit is carried forward to a given year from
23 2 or more earlier years, that credit arising in the earliest
24 year will be applied first against the tax liability for the
25 given year. If a tax liability for the given year still
26 remains, the credit from the next earliest year will then be

1 applied, and so on, until all credits have been used or no tax
2 liability for the given year remains. Any remaining unused
3 credit or credits then will be carried forward to the next
4 following year in which a tax liability is incurred, except
5 that no credit can be carried forward to a year which is more
6 than 5 years after the year in which the expense for which the
7 credit is given was incurred.

8 No inference shall be drawn from Public Act 91-644 ~~this~~
9 ~~amendatory Act of the 91st General Assembly~~ in construing this
10 Section for taxable years beginning before January 1, 1999.

11 It is the intent of the General Assembly that the research
12 and development credit under this subsection (k) shall apply
13 continuously for all tax years ending on or after December 31,
14 2004 and ending prior to January 1, 2027, including, but not
15 limited to, the period beginning on January 1, 2016 and ending
16 on July 6, 2017 (the effective date of Public Act 100-22) ~~this~~
17 ~~amendatory Act of the 100th General Assembly~~. All actions
18 taken in reliance on the continuation of the credit under this
19 subsection (k) by any taxpayer are hereby validated.

20 (l) Environmental Remediation Tax Credit.

21 (i) For tax years ending after December 31, 1997 and
22 on or before December 31, 2001, a taxpayer shall be
23 allowed a credit against the tax imposed by subsections
24 (a) and (b) of this Section for certain amounts paid for
25 unreimbursed eligible remediation costs, as specified in
26 this subsection. For purposes of this Section,

1 "unreimbursed eligible remediation costs" means costs
2 approved by the Illinois Environmental Protection Agency
3 ("Agency") under Section 58.14 of the Environmental
4 Protection Act that were paid in performing environmental
5 remediation at a site for which a No Further Remediation
6 Letter was issued by the Agency and recorded under Section
7 58.10 of the Environmental Protection Act. The credit must
8 be claimed for the taxable year in which Agency approval
9 of the eligible remediation costs is granted. The credit
10 is not available to any taxpayer if the taxpayer or any
11 related party caused or contributed to, in any material
12 respect, a release of regulated substances on, in, or
13 under the site that was identified and addressed by the
14 remedial action pursuant to the Site Remediation Program
15 of the Environmental Protection Act. After the Pollution
16 Control Board rules are adopted pursuant to the Illinois
17 Administrative Procedure Act for the administration and
18 enforcement of Section 58.9 of the Environmental
19 Protection Act, determinations as to credit availability
20 for purposes of this Section shall be made consistent with
21 those rules. For purposes of this Section, "taxpayer"
22 includes a person whose tax attributes the taxpayer has
23 succeeded to under Section 381 of the Internal Revenue
24 Code and "related party" includes the persons disallowed a
25 deduction for losses by paragraphs (b), (c), and (f)(1) of
26 Section 267 of the Internal Revenue Code by virtue of

1 being a related taxpayer, as well as any of its partners.
2 The credit allowed against the tax imposed by subsections
3 (a) and (b) shall be equal to 25% of the unreimbursed
4 eligible remediation costs in excess of \$100,000 per site,
5 except that the \$100,000 threshold shall not apply to any
6 site contained in an enterprise zone as determined by the
7 Department of Commerce and Community Affairs (now
8 Department of Commerce and Economic Opportunity). The
9 total credit allowed shall not exceed \$40,000 per year
10 with a maximum total of \$150,000 per site. For partners
11 and shareholders of subchapter S corporations, there shall
12 be allowed a credit under this subsection to be determined
13 in accordance with the determination of income and
14 distributive share of income under Sections 702 and 704
15 and subchapter S of the Internal Revenue Code.

16 (ii) A credit allowed under this subsection that is
17 unused in the year the credit is earned may be carried
18 forward to each of the 5 taxable years following the year
19 for which the credit is first earned until it is used. The
20 term "unused credit" does not include any amounts of
21 unreimbursed eligible remediation costs in excess of the
22 maximum credit per site authorized under paragraph (i).
23 This credit shall be applied first to the earliest year
24 for which there is a liability. If there is a credit under
25 this subsection from more than one tax year that is
26 available to offset a liability, the earliest credit

1 arising under this subsection shall be applied first. A
2 credit allowed under this subsection may be sold to a
3 buyer as part of a sale of all or part of the remediation
4 site for which the credit was granted. The purchaser of a
5 remediation site and the tax credit shall succeed to the
6 unused credit and remaining carry-forward period of the
7 seller. To perfect the transfer, the assignor shall record
8 the transfer in the chain of title for the site and provide
9 written notice to the Director of the Illinois Department
10 of Revenue of the assignor's intent to sell the
11 remediation site and the amount of the tax credit to be
12 transferred as a portion of the sale. In no event may a
13 credit be transferred to any taxpayer if the taxpayer or a
14 related party would not be eligible under the provisions
15 of subsection (i).

16 (iii) For purposes of this Section, the term "site"
17 shall have the same meaning as under Section 58.2 of the
18 Environmental Protection Act.

19 (m) Education expense credit. Beginning with tax years
20 ending after December 31, 1999, a taxpayer who is the
21 custodian of one or more qualifying pupils shall be allowed a
22 credit against the tax imposed by subsections (a) and (b) of
23 this Section for qualified education expenses incurred on
24 behalf of the qualifying pupils. The credit shall be equal to
25 25% of qualified education expenses, but in no event may the
26 total credit under this subsection claimed by a family that is

1 the custodian of qualifying pupils exceed (i) \$500 for tax
2 years ending prior to December 31, 2017, and (ii) \$750 for tax
3 years ending on or after December 31, 2017. In no event shall a
4 credit under this subsection reduce the taxpayer's liability
5 under this Act to less than zero. Notwithstanding any other
6 provision of law, for taxable years beginning on or after
7 January 1, 2017, no taxpayer may claim a credit under this
8 subsection (m) if the taxpayer's adjusted gross income for the
9 taxable year exceeds (i) \$500,000, in the case of spouses
10 filing a joint federal tax return or (ii) \$250,000, in the case
11 of all other taxpayers. This subsection is exempt from the
12 provisions of Section 250 of this Act.

13 For purposes of this subsection:

14 "Qualifying pupils" means individuals who (i) are
15 residents of the State of Illinois, (ii) are under the age of
16 21 at the close of the school year for which a credit is
17 sought, and (iii) during the school year for which a credit is
18 sought were full-time pupils enrolled in a kindergarten
19 through twelfth grade education program at any school, as
20 defined in this subsection.

21 "Qualified education expense" means the amount incurred on
22 behalf of a qualifying pupil in excess of \$250 for tuition,
23 book fees, and lab fees at the school in which the pupil is
24 enrolled during the regular school year.

25 "School" means any public or nonpublic elementary or
26 secondary school in Illinois that is in compliance with Title

1 VI of the Civil Rights Act of 1964 and attendance at which
2 satisfies the requirements of Section 26-1 of the School Code,
3 except that nothing shall be construed to require a child to
4 attend any particular public or nonpublic school to qualify
5 for the credit under this Section.

6 "Custodian" means, with respect to qualifying pupils, an
7 Illinois resident who is a parent, the parents, a legal
8 guardian, or the legal guardians of the qualifying pupils.

9 (n) River Edge Redevelopment Zone site remediation tax
10 credit.

11 (i) For tax years ending on or after December 31,
12 2006, a taxpayer shall be allowed a credit against the tax
13 imposed by subsections (a) and (b) of this Section for
14 certain amounts paid for unreimbursed eligible remediation
15 costs, as specified in this subsection. For purposes of
16 this Section, "unreimbursed eligible remediation costs"
17 means costs approved by the Illinois Environmental
18 Protection Agency ("Agency") under Section 58.14a of the
19 Environmental Protection Act that were paid in performing
20 environmental remediation at a site within a River Edge
21 Redevelopment Zone for which a No Further Remediation
22 Letter was issued by the Agency and recorded under Section
23 58.10 of the Environmental Protection Act. The credit must
24 be claimed for the taxable year in which Agency approval
25 of the eligible remediation costs is granted. The credit
26 is not available to any taxpayer if the taxpayer or any

1 related party caused or contributed to, in any material
2 respect, a release of regulated substances on, in, or
3 under the site that was identified and addressed by the
4 remedial action pursuant to the Site Remediation Program
5 of the Environmental Protection Act. Determinations as to
6 credit availability for purposes of this Section shall be
7 made consistent with rules adopted by the Pollution
8 Control Board pursuant to the Illinois Administrative
9 Procedure Act for the administration and enforcement of
10 Section 58.9 of the Environmental Protection Act. For
11 purposes of this Section, "taxpayer" includes a person
12 whose tax attributes the taxpayer has succeeded to under
13 Section 381 of the Internal Revenue Code and "related
14 party" includes the persons disallowed a deduction for
15 losses by paragraphs (b), (c), and (f)(1) of Section 267
16 of the Internal Revenue Code by virtue of being a related
17 taxpayer, as well as any of its partners. The credit
18 allowed against the tax imposed by subsections (a) and (b)
19 shall be equal to 25% of the unreimbursed eligible
20 remediation costs in excess of \$100,000 per site.

21 (ii) A credit allowed under this subsection that is
22 unused in the year the credit is earned may be carried
23 forward to each of the 5 taxable years following the year
24 for which the credit is first earned until it is used. This
25 credit shall be applied first to the earliest year for
26 which there is a liability. If there is a credit under this

1 subsection from more than one tax year that is available
2 to offset a liability, the earliest credit arising under
3 this subsection shall be applied first. A credit allowed
4 under this subsection may be sold to a buyer as part of a
5 sale of all or part of the remediation site for which the
6 credit was granted. The purchaser of a remediation site
7 and the tax credit shall succeed to the unused credit and
8 remaining carry-forward period of the seller. To perfect
9 the transfer, the assignor shall record the transfer in
10 the chain of title for the site and provide written notice
11 to the Director of the Illinois Department of Revenue of
12 the assignor's intent to sell the remediation site and the
13 amount of the tax credit to be transferred as a portion of
14 the sale. In no event may a credit be transferred to any
15 taxpayer if the taxpayer or a related party would not be
16 eligible under the provisions of subsection (i).

17 (iii) For purposes of this Section, the term "site"
18 shall have the same meaning as under Section 58.2 of the
19 Environmental Protection Act.

20 (o) For each of taxable years during the Compassionate Use
21 of Medical Cannabis Program, a surcharge is imposed on all
22 taxpayers on income arising from the sale or exchange of
23 capital assets, depreciable business property, real property
24 used in the trade or business, and Section 197 intangibles of
25 an organization registrant under the Compassionate Use of
26 Medical Cannabis Program Act. The amount of the surcharge is

1 equal to the amount of federal income tax liability for the
2 taxable year attributable to those sales and exchanges. The
3 surcharge imposed does not apply if:

4 (1) the medical cannabis cultivation center
5 registration, medical cannabis dispensary registration, or
6 the property of a registration is transferred as a result
7 of any of the following:

8 (A) bankruptcy, a receivership, or a debt
9 adjustment initiated by or against the initial
10 registration or the substantial owners of the initial
11 registration;

12 (B) cancellation, revocation, or termination of
13 any registration by the Illinois Department of Public
14 Health;

15 (C) a determination by the Illinois Department of
16 Public Health that transfer of the registration is in
17 the best interests of Illinois qualifying patients as
18 defined by the Compassionate Use of Medical Cannabis
19 Program Act;

20 (D) the death of an owner of the equity interest in
21 a registrant;

22 (E) the acquisition of a controlling interest in
23 the stock or substantially all of the assets of a
24 publicly traded company;

25 (F) a transfer by a parent company to a wholly
26 owned subsidiary; or

1 (G) the transfer or sale to or by one person to
2 another person where both persons were initial owners
3 of the registration when the registration was issued;
4 or

5 (2) the cannabis cultivation center registration,
6 medical cannabis dispensary registration, or the
7 controlling interest in a registrant's property is
8 transferred in a transaction to lineal descendants in
9 which no gain or loss is recognized or as a result of a
10 transaction in accordance with Section 351 of the Internal
11 Revenue Code in which no gain or loss is recognized.

12 (Source: P.A. 100-22, eff. 7-6-17; 101-8, see Section 99 for
13 effective date; 101-9, eff. 6-5-19; 101-31, eff. 6-28-19;
14 101-207, eff. 8-2-19; 101-363, eff. 8-9-19; revised 11-18-20.)

15 (35 ILCS 5/208) (from Ch. 120, par. 2-208)

16 (Text of Section without the changes made by P.A. 101-8,
17 which did not take effect (see Section 99 of P.A. 101-8))

18 Sec. 208. Tax credit for residential real property taxes.
19 Beginning with tax years ending on or after December 31, 1991,
20 every individual taxpayer shall be entitled to a tax credit
21 equal to 5% of real property taxes paid by such taxpayer during
22 the taxable year on the principal residence of the taxpayer.
23 In the case of multi-unit or multi-use structures and farm
24 dwellings, the taxes on the taxpayer's principal residence
25 shall be that portion of the total taxes which is attributable

1 to such principal residence. Notwithstanding any other
2 provision of law, for taxable years beginning on or after
3 January 1, 2017, no taxpayer may claim a credit under this
4 Section if the taxpayer's adjusted gross income for the
5 taxable year exceeds (i) \$500,000, in the case of spouses
6 filing a joint federal tax return, or (ii) \$250,000, in the
7 case of all other taxpayers.

8 (Source: P.A. 100-22, eff. 7-6-17.)

9 (Text of Section with the changes made by P.A. 101-8,
10 which did not take effect (see Section 99 of P.A. 101-8))

11 Sec. 208. Tax credit for residential real property taxes.
12 Beginning with ~~For~~ tax years ending on or after December 31,
13 1991 ~~and ending prior to December 31, 2021~~, every individual
14 taxpayer shall be entitled to a tax credit equal to 5% of real
15 property taxes paid by such taxpayer during the taxable year
16 on the principal residence of the taxpayer. ~~For tax years~~
17 ~~ending on or after December 31, 2021~~, every individual
18 ~~taxpayer shall be entitled to a tax credit equal to 6% of real~~
19 ~~property taxes paid by such taxpayer during the taxable year~~
20 ~~on the principal residence of the taxpayer.~~ In the case of
21 multi-unit or multi-use structures and farm dwellings, the
22 taxes on the taxpayer's principal residence shall be that
23 portion of the total taxes which is attributable to such
24 principal residence. Notwithstanding any other provision of
25 law, for taxable years beginning on or after January 1, 2017,

1 no taxpayer may claim a credit under this Section if the
2 taxpayer's adjusted gross income for the taxable year exceeds
3 (i) \$500,000, in the case of spouses filing a joint federal tax
4 return, or (ii) \$250,000, in the case of all other taxpayers.

5 ~~This Section is exempt from the provisions of Section 250.~~

6 (Source: P.A. 100-22, eff. 7-6-17; 101-8, see Section 99 for
7 effective date.)

8 (35 ILCS 5/502) (from Ch. 120, par. 5-502)

9 (Text of Section without the changes made by P.A. 101-8,
10 which did not take effect (see Section 99 of P.A. 101-8))

11 Sec. 502. Returns and notices.

12 (a) In general. A return with respect to the taxes imposed
13 by this Act shall be made by every person for any taxable year:

14 (1) for which such person is liable for a tax imposed
15 by this Act, or

16 (2) in the case of a resident or in the case of a
17 corporation which is qualified to do business in this
18 State, for which such person is required to make a federal
19 income tax return, regardless of whether such person is
20 liable for a tax imposed by this Act. However, this
21 paragraph shall not require a resident to make a return if
22 such person has an Illinois base income of the basic
23 amount in Section 204(b) or less and is either claimed as a
24 dependent on another person's tax return under the
25 Internal Revenue Code, or is claimed as a dependent on

1 another person's tax return under this Act.

2 Notwithstanding the provisions of paragraph (1), a
3 nonresident (other than, for taxable years ending on or after
4 December 31, 2011, a nonresident required to withhold tax
5 under Section 709.5) whose Illinois income tax liability under
6 subsections (a), (b), (c), and (d) of Section 201 of this Act
7 is paid in full after taking into account the credits allowed
8 under subsection (f) of this Section or allowed under Section
9 709.5 of this Act shall not be required to file a return under
10 this subsection (a).

11 (b) Fiduciaries and receivers.

12 (1) Decedents. If an individual is deceased, any
13 return or notice required of such individual under this
14 Act shall be made by his executor, administrator, or other
15 person charged with the property of such decedent.

16 (2) Individuals under a disability. If an individual
17 is unable to make a return or notice required under this
18 Act, the return or notice required of such individual
19 shall be made by his duly authorized agent, guardian,
20 fiduciary or other person charged with the care of the
21 person or property of such individual.

22 (3) Estates and trusts. Returns or notices required of
23 an estate or a trust shall be made by the fiduciary
24 thereof.

25 (4) Receivers, trustees and assignees for
26 corporations. In a case where a receiver, trustee in

1 bankruptcy, or assignee, by order of a court of competent
2 jurisdiction, by operation of law, or otherwise, has
3 possession of or holds title to all or substantially all
4 the property or business of a corporation, whether or not
5 such property or business is being operated, such
6 receiver, trustee, or assignee shall make the returns and
7 notices required of such corporation in the same manner
8 and form as corporations are required to make such returns
9 and notices.

10 (c) Joint returns by husband and wife.

11 (1) Except as provided in paragraph (3):

12 (A) if a husband and wife file a joint federal
13 income tax return for a taxable year ending before
14 December 31, 2009, they shall file a joint return
15 under this Act for such taxable year and their
16 liabilities shall be joint and several;

17 (B) if a husband and wife file a joint federal
18 income tax return for a taxable year ending on or after
19 December 31, 2009, they may elect to file separate
20 returns under this Act for such taxable year. The
21 election under this paragraph must be made on or
22 before the due date (including extensions) of the
23 return and, once made, shall be irrevocable. If no
24 election is timely made under this paragraph for a
25 taxable year:

26 (i) the couple must file a joint return under

1 this Act for such taxable year,

2 (ii) their liabilities shall be joint and
3 several, and

4 (iii) any overpayment for that taxable year
5 may be withheld under Section 909 of this Act or
6 under Section 2505-275 of the Civil Administrative
7 Code of Illinois and applied against a debt of
8 either spouse without regard to the amount of the
9 overpayment attributable to the other spouse; and

10 (C) if the federal income tax liability of either
11 spouse is determined on a separate federal income tax
12 return, they shall file separate returns under this
13 Act.

14 (2) If neither spouse is required to file a federal
15 income tax return and either or both are required to file a
16 return under this Act, they may elect to file separate or
17 joint returns and pursuant to such election their
18 liabilities shall be separate or joint and several.

19 (3) If either husband or wife is a resident and the
20 other is a nonresident, they shall file separate returns
21 in this State on such forms as may be required by the
22 Department in which event their tax liabilities shall be
23 separate; but if they file a joint federal income tax
24 return for a taxable year, they may elect to determine
25 their joint net income and file a joint return for that
26 taxable year under the provisions of paragraph (1) of this

1 subsection as if both were residents and in such case,
2 their liabilities shall be joint and several.

3 (4) Innocent spouses.

4 (A) However, for tax liabilities arising and paid
5 prior to August 13, 1999, an innocent spouse shall be
6 relieved of liability for tax (including interest and
7 penalties) for any taxable year for which a joint
8 return has been made, upon submission of proof that
9 the Internal Revenue Service has made a determination
10 under Section 6013(e) of the Internal Revenue Code,
11 for the same taxable year, which determination
12 relieved the spouse from liability for federal income
13 taxes. If there is no federal income tax liability at
14 issue for the same taxable year, the Department shall
15 rely on the provisions of Section 6013(e) to determine
16 whether the person requesting innocent spouse
17 abatement of tax, penalty, and interest is entitled to
18 that relief.

19 (B) For tax liabilities arising on and after
20 August 13, 1999 or which arose prior to that date, but
21 remain unpaid as of that date, if an individual who
22 filed a joint return for any taxable year has made an
23 election under this paragraph, the individual's
24 liability for any tax shown on the joint return shall
25 not exceed the individual's separate return amount and
26 the individual's liability for any deficiency assessed

1 for that taxable year shall not exceed the portion of
2 the deficiency properly allocable to the individual.

3 For purposes of this paragraph:

4 (i) An election properly made pursuant to
5 Section 6015 of the Internal Revenue Code shall
6 constitute an election under this paragraph,
7 provided that the election shall not be effective
8 until the individual has notified the Department
9 of the election in the form and manner prescribed
10 by the Department.

11 (ii) If no election has been made under
12 Section 6015, the individual may make an election
13 under this paragraph in the form and manner
14 prescribed by the Department, provided that no
15 election may be made if the Department finds that
16 assets were transferred between individuals filing
17 a joint return as part of a scheme by such
18 individuals to avoid payment of Illinois income
19 tax and the election shall not eliminate the
20 individual's liability for any portion of a
21 deficiency attributable to an error on the return
22 of which the individual had actual knowledge as of
23 the date of filing.

24 (iii) In determining the separate return
25 amount or portion of any deficiency attributable
26 to an individual, the Department shall follow the

1 provisions in subsections (c) and (d) of Section
2 6015 of the Internal Revenue Code.

3 (iv) In determining the validity of an
4 individual's election under subparagraph (ii) and
5 in determining an electing individual's separate
6 return amount or portion of any deficiency under
7 subparagraph (iii), any determination made by the
8 Secretary of the Treasury, by the United States
9 Tax Court on petition for review of a
10 determination by the Secretary of the Treasury, or
11 on appeal from the United States Tax Court under
12 Section 6015 of the Internal Revenue Code
13 regarding criteria for eligibility or under
14 subsection (d) of Section 6015 of the Internal
15 Revenue Code regarding the allocation of any item
16 of income, deduction, payment, or credit between
17 an individual making the federal election and that
18 individual's spouse shall be conclusively presumed
19 to be correct. With respect to any item that is not
20 the subject of a determination by the Secretary of
21 the Treasury or the federal courts, in any
22 proceeding involving this subsection, the
23 individual making the election shall have the
24 burden of proof with respect to any item except
25 that the Department shall have the burden of proof
26 with respect to items in subdivision (ii).

1 (v) Any election made by an individual under
2 this subsection shall apply to all years for which
3 that individual and the spouse named in the
4 election have filed a joint return.

5 (vi) After receiving a notice that the federal
6 election has been made or after receiving an
7 election under subdivision (ii), the Department
8 shall take no collection action against the
9 electing individual for any liability arising from
10 a joint return covered by the election until the
11 Department has notified the electing individual in
12 writing that the election is invalid or of the
13 portion of the liability the Department has
14 allocated to the electing individual. Within 60
15 days (150 days if the individual is outside the
16 United States) after the issuance of such
17 notification, the individual may file a written
18 protest of the denial of the election or of the
19 Department's determination of the liability
20 allocated to him or her and shall be granted a
21 hearing within the Department under the provisions
22 of Section 908. If a protest is filed, the
23 Department shall take no collection action against
24 the electing individual until the decision
25 regarding the protest has become final under
26 subsection (d) of Section 908 or, if

1 administrative review of the Department's decision
2 is requested under Section 1201, until the
3 decision of the court becomes final.

4 (d) Partnerships. Every partnership having any base income
5 allocable to this State in accordance with section 305(c)
6 shall retain information concerning all items of income, gain,
7 loss and deduction; the names and addresses of all of the
8 partners, or names and addresses of members of a limited
9 liability company, or other persons who would be entitled to
10 share in the base income of the partnership if distributed;
11 the amount of the distributive share of each; and such other
12 pertinent information as the Department may by forms or
13 regulations prescribe. The partnership shall make that
14 information available to the Department when requested by the
15 Department.

16 (e) For taxable years ending on or after December 31,
17 1985, and before December 31, 1993, taxpayers that are
18 corporations (other than Subchapter S corporations) having the
19 same taxable year and that are members of the same unitary
20 business group may elect to be treated as one taxpayer for
21 purposes of any original return, amended return which includes
22 the same taxpayers of the unitary group which joined in the
23 election to file the original return, extension, claim for
24 refund, assessment, collection and payment and determination
25 of the group's tax liability under this Act. This subsection
26 (e) does not permit the election to be made for some, but not

1 all, of the purposes enumerated above. For taxable years
2 ending on or after December 31, 1987, corporate members (other
3 than Subchapter S corporations) of the same unitary business
4 group making this subsection (e) election are not required to
5 have the same taxable year.

6 For taxable years ending on or after December 31, 1993,
7 taxpayers that are corporations (other than Subchapter S
8 corporations) and that are members of the same unitary
9 business group shall be treated as one taxpayer for purposes
10 of any original return, amended return which includes the same
11 taxpayers of the unitary group which joined in filing the
12 original return, extension, claim for refund, assessment,
13 collection and payment and determination of the group's tax
14 liability under this Act.

15 (f) For taxable years ending prior to December 31, 2014,
16 the Department may promulgate regulations to permit
17 nonresident individual partners of the same partnership,
18 nonresident Subchapter S corporation shareholders of the same
19 Subchapter S corporation, and nonresident individuals
20 transacting an insurance business in Illinois under a Lloyds
21 plan of operation, and nonresident individual members of the
22 same limited liability company that is treated as a
23 partnership under Section 1501 (a)(16) of this Act, to file
24 composite individual income tax returns reflecting the
25 composite income of such individuals allocable to Illinois and
26 to make composite individual income tax payments. For taxable

1 years ending prior to December 31, 2014, the Department may by
2 regulation also permit such composite returns to include the
3 income tax owed by Illinois residents attributable to their
4 income from partnerships, Subchapter S corporations, insurance
5 businesses organized under a Lloyds plan of operation, or
6 limited liability companies that are treated as partnership
7 under Section 1501(a)(16) of this Act, in which case such
8 Illinois residents will be permitted to claim credits on their
9 individual returns for their shares of the composite tax
10 payments. This paragraph of subsection (f) applies to taxable
11 years ending on or after December 31, 1987 and ending prior to
12 December 31, 2014.

13 For taxable years ending on or after December 31, 1999,
14 the Department may, by regulation, permit any persons
15 transacting an insurance business organized under a Lloyds
16 plan of operation to file composite returns reflecting the
17 income of such persons allocable to Illinois and the tax rates
18 applicable to such persons under Section 201 and to make
19 composite tax payments and shall, by regulation, also provide
20 that the income and apportionment factors attributable to the
21 transaction of an insurance business organized under a Lloyds
22 plan of operation by any person joining in the filing of a
23 composite return shall, for purposes of allocating and
24 apportioning income under Article 3 of this Act and computing
25 net income under Section 202 of this Act, be excluded from any
26 other income and apportionment factors of that person or of

1 any unitary business group, as defined in subdivision (a) (27)
2 of Section 1501, to which that person may belong.

3 For taxable years ending on or after December 31, 2008,
4 every nonresident shall be allowed a credit against his or her
5 liability under subsections (a) and (b) of Section 201 for any
6 amount of tax reported on a composite return and paid on his or
7 her behalf under this subsection (f). Residents (other than
8 persons transacting an insurance business organized under a
9 Lloyds plan of operation) may claim a credit for taxes
10 reported on a composite return and paid on their behalf under
11 this subsection (f) only as permitted by the Department by
12 rule.

13 (f-5) For taxable years ending on or after December 31,
14 2008, the Department may adopt rules to provide that, when a
15 partnership or Subchapter S corporation has made an error in
16 determining the amount of any item of income, deduction,
17 addition, subtraction, or credit required to be reported on
18 its return that affects the liability imposed under this Act
19 on a partner or shareholder, the partnership or Subchapter S
20 corporation may report the changes in liabilities of its
21 partners or shareholders and claim a refund of the resulting
22 overpayments, or pay the resulting underpayments, on behalf of
23 its partners and shareholders.

24 (g) The Department may adopt rules to authorize the
25 electronic filing of any return required to be filed under
26 this Section.

1 (Source: P.A. 97-507, eff. 8-23-11; 98-478, eff. 1-1-14.)

2 (Text of Section with the changes made by P.A. 101-8,
3 which did not take effect (see Section 99 of P.A. 101-8))

4 Sec. 502. Returns and notices.

5 (a) In general. A return with respect to the taxes imposed
6 by this Act shall be made by every person for any taxable year:

7 (1) for which such person is liable for a tax imposed
8 by this Act, or

9 (2) in the case of a resident or in the case of a
10 corporation which is qualified to do business in this
11 State, for which such person is required to make a federal
12 income tax return, regardless of whether such person is
13 liable for a tax imposed by this Act. However, this
14 paragraph shall not require a resident to make a return if
15 such person has an Illinois base income of the basic
16 amount in Section 204(b) or less and is either claimed as a
17 dependent on another person's tax return under the
18 Internal Revenue Code, or is claimed as a dependent on
19 another person's tax return under this Act.

20 Notwithstanding the provisions of paragraph (1), a
21 nonresident (other than, for taxable years ending on or after
22 December 31, 2011, a nonresident required to withhold tax
23 under Section 709.5) whose Illinois income tax liability under
24 subsections (a), (b), (c), and (d) of Section 201 of this Act
25 is paid in full after taking into account the credits allowed

1 under subsection (f) of this Section or allowed under Section
2 709.5 of this Act shall not be required to file a return under
3 this subsection (a).

4 (b) Fiduciaries and receivers.

5 (1) Decedents. If an individual is deceased, any
6 return or notice required of such individual under this
7 Act shall be made by his executor, administrator, or other
8 person charged with the property of such decedent.

9 (2) Individuals under a disability. If an individual
10 is unable to make a return or notice required under this
11 Act, the return or notice required of such individual
12 shall be made by his duly authorized agent, guardian,
13 fiduciary or other person charged with the care of the
14 person or property of such individual.

15 (3) Estates and trusts. Returns or notices required of
16 an estate or a trust shall be made by the fiduciary
17 thereof.

18 (4) Receivers, trustees and assignees for
19 corporations. In a case where a receiver, trustee in
20 bankruptcy, or assignee, by order of a court of competent
21 jurisdiction, by operation of law, or otherwise, has
22 possession of or holds title to all or substantially all
23 the property or business of a corporation, whether or not
24 such property or business is being operated, such
25 receiver, trustee, or assignee shall make the returns and
26 notices required of such corporation in the same manner

1 and form as corporations are required to make such returns
2 and notices.

3 (c) Joint returns by husband and wife ~~spouses~~.

4 (1) Except as provided in paragraph (3):

5 (A) if a husband and wife ~~spouses~~ file a joint
6 federal income tax return for a taxable year ending
7 before December 31, 2009 ~~or ending on or after~~
8 ~~December 31, 2021~~, they shall file a joint return
9 under this Act for such taxable year and their
10 liabilities shall be joint and several;

11 (B) if a husband and wife ~~spouses~~ file a joint
12 federal income tax return for a taxable year ending on
13 or after December 31, 2009 ~~and ending prior to~~
14 ~~December 31, 2021~~, they may elect to file separate
15 returns under this Act for such taxable year. The
16 election under this paragraph must be made on or
17 before the due date (including extensions) of the
18 return and, once made, shall be irrevocable. If no
19 election is timely made under this paragraph for a
20 taxable year:

21 (i) the couple must file a joint return under
22 this Act for such taxable year,

23 (ii) their liabilities shall be joint and
24 several, and

25 (iii) any overpayment for that taxable year
26 may be withheld under Section 909 of this Act or

1 under Section 2505-275 of the Civil Administrative
2 Code of Illinois and applied against a debt of
3 either spouse without regard to the amount of the
4 overpayment attributable to the other spouse; and

5 (C) if the federal income tax liability of either
6 spouse is determined on a separate federal income tax
7 return, they shall file separate returns under this
8 Act.

9 (2) If neither spouse is required to file a federal
10 income tax return and either or both are required to file a
11 return under this Act, they may elect to file separate or
12 joint returns and pursuant to such election their
13 liabilities shall be separate or joint and several.

14 (3) If either husband or wife ~~spouse~~ is a resident and
15 the other is a nonresident, they shall file separate
16 returns in this State on such forms as may be required by
17 the Department in which event their tax liabilities shall
18 be separate; but if they file a joint federal income tax
19 return for a taxable year, they may elect to determine
20 their joint net income and file a joint return for that
21 taxable year under the provisions of paragraph (1) of this
22 subsection as if both were residents and in such case,
23 their liabilities shall be joint and several.

24 (4) Innocent spouses.

25 (A) However, for tax liabilities arising and paid
26 prior to August 13, 1999, an innocent spouse shall be

1 relieved of liability for tax (including interest and
2 penalties) for any taxable year for which a joint
3 return has been made, upon submission of proof that
4 the Internal Revenue Service has made a determination
5 under Section 6013(e) of the Internal Revenue Code,
6 for the same taxable year, which determination
7 relieved the spouse from liability for federal income
8 taxes. If there is no federal income tax liability at
9 issue for the same taxable year, the Department shall
10 rely on the provisions of Section 6013(e) to determine
11 whether the person requesting innocent spouse
12 abatement of tax, penalty, and interest is entitled to
13 that relief.

14 (B) For tax liabilities arising on and after
15 August 13, 1999 or which arose prior to that date, but
16 remain unpaid as of that date, if an individual who
17 filed a joint return for any taxable year has made an
18 election under this paragraph, the individual's
19 liability for any tax shown on the joint return shall
20 not exceed the individual's separate return amount and
21 the individual's liability for any deficiency assessed
22 for that taxable year shall not exceed the portion of
23 the deficiency properly allocable to the individual.
24 For purposes of this paragraph:

25 (i) An election properly made pursuant to
26 Section 6015 of the Internal Revenue Code shall

1 constitute an election under this paragraph,
2 provided that the election shall not be effective
3 until the individual has notified the Department
4 of the election in the form and manner prescribed
5 by the Department.

6 (ii) If no election has been made under
7 Section 6015, the individual may make an election
8 under this paragraph in the form and manner
9 prescribed by the Department, provided that no
10 election may be made if the Department finds that
11 assets were transferred between individuals filing
12 a joint return as part of a scheme by such
13 individuals to avoid payment of Illinois income
14 tax and the election shall not eliminate the
15 individual's liability for any portion of a
16 deficiency attributable to an error on the return
17 of which the individual had actual knowledge as of
18 the date of filing.

19 (iii) In determining the separate return
20 amount or portion of any deficiency attributable
21 to an individual, the Department shall follow the
22 provisions in subsections (c) and (d) of Section
23 6015 of the Internal Revenue Code.

24 (iv) In determining the validity of an
25 individual's election under subparagraph (ii) and
26 in determining an electing individual's separate

1 return amount or portion of any deficiency under
2 subparagraph (iii), any determination made by the
3 Secretary of the Treasury, by the United States
4 Tax Court on petition for review of a
5 determination by the Secretary of the Treasury, or
6 on appeal from the United States Tax Court under
7 Section 6015 of the Internal Revenue Code
8 regarding criteria for eligibility or under
9 subsection (d) of Section 6015 of the Internal
10 Revenue Code regarding the allocation of any item
11 of income, deduction, payment, or credit between
12 an individual making the federal election and that
13 individual's spouse shall be conclusively presumed
14 to be correct. With respect to any item that is not
15 the subject of a determination by the Secretary of
16 the Treasury or the federal courts, in any
17 proceeding involving this subsection, the
18 individual making the election shall have the
19 burden of proof with respect to any item except
20 that the Department shall have the burden of proof
21 with respect to items in subdivision (ii).

22 (v) Any election made by an individual under
23 this subsection shall apply to all years for which
24 that individual and the spouse named in the
25 election have filed a joint return.

26 (vi) After receiving a notice that the federal

1 election has been made or after receiving an
2 election under subdivision (ii), the Department
3 shall take no collection action against the
4 electing individual for any liability arising from
5 a joint return covered by the election until the
6 Department has notified the electing individual in
7 writing that the election is invalid or of the
8 portion of the liability the Department has
9 allocated to the electing individual. Within 60
10 days (150 days if the individual is outside the
11 United States) after the issuance of such
12 notification, the individual may file a written
13 protest of the denial of the election or of the
14 Department's determination of the liability
15 allocated to him or her and shall be granted a
16 hearing within the Department under the provisions
17 of Section 908. If a protest is filed, the
18 Department shall take no collection action against
19 the electing individual until the decision
20 regarding the protest has become final under
21 subsection (d) of Section 908 or, if
22 administrative review of the Department's decision
23 is requested under Section 1201, until the
24 decision of the court becomes final.

25 (d) Partnerships. Every partnership having any base income
26 allocable to this State in accordance with section 305(c)

1 shall retain information concerning all items of income, gain,
2 loss and deduction; the names and addresses of all of the
3 partners, or names and addresses of members of a limited
4 liability company, or other persons who would be entitled to
5 share in the base income of the partnership if distributed;
6 the amount of the distributive share of each; and such other
7 pertinent information as the Department may by forms or
8 regulations prescribe. The partnership shall make that
9 information available to the Department when requested by the
10 Department.

11 (e) For taxable years ending on or after December 31,
12 1985, and before December 31, 1993, taxpayers that are
13 corporations (other than Subchapter S corporations) having the
14 same taxable year and that are members of the same unitary
15 business group may elect to be treated as one taxpayer for
16 purposes of any original return, amended return which includes
17 the same taxpayers of the unitary group which joined in the
18 election to file the original return, extension, claim for
19 refund, assessment, collection and payment and determination
20 of the group's tax liability under this Act. This subsection
21 (e) does not permit the election to be made for some, but not
22 all, of the purposes enumerated above. For taxable years
23 ending on or after December 31, 1987, corporate members (other
24 than Subchapter S corporations) of the same unitary business
25 group making this subsection (e) election are not required to
26 have the same taxable year.

1 For taxable years ending on or after December 31, 1993,
2 taxpayers that are corporations (other than Subchapter S
3 corporations) and that are members of the same unitary
4 business group shall be treated as one taxpayer for purposes
5 of any original return, amended return which includes the same
6 taxpayers of the unitary group which joined in filing the
7 original return, extension, claim for refund, assessment,
8 collection and payment and determination of the group's tax
9 liability under this Act.

10 (f) For taxable years ending prior to December 31, 2014,
11 the Department may promulgate regulations to permit
12 nonresident individual partners of the same partnership,
13 nonresident Subchapter S corporation shareholders of the same
14 Subchapter S corporation, and nonresident individuals
15 transacting an insurance business in Illinois under a Lloyds
16 plan of operation, and nonresident individual members of the
17 same limited liability company that is treated as a
18 partnership under Section 1501 (a)(16) of this Act, to file
19 composite individual income tax returns reflecting the
20 composite income of such individuals allocable to Illinois and
21 to make composite individual income tax payments. For taxable
22 years ending prior to December 31, 2014, the Department may by
23 regulation also permit such composite returns to include the
24 income tax owed by Illinois residents attributable to their
25 income from partnerships, Subchapter S corporations, insurance
26 businesses organized under a Lloyds plan of operation, or

1 limited liability companies that are treated as partnership
2 under Section 1501(a)(16) of this Act, in which case such
3 Illinois residents will be permitted to claim credits on their
4 individual returns for their shares of the composite tax
5 payments. This paragraph of subsection (f) applies to taxable
6 years ending on or after December 31, 1987 and ending prior to
7 December 31, 2014.

8 For taxable years ending on or after December 31, 1999,
9 the Department may, by regulation, permit any persons
10 transacting an insurance business organized under a Lloyds
11 plan of operation to file composite returns reflecting the
12 income of such persons allocable to Illinois and the tax rates
13 applicable to such persons under Section 201 and to make
14 composite tax payments and shall, by regulation, also provide
15 that the income and apportionment factors attributable to the
16 transaction of an insurance business organized under a Lloyds
17 plan of operation by any person joining in the filing of a
18 composite return shall, for purposes of allocating and
19 apportioning income under Article 3 of this Act and computing
20 net income under Section 202 of this Act, be excluded from any
21 other income and apportionment factors of that person or of
22 any unitary business group, as defined in subdivision (a)(27)
23 of Section 1501, to which that person may belong.

24 For taxable years ending on or after December 31, 2008,
25 every nonresident shall be allowed a credit against his or her
26 liability under subsections (a) and (b) of Section 201 for any

1 amount of tax reported on a composite return and paid on his or
2 her behalf under this subsection (f). Residents (other than
3 persons transacting an insurance business organized under a
4 Lloyds plan of operation) may claim a credit for taxes
5 reported on a composite return and paid on their behalf under
6 this subsection (f) only as permitted by the Department by
7 rule.

8 (f-5) For taxable years ending on or after December 31,
9 2008, the Department may adopt rules to provide that, when a
10 partnership or Subchapter S corporation has made an error in
11 determining the amount of any item of income, deduction,
12 addition, subtraction, or credit required to be reported on
13 its return that affects the liability imposed under this Act
14 on a partner or shareholder, the partnership or Subchapter S
15 corporation may report the changes in liabilities of its
16 partners or shareholders and claim a refund of the resulting
17 overpayments, or pay the resulting underpayments, on behalf of
18 its partners and shareholders.

19 (g) The Department may adopt rules to authorize the
20 electronic filing of any return required to be filed under
21 this Section.

22 (Source: P.A. 101-8, see Section 99 for effective date.)

23 (35 ILCS 5/901)

24 (Text of Section without the changes made by P.A. 101-8,
25 which did not take effect (see Section 99 of P.A. 101-8))

1 Sec. 901. Collection authority.

2 (a) In general. The Department shall collect the taxes
3 imposed by this Act. The Department shall collect certified
4 past due child support amounts under Section 2505-650 of the
5 Department of Revenue Law of the Civil Administrative Code of
6 Illinois. Except as provided in subsections (b), (c), (e),
7 (f), (g), and (h) of this Section, money collected pursuant to
8 subsections (a) and (b) of Section 201 of this Act shall be
9 paid into the General Revenue Fund in the State treasury;
10 money collected pursuant to subsections (c) and (d) of Section
11 201 of this Act shall be paid into the Personal Property Tax
12 Replacement Fund, a special fund in the State Treasury; and
13 money collected under Section 2505-650 of the Department of
14 Revenue Law of the Civil Administrative Code of Illinois shall
15 be paid into the Child Support Enforcement Trust Fund, a
16 special fund outside the State Treasury, or to the State
17 Disbursement Unit established under Section 10-26 of the
18 Illinois Public Aid Code, as directed by the Department of
19 Healthcare and Family Services.

20 (b) Local Government Distributive Fund. Beginning August
21 1, 2017, the Treasurer shall transfer each month from the
22 General Revenue Fund to the Local Government Distributive Fund
23 an amount equal to the sum of (i) 6.06% (10% of the ratio of
24 the 3% individual income tax rate prior to 2011 to the 4.95%
25 individual income tax rate after July 1, 2017) of the net
26 revenue realized from the tax imposed by subsections (a) and

1 (b) of Section 201 of this Act upon individuals, trusts, and
2 estates during the preceding month and (ii) 6.85% (10% of the
3 ratio of the 4.8% corporate income tax rate prior to 2011 to
4 the 7% corporate income tax rate after July 1, 2017) of the net
5 revenue realized from the tax imposed by subsections (a) and
6 (b) of Section 201 of this Act upon corporations during the
7 preceding month. Net revenue realized for a month shall be
8 defined as the revenue from the tax imposed by subsections (a)
9 and (b) of Section 201 of this Act which is deposited in the
10 General Revenue Fund, the Education Assistance Fund, the
11 Income Tax Surcharge Local Government Distributive Fund, the
12 Fund for the Advancement of Education, and the Commitment to
13 Human Services Fund during the month minus the amount paid out
14 of the General Revenue Fund in State warrants during that same
15 month as refunds to taxpayers for overpayment of liability
16 under the tax imposed by subsections (a) and (b) of Section 201
17 of this Act.

18 Notwithstanding any provision of law to the contrary,
19 beginning on July 6, 2017 (the effective date of Public Act
20 100-23), those amounts required under this subsection (b) to
21 be transferred by the Treasurer into the Local Government
22 Distributive Fund from the General Revenue Fund shall be
23 directly deposited into the Local Government Distributive Fund
24 as the revenue is realized from the tax imposed by subsections
25 (a) and (b) of Section 201 of this Act.

26 For State fiscal year 2020 only, notwithstanding any

1 provision of law to the contrary, the total amount of revenue
2 and deposits under this Section attributable to revenues
3 realized during State fiscal year 2020 shall be reduced by 5%.

4 (c) Deposits Into Income Tax Refund Fund.

5 (1) Beginning on January 1, 1989 and thereafter, the
6 Department shall deposit a percentage of the amounts
7 collected pursuant to subsections (a) and (b) (1), (2), and
8 (3) of Section 201 of this Act into a fund in the State
9 treasury known as the Income Tax Refund Fund. Beginning
10 with State fiscal year 1990 and for each fiscal year
11 thereafter, the percentage deposited into the Income Tax
12 Refund Fund during a fiscal year shall be the Annual
13 Percentage. For fiscal year 2011, the Annual Percentage
14 shall be 8.75%. For fiscal year 2012, the Annual
15 Percentage shall be 8.75%. For fiscal year 2013, the
16 Annual Percentage shall be 9.75%. For fiscal year 2014,
17 the Annual Percentage shall be 9.5%. For fiscal year 2015,
18 the Annual Percentage shall be 10%. For fiscal year 2018,
19 the Annual Percentage shall be 9.8%. For fiscal year 2019,
20 the Annual Percentage shall be 9.7%. For fiscal year 2020,
21 the Annual Percentage shall be 9.5%. For fiscal year 2021,
22 the Annual Percentage shall be 9%. For all other fiscal
23 years, the Annual Percentage shall be calculated as a
24 fraction, the numerator of which shall be the amount of
25 refunds approved for payment by the Department during the
26 preceding fiscal year as a result of overpayment of tax

1 liability under subsections (a) and (b)(1), (2), and (3)
2 of Section 201 of this Act plus the amount of such refunds
3 remaining approved but unpaid at the end of the preceding
4 fiscal year, minus the amounts transferred into the Income
5 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
6 and the denominator of which shall be the amounts which
7 will be collected pursuant to subsections (a) and (b)(1),
8 (2), and (3) of Section 201 of this Act during the
9 preceding fiscal year; except that in State fiscal year
10 2002, the Annual Percentage shall in no event exceed 7.6%.
11 The Director of Revenue shall certify the Annual
12 Percentage to the Comptroller on the last business day of
13 the fiscal year immediately preceding the fiscal year for
14 which it is to be effective.

15 (2) Beginning on January 1, 1989 and thereafter, the
16 Department shall deposit a percentage of the amounts
17 collected pursuant to subsections (a) and (b)(6), (7), and
18 (8), (c) and (d) of Section 201 of this Act into a fund in
19 the State treasury known as the Income Tax Refund Fund.
20 Beginning with State fiscal year 1990 and for each fiscal
21 year thereafter, the percentage deposited into the Income
22 Tax Refund Fund during a fiscal year shall be the Annual
23 Percentage. For fiscal year 2011, the Annual Percentage
24 shall be 17.5%. For fiscal year 2012, the Annual
25 Percentage shall be 17.5%. For fiscal year 2013, the
26 Annual Percentage shall be 14%. For fiscal year 2014, the

1 Annual Percentage shall be 13.4%. For fiscal year 2015,
2 the Annual Percentage shall be 14%. For fiscal year 2018,
3 the Annual Percentage shall be 17.5%. For fiscal year
4 2019, the Annual Percentage shall be 15.5%. For fiscal
5 year 2020, the Annual Percentage shall be 14.25%. For
6 fiscal year 2021, the Annual Percentage shall be 14%. For
7 all other fiscal years, the Annual Percentage shall be
8 calculated as a fraction, the numerator of which shall be
9 the amount of refunds approved for payment by the
10 Department during the preceding fiscal year as a result of
11 overpayment of tax liability under subsections (a) and
12 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
13 Act plus the amount of such refunds remaining approved but
14 unpaid at the end of the preceding fiscal year, and the
15 denominator of which shall be the amounts which will be
16 collected pursuant to subsections (a) and (b) (6), (7), and
17 (8), (c) and (d) of Section 201 of this Act during the
18 preceding fiscal year; except that in State fiscal year
19 2002, the Annual Percentage shall in no event exceed 23%.
20 The Director of Revenue shall certify the Annual
21 Percentage to the Comptroller on the last business day of
22 the fiscal year immediately preceding the fiscal year for
23 which it is to be effective.

24 (3) The Comptroller shall order transferred and the
25 Treasurer shall transfer from the Tobacco Settlement
26 Recovery Fund to the Income Tax Refund Fund (i)

1 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
2 2002, and (iii) \$35,000,000 in January, 2003.

3 (d) Expenditures from Income Tax Refund Fund.

4 (1) Beginning January 1, 1989, money in the Income Tax
5 Refund Fund shall be expended exclusively for the purpose
6 of paying refunds resulting from overpayment of tax
7 liability under Section 201 of this Act and for making
8 transfers pursuant to this subsection (d).

9 (2) The Director shall order payment of refunds
10 resulting from overpayment of tax liability under Section
11 201 of this Act from the Income Tax Refund Fund only to the
12 extent that amounts collected pursuant to Section 201 of
13 this Act and transfers pursuant to this subsection (d) and
14 item (3) of subsection (c) have been deposited and
15 retained in the Fund.

16 (3) As soon as possible after the end of each fiscal
17 year, the Director shall order transferred and the State
18 Treasurer and State Comptroller shall transfer from the
19 Income Tax Refund Fund to the Personal Property Tax
20 Replacement Fund an amount, certified by the Director to
21 the Comptroller, equal to the excess of the amount
22 collected pursuant to subsections (c) and (d) of Section
23 201 of this Act deposited into the Income Tax Refund Fund
24 during the fiscal year over the amount of refunds
25 resulting from overpayment of tax liability under
26 subsections (c) and (d) of Section 201 of this Act paid

1 from the Income Tax Refund Fund during the fiscal year.

2 (4) As soon as possible after the end of each fiscal
3 year, the Director shall order transferred and the State
4 Treasurer and State Comptroller shall transfer from the
5 Personal Property Tax Replacement Fund to the Income Tax
6 Refund Fund an amount, certified by the Director to the
7 Comptroller, equal to the excess of the amount of refunds
8 resulting from overpayment of tax liability under
9 subsections (c) and (d) of Section 201 of this Act paid
10 from the Income Tax Refund Fund during the fiscal year
11 over the amount collected pursuant to subsections (c) and
12 (d) of Section 201 of this Act deposited into the Income
13 Tax Refund Fund during the fiscal year.

14 (4.5) As soon as possible after the end of fiscal year
15 1999 and of each fiscal year thereafter, the Director
16 shall order transferred and the State Treasurer and State
17 Comptroller shall transfer from the Income Tax Refund Fund
18 to the General Revenue Fund any surplus remaining in the
19 Income Tax Refund Fund as of the end of such fiscal year;
20 excluding for fiscal years 2000, 2001, and 2002 amounts
21 attributable to transfers under item (3) of subsection (c)
22 less refunds resulting from the earned income tax credit.

23 (5) This Act shall constitute an irrevocable and
24 continuing appropriation from the Income Tax Refund Fund
25 for the purpose of paying refunds upon the order of the
26 Director in accordance with the provisions of this

1 Section.

2 (e) Deposits into the Education Assistance Fund and the
3 Income Tax Surcharge Local Government Distributive Fund. On
4 July 1, 1991, and thereafter, of the amounts collected
5 pursuant to subsections (a) and (b) of Section 201 of this Act,
6 minus deposits into the Income Tax Refund Fund, the Department
7 shall deposit 7.3% into the Education Assistance Fund in the
8 State Treasury. Beginning July 1, 1991, and continuing through
9 January 31, 1993, of the amounts collected pursuant to
10 subsections (a) and (b) of Section 201 of the Illinois Income
11 Tax Act, minus deposits into the Income Tax Refund Fund, the
12 Department shall deposit 3.0% into the Income Tax Surcharge
13 Local Government Distributive Fund in the State Treasury.
14 Beginning February 1, 1993 and continuing through June 30,
15 1993, of the amounts collected pursuant to subsections (a) and
16 (b) of Section 201 of the Illinois Income Tax Act, minus
17 deposits into the Income Tax Refund Fund, the Department shall
18 deposit 4.4% into the Income Tax Surcharge Local Government
19 Distributive Fund in the State Treasury. Beginning July 1,
20 1993, and continuing through June 30, 1994, of the amounts
21 collected under subsections (a) and (b) of Section 201 of this
22 Act, minus deposits into the Income Tax Refund Fund, the
23 Department shall deposit 1.475% into the Income Tax Surcharge
24 Local Government Distributive Fund in the State Treasury.

25 (f) Deposits into the Fund for the Advancement of
26 Education. Beginning February 1, 2015, the Department shall

1 deposit the following portions of the revenue realized from
2 the tax imposed upon individuals, trusts, and estates by
3 subsections (a) and (b) of Section 201 of this Act, minus
4 deposits into the Income Tax Refund Fund, into the Fund for the
5 Advancement of Education:

6 (1) beginning February 1, 2015, and prior to February
7 1, 2025, 1/30; and

8 (2) beginning February 1, 2025, 1/26.

9 If the rate of tax imposed by subsection (a) and (b) of
10 Section 201 is reduced pursuant to Section 201.5 of this Act,
11 the Department shall not make the deposits required by this
12 subsection (f) on or after the effective date of the
13 reduction.

14 (g) Deposits into the Commitment to Human Services Fund.
15 Beginning February 1, 2015, the Department shall deposit the
16 following portions of the revenue realized from the tax
17 imposed upon individuals, trusts, and estates by subsections
18 (a) and (b) of Section 201 of this Act, minus deposits into the
19 Income Tax Refund Fund, into the Commitment to Human Services
20 Fund:

21 (1) beginning February 1, 2015, and prior to February
22 1, 2025, 1/30; and

23 (2) beginning February 1, 2025, 1/26.

24 If the rate of tax imposed by subsection (a) and (b) of
25 Section 201 is reduced pursuant to Section 201.5 of this Act,
26 the Department shall not make the deposits required by this

1 subsection (g) on or after the effective date of the
2 reduction.

3 (h) Deposits into the Tax Compliance and Administration
4 Fund. Beginning on the first day of the first calendar month to
5 occur on or after August 26, 2014 (the effective date of Public
6 Act 98-1098), each month the Department shall pay into the Tax
7 Compliance and Administration Fund, to be used, subject to
8 appropriation, to fund additional auditors and compliance
9 personnel at the Department, an amount equal to 1/12 of 5% of
10 the cash receipts collected during the preceding fiscal year
11 by the Audit Bureau of the Department from the tax imposed by
12 subsections (a), (b), (c), and (d) of Section 201 of this Act,
13 net of deposits into the Income Tax Refund Fund made from those
14 cash receipts.

15 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;
16 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
17 8-14-18; 100-1171, eff. 1-4-19; 101-10, eff. 6-5-19; 101-81,
18 eff. 7-12-19; 101-636, eff. 6-10-20.)

19 (Text of Section with the changes made by P.A. 101-8,
20 which did not take effect (see Section 99 of P.A. 101-8))

21 Sec. 901. Collection authority.

22 (a) In general. The Department shall collect the taxes
23 imposed by this Act. The Department shall collect certified
24 past due child support amounts under Section 2505-650 of the
25 Department of Revenue Law of the Civil Administrative Code of

1 Illinois. Except as provided in subsections (b), (c), (e),
2 (f), (g), and (h) of this Section, money collected pursuant to
3 subsections (a) and (b) of Section 201 of this Act shall be
4 paid into the General Revenue Fund in the State treasury;
5 money collected pursuant to subsections (c) and (d) of Section
6 201 of this Act shall be paid into the Personal Property Tax
7 Replacement Fund, a special fund in the State Treasury; and
8 money collected under Section 2505-650 of the Department of
9 Revenue Law of the Civil Administrative Code of Illinois shall
10 be paid into the Child Support Enforcement Trust Fund, a
11 special fund outside the State Treasury, or to the State
12 Disbursement Unit established under Section 10-26 of the
13 Illinois Public Aid Code, as directed by the Department of
14 Healthcare and Family Services.

15 (b) Local Government Distributive Fund. Beginning August
16 1, 2017 ~~and continuing through January 31, 2021~~, the Treasurer
17 shall transfer each month from the General Revenue Fund to the
18 Local Government Distributive Fund an amount equal to the sum
19 of (i) 6.06% (10% of the ratio of the 3% individual income tax
20 rate prior to 2011 to the 4.95% individual income tax rate
21 after July 1, 2017) of the net revenue realized from the tax
22 imposed by subsections (a) and (b) of Section 201 of this Act
23 upon individuals, trusts, and estates during the preceding
24 month and (ii) 6.85% (10% of the ratio of the 4.8% corporate
25 income tax rate prior to 2011 to the 7% corporate income tax
26 rate after July 1, 2017) of the net revenue realized from the

1 tax imposed by subsections (a) and (b) of Section 201 of this
2 Act upon corporations during the preceding month. ~~Beginning~~
3 ~~February 1, 2021, the Treasurer shall transfer each month from~~
4 ~~the General Revenue Fund to the Local Government Distributive~~
5 ~~Fund an amount equal to the sum of (i) 5.32% of the net revenue~~
6 ~~realized from the tax imposed by subsections (a) and (b) of~~
7 ~~Section 201 of this Act upon individuals, trusts, and estates~~
8 ~~during the preceding month and (ii) 6.16% of the net revenue~~
9 ~~realized from the tax imposed by subsections (a) and (b) of~~
10 ~~Section 201 of this Act upon corporations during the preceding~~
11 ~~month.~~ Net revenue realized for a month shall be defined as the
12 revenue from the tax imposed by subsections (a) and (b) of
13 Section 201 of this Act which is deposited in the General
14 Revenue Fund, the Education Assistance Fund, the Income Tax
15 Surcharge Local Government Distributive Fund, the Fund for the
16 Advancement of Education, and the Commitment to Human Services
17 Fund during the month minus the amount paid out of the General
18 Revenue Fund in State warrants during that same month as
19 refunds to taxpayers for overpayment of liability under the
20 tax imposed by subsections (a) and (b) of Section 201 of this
21 Act.

22 Notwithstanding any provision of law to the contrary,
23 beginning on July 6, 2017 (the effective date of Public Act
24 100-23), those amounts required under this subsection (b) to
25 be transferred by the Treasurer into the Local Government
26 Distributive Fund from the General Revenue Fund shall be

1 directly deposited into the Local Government Distributive Fund
2 as the revenue is realized from the tax imposed by subsections
3 (a) and (b) of Section 201 of this Act.

4 For State fiscal year 2020 only, notwithstanding any
5 provision of law to the contrary, the total amount of revenue
6 and deposits under this Section attributable to revenues
7 realized during State fiscal year 2020 shall be reduced by 5%.

8 (c) Deposits Into Income Tax Refund Fund.

9 (1) Beginning on January 1, 1989 and thereafter, the
10 Department shall deposit a percentage of the amounts
11 collected pursuant to subsections (a) and (b)(1), (2), and
12 (3) of Section 201 of this Act into a fund in the State
13 treasury known as the Income Tax Refund Fund. Beginning
14 with State fiscal year 1990 and for each fiscal year
15 thereafter, the percentage deposited into the Income Tax
16 Refund Fund during a fiscal year shall be the Annual
17 Percentage. For fiscal year 2011, the Annual Percentage
18 shall be 8.75%. For fiscal year 2012, the Annual
19 Percentage shall be 8.75%. For fiscal year 2013, the
20 Annual Percentage shall be 9.75%. For fiscal year 2014,
21 the Annual Percentage shall be 9.5%. For fiscal year 2015,
22 the Annual Percentage shall be 10%. For fiscal year 2018,
23 the Annual Percentage shall be 9.8%. For fiscal year 2019,
24 the Annual Percentage shall be 9.7%. For fiscal year 2020,
25 the Annual Percentage shall be 9.5%. For fiscal year 2021,
26 the Annual Percentage shall be 9%. For all other fiscal

1 years, the Annual Percentage shall be calculated as a
2 fraction, the numerator of which shall be the amount of
3 refunds approved for payment by the Department during the
4 preceding fiscal year as a result of overpayment of tax
5 liability under subsections (a) and (b)(1), (2), and (3)
6 of Section 201 of this Act plus the amount of such refunds
7 remaining approved but unpaid at the end of the preceding
8 fiscal year, minus the amounts transferred into the Income
9 Tax Refund Fund from the Tobacco Settlement Recovery Fund,
10 and the denominator of which shall be the amounts which
11 will be collected pursuant to subsections (a) and (b)(1),
12 (2), and (3) of Section 201 of this Act during the
13 preceding fiscal year; except that in State fiscal year
14 2002, the Annual Percentage shall in no event exceed 7.6%.
15 The Director of Revenue shall certify the Annual
16 Percentage to the Comptroller on the last business day of
17 the fiscal year immediately preceding the fiscal year for
18 which it is to be effective.

19 (2) Beginning on January 1, 1989 and thereafter, the
20 Department shall deposit a percentage of the amounts
21 collected pursuant to subsections (a) and (b)(6), (7), and
22 (8), (c) and (d) of Section 201 of this Act into a fund in
23 the State treasury known as the Income Tax Refund Fund.
24 Beginning with State fiscal year 1990 and for each fiscal
25 year thereafter, the percentage deposited into the Income
26 Tax Refund Fund during a fiscal year shall be the Annual

1 Percentage. For fiscal year 2011, the Annual Percentage
2 shall be 17.5%. For fiscal year 2012, the Annual
3 Percentage shall be 17.5%. For fiscal year 2013, the
4 Annual Percentage shall be 14%. For fiscal year 2014, the
5 Annual Percentage shall be 13.4%. For fiscal year 2015,
6 the Annual Percentage shall be 14%. For fiscal year 2018,
7 the Annual Percentage shall be 17.5%. For fiscal year
8 2019, the Annual Percentage shall be 15.5%. For fiscal
9 year 2020, the Annual Percentage shall be 14.25%. For
10 fiscal year 2021, the Annual Percentage shall be 14%. For
11 all other fiscal years, the Annual Percentage shall be
12 calculated as a fraction, the numerator of which shall be
13 the amount of refunds approved for payment by the
14 Department during the preceding fiscal year as a result of
15 overpayment of tax liability under subsections (a) and
16 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
17 Act plus the amount of such refunds remaining approved but
18 unpaid at the end of the preceding fiscal year, and the
19 denominator of which shall be the amounts which will be
20 collected pursuant to subsections (a) and (b) (6), (7), and
21 (8), (c) and (d) of Section 201 of this Act during the
22 preceding fiscal year; except that in State fiscal year
23 2002, the Annual Percentage shall in no event exceed 23%.
24 The Director of Revenue shall certify the Annual
25 Percentage to the Comptroller on the last business day of
26 the fiscal year immediately preceding the fiscal year for

1 which it is to be effective.

2 (3) The Comptroller shall order transferred and the
3 Treasurer shall transfer from the Tobacco Settlement
4 Recovery Fund to the Income Tax Refund Fund (i)
5 \$35,000,000 in January, 2001, (ii) \$35,000,000 in January,
6 2002, and (iii) \$35,000,000 in January, 2003.

7 (d) Expenditures from Income Tax Refund Fund.

8 (1) Beginning January 1, 1989, money in the Income Tax
9 Refund Fund shall be expended exclusively for the purpose
10 of paying refunds resulting from overpayment of tax
11 liability under Section 201 of this Act and for making
12 transfers pursuant to this subsection (d).

13 (2) The Director shall order payment of refunds
14 resulting from overpayment of tax liability under Section
15 201 of this Act from the Income Tax Refund Fund only to the
16 extent that amounts collected pursuant to Section 201 of
17 this Act and transfers pursuant to this subsection (d) and
18 item (3) of subsection (c) have been deposited and
19 retained in the Fund.

20 (3) As soon as possible after the end of each fiscal
21 year, the Director shall order transferred and the State
22 Treasurer and State Comptroller shall transfer from the
23 Income Tax Refund Fund to the Personal Property Tax
24 Replacement Fund an amount, certified by the Director to
25 the Comptroller, equal to the excess of the amount
26 collected pursuant to subsections (c) and (d) of Section

1 201 of this Act deposited into the Income Tax Refund Fund
2 during the fiscal year over the amount of refunds
3 resulting from overpayment of tax liability under
4 subsections (c) and (d) of Section 201 of this Act paid
5 from the Income Tax Refund Fund during the fiscal year.

6 (4) As soon as possible after the end of each fiscal
7 year, the Director shall order transferred and the State
8 Treasurer and State Comptroller shall transfer from the
9 Personal Property Tax Replacement Fund to the Income Tax
10 Refund Fund an amount, certified by the Director to the
11 Comptroller, equal to the excess of the amount of refunds
12 resulting from overpayment of tax liability under
13 subsections (c) and (d) of Section 201 of this Act paid
14 from the Income Tax Refund Fund during the fiscal year
15 over the amount collected pursuant to subsections (c) and
16 (d) of Section 201 of this Act deposited into the Income
17 Tax Refund Fund during the fiscal year.

18 (4.5) As soon as possible after the end of fiscal year
19 1999 and of each fiscal year thereafter, the Director
20 shall order transferred and the State Treasurer and State
21 Comptroller shall transfer from the Income Tax Refund Fund
22 to the General Revenue Fund any surplus remaining in the
23 Income Tax Refund Fund as of the end of such fiscal year;
24 excluding for fiscal years 2000, 2001, and 2002 amounts
25 attributable to transfers under item (3) of subsection (c)
26 less refunds resulting from the earned income tax credit.

1 (5) This Act shall constitute an irrevocable and
2 continuing appropriation from the Income Tax Refund Fund
3 for the purpose of paying refunds upon the order of the
4 Director in accordance with the provisions of this
5 Section.

6 (e) Deposits into the Education Assistance Fund and the
7 Income Tax Surcharge Local Government Distributive Fund. On
8 July 1, 1991, and thereafter, of the amounts collected
9 pursuant to subsections (a) and (b) of Section 201 of this Act,
10 minus deposits into the Income Tax Refund Fund, the Department
11 shall deposit 7.3% into the Education Assistance Fund in the
12 State Treasury. Beginning July 1, 1991, and continuing through
13 January 31, 1993, of the amounts collected pursuant to
14 subsections (a) and (b) of Section 201 of the Illinois Income
15 Tax Act, minus deposits into the Income Tax Refund Fund, the
16 Department shall deposit 3.0% into the Income Tax Surcharge
17 Local Government Distributive Fund in the State Treasury.
18 Beginning February 1, 1993 and continuing through June 30,
19 1993, of the amounts collected pursuant to subsections (a) and
20 (b) of Section 201 of the Illinois Income Tax Act, minus
21 deposits into the Income Tax Refund Fund, the Department shall
22 deposit 4.4% into the Income Tax Surcharge Local Government
23 Distributive Fund in the State Treasury. Beginning July 1,
24 1993, and continuing through June 30, 1994, of the amounts
25 collected under subsections (a) and (b) of Section 201 of this
26 Act, minus deposits into the Income Tax Refund Fund, the

1 Department shall deposit 1.475% into the Income Tax Surcharge
2 Local Government Distributive Fund in the State Treasury.

3 (f) Deposits into the Fund for the Advancement of
4 Education. Beginning February 1, 2015, the Department shall
5 deposit the following portions of the revenue realized from
6 the tax imposed upon individuals, trusts, and estates by
7 subsections (a) and (b) of Section 201 of this Act, minus
8 deposits into the Income Tax Refund Fund, into the Fund for the
9 Advancement of Education:

10 (1) beginning February 1, 2015, and prior to February
11 1, 2025, 1/30; and

12 (2) beginning February 1, 2025, 1/26.

13 If the rate of tax imposed by subsection (a) and (b) of
14 Section 201 is reduced pursuant to Section 201.5 of this Act,
15 the Department shall not make the deposits required by this
16 subsection (f) on or after the effective date of the
17 reduction.

18 (g) Deposits into the Commitment to Human Services Fund.
19 Beginning February 1, 2015, the Department shall deposit the
20 following portions of the revenue realized from the tax
21 imposed upon individuals, trusts, and estates by subsections
22 (a) and (b) of Section 201 of this Act, minus deposits into the
23 Income Tax Refund Fund, into the Commitment to Human Services
24 Fund:

25 (1) beginning February 1, 2015, and prior to February
26 1, 2025, 1/30; and

1 (2) beginning February 1, 2025, 1/26.

2 If the rate of tax imposed by subsection (a) and (b) of
3 Section 201 is reduced pursuant to Section 201.5 of this Act,
4 the Department shall not make the deposits required by this
5 subsection (g) on or after the effective date of the
6 reduction.

7 (h) Deposits into the Tax Compliance and Administration
8 Fund. Beginning on the first day of the first calendar month to
9 occur on or after August 26, 2014 (the effective date of Public
10 Act 98-1098), each month the Department shall pay into the Tax
11 Compliance and Administration Fund, to be used, subject to
12 appropriation, to fund additional auditors and compliance
13 personnel at the Department, an amount equal to 1/12 of 5% of
14 the cash receipts collected during the preceding fiscal year
15 by the Audit Bureau of the Department from the tax imposed by
16 subsections (a), (b), (c), and (d) of Section 201 of this Act,
17 net of deposits into the Income Tax Refund Fund made from those
18 cash receipts.

19 (Source: P.A. 100-22, eff. 7-6-17; 100-23, eff. 7-6-17;
20 100-587, eff. 6-4-18; 100-621, eff. 7-20-18; 100-863, eff.
21 8-14-18; 100-1171, eff. 1-4-19; 101-8, see Section 99 for
22 effective date; 101-10, eff. 6-5-19; 101-81, eff. 7-12-19;
23 101-636, eff. 6-10-20.)

24 (35 ILCS 5/201.1 rep.)

25 (35 ILCS 5/229 rep.)

1 Section 880. The Illinois Income Tax Act is amended by
2 repealing Section 201.1 and Section 229 as added by Public Act
3 101-8.

4 Section 995. No acceleration or delay. Where this Act
5 makes changes in a statute that is represented in this Act by
6 text that is not yet or no longer in effect (for example, a
7 Section represented by multiple versions), the use of that
8 text does not accelerate or delay the taking effect of (i) the
9 changes made by this Act or (ii) provisions derived from any
10 other Public Act.

11 Section 996. No revival or extension. This Act does not
12 revive or extend any Section or Act otherwise repealed.

13 Section 999. Effective date. This Act takes effect upon
14 becoming law.

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