

1 AN ACT concerning State government.

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

4 Section 1. Legislative intent. It is the intent of the
5 General Assembly in enacting this amendatory Act of the 102nd
6 General Assembly to make only nonsubstantive changes that
7 remove the dehumanizing term "alien" from all Illinois
8 statutory provisions. No change made by this amendatory Act of
9 the 102nd General Assembly shall be interpreted so as to make
10 any substantive change to existing law, including, but not
11 limited to, eligibility for federal programs or benefits that
12 are available to a person who meets the definition of "alien"
13 under State or federal law.

14 Section 5. The Illinois Notary Public Act is amended by
15 changing Section 2-102 as follows:

16 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

17 (Text of Section before amendment by P.A. 102-160)

18 Sec. 2-102. Application. Every applicant for appointment
19 and commission as a notary shall complete an application in a
20 format prescribed by the Secretary of State to be filed with
21 the Secretary of State, stating:

22 (a) the applicant's official name, as it appears on

1 his or her current driver's license or state-issued
2 identification card;

3 (b) the county in which the applicant resides or, if
4 the applicant is a resident of a state bordering Illinois,
5 the county in Illinois in which that person's principal
6 place of work or principal place of business is located;

7 (c) the applicant's residence address, as it appears
8 on his or her current driver's license or state-issued
9 identification card;

10 (c-5) the applicant's business address if different
11 than the applicant's residence address, if performing
12 notarial acts constitutes any portion of the applicant's
13 job duties;

14 (d) that the applicant has resided in the State of
15 Illinois for 30 days preceding the application or that the
16 applicant who is a resident of a state bordering Illinois
17 has worked or maintained a business in Illinois for 30
18 days preceding the application;

19 (e) that the applicant is a citizen of the United
20 States or a person ~~an alien~~ lawfully admitted for
21 permanent residence in the United States;

22 (f) the applicant's date of birth;

23 (g) that the applicant is able to read and write the
24 English language;

25 (h) that the applicant has never been the holder of a
26 notary public appointment that was revoked or suspended

1 during the past 10 years;

2 (i) that the applicant has not been convicted of a
3 felony;

4 (i-5) that the applicant's signature authorizes the
5 Office of the Secretary of State to conduct a verification
6 to confirm the information provided in the application,
7 including a criminal background check of the applicant, if
8 necessary; and

9 (j) any other information the Secretary of State deems
10 necessary.

11 (Source: P.A. 99-112, eff. 1-1-16; 100-809, eff. 1-1-19.)

12 (Text of Section after amendment by P.A. 102-160)

13 Sec. 2-102. Application.

14 (a) Application for notary public commission. Every
15 applicant for appointment and commission as a notary shall
16 complete an application in a format prescribed by the
17 Secretary of State to be filed with the Secretary of State,
18 stating:

19 (1) the applicant's official name, as it appears on
20 his or her current driver's license or state-issued
21 identification card;

22 (2) the county in which the applicant resides or, if
23 the applicant is a resident of a state bordering Illinois,
24 the county in Illinois in which that person's principal
25 place of work or principal place of business is located;

1 (3) the applicant's residence address, as it appears
2 on his or her current driver's license or state-issued
3 identification card;

4 (4) the applicant's e-mail address;

5 (5) the applicant's business address if different than
6 the applicant's residence address, if performing notarial
7 acts constitutes any portion of the applicant's job
8 duties;

9 (6) that the applicant has resided in the State of
10 Illinois for 30 days preceding the application or that the
11 applicant who is a resident of a state bordering Illinois
12 has worked or maintained a business in Illinois for 30
13 days preceding the application;

14 (7) that the applicant is a citizen of the United
15 States or lawfully admitted for permanent residence in the
16 United States;

17 (8) the applicant's date of birth;

18 (9) that the applicant is proficient in the ~~the~~
19 English language;

20 (10) that the applicant has not had a prior
21 application or commission revoked due to a finding or
22 decision by the Secretary of State;

23 (11) that the applicant has not been convicted of a
24 felony;

25 (12) that the applicant's signature authorizes the
26 Office of the Secretary of State to conduct a verification

1 to confirm the information provided in the application,
2 including a criminal background check of the applicant, if
3 necessary;

4 (13) that the applicant has provided satisfactory
5 proof to the Secretary of State that the applicant has
6 successfully completed any required course of study on
7 notarization; and

8 (14) any other information the Secretary of State
9 deems necessary.

10 (b) Any notary appointed under subsection (a) shall have
11 the authority to conduct remote notarizations.

12 (c) Application for electronic notary public commission.
13 An application for an electronic notary public commission must
14 be filed with the Secretary of State in a manner prescribed by
15 the Secretary of State. Every applicant for appointment and
16 commission as an electronic notary public shall complete an
17 application to be filed with the Secretary of State, stating:

18 (1) all information required to be included in an
19 application for appointment as an electronic notary
20 public, as provided under subsection (a);

21 (2) that the applicant is commissioned as a notary
22 public under this Act;

23 (3) the applicant's email address;

24 (4) that the applicant has provided satisfactory proof
25 to the Secretary of State that the applicant has
26 successfully completed any required course of study on

1 electronic notarization and passed a qualifying
2 examination;

3 (5) a description of the technology or device that the
4 applicant intends to use to create his or her electronic
5 signature in performing electronic notarial acts;

6 (6) the electronic signature of the applicant; and

7 (7) any other information the Secretary of State deems
8 necessary.

9 (d) Electronic notarial acts. Before an electronic notary
10 public performs an electronic notarial act using audio-video
11 communication, he or she must be granted an electronic notary
12 public commission by the Secretary of State under this
13 Section, and identify the technology that the electronic
14 notary public intends to use, which must be approved by the
15 Secretary of State.

16 (e) Approval of commission. Upon the applicant's
17 fulfillment of the requirements for a notarial commission or
18 an electronic notary public commission, the Secretary of State
19 shall approve the commission and issue to the applicant a
20 unique commission number.

21 (f) Rejection of application. The Secretary of State may
22 reject an application for a notarial commission or an
23 electronic notary public commission if the applicant fails to
24 comply with any Section of this Act.

25 (Source: P.A. 102-160 (See Section 99 of P.A. 102-160 for
26 effective date of P.A. 102-160).)

1 Section 15. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois
3 is amended by changing Section 605-800 as follows:

4 (20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)

5 Sec. 605-800. Training grants for skills in critical
6 demand.

7 (a) Grants to provide training in fields affected by
8 critical demands for certain skills may be made as provided in
9 this Section.

10 (b) The Director may make grants to eligible employers or
11 to other eligible entities on behalf of employers as
12 authorized in subsection (c) to provide training for employees
13 in fields for which there are critical demands for certain
14 skills. No participating employee may be a person without
15 employment authorization under federal law ~~an unauthorized~~
16 ~~alien, as defined in 8 U.S.C. 1324a.~~

17 (c) The Director may accept applications for training
18 grant funds and grant requests from: (i) entities sponsoring
19 multi-company eligible employee training projects as defined
20 in subsection (d), including business associations, strategic
21 business partnerships, institutions of secondary or higher
22 education, large manufacturers for supplier network companies,
23 federal Job Training Partnership Act administrative entities
24 or grant recipients, and labor organizations when those

1 projects will address common training needs identified by
2 participating companies; and (ii) individual employers that
3 are undertaking eligible employee training projects as defined
4 in subsection (d), including intermediaries and training
5 agents.

6 (d) The Director may make grants to eligible applicants as
7 defined in subsection (c) for employee training projects that
8 include, but need not be limited to, one or more of the
9 following:

10 (1) Training programs in response to new or changing
11 technology being introduced in the workplace.

12 (2) Job-linked training that offers special skills for
13 career advancement or that is preparatory for, and leads
14 directly to, jobs with definite career potential and
15 long-term job security.

16 (3) Training necessary to implement total quality
17 management or improvement or both management and
18 improvement systems within the workplace.

19 (4) Training related to new machinery or equipment.

20 (5) Training of employees of companies that are
21 expanding into new markets or expanding exports from
22 Illinois.

23 (6) Basic, remedial, or both basic and remedial
24 training of employees as a prerequisite for other
25 vocational or technical skills training or as a condition
26 for sustained employment.

1 (7) Self-employment training of the unemployed and
2 underemployed with comprehensive, competency-based
3 instructional programs and services, entrepreneurial
4 education and training initiatives for youth and adult
5 learners in cooperation with the Illinois Institute for
6 Entrepreneurial Education, training and education,
7 conferences, workshops, and best practice information for
8 local program operators of entrepreneurial education and
9 self-employment training programs.

10 (8) Other training activities or projects, or both
11 training activities and projects, related to the support,
12 development, or evaluation of job training programs,
13 activities, and delivery systems, including training needs
14 assessment and design.

15 (e) Grants shall be made on the terms and conditions that
16 the Department shall determine. No grant made under subsection
17 (d), however, shall exceed 50% of the direct costs of all
18 approved training programs provided by the employer or the
19 employer's training agent or other entity as defined in
20 subsection (c). Under this Section, allowable costs include,
21 but are not limited to:

22 (1) Administrative costs of tracking, documenting,
23 reporting, and processing training funds or project costs.

24 (2) Curriculum development.

25 (3) Wages and fringe benefits of employees.

26 (4) Training materials, including scrap product costs.

1 (5) Trainee travel expenses.

2 (6) Instructor costs, including wages, fringe
3 benefits, tuition, and travel expenses.

4 (7) Rent, purchase, or lease of training equipment.

5 (8) Other usual and customary training costs.

6 (f) The Department may conduct on-site grant monitoring
7 visits to verify trainee employment dates and wages and to
8 ensure that the grantee's financial management system is
9 structured to provide for accurate, current, and complete
10 disclosure of the financial results of the grant program in
11 accordance with all provisions, terms, and conditions
12 contained in the grant contract. Each applicant must, on
13 request by the Department, provide to the Department a
14 notarized certification signed and dated by a duly authorized
15 representative of the applicant, or that representative's
16 authorized designee, certifying that all participating
17 employees are employed at an Illinois facility and, for each
18 participating employee, stating the employee's name and
19 providing either (i) the employee's social security number or
20 (ii) a statement that the applicant has adequate written
21 verification that the employee is employed at an Illinois
22 facility. The Department may audit the accuracy of
23 submissions. Applicants sponsoring multi-company training
24 grant programs shall obtain information meeting the
25 requirement of this subsection from each participating company
26 and provide it to the Department upon request.

1 (g) The Director may establish and collect a schedule of
2 charges from subgrantee entities and other system users under
3 federal job-training programs for participating in and
4 utilizing the Department's automated job-training program
5 information systems if the systems and the necessary
6 participation and utilization are requirements of the federal
7 job-training programs. All monies collected pursuant to this
8 subsection shall be deposited into the Federal Workforce
9 Training Fund and may be used, subject to appropriation by the
10 General Assembly, only for the purpose of financing the
11 maintenance and operation of the automated federal
12 job-training information systems.

13 (Source: P.A. 99-933, eff. 1-27-17.)

14 Section 20. The Illinois Guaranteed Job Opportunity Act is
15 amended by changing Section 25 as follows:

16 (20 ILCS 1510/25)

17 Sec. 25. Program eligibility.

18 (a) General Rule. An individual is eligible to participate
19 in the job projects assisted under this Act if the individual:

20 (1) is at least 16 years of age;

21 (2) has resided in the eligible area for at least 30
22 days;

23 (3) has been unemployed for 35 days prior to the
24 determination of employment for job projects assisted

1 under this Act;

2 (4) is a citizen of the United States, is a national of
3 the United States, is a lawfully admitted permanent
4 resident ~~alien~~, is a lawfully admitted refugee or parolee,
5 or is otherwise authorized by the United States Attorney
6 General to work in the United States; and

7 (5) is a recipient of assistance under Article IV of
8 the Illinois Public Aid Code.

9 (b) Limitations.

10 (1) (Blank).

11 (2) (Blank).

12 (3) No individual participating in the job opportunity
13 project assisted under this Act may work in any
14 compensated job other than the job assisted under this Act
15 for more than 20 hours per week.

16 (4) Individuals participating under this Act shall
17 seek employment during the period of employment assisted
18 under this Act.

19 (5) Any individual eligible for retirement benefits
20 under the Social Security Act, under any retirement system
21 for Federal Government employees, under the railroad
22 retirement system, under the military retirement system,
23 under a State or local government pension plan or
24 retirement system, or any private pension program is not
25 eligible to receive a job under a job project assisted
26 under this Act.

1 (Source: P.A. 93-46, eff. 7-1-03.)

2 Section 25. The Illinois Income Tax Act is amended by
3 changing Section 1501 as follows:

4 (35 ILCS 5/1501) (from Ch. 120, par. 15-1501)

5 Sec. 1501. Definitions.

6 (a) In general. When used in this Act, where not otherwise
7 distinctly expressed or manifestly incompatible with the
8 intent thereof:

9 (1) Business income. The term "business income" means
10 all income that may be treated as apportionable business
11 income under the Constitution of the United States.
12 Business income is net of the deductions allocable
13 thereto. Such term does not include compensation or the
14 deductions allocable thereto. For each taxable year
15 beginning on or after January 1, 2003, a taxpayer may
16 elect to treat all income other than compensation as
17 business income. This election shall be made in accordance
18 with rules adopted by the Department and, once made, shall
19 be irrevocable.

20 (1.5) Captive real estate investment trust:

21 (A) The term "captive real estate investment
22 trust" means a corporation, trust, or association:

23 (i) that is considered a real estate
24 investment trust for the taxable year under

1 Section 856 of the Internal Revenue Code;

2 (ii) the certificates of beneficial interest
3 or shares of which are not regularly traded on an
4 established securities market; and

5 (iii) of which more than 50% of the voting
6 power or value of the beneficial interest or
7 shares, at any time during the last half of the
8 taxable year, is owned or controlled, directly,
9 indirectly, or constructively, by a single
10 corporation.

11 (B) The term "captive real estate investment
12 trust" does not include:

13 (i) a real estate investment trust of which
14 more than 50% of the voting power or value of the
15 beneficial interest or shares is owned or
16 controlled, directly, indirectly, or
17 constructively, by:

18 (a) a real estate investment trust, other
19 than a captive real estate investment trust;

20 (b) a person who is exempt from taxation
21 under Section 501 of the Internal Revenue
22 Code, and who is not required to treat income
23 received from the real estate investment trust
24 as unrelated business taxable income under
25 Section 512 of the Internal Revenue Code;

26 (c) a listed Australian property trust, if

1 no more than 50% of the voting power or value
2 of the beneficial interest or shares of that
3 trust, at any time during the last half of the
4 taxable year, is owned or controlled, directly
5 or indirectly, by a single person;

6 (d) an entity organized as a trust,
7 provided a listed Australian property trust
8 described in subparagraph (c) owns or
9 controls, directly or indirectly, or
10 constructively, 75% or more of the voting
11 power or value of the beneficial interests or
12 shares of such entity; or

13 (e) an entity that is organized outside of
14 the laws of the United States and that
15 satisfies all of the following criteria:

16 (1) at least 75% of the entity's total
17 asset value at the close of its taxable
18 year is represented by real estate assets
19 (as defined in Section 856(c)(5)(B) of the
20 Internal Revenue Code, thereby including
21 shares or certificates of beneficial
22 interest in any real estate investment
23 trust), cash and cash equivalents, and
24 U.S. Government securities;

25 (2) the entity is not subject to tax
26 on amounts that are distributed to its

1 beneficial owners or is exempt from
2 entity-level taxation;

3 (3) the entity distributes at least
4 85% of its taxable income (as computed in
5 the jurisdiction in which it is organized)
6 to the holders of its shares or
7 certificates of beneficial interest on an
8 annual basis;

9 (4) either (i) the shares or
10 beneficial interests of the entity are
11 regularly traded on an established
12 securities market or (ii) not more than
13 10% of the voting power or value in the
14 entity is held, directly, indirectly, or
15 constructively, by a single entity or
16 individual; and

17 (5) the entity is organized in a
18 country that has entered into a tax treaty
19 with the United States; or

20 (ii) during its first taxable year for which
21 it elects to be treated as a real estate
22 investment trust under Section 856(c)(1) of the
23 Internal Revenue Code, a real estate investment
24 trust the certificates of beneficial interest or
25 shares of which are not regularly traded on an
26 established securities market, but only if the

1 certificates of beneficial interest or shares of
2 the real estate investment trust are regularly
3 traded on an established securities market prior
4 to the earlier of the due date (including
5 extensions) for filing its return under this Act
6 for that first taxable year or the date it
7 actually files that return.

8 (C) For the purposes of this subsection (1.5), the
9 constructive ownership rules prescribed under Section
10 318(a) of the Internal Revenue Code, as modified by
11 Section 856(d)(5) of the Internal Revenue Code, apply
12 in determining the ownership of stock, assets, or net
13 profits of any person.

14 (D) For the purposes of this item (1.5), for
15 taxable years ending on or after August 16, 2007, the
16 voting power or value of the beneficial interest or
17 shares of a real estate investment trust does not
18 include any voting power or value of beneficial
19 interest or shares in a real estate investment trust
20 held directly or indirectly in a segregated asset
21 account by a life insurance company (as described in
22 Section 817 of the Internal Revenue Code) to the
23 extent such voting power or value is for the benefit of
24 entities or persons who are either immune from
25 taxation or exempt from taxation under subtitle A of
26 the Internal Revenue Code.

1 (2) Commercial domicile. The term "commercial
2 domicile" means the principal place from which the trade
3 or business of the taxpayer is directed or managed.

4 (3) Compensation. The term "compensation" means wages,
5 salaries, commissions and any other form of remuneration
6 paid to employees for personal services.

7 (4) Corporation. The term "corporation" includes
8 associations, joint-stock companies, insurance companies
9 and cooperatives. Any entity, including a limited
10 liability company formed under the Illinois Limited
11 Liability Company Act, shall be treated as a corporation
12 if it is so classified for federal income tax purposes.

13 (5) Department. The term "Department" means the
14 Department of Revenue of this State.

15 (6) Director. The term "Director" means the Director
16 of Revenue of this State.

17 (7) Fiduciary. The term "fiduciary" means a guardian,
18 trustee, executor, administrator, receiver, or any person
19 acting in any fiduciary capacity for any person.

20 (8) Financial organization.

21 (A) The term "financial organization" means any
22 bank, bank holding company, trust company, savings
23 bank, industrial bank, land bank, safe deposit
24 company, private banker, savings and loan association,
25 building and loan association, credit union, currency
26 exchange, cooperative bank, small loan company, sales

1 finance company, investment company, or any person
2 which is owned by a bank or bank holding company. For
3 the purpose of this Section a "person" will include
4 only those persons which a bank holding company may
5 acquire and hold an interest in, directly or
6 indirectly, under the provisions of the Bank Holding
7 Company Act of 1956 (12 U.S.C. 1841, et seq.), except
8 where interests in any person must be disposed of
9 within certain required time limits under the Bank
10 Holding Company Act of 1956.

11 (B) For purposes of subparagraph (A) of this
12 paragraph, the term "bank" includes (i) any entity
13 that is regulated by the Comptroller of the Currency
14 under the National Bank Act, or by the Federal Reserve
15 Board, or by the Federal Deposit Insurance Corporation
16 and (ii) any federally or State chartered bank
17 operating as a credit card bank.

18 (C) For purposes of subparagraph (A) of this
19 paragraph, the term "sales finance company" has the
20 meaning provided in the following item (i) or (ii):

21 (i) A person primarily engaged in one or more
22 of the following businesses: the business of
23 purchasing customer receivables, the business of
24 making loans upon the security of customer
25 receivables, the business of making loans for the
26 express purpose of funding purchases of tangible

1 personal property or services by the borrower, or
2 the business of finance leasing. For purposes of
3 this item (i), "customer receivable" means:

4 (a) a retail installment contract or
5 retail charge agreement within the meaning of
6 the Sales Finance Agency Act, the Retail
7 Installment Sales Act, or the Motor Vehicle
8 Retail Installment Sales Act;

9 (b) an installment, charge, credit, or
10 similar contract or agreement arising from the
11 sale of tangible personal property or services
12 in a transaction involving a deferred payment
13 price payable in one or more installments
14 subsequent to the sale; or

15 (c) the outstanding balance of a contract
16 or agreement described in provisions (a) or
17 (b) of this item (i).

18 A customer receivable need not provide for
19 payment of interest on deferred payments. A sales
20 finance company may purchase a customer receivable
21 from, or make a loan secured by a customer
22 receivable to, the seller in the original
23 transaction or to a person who purchased the
24 customer receivable directly or indirectly from
25 that seller.

26 (ii) A corporation meeting each of the

1 following criteria:

2 (a) the corporation must be a member of an
3 "affiliated group" within the meaning of
4 Section 1504(a) of the Internal Revenue Code,
5 determined without regard to Section 1504(b)
6 of the Internal Revenue Code;

7 (b) more than 50% of the gross income of
8 the corporation for the taxable year must be
9 interest income derived from qualifying loans.
10 A "qualifying loan" is a loan made to a member
11 of the corporation's affiliated group that
12 originates customer receivables (within the
13 meaning of item (i)) or to whom customer
14 receivables originated by a member of the
15 affiliated group have been transferred, to the
16 extent the average outstanding balance of
17 loans from that corporation to members of its
18 affiliated group during the taxable year do
19 not exceed the limitation amount for that
20 corporation. The "limitation amount" for a
21 corporation is the average outstanding
22 balances during the taxable year of customer
23 receivables (within the meaning of item (i))
24 originated by all members of the affiliated
25 group. If the average outstanding balances of
26 the loans made by a corporation to members of

1 its affiliated group exceed the limitation
2 amount, the interest income of that
3 corporation from qualifying loans shall be
4 equal to its interest income from loans to
5 members of its affiliated groups times a
6 fraction equal to the limitation amount
7 divided by the average outstanding balances of
8 the loans made by that corporation to members
9 of its affiliated group;

10 (c) the total of all shareholder's equity
11 (including, without limitation, paid-in
12 capital on common and preferred stock and
13 retained earnings) of the corporation plus the
14 total of all of its loans, advances, and other
15 obligations payable or owed to members of its
16 affiliated group may not exceed 20% of the
17 total assets of the corporation at any time
18 during the tax year; and

19 (d) more than 50% of all interest-bearing
20 obligations of the affiliated group payable to
21 persons outside the group determined in
22 accordance with generally accepted accounting
23 principles must be obligations of the
24 corporation.

25 This amendatory Act of the 91st General Assembly
26 is declaratory of existing law.

1 (D) Subparagraphs (B) and (C) of this paragraph
2 are declaratory of existing law and apply
3 retroactively, for all tax years beginning on or
4 before December 31, 1996, to all original returns, to
5 all amended returns filed no later than 30 days after
6 the effective date of this amendatory Act of 1996, and
7 to all notices issued on or before the effective date
8 of this amendatory Act of 1996 under subsection (a) of
9 Section 903, subsection (a) of Section 904, subsection
10 (e) of Section 909, or Section 912. A taxpayer that is
11 a "financial organization" that engages in any
12 transaction with an affiliate shall be a "financial
13 organization" for all purposes of this Act.

14 (E) For all tax years beginning on or before
15 December 31, 1996, a taxpayer that falls within the
16 definition of a "financial organization" under
17 subparagraphs (B) or (C) of this paragraph, but who
18 does not fall within the definition of a "financial
19 organization" under the Proposed Regulations issued by
20 the Department of Revenue on July 19, 1996, may
21 irrevocably elect to apply the Proposed Regulations
22 for all of those years as though the Proposed
23 Regulations had been lawfully promulgated, adopted,
24 and in effect for all of those years. For purposes of
25 applying subparagraphs (B) or (C) of this paragraph to
26 all of those years, the election allowed by this

1 subparagraph applies only to the taxpayer making the
2 election and to those members of the taxpayer's
3 unitary business group who are ordinarily required to
4 apportion business income under the same subsection of
5 Section 304 of this Act as the taxpayer making the
6 election. No election allowed by this subparagraph
7 shall be made under a claim filed under subsection (d)
8 of Section 909 more than 30 days after the effective
9 date of this amendatory Act of 1996.

10 (F) Finance Leases. For purposes of this
11 subsection, a finance lease shall be treated as a loan
12 or other extension of credit, rather than as a lease,
13 regardless of how the transaction is characterized for
14 any other purpose, including the purposes of any
15 regulatory agency to which the lessor is subject. A
16 finance lease is any transaction in the form of a lease
17 in which the lessee is treated as the owner of the
18 leased asset entitled to any deduction for
19 depreciation allowed under Section 167 of the Internal
20 Revenue Code.

21 (9) Fiscal year. The term "fiscal year" means an
22 accounting period of 12 months ending on the last day of
23 any month other than December.

24 (9.5) Fixed place of business. The term "fixed place
25 of business" has the same meaning as that term is given in
26 Section 864 of the Internal Revenue Code and the related

1 Treasury regulations.

2 (10) Includes and including. The terms "includes" and
3 "including" when used in a definition contained in this
4 Act shall not be deemed to exclude other things otherwise
5 within the meaning of the term defined.

6 (11) Internal Revenue Code. The term "Internal Revenue
7 Code" means the United States Internal Revenue Code of
8 1954 or any successor law or laws relating to federal
9 income taxes in effect for the taxable year.

10 (11.5) Investment partnership.

11 (A) The term "investment partnership" means any
12 entity that is treated as a partnership for federal
13 income tax purposes that meets the following
14 requirements:

15 (i) no less than 90% of the partnership's cost
16 of its total assets consists of qualifying
17 investment securities, deposits at banks or other
18 financial institutions, and office space and
19 equipment reasonably necessary to carry on its
20 activities as an investment partnership;

21 (ii) no less than 90% of its gross income
22 consists of interest, dividends, and gains from
23 the sale or exchange of qualifying investment
24 securities; and

25 (iii) the partnership is not a dealer in
26 qualifying investment securities.

1 (B) For purposes of this paragraph (11.5), the
2 term "qualifying investment securities" includes all
3 of the following:

4 (i) common stock, including preferred or debt
5 securities convertible into common stock, and
6 preferred stock;

7 (ii) bonds, debentures, and other debt
8 securities;

9 (iii) foreign and domestic currency deposits
10 secured by federal, state, or local governmental
11 agencies;

12 (iv) mortgage or asset-backed securities
13 secured by federal, state, or local governmental
14 agencies;

15 (v) repurchase agreements and loan
16 participations;

17 (vi) foreign currency exchange contracts and
18 forward and futures contracts on foreign
19 currencies;

20 (vii) stock and bond index securities and
21 futures contracts and other similar financial
22 securities and futures contracts on those
23 securities;

24 (viii) options for the purchase or sale of any
25 of the securities, currencies, contracts, or
26 financial instruments described in items (i) to

- 1 (vii), inclusive;
- 2 (ix) regulated futures contracts;
- 3 (x) commodities (not described in Section
- 4 1221(a)(1) of the Internal Revenue Code) or
- 5 futures, forwards, and options with respect to
- 6 such commodities, provided, however, that any item
- 7 of a physical commodity to which title is actually
- 8 acquired in the partnership's capacity as a dealer
- 9 in such commodity shall not be a qualifying
- 10 investment security;
- 11 (xi) derivatives; and
- 12 (xii) a partnership interest in another
- 13 partnership that is an investment partnership.

14 (12) Mathematical error. The term "mathematical error"

15 includes the following types of errors, omissions, or

16 defects in a return filed by a taxpayer which prevents

17 acceptance of the return as filed for processing:

18 (A) arithmetic errors or incorrect computations on

19 the return or supporting schedules;

20 (B) entries on the wrong lines;

21 (C) omission of required supporting forms or

22 schedules or the omission of the information in whole

23 or in part called for thereon; and

24 (D) an attempt to claim, exclude, deduct, or

25 improperly report, in a manner directly contrary to

26 the provisions of the Act and regulations thereunder

1 any item of income, exemption, deduction, or credit.

2 (13) Nonbusiness income. The term "nonbusiness income"
3 means all income other than business income or
4 compensation.

5 (14) Nonresident. The term "nonresident" means a
6 person who is not a resident.

7 (15) Paid, incurred and accrued. The terms "paid",
8 "incurred" and "accrued" shall be construed according to
9 the method of accounting upon the basis of which the
10 person's base income is computed under this Act.

11 (16) Partnership and partner. The term "partnership"
12 includes a syndicate, group, pool, joint venture or other
13 unincorporated organization, through or by means of which
14 any business, financial operation, or venture is carried
15 on, and which is not, within the meaning of this Act, a
16 trust or estate or a corporation; and the term "partner"
17 includes a member in such syndicate, group, pool, joint
18 venture or organization.

19 The term "partnership" includes any entity, including
20 a limited liability company formed under the Illinois
21 Limited Liability Company Act, classified as a partnership
22 for federal income tax purposes.

23 The term "partnership" does not include a syndicate,
24 group, pool, joint venture, or other unincorporated
25 organization established for the sole purpose of playing
26 the Illinois State Lottery.

1 (17) Part-year resident. The term "part-year resident"
2 means an individual who became a resident during the
3 taxable year or ceased to be a resident during the taxable
4 year. Under Section 1501(a)(20)(A)(i) residence commences
5 with presence in this State for other than a temporary or
6 transitory purpose and ceases with absence from this State
7 for other than a temporary or transitory purpose. Under
8 Section 1501(a)(20)(A)(ii) residence commences with the
9 establishment of domicile in this State and ceases with
10 the establishment of domicile in another State.

11 (18) Person. The term "person" shall be construed to
12 mean and include an individual, a trust, estate,
13 partnership, association, firm, company, corporation,
14 limited liability company, or fiduciary. For purposes of
15 Section 1301 and 1302 of this Act, a "person" means (i) an
16 individual, (ii) a corporation, (iii) an officer, agent,
17 or employee of a corporation, (iv) a member, agent or
18 employee of a partnership, or (v) a member, manager,
19 employee, officer, director, or agent of a limited
20 liability company who in such capacity commits an offense
21 specified in Section 1301 and 1302.

22 (18A) Records. The term "records" includes all data
23 maintained by the taxpayer, whether on paper, microfilm,
24 microfiche, or any type of machine-sensible data
25 compilation.

26 (19) Regulations. The term "regulations" includes

1 rules promulgated and forms prescribed by the Department.

2 (20) Resident. The term "resident" means:

3 (A) an individual (i) who is in this State for
4 other than a temporary or transitory purpose during
5 the taxable year; or (ii) who is domiciled in this
6 State but is absent from the State for a temporary or
7 transitory purpose during the taxable year;

8 (B) The estate of a decedent who at his or her
9 death was domiciled in this State;

10 (C) A trust created by a will of a decedent who at
11 his death was domiciled in this State; and

12 (D) An irrevocable trust, the grantor of which was
13 domiciled in this State at the time such trust became
14 irrevocable. For purpose of this subparagraph, a trust
15 shall be considered irrevocable to the extent that the
16 grantor is not treated as the owner thereof under
17 Sections 671 through 678 of the Internal Revenue Code.

18 (21) Sales. The term "sales" means all gross receipts
19 of the taxpayer not allocated under Sections 301, 302 and
20 303.

21 (22) State. The term "state" when applied to a
22 jurisdiction other than this State means any state of the
23 United States, the District of Columbia, the Commonwealth
24 of Puerto Rico, any Territory or Possession of the United
25 States, and any foreign country, or any political
26 subdivision of any of the foregoing. For purposes of the

1 foreign tax credit under Section 601, the term "state"
2 means any state of the United States, the District of
3 Columbia, the Commonwealth of Puerto Rico, and any
4 territory or possession of the United States, or any
5 political subdivision of any of the foregoing, effective
6 for tax years ending on or after December 31, 1989.

7 (23) Taxable year. The term "taxable year" means the
8 calendar year, or the fiscal year ending during such
9 calendar year, upon the basis of which the base income is
10 computed under this Act. "Taxable year" means, in the case
11 of a return made for a fractional part of a year under the
12 provisions of this Act, the period for which such return
13 is made.

14 (24) Taxpayer. The term "taxpayer" means any person
15 subject to the tax imposed by this Act.

16 (25) International banking facility. The term
17 international banking facility shall have the same meaning
18 as is set forth in the Illinois Banking Act or as is set
19 forth in the laws of the United States or regulations of
20 the Board of Governors of the Federal Reserve System.

21 (26) Income Tax Return Preparer.

22 (A) The term "income tax return preparer" means
23 any person who prepares for compensation, or who
24 employs one or more persons to prepare for
25 compensation, any return of tax imposed by this Act or
26 any claim for refund of tax imposed by this Act. The

1 preparation of a substantial portion of a return or
2 claim for refund shall be treated as the preparation
3 of that return or claim for refund.

4 (B) A person is not an income tax return preparer
5 if all he or she does is

6 (i) furnish typing, reproducing, or other
7 mechanical assistance;

8 (ii) prepare returns or claims for refunds for
9 the employer by whom he or she is regularly and
10 continuously employed;

11 (iii) prepare as a fiduciary returns or claims
12 for refunds for any person; or

13 (iv) prepare claims for refunds for a taxpayer
14 in response to any notice of deficiency issued to
15 that taxpayer or in response to any waiver of
16 restriction after the commencement of an audit of
17 that taxpayer or of another taxpayer if a
18 determination in the audit of the other taxpayer
19 directly or indirectly affects the tax liability
20 of the taxpayer whose claims he or she is
21 preparing.

22 (27) Unitary business group.

23 (A) The term "unitary business group" means a
24 group of persons related through common ownership
25 whose business activities are integrated with,
26 dependent upon and contribute to each other. The group

1 will not include those members whose business activity
2 outside the United States is 80% or more of any such
3 member's total business activity; for purposes of this
4 paragraph and clause (a)(3)(B)(ii) of Section 304,
5 business activity within the United States shall be
6 measured by means of the factors ordinarily applicable
7 under subsections (a), (b), (c), (d), or (h) of
8 Section 304 except that, in the case of members
9 ordinarily required to apportion business income by
10 means of the 3 factor formula of property, payroll and
11 sales specified in subsection (a) of Section 304,
12 including the formula as weighted in subsection (h) of
13 Section 304, such members shall not use the sales
14 factor in the computation and the results of the
15 property and payroll factor computations of subsection
16 (a) of Section 304 shall be divided by 2 (by one if
17 either the property or payroll factor has a
18 denominator of zero). The computation required by the
19 preceding sentence shall, in each case, involve the
20 division of the member's property, payroll, or revenue
21 miles in the United States, insurance premiums on
22 property or risk in the United States, or financial
23 organization business income from sources within the
24 United States, as the case may be, by the respective
25 worldwide figures for such items. Common ownership in
26 the case of corporations is the direct or indirect

1 control or ownership of more than 50% of the
2 outstanding voting stock of the persons carrying on
3 unitary business activity. Unitary business activity
4 can ordinarily be illustrated where the activities of
5 the members are: (1) in the same general line (such as
6 manufacturing, wholesaling, retailing of tangible
7 personal property, insurance, transportation or
8 finance); or (2) are steps in a vertically structured
9 enterprise or process (such as the steps involved in
10 the production of natural resources, which might
11 include exploration, mining, refining, and marketing);
12 and, in either instance, the members are functionally
13 integrated through the exercise of strong centralized
14 management (where, for example, authority over such
15 matters as purchasing, financing, tax compliance,
16 product line, personnel, marketing and capital
17 investment is not left to each member).

18 (B) In no event, for taxable years ending prior to
19 December 31, 2017, shall any unitary business group
20 include members which are ordinarily required to
21 apportion business income under different subsections
22 of Section 304 except that for tax years ending on or
23 after December 31, 1987 this prohibition shall not
24 apply to a holding company that would otherwise be a
25 member of a unitary business group with taxpayers that
26 apportion business income under any of subsections

1 (b), (c), (c-1), or (d) of Section 304. If a unitary
2 business group would, but for the preceding sentence,
3 include members that are ordinarily required to
4 apportion business income under different subsections
5 of Section 304, then for each subsection of Section
6 304 for which there are two or more members, there
7 shall be a separate unitary business group composed of
8 such members. For purposes of the preceding two
9 sentences, a member is "ordinarily required to
10 apportion business income" under a particular
11 subsection of Section 304 if it would be required to
12 use the apportionment method prescribed by such
13 subsection except for the fact that it derives
14 business income solely from Illinois. As used in this
15 paragraph, for taxable years ending before December
16 31, 2017, the phrase "United States" means only the 50
17 states and the District of Columbia, but does not
18 include any territory or possession of the United
19 States or any area over which the United States has
20 asserted jurisdiction or claimed exclusive rights with
21 respect to the exploration for or exploitation of
22 natural resources. For taxable years ending on or
23 after December 31, 2017, the phrase "United States",
24 as used in this paragraph, means only the 50 states,
25 the District of Columbia, and any area over which the
26 United States has asserted jurisdiction or claimed

1 exclusive rights with respect to the exploration for
2 or exploitation of natural resources, but does not
3 include any territory or possession of the United
4 States.

5 (C) Holding companies.

6 (i) For purposes of this subparagraph, a
7 "holding company" is a corporation (other than a
8 corporation that is a financial organization under
9 paragraph (8) of this subsection (a) of Section
10 1501 because it is a bank holding company under
11 the provisions of the Bank Holding Company Act of
12 1956 (12 U.S.C. 1841, et seq.) or because it is
13 owned by a bank or a bank holding company) that
14 owns a controlling interest in one or more other
15 taxpayers ("controlled taxpayers"); that, during
16 the period that includes the taxable year and the
17 2 immediately preceding taxable years or, if the
18 corporation was formed during the current or
19 immediately preceding taxable year, the taxable
20 years in which the corporation has been in
21 existence, derived substantially all its gross
22 income from dividends, interest, rents, royalties,
23 fees or other charges received from controlled
24 taxpayers for the provision of services, and gains
25 on the sale or other disposition of interests in
26 controlled taxpayers or in property leased or

1 licensed to controlled taxpayers or used by the
2 taxpayer in providing services to controlled
3 taxpayers; and that incurs no substantial expenses
4 other than expenses (including interest and other
5 costs of borrowing) incurred in connection with
6 the acquisition and holding of interests in
7 controlled taxpayers and in the provision of
8 services to controlled taxpayers or in the leasing
9 or licensing of property to controlled taxpayers.

10 (ii) The income of a holding company which is
11 a member of more than one unitary business group
12 shall be included in each unitary business group
13 of which it is a member on a pro rata basis, by
14 including in each unitary business group that
15 portion of the base income of the holding company
16 that bears the same proportion to the total base
17 income of the holding company as the gross
18 receipts of the unitary business group bears to
19 the combined gross receipts of all unitary
20 business groups (in both cases without regard to
21 the holding company) or on any other reasonable
22 basis, consistently applied.

23 (iii) A holding company shall apportion its
24 business income under the subsection of Section
25 304 used by the other members of its unitary
26 business group. The apportionment factors of a

1 holding company which would be a member of more
2 than one unitary business group shall be included
3 with the apportionment factors of each unitary
4 business group of which it is a member on a pro
5 rata basis using the same method used in clause
6 (ii).

7 (iv) The provisions of this subparagraph (C)
8 are intended to clarify existing law.

9 (D) If including the base income and factors of a
10 holding company in more than one unitary business
11 group under subparagraph (C) does not fairly reflect
12 the degree of integration between the holding company
13 and one or more of the unitary business groups, the
14 dependence of the holding company and one or more of
15 the unitary business groups upon each other, or the
16 contributions between the holding company and one or
17 more of the unitary business groups, the holding
18 company may petition the Director, under the
19 procedures provided under Section 304(f), for
20 permission to include all base income and factors of
21 the holding company only with members of a unitary
22 business group apportioning their business income
23 under one subsection of subsections (a), (b), (c), or
24 (d) of Section 304. If the petition is granted, the
25 holding company shall be included in a unitary
26 business group only with persons apportioning their

1 business income under the selected subsection of
2 Section 304 until the Director grants a petition of
3 the holding company either to be included in more than
4 one unitary business group under subparagraph (C) or
5 to include its base income and factors only with
6 members of a unitary business group apportioning their
7 business income under a different subsection of
8 Section 304.

9 (E) If the unitary business group members'
10 accounting periods differ, the common parent's
11 accounting period or, if there is no common parent,
12 the accounting period of the member that is expected
13 to have, on a recurring basis, the greatest Illinois
14 income tax liability must be used to determine whether
15 to use the apportionment method provided in subsection
16 (a) or subsection (h) of Section 304. The prohibition
17 against membership in a unitary business group for
18 taxpayers ordinarily required to apportion income
19 under different subsections of Section 304 does not
20 apply to taxpayers required to apportion income under
21 subsection (a) and subsection (h) of Section 304. The
22 provisions of this amendatory Act of 1998 apply to tax
23 years ending on or after December 31, 1998.

24 (28) Subchapter S corporation. The term "Subchapter S
25 corporation" means a corporation for which there is in
26 effect an election under Section 1362 of the Internal

1 Revenue Code, or for which there is a federal election to
2 opt out of the provisions of the Subchapter S Revision Act
3 of 1982 and have applied instead the prior federal
4 Subchapter S rules as in effect on July 1, 1982.

5 (30) Foreign person. The term "foreign person" means
6 any person who is a nonresident individual who is a
7 national or citizen of a country other than the United
8 States ~~alien individual~~ and any nonindividual entity,
9 regardless of where created or organized, whose business
10 activity outside the United States is 80% or more of the
11 entity's total business activity.

12 (b) Other definitions.

13 (1) Words denoting number, gender, and so forth, when
14 used in this Act, where not otherwise distinctly expressed
15 or manifestly incompatible with the intent thereof:

16 (A) Words importing the singular include and apply
17 to several persons, parties or things;

18 (B) Words importing the plural include the
19 singular; and

20 (C) Words importing the masculine gender include
21 the feminine as well.

22 (2) "Company" or "association" as including successors
23 and assigns. The word "company" or "association", when
24 used in reference to a corporation, shall be deemed to
25 embrace the words "successors and assigns of such company
26 or association", and in like manner as if these last-named

1 words, or words of similar import, were expressed.

2 (3) Other terms. Any term used in any Section of this
3 Act with respect to the application of, or in connection
4 with, the provisions of any other Section of this Act
5 shall have the same meaning as in such other Section.

6 (Source: P.A. 99-213, eff. 7-31-15; 100-22, eff. 7-6-17.)

7 Section 30. The Counties Code is amended by changing
8 Section 3-12007 as follows:

9 (55 ILCS 5/3-12007) (from Ch. 34, par. 3-12007)

10 Sec. 3-12007. Proposed rules for classified service. (a)
11 The Director of Personnel shall prepare and submit to the
12 commission proposed rules for the classified service. The
13 director shall give at least 10 days' notice to the heads of
14 all departments or agencies affected and they shall be given
15 an opportunity, upon their request, to appear before the
16 commission to express their views thereon before action is
17 taken by the commission.

18 (b) The rules, as adopted pursuant to subsection (a) of
19 Section 3-12005 shall provide for:

20 (1) preparation, maintenance and revision of a position
21 classification plan for all positions in the classified
22 service, based upon the similarity of duties performed and
23 responsibilities assumed, so that the same qualifications may
24 reasonably be required and the same schedule of pay may be

1 applied to all positions in the same class. Each position
2 authorized by the Board shall be allocated by the director to
3 the proper class and assigned to the appropriate pay range for
4 that class.

5 (2) promotion which shall give appropriate consideration
6 to the applicant's qualifications, record of performance,
7 seniority, and conduct. Vacancies shall be filled by promotion
8 whenever practicable and in the best interest of the county
9 service, and preference may be given to employees within the
10 department in which the vacancy occurs.

11 (3) open competitive examinations to determine the
12 relative fitness of applicants for the respective competitive
13 positions.

14 (4) competitive selection of employees for all classes in
15 the classified service.

16 (5) establishment of lists of eligibles for appointment
17 and promotion, upon which lists shall be placed the names of
18 successful candidates in the order of their relative
19 excellence in the respective examinations. The duration of
20 eligible lists for initial appointment shall be for no more
21 than one year unless extended by the director for not more than
22 one additional year; lists of eligibles for promotion shall be
23 maintained for as long as the tests on which they are based are
24 considered valid by the director.

25 (6) certification by the director to the appointing
26 authorities of not more than the top 5 names from the list of

1 eligibles for a single vacancy.

2 (7) rejection of candidates who do not comply with
3 reasonable job requirements in regard to such factors as age,
4 physical condition, training and experience, or who are
5 addicted to alcohol or narcotics or have been guilty of
6 infamous or disgraceful conduct or are undocumented immigrants
7 ~~illegal aliens~~.

8 (8) periods of probationary employment. During the initial
9 probation period following appointment any employee may be
10 discharged or demoted without charges or hearing except that
11 any applicant or employee, regardless of status, who has
12 reason to believe that he/she has been discriminated against
13 because of religious opinions or affiliation, or race, sex, or
14 national origin in any personnel action may appeal to the
15 commission in accordance with the provisions of this Division
16 or in appropriate rules established by the commission pursuant
17 to subsection (a) of Section 3-12005.

18 (9) provisional employment without competitive
19 examinations when there is no appropriate eligible list
20 available. No person hired as a provisional employee shall
21 continue on the county payroll longer than 6 months per
22 calendar year nor shall successive provisional appointments be
23 allowed.

24 (10) transfer from a position in one department to a
25 position in another department involving similar
26 qualifications, duties, responsibilities and salary.

1 (11) procedures for authorized reinstatement within one
2 year of persons who resign in good standing.

3 (12) layoff by reason of lack of funds or work or abolition
4 of the position, or material changes in duties or
5 organization, and for the layoff of nontenured employees
6 first, and for the reemployment of permanent employees so laid
7 off, giving consideration in both layoff and reemployment to
8 performance record and seniority in service.

9 (13) keeping records of performance of all employees in
10 the classified service.

11 (14) suspension, demotion or dismissal of an employee for
12 misconduct, inefficiency, incompetence, insubordination,
13 malfeasance or other unfitness to render effective service and
14 for the investigation and hearing of appeals of any employee
15 recommended for suspension, demotion or dismissal by a
16 department head for any of the foregoing reasons.

17 (15) establishment of a plan for resolving employee
18 grievances and complaints, including an appeals procedure.

19 (16) hours of work, holidays and attendance regulations,
20 and for annual, sick and special leaves of absence, with or
21 without pay, or at reduced pay.

22 (17) development of employee morale, safety and training
23 programs.

24 (18) establishment of a period of probation, the length of
25 which shall be determined by the complexity of the work
26 involved, but which shall not exceed one year without special

1 written approval from the commission.

2 (19) such other rules, not inconsistent with this
3 Division, as may be proper and necessary for its enforcement.

4 (Source: P.A. 86-962.)

5 Section 35. The Metropolitan Water Reclamation District
6 Act is amended by changing Section 11.15 as follows:

7 (70 ILCS 2605/11.15) (from Ch. 42, par. 331.15)

8 Sec. 11.15. No person shall be employed upon contracts for
9 work to be done by any such sanitary district unless he or she
10 is a citizen of the United States, a national of the United
11 States under Section 1401 of Title 8 of the United States Code,
12 a person ~~an alien~~ lawfully admitted for permanent residence
13 under Section 1101 of Title 8 of the United States Code, an
14 individual who has been granted asylum under Section 1158 of
15 Title 8 of the United States Code, or an individual who is
16 otherwise legally authorized to work in the United States.

17 (Source: P.A. 98-280, eff. 8-9-13; 99-231, eff. 8-3-15.)

18 Section 40. The Board of Higher Education Act is amended
19 by changing Section 9.16 as follows:

20 (110 ILCS 205/9.16) (from Ch. 144, par. 189.16)

21 Sec. 9.16. Underrepresentation of certain groups in higher
22 education. To require public institutions of higher education

1 to develop and implement methods and strategies to increase
2 the participation of minorities, women and individuals with
3 disabilities who are traditionally underrepresented in
4 education programs and activities. For the purpose of this
5 Section, minorities shall mean persons who are citizens of the
6 United States or lawful permanent residents ~~resident aliens~~ of
7 the United States and who are any of the following:

8 (1) American Indian or Alaska Native (a person having
9 origins in any of the original peoples of North and South
10 America, including Central America, and who maintains
11 tribal affiliation or community attachment).

12 (2) Asian (a person having origins in any of the
13 original peoples of the Far East, Southeast Asia, or the
14 Indian subcontinent, including, but not limited to,
15 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
16 the Philippine Islands, Thailand, and Vietnam).

17 (3) Black or African American (a person having origins
18 in any of the black racial groups of Africa).

19 (4) Hispanic or Latino (a person of Cuban, Mexican,
20 Puerto Rican, South or Central American, or other Spanish
21 culture or origin, regardless of race).

22 (5) Native Hawaiian or Other Pacific Islander (a
23 person having origins in any of the original peoples of
24 Hawaii, Guam, Samoa, or other Pacific Islands).

25 The Board shall adopt any rules necessary to administer
26 this Section. The Board shall also do the following:

1 (a) require all public institutions of higher education to
2 develop and submit plans for the implementation of this
3 Section;

4 (b) conduct periodic review of public institutions of
5 higher education to determine compliance with this Section;
6 and if the Board finds that a public institution of higher
7 education is not in compliance with this Section, it shall
8 notify the institution of steps to take to attain compliance;

9 (c) provide advice and counsel pursuant to this Section;

10 (d) conduct studies of the effectiveness of methods and
11 strategies designed to increase participation of students in
12 education programs and activities in which minorities, women
13 and individuals with disabilities are traditionally
14 underrepresented, and monitor the success of students in such
15 education programs and activities;

16 (e) encourage minority student recruitment and retention
17 in colleges and universities. In implementing this paragraph,
18 the Board shall undertake but need not be limited to the
19 following: the establishment of guidelines and plans for
20 public institutions of higher education for minority student
21 recruitment and retention, the review and monitoring of
22 minority student programs implemented at public institutions
23 of higher education to determine their compliance with any
24 guidelines and plans so established, the determination of the
25 effectiveness and funding requirements of minority student
26 programs at public institutions of higher education, the

1 dissemination of successful programs as models, and the
2 encouragement of cooperative partnerships between community
3 colleges and local school attendance centers which are
4 experiencing difficulties in enrolling minority students in
5 four-year colleges and universities;

6 (f) mandate all public institutions of higher education to
7 submit data and information essential to determine compliance
8 with this Section. The Board shall prescribe the format and
9 the date for submission of this data and any other education
10 equity data; and

11 (g) report to the General Assembly and the Governor
12 annually with a description of the plans submitted by each
13 public institution of higher education for implementation of
14 this Section, including financial data relating to the most
15 recent fiscal year expenditures for specific minority
16 programs, the effectiveness of such plans and programs and the
17 effectiveness of the methods and strategies developed by the
18 Board in meeting the purposes of this Section, the degree of
19 compliance with this Section by each public institution of
20 higher education as determined by the Board pursuant to its
21 periodic review responsibilities, and the findings made by the
22 Board in conducting its studies and monitoring student success
23 as required by paragraph d) of this Section. With respect to
24 each public institution of higher education such report also
25 shall include, but need not be limited to, information with
26 respect to each institution's minority program budget

1 allocations; minority student admission, retention and
2 graduation statistics; admission, retention, and graduation
3 statistics of all students who are the first in their
4 immediate family to attend an institution of higher education;
5 number of financial assistance awards to undergraduate and
6 graduate minority students; and minority faculty
7 representation. This paragraph shall not be construed to
8 prohibit the Board from making, preparing or issuing
9 additional surveys or studies with respect to minority
10 education in Illinois.

11 (Source: P.A. 102-465, eff. 1-1-22.)

12 Section 45. The Dental Student Grant Act is amended by
13 changing Section 3.06 as follows:

14 (110 ILCS 925/3.06) (from Ch. 144, par. 1503.06)

15 Sec. 3.06. "Eligible dental student" means a person who
16 meets all of the following qualifications:

17 (a) That the individual is a resident of this State and a
18 citizen or lawful permanent resident ~~alien~~ of the United
19 States;

20 (b) That the individual has been accepted in a dental
21 school located in Illinois;

22 (c) That the individual exhibits financial need as
23 determined by the Department;

24 (d) That the individual has earned an educational diploma

1 at an institution of education located in this State or has
2 been a resident of the State for no less than 3 years prior to
3 applying for the grant;

4 (e) That the individual is a member of a racial minority as
5 defined in Section 3.07; and

6 (f) That the individual meets other qualifications which
7 shall be established by the Department.

8 (Source: P.A. 87-665.)

9 Section 50. The Diversifying Higher Education Faculty in
10 Illinois Act is amended by changing Sections 2 and 7 as
11 follows:

12 (110 ILCS 930/2) (from Ch. 144, par. 2302)

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

15 "Board" means the Board of Higher Education.

16 "DFI" means the Diversifying Higher Education Faculty in
17 Illinois Program of financial assistance to minorities who are
18 traditionally underrepresented as participants in
19 postsecondary education. The program shall assist them in
20 pursuing a graduate or professional degree and shall also
21 assist program graduates to find employment at an Illinois
22 institution of higher education, including a community
23 college, in a faculty or staff position.

24 "Program Board" means the entity created to administer the

1 grant program authorized by this Act.

2 "Qualified institution of higher education" means a
3 qualifying publicly or privately operated educational
4 institution located within Illinois (i) that offers
5 instruction leading toward or prerequisite to an academic or
6 professional degree beyond the baccalaureate degree, excluding
7 theological schools, and (ii) that is authorized to operate in
8 the State of Illinois.

9 "Racial minority" means a person who is a citizen of the
10 United States or a lawful permanent resident ~~alien~~ of the
11 United States and who is any of the following:

12 (1) American Indian or Alaska Native (a person having
13 origins in any of the original peoples of North and South
14 America, including Central America, and who maintains
15 tribal affiliation or community attachment).

16 (2) Asian (a person having origins in any of the
17 original peoples of the Far East, Southeast Asia, or the
18 Indian subcontinent, including, but not limited to,
19 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
20 the Philippine Islands, Thailand, and Vietnam).

21 (3) Black or African American (a person having origins
22 in any of the black racial groups of Africa).

23 (4) Hispanic or Latino (a person of Cuban, Mexican,
24 Puerto Rican, South or Central American, or other Spanish
25 culture or origin, regardless of race).

26 (5) Native Hawaiian or Other Pacific Islander (a

1 person having origins in any of the original peoples of
2 Hawaii, Guam, Samoa, or other Pacific Islands).

3 (Source: P.A. 102-465, eff. 1-1-22.)

4 (110 ILCS 930/7) (from Ch. 144, par. 2307)

5 Sec. 7. Eligibility for DFI grants. An individual is
6 eligible for an award under the provisions of this Act when the
7 Program Board finds:

8 (a) That the individual is a resident of this State
9 and a citizen or lawful permanent resident ~~alien~~ of the
10 United States;

11 (b) That the individual is a member of a racial
12 minority as defined under the terms of this Act;

13 (c) That the individual has earned any educational
14 diploma at an institution of education located in this
15 State, or is a resident of the State for no less than three
16 years prior to applying for the grant, and the individual
17 must hold a baccalaureate degree from an institution of
18 higher learning;

19 (d) That the individual's financial resources are such
20 that, in the absence of a DFI grant, the individual will be
21 prevented from pursuing a graduate or professional degree
22 at a qualified institution of higher education of his or
23 her choice;

24 (e) That the individual has above average academic
25 ability to pursue a graduate or professional degree; and

1 (f) That the individual meets other qualifications
2 which shall be established by the Program Board.

3 Grant funds shall be awarded only to those persons
4 pursuing a graduate or professional degree program at a
5 qualified institution of higher education.

6 The Board shall by rule promulgate, pursuant to the
7 Illinois Administrative Procedure Act, precise standards to be
8 used by the Program Board to determine whether a program
9 applicant has above average academic ability to pursue a
10 graduate or professional degree.

11 (Source: P.A. 93-862, eff. 8-4-04.)

12 Section 55. The Higher Education Student Assistance Act is
13 amended by changing Sections 65.50 and 65.110 as follows:

14 (110 ILCS 947/65.50)

15 Sec. 65.50. Teacher training full-time undergraduate
16 scholarships.

17 (a) Five hundred new scholarships shall be provided each
18 year for qualified high school students or high school
19 graduates who desire to pursue full-time undergraduate studies
20 in teacher education at public or private universities or
21 colleges and community colleges in this State. The Commission,
22 in accordance with rules and regulations promulgated for this
23 program, shall provide funding and shall designate each year's
24 new recipients from among those applicants who qualify for

1 consideration by showing:

2 (1) that he or she is a resident of this State and a
3 citizen or a lawful permanent resident ~~alien~~ of the United
4 States;

5 (2) that he or she has successfully completed the
6 program of instruction at an approved high school or is a
7 student in good standing at such a school and is engaged in
8 a program that will be completed by the end of the academic
9 year, and in either event that his or her cumulative grade
10 average was or is in the upper 1/4 of the high school
11 class;

12 (3) that he or she has superior capacity to profit by a
13 higher education; and

14 (4) that he or she agrees to teach in Illinois schools
15 in accordance with subsection (b).

16 No rule or regulation promulgated by the State Board of
17 Education prior to the effective date of this amendatory Act
18 of 1993 pursuant to the exercise of any right, power, duty,
19 responsibility or matter of pending business transferred from
20 the State Board of Education to the Commission under this
21 Section shall be affected thereby, and all such rules and
22 regulations shall become the rules and regulations of the
23 Commission until modified or changed by the Commission in
24 accordance with law.

25 If in any year the number of qualified applicants exceeds
26 the number of scholarships to be awarded, the Commission shall

1 give priority in awarding scholarships to students in
2 financial need. The Commission shall consider factors such as
3 the applicant's family income, the size of the applicant's
4 family and the number of other children in the applicant's
5 family attending college in determining the financial need of
6 the individual.

7 Unless otherwise indicated, these scholarships shall be
8 good for a period of up to 4 years while the recipient is
9 enrolled for residence credit at a public or private
10 university or college or at a community college. The
11 scholarship shall cover tuition, fees and a stipend of \$1,500
12 per year. For purposes of calculating scholarship awards for
13 recipients attending private universities or colleges, tuition
14 and fees for students at private colleges and universities
15 shall not exceed the average tuition and fees for students at
16 4-year public colleges and universities for the academic year
17 in which the scholarship is made.

18 (b) Upon graduation from or termination of enrollment in a
19 teacher education program, any person who accepted a
20 scholarship under the undergraduate scholarship program
21 continued by this Section, including persons whose graduation
22 or termination of enrollment occurred prior to the effective
23 date of this amendatory Act of 1993, shall teach in any school
24 in this State for at least 4 of the 7 years immediately
25 following his or her graduation or termination. If the
26 recipient spends up to 4 years in military service before or

1 after he or she graduates, the period of military service
2 shall be excluded from the computation of that 7 year period. A
3 recipient who is enrolled full-time in an academic program
4 leading to a graduate degree in education shall have the
5 period of graduate study excluded from the computation of that
6 7 year period.

7 Any person who fails to fulfill the teaching requirement
8 shall pay to the Commission an amount equal to one-fourth of
9 the scholarship received for each unfulfilled year of the
10 4-year teaching requirement, together with interest at 8% per
11 year on that amount. However, this obligation to repay does
12 not apply when the failure to fulfill the teaching requirement
13 results from involuntarily leaving the profession due to a
14 decrease in the number of teachers employed by the school
15 board or a discontinuation of a type of teaching service under
16 Section 24-12 of the School Code or from the death or
17 adjudication as incompetent of the person holding the
18 scholarship. No claim for repayment may be filed against the
19 estate of such a decedent or incompetent.

20 Each person applying for such a scholarship shall be
21 provided with a copy of this subsection at the time he or she
22 applies for the benefits of such scholarship.

23 (c) This Section is substantially the same as Sections
24 30-14.5 and 30-14.6 of the School Code, which are repealed by
25 this amendatory Act of 1993, and shall be construed as a
26 continuation of the teacher training undergraduate scholarship

1 program established by that prior law, and not as a new or
2 different teacher training undergraduate scholarship program.
3 The State Board of Education shall transfer to the Commission,
4 as the successor to the State Board of Education for all
5 purposes of administering and implementing the provisions of
6 this Section, all books, accounts, records, papers, documents,
7 contracts, agreements, and pending business in any way
8 relating to the teacher training undergraduate scholarship
9 program continued under this Section, and all scholarships at
10 any time awarded under that program by, and all applications
11 for any such scholarship at any time made to, the State Board
12 of Education shall be unaffected by the transfer to the
13 Commission of all responsibility for the administration and
14 implementation of the teacher training undergraduate
15 scholarship program continued under this Section. The State
16 Board of Education shall furnish to the Commission such other
17 information as the Commission may request to assist it in
18 administering this Section.

19 (Source: P.A. 88-228.)

20 (110 ILCS 947/65.110)

21 Sec. 65.110. Post-Master of Social Work School Social Work
22 Professional Educator License scholarship.

23 (a) Subject to appropriation, beginning with awards for
24 the 2022-2023 academic year, the Commission shall award
25 annually up to 250 Post-Master of Social Work School Social

1 Work Professional Educator License scholarships to a person
2 who:

3 (1) holds a valid Illinois-licensed clinical social
4 work license or social work license;

5 (2) has obtained a master's degree in social work from
6 an approved program;

7 (3) is a United States citizen or eligible noncitizen;
8 and

9 (4) submits an application to the Commission for such
10 scholarship and agrees to take courses to obtain an
11 Illinois Professional Educator License with an endorsement
12 in School Social Work.

13 (b) If an appropriation for this Section for a given
14 fiscal year is insufficient to provide scholarships to all
15 qualified applicants, the Commission shall allocate the
16 appropriation in accordance with this subsection (b). If funds
17 are insufficient to provide all qualified applicants with a
18 scholarship as authorized by this Section, the Commission
19 shall allocate the available scholarship funds for that fiscal
20 year to qualified applicants who submit a complete application
21 on or before a date specified by the Commission, based on the
22 following order of priority:

23 (1) firstly, to students who received a scholarship
24 under this Section in the prior academic year and who
25 remain eligible for a scholarship under this Section;

26 (2) secondly, to new, qualified applicants who are

1 members of a racial minority, as defined in subsection
2 (c); and

3 (3) finally, to other new, qualified applicants in
4 accordance with this Section.

5 (c) Scholarships awarded under this Section shall be
6 issued pursuant to rules adopted by the Commission. In
7 awarding scholarships, the Commission shall give priority to
8 those applicants who are members of a racial minority. Racial
9 minorities are underrepresented as school social workers in
10 elementary and secondary schools in this State, and the
11 General Assembly finds that it is in the interest of this State
12 to provide them with priority consideration for programs that
13 encourage their participation in this field and thereby foster
14 a profession that is more reflective of the diversity of
15 Illinois students and the parents they will serve. A more
16 reflective workforce in school social work allows improved
17 outcomes for students and a better utilization of services.
18 Therefore, the Commission shall give priority to those
19 applicants who are members of a racial minority. In this
20 subsection (c), "racial minority" means a person who is a
21 citizen of the United States or a lawful permanent resident
22 ~~alien~~ of the United States and who is:

23 (1) Black (a person having origins in any of the black
24 racial groups in Africa);

25 (2) Hispanic (a person of Spanish or Portuguese
26 culture with origins in Mexico, South or Central America,

1 or the Caribbean Islands, regardless of race);

2 (3) Asian American (a person having origins in any of
3 the original peoples of the Far East, Southeast Asia, the
4 Indian Subcontinent, or the Pacific Islands); or

5 (4) American Indian or Alaskan Native (a person having
6 origins in any of the original peoples of North America).

7 (d) Each scholarship shall be applied to the payment of
8 tuition and mandatory fees at the University of Illinois,
9 Southern Illinois University, Chicago State University,
10 Eastern Illinois University, Governors State University,
11 Illinois State University, Northeastern Illinois University,
12 Northern Illinois University, and Western Illinois University.
13 Each scholarship may be applied to pay tuition and mandatory
14 fees required to obtain an Illinois Professional Educator
15 License with an endorsement in School Social Work.

16 (e) The Commission shall make tuition and fee payments
17 directly to the qualified institution of higher learning that
18 the applicant attends.

19 (f) Any person who has accepted a scholarship under this
20 Section must, within one year after graduation or termination
21 of enrollment in a Post-Master of Social Work Professional
22 Education License with an endorsement in School Social Work
23 program, begin working as a school social worker at a public or
24 nonpublic not-for-profit preschool, elementary school, or
25 secondary school located in this State for at least 2 of the 5
26 years immediately following that graduation or termination,

1 excluding, however, from the computation of that 5-year
2 period: (i) any time up to 3 years spent in the military
3 service, whether such service occurs before or after the
4 person graduates; (ii) the time that person is a person with a
5 temporary total disability for a period of time not to exceed 3
6 years, as established by the sworn affidavit of a qualified
7 physician; and (iii) the time that person is seeking and
8 unable to find full-time employment as a school social worker
9 at a State public or nonpublic not-for-profit preschool,
10 elementary school, or secondary school.

11 (g) If a recipient of a scholarship under this Section
12 fails to fulfill the work obligation set forth in subsection
13 (f), the Commission shall require the recipient to repay the
14 amount of the scholarships received, prorated according to the
15 fraction of the obligation not completed, at a rate of
16 interest equal to 5%, and, if applicable, reasonable
17 collection fees. The Commission is authorized to establish
18 rules relating to its collection activities for repayment of
19 scholarships under this Section. All repayments collected
20 under this Section shall be forwarded to the State Comptroller
21 for deposit into this State's General Revenue Fund.

22 A recipient of a scholarship under this Section is not
23 considered to be in violation of the failure to fulfill the
24 work obligation under subsection (f) if the recipient (i)
25 enrolls on a full-time basis as a graduate student in a course
26 of study related to the field of social work at a qualified

1 Illinois institution of higher learning; (ii) is serving, not
2 in excess of 3 years, as a member of the armed services of the
3 United States; (iii) is a person with a temporary total
4 disability for a period of time not to exceed 3 years, as
5 established by the sworn affidavit of a qualified physician;
6 (iv) is seeking and unable to find full-time employment as a
7 school social worker at an Illinois public or nonpublic
8 not-for-profit preschool, elementary school, or secondary
9 school that satisfies the criteria set forth in subsection (f)
10 and is able to provide evidence of that fact; or (v) becomes a
11 person with a permanent total disability, as established by
12 the sworn affidavit of a qualified physician.

13 (Source: P.A. 102-621, eff. 1-1-22.)

14 Section 60. The Mental Health Graduate Education
15 Scholarship Act is amended by changing Section 20 as follows:

16 (110 ILCS 952/20)

17 Sec. 20. Scholarships.

18 (a) Beginning with the fall term of the 2009-2010 academic
19 year, the Department, in accordance with rules adopted by it
20 for this program, shall provide scholarships to individuals
21 selected from among those applicants who qualify for
22 consideration by showing all of the following:

23 (1) That the individual has been a resident of this
24 State for at least one year prior to application and is a

1 citizen or a lawful permanent resident ~~alien~~ of the United
2 States.

3 (2) That the individual enrolled in or accepted into a
4 mental health graduate program at an approved institution.

5 (3) That the individual agrees to meet the mental
6 health employment obligation.

7 (b) If in any year the number of qualified applicants
8 exceeds the number of scholarships to be awarded, the
9 Department shall, in consultation with the Advisory Council,
10 consider the following factors in granting priority in
11 awarding scholarships:

12 (1) Financial need, as shown on a standardized
13 financial needs assessment form used by an approved
14 institution.

15 (2) A student's merit, as shown through his or her
16 grade point average, class rank, and other academic and
17 extracurricular activities.

18 The Department may add to and further define these merit
19 criteria by rule.

20 (c) Unless otherwise indicated, scholarships shall be
21 awarded to recipients at approved institutions for a period of
22 up to 2 years if the recipient is enrolled in a master's degree
23 program and up to 4 years if the recipient is enrolled in a
24 doctoral degree program.

25 (Source: P.A. 96-672, eff. 8-25-09.)

1 Section 65. The Nursing Education Scholarship Law is
2 amended by changing Sections 5 and 6.5 as follows:

3 (110 ILCS 975/5) (from Ch. 144, par. 2755)

4 Sec. 5. Nursing education scholarships. Beginning with the
5 fall term of the 2004-2005 academic year, the Department, in
6 accordance with rules and regulations promulgated by it for
7 this program, shall provide scholarships to individuals
8 selected from among those applicants who qualify for
9 consideration by showing:

10 (1) that he or she has been a resident of this State
11 for at least one year prior to application, and is a
12 citizen or a lawful permanent resident ~~alien~~ of the United
13 States;

14 (2) that he or she is enrolled in or accepted for
15 admission to an associate degree in nursing program,
16 hospital-based diploma in nursing program, baccalaureate
17 degree in nursing program, graduate degree in nursing
18 program, or practical nursing program at an approved
19 institution; and

20 (3) that he or she agrees to meet the nursing
21 employment obligation.

22 If in any year the number of qualified applicants exceeds
23 the number of scholarships to be awarded, the Department
24 shall, in consultation with the Illinois Nursing Workforce
25 Center Advisory Board, consider the following factors in

1 granting priority in awarding scholarships:

2 (A) Financial need, as shown on a standardized
3 financial needs assessment form used by an approved
4 institution, of students who will pursue their
5 education on a full-time or close to full-time basis
6 and who already have a certificate in practical
7 nursing, a diploma in nursing, or an associate degree
8 in nursing and are pursuing a higher degree.

9 (B) A student's status as a registered nurse who
10 is pursuing a graduate degree in nursing to pursue
11 employment in an approved institution that educates
12 licensed practical nurses and that educates registered
13 nurses in undergraduate and graduate nursing programs.

14 (C) A student's merit, as shown through his or her
15 grade point average, class rank, and other academic
16 and extracurricular activities. The Department may add
17 to and further define these merit criteria by rule.

18 Unless otherwise indicated, scholarships shall be awarded
19 to recipients at approved institutions for a period of up to 2
20 years if the recipient is enrolled in an associate degree in
21 nursing program, up to 3 years if the recipient is enrolled in
22 a hospital-based diploma in nursing program, up to 4 years if
23 the recipient is enrolled in a baccalaureate degree in nursing
24 program, up to 5 years if the recipient is enrolled in a
25 graduate degree in nursing program, and up to one year if the
26 recipient is enrolled in a certificate in practical nursing

1 program. At least 40% of the scholarships awarded shall be for
2 recipients who are pursuing baccalaureate degrees in nursing,
3 30% of the scholarships awarded shall be for recipients who
4 are pursuing associate degrees in nursing or a diploma in
5 nursing, 10% of the scholarships awarded shall be for
6 recipients who are pursuing a certificate in practical
7 nursing, and 20% of the scholarships awarded shall be for
8 recipients who are pursuing a graduate degree in nursing.

9 Beginning with the fall term of the 2021-2022 academic
10 year and continuing through the 2024-2025 academic year,
11 subject to appropriation from the Hospital Licensure Fund, in
12 addition to any other funds available to the Department for
13 such scholarships, the Department may award a total of
14 \$500,000 annually in scholarships under this Section.

15 (Source: P.A. 102-641, eff. 8-27-21.)

16 (110 ILCS 975/6.5)

17 Sec. 6.5. Nurse educator scholarships.

18 (a) Beginning with the fall term of the 2009-2010 academic
19 year, the Department shall provide scholarships to individuals
20 selected from among those applicants who qualify for
21 consideration by showing the following:

22 (1) that he or she has been a resident of this State
23 for at least one year prior to application and is a citizen
24 or a lawful permanent resident ~~alien~~ of the United States;

25 (2) that he or she is enrolled in or accepted for

1 admission to a graduate degree in nursing program at an
2 approved institution; and

3 (3) that he or she agrees to meet the nurse educator
4 employment obligation.

5 (b) If in any year the number of qualified applicants
6 exceeds the number of scholarships to be awarded under this
7 Section, the Department shall, in consultation with the
8 Illinois Nursing Workforce Center Advisory Board, consider the
9 following factors in granting priority in awarding
10 scholarships:

11 (1) Financial need, as shown on a standardized
12 financial needs assessment form used by an approved
13 institution, of students who will pursue their education
14 on a full-time or close to full-time basis and who already
15 have a diploma in nursing and are pursuing a higher
16 degree.

17 (2) A student's status as a registered nurse who is
18 pursuing a graduate degree in nursing to pursue employment
19 in an approved institution that educates licensed
20 practical nurses and that educates registered nurses in
21 undergraduate and graduate nursing programs.

22 (3) A student's merit, as shown through his or her
23 grade point average, class rank, experience as a nurse,
24 including supervisory experience, experience as a nurse in
25 the United States military, and other academic and
26 extracurricular activities.

1 (c) Unless otherwise indicated, scholarships under this
2 Section shall be awarded to recipients at approved
3 institutions for a period of up to 3 years.

4 (d) Within 12 months after graduation from a graduate
5 degree in nursing program for nurse educators, any recipient
6 who accepted a scholarship under this Section shall begin
7 meeting the required nurse educator employment obligation. In
8 order to defer his or her continuous employment obligation, a
9 recipient must request the deferment in writing from the
10 Department. A recipient shall receive a deferment if he or she
11 notifies the Department, within 30 days after enlisting, that
12 he or she is spending up to 4 years in military service. A
13 recipient shall receive a deferment if he or she notifies the
14 Department, within 30 days after enrolling, that he or she is
15 enrolled in an academic program leading to a graduate degree
16 in nursing. The recipient must begin meeting the required
17 nurse educator employment obligation no later than 6 months
18 after the end of the deferment or deferments.

19 Any person who fails to fulfill the nurse educator
20 employment obligation shall pay to the Department an amount
21 equal to the amount of scholarship funds received per year for
22 each unfulfilled year of the nurse educator employment
23 obligation, together with interest at 7% per year on the
24 unpaid balance. Payment must begin within 6 months following
25 the date of the occurrence initiating the repayment. All
26 repayments must be completed within 6 years from the date of

1 the occurrence initiating the repayment. However, this
2 repayment obligation may be deferred and re-evaluated every 6
3 months when the failure to fulfill the nurse educator
4 employment obligation results from involuntarily leaving the
5 profession due to a decrease in the number of nurses employed
6 in this State or when the failure to fulfill the nurse educator
7 employment obligation results from total and permanent
8 disability. The repayment obligation shall be excused if the
9 failure to fulfill the nurse educator employment obligation
10 results from the death or adjudication as incompetent of the
11 person holding the scholarship. No claim for repayment may be
12 filed against the estate of such a decedent or incompetent.

13 The Department may allow a nurse educator employment
14 obligation fulfillment alternative if the nurse educator
15 scholarship recipient is unsuccessful in finding work as a
16 nurse educator. The Department shall maintain a database of
17 all available nurse educator positions in this State.

18 (e) Each person applying for a scholarship under this
19 Section must be provided with a copy of this Section at the
20 time of application for the benefits of this scholarship.

21 (f) Rulemaking authority to implement this amendatory Act
22 of the 96th General Assembly, if any, is conditioned on the
23 rules being adopted in accordance with all provisions of the
24 Illinois Administrative Procedure Act and all rules and
25 procedures of the Joint Committee on Administrative Rules; any
26 purported rule not so adopted, for whatever reason, is

1 unauthorized.

2 (Source: P.A. 100-513, eff. 1-1-18.)

3 Section 70. The Comprehensive Health Insurance Plan Act is
4 amended by changing Section 7 as follows:

5 (215 ILCS 105/7) (from Ch. 73, par. 1307)

6 Sec. 7. Eligibility.

7 a. Except as provided in subsection (e) of this Section or
8 in Section 15 of this Act, any person who is either a citizen
9 of the United States or an individual ~~an alien~~ lawfully
10 admitted for permanent residence and who has been for a period
11 of at least 180 days and continues to be a resident of this
12 State shall be eligible for Plan coverage under this Section
13 if evidence is provided of:

14 (1) A notice of rejection or refusal to issue
15 substantially similar individual health insurance coverage
16 for health reasons by a health insurance issuer;

17 (2) A refusal by a health insurance issuer to issue
18 individual health insurance coverage except at a rate
19 exceeding the applicable Plan rate for which the person is
20 responsible; or

21 (3) The absence of available health insurance coverage
22 for a person under 19 years of age.

23 A rejection or refusal by a group health plan or health
24 insurance issuer offering only stop-loss or excess of loss

1 insurance or contracts, agreements, or other arrangements for
2 reinsurance coverage with respect to the applicant shall not
3 be sufficient evidence under this subsection.

4 b. The Board shall promulgate a list of medical or health
5 conditions for which a person who is either a citizen of the
6 United States or an individual ~~an alien~~ lawfully admitted for
7 permanent residence and a resident of this State would be
8 eligible for Plan coverage without applying for health
9 insurance coverage pursuant to subsection a. of this Section.
10 Persons who can demonstrate the existence or history of any
11 medical or health conditions on the list promulgated by the
12 Board shall not be required to provide the evidence specified
13 in subsection a. of this Section. The list shall be effective
14 on the first day of the operation of the Plan and may be
15 amended from time to time as appropriate.

16 c. Family members of the same household who each are
17 covered persons are eligible for optional family coverage
18 under the Plan.

19 d. For persons qualifying for coverage in accordance with
20 Section 7 of this Act, the Board shall, if it determines that
21 such appropriations as are made pursuant to Section 12 of this
22 Act are insufficient to allow the Board to accept all of the
23 eligible persons which it projects will apply for enrollment
24 under the Plan, limit or close enrollment to ensure that the
25 Plan is not over-subscribed and that it has sufficient
26 resources to meet its obligations to existing enrollees. The

1 Board shall not limit or close enrollment for federally
2 eligible individuals.

3 e. A person shall not be eligible for coverage under the
4 Plan if:

5 (1) He or she has or obtains other coverage under a
6 group health plan or health insurance coverage
7 substantially similar to or better than a Plan policy as
8 an insured or covered dependent or would be eligible to
9 have that coverage if he or she elected to obtain it.
10 Persons otherwise eligible for Plan coverage may, however,
11 solely for the purpose of having coverage for a
12 pre-existing condition, maintain other coverage only while
13 satisfying any pre-existing condition waiting period under
14 a Plan policy or a subsequent replacement policy of a Plan
15 policy.

16 (1.1) His or her prior coverage under a group health
17 plan or health insurance coverage, provided or arranged by
18 an employer of more than 10 employees was discontinued for
19 any reason without the entire group or plan being
20 discontinued and not replaced, provided he or she remains
21 an employee, or dependent thereof, of the same employer.

22 (2) He or she is a recipient of or is approved to
23 receive medical assistance, except that a person may
24 continue to receive medical assistance through the medical
25 assistance no grant program, but only while satisfying the
26 requirements for a preexisting condition under Section 8,

1 subsection f. of this Act. Payment of premiums pursuant to
2 this Act shall be allocable to the person's spenddown for
3 purposes of the medical assistance no grant program, but
4 that person shall not be eligible for any Plan benefits
5 while that person remains eligible for medical assistance.
6 If the person continues to receive or be approved to
7 receive medical assistance through the medical assistance
8 no grant program at or after the time that requirements
9 for a preexisting condition are satisfied, the person
10 shall not be eligible for coverage under the Plan. In that
11 circumstance, coverage under the Plan shall terminate as
12 of the expiration of the preexisting condition limitation
13 period. Under all other circumstances, coverage under the
14 Plan shall automatically terminate as of the effective
15 date of any medical assistance.

16 (3) Except as provided in Section 15, the person has
17 previously participated in the Plan and voluntarily
18 terminated Plan coverage, unless 12 months have elapsed
19 since the person's latest voluntary termination of
20 coverage.

21 (4) The person fails to pay the required premium under
22 the covered person's terms of enrollment and
23 participation, in which event the liability of the Plan
24 shall be limited to benefits incurred under the Plan for
25 the time period for which premiums had been paid and the
26 covered person remained eligible for Plan coverage.

1 (5) The Plan has paid a total of \$5,000,000 in
2 benefits on behalf of the covered person.

3 (6) The person is a resident of a public institution.

4 (7) The person's premium is paid for or reimbursed
5 under any government sponsored program or by any
6 government agency or health care provider, except as an
7 otherwise qualifying full-time employee, or dependent of
8 such employee, of a government agency or health care
9 provider or, except when a person's premium is paid by the
10 U.S. Treasury Department pursuant to the federal Trade Act
11 of 2002.

12 (8) The person has or later receives other benefits or
13 funds from any settlement, judgement, or award resulting
14 from any accident or injury, regardless of the date of the
15 accident or injury, or any other circumstances creating a
16 legal liability for damages due that person by a third
17 party, whether the settlement, judgment, or award is in
18 the form of a contract, agreement, or trust on behalf of a
19 minor or otherwise and whether the settlement, judgment,
20 or award is payable to the person, his or her dependent,
21 estate, personal representative, or guardian in a lump sum
22 or over time, so long as there continues to be benefits or
23 assets remaining from those sources in an amount in excess
24 of \$300,000.

25 (9) Within the 5 years prior to the date a person's
26 Plan application is received by the Board, the person's

1 coverage under any health care benefit program as defined
2 in 18 U.S.C. 24, including any public or private plan or
3 contract under which any medical benefit, item, or service
4 is provided, was terminated as a result of any act or
5 practice that constitutes fraud under State or federal law
6 or as a result of an intentional misrepresentation of
7 material fact; or if that person knowingly and willfully
8 obtained or attempted to obtain, or fraudulently aided or
9 attempted to aid any other person in obtaining, any
10 coverage or benefits under the Plan to which that person
11 was not entitled.

12 f. The Board or the administrator shall require
13 verification of residency and may require any additional
14 information or documentation, or statements under oath, when
15 necessary to determine residency upon initial application and
16 for the entire term of the policy.

17 g. Coverage shall cease (i) on the date a person is no
18 longer a resident of Illinois, (ii) on the date a person
19 requests coverage to end, (iii) upon the death of the covered
20 person, (iv) on the date State law requires cancellation of
21 the policy, or (v) at the Plan's option, 30 days after the Plan
22 makes any inquiry concerning a person's eligibility or place
23 of residence to which the person does not reply.

24 h. Except under the conditions set forth in subsection g
25 of this Section, the coverage of any person who ceases to meet
26 the eligibility requirements of this Section shall be

1 terminated at the end of the current policy period for which
2 the necessary premiums have been paid.

3 (Source: P.A. 96-938, eff. 6-24-10; 97-661, eff. 1-13-12.)

4 Section 75. The Hearing Instrument Consumer Protection Act
5 is amended by changing Section 8 as follows:

6 (225 ILCS 50/8) (from Ch. 111, par. 7408)

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

8 Sec. 8. Applicant qualifications; examination.

9 (a) In order to protect persons who are deaf or hard of
10 hearing, the Department shall authorize or shall conduct an
11 appropriate examination, which may be the International
12 Hearing Society's licensure examination, for persons who
13 dispense, test, select, recommend, fit, or service hearing
14 instruments. The frequency of holding these examinations shall
15 be determined by the Department by rule. Those who
16 successfully pass such an examination shall be issued a
17 license as a hearing instrument dispenser, which shall be
18 effective for a 2-year period.

19 (b) Applicants shall be:

20 (1) at least 18 years of age;

21 (2) of good moral character;

22 (3) the holder of an associate's degree or the
23 equivalent;

24 (4) free of contagious or infectious disease; and

1 (5) a citizen or person lawfully present in the United
2 States ~~person who has the status as a legal alien.~~

3 Felony convictions of the applicant and findings against
4 the applicant involving matters set forth in Sections 17 and
5 18 shall be considered in determining moral character, but
6 such a conviction or finding shall not make an applicant
7 ineligible to register for examination.

8 (c) Prior to engaging in the practice of fitting,
9 dispensing, or servicing hearing instruments, an applicant
10 shall demonstrate, by means of written and practical
11 examinations, that such person is qualified to practice the
12 testing, selecting, recommending, fitting, selling, or
13 servicing of hearing instruments as defined in this Act. An
14 applicant must obtain a license within 12 months after passing
15 either the written or practical examination, whichever is
16 passed first, or must take and pass those examinations again
17 in order to be eligible to receive a license.

18 The Department shall, by rule, determine the conditions
19 under which an individual is examined.

20 (d) Proof of having met the minimum requirements of
21 continuing education as determined by the Board shall be
22 required of all license renewals. Pursuant to rule, the
23 continuing education requirements may, upon petition to the
24 Board, be waived in whole or in part if the hearing instrument
25 dispenser can demonstrate that he or she served in the Coast
26 Guard or Armed Forces, had an extreme hardship, or obtained

1 his or her license by examination or endorsement within the
2 preceding renewal period.

3 (e) Persons applying for an initial license must
4 demonstrate having earned, at a minimum, an associate degree
5 or its equivalent from an accredited institution of higher
6 education that is recognized by the U.S. Department of
7 Education or that meets the U.S. Department of Education
8 equivalency as determined through a National Association of
9 Credential Evaluation Services (NACES) member, and meet the
10 other requirements of this Section. In addition, the applicant
11 must demonstrate the successful completion of (1) 12 semester
12 hours or 18 quarter hours of academic undergraduate course
13 work in an accredited institution consisting of 3 semester
14 hours of anatomy and physiology of the hearing mechanism, 3
15 semester hours of hearing science, 3 semester hours of
16 introduction to audiology, and 3 semester hours of aural
17 rehabilitation, or the quarter hour equivalent or (2) an
18 equivalent program as determined by the Department that is
19 consistent with the scope of practice of a hearing instrument
20 dispenser as defined in Section 3 of this Act. Persons
21 licensed before January 1, 2003 who have a valid license on
22 that date may have their license renewed without meeting the
23 requirements of this subsection.

24 (Source: P.A. 98-827, eff. 1-1-15; 99-204, eff. 7-30-15;
25 99-847, eff. 8-19-16.)

1 Section 80. The Illinois Public Aid Code is amended by
2 changing Section 5-3 as follows:

3 (305 ILCS 5/5-3) (from Ch. 23, par. 5-3)

4 Sec. 5-3. Residence.) Any person who has established his
5 residence in this State and lives therein, including any
6 person who is a migrant worker, may qualify for medical
7 assistance. A person who, while temporarily in this State,
8 suffers injury or illness endangering his life and health and
9 necessitating emergency care, may also qualify.

10 Temporary absence from the State shall not disqualify a
11 person from maintaining his eligibility under this Article.

12 As used in this Section, "migrant worker" means any person
13 residing temporarily and employed in Illinois who moves
14 seasonally from one place to another for the purpose of
15 employment in agricultural activities, including the planting,
16 raising or harvesting of any agricultural or horticultural
17 commodities and the handling, packing or processing of such
18 commodities on the farm where produced or at the point of first
19 processing, in animal husbandry, or in other activities
20 connected with the care of animals. Dependents of such person
21 shall be considered eligible if they are living with the
22 person during his or her temporary residence and employment in
23 Illinois.

24 In order to be eligible for medical assistance under this
25 section, each migrant worker shall show proof of citizenship

1 or legal immigration ~~alien~~ status.

2 (Source: P.A. 81-746.)

3 Section 85. The Service Member Employment and Reemployment
4 Rights Act is amended by changing Section 1-10 as follows:

5 (330 ILCS 61/1-10)

6 Sec. 1-10. Definitions. As used in this Act:

7 "Accrue" means to accumulate in regular or increasing
8 amounts over time subject to customary allocation of cost.

9 "Active duty" means any full-time military service
10 regardless of length or voluntariness including, but not
11 limited to, annual training, full-time National Guard duty,
12 and State active duty. "Active duty" does not include any form
13 of inactive duty service such as drill duty or muster duty.
14 "Active duty", unless provided otherwise, includes active duty
15 without pay.

16 "Active service" means all forms of active and inactive
17 duty regardless of voluntariness including, but not limited
18 to, annual training, active duty for training, initial active
19 duty training, overseas training duty, full-time National
20 Guard duty, active duty other than training, State active
21 duty, mobilizations, and muster duty. "Active service", unless
22 provided otherwise, includes active service without pay.

23 "Active service" includes:

24 (1) Reserve component voluntary active service means

1 service under one of the following authorities:

2 (A) any duty under 32 U.S.C. 502(f)(1)(B);

3 (B) active guard reserve duty, operational
4 support, or additional duty under 10 U.S.C. 12301(d)
5 or 32 U.S.C. 502(f)(1)(B);

6 (C) funeral honors under 10 U.S.C. 12503 or 32
7 U.S.C. 115;

8 (D) duty at the National Guard Bureau under 10
9 U.S.C. 12402;

10 (E) unsatisfactory participation under 10 U.S.C.
11 10148 or 10 U.S.C. 12303;

12 (F) discipline under 10 U.S.C. 802(d);

13 (G) extended active duty under 10 U.S.C. 12311;

14 and

15 (H) reserve program administrator under 10 U.S.C.
16 10211.

17 (2) Reserve component involuntary active service
18 includes, but is not limited to, service under one of the
19 following authorities:

20 (A) annual training or drill requirements under 10
21 U.S.C. 10147, 10 U.S.C. 12301(b) or 32 U.S.C. 502(a).

22 (B) additional training duty or other duty under
23 32 U.S.C. 502(f)(1)(A);

24 (C) pre-planned or pre-programmed combatant
25 commander support under 10 U.S.C. 12304b;

26 (D) mobilization under 10 U.S.C. 12301(a) or 10

1 U.S.C. 12302;

2 (E) presidential reserve call-up under 10 U.S.C.
3 12304;

4 (F) emergencies and natural disasters under 10
5 U.S.C. 12304a or 14 U.S.C. 712;

6 (G) muster duty under 10 U.S.C. 12319;

7 (H) retiree recall under 10 U.S.C. 688;

8 (I) captive status under 10 U.S.C. 12301(g);

9 (J) insurrection under 10 U.S.C. 331, 10 U.S.C.
10 332, or 10 U.S.C. 12406;

11 (K) pending line of duty determination for
12 response to sexual assault under 10 U.S.C. 12323; and

13 (L) initial active duty for training under 10
14 U.S.C. 671.

15 Reserve component active service not listed in paragraph
16 (1) or (2) shall be considered involuntary active service
17 under paragraph (2).

18 "Active service without pay" means active service
19 performed under any authority in which base pay is not
20 received regardless of other allowances.

21 "Annual training" means any active duty performed under
22 Section 10147 or 12301(b) of Title 10 of the United States Code
23 or under Section 502(a) of Title 32 of the United States Code.

24 "Base pay" means the main component of military pay,
25 whether active or inactive, based on rank and time in service.
26 It does not include the addition of conditional funds for

1 specific purposes such as allowances, incentive and special
2 pay. Base pay, also known as basic pay, can be determined by
3 referencing the appropriate military pay chart covering the
4 time period in question located on the federal Defense Finance
5 and Accounting Services website or as reflected on a federal
6 Military Leave and Earnings Statement.

7 "Benefits" includes, but is not limited to, the terms,
8 conditions, or privileges of employment, including any
9 advantage, profit, privilege, gain, status, account, or
10 interest, including wages or salary for work performed, that
11 accrues by reason of an employment contract or agreement or an
12 employer policy, plan, or practice and includes rights and
13 benefits under a pension plan, a health plan, an employee
14 stock ownership plan, insurance coverage and awards, bonuses,
15 severance pay, supplemental unemployment benefits, vacations,
16 and the opportunity to select work hours or location of
17 employment.

18 "Differential compensation" means pay due when the
19 employee's daily rate of compensation for military service is
20 less than his or her daily rate of compensation as a public
21 employee.

22 "Employee" means anyone employed by an employer.
23 "Employee" includes any person who is a citizen, national, or
24 permanent resident ~~alien~~ of the United States employed in a
25 workplace that the State has legal authority to regulate
26 business and employment. "Employee" does not include an

1 independent contractor.

2 "Employer" means any person, institution, organization, or
3 other entity that pays salary or wages for work performed or
4 that has control over employment opportunities, including:

5 (1) a person, institution, organization, or other
6 entity to whom the employer has delegated the performance
7 of employment-related responsibilities;

8 (2) an employer of a public employee;

9 (3) any successor in interest to a person,
10 institution, organization, or other entity referred to
11 under this definition; and

12 (4) a person, institution, organization, or other
13 entity that has been denied initial employment in
14 violation of Section 5-15.

15 "Inactive duty" means inactive duty training, including
16 drills, consisting of regularly scheduled unit training
17 assemblies, additional training assemblies, periods of
18 appropriate duty or equivalent training, and any special
19 additional duties authorized for reserve component personnel
20 by appropriate military authority. "Inactive duty" does not
21 include active duty.

22 "Military leave" means a furlough or leave of absence
23 while performing active service. It cannot be substituted for
24 accrued vacation, annual, or similar leave with pay except at
25 the sole discretion of the service member employee. It is not a
26 benefit of employment that is requested but a legal

1 requirement upon receiving notice of pending military service.

2 "Military service" means:

3 (1) Service in the Armed Forces of the United States,
4 the National Guard of any state or territory regardless of
5 status, and the State Guard as defined in the State Guard
6 Act. "Military service", whether active or reserve,
7 includes service under the authority of U.S.C. Titles 10,
8 14, or 32, or State active duty.

9 (2) Service in a federally recognized auxiliary of the
10 United States Armed Forces when performing official duties
11 in support of military or civilian authorities as a result
12 of an emergency.

13 (3) A period for which an employee is absent from a
14 position of employment for the purpose of medical or
15 dental treatment for a condition, illness, or injury
16 sustained or aggravated during a period of active service
17 in which treatment is paid by the United States Department
18 of Defense Military Health System.

19 "Public employee" means any person classified as a
20 full-time employee of the State of Illinois, a unit of local
21 government, a public institution of higher education as
22 defined in Section 1 of the Board of Higher Education Act, or a
23 school district, other than an independent contractor.

24 "Reserve component" means the reserve components of
25 Illinois and the United States Armed Forces regardless of
26 status.

1 "Service member" means any person who is a member of a
2 military service.

3 "State active duty" means full-time State-funded military
4 duty under the command and control of the Governor and subject
5 to the Military Code of Illinois.

6 "Unit of local government" means any city, village, town,
7 county, or special district.

8 (Source: P.A. 100-1101, eff. 1-1-19.)

9 Section 90. The Firearm Owners Identification Card Act is
10 amended by changing Sections 1.1, 4, and 8 as follows:

11 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

12 Sec. 1.1. For purposes of this Act:

13 "Addicted to narcotics" means a person who has been:

14 (1) convicted of an offense involving the use or
15 possession of cannabis, a controlled substance, or
16 methamphetamine within the past year; or

17 (2) determined by the Illinois State Police to be
18 addicted to narcotics based upon federal law or federal
19 guidelines.

20 "Addicted to narcotics" does not include possession or use
21 of a prescribed controlled substance under the direction and
22 authority of a physician or other person authorized to
23 prescribe the controlled substance when the controlled
24 substance is used in the prescribed manner.

1 "Adjudicated as a person with a mental disability" means
2 the person is the subject of a determination by a court, board,
3 commission or other lawful authority that the person, as a
4 result of marked subnormal intelligence, or mental illness,
5 mental impairment, incompetency, condition, or disease:

6 (1) presents a clear and present danger to himself,
7 herself, or to others;

8 (2) lacks the mental capacity to manage his or her own
9 affairs or is adjudicated a person with a disability as
10 defined in Section 11a-2 of the Probate Act of 1975;

11 (3) is not guilty in a criminal case by reason of
12 insanity, mental disease or defect;

13 (3.5) is guilty but mentally ill, as provided in
14 Section 5-2-6 of the Unified Code of Corrections;

15 (4) is incompetent to stand trial in a criminal case;

16 (5) is not guilty by reason of lack of mental
17 responsibility under Articles 50a and 72b of the Uniform
18 Code of Military Justice, 10 U.S.C. 850a, 876b;

19 (6) is a sexually violent person under subsection (f)
20 of Section 5 of the Sexually Violent Persons Commitment
21 Act;

22 (7) is a sexually dangerous person under the Sexually
23 Dangerous Persons Act;

24 (8) is unfit to stand trial under the Juvenile Court
25 Act of 1987;

26 (9) is not guilty by reason of insanity under the

1 Juvenile Court Act of 1987;

2 (10) is subject to involuntary admission as an
3 inpatient as defined in Section 1-119 of the Mental Health
4 and Developmental Disabilities Code;

5 (11) is subject to involuntary admission as an
6 outpatient as defined in Section 1-119.1 of the Mental
7 Health and Developmental Disabilities Code;

8 (12) is subject to judicial admission as set forth in
9 Section 4-500 of the Mental Health and Developmental
10 Disabilities Code; or

11 (13) is subject to the provisions of the Interstate
12 Agreements on Sexually Dangerous Persons Act.

13 "Clear and present danger" means a person who:

14 (1) communicates a serious threat of physical violence
15 against a reasonably identifiable victim or poses a clear
16 and imminent risk of serious physical injury to himself,
17 herself, or another person as determined by a physician,
18 clinical psychologist, or qualified examiner; or

19 (2) demonstrates threatening physical or verbal
20 behavior, such as violent, suicidal, or assaultive
21 threats, actions, or other behavior, as determined by a
22 physician, clinical psychologist, qualified examiner,
23 school administrator, or law enforcement official.

24 "Clinical psychologist" has the meaning provided in
25 Section 1-103 of the Mental Health and Developmental
26 Disabilities Code.

1 "Controlled substance" means a controlled substance or
2 controlled substance analog as defined in the Illinois
3 Controlled Substances Act.

4 "Counterfeit" means to copy or imitate, without legal
5 authority, with intent to deceive.

6 "Federally licensed firearm dealer" means a person who is
7 licensed as a federal firearms dealer under Section 923 of the
8 federal Gun Control Act of 1968 (18 U.S.C. 923).

9 "Firearm" means any device, by whatever name known, which
10 is designed to expel a projectile or projectiles by the action
11 of an explosion, expansion of gas or escape of gas; excluding,
12 however:

13 (1) any pneumatic gun, spring gun, paint ball gun, or
14 B-B gun which expels a single globular projectile not
15 exceeding .18 inch in diameter or which has a maximum
16 muzzle velocity of less than 700 feet per second;

17 (1.1) any pneumatic gun, spring gun, paint ball gun,
18 or B-B gun which expels breakable paint balls containing
19 washable marking colors;

20 (2) any device used exclusively for signaling or
21 safety and required or recommended by the United States
22 Coast Guard or the Interstate Commerce Commission;

23 (3) any device used exclusively for the firing of stud
24 cartridges, explosive rivets or similar industrial
25 ammunition; and

26 (4) an antique firearm (other than a machine-gun)

1 which, although designed as a weapon, the Illinois State
2 Police finds by reason of the date of its manufacture,
3 value, design, and other characteristics is primarily a
4 collector's item and is not likely to be used as a weapon.

5 "Firearm ammunition" means any self-contained cartridge or
6 shotgun shell, by whatever name known, which is designed to be
7 used or adaptable to use in a firearm; excluding, however:

8 (1) any ammunition exclusively designed for use with a
9 device used exclusively for signaling ~~signalling~~ or safety
10 and required or recommended by the United States Coast
11 Guard or the Interstate Commerce Commission; and

12 (2) any ammunition designed exclusively for use with a
13 stud or rivet driver or other similar industrial
14 ammunition.

15 "Gun show" means an event or function:

16 (1) at which the sale and transfer of firearms is the
17 regular and normal course of business and where 50 or more
18 firearms are displayed, offered, or exhibited for sale,
19 transfer, or exchange; or

20 (2) at which not less than 10 gun show vendors
21 display, offer, or exhibit for sale, sell, transfer, or
22 exchange firearms.

23 "Gun show" includes the entire premises provided for an
24 event or function, including parking areas for the event or
25 function, that is sponsored to facilitate the purchase, sale,
26 transfer, or exchange of firearms as described in this

1 Section. Nothing in this definition shall be construed to
2 exclude a gun show held in conjunction with competitive
3 shooting events at the World Shooting Complex sanctioned by a
4 national governing body in which the sale or transfer of
5 firearms is authorized under subparagraph (5) of paragraph (g)
6 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

7 Unless otherwise expressly stated, "gun show" does not
8 include training or safety classes, competitive shooting
9 events, such as rifle, shotgun, or handgun matches, trap,
10 skeet, or sporting clays shoots, dinners, banquets, raffles,
11 or any other event where the sale or transfer of firearms is
12 not the primary course of business.

13 "Gun show promoter" means a person who organizes or
14 operates a gun show.

15 "Gun show vendor" means a person who exhibits, sells,
16 offers for sale, transfers, or exchanges any firearms at a gun
17 show, regardless of whether the person arranges with a gun
18 show promoter for a fixed location from which to exhibit,
19 sell, offer for sale, transfer, or exchange any firearm.

20 "Involuntarily admitted" has the meaning as prescribed in
21 Sections 1-119 and 1-119.1 of the Mental Health and
22 Developmental Disabilities Code.

23 "Mental health facility" means any licensed private
24 hospital or hospital affiliate, institution, or facility, or
25 part thereof, and any facility, or part thereof, operated by
26 the State or a political subdivision thereof which provides

1 ~~provide~~ treatment of persons with mental illness and includes
2 all hospitals, institutions, clinics, evaluation facilities,
3 mental health centers, colleges, universities, long-term care
4 facilities, and nursing homes, or parts thereof, which provide
5 treatment of persons with mental illness whether or not the
6 primary purpose is to provide treatment of persons with mental
7 illness.

8 "National governing body" means a group of persons who
9 adopt rules and formulate policy on behalf of a national
10 firearm sporting organization.

11 "Noncitizen" means a person who is not a citizen of the
12 United States, but is a person who is a foreign-born person who
13 lives in the United States, has not been naturalized, and is
14 still a citizen of a foreign country.

15 "Patient" means:

16 (1) a person who is admitted as an inpatient or
17 resident of a public or private mental health facility for
18 mental health treatment under Chapter III of the Mental
19 Health and Developmental Disabilities Code as an informal
20 admission, a voluntary admission, a minor admission, an
21 emergency admission, or an involuntary admission, unless
22 the treatment was solely for an alcohol abuse disorder; or

23 (2) a person who voluntarily or involuntarily receives
24 mental health treatment as an out-patient or is otherwise
25 provided services by a public or private mental health
26 facility⁷ and who poses a clear and present danger to

1 himself, herself, or ~~to~~ others.

2 "Person with a developmental disability" means a person
3 with a disability which is attributable to any other condition
4 which results in impairment similar to that caused by an
5 intellectual disability and which requires services similar to
6 those required by persons with intellectual disabilities. The
7 disability must originate before the age of 18 years, be
8 expected to continue indefinitely, and constitute a
9 substantial disability. This disability results, in the
10 professional opinion of a physician, clinical psychologist, or
11 qualified examiner, in significant functional limitations in 3
12 or more of the following areas of major life activity:

- 13 (i) self-care;
14 (ii) receptive and expressive language;
15 (iii) learning;
16 (iv) mobility; or
17 (v) self-direction.

18 "Person with an intellectual disability" means a person
19 with a significantly subaverage general intellectual
20 functioning which exists concurrently with impairment in
21 adaptive behavior and which originates before the age of 18
22 years.

23 "Physician" has the meaning as defined in Section 1-120 of
24 the Mental Health and Developmental Disabilities Code.

25 "Protective order" means any orders of protection issued
26 under the Illinois Domestic Violence Act of 1986, stalking no

1 contact orders issued under the Stalking No Contact Order Act,
2 civil no contact orders issued under the Civil No Contact
3 Order Act, and firearms restraining orders issued under the
4 Firearms Restraining Order Act.

5 "Qualified examiner" has the meaning provided in Section
6 1-122 of the Mental Health and Developmental Disabilities
7 Code.

8 "Sanctioned competitive shooting event" means a shooting
9 contest officially recognized by a national or state shooting
10 sport association, and includes any sight-in or practice
11 conducted in conjunction with the event.

12 "School administrator" means the person required to report
13 under the School Administrator Reporting of Mental Health
14 Clear and Present Danger Determinations Law.

15 "Stun gun or taser" has the meaning ascribed to it in
16 Section 24-1 of the Criminal Code of 2012.

17 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
18 revised 10-6-21.)

19 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

20 Sec. 4. Application for Firearm Owner's Identification
21 Cards.

22 (a) Each applicant for a Firearm Owner's Identification
23 Card must:

24 (1) Submit an application as made available by the
25 Illinois State Police; and

1 (2) Submit evidence to the Illinois State Police that:

2 (i) This subparagraph (i) applies through the
3 180th day following July 12, 2019 (the effective date
4 of Public Act 101-80) ~~this amendatory Act of the 101st~~
5 ~~General Assembly~~. He or she is 21 years of age or over,
6 or if he or she is under 21 years of age that he or she
7 has the written consent of his or her parent or legal
8 guardian to possess and acquire firearms and firearm
9 ammunition and that he or she has never been convicted
10 of a misdemeanor other than a traffic offense or
11 adjudged delinquent, provided, however, that such
12 parent or legal guardian is not an individual
13 prohibited from having a Firearm Owner's
14 Identification Card and files an affidavit with the
15 Department as prescribed by the Department stating
16 that he or she is not an individual prohibited from
17 having a Card;

18 (i-5) This subparagraph (i-5) applies on and after
19 the 181st day following July 12, 2019 (the effective
20 date of Public Act 101-80) ~~this amendatory Act of the~~
21 ~~101st General Assembly~~. He or she is 21 years of age or
22 over, or if he or she is under 21 years of age that he
23 or she has never been convicted of a misdemeanor other
24 than a traffic offense or adjudged delinquent and is
25 an active duty member of the United States Armed
26 Forces or has the written consent of his or her parent

1 or legal guardian to possess and acquire firearms and
2 firearm ammunition, provided, however, that such
3 parent or legal guardian is not an individual
4 prohibited from having a Firearm Owner's
5 Identification Card and files an affidavit with the
6 Illinois State Police Department as prescribed by the
7 Illinois State Police Department stating that he or
8 she is not an individual prohibited from having a Card
9 or the active duty member of the United States Armed
10 Forces under 21 years of age annually submits proof to
11 the Illinois State Police, in a manner prescribed by
12 the Illinois State Police Department;

13 (ii) He or she has not been convicted of a felony
14 under the laws of this or any other jurisdiction;

15 (iii) He or she is not addicted to narcotics;

16 (iv) He or she has not been a patient in a mental
17 health facility within the past 5 years or, if he or
18 she has been a patient in a mental health facility more
19 than 5 years ago submit the certification required
20 under subsection (u) of Section 8 of this Act;

21 (v) He or she is not a person with an intellectual
22 disability;

23 (vi) He or she is not a noncitizen ~~an alien~~ who is
24 unlawfully present in the United States under the laws
25 of the United States;

26 (vii) He or she is not subject to an existing order

1 of protection prohibiting him or her from possessing a
2 firearm;

3 (viii) He or she has not been convicted within the
4 past 5 years of battery, assault, aggravated assault,
5 violation of an order of protection, or a
6 substantially similar offense in another jurisdiction,
7 in which a firearm was used or possessed;

8 (ix) He or she has not been convicted of domestic
9 battery, aggravated domestic battery, or a
10 substantially similar offense in another jurisdiction
11 committed before, on or after January 1, 2012 (the
12 effective date of Public Act 97-158). If the applicant
13 knowingly and intelligently waives the right to have
14 an offense described in this clause (ix) tried by a
15 jury, and by guilty plea or otherwise, results in a
16 conviction for an offense in which a domestic
17 relationship is not a required element of the offense
18 but in which a determination of the applicability of
19 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of
20 the Code of Criminal Procedure of 1963, an entry by the
21 court of a judgment of conviction for that offense
22 shall be grounds for denying the issuance of a Firearm
23 Owner's Identification Card under this Section;

24 (x) (Blank);

25 (xi) He or she is not a noncitizen ~~an alien~~ who has
26 been admitted to the United States under a

1 non-immigrant visa (as that term is defined in Section
2 101(a)(26) of the Immigration and Nationality Act (8
3 U.S.C. 1101(a)(26))), or that he or she is a
4 noncitizen ~~an alien~~ who has been lawfully admitted to
5 the United States under a non-immigrant visa if that
6 noncitizen ~~alien~~ is:

7 (1) admitted to the United States for lawful
8 hunting or sporting purposes;

9 (2) an official representative of a foreign
10 government who is:

11 (A) accredited to the United States
12 Government or the Government's mission to an
13 international organization having its
14 headquarters in the United States; or

15 (B) en route to or from another country to
16 which that noncitizen ~~alien~~ is accredited;

17 (3) an official of a foreign government or
18 distinguished foreign visitor who has been so
19 designated by the Department of State;

20 (4) a foreign law enforcement officer of a
21 friendly foreign government entering the United
22 States on official business; or

23 (5) one who has received a waiver from the
24 Attorney General of the United States pursuant to
25 18 U.S.C. 922(y)(3);

26 (xii) He or she is not a minor subject to a

1 petition filed under Section 5-520 of the Juvenile
2 Court Act of 1987 alleging that the minor is a
3 delinquent minor for the commission of an offense that
4 if committed by an adult would be a felony;

5 (xiii) He or she is not an adult who had been
6 adjudicated a delinquent minor under the Juvenile
7 Court Act of 1987 for the commission of an offense that
8 if committed by an adult would be a felony;

9 (xiv) He or she is a resident of the State of
10 Illinois;

11 (xv) He or she has not been adjudicated as a person
12 with a mental disability;

13 (xvi) He or she has not been involuntarily
14 admitted into a mental health facility; and

15 (xvii) He or she is not a person with a
16 developmental disability; and

17 (3) Upon request by the Illinois State Police, sign a
18 release on a form prescribed by the Illinois State Police
19 waiving any right to confidentiality and requesting the
20 disclosure to the Illinois State Police of limited mental
21 health institution admission information from another
22 state, the District of Columbia, any other territory of
23 the United States, or a foreign nation concerning the
24 applicant for the sole purpose of determining whether the
25 applicant is or was a patient in a mental health
26 institution and disqualified because of that status from

1 receiving a Firearm Owner's Identification Card. No mental
2 health care or treatment records may be requested. The
3 information received shall be destroyed within one year of
4 receipt.

5 (a-5) Each applicant for a Firearm Owner's Identification
6 Card who is over the age of 18 shall furnish to the Illinois
7 State Police either his or her Illinois driver's license
8 number or Illinois Identification Card number, except as
9 provided in subsection (a-10).

10 (a-10) Each applicant for a Firearm Owner's Identification
11 Card, who is employed as a law enforcement officer, an armed
12 security officer in Illinois, or by the United States Military
13 permanently assigned in Illinois and who is not an Illinois
14 resident, shall furnish to the Illinois State Police his or
15 her driver's license number or state identification card
16 number from his or her state of residence. The Illinois State
17 Police may adopt rules to enforce the provisions of this
18 subsection (a-10).

19 (a-15) If an applicant applying for a Firearm Owner's
20 Identification Card moves from the residence address named in
21 the application, he or she shall immediately notify in a form
22 and manner prescribed by the Illinois State Police of that
23 change of address.

24 (a-20) Each applicant for a Firearm Owner's Identification
25 Card shall furnish to the Illinois State Police his or her
26 photograph. An applicant who is 21 years of age or older

1 seeking a religious exemption to the photograph requirement
2 must furnish with the application an approved copy of United
3 States Department of the Treasury Internal Revenue Service
4 Form 4029. In lieu of a photograph, an applicant regardless of
5 age seeking a religious exemption to the photograph
6 requirement shall submit fingerprints on a form and manner
7 prescribed by the Illinois State Police ~~Department~~ with his or
8 her application.

9 (a-25) Beginning January 1, 2023, each applicant for the
10 issuance of a Firearm Owner's Identification Card may include
11 a full set of his or her fingerprints in electronic format to
12 the Illinois State Police, unless the applicant has previously
13 provided a full set of his or her fingerprints to the Illinois
14 State Police under this Act or the Firearm Concealed Carry
15 Act.

16 The fingerprints must be transmitted through a live scan
17 fingerprint vendor licensed by the Department of Financial and
18 Professional Regulation. The fingerprints shall be checked
19 against the fingerprint records now and hereafter filed in the
20 Illinois State Police and Federal Bureau of Investigation
21 criminal history records databases, including all available
22 State and local criminal history record information files.

23 The Illinois State Police shall charge applicants a
24 one-time fee for conducting the criminal history record check,
25 which shall be deposited into the State Police Services Fund
26 and shall not exceed the actual cost of the State and national

1 criminal history record check.

2 (a-26) The Illinois State Police shall research, explore,
3 and report to the General Assembly by January 1, 2022 on the
4 feasibility of permitting voluntarily submitted fingerprints
5 obtained for purposes other than Firearm Owner's
6 Identification Card enforcement that are contained in the
7 Illinois State Police database for purposes of this Act.

8 (b) Each application form shall include the following
9 statement printed in bold type: "Warning: Entering false
10 information on an application for a Firearm Owner's
11 Identification Card is punishable as a Class 2 felony in
12 accordance with subsection (d-5) of Section 14 of the Firearm
13 Owners Identification Card Act.".

14 (c) Upon such written consent, pursuant to Section 4,
15 paragraph (a)(2)(i), the parent or legal guardian giving the
16 consent shall be liable for any damages resulting from the
17 applicant's use of firearms or firearm ammunition.

18 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
19 102-538, eff. 8-20-21; revised 10-12-21.)

20 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

21 Sec. 8. Grounds for denial and revocation. The Illinois
22 State Police has authority to deny an application for or to
23 revoke and seize a Firearm Owner's Identification Card
24 previously issued under this Act only if the Illinois State
25 Police Department finds that the applicant or the person to

1 whom such card was issued is or was at the time of issuance:

2 (a) A person under 21 years of age who has been
3 convicted of a misdemeanor other than a traffic offense or
4 adjudged delinquent;

5 (b) This subsection (b) applies through the 180th day
6 following July 12, 2019 (the effective date of Public Act
7 101-80) ~~this amendatory Act of the 101st General Assembly~~.
8 A person under 21 years of age who does not have the
9 written consent of his parent or guardian to acquire and
10 possess firearms and firearm ammunition, or whose parent
11 or guardian has revoked such written consent, or where
12 such parent or guardian does not qualify to have a Firearm
13 Owner's Identification Card;

14 (b-5) This subsection (b-5) applies on and after the
15 181st day following July 12, 2019 (the effective date of
16 Public Act 101-80) ~~this amendatory Act of the 101st~~
17 ~~General Assembly~~. A person under 21 years of age who is not
18 an active duty member of the United States Armed Forces
19 and does not have the written consent of his or her parent
20 or guardian to acquire and possess firearms and firearm
21 ammunition, or whose parent or guardian has revoked such
22 written consent, or where such parent or guardian does not
23 qualify to have a Firearm Owner's Identification Card;

24 (c) A person convicted of a felony under the laws of
25 this or any other jurisdiction;

26 (d) A person addicted to narcotics;

1 (e) A person who has been a patient of a mental health
2 facility within the past 5 years or a person who has been a
3 patient in a mental health facility more than 5 years ago
4 who has not received the certification required under
5 subsection (u) of this Section. An active law enforcement
6 officer employed by a unit of government or a Department
7 of Corrections employee authorized to possess firearms who
8 is denied, revoked, or has his or her Firearm Owner's
9 Identification Card seized under this subsection (e) may
10 obtain relief as described in subsection (c-5) of Section
11 10 of this Act if the officer or employee did not act in a
12 manner threatening to the officer or employee, another
13 person, or the public as determined by the treating
14 clinical psychologist or physician, and the officer or
15 employee seeks mental health treatment;

16 (f) A person whose mental condition is of such a
17 nature that it poses a clear and present danger to the
18 applicant, any other person or persons, or the community;

19 (g) A person who has an intellectual disability;

20 (h) A person who intentionally makes a false statement
21 in the Firearm Owner's Identification Card application;

22 (i) A noncitizen ~~An alien~~ who is unlawfully present in
23 the United States under the laws of the United States;

24 (i-5) A noncitizen ~~An alien~~ who has been admitted to
25 the United States under a non-immigrant visa (as that term
26 is defined in Section 101(a)(26) of the Immigration and

1 Nationality Act (8 U.S.C. 1101(a)(26))), except that this
2 subsection (i-5) does not apply to any noncitizen ~~alien~~
3 who has been lawfully admitted to the United States under
4 a non-immigrant visa if that noncitizen ~~alien~~ is:

5 (1) admitted to the United States for lawful
6 hunting or sporting purposes;

7 (2) an official representative of a foreign
8 government who is:

9 (A) accredited to the United States Government
10 or the Government's mission to an international
11 organization having its headquarters in the United
12 States; or

13 (B) en route to or from another country to
14 which that noncitizen ~~alien~~ is accredited;

15 (3) an official of a foreign government or
16 distinguished foreign visitor who has been so
17 designated by the Department of State;

18 (4) a foreign law enforcement officer of a
19 friendly foreign government entering the United States
20 on official business; or

21 (5) one who has received a waiver from the
22 Attorney General of the United States pursuant to 18
23 U.S.C. 922(y)(3);

24 (j) (Blank);

25 (k) A person who has been convicted within the past 5
26 years of battery, assault, aggravated assault, violation

1 of an order of protection, or a substantially similar
2 offense in another jurisdiction, in which a firearm was
3 used or possessed;

4 (l) A person who has been convicted of domestic
5 battery, aggravated domestic battery, or a substantially
6 similar offense in another jurisdiction committed before,
7 on or after January 1, 2012 (the effective date of Public
8 Act 97-158). If the applicant or person who has been
9 previously issued a Firearm Owner's Identification Card
10 under this Act knowingly and intelligently waives the
11 right to have an offense described in this paragraph (l)
12 tried by a jury, and by guilty plea or otherwise, results
13 in a conviction for an offense in which a domestic
14 relationship is not a required element of the offense but
15 in which a determination of the applicability of 18 U.S.C.
16 922(g)(9) is made under Section 112A-11.1 of the Code of
17 Criminal Procedure of 1963, an entry by the court of a
18 judgment of conviction for that offense shall be grounds
19 for denying an application for and for revoking and
20 seizing a Firearm Owner's Identification Card previously
21 issued to the person under this Act;

22 (m) (Blank);

23 (n) A person who is prohibited from acquiring or
24 possessing firearms or firearm ammunition by any Illinois
25 State statute or by federal law;

26 (o) A minor subject to a petition filed under Section

1 5-520 of the Juvenile Court Act of 1987 alleging that the
2 minor is a delinquent minor for the commission of an
3 offense that if committed by an adult would be a felony;

4 (p) An adult who had been adjudicated a delinquent
5 minor under the Juvenile Court Act of 1987 for the
6 commission of an offense that if committed by an adult
7 would be a felony;

8 (q) A person who is not a resident of the State of
9 Illinois, except as provided in subsection (a-10) of
10 Section 4;

11 (r) A person who has been adjudicated as a person with
12 a mental disability;

13 (s) A person who has been found to have a
14 developmental disability;

15 (t) A person involuntarily admitted into a mental
16 health facility; or

17 (u) A person who has had his or her Firearm Owner's
18 Identification Card revoked or denied under subsection (e)
19 of this Section or item (iv) of paragraph (2) of
20 subsection (a) of Section 4 of this Act because he or she
21 was a patient in a mental health facility as provided in
22 subsection (e) of this Section, shall not be permitted to
23 obtain a Firearm Owner's Identification Card, after the
24 5-year period has lapsed, unless he or she has received a
25 mental health evaluation by a physician, clinical
26 psychologist, or qualified examiner as those terms are

1 defined in the Mental Health and Developmental
2 Disabilities Code, and has received a certification that
3 he or she is not a clear and present danger to himself,
4 herself, or others. The physician, clinical psychologist,
5 or qualified examiner making the certification and his or
6 her employer shall not be held criminally, civilly, or
7 professionally liable for making or not making the
8 certification required under this subsection, except for
9 willful or wanton misconduct. This subsection does not
10 apply to a person whose firearm possession rights have
11 been restored through administrative or judicial action
12 under Section 10 or 11 of this Act.

13 Upon revocation of a person's Firearm Owner's
14 Identification Card, the Illinois State Police shall provide
15 notice to the person and the person shall comply with Section
16 9.5 of this Act.

17 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
18 102-645, eff. 1-1-22; revised 10-14-21.)

19 Section 95. The Criminal Code of 2012 is amended by
20 changing Section 17-6.5 as follows:

21 (720 ILCS 5/17-6.5)

22 Sec. 17-6.5. Persons under deportation order;
23 ineligibility for benefits.

24 (a) An individual against whom a United States Immigration

1 Judge has issued an order of deportation which has been
2 affirmed by the Board of Immigration Review, as well as an
3 individual who appeals such an order pending appeal, under
4 paragraph 19 of Section 241(a) of the Immigration and
5 Nationality Act relating to persecution of others on account
6 of race, religion, national origin or political opinion under
7 the direction of or in association with the Nazi government of
8 Germany or its allies, shall be ineligible for the following
9 benefits authorized by State law:

10 (1) The homestead exemptions and homestead improvement
11 exemption under Sections 15-170, 15-175, 15-176, and
12 15-180 of the Property Tax Code.

13 (2) Grants under the Senior Citizens and Persons with
14 Disabilities Property Tax Relief Act.

15 (3) The double income tax exemption conferred upon
16 persons 65 years of age or older by Section 204 of the
17 Illinois Income Tax Act.

18 (4) Grants provided by the Department on Aging.

19 (5) Reductions in vehicle registration fees under
20 Section 3-806.3 of the Illinois Vehicle Code.

21 (6) Free fishing and reduced fishing license fees
22 under Sections 20-5 and 20-40 of the Fish and Aquatic Life
23 Code.

24 (7) Tuition free courses for senior citizens under the
25 Senior Citizen Courses Act.

26 (8) Any benefits under the Illinois Public Aid Code.

1 (b) If a person has been found by a court to have knowingly
2 received benefits in violation of subsection (a) and:

3 (1) the total monetary value of the benefits received
4 is less than \$150, the person is guilty of a Class A
5 misdemeanor; a second or subsequent violation is a Class 4
6 felony;

7 (2) the total monetary value of the benefits received
8 is \$150 or more but less than \$1,000, the person is guilty
9 of a Class 4 felony; a second or subsequent violation is a
10 Class 3 felony;

11 (3) the total monetary value of the benefits received
12 is \$1,000 or more but less than \$5,000, the person is
13 guilty of a Class 3 felony; a second or subsequent
14 violation is a Class 2 felony;

15 (4) the total monetary value of the benefits received
16 is \$5,000 or more but less than \$10,000, the person is
17 guilty of a Class 2 felony; a second or subsequent
18 violation is a Class 1 felony; or

19 (5) the total monetary value of the benefits received
20 is \$10,000 or more, the person is guilty of a Class 1
21 felony.

22 (c) For purposes of determining the classification of an
23 offense under this Section, all of the monetary value of the
24 benefits received as a result of the unlawful act, practice,
25 or course of conduct may be accumulated.

26 (d) Any grants awarded to persons described in subsection

1 (a) may be recovered by the State of Illinois in a civil action
2 commenced by the Attorney General in the circuit court of
3 Sangamon County or the State's Attorney of the county of
4 residence of the person described in subsection (a).

5 (e) An individual described in subsection (a) who has been
6 deported shall be restored to any benefits which that
7 individual has been denied under State law pursuant to
8 subsection (a) if (i) the Attorney General of the United
9 States has issued an order cancelling deportation and has
10 adjusted the status of the individual to that of a person ~~an~~
11 ~~alien~~ lawfully admitted for permanent residence in the United
12 States or (ii) the country to which the individual has been
13 deported adjudicates or exonerates the individual in a
14 judicial or administrative proceeding as not being guilty of
15 the persecution of others on account of race, religion,
16 national origin, or political opinion under the direction of
17 or in association with the Nazi government of Germany or its
18 allies.

19 (Source: P.A. 99-143, eff. 7-27-15.)

20 Section 100. The Prevention of Cigarette and Electronic
21 Cigarette Sales to Persons under 21 Years of Age Act is amended
22 by changing Section 2 as follows:

23 (720 ILCS 678/2)

24 Sec. 2. Definitions. For the purpose of this Act:

1 "Cigarette", when used in this Act, means any roll for
2 smoking made wholly or in part of tobacco irrespective of size
3 or shape and whether or not the tobacco is flavored,
4 adulterated, or mixed with any other ingredient, and the
5 wrapper or cover of which is made of paper or any other
6 substance or material except whole leaf tobacco.

7 "Clear and conspicuous statement" means the statement is
8 of sufficient type size to be clearly readable by the
9 recipient of the communication.

10 "Consumer" means an individual who acquires or seeks to
11 acquire cigarettes or electronic cigarettes for personal use.

12 "Delivery sale" means any sale of cigarettes or electronic
13 cigarettes to a consumer if:

14 (a) the consumer submits the order for such sale by
15 means of a telephone or other method of voice
16 transmission, the mails, or the Internet or other online
17 service, or the seller is otherwise not in the physical
18 presence of the buyer when the request for purchase or
19 order is made; or

20 (b) the cigarettes or electronic cigarettes are
21 delivered by use of a common carrier, private delivery
22 service, or the mails, or the seller is not in the physical
23 presence of the buyer when the buyer obtains possession of
24 the cigarettes or electronic cigarettes.

25 "Delivery service" means any person (other than a person
26 that makes a delivery sale) who delivers to the consumer the

1 cigarettes or electronic cigarettes sold in a delivery sale.

2 "Department" means the Department of Revenue.

3 "Electronic cigarette" means:

4 (1) any device that employs a battery or other
5 mechanism to heat a solution or substance to produce a
6 vapor or aerosol intended for inhalation;

7 (2) any cartridge or container of a solution or
8 substance intended to be used with or in the device or to
9 refill the device; or

10 (3) any solution or substance, whether or not it
11 contains nicotine, intended for use in the device.

12 "Electronic cigarette" includes, but is not limited to,
13 any electronic nicotine delivery system, electronic cigar,
14 electronic cigarillo, electronic pipe, electronic hookah, vape
15 pen, or similar product or device, and any component, part, or
16 accessory of a device used during the operation of the device,
17 even if the part or accessory was sold separately. "Electronic
18 cigarette" does not include: cigarettes, as defined in Section
19 1 of the Cigarette Tax Act; any product approved by the United
20 States Food and Drug Administration for sale as a tobacco
21 cessation product, a tobacco dependence product, or for other
22 medical purposes that is marketed and sold solely for that
23 approved purpose; any asthma inhaler prescribed by a physician
24 for that condition that is marketed and sold solely for that
25 approved purpose; any device that meets the definition of
26 cannabis paraphernalia under Section 1-10 of the Cannabis

1 Regulation and Tax Act; or any cannabis product sold by a
2 dispensing organization pursuant to the Cannabis Regulation
3 and Tax Act or the Compassionate Use of Medical Cannabis
4 Program Act.

5 "Government-issued identification" means a State driver's
6 license, State identification card, passport, a military
7 identification or an official naturalization or immigration
8 document, such as a permanent resident card ~~an alien~~
9 ~~registration recipient card~~ (commonly known as a "green card")
10 or an immigrant visa.

11 "Mails" or "mailing" mean the shipment of cigarettes or
12 electronic cigarettes through the United States Postal
13 Service.

14 "Out-of-state sale" means a sale of cigarettes or
15 electronic cigarettes to a consumer located outside of this
16 State where the consumer submits the order for such sale by
17 means of a telephonic or other method of voice transmission,
18 the mails or any other delivery service, facsimile
19 transmission, or the Internet or other online service and
20 where the cigarettes or electronic cigarettes are delivered by
21 use of the mails or other delivery service.

22 "Person" means any individual, corporation, partnership,
23 limited liability company, association, or other organization
24 that engages in any for-profit or not-for-profit activities.

25 "Shipping package" means a container in which packs or
26 cartons of cigarettes or electronic cigarettes are shipped in

1 connection with a delivery sale.

2 "Shipping documents" means bills of lading, air bills, or
3 any other documents used to evidence the undertaking by a
4 delivery service to deliver letters, packages, or other
5 containers.

6 (Source: P.A. 102-575, eff. 1-1-22.)

7 Section 105. The Code of Criminal Procedure of 1963 is
8 amended by changing Section 113-8 as follows:

9 (725 ILCS 5/113-8)

10 Sec. 113-8. Advisement concerning status as a noncitizen
11 ~~an alien~~.

12 (a) Before the acceptance of a plea of guilty, guilty but
13 mentally ill, or nolo contendere to a misdemeanor or felony
14 offense, the court shall give the following advisement to the
15 defendant in open court:

16 "If you are not a citizen of the United States, you are
17 hereby advised that conviction of the offense for which you
18 have been charged may have the consequence of deportation,
19 exclusion from admission to the United States, or denial of
20 naturalization under the laws of the United States.".

21 (b) If the defendant is arraigned on or after the
22 effective date of this amendatory Act of the 101st General
23 Assembly, and the court fails to advise the defendant as
24 required by subsection (a) of this Section, and the defendant

1 shows that conviction of the offense to which the defendant
2 pleaded guilty, guilty but mentally ill, or nolo contendere
3 may have the consequence for the defendant of deportation,
4 exclusion from admission to the United States, or denial of
5 naturalization under the laws of the United States, the court,
6 upon the defendant's motion, shall vacate the judgment and
7 permit the defendant to withdraw the plea of guilty, guilty
8 but mentally ill, or nolo contendere and enter a plea of not
9 guilty. The motion shall be filed within 2 years of the date of
10 the defendant's conviction.

11 (Source: P.A. 101-409, eff. 1-1-20.)

12 Section 110. The Unified Code of Corrections is amended by
13 changing Sections 3-2-2 and 5-5-3 as follows:

14 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

15 Sec. 3-2-2. Powers and duties of the Department.

16 (1) In addition to the powers, duties, and
17 responsibilities which are otherwise provided by law, the
18 Department shall have the following powers:

19 (a) To accept persons committed to it by the courts of
20 this State for care, custody, treatment, and
21 rehabilitation, and to accept federal prisoners and
22 noncitizens ~~aliens~~ over whom the Office of the Federal
23 Detention Trustee is authorized to exercise the federal
24 detention function for limited purposes and periods of

1 time.

2 (b) To develop and maintain reception and evaluation
3 units for purposes of analyzing the custody and
4 rehabilitation needs of persons committed to it and to
5 assign such persons to institutions and programs under its
6 control or transfer them to other appropriate agencies. In
7 consultation with the Department of Alcoholism and
8 Substance Abuse (now the Department of Human Services),
9 the Department of Corrections shall develop a master plan
10 for the screening and evaluation of persons committed to
11 its custody who have alcohol or drug abuse problems, and
12 for making appropriate treatment available to such
13 persons; the Department shall report to the General
14 Assembly on such plan not later than April 1, 1987. The
15 maintenance and implementation of such plan shall be
16 contingent upon the availability of funds.

17 (b-1) To create and implement, on January 1, 2002, a
18 pilot program to establish the effectiveness of
19 pupillometer technology (the measurement of the pupil's
20 reaction to light) as an alternative to a urine test for
21 purposes of screening and evaluating persons committed to
22 its custody who have alcohol or drug problems. The pilot
23 program shall require the pupillometer technology to be
24 used in at least one Department of Corrections facility.
25 The Director may expand the pilot program to include an
26 additional facility or facilities as he or she deems

1 appropriate. A minimum of 4,000 tests shall be included in
2 the pilot program. The Department must report to the
3 General Assembly on the effectiveness of the program by
4 January 1, 2003.

5 (b-5) To develop, in consultation with the Illinois
6 State Police, a program for tracking and evaluating each
7 inmate from commitment through release for recording his
8 or her gang affiliations, activities, or ranks.

9 (c) To maintain and administer all State correctional
10 institutions and facilities under its control and to
11 establish new ones as needed. Pursuant to its power to
12 establish new institutions and facilities, the Department
13 may, with the written approval of the Governor, authorize
14 the Department of Central Management Services to enter
15 into an agreement of the type described in subsection (d)
16 of Section 405-300 of the Department of Central Management
17 Services Law. The Department shall designate those
18 institutions which shall constitute the State Penitentiary
19 System. The Department of Juvenile Justice shall maintain
20 and administer all State youth centers pursuant to
21 subsection (d) of Section 3-2.5-20.

22 Pursuant to its power to establish new institutions
23 and facilities, the Department may authorize the
24 Department of Central Management Services to accept bids
25 from counties and municipalities for the construction,
26 remodeling, or conversion of a structure to be leased to

1 the Department of Corrections for the purposes of its
2 serving as a correctional institution or facility. Such
3 construction, remodeling, or conversion may be financed
4 with revenue bonds issued pursuant to the Industrial
5 Building Revenue Bond Act by the municipality or county.
6 The lease specified in a bid shall be for a term of not
7 less than the time needed to retire any revenue bonds used
8 to finance the project, but not to exceed 40 years. The
9 lease may grant to the State the option to purchase the
10 structure outright.

11 Upon receipt of the bids, the Department may certify
12 one or more of the bids and shall submit any such bids to
13 the General Assembly for approval. Upon approval of a bid
14 by a constitutional majority of both houses of the General
15 Assembly, pursuant to joint resolution, the Department of
16 Central Management Services may enter into an agreement
17 with the county or municipality pursuant to such bid.

18 (c-5) To build and maintain regional juvenile
19 detention centers and to charge a per diem to the counties
20 as established by the Department to defray the costs of
21 housing each minor in a center. In this subsection (c-5),
22 "juvenile detention center" means a facility to house
23 minors during pendency of trial who have been transferred
24 from proceedings under the Juvenile Court Act of 1987 to
25 prosecutions under the criminal laws of this State in
26 accordance with Section 5-805 of the Juvenile Court Act of

1 1987, whether the transfer was by operation of law or
2 permissive under that Section. The Department shall
3 designate the counties to be served by each regional
4 juvenile detention center.

5 (d) To develop and maintain programs of control,
6 rehabilitation, and employment of committed persons within
7 its institutions.

8 (d-5) To provide a pre-release job preparation program
9 for inmates at Illinois adult correctional centers.

10 (d-10) To provide educational and visitation
11 opportunities to committed persons within its institutions
12 through temporary access to content-controlled tablets
13 that may be provided as a privilege to committed persons
14 to induce or reward compliance.

15 (e) To establish a system of supervision and guidance
16 of committed persons in the community.

17 (f) To establish in cooperation with the Department of
18 Transportation to supply a sufficient number of prisoners
19 for use by the Department of Transportation to clean up
20 the trash and garbage along State, county, township, or
21 municipal highways as designated by the Department of
22 Transportation. The Department of Corrections, at the
23 request of the Department of Transportation, shall furnish
24 such prisoners at least annually for a period to be agreed
25 upon between the Director of Corrections and the Secretary
26 of Transportation. The prisoners used on this program

1 shall be selected by the Director of Corrections on
2 whatever basis he deems proper in consideration of their
3 term, behavior and earned eligibility to participate in
4 such program - where they will be outside of the prison
5 facility but still in the custody of the Department of
6 Corrections. Prisoners convicted of first degree murder,
7 or a Class X felony, or armed violence, or aggravated
8 kidnapping, or criminal sexual assault, aggravated
9 criminal sexual abuse or a subsequent conviction for
10 criminal sexual abuse, or forcible detention, or arson, or
11 a prisoner adjudged a Habitual Criminal shall not be
12 eligible for selection to participate in such program. The
13 prisoners shall remain as prisoners in the custody of the
14 Department of Corrections and such Department shall
15 furnish whatever security is necessary. The Department of
16 Transportation shall furnish trucks and equipment for the
17 highway cleanup program and personnel to supervise and
18 direct the program. Neither the Department of Corrections
19 nor the Department of Transportation shall replace any
20 regular employee with a prisoner.

21 (g) To maintain records of persons committed to it and
22 to establish programs of research, statistics, and
23 planning.

24 (h) To investigate the grievances of any person
25 committed to the Department and to inquire into any
26 alleged misconduct by employees or committed persons; and

1 for these purposes it may issue subpoenas and compel the
2 attendance of witnesses and the production of writings and
3 papers, and may examine under oath any witnesses who may
4 appear before it; to also investigate alleged violations
5 of a parolee's or releasee's conditions of parole or
6 release; and for this purpose it may issue subpoenas and
7 compel the attendance of witnesses and the production of
8 documents only if there is reason to believe that such
9 procedures would provide evidence that such violations
10 have occurred.

11 If any person fails to obey a subpoena issued under
12 this subsection, the Director may apply to any circuit
13 court to secure compliance with the subpoena. The failure
14 to comply with the order of the court issued in response
15 thereto shall be punishable as contempt of court.

16 (i) To appoint and remove the chief administrative
17 officers, and administer programs of training and
18 development of personnel of the Department. Personnel
19 assigned by the Department to be responsible for the
20 custody and control of committed persons or to investigate
21 the alleged misconduct of committed persons or employees
22 or alleged violations of a parolee's or releasee's
23 conditions of parole shall be conservators of the peace
24 for those purposes, and shall have the full power of peace
25 officers outside of the facilities of the Department in
26 the protection, arrest, retaking, and reconfining of

1 committed persons or where the exercise of such power is
2 necessary to the investigation of such misconduct or
3 violations. This subsection shall not apply to persons
4 committed to the Department of Juvenile Justice under the
5 Juvenile Court Act of 1987 on aftercare release.

6 (j) To cooperate with other departments and agencies
7 and with local communities for the development of
8 standards and programs for better correctional services in
9 this State.

10 (k) To administer all moneys and properties of the
11 Department.

12 (l) To report annually to the Governor on the
13 committed persons, institutions, and programs of the
14 Department.

15 (l-5) (Blank).

16 (m) To make all rules and regulations and exercise all
17 powers and duties vested by law in the Department.

18 (n) To establish rules and regulations for
19 administering a system of sentence credits, established in
20 accordance with Section 3-6-3, subject to review by the
21 Prisoner Review Board.

22 (o) To administer the distribution of funds from the
23 State Treasury to reimburse counties where State penal
24 institutions are located for the payment of assistant
25 state's attorneys' salaries under Section 4-2001 of the
26 Counties Code.

1 (p) To exchange information with the Department of
2 Human Services and the Department of Healthcare and Family
3 Services for the purpose of verifying living arrangements
4 and for other purposes directly connected with the
5 administration of this Code and the Illinois Public Aid
6 Code.

7 (q) To establish a diversion program.

8 The program shall provide a structured environment for
9 selected technical parole or mandatory supervised release
10 violators and committed persons who have violated the
11 rules governing their conduct while in work release. This
12 program shall not apply to those persons who have
13 committed a new offense while serving on parole or
14 mandatory supervised release or while committed to work
15 release.

16 Elements of the program shall include, but shall not
17 be limited to, the following:

18 (1) The staff of a diversion facility shall
19 provide supervision in accordance with required
20 objectives set by the facility.

21 (2) Participants shall be required to maintain
22 employment.

23 (3) Each participant shall pay for room and board
24 at the facility on a sliding-scale basis according to
25 the participant's income.

26 (4) Each participant shall:

1 (A) provide restitution to victims in
2 accordance with any court order;

3 (B) provide financial support to his
4 dependents; and

5 (C) make appropriate payments toward any other
6 court-ordered obligations.

7 (5) Each participant shall complete community
8 service in addition to employment.

9 (6) Participants shall take part in such
10 counseling, educational, and other programs as the
11 Department may deem appropriate.

12 (7) Participants shall submit to drug and alcohol
13 screening.

14 (8) The Department shall promulgate rules
15 governing the administration of the program.

16 (r) To enter into intergovernmental cooperation
17 agreements under which persons in the custody of the
18 Department may participate in a county impact
19 incarceration program established under Section 3-6038 or
20 3-15003.5 of the Counties Code.

21 (r-5) (Blank).

22 (r-10) To systematically and routinely identify with
23 respect to each streetgang active within the correctional
24 system: (1) each active gang; (2) every existing
25 inter-gang affiliation or alliance; and (3) the current
26 leaders in each gang. The Department shall promptly

1 segregate leaders from inmates who belong to their gangs
2 and allied gangs. "Segregate" means no physical contact
3 and, to the extent possible under the conditions and space
4 available at the correctional facility, prohibition of
5 visual and sound communication. For the purposes of this
6 paragraph (r-10), "leaders" means persons who:

7 (i) are members of a criminal streetgang;

8 (ii) with respect to other individuals within the
9 streetgang, occupy a position of organizer,
10 supervisor, or other position of management or
11 leadership; and

12 (iii) are actively and personally engaged in
13 directing, ordering, authorizing, or requesting
14 commission of criminal acts by others, which are
15 punishable as a felony, in furtherance of streetgang
16 related activity both within and outside of the
17 Department of Corrections.

18 "Streetgang", "gang", and "streetgang related" have the
19 meanings ascribed to them in Section 10 of the Illinois
20 Streetgang Terrorism Omnibus Prevention Act.

21 (s) To operate a super-maximum security institution,
22 in order to manage and supervise inmates who are
23 disruptive or dangerous and provide for the safety and
24 security of the staff and the other inmates.

25 (t) To monitor any unprivileged conversation or any
26 unprivileged communication, whether in person or by mail,

1 telephone, or other means, between an inmate who, before
2 commitment to the Department, was a member of an organized
3 gang and any other person without the need to show cause or
4 satisfy any other requirement of law before beginning the
5 monitoring, except as constitutionally required. The
6 monitoring may be by video, voice, or other method of
7 recording or by any other means. As used in this
8 subdivision (1)(t), "organized gang" has the meaning
9 ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 As used in this subdivision (1)(t), "unprivileged
12 conversation" or "unprivileged communication" means a
13 conversation or communication that is not protected by any
14 privilege recognized by law or by decision, rule, or order
15 of the Illinois Supreme Court.

16 (u) To establish a Women's and Children's Pre-release
17 Community Supervision Program for the purpose of providing
18 housing and services to eligible female inmates, as
19 determined by the Department, and their newborn and young
20 children.

21 (u-5) To issue an order, whenever a person committed
22 to the Department absconds or absents himself or herself,
23 without authority to do so, from any facility or program
24 to which he or she is assigned. The order shall be
25 certified by the Director, the Supervisor of the
26 Apprehension Unit, or any person duly designated by the

1 Director, with the seal of the Department affixed. The
2 order shall be directed to all sheriffs, coroners, and
3 police officers, or to any particular person named in the
4 order. Any order issued pursuant to this subdivision
5 (1)(u-5) shall be sufficient warrant for the officer or
6 person named in the order to arrest and deliver the
7 committed person to the proper correctional officials and
8 shall be executed the same as criminal process.

9 (u-6) To appoint a point of contact person who shall
10 receive suggestions, complaints, or other requests to the
11 Department from visitors to Department institutions or
12 facilities and from other members of the public.

13 (v) To do all other acts necessary to carry out the
14 provisions of this Chapter.

15 (2) The Department of Corrections shall by January 1,
16 1998, consider building and operating a correctional facility
17 within 100 miles of a county of over 2,000,000 inhabitants,
18 especially a facility designed to house juvenile participants
19 in the impact incarceration program.

20 (3) When the Department lets bids for contracts for
21 medical services to be provided to persons committed to
22 Department facilities by a health maintenance organization,
23 medical service corporation, or other health care provider,
24 the bid may only be let to a health care provider that has
25 obtained an irrevocable letter of credit or performance bond
26 issued by a company whose bonds have an investment grade or

1 higher rating by a bond rating organization.

2 (4) When the Department lets bids for contracts for food
3 or commissary services to be provided to Department
4 facilities, the bid may only be let to a food or commissary
5 services provider that has obtained an irrevocable letter of
6 credit or performance bond issued by a company whose bonds
7 have an investment grade or higher rating by a bond rating
8 organization.

9 (5) On and after the date 6 months after August 16, 2013
10 (the effective date of Public Act 98-488), as provided in the
11 Executive Order 1 (2012) Implementation Act, all of the
12 powers, duties, rights, and responsibilities related to State
13 healthcare purchasing under this Code that were transferred
14 from the Department of Corrections to the Department of
15 Healthcare and Family Services by Executive Order 3 (2005) are
16 transferred back to the Department of Corrections; however,
17 powers, duties, rights, and responsibilities related to State
18 healthcare purchasing under this Code that were exercised by
19 the Department of Corrections before the effective date of
20 Executive Order 3 (2005) but that pertain to individuals
21 resident in facilities operated by the Department of Juvenile
22 Justice are transferred to the Department of Juvenile Justice.
23 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;
24 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; revised
25 10-15-21.)

1 (730 ILCS 5/5-5-3)

2 Sec. 5-5-3. Disposition.

3 (a) (Blank).

4 (b) (Blank).

5 (c) (1) (Blank).

6 (2) A period of probation, a term of periodic imprisonment
7 or conditional discharge shall not be imposed for the
8 following offenses. The court shall sentence the offender to
9 not less than the minimum term of imprisonment set forth in
10 this Code for the following offenses, and may order a fine or
11 restitution or both in conjunction with such term of
12 imprisonment:

13 (A) First degree murder where the death penalty is not
14 imposed.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 or 407 of the
18 Illinois Controlled Substances Act, or a violation of
19 subdivision (c)(1.5) of Section 401 of that Act which
20 relates to more than 5 grams of a substance containing
21 fentanyl or an analog thereof.

22 (D-5) A violation of subdivision (c)(1) of Section 401
23 of the Illinois Controlled Substances Act which relates to
24 3 or more grams of a substance containing heroin or an
25 analog thereof.

26 (E) (Blank).

1 (F) A Class 1 or greater felony if the offender had
2 been convicted of a Class 1 or greater felony, including
3 any state or federal conviction for an offense that
4 contained, at the time it was committed, the same elements
5 as an offense now (the date of the offense committed after
6 the prior Class 1 or greater felony) classified as a Class
7 1 or greater felony, within 10 years of the date on which
8 the offender committed the offense for which he or she is
9 being sentenced, except as otherwise provided in Section
10 40-10 of the Substance Use Disorder Act.

11 (F-3) A Class 2 or greater felony sex offense or
12 felony firearm offense if the offender had been convicted
13 of a Class 2 or greater felony, including any state or
14 federal conviction for an offense that contained, at the
15 time it was committed, the same elements as an offense now
16 (the date of the offense committed after the prior Class 2
17 or greater felony) classified as a Class 2 or greater
18 felony, within 10 years of the date on which the offender
19 committed the offense for which he or she is being
20 sentenced, except as otherwise provided in Section 40-10
21 of the Substance Use Disorder Act.

22 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
23 of the Criminal Code of 1961 or the Criminal Code of 2012
24 for which imprisonment is prescribed in those Sections.

25 (G) Residential burglary, except as otherwise provided
26 in Section 40-10 of the Substance Use Disorder Act.

1 (H) Criminal sexual assault.

2 (I) Aggravated battery of a senior citizen as
3 described in Section 12-4.6 or subdivision (a)(4) of
4 Section 12-3.05 of the Criminal Code of 1961 or the
5 Criminal Code of 2012.

6 (J) A forcible felony if the offense was related to
7 the activities of an organized gang.

8 Before July 1, 1994, for the purposes of this
9 paragraph, "organized gang" means an association of 5 or
10 more persons, with an established hierarchy, that
11 encourages members of the association to perpetrate crimes
12 or provides support to the members of the association who
13 do commit crimes.

14 Beginning July 1, 1994, for the purposes of this
15 paragraph, "organized gang" has the meaning ascribed to it
16 in Section 10 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act.

18 (K) Vehicular hijacking.

19 (L) A second or subsequent conviction for the offense
20 of hate crime when the underlying offense upon which the
21 hate crime is based is felony aggravated assault or felony
22 mob action.

23 (M) A second or subsequent conviction for the offense
24 of institutional vandalism if the damage to the property
25 exceeds \$300.

26 (N) A Class 3 felony violation of paragraph (1) of

1 subsection (a) of Section 2 of the Firearm Owners
2 Identification Card Act.

3 (O) A violation of Section 12-6.1 or 12-6.5 of the
4 Criminal Code of 1961 or the Criminal Code of 2012.

5 (P) A violation of paragraph (1), (2), (3), (4), (5),
6 or (7) of subsection (a) of Section 11-20.1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 (P-5) A violation of paragraph (6) of subsection (a)
9 of Section 11-20.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 if the victim is a household or
11 family member of the defendant.

12 (Q) A violation of subsection (b) or (b-5) of Section
13 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
14 Code of 1961 or the Criminal Code of 2012.

15 (R) A violation of Section 24-3A of the Criminal Code
16 of 1961 or the Criminal Code of 2012.

17 (S) (Blank).

18 (T) (Blank).

19 (U) A second or subsequent violation of Section 6-303
20 of the Illinois Vehicle Code committed while his or her
21 driver's license, permit, or privilege was revoked because
22 of a violation of Section 9-3 of the Criminal Code of 1961
23 or the Criminal Code of 2012, relating to the offense of
24 reckless homicide, or a similar provision of a law of
25 another state.

26 (V) A violation of paragraph (4) of subsection (c) of

1 Section 11-20.1B or paragraph (4) of subsection (c) of
2 Section 11-20.3 of the Criminal Code of 1961, or paragraph
3 (6) of subsection (a) of Section 11-20.1 of the Criminal
4 Code of 2012 when the victim is under 13 years of age and
5 the defendant has previously been convicted under the laws
6 of this State or any other state of the offense of child
7 pornography, aggravated child pornography, aggravated
8 criminal sexual abuse, aggravated criminal sexual assault,
9 predatory criminal sexual assault of a child, or any of
10 the offenses formerly known as rape, deviate sexual
11 assault, indecent liberties with a child, or aggravated
12 indecent liberties with a child where the victim was under
13 the age of 18 years or an offense that is substantially
14 equivalent to those offenses.

15 (W) A violation of Section 24-3.5 of the Criminal Code
16 of 1961 or the Criminal Code of 2012.

17 (X) A violation of subsection (a) of Section 31-1a of
18 the Criminal Code of 1961 or the Criminal Code of 2012.

19 (Y) A conviction for unlawful possession of a firearm
20 by a street gang member when the firearm was loaded or
21 contained firearm ammunition.

22 (Z) A Class 1 felony committed while he or she was
23 serving a term of probation or conditional discharge for a
24 felony.

25 (AA) Theft of property exceeding \$500,000 and not
26 exceeding \$1,000,000 in value.

1 (BB) Laundering of criminally derived property of a
2 value exceeding \$500,000.

3 (CC) Knowingly selling, offering for sale, holding for
4 sale, or using 2,000 or more counterfeit items or
5 counterfeit items having a retail value in the aggregate
6 of \$500,000 or more.

7 (DD) A conviction for aggravated assault under
8 paragraph (6) of subsection (c) of Section 12-2 of the
9 Criminal Code of 1961 or the Criminal Code of 2012 if the
10 firearm is aimed toward the person against whom the
11 firearm is being used.

12 (EE) A conviction for a violation of paragraph (2) of
13 subsection (a) of Section 24-3B of the Criminal Code of
14 2012.

15 (3) (Blank).

16 (4) A minimum term of imprisonment of not less than 10
17 consecutive days or 30 days of community service shall be
18 imposed for a violation of paragraph (c) of Section 6-303 of
19 the Illinois Vehicle Code.

20 (4.1) (Blank).

21 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
22 this subsection (c), a minimum of 100 hours of community
23 service shall be imposed for a second violation of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.3) A minimum term of imprisonment of 30 days or 300
26 hours of community service, as determined by the court, shall

1 be imposed for a second violation of subsection (c) of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.4) Except as provided in paragraphs (4.5), (4.6), and
4 (4.9) of this subsection (c), a minimum term of imprisonment
5 of 30 days or 300 hours of community service, as determined by
6 the court, shall be imposed for a third or subsequent
7 violation of Section 6-303 of the Illinois Vehicle Code. The
8 court may give credit toward the fulfillment of community
9 service hours for participation in activities and treatment as
10 determined by court services.

11 (4.5) A minimum term of imprisonment of 30 days shall be
12 imposed for a third violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.6) Except as provided in paragraph (4.10) of this
15 subsection (c), a minimum term of imprisonment of 180 days
16 shall be imposed for a fourth or subsequent violation of
17 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

18 (4.7) A minimum term of imprisonment of not less than 30
19 consecutive days, or 300 hours of community service, shall be
20 imposed for a violation of subsection (a-5) of Section 6-303
21 of the Illinois Vehicle Code, as provided in subsection (b-5)
22 of that Section.

23 (4.8) A mandatory prison sentence shall be imposed for a
24 second violation of subsection (a-5) of Section 6-303 of the
25 Illinois Vehicle Code, as provided in subsection (c-5) of that
26 Section. The person's driving privileges shall be revoked for

1 a period of not less than 5 years from the date of his or her
2 release from prison.

3 (4.9) A mandatory prison sentence of not less than 4 and
4 not more than 15 years shall be imposed for a third violation
5 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
6 Code, as provided in subsection (d-2.5) of that Section. The
7 person's driving privileges shall be revoked for the remainder
8 of his or her life.

9 (4.10) A mandatory prison sentence for a Class 1 felony
10 shall be imposed, and the person shall be eligible for an
11 extended term sentence, for a fourth or subsequent violation
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
13 Code, as provided in subsection (d-3.5) of that Section. The
14 person's driving privileges shall be revoked for the remainder
15 of his or her life.

16 (5) The court may sentence a corporation or unincorporated
17 association convicted of any offense to:

18 (A) a period of conditional discharge;

19 (B) a fine;

20 (C) make restitution to the victim under Section 5-5-6
21 of this Code.

22 (5.1) In addition to any other penalties imposed, and
23 except as provided in paragraph (5.2) or (5.3), a person
24 convicted of violating subsection (c) of Section 11-907 of the
25 Illinois Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for at least 90 days but not

1 more than one year, if the violation resulted in damage to the
2 property of another person.

3 (5.2) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.3), a person convicted of
5 violating subsection (c) of Section 11-907 of the Illinois
6 Vehicle Code shall have his or her driver's license, permit,
7 or privileges suspended for at least 180 days but not more than
8 2 years, if the violation resulted in injury to another
9 person.

10 (5.3) In addition to any other penalties imposed, a person
11 convicted of violating subsection (c) of Section 11-907 of the
12 Illinois Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for 2 years, if the violation
14 resulted in the death of another person.

15 (5.4) In addition to any other penalties imposed, a person
16 convicted of violating Section 3-707 of the Illinois Vehicle
17 Code shall have his or her driver's license, permit, or
18 privileges suspended for 3 months and until he or she has paid
19 a reinstatement fee of \$100.

20 (5.5) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code during a period in which his or her driver's license,
23 permit, or privileges were suspended for a previous violation
24 of that Section shall have his or her driver's license,
25 permit, or privileges suspended for an additional 6 months
26 after the expiration of the original 3-month suspension and

1 until he or she has paid a reinstatement fee of \$100.

2 (6) (Blank).

3 (7) (Blank).

4 (8) (Blank).

5 (9) A defendant convicted of a second or subsequent
6 offense of ritualized abuse of a child may be sentenced to a
7 term of natural life imprisonment.

8 (10) (Blank).

9 (11) The court shall impose a minimum fine of \$1,000 for a
10 first offense and \$2,000 for a second or subsequent offense
11 upon a person convicted of or placed on supervision for
12 battery when the individual harmed was a sports official or
13 coach at any level of competition and the act causing harm to
14 the sports official or coach occurred within an athletic
15 facility or within the immediate vicinity of the athletic
16 facility at which the sports official or coach was an active
17 participant of the athletic contest held at the athletic
18 facility. For the purposes of this paragraph (11), "sports
19 official" means a person at an athletic contest who enforces
20 the rules of the contest, such as an umpire or referee;
21 "athletic facility" means an indoor or outdoor playing field
22 or recreational area where sports activities are conducted;
23 and "coach" means a person recognized as a coach by the
24 sanctioning authority that conducted the sporting event.

25 (12) A person may not receive a disposition of court
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation of
3 that Section.

4 (13) A person convicted of or placed on court supervision
5 for an assault or aggravated assault when the victim and the
6 offender are family or household members as defined in Section
7 103 of the Illinois Domestic Violence Act of 1986 or convicted
8 of domestic battery or aggravated domestic battery may be
9 required to attend a Partner Abuse Intervention Program under
10 protocols set forth by the Illinois Department of Human
11 Services under such terms and conditions imposed by the court.
12 The costs of such classes shall be paid by the offender.

13 (d) In any case in which a sentence originally imposed is
14 vacated, the case shall be remanded to the trial court. The
15 trial court shall hold a hearing under Section 5-4-1 of this
16 Code which may include evidence of the defendant's life, moral
17 character and occupation during the time since the original
18 sentence was passed. The trial court shall then impose
19 sentence upon the defendant. The trial court may impose any
20 sentence which could have been imposed at the original trial
21 subject to Section 5-5-4 of this Code. If a sentence is vacated
22 on appeal or on collateral attack due to the failure of the
23 trier of fact at trial to determine beyond a reasonable doubt
24 the existence of a fact (other than a prior conviction)
25 necessary to increase the punishment for the offense beyond
26 the statutory maximum otherwise applicable, either the

1 defendant may be re-sentenced to a term within the range
2 otherwise provided or, if the State files notice of its
3 intention to again seek the extended sentence, the defendant
4 shall be afforded a new trial.

5 (e) In cases where prosecution for aggravated criminal
6 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
7 Code of 1961 or the Criminal Code of 2012 results in conviction
8 of a defendant who was a family member of the victim at the
9 time of the commission of the offense, the court shall
10 consider the safety and welfare of the victim and may impose a
11 sentence of probation only where:

12 (1) the court finds (A) or (B) or both are
13 appropriate:

14 (A) the defendant is willing to undergo a court
15 approved counseling program for a minimum duration of
16 2 years; or

17 (B) the defendant is willing to participate in a
18 court approved plan, including, but not limited to,
19 the defendant's:

20 (i) removal from the household;

21 (ii) restricted contact with the victim;

22 (iii) continued financial support of the
23 family;

24 (iv) restitution for harm done to the victim;

25 and

26 (v) compliance with any other measures that

1 the court may deem appropriate; and

2 (2) the court orders the defendant to pay for the
3 victim's counseling services, to the extent that the court
4 finds, after considering the defendant's income and
5 assets, that the defendant is financially capable of
6 paying for such services, if the victim was under 18 years
7 of age at the time the offense was committed and requires
8 counseling as a result of the offense.

9 Probation may be revoked or modified pursuant to Section
10 5-6-4; except where the court determines at the hearing that
11 the defendant violated a condition of his or her probation
12 restricting contact with the victim or other family members or
13 commits another offense with the victim or other family
14 members, the court shall revoke the defendant's probation and
15 impose a term of imprisonment.

16 For the purposes of this Section, "family member" and
17 "victim" shall have the meanings ascribed to them in Section
18 11-0.1 of the Criminal Code of 2012.

19 (f) (Blank).

20 (g) Whenever a defendant is convicted of an offense under
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
22 11-14.3, 11-14.4 except for an offense that involves keeping a
23 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
24 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
25 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, the defendant shall undergo medical

1 testing to determine whether the defendant has any sexually
2 transmissible disease, including a test for infection with
3 human immunodeficiency virus (HIV) or any other identified
4 causative agent of acquired immunodeficiency syndrome (AIDS).
5 Any such medical test shall be performed only by appropriately
6 licensed medical practitioners and may include an analysis of
7 any bodily fluids as well as an examination of the defendant's
8 person. Except as otherwise provided by law, the results of
9 such test shall be kept strictly confidential by all medical
10 personnel involved in the testing and must be personally
11 delivered in a sealed envelope to the judge of the court in
12 which the conviction was entered for the judge's inspection in
13 camera. Acting in accordance with the best interests of the
14 victim and the public, the judge shall have the discretion to
15 determine to whom, if anyone, the results of the testing may be
16 revealed. The court shall notify the defendant of the test
17 results. The court shall also notify the victim if requested
18 by the victim, and if the victim is under the age of 15 and if
19 requested by the victim's parents or legal guardian, the court
20 shall notify the victim's parents or legal guardian of the
21 test results. The court shall provide information on the
22 availability of HIV testing and counseling at Department of
23 Public Health facilities to all parties to whom the results of
24 the testing are revealed and shall direct the State's Attorney
25 to provide the information to the victim when possible. The
26 court shall order that the cost of any such test shall be paid

1 by the county and may be taxed as costs against the convicted
2 defendant.

3 (g-5) When an inmate is tested for an airborne
4 communicable disease, as determined by the Illinois Department
5 of Public Health, including, but not limited to, tuberculosis,
6 the results of the test shall be personally delivered by the
7 warden or his or her designee in a sealed envelope to the judge
8 of the court in which the inmate must appear for the judge's
9 inspection in camera if requested by the judge. Acting in
10 accordance with the best interests of those in the courtroom,
11 the judge shall have the discretion to determine what if any
12 precautions need to be taken to prevent transmission of the
13 disease in the courtroom.

14 (h) Whenever a defendant is convicted of an offense under
15 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has been exposed to human immunodeficiency virus
18 (HIV) or any other identified causative agent of acquired
19 immunodeficiency syndrome (AIDS). Except as otherwise provided
20 by law, the results of such test shall be kept strictly
21 confidential by all medical personnel involved in the testing
22 and must be personally delivered in a sealed envelope to the
23 judge of the court in which the conviction was entered for the
24 judge's inspection in camera. Acting in accordance with the
25 best interests of the public, the judge shall have the
26 discretion to determine to whom, if anyone, the results of the

1 testing may be revealed. The court shall notify the defendant
2 of a positive test showing an infection with the human
3 immunodeficiency virus (HIV). The court shall provide
4 information on the availability of HIV testing and counseling
5 at Department of Public Health facilities to all parties to
6 whom the results of the testing are revealed and shall direct
7 the State's Attorney to provide the information to the victim
8 when possible. The court shall order that the cost of any such
9 test shall be paid by the county and may be taxed as costs
10 against the convicted defendant.

11 (i) All fines and penalties imposed under this Section for
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected and
16 disbursed by the circuit clerk as provided under the Criminal
17 and Traffic Assessment Act.

18 (j) In cases when prosecution for any violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, any violation of the Illinois Controlled
25 Substances Act, any violation of the Cannabis Control Act, or
26 any violation of the Methamphetamine Control and Community

1 Protection Act results in conviction, a disposition of court
2 supervision, or an order of probation granted under Section 10
3 of the Cannabis Control Act, Section 410 of the Illinois
4 Controlled Substances Act, or Section 70 of the
5 Methamphetamine Control and Community Protection Act of a
6 defendant, the court shall determine whether the defendant is
7 employed by a facility or center as defined under the Child
8 Care Act of 1969, a public or private elementary or secondary
9 school, or otherwise works with children under 18 years of age
10 on a daily basis. When a defendant is so employed, the court
11 shall order the Clerk of the Court to send a copy of the
12 judgment of conviction or order of supervision or probation to
13 the defendant's employer by certified mail. If the employer of
14 the defendant is a school, the Clerk of the Court shall direct
15 the mailing of a copy of the judgment of conviction or order of
16 supervision or probation to the appropriate regional
17 superintendent of schools. The regional superintendent of
18 schools shall notify the State Board of Education of any
19 notification under this subsection.

20 (j-5) A defendant at least 17 years of age who is convicted
21 of a felony and who has not been previously convicted of a
22 misdemeanor or felony and who is sentenced to a term of
23 imprisonment in the Illinois Department of Corrections shall
24 as a condition of his or her sentence be required by the court
25 to attend educational courses designed to prepare the
26 defendant for a high school diploma and to work toward a high

1 school diploma or to work toward passing high school
2 equivalency testing or to work toward completing a vocational
3 training program offered by the Department of Corrections. If
4 a defendant fails to complete the educational training
5 required by his or her sentence during the term of
6 incarceration, the Prisoner Review Board shall, as a condition
7 of mandatory supervised release, require the defendant, at his
8 or her own expense, to pursue a course of study toward a high
9 school diploma or passage of high school equivalency testing.
10 The Prisoner Review Board shall revoke the mandatory
11 supervised release of a defendant who wilfully fails to comply
12 with this subsection (j-5) upon his or her release from
13 confinement in a penal institution while serving a mandatory
14 supervised release term; however, the inability of the
15 defendant after making a good faith effort to obtain financial
16 aid or pay for the educational training shall not be deemed a
17 wilful failure to comply. The Prisoner Review Board shall
18 recommit the defendant whose mandatory supervised release term
19 has been revoked under this subsection (j-5) as provided in
20 Section 3-3-9. This subsection (j-5) does not apply to a
21 defendant who has a high school diploma or has successfully
22 passed high school equivalency testing. This subsection (j-5)
23 does not apply to a defendant who is determined by the court to
24 be a person with a developmental disability or otherwise
25 mentally incapable of completing the educational or vocational
26 program.

1 (k) (Blank).

2 (l) (A) Except as provided in paragraph (C) of subsection
3 (1), whenever a defendant, who is not a citizen or national of
4 the United States ~~an alien as defined by the Immigration and~~
5 ~~Nationality Act~~, is convicted of any felony or misdemeanor
6 offense, the court after sentencing the defendant may, upon
7 motion of the State's Attorney, hold sentence in abeyance and
8 remand the defendant to the custody of the Attorney General of
9 the United States or his or her designated agent to be deported
10 when:

11 (1) a final order of deportation has been issued
12 against the defendant pursuant to proceedings under the
13 Immigration and Nationality Act, and

14 (2) the deportation of the defendant would not
15 deprecate the seriousness of the defendant's conduct and
16 would not be inconsistent with the ends of justice.

17 Otherwise, the defendant shall be sentenced as provided in
18 this Chapter V.

19 (B) If the defendant has already been sentenced for a
20 felony or misdemeanor offense, or has been placed on probation
21 under Section 10 of the Cannabis Control Act, Section 410 of
22 the Illinois Controlled Substances Act, or Section 70 of the
23 Methamphetamine Control and Community Protection Act, the
24 court may, upon motion of the State's Attorney to suspend the
25 sentence imposed, commit the defendant to the custody of the
26 Attorney General of the United States or his or her designated

1 agent when:

2 (1) a final order of deportation has been issued
3 against the defendant pursuant to proceedings under the
4 Immigration and Nationality Act, and

5 (2) the deportation of the defendant would not
6 deprecate the seriousness of the defendant's conduct and
7 would not be inconsistent with the ends of justice.

8 (C) This subsection (1) does not apply to offenders who
9 are subject to the provisions of paragraph (2) of subsection
10 (a) of Section 3-6-3.

11 (D) Upon motion of the State's Attorney, if a defendant
12 sentenced under this Section returns to the jurisdiction of
13 the United States, the defendant shall be recommitted to the
14 custody of the county from which he or she was sentenced.
15 Thereafter, the defendant shall be brought before the
16 sentencing court, which may impose any sentence that was
17 available under Section 5-5-3 at the time of initial
18 sentencing. In addition, the defendant shall not be eligible
19 for additional earned sentence credit as provided under
20 Section 3-6-3.

21 (m) A person convicted of criminal defacement of property
22 under Section 21-1.3 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, in which the property damage exceeds
24 \$300 and the property damaged is a school building, shall be
25 ordered to perform community service that may include cleanup,
26 removal, or painting over the defacement.

1 (n) The court may sentence a person convicted of a
2 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
3 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
4 of 1961 or the Criminal Code of 2012 (i) to an impact
5 incarceration program if the person is otherwise eligible for
6 that program under Section 5-8-1.1, (ii) to community service,
7 or (iii) if the person has a substance use disorder, as defined
8 in the Substance Use Disorder Act, to a treatment program
9 licensed under that Act.

10 (o) Whenever a person is convicted of a sex offense as
11 defined in Section 2 of the Sex Offender Registration Act, the
12 defendant's driver's license or permit shall be subject to
13 renewal on an annual basis in accordance with the provisions
14 of license renewal established by the Secretary of State.

15 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
16 102-531, eff. 1-1-22; revised 10-12-21.)

17 Section 120. The Property Owned By Aliens Act is amended
18 by changing the title of the Act and Sections 0.01, 7, and 8 as
19 follows:

20 (765 ILCS 60/Act title)

21 An Act concerning the right of noncitizens ~~aliens~~ to
22 acquire and hold real and personal property.

23 (765 ILCS 60/0.01) (from Ch. 6, par. 0.01)

1 Sec. 0.01. Short title. This Act may be cited as the
2 Property Owned By Noncitizens ~~Aliens~~ Act.

3 (Source: P.A. 86-1324.)

4 (765 ILCS 60/7) (from Ch. 6, par. 7)

5 Sec. 7. All noncitizens ~~aliens~~ may acquire, hold, and
6 dispose of real and personal property in the same manner and to
7 the same extent as natural born citizens of the United States,
8 and the personal estate of a noncitizen ~~an alien~~ dying
9 intestate shall be distributed in the same manner as the
10 estates of natural born citizens, and all persons interested
11 in such estate shall be entitled to proper distributive shares
12 thereof under the laws of this state, whether they are
13 noncitizens ~~aliens~~ or not.

14 This amendatory Act of 1992 does not apply to the
15 Agricultural Foreign Investment Disclosure Act.

16 (Source: P.A. 87-1101.)

17 (765 ILCS 60/8) (from Ch. 6, par. 8)

18 Sec. 8. An act in regard to noncitizens ~~aliens~~ and to
19 restrict their right to acquire and hold real and personal
20 estate and to provide for the disposition of the lands now
21 owned by non-resident noncitizens ~~aliens~~, approved June 16,
22 1887, and in force July 1, 1887, and all other acts and parts
23 of acts in conflict with this act, are hereby repealed.

24 (Source: Laws 1897, p. 5.)

1 Section 125. The Property Taxes of Alien Landlords Act is
2 amended by changing the title of the Act and Sections 0.01 and
3 1 as follows:

4 (765 ILCS 725/Act title)

5 An Act to prevent noncitizen ~~alien~~ landlords from
6 including the payment of taxes in the rent of farm lands as a
7 part of the rental thereof.

8 (765 ILCS 725/0.01) (from Ch. 6, par. 8.9)

9 Sec. 0.01. Short title. This Act may be cited as the
10 Property Taxes Of Noncitizen ~~Alien~~ Landlords Act.

11 (Source: P.A. 86-1324.)

12 (765 ILCS 725/1) (from Ch. 6, par. 9)

13 Sec. 1. No contract, agreement or lease in writing or by
14 parol, by which any lands or tenements therein are demised or
15 leased by any noncitizen ~~alien~~ or his agents for the purpose of
16 farming, cultivation or the raising of crops thereon, shall
17 contain any provision requiring the tenant or other person for
18 him, to pay taxes on said lands or tenements, or any part
19 thereof, and all such provisions, agreements and leases so
20 made are declared void as to the taxes aforesaid. If any
21 noncitizen ~~alien~~ landlord or his agents shall receive in
22 advance or at any other time any sum of money or article of

1 value from any tenant in lieu of such taxes, directly or
2 indirectly, the same may be recovered back by such tenant
3 before any court having jurisdiction of the amount thereof,
4 and all provisions or agreements in writing or otherwise to
5 pay such taxes shall be held in all courts of this state to be
6 void.

7 (Source: P.A. 81-1509.)

8 Section 130. The Illinois Human Rights Act is amended by
9 changing Section 2-101 as follows:

10 (775 ILCS 5/2-101)

11 Sec. 2-101. Definitions. The following definitions are
12 applicable strictly in the context of this Article.

13 (A) Employee.

14 (1) "Employee" includes:

15 (a) Any individual performing services for
16 remuneration within this State for an employer;

17 (b) An apprentice;

18 (c) An applicant for any apprenticeship.

19 For purposes of subsection (D) of Section 2-102 of
20 this Act, "employee" also includes an unpaid intern. An
21 unpaid intern is a person who performs work for an
22 employer under the following circumstances:

23 (i) the employer is not committed to hiring the
24 person performing the work at the conclusion of the

1 intern's tenure;

2 (ii) the employer and the person performing the
3 work agree that the person is not entitled to wages for
4 the work performed; and

5 (iii) the work performed:

6 (I) supplements training given in an
7 educational environment that may enhance the
8 employability of the intern;

9 (II) provides experience for the benefit of
10 the person performing the work;

11 (III) does not displace regular employees;

12 (IV) is performed under the close supervision
13 of existing staff; and

14 (V) provides no immediate advantage to the
15 employer providing the training and may
16 occasionally impede the operations of the
17 employer.

18 (2) "Employee" does not include:

19 (a) (Blank);

20 (b) Individuals employed by persons who are not
21 "employers" as defined by this Act;

22 (c) Elected public officials or the members of
23 their immediate personal staffs;

24 (d) Principal administrative officers of the State
25 or of any political subdivision, municipal corporation
26 or other governmental unit or agency;

1 (e) A person in a vocational rehabilitation
2 facility certified under federal law who has been
3 designated an evaluatee, trainee, or work activity
4 client.

5 (B) Employer.

6 (1) "Employer" includes:

7 (a) Any person employing one or more employees
8 within Illinois during 20 or more calendar weeks
9 within the calendar year of or preceding the alleged
10 violation;

11 (b) Any person employing one or more employees
12 when a complainant alleges civil rights violation due
13 to unlawful discrimination based upon his or her
14 physical or mental disability unrelated to ability,
15 pregnancy, or sexual harassment;

16 (c) The State and any political subdivision,
17 municipal corporation or other governmental unit or
18 agency, without regard to the number of employees;

19 (d) Any party to a public contract without regard
20 to the number of employees;

21 (e) A joint apprenticeship or training committee
22 without regard to the number of employees.

23 (2) "Employer" does not include any place of worship,
24 religious corporation, association, educational
25 institution, society, or non-profit nursing institution
26 conducted by and for those who rely upon treatment by

1 prayer through spiritual means in accordance with the
2 tenets of a recognized church or religious denomination
3 with respect to the employment of individuals of a
4 particular religion to perform work connected with the
5 carrying on by such place of worship, corporation,
6 association, educational institution, society or
7 non-profit nursing institution of its activities.

8 (C) Employment Agency. "Employment Agency" includes both
9 public and private employment agencies and any person, labor
10 organization, or labor union having a hiring hall or hiring
11 office regularly undertaking, with or without compensation, to
12 procure opportunities to work, or to procure, recruit, refer
13 or place employees.

14 (D) Labor Organization. "Labor Organization" includes any
15 organization, labor union, craft union, or any voluntary
16 unincorporated association designed to further the cause of
17 the rights of union labor which is constituted for the
18 purpose, in whole or in part, of collective bargaining or of
19 dealing with employers concerning grievances, terms or
20 conditions of employment, or apprenticeships or applications
21 for apprenticeships, or of other mutual aid or protection in
22 connection with employment, including apprenticeships or
23 applications for apprenticeships.

24 (E) Sexual Harassment. "Sexual harassment" means any
25 unwelcome sexual advances or requests for sexual favors or any
26 conduct of a sexual nature when (1) submission to such conduct

1 is made either explicitly or implicitly a term or condition of
2 an individual's employment, (2) submission to or rejection of
3 such conduct by an individual is used as the basis for
4 employment decisions affecting such individual, or (3) such
5 conduct has the purpose or effect of substantially interfering
6 with an individual's work performance or creating an
7 intimidating, hostile or offensive working environment.

8 For purposes of this definition, the phrase "working
9 environment" is not limited to a physical location an employee
10 is assigned to perform his or her duties.

11 (E-1) Harassment. "Harassment" means any unwelcome conduct
12 on the basis of an individual's actual or perceived race,
13 color, religion, national origin, ancestry, age, sex, marital
14 status, order of protection status, disability, military
15 status, sexual orientation, pregnancy, unfavorable discharge
16 from military service, citizenship status, or work
17 authorization status that has the purpose or effect of
18 substantially interfering with the individual's work
19 performance or creating an intimidating, hostile, or offensive
20 working environment. For purposes of this definition, the
21 phrase "working environment" is not limited to a physical
22 location an employee is assigned to perform his or her duties.

23 (F) Religion. "Religion" with respect to employers
24 includes all aspects of religious observance and practice, as
25 well as belief, unless an employer demonstrates that he is
26 unable to reasonably accommodate an employee's or prospective

1 employee's religious observance or practice without undue
2 hardship on the conduct of the employer's business.

3 (G) Public Employer. "Public employer" means the State, an
4 agency or department thereof, unit of local government, school
5 district, instrumentality or political subdivision.

6 (H) Public Employee. "Public employee" means an employee
7 of the State, agency or department thereof, unit of local
8 government, school district, instrumentality or political
9 subdivision. "Public employee" does not include public
10 officers or employees of the General Assembly or agencies
11 thereof.

12 (I) Public Officer. "Public officer" means a person who is
13 elected to office pursuant to the Constitution or a statute or
14 ordinance, or who is appointed to an office which is
15 established, and the qualifications and duties of which are
16 prescribed, by the Constitution or a statute or ordinance, to
17 discharge a public duty for the State, agency or department
18 thereof, unit of local government, school district,
19 instrumentality or political subdivision.

20 (J) Eligible Bidder. "Eligible bidder" means a person who,
21 prior to contract award or prior to bid opening for State
22 contracts for construction or construction-related services,
23 has filed with the Department a properly completed, sworn and
24 currently valid employer report form, pursuant to the
25 Department's regulations. The provisions of this Article
26 relating to eligible bidders apply only to bids on contracts

1 with the State and its departments, agencies, boards, and
2 commissions, and the provisions do not apply to bids on
3 contracts with units of local government or school districts.

4 (K) Citizenship Status. "Citizenship status" means the
5 status of being:

6 (1) a born U.S. citizen;

7 (2) a naturalized U.S. citizen;

8 (3) a U.S. national; or

9 (4) a person born outside the United States and not a
10 U.S. citizen who is lawfully present ~~not an unauthorized~~
11 ~~alien~~ and who is protected from discrimination under the
12 provisions of Section 1324b of Title 8 of the United
13 States Code, as now or hereafter amended.

14 (L) Work Authorization Status. "Work authorization status"
15 means the status of being a person born outside of the United
16 States, and not a U.S. citizen, who is authorized by the
17 federal government to work in the United States.

18 (Source: P.A. 101-221, eff. 1-1-20; 101-430, eff. 7-1-20;
19 102-233, eff. 8-2-21; 102-558, eff. 8-20-21.)

20 Section 135. The Resident Alien Course Act is amended by
21 changing the title of the Act and Sections 0.01, 1, 2, and 3 as
22 follows:

23 (815 ILCS 400/Act title)

24 An Act concerning fees charged for courses offered to

1 persons seeking permanent resident ~~alien~~ status under the
2 Immigration Reform and Control Act of 1986.

3 (815 ILCS 400/0.01) (from Ch. 111, par. 8050)

4 Sec. 0.01. Short title. This Act may be cited as the
5 Resident ~~Alien~~ Course Act.

6 (Source: P.A. 86-1324.)

7 (815 ILCS 400/1) (from Ch. 111, par. 8051)

8 Sec. 1. No individual or agency, authorized by the U.S.
9 Immigration and Naturalization Service to offer a course
10 leading to a certificate of satisfactory pursuit for issuance
11 of permanent resident ~~alien~~ status, may charge a fee for such
12 course in excess of \$5 per hour per individual up to the first
13 60 hours of instruction or \$500 for up to 12 months of
14 instruction from the date of registration. As used in this
15 Section, the term "fee" includes all costs associated with the
16 course, including the costs of instruction and materials.

17 (Source: P.A. 86-831.)

18 (815 ILCS 400/2) (from Ch. 111, par. 8052)

19 Sec. 2. No individual or agency which offers any service
20 or course with the promise of preparing the recipient or
21 enrollee for the English and civics exam of the U.S.
22 Immigration and Naturalization Service for issuance of
23 permanent resident ~~alien~~ status may charge a fee for such

1 service or course in excess of \$5 per hour per individual up to
2 the first 60 hours of instruction or \$500 for up to 12 months
3 of instruction from the date of registration. As used in this
4 Section, the term "fee" includes all costs associated with the
5 service or course, including the costs of instruction and
6 materials.

7 (Source: P.A. 86-831.)

8 (815 ILCS 400/3) (from Ch. 111, par. 8053)

9 Sec. 3. Any individual or agency offering a course or
10 service described in Section 2 shall include within any
11 literature or print or electronic advertisement for such
12 service or course a statement that such service or course is
13 designed to prepare the recipient or enrollee for the English
14 and civics exam of the U.S. Immigration and Naturalization
15 Service and that the individual or agency offering the service
16 or course does not issue the certificate of satisfactory
17 pursuit required by the U.S. Immigration and Naturalization
18 Service for issuance of permanent resident ~~alien~~ status.

19 (Source: P.A. 86-831.)

20 Section 140. The Consumer Fraud and Deceptive Business
21 Practices Act is amended by changing Section 2AA as follows:

22 (815 ILCS 505/2AA)

23 Sec. 2AA. Immigration services.

1 (a) "Immigration matter" means any proceeding, filing, or
2 action affecting the nonimmigrant, immigrant or citizenship
3 status of any person that arises under immigration and
4 naturalization law, executive order or presidential
5 proclamation of the United States or any foreign country, or
6 that arises under action of the United States Citizenship and
7 Immigration Services, the United States Department of Labor,
8 or the United States Department of State.

9 "Immigration assistance service" means any information or
10 action provided or offered to customers or prospective
11 customers related to immigration matters, excluding legal
12 advice, recommending a specific course of legal action, or
13 providing any other assistance that requires legal analysis,
14 legal judgment, or interpretation of the law.

15 "Compensation" means money, property, services, promise of
16 payment, or anything else of value.

17 "Employed by" means that a person is on the payroll of the
18 employer and the employer deducts from the employee's paycheck
19 social security and withholding taxes, or receives
20 compensation from the employer on a commission basis or as an
21 independent contractor.

22 "Reasonable costs" means actual costs or, if actual costs
23 cannot be calculated, reasonably estimated costs of such
24 things as photocopying, telephone calls, document requests,
25 and filing fees for immigration forms, and other nominal costs
26 incidental to assistance in an immigration matter.

1 (a-1) The General Assembly finds and declares that private
2 individuals who assist persons with immigration matters have a
3 significant impact on the ability of their clients to reside
4 and work within the United States and to establish and
5 maintain stable families and business relationships. The
6 General Assembly further finds that that assistance and its
7 impact also have a significant effect on the cultural, social,
8 and economic life of the State of Illinois and thereby
9 substantially affect the public interest. It is the intent of
10 the General Assembly to establish rules of practice and
11 conduct for those individuals to promote honesty and fair
12 dealing with residents and to preserve public confidence.

13 (a-5) The following persons are exempt from this Section,
14 provided they prove the exemption by a preponderance of the
15 evidence:

16 (1) An attorney licensed to practice law in any state
17 or territory of the United States, or of any foreign
18 country when authorized by the Illinois Supreme Court, to
19 the extent the attorney renders immigration assistance
20 service in the course of his or her practice as an
21 attorney.

22 (2) A legal intern, as described by the rules of the
23 Illinois Supreme Court, employed by and under the direct
24 supervision of a licensed attorney and rendering
25 immigration assistance service in the course of the
26 intern's employment.

1 (3) A not-for-profit organization recognized by the
2 Board of Immigration Appeals under 8 CFR 292.2(a) and
3 employees of those organizations accredited under 8 CFR
4 292.2(d).

5 (4) Any organization employing or desiring to employ a
6 documented or undocumented immigrant or nonimmigrant
7 ~~alien~~, where the organization, its employees or its agents
8 provide advice or assistance in immigration matters to
9 documented or undocumented immigrant or nonimmigrant ~~alien~~
10 employees or potential employees without compensation from
11 the individuals to whom such advice or assistance is
12 provided.

13 Nothing in this Section shall regulate any business to the
14 extent that such regulation is prohibited or preempted by
15 State or federal law.

16 All other persons providing or offering to provide
17 immigration assistance service shall be subject to this
18 Section.

19 (b) Any person who provides or offers to provide
20 immigration assistance service may perform only the following
21 services:

22 (1) Completing a government agency form, requested by
23 the customer and appropriate to the customer's needs, only
24 if the completion of that form does not involve a legal
25 judgment for that particular matter.

26 (2) Transcribing responses to a government agency form

1 which is related to an immigration matter, but not
2 advising a customer as to his or her answers on those
3 forms.

4 (3) Translating information on forms to a customer and
5 translating the customer's answers to questions posed on
6 those forms.

7 (4) Securing for the customer supporting documents
8 currently in existence, such as birth and marriage
9 certificates, which may be needed to be submitted with
10 government agency forms.

11 (5) Translating documents from a foreign language into
12 English.

13 (6) Notarizing signatures on government agency forms,
14 if the person performing the service is a notary public of
15 the State of Illinois.

16 (7) Making referrals, without fee, to attorneys who
17 could undertake legal representation for a person in an
18 immigration matter.

19 (8) Preparing or arranging for the preparation of
20 photographs and fingerprints.

21 (9) Arranging for the performance of medical testing
22 (including X-rays and AIDS tests) and the obtaining of
23 reports of such test results.

24 (10) Conducting English language and civics courses.

25 (11) Other services that the Attorney General
26 determines by rule may be appropriately performed by such

1 persons in light of the purposes of this Section.

2 Fees for a notary public, agency, or any other person who
3 is not an attorney or an accredited representative filling out
4 immigration forms shall be limited to the maximum fees set
5 forth in subsections (a) and (b) of Section 3-104 of the
6 Illinois Notary Public Act (5 ILCS 312/3-104). The maximum fee
7 schedule set forth in subsections (a) and (b) of Section 3-104
8 of the Illinois Notary Public Act shall apply to any person
9 that provides or offers to provide immigration assistance
10 service performing the services described therein. The
11 Attorney General may promulgate rules establishing maximum
12 fees that may be charged for any services not described in that
13 subsection. The maximum fees must be reasonable in light of
14 the costs of providing those services and the degree of
15 professional skill required to provide the services.

16 No person subject to this Act shall charge fees directly
17 or indirectly for referring an individual to an attorney or
18 for any immigration matter not authorized by this Article,
19 provided that a person may charge a fee for notarizing
20 documents as permitted by the Illinois Notary Public Act.

21 (c) Any person performing such services shall register
22 with the Illinois Attorney General and submit verification of
23 malpractice insurance or of a surety bond.

24 (d) Except as provided otherwise in this subsection,
25 before providing any assistance in an immigration matter a
26 person shall provide the customer with a written contract that

1 includes the following:

2 (1) An explanation of the services to be performed.

3 (2) Identification of all compensation and costs to be
4 charged to the customer for the services to be performed.

5 (3) A statement that documents submitted in support of
6 an application for nonimmigrant, immigrant, or
7 naturalization status may not be retained by the person
8 for any purpose, including payment of compensation or
9 costs.

10 This subsection does not apply to a not-for-profit
11 organization that provides advice or assistance in immigration
12 matters to clients without charge beyond a reasonable fee to
13 reimburse the organization's or clinic's reasonable costs
14 relating to providing immigration services to that client.

15 (e) Any person who provides or offers immigration
16 assistance service and is not exempted from this Section,
17 shall post signs at his or her place of business, setting forth
18 information in English and in every other language in which
19 the person provides or offers to provide immigration
20 assistance service. Each language shall be on a separate sign.
21 Signs shall be posted in a location where the signs will be
22 visible to customers. Each sign shall be at least 11 inches by
23 17 inches, and shall contain the following:

24 (1) The statement "I AM NOT AN ATTORNEY LICENSED TO
25 PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES
26 FOR LEGAL ADVICE."

1 (2) The statement "I AM NOT ACCREDITED TO REPRESENT
2 YOU BEFORE THE UNITED STATES IMMIGRATION AND
3 NATURALIZATION SERVICE AND THE IMMIGRATION BOARD OF
4 APPEALS."

5 (3) The fee schedule.

6 (4) The statement that "You may cancel any contract
7 within 3 working days and get your money back for services
8 not performed."

9 (5) Additional information the Attorney General may
10 require by rule.

11 Every person engaged in immigration assistance service who
12 is not an attorney who advertises immigration assistance
13 service in a language other than English, whether by radio,
14 television, signs, pamphlets, newspapers, or other written
15 communication, with the exception of a single desk plaque,
16 shall include in the document, advertisement, stationery,
17 letterhead, business card, or other comparable written
18 material the following notice in English and the language in
19 which the written communication appears. This notice shall be
20 of a conspicuous size, if in writing, and shall state: "I AM
21 NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY
22 NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.". If
23 such advertisement is by radio or television, the statement
24 may be modified but must include substantially the same
25 message.

26 Any person who provides or offers immigration assistance

1 service and is not exempted from this Section shall not, in any
2 document, advertisement, stationery, letterhead, business
3 card, or other comparable written material, literally
4 translate from English into another language terms or titles
5 including, but not limited to, notary public, notary,
6 licensed, attorney, lawyer, or any other term that implies the
7 person is an attorney. To illustrate, the words "notario" and
8 "poder notarial" are prohibited under this provision.

9 If not subject to penalties under subsection (a) of
10 Section 3-103 of the Illinois Notary Public Act (5 ILCS
11 312/3-103), violations of this subsection shall result in a
12 fine of \$1,000. Violations shall not preempt or preclude
13 additional appropriate civil or criminal penalties.

14 (f) The written contract shall be in both English and in
15 the language of the customer.

16 (g) A copy of the contract shall be provided to the
17 customer upon the customer's execution of the contract.

18 (h) A customer has the right to rescind a contract within
19 72 hours after his or her signing of the contract.

20 (i) Any documents identified in paragraph (3) of
21 subsection (c) shall be returned upon demand of the customer.

22 (j) No person engaged in providing immigration services
23 who is not exempted under this Section shall do any of the
24 following:

25 (1) Make any statement that the person can or will
26 obtain special favors from or has special influence with

1 the United States Immigration and Naturalization Service
2 or any other government agency.

3 (2) Retain any compensation for service not performed.

4 (2.5) Accept payment in exchange for providing legal
5 advice or any other assistance that requires legal
6 analysis, legal judgment, or interpretation of the law.

7 (3) Refuse to return documents supplied by, prepared
8 on behalf of, or paid for by the customer upon the request
9 of the customer. These documents must be returned upon
10 request even if there is a fee dispute between the
11 immigration assistant and the customer.

12 (4) Represent or advertise, in connection with the
13 provision of assistance in immigration matters, other
14 titles of credentials, including but not limited to
15 "notary public" or "immigration consultant," that could
16 cause a customer to believe that the person possesses
17 special professional skills or is authorized to provide
18 advice on an immigration matter; provided that a notary
19 public appointed by the Illinois Secretary of State may
20 use the term "notary public" if the use is accompanied by
21 the statement that the person is not an attorney; the term
22 "notary public" may not be translated to another language;
23 for example "notario" is prohibited.

24 (5) Provide legal advice, recommend a specific course
25 of legal action, or provide any other assistance that
26 requires legal analysis, legal judgment, or interpretation

1 of the law.

2 (6) Make any misrepresentation of false statement,
3 directly or indirectly, to influence, persuade, or induce
4 patronage.

5 (k) (Blank).

6 (l) (Blank).

7 (m) Any person who violates any provision of this Section,
8 or the rules and regulations issued under this Section, shall
9 be guilty of a Class A misdemeanor for a first offense and a
10 Class 3 felony for a second or subsequent offense committed
11 within 5 years of a previous conviction for the same offense.

12 Upon his own information or upon the complaint of any
13 person, the Attorney General or any State's Attorney, or a
14 municipality with a population of more than 1,000,000, may
15 maintain an action for injunctive relief and also seek a civil
16 penalty not exceeding \$50,000 in the circuit court against any
17 person who violates any provision of this Section. These
18 remedies are in addition to, and not in substitution for,
19 other available remedies.

20 If the Attorney General or any State's Attorney or a
21 municipality with a population of more than 1,000,000 fails to
22 bring an action as provided under this Section any person may
23 file a civil action to enforce the provisions of this Article
24 and maintain an action for injunctive relief, for compensatory
25 damages to recover prohibited fees, or for such additional
26 relief as may be appropriate to deter, prevent, or compensate

1 for the violation. In order to deter violations of this
2 Section, courts shall not require a showing of the traditional
3 elements for equitable relief. A prevailing plaintiff may be
4 awarded 3 times the prohibited fees or a minimum of \$1,000 in
5 punitive damages, attorney's fees, and costs of bringing an
6 action under this Section. It is the express intention of the
7 General Assembly that remedies for violation of this Section
8 be cumulative.

9 (n) No unit of local government, including any home rule
10 unit, shall have the authority to regulate immigration
11 assistance services unless such regulations are at least as
12 stringent as those contained in Public Act 87-1211. It is
13 declared to be the law of this State, pursuant to paragraph (i)
14 of Section 6 of Article VII of the Illinois Constitution of
15 1970, that Public Act 87-1211 is a limitation on the authority
16 of a home rule unit to exercise powers concurrently with the
17 State. The limitations of this Section do not apply to a home
18 rule unit that has, prior to January 1, 1993 (the effective
19 date of Public Act 87-1211), adopted an ordinance regulating
20 immigration assistance services.

21 (o) This Section is severable under Section 1.31 of the
22 Statute on Statutes.

23 (p) The Attorney General shall issue rules not
24 inconsistent with this Section for the implementation,
25 administration, and enforcement of this Section. The rules may
26 provide for the following:

1 (1) The content, print size, and print style of the
2 signs required under subsection (e). Print sizes and
3 styles may vary from language to language.

4 (2) Standard forms for use in the administration of
5 this Section.

6 (3) Any additional requirements deemed necessary.

7 (Source: P.A. 99-679, eff. 1-1-17; 100-863, eff. 8-14-18.)

8 Section 145. The Workers' Compensation Act is amended by
9 changing Sections 1 and 7 as follows:

10 (820 ILCS 305/1) (from Ch. 48, par. 138.1)

11 Sec. 1. This Act may be cited as the Workers' Compensation
12 Act.

13 (a) The term "employer" as used in this Act means:

14 1. The State and each county, city, town, township,
15 incorporated village, school district, body politic, or
16 municipal corporation therein.

17 2. Every person, firm, public or private corporation,
18 including hospitals, public service, eleemosynary, religious
19 or charitable corporations or associations who has any person
20 in service or under any contract for hire, express or implied,
21 oral or written, and who is engaged in any of the enterprises
22 or businesses enumerated in Section 3 of this Act, or who at or
23 prior to the time of the accident to the employee for which
24 compensation under this Act may be claimed, has in the manner

1 provided in this Act elected to become subject to the
2 provisions of this Act, and who has not, prior to such
3 accident, effected a withdrawal of such election in the manner
4 provided in this Act.

5 3. Any one engaging in any business or enterprise referred
6 to in subsections 1 and 2 of Section 3 of this Act who
7 undertakes to do any work enumerated therein, is liable to pay
8 compensation to his own immediate employees in accordance with
9 the provisions of this Act, and in addition thereto if he
10 directly or indirectly engages any contractor whether
11 principal or sub-contractor to do any such work, he is liable
12 to pay compensation to the employees of any such contractor or
13 sub-contractor unless such contractor or sub-contractor has
14 insured, in any company or association authorized under the
15 laws of this State to insure the liability to pay compensation
16 under this Act, or guaranteed his liability to pay such
17 compensation. With respect to any time limitation on the
18 filing of claims provided by this Act, the timely filing of a
19 claim against a contractor or subcontractor, as the case may
20 be, shall be deemed to be a timely filing with respect to all
21 persons upon whom liability is imposed by this paragraph.

22 In the event any such person pays compensation under this
23 subsection he may recover the amount thereof from the
24 contractor or sub-contractor, if any, and in the event the
25 contractor pays compensation under this subsection he may
26 recover the amount thereof from the sub-contractor, if any.

1 This subsection does not apply in any case where the
2 accident occurs elsewhere than on, in or about the immediate
3 premises on which the principal has contracted that the work
4 be done.

5 4. Where an employer operating under and subject to the
6 provisions of this Act loans an employee to another such
7 employer and such loaned employee sustains a compensable
8 accidental injury in the employment of such borrowing employer
9 and where such borrowing employer does not provide or pay the
10 benefits or payments due such injured employee, such loaning
11 employer is liable to provide or pay all benefits or payments
12 due such employee under this Act and as to such employee the
13 liability of such loaning and borrowing employers is joint and
14 several, provided that such loaning employer is in the absence
15 of agreement to the contrary entitled to receive from such
16 borrowing employer full reimbursement for all sums paid or
17 incurred pursuant to this paragraph together with reasonable
18 attorneys' fees and expenses in any hearings before the
19 Illinois Workers' Compensation Commission or in any action to
20 secure such reimbursement. Where any benefit is provided or
21 paid by such loaning employer the employee has the duty of
22 rendering reasonable cooperation in any hearings, trials or
23 proceedings in the case, including such proceedings for
24 reimbursement.

25 Where an employee files an Application for Adjustment of
26 Claim with the Illinois Workers' Compensation Commission

1 alleging that his claim is covered by the provisions of the
2 preceding paragraph, and joining both the alleged loaning and
3 borrowing employers, they and each of them, upon written
4 demand by the employee and within 7 days after receipt of such
5 demand, shall have the duty of filing with the Illinois
6 Workers' Compensation Commission a written admission or denial
7 of the allegation that the claim is covered by the provisions
8 of the preceding paragraph and in default of such filing or if
9 any such denial be ultimately determined not to have been bona
10 fide then the provisions of Paragraph K of Section 19 of this
11 Act shall apply.

12 An employer whose business or enterprise or a substantial
13 part thereof consists of hiring, procuring or furnishing
14 employees to or for other employers operating under and
15 subject to the provisions of this Act for the performance of
16 the work of such other employers and who pays such employees
17 their salary or wages notwithstanding that they are doing the
18 work of such other employers shall be deemed a loaning
19 employer within the meaning and provisions of this Section.

20 (b) The term "employee" as used in this Act means:

21 1. Every person in the service of the State, including
22 members of the General Assembly, members of the Commerce
23 Commission, members of the Illinois Workers' Compensation
24 Commission, and all persons in the service of the University
25 of Illinois, county, including deputy sheriffs and assistant
26 state's attorneys, city, town, township, incorporated village

1 or school district, body politic, or municipal corporation
2 therein, whether by election, under appointment or contract of
3 hire, express or implied, oral or written, including all
4 members of the Illinois National Guard while on active duty in
5 the service of the State, and all probation personnel of the
6 Juvenile Court appointed pursuant to Article VI of the
7 Juvenile Court Act of 1987, and including any official of the
8 State, any county, city, town, township, incorporated village,
9 school district, body politic or municipal corporation therein
10 except any duly appointed member of a police department in any
11 city whose population exceeds 500,000 according to the last
12 Federal or State census, and except any member of a fire
13 insurance patrol maintained by a board of underwriters in this
14 State. A duly appointed member of a fire department in any
15 city, the population of which exceeds 500,000 according to the
16 last federal or State census, is an employee under this Act
17 only with respect to claims brought under paragraph (c) of
18 Section 8.

19 One employed by a contractor who has contracted with the
20 State, or a county, city, town, township, incorporated
21 village, school district, body politic or municipal
22 corporation therein, through its representatives, is not
23 considered as an employee of the State, county, city, town,
24 township, incorporated village, school district, body politic
25 or municipal corporation which made the contract.

26 2. Every person in the service of another under any

1 contract of hire, express or implied, oral or written,
2 including persons whose employment is outside of the State of
3 Illinois where the contract of hire is made within the State of
4 Illinois, persons whose employment results in fatal or
5 non-fatal injuries within the State of Illinois where the
6 contract of hire is made outside of the State of Illinois, and
7 persons whose employment is principally localized within the
8 State of Illinois, regardless of the place of the accident or
9 the place where the contract of hire was made, and including
10 noncitizens ~~aliens~~, and minors who, for the purpose of this
11 Act are considered the same and have the same power to
12 contract, receive payments and give quittances therefor, as
13 adult employees.

14 3. Every sole proprietor and every partner of a business
15 may elect to be covered by this Act.

16 An employee or his dependents under this Act who shall
17 have a cause of action by reason of any injury, disablement or
18 death arising out of and in the course of his employment may
19 elect to pursue his remedy in the State where injured or
20 disabled, or in the State where the contract of hire is made,
21 or in the State where the employment is principally localized.

22 However, any employer may elect to provide and pay
23 compensation to any employee other than those engaged in the
24 usual course of the trade, business, profession or occupation
25 of the employer by complying with Sections 2 and 4 of this Act.
26 Employees are not included within the provisions of this Act

1 when excluded by the laws of the United States relating to
2 liability of employers to their employees for personal
3 injuries where such laws are held to be exclusive.

4 The term "employee" does not include persons performing
5 services as real estate broker, broker-salesman, or salesman
6 when such persons are paid by commission only.

7 (c) "Commission" means the Industrial Commission created
8 by Section 5 of "The Civil Administrative Code of Illinois",
9 approved March 7, 1917, as amended, or the Illinois Workers'
10 Compensation Commission created by Section 13 of this Act.

11 (d) To obtain compensation under this Act, an employee
12 bears the burden of showing, by a preponderance of the
13 evidence, that he or she has sustained accidental injuries
14 arising out of and in the course of the employment.

15 (Source: P.A. 97-18, eff. 6-28-11; 97-268, eff. 8-8-11;
16 97-813, eff. 7-13-12.)

17 (820 ILCS 305/7) (from Ch. 48, par. 138.7)

18 Sec. 7. The amount of compensation which shall be paid for
19 an accidental injury to the employee resulting in death is:

20 (a) If the employee leaves surviving a widow, widower,
21 child or children, the applicable weekly compensation rate
22 computed in accordance with subparagraph 2 of paragraph (b) of
23 Section 8, shall be payable during the life of the widow or
24 widower and if any surviving child or children shall not be
25 physically or mentally incapacitated then until the death of

1 the widow or widower or until the youngest child shall reach
2 the age of 18, whichever shall come later; provided that if
3 such child or children shall be enrolled as a full time student
4 in any accredited educational institution, the payments shall
5 continue until such child has attained the age of 25. In the
6 event any surviving child or children shall be physically or
7 mentally incapacitated, the payments shall continue for the
8 duration of such incapacity.

9 The term "child" means a child whom the deceased employee
10 left surviving, including a posthumous child, a child legally
11 adopted, a child whom the deceased employee was legally
12 obligated to support or a child to whom the deceased employee
13 stood in loco parentis. The term "children" means the plural
14 of "child".

15 The term "physically or mentally incapacitated child or
16 children" means a child or children incapable of engaging in
17 regular and substantial gainful employment.

18 In the event of the remarriage of a widow or widower, where
19 the decedent did not leave surviving any child or children
20 who, at the time of such remarriage, are entitled to
21 compensation benefits under this Act, the surviving spouse
22 shall be paid a lump sum equal to 2 years compensation benefits
23 and all further rights of such widow or widower shall be
24 extinguished.

25 If the employee leaves surviving any child or children
26 under 18 years of age who at the time of death shall be

1 entitled to compensation under this paragraph (a) of this
2 Section, the weekly compensation payments herein provided for
3 such child or children shall in any event continue for a period
4 of not less than 6 years.

5 Any beneficiary entitled to compensation under this
6 paragraph (a) of this Section shall receive from the special
7 fund provided in paragraph (f) of this Section, in addition to
8 the compensation herein provided, supplemental benefits in
9 accordance with paragraph (g) of Section 8.

10 (b) If no compensation is payable under paragraph (a) of
11 this Section and the employee leaves surviving a parent or
12 parents who at the time of the accident were totally dependent
13 upon the earnings of the employee then weekly payments equal
14 to the compensation rate payable in the case where the
15 employee leaves surviving a widow or widower, shall be paid to
16 such parent or parents for the duration of their lives, and in
17 the event of the death of either, for the life of the survivor.

18 (c) If no compensation is payable under paragraphs (a) or
19 (b) of this Section and the employee leaves surviving any
20 child or children who are not entitled to compensation under
21 the foregoing paragraph (a) but who at the time of the accident
22 were nevertheless in any manner dependent upon the earnings of
23 the employee, or leaves surviving a parent or parents who at
24 the time of the accident were partially dependent upon the
25 earnings of the employee, then there shall be paid to such
26 dependent or dependents for a period of 8 years weekly

1 compensation payments at such proportion of the applicable
2 rate if the employee had left surviving a widow or widower as
3 such dependency bears to total dependency. In the event of the
4 death of any such beneficiary the share of such beneficiary
5 shall be divided equally among the surviving beneficiaries and
6 in the event of the death of the last such beneficiary all the
7 rights under this paragraph shall be extinguished.

8 (d) If no compensation is payable under paragraphs (a),
9 (b) or (c) of this Section and the employee leaves surviving
10 any grandparent, grandparents, grandchild or grandchildren or
11 collateral heirs dependent upon the employee's earnings to the
12 extent of 50% or more of total dependency, then there shall be
13 paid to such dependent or dependents for a period of 5 years
14 weekly compensation payments at such proportion of the
15 applicable rate if the employee had left surviving a widow or
16 widower as such dependency bears to total dependency. In the
17 event of the death of any such beneficiary the share of such
18 beneficiary shall be divided equally among the surviving
19 beneficiaries and in the event of the death of the last such
20 beneficiary all rights hereunder shall be extinguished.

21 (e) The compensation to be paid for accidental injury
22 which results in death, as provided in this Section, shall be
23 paid to the persons who form the basis for determining the
24 amount of compensation to be paid by the employer, the
25 respective shares to be in the proportion of their respective
26 dependency at the time of the accident on the earnings of the

1 deceased. The Commission or an Arbitrator thereof may, in its
2 or his discretion, order or award the payment to the parent or
3 grandparent of a child for the latter's support the amount of
4 compensation which but for such order or award would have been
5 paid to such child as its share of the compensation payable,
6 which order or award may be modified from time to time by the
7 Commission in its discretion with respect to the person to
8 whom shall be paid the amount of the order or award remaining
9 unpaid at the time of the modification.

10 The payments of compensation by the employer in accordance
11 with the order or award of the Commission discharges such
12 employer from all further obligation as to such compensation.

13 (f) The sum of \$8,000 for burial expenses shall be paid by
14 the employer to the widow or widower, other dependent, next of
15 kin or to the person or persons incurring the expense of
16 burial.

17 In the event the employer failed to provide necessary
18 first aid, medical, surgical or hospital service, he shall pay
19 the cost thereof to the person or persons entitled to
20 compensation under paragraphs (a), (b), (c) or (d) of this
21 Section, or to the person or persons incurring the obligation
22 therefore, or providing the same.

23 On January 15 and July 15, 1981, and on January 15 and July
24 15 of each year thereafter the employer shall within 60 days
25 pay a sum equal to 1/8 of 1% of all compensation payments made
26 by him after July 1, 1980, either under this Act or the

1 Workers' Occupational Diseases Act, whether by lump sum
2 settlement or weekly compensation payments, but not including
3 hospital, surgical or rehabilitation payments, made during the
4 first 6 months and during the second 6 months respectively of
5 the fiscal year next preceding the date of the payments, into a
6 special fund which shall be designated the "Second Injury
7 Fund", of which the State Treasurer is ex-officio custodian,
8 such special fund to be held and disbursed for the purposes
9 hereinafter stated in paragraphs (f) and (g) of Section 8,
10 either upon the order of the Commission or of a competent
11 court. Said special fund shall be deposited the same as are
12 State funds and any interest accruing thereon shall be added
13 thereto every 6 months. It is subject to audit the same as
14 State funds and accounts and is protected by the General bond
15 given by the State Treasurer. It is considered always
16 appropriated for the purposes of disbursements as provided in
17 Section 8, paragraph (f), of this Act, and shall be paid out
18 and disbursed as therein provided and shall not at any time be
19 appropriated or diverted to any other use or purpose.

20 On January 15, 1991, the employer shall further pay a sum
21 equal to one half of 1% of all compensation payments made by
22 him from January 1, 1990 through June 30, 1990 either under
23 this Act or under the Workers' Occupational Diseases Act,
24 whether by lump sum settlement or weekly compensation
25 payments, but not including hospital, surgical or
26 rehabilitation payments, into an additional Special Fund which

1 shall be designated as the "Rate Adjustment Fund". On March
2 15, 1991, the employer shall pay into the Rate Adjustment Fund
3 a sum equal to one half of 1% of all such compensation payments
4 made from July 1, 1990 through December 31, 1990. Within 60
5 days after July 15, 1991, the employer shall pay into the Rate
6 Adjustment Fund a sum equal to one half of 1% of all such
7 compensation payments made from January 1, 1991 through June
8 30, 1991. Within 60 days after January 15 of 1992 and each
9 subsequent year through 1996, the employer shall pay into the
10 Rate Adjustment Fund a sum equal to one half of 1% of all such
11 compensation payments made in the last 6 months of the
12 preceding calendar year. Within 60 days after July 15 of 1992
13 and each subsequent year through 1995, the employer shall pay
14 into the Rate Adjustment Fund a sum equal to one half of 1% of
15 all such compensation payments made in the first 6 months of
16 the same calendar year. Within 60 days after January 15 of 1997
17 and each subsequent year through 2005, the employer shall pay
18 into the Rate Adjustment Fund a sum equal to three-fourths of
19 1% of all such compensation payments made in the last 6 months
20 of the preceding calendar year. Within 60 days after July 15 of
21 1996 and each subsequent year through 2004, the employer shall
22 pay into the Rate Adjustment Fund a sum equal to three-fourths
23 of 1% of all such compensation payments made in the first 6
24 months of the same calendar year. Within 60 days after July 15
25 of 2005, the employer shall pay into the Rate Adjustment Fund a
26 sum equal to 1% of such compensation payments made in the first

1 6 months of the same calendar year. Within 60 days after
2 January 15 of 2006 and each subsequent year, the employer
3 shall pay into the Rate Adjustment Fund a sum equal to 1.25% of
4 such compensation payments made in the last 6 months of the
5 preceding calendar year. Within 60 days after July 15 of 2006
6 and each subsequent year, the employer shall pay into the Rate
7 Adjustment Fund a sum equal to 1.25% of such compensation
8 payments made in the first 6 months of the same calendar year.
9 The administrative costs of collecting assessments from
10 employers for the Rate Adjustment Fund shall be paid from the
11 Rate Adjustment Fund. The cost of an actuarial audit of the
12 Fund shall be paid from the Rate Adjustment Fund. The State
13 Treasurer is ex officio custodian of such Special Fund and the
14 same shall be held and disbursed for the purposes hereinafter
15 stated in paragraphs (f) and (g) of Section 8 upon the order of
16 the Commission or of a competent court. The Rate Adjustment
17 Fund shall be deposited the same as are State funds and any
18 interest accruing thereon shall be added thereto every 6
19 months. It shall be subject to audit the same as State funds
20 and accounts and shall be protected by the general bond given
21 by the State Treasurer. It is considered always appropriated
22 for the purposes of disbursements as provided in paragraphs
23 (f) and (g) of Section 8 of this Act and shall be paid out and
24 disbursed as therein provided and shall not at any time be
25 appropriated or diverted to any other use or purpose. Within 5
26 days after the effective date of this amendatory Act of 1990,

1 the Comptroller and the State Treasurer shall transfer
2 \$1,000,000 from the General Revenue Fund to the Rate
3 Adjustment Fund. By February 15, 1991, the Comptroller and the
4 State Treasurer shall transfer \$1,000,000 from the Rate
5 Adjustment Fund to the General Revenue Fund. The Comptroller
6 and Treasurer are authorized to make transfers at the request
7 of the Chairman up to a total of \$19,000,000 from the Second
8 Injury Fund, the General Revenue Fund, and the Workers'
9 Compensation Benefit Trust Fund to the Rate Adjustment Fund to
10 the extent that there is insufficient money in the Rate
11 Adjustment Fund to pay claims and obligations. Amounts may be
12 transferred from the General Revenue Fund only if the funds in
13 the Second Injury Fund or the Workers' Compensation Benefit
14 Trust Fund are insufficient to pay claims and obligations of
15 the Rate Adjustment Fund. All amounts transferred from the
16 Second Injury Fund, the General Revenue Fund, and the Workers'
17 Compensation Benefit Trust Fund shall be repaid from the Rate
18 Adjustment Fund within 270 days of a transfer, together with
19 interest at the rate earned by moneys on deposit in the Fund or
20 Funds from which the moneys were transferred.

21 Upon a finding by the Commission, after reasonable notice
22 and hearing, that any employer has willfully and knowingly
23 failed to pay the proper amounts into the Second Injury Fund or
24 the Rate Adjustment Fund required by this Section or if such
25 payments are not made within the time periods prescribed by
26 this Section, the employer shall, in addition to such

1 payments, pay a penalty of 20% of the amount required to be
2 paid or \$2,500, whichever is greater, for each year or part
3 thereof of such failure to pay. This penalty shall only apply
4 to obligations of an employer to the Second Injury Fund or the
5 Rate Adjustment Fund accruing after the effective date of this
6 amendatory Act of 1989. All or part of such a penalty may be
7 waived by the Commission for good cause shown.

8 Any obligations of an employer to the Second Injury Fund
9 and Rate Adjustment Fund accruing prior to the effective date
10 of this amendatory Act of 1989 shall be paid in full by such
11 employer within 5 years of the effective date of this
12 amendatory Act of 1989, with at least one-fifth of such
13 obligation to be paid during each year following the effective
14 date of this amendatory Act of 1989. If the Commission finds,
15 following reasonable notice and hearing, that an employer has
16 failed to make timely payment of any obligation accruing under
17 the preceding sentence, the employer shall, in addition to all
18 other payments required by this Section, be liable for a
19 penalty equal to 20% of the overdue obligation or \$2,500,
20 whichever is greater, for each year or part thereof that
21 obligation is overdue. All or part of such a penalty may be
22 waived by the Commission for good cause shown.

23 The Chairman of the Illinois Workers' Compensation
24 Commission shall, annually, furnish to the Director of the
25 Department of Insurance a list of the amounts paid into the
26 Second Injury Fund and the Rate Adjustment Fund by each

1 insurance company on behalf of their insured employers. The
2 Director shall verify to the Chairman that the amounts paid by
3 each insurance company are accurate as best as the Director
4 can determine from the records available to the Director. The
5 Chairman shall verify that the amounts paid by each
6 self-insurer are accurate as best as the Chairman can
7 determine from records available to the Chairman. The Chairman
8 may require each self-insurer to provide information
9 concerning the total compensation payments made upon which
10 contributions to the Second Injury Fund and the Rate
11 Adjustment Fund are predicated and any additional information
12 establishing that such payments have been made into these
13 funds. Any deficiencies in payments noted by the Director or
14 Chairman shall be subject to the penalty provisions of this
15 Act.

16 The State Treasurer, or his duly authorized
17 representative, shall be named as a party to all proceedings
18 in all cases involving claim for the loss of, or the permanent
19 and complete loss of the use of one eye, one foot, one leg, one
20 arm or one hand.

21 The State Treasurer or his duly authorized agent shall
22 have the same rights as any other party to the proceeding,
23 including the right to petition for review of any award. The
24 reasonable expenses of litigation, such as medical
25 examinations, testimony, and transcript of evidence, incurred
26 by the State Treasurer or his duly authorized representative,

1 shall be borne by the Second Injury Fund.

2 If the award is not paid within 30 days after the date the
3 award has become final, the Commission shall proceed to take
4 judgment thereon in its own name as is provided for other
5 awards by paragraph (g) of Section 19 of this Act and take the
6 necessary steps to collect the award.

7 Any person, corporation or organization who has paid or
8 become liable for the payment of burial expenses of the
9 deceased employee may in his or its own name institute
10 proceedings before the Commission for the collection thereof.

11 For the purpose of administration, receipts and
12 disbursements, the Special Fund provided for in paragraph (f)
13 of this Section shall be administered jointly with the Special
14 Fund provided for in Section 7, paragraph (f) of the Workers'
15 Occupational Diseases Act.

16 (g) All compensation, except for burial expenses provided
17 in this Section to be paid in case accident results in death,
18 shall be paid in installments equal to the percentage of the
19 average earnings as provided for in Section 8, paragraph (b)
20 of this Act, at the same intervals at which the wages or
21 earnings of the employees were paid. If this is not feasible,
22 then the installments shall be paid weekly. Such compensation
23 may be paid in a lump sum upon petition as provided in Section
24 9 of this Act. However, in addition to the benefits provided by
25 Section 9 of this Act where compensation for death is payable
26 to the deceased's widow, widower or to the deceased's widow,

1 widower and one or more children, and where a partial lump sum
2 is applied for by such beneficiary or beneficiaries within 18
3 months after the deceased's death, the Commission may, in its
4 discretion, grant a partial lump sum of not to exceed 100 weeks
5 of the compensation capitalized at their present value upon
6 the basis of interest calculated at 3% per annum with annual
7 rests, upon a showing that such partial lump sum is for the
8 best interest of such beneficiary or beneficiaries.

9 (h) In case the injured employee is under 16 years of age
10 at the time of the accident and is illegally employed, the
11 amount of compensation payable under paragraphs (a), (b), (c),
12 (d) and (f) of this Section shall be increased 50%.

13 Nothing herein contained repeals or amends the provisions
14 of the Child Labor Law relating to the employment of minors
15 under the age of 16 years.

16 However, where an employer has on file an employment
17 certificate issued pursuant to the Child Labor Law or work
18 permit issued pursuant to the Federal Fair Labor Standards
19 Act, as amended, or a birth certificate properly and duly
20 issued, such certificate, permit or birth certificate is
21 conclusive evidence as to the age of the injured minor
22 employee for the purposes of this Section only.

23 (i) Whenever the dependents of a deceased employee are
24 noncitizens ~~aliens~~ not residing in the United States, Mexico
25 or Canada, the amount of compensation payable is limited to
26 the beneficiaries described in paragraphs (a), (b) and (c) of

1 this Section and is 50% of the compensation provided in
2 paragraphs (a), (b) and (c) of this Section, except as
3 otherwise provided by treaty.

4 In a case where any of the persons who would be entitled to
5 compensation is living at any place outside of the United
6 States, then payment shall be made to the personal
7 representative of the deceased employee. The distribution by
8 such personal representative to the persons entitled shall be
9 made to such persons and in such manner as the Commission
10 orders.

11 (Source: P.A. 93-721, eff. 1-1-05; 94-277, eff. 7-20-05;
12 94-695, eff. 11-16-05.)

13 Section 150. The Workers' Occupational Diseases Act is
14 amended by changing Section 1 as follows:

15 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

16 Sec. 1. This Act shall be known and may be cited as the
17 "Workers' Occupational Diseases Act".

18 (a) The term "employer" as used in this Act shall be
19 construed to be:

20 1. The State and each county, city, town, township,
21 incorporated village, school district, body politic, or
22 municipal corporation therein.

23 2. Every person, firm, public or private corporation,
24 including hospitals, public service, eleemosynary,

1 religious or charitable corporations or associations, who
2 has any person in service or under any contract for hire,
3 express or implied, oral or written.

4 3. Where an employer operating under and subject to
5 the provisions of this Act loans an employee to another
6 such employer and such loaned employee sustains a
7 compensable occupational disease in the employment of such
8 borrowing employer and where such borrowing employer does
9 not provide or pay the benefits or payments due such
10 employee, such loaning employer shall be liable to provide
11 or pay all benefits or payments due such employee under
12 this Act and as to such employee the liability of such
13 loaning and borrowing employers shall be joint and
14 several, provided that such loaning employer shall in the
15 absence of agreement to the contrary be entitled to
16 receive from such borrowing employer full reimbursement
17 for all sums paid or incurred pursuant to this paragraph
18 together with reasonable attorneys' fees and expenses in
19 any hearings before the Illinois Workers' Compensation
20 Commission or in any action to secure such reimbursement.
21 Where any benefit is provided or paid by such loaning
22 employer, the employee shall have the duty of rendering
23 reasonable co-operation in any hearings, trials or
24 proceedings in the case, including such proceedings for
25 reimbursement.

26 Where an employee files an Application for Adjustment

1 of Claim with the Illinois Workers' Compensation
2 Commission alleging that his or her claim is covered by
3 the provisions of the preceding paragraph, and joining
4 both the alleged loaning and borrowing employers, they and
5 each of them, upon written demand by the employee and
6 within 7 days after receipt of such demand, shall have the
7 duty of filing with the Illinois Workers' Compensation
8 Commission a written admission or denial of the allegation
9 that the claim is covered by the provisions of the
10 preceding paragraph and in default of such filing or if
11 any such denial be ultimately determined not to have been
12 bona fide then the provisions of Paragraph K of Section 19
13 of this Act shall apply.

14 An employer whose business or enterprise or a
15 substantial part thereof consists of hiring, procuring or
16 furnishing employees to or for other employers operating
17 under and subject to the provisions of this Act for the
18 performance of the work of such other employers and who
19 pays such employees their salary or wage notwithstanding
20 that they are doing the work of such other employers shall
21 be deemed a loaning employer within the meaning and
22 provisions of this Section.

23 (b) The term "employee" as used in this Act, shall be
24 construed to mean:

25 1. Every person in the service of the State, county,
26 city, town, township, incorporated village or school

1 district, body politic or municipal corporation therein,
2 whether by election, appointment or contract of hire,
3 express or implied, oral or written, including any
4 official of the State, or of any county, city, town,
5 township, incorporated village, school district, body
6 politic or municipal corporation therein and except any
7 duly appointed member of the fire department in any city
8 whose population exceeds 500,000 according to the last
9 Federal or State census, and except any member of a fire
10 insurance patrol maintained by a board of underwriters in
11 this State. One employed by a contractor who has
12 contracted with the State, or a county, city, town,
13 township, incorporated village, school district, body
14 politic or municipal corporation therein, through its
15 representatives, shall not be considered as an employee of
16 the State, county, city, town, township, incorporated
17 village, school district, body politic or municipal
18 corporation which made the contract.

19 2. Every person in the service of another under any
20 contract of hire, express or implied, oral or written, who
21 contracts an occupational disease while working in the
22 State of Illinois, or who contracts an occupational
23 disease while working outside of the State of Illinois but
24 where the contract of hire is made within the State of
25 Illinois, and any person whose employment is principally
26 localized within the State of Illinois, regardless of the

1 place where the disease was contracted or place where the
2 contract of hire was made, including noncitizens ~~aliens~~,
3 and minors who, for the purpose of this Act, except
4 Section 3 hereof, shall be considered the same and have
5 the same power to contract, receive payments and give
6 quittances therefor, as adult employees. An employee or
7 his or her dependents under this Act who shall have a cause
8 of action by reason of an occupational disease,
9 disablement or death arising out of and in the course of
10 his or her employment may elect or pursue his or her remedy
11 in the State where the disease was contracted, or in the
12 State where the contract of hire is made, or in the State
13 where the employment is principally localized.

14 (c) "Commission" means the Illinois Workers' Compensation
15 Commission created by the Workers' Compensation Act, approved
16 July 9, 1951, as amended.

17 (d) In this Act the term "Occupational Disease" means a
18 disease arising out of and in the course of the employment or
19 which has become aggravated and rendered disabling as a result
20 of the exposure of the employment. Such aggravation shall
21 arise out of a risk peculiar to or increased by the employment
22 and not common to the general public.

23 A disease shall be deemed to arise out of the employment if
24 there is apparent to the rational mind, upon consideration of
25 all the circumstances, a causal connection between the
26 conditions under which the work is performed and the

1 occupational disease. The disease need not to have been
2 foreseen or expected but after its contraction it must appear
3 to have had its origin or aggravation in a risk connected with
4 the employment and to have flowed from that source as a
5 rational consequence.

6 An employee shall be conclusively deemed to have been
7 exposed to the hazards of an occupational disease when, for
8 any length of time however short, he or she is employed in an
9 occupation or process in which the hazard of the disease
10 exists; provided however, that in a claim of exposure to
11 atomic radiation, the fact of such exposure must be verified
12 by the records of the central registry of radiation exposure
13 maintained by the Department of Public Health or by some other
14 recognized governmental agency maintaining records of such
15 exposures whenever and to the extent that the records are on
16 file with the Department of Public Health or the agency.

17 Any injury to or disease or death of an employee arising
18 from the administration of a vaccine, including without
19 limitation smallpox vaccine, to prepare for, or as a response
20 to, a threatened or potential bioterrorist incident to the
21 employee as part of a voluntary inoculation program in
22 connection with the person's employment or in connection with
23 any governmental program or recommendation for the inoculation
24 of workers in the employee's occupation, geographical area, or
25 other category that includes the employee is deemed to arise
26 out of and in the course of the employment for all purposes

1 under this Act. This paragraph added by Public Act 93-829 is
2 declarative of existing law and is not a new enactment.

3 The employer liable for the compensation in this Act
4 provided shall be the employer in whose employment the
5 employee was last exposed to the hazard of the occupational
6 disease claimed upon regardless of the length of time of such
7 last exposure, except, in cases of silicosis or asbestosis,
8 the only employer liable shall be the last employer in whose
9 employment the employee was last exposed during a period of 60
10 days or more after the effective date of this Act, to the
11 hazard of such occupational disease, and, in such cases, an
12 exposure during a period of less than 60 days, after the
13 effective date of this Act, shall not be deemed a last
14 exposure. If a miner who is suffering or suffered from
15 pneumoconiosis was employed for 10 years or more in one or more
16 coal mines there shall, effective July 1, 1973 be a rebuttable
17 presumption that his or her pneumoconiosis arose out of such
18 employment.

19 If a deceased miner was employed for 10 years or more in
20 one or more coal mines and died from a respirable disease there
21 shall, effective July 1, 1973, be a rebuttable presumption
22 that his or her death was due to pneumoconiosis.

23 Any condition or impairment of health of an employee
24 employed as a firefighter, emergency medical technician (EMT),
25 emergency medical technician-intermediate (EMT-I), advanced
26 emergency medical technician (A-EMT), or paramedic which

1 results directly or indirectly from any bloodborne pathogen,
2 lung or respiratory disease or condition, heart or vascular
3 disease or condition, hypertension, tuberculosis, or cancer
4 resulting in any disability (temporary, permanent, total, or
5 partial) to the employee shall be rebuttably presumed to arise
6 out of and in the course of the employee's firefighting, EMT,
7 EMT-I, A-EMT, or paramedic employment and, further, shall be
8 rebuttably presumed to be causally connected to the hazards or
9 exposures of the employment. This presumption shall also apply
10 to any hernia or hearing loss suffered by an employee employed
11 as a firefighter, EMT, EMT-I, A-EMT, or paramedic. However,
12 this presumption shall not apply to any employee who has been
13 employed as a firefighter, EMT, EMT-I, A-EMT, or paramedic for
14 less than 5 years at the time he or she files an Application
15 for Adjustment of Claim concerning this condition or
16 impairment with the Illinois Workers' Compensation Commission.
17 The rebuttable presumption established under this subsection,
18 however, does not apply to an emergency medical technician
19 (EMT), emergency medical technician-intermediate (EMT-I),
20 advanced emergency medical technician (A-EMT), or paramedic
21 employed by a private employer if the employee spends the
22 preponderance of his or her work time for that employer
23 engaged in medical transfers between medical care facilities
24 or non-emergency medical transfers to or from medical care
25 facilities. The changes made to this subsection by this
26 amendatory Act of the 98th General Assembly shall be narrowly

1 construed. The Finding and Decision of the Illinois Workers'
2 Compensation Commission under only the rebuttable presumption
3 provision of this paragraph shall not be admissible or be
4 deemed res judicata in any disability claim under the Illinois
5 Pension Code arising out of the same medical condition;
6 however, this sentence makes no change to the law set forth in
7 Krohe v. City of Bloomington, 204 Ill.2d 392.

8 The insurance carrier liable shall be the carrier whose
9 policy was in effect covering the employer liable on the last
10 day of the exposure rendering such employer liable in
11 accordance with the provisions of this Act.

12 (e) "Disablement" means an impairment or partial
13 impairment, temporary or permanent, in the function of the
14 body or any of the members of the body, or the event of
15 becoming disabled from earning full wages at the work in which
16 the employee was engaged when last exposed to the hazards of
17 the occupational disease by the employer from whom he or she
18 claims compensation, or equal wages in other suitable
19 employment; and "disability" means the state of being so
20 incapacitated.

21 (f) No compensation shall be payable for or on account of
22 any occupational disease unless disablement, as herein
23 defined, occurs within two years after the last day of the last
24 exposure to the hazards of the disease, except in cases of
25 occupational disease caused by berylliosis or by the
26 inhalation of silica dust or asbestos dust and, in such cases,

1 within 3 years after the last day of the last exposure to the
2 hazards of such disease and except in the case of occupational
3 disease caused by exposure to radiological materials or
4 equipment, and in such case, within 25 years after the last day
5 of last exposure to the hazards of such disease.

6 (g) (1) In any proceeding before the Commission in which
7 the employee is a COVID-19 first responder or front-line
8 worker as defined in this subsection, if the employee's injury
9 or occupational disease resulted from exposure to and
10 contraction of COVID-19, the exposure and contraction shall be
11 rebuttably presumed to have arisen out of and in the course of
12 the employee's first responder or front-line worker employment
13 and the injury or occupational disease shall be rebuttably
14 presumed to be causally connected to the hazards or exposures
15 of the employee's first responder or front-line worker
16 employment.

17 (2) The term "COVID-19 first responder or front-line
18 worker" means: all individuals employed as police, fire
19 personnel, emergency medical technicians, or paramedics; all
20 individuals employed and considered as first responders; all
21 workers for health care providers, including nursing homes and
22 rehabilitation facilities and home care workers; corrections
23 officers; and any individuals employed by essential businesses
24 and operations as defined in Executive Order 2020-10 dated
25 March 20, 2020, as long as individuals employed by essential
26 businesses and operations are required by their employment to

1 encounter members of the general public or to work in
2 employment locations of more than 15 employees. For purposes
3 of this subsection only, an employee's home or place of
4 residence is not a place of employment, except for home care
5 workers.

6 (3) The presumption created in this subsection may be
7 rebutted by evidence, including, but not limited to, the
8 following:

9 (A) the employee was working from his or her home, on
10 leave from his or her employment, or some combination
11 thereof, for a period of 14 or more consecutive days
12 immediately prior to the employee's injury, occupational
13 disease, or period of incapacity resulted from exposure to
14 COVID-19; or

15 (B) the employer was engaging in and applying to the
16 fullest extent possible or enforcing to the best of its
17 ability industry-specific workplace sanitation, social
18 distancing, and health and safety practices based on
19 updated guidance issued by the Centers for Disease Control
20 and Prevention or Illinois Department of Public Health or
21 was using a combination of administrative controls,
22 engineering controls, or personal protective equipment to
23 reduce the transmission of COVID-19 to all employees for
24 at least 14 consecutive days prior to the employee's
25 injury, occupational disease, or period of incapacity
26 resulting from exposure to COVID-19. For purposes of this

1 subsection, "updated" means the guidance in effect at
2 least 14 days prior to the COVID-19 diagnosis. For
3 purposes of this subsection, "personal protective
4 equipment" means industry-specific equipment worn to
5 minimize exposure to hazards that cause illnesses or
6 serious injuries, which may result from contact with
7 biological, chemical, radiological, physical, electrical,
8 mechanical, or other workplace hazards. "Personal
9 protective equipment" includes, but is not limited to,
10 items such as face coverings, gloves, safety glasses,
11 safety face shields, barriers, shoes, earplugs or muffs,
12 hard hats, respirators, coveralls, vests, and full body
13 suits; or

14 (C) the employee was exposed to COVID-19 by an
15 alternate source.

16 (4) The rebuttable presumption created in this subsection
17 applies to all cases tried after June 5, 2020 (the effective
18 date of Public Act 101-633) and in which the diagnosis of
19 COVID-19 was made on or after March 9, 2020 and on or before
20 June 30, 2021 (including the period between December 31, 2020
21 and the effective date of this amendatory Act of the 101st
22 General Assembly).

23 (5) Under no circumstances shall any COVID-19 case
24 increase or affect any employer's workers' compensation
25 insurance experience rating or modification, but COVID-19
26 costs may be included in determining overall State loss costs.

1 (6) In order for the presumption created in this
2 subsection to apply at trial, for COVID-19 diagnoses occurring
3 on or before June 15, 2020, an employee must provide a
4 confirmed medical diagnosis by a licensed medical practitioner
5 or a positive laboratory test for COVID-19 or for COVID-19
6 antibodies; for COVID-19 diagnoses occurring after June 15,
7 2020, an employee must provide a positive laboratory test for
8 COVID-19 or for COVID-19 antibodies.

9 (7) The presumption created in this subsection does not
10 apply if the employee's place of employment was solely the
11 employee's home or residence for a period of 14 or more
12 consecutive days immediately prior to the employee's injury,
13 occupational disease, or period of incapacity resulted from
14 exposure to COVID-19.

15 (8) The date of injury or the beginning of the employee's
16 occupational disease or period of disability is either the
17 date that the employee was unable to work due to contraction of
18 COVID-19 or was unable to work due to symptoms that were later
19 diagnosed as COVID-19, whichever came first.

20 (9) An employee who contracts COVID-19, but fails to
21 establish the rebuttable presumption is not precluded from
22 filing for compensation under this Act or under the Workers'
23 Compensation Act.

24 (10) To qualify for temporary total disability benefits
25 under the presumption created in this subsection, the employee
26 must be certified for or recertified for temporary disability.

1 (11) An employer is entitled to a credit against any
2 liability for temporary total disability due to an employee as
3 a result of the employee contracting COVID-19 for (A) any sick
4 leave benefits or extended salary benefits paid to the
5 employee by the employer under Emergency Family Medical Leave
6 Expansion Act, Emergency Paid Sick Leave Act of the Families
7 First Coronavirus Response Act, or any other federal law, or
8 (B) any other credit to which an employer is entitled under the
9 Workers' Compensation Act.

10 (Source: P.A. 101-633, eff. 6-5-20; 101-653, eff. 2-28-21.)

11 Section 155. The Unemployment Insurance Act is amended by
12 changing Sections 211.4 and 614 as follows:

13 (820 ILCS 405/211.4) (from Ch. 48, par. 321.4)

14 Sec. 211.4. A. Notwithstanding any other provision of this
15 Act, the term "employment" shall include service performed
16 after December 31, 1977, by an individual in agricultural
17 labor as defined in Section 214 when:

18 1. Such service is performed for an employing unit
19 which (a) paid cash wages of \$20,000 or more during any
20 calendar quarter in either the current or preceding
21 calendar year to an individual or individuals employed in
22 agricultural labor (not taking into account service in
23 agricultural labor performed before January 1, 1980, by a
24 noncitizen ~~an alien~~ referred to in paragraph 2); or (b)

1 employed in agricultural labor (not taking into account
2 service in agricultural labor performed before January 1,
3 1980, by a noncitizen ~~an alien~~ referred to in paragraph 2)
4 10 or more individuals within each of 20 or more calendar
5 weeks (but not necessarily simultaneously and irrespective
6 of whether the same individuals are or were employed in
7 each such week), whether or not such weeks are or were
8 consecutive, within either the current or preceding
9 calendar year.

10 2. Such service is not performed in agricultural labor
11 if performed before January 1, 1980 or on or after the
12 effective date of this amendatory Act of the 96th General
13 Assembly, by an individual who is a noncitizen ~~an alien~~
14 admitted to the United States to perform service in
15 agricultural labor pursuant to Sections 214(c) and
16 101(a)(15)(H) of the Immigration and Nationality Act.

17 B. For the purposes of this Section, any individual who is
18 a member of a crew furnished by a crew leader to perform
19 service in agricultural labor for any other employing unit
20 shall be treated as performing service in the employ of such
21 crew leader if (1) the leader holds a valid certificate of
22 registration under the Farm Labor Contractor Registration Act
23 of 1963, or substantially all the members of such crew operate
24 or maintain tractors, mechanized harvesting or crop dusting
25 equipment, or any other mechanized equipment, which is
26 provided by the crew leader; and (2) the service of such

1 individual is not in employment for such other employing unit
2 within the meaning of subsections A and C of Section 212, and
3 of Section 213.

4 C. For the purposes of this Section, any individual who is
5 furnished by a crew leader to perform service in agricultural
6 labor for any other employing unit, and who is not treated as
7 performing service in the employ of such crew leader under
8 subsection B, shall be treated as performing service in the
9 employ of such other employing unit, and such employing unit
10 shall be treated as having paid cash wages to such individual
11 in an amount equal to the amount of cash wages paid to the
12 individual by the crew leader (either on his own behalf or on
13 behalf of such other employing unit) for the service in
14 agricultural labor performed for such other employing unit.

15 D. For the purposes of this Section, the term "crew
16 leader" means an individual who (1) furnishes individuals to
17 perform service in agricultural labor for any other employing
18 unit; (2) pays (either on his own behalf or on behalf of such
19 other employing unit) the individuals so furnished by him for
20 the service in agricultural labor performed by them; and (3)
21 has not entered into a written agreement with such other
22 employing unit under which an individual so furnished by him
23 is designated as performing services in the employ of such
24 other employing unit.

25 (Source: P.A. 96-1208, eff. 1-1-11.)

1 (820 ILCS 405/614) (from Ch. 48, par. 444)

2 Sec. 614. Noncitizens ~~Non-resident aliens~~ - ineligibility.

3 A noncitizen ~~An alien~~ shall be ineligible for benefits for any
4 week which begins after December 31, 1977, on the basis of
5 wages for services performed by such noncitizen ~~alien~~, unless
6 the noncitizen ~~alien~~ was an individual who was lawfully
7 admitted for permanent residence at the time such services
8 were performed or otherwise was permanently residing in the
9 United States under color of law at the time such services were
10 performed (including a noncitizen ~~an alien~~ who was lawfully
11 present in the United States as a result of the application of
12 the provisions of Section 212(d) (5) of the Immigration and
13 Nationality Act); provided, that any modifications of the
14 provisions of Section 3304(a) (14) of the Federal Unemployment
15 Tax Act which

16 A. Specify other conditions or another effective date
17 than stated herein for ineligibility for benefits based on
18 wages for services performed by noncitizens ~~aliens~~, and

19 B. Are required to be implemented under this Act as a
20 condition for the Federal approval of this Act requisite
21 to the full tax credit against the tax imposed by the
22 Federal Act for contributions paid by employers pursuant
23 to this Act, shall be applicable under the provisions of
24 this Section.

25 Any data or information required of individuals who claim
26 benefits for the purpose of determining whether benefits are

1 not payable to them pursuant to this Section shall be
2 uniformly required of all individuals who claim benefits.

3 If an individual would otherwise be eligible for benefits,
4 no determination shall be made that such individual is
5 ineligible for benefits pursuant to this Section because of
6 the individual's noncitizen ~~alien~~ status, except upon a
7 preponderance of the evidence.

8 (Source: P.A. 86-3; 87-122.)

9 Section 995. No acceleration or delay. Where this Act
10 makes changes in a statute that is represented in this Act by
11 text that is not yet or no longer in effect (for example, a
12 Section represented by multiple versions), the use of that
13 text does not accelerate or delay the taking effect of (i) the
14 changes made by this Act or (ii) provisions derived from any
15 other Public Act.

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.