



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5607

Introduced 2/9/2024, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Provides that, on July 1, 2024 or as soon thereafter as possible, the balance remaining in the State Police Training and Academy Fund shall be transferred to the State Police Law Enforcement Administration Fund, and the State Police Training and Academy Fund shall be dissolved. Provides that moneys that had been paid into the State Police Training and Academy Fund shall be paid instead into the State Police Law Enforcement Administration Fund. Makes changes concerning the uses of the State Police Law Enforcement Administration Fund. Amends the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act and the Illinois Insurance Code to make conforming changes. Amends the School Code. Provides that schools shall report any written, electronic, or verbal report of a verified incident involving a firearm or drugs to the State Board of Education through existing school incident reporting systems as they occur during the year by no later than August 1 of each year. Provides that the State Board of Education shall report data by school district, as collected from school districts, and make it available to the public via its website. Provides that the local law enforcement authority shall, by March 1 of each year, report the required data from the previous year to the Illinois State Police's Illinois Uniform Crime Reporting Program, which shall be included in its annual Crime in Illinois report. Amends the Illinois Gambling Act. Makes changes regarding applying for licensure and Fingerprinting. Amends the Criminal Code of 2012 and the Drug Asset Forfeiture Procedure Act. In provisions concerning non-judicial forfeiture, provides that the director or the directors designee (instead of just the director) shall dispose of property forfeited in accordance with law. Effective July 1, 2024.

LRB103 36650 RJT 66759 b

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 5. The Illinois Vehicle Hijacking and Motor
5 Vehicle Theft Prevention and Insurance Verification Act is
6 amended by changing Section 8.6 as follows:

7 (20 ILCS 4005/8.6)

8 Sec. 8.6. Private passenger motor vehicle insurance. ~~State~~
9 ~~Police Training and Academy Fund; Law Enforcement Training~~
10 ~~Fund.~~ Before April 1 of each year, each insurer engaged in
11 writing private passenger motor vehicle insurance coverage
12 that is included in Class 2 and Class 3 of Section 4 of the
13 Illinois Insurance Code, as a condition of its authority to
14 transact business in this State, may collect and shall pay to
15 the Department of Insurance an amount equal to \$4, or a lesser
16 amount determined by the Illinois Law Enforcement Training
17 Standards Board by rule, multiplied by the insurer's total
18 earned car years of private passenger motor vehicle insurance
19 policies providing physical damage insurance coverage written
20 in this State during the preceding calendar year. Of the
21 amounts collected under this Section, the Department of
22 Insurance shall deposit 10% into the State Police Law
23 Enforcement Administration Fund ~~State Police Training and~~

1 ~~Academy Fund~~ and 90% into the Law Enforcement Training Fund.
2 (Source: P.A. 102-16, eff. 6-17-21; 102-775, eff. 5-13-22;
3 102-1071, eff. 6-10-22; 103-154, eff. 6-30-23.)

4 Section 10. The State Finance Act is amended by changing
5 Sections 5.946, 6z-106, and 6z-125 as follows:

6 (30 ILCS 105/5.946)

7 Sec. 5.946. The State Police Training and Academy Fund.
8 This Section is repealed on January 1, 2025.

9 (Source: P.A. 102-16, eff. 6-17-21; 102-813, eff. 5-13-22.)

10 (30 ILCS 105/6z-106)

11 Sec. 6z-106. State Police Law Enforcement Administration
12 Fund.

13 (a) There is created in the State treasury a special fund
14 known as the State Police Law Enforcement Administration Fund.
15 The Fund shall receive revenue under subsection (c) of Section
16 10-5 of the Criminal and Traffic Assessment Act and Section
17 500-135 of the Illinois Insurance Code. The Fund shall also
18 receive the moneys designated to be paid in to the Fund under
19 subsection (a-5) of Section 500-135 of the Illinois Insurance
20 Code and Section 8.6 of the Illinois Vehicle Hijacking and
21 Motor Vehicle Theft Prevention and Insurance Verification Act.
22 The Fund may also receive revenue from grants, donations,
23 appropriations, and any other legal source.

1 (b) The Illinois State Police may use moneys in the Fund to
2 finance any of its lawful purposes or functions, including,
3 but not limited to, training for forensic laboratory personnel
4 and other State Police personnel. However, ~~however,~~ the
5 primary purpose of the Fund shall be to finance State Police
6 cadet classes in May and October of each year.

7 (c) Expenditures may be made from the Fund only as
8 appropriated by the General Assembly by law.

9 (d) Investment income that is attributable to the
10 investment of moneys in the Fund shall be retained in the Fund
11 for the uses specified in this Section.

12 (e) The State Police Law Enforcement Administration Fund
13 shall not be subject to administrative chargebacks.

14 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

15 (30 ILCS 105/6z-125)

16 Sec. 6z-125. State Police Training and Academy Fund. The
17 State Police Training and Academy Fund is hereby created as a
18 special fund in the State treasury. Moneys in the Fund shall
19 consist of: (i) 10% of the revenue from increasing the
20 insurance producer license fees, as provided under subsection
21 (a-5) of Section 500-135 of the Illinois Insurance Code; and
22 (ii) 10% of the moneys collected from auto insurance policy
23 fees under Section 8.6 of the Illinois Vehicle Hijacking and
24 Motor Vehicle Theft Prevention and Insurance Verification Act.
25 This Fund shall be used by the Illinois State Police to fund

1 training and other State Police institutions, including, but
2 not limited to, forensic laboratories. On July 1, 2024, or as
3 soon thereafter as possible, the balance remaining in the
4 State Police Training and Academy Fund shall be transferred to
5 the State Police Law Enforcement Administration Fund. The
6 State Police Training and Academy Fund is dissolved upon that
7 transfer. This Section is repealed on January 1, 2025.

8 (Source: P.A. 102-16, eff. 6-17-21; 102-813, eff. 5-13-22;
9 102-904, eff. 1-1-23.)

10 Section 15. The School Code is amended by changing
11 Sections 10-27.1A and 10-27.1B as follows:

12 (105 ILCS 5/10-27.1A)

13 Sec. 10-27.1A. Firearms in schools.

14 (a) All school officials, including teachers, school
15 counselors, and support staff, shall immediately notify the
16 office of the principal in the event that they observe any
17 person in possession of a firearm on school grounds; provided
18 that taking such immediate action to notify the office of the
19 principal would not immediately endanger the health, safety,
20 or welfare of students who are under the direct supervision of
21 the school official or the school official. If the health,
22 safety, or welfare of students under the direct supervision of
23 the school official or of the school official is immediately
24 endangered, the school official shall notify the office of the

1 principal as soon as the students under his or her supervision
2 and he or she are no longer under immediate danger. A report is
3 not required by this Section when the school official knows
4 that the person in possession of the firearm is a law
5 enforcement official engaged in the conduct of his or her
6 official duties. Any school official acting in good faith who
7 makes such a report under this Section shall have immunity
8 from any civil or criminal liability that might otherwise be
9 incurred as a result of making the report. The identity of the
10 school official making such report shall not be disclosed
11 except as expressly and specifically authorized by law.
12 Knowingly and willfully failing to comply with this Section is
13 a petty offense. A second or subsequent offense is a Class C
14 misdemeanor.

15 (b) Upon receiving a report from any school official
16 pursuant to this Section, or from any other person, the
17 principal or his or her designee shall immediately notify a
18 local law enforcement agency. If the person found to be in
19 possession of a firearm on school grounds is a student, the
20 principal or his or her designee shall also immediately notify
21 that student's parent or guardian. Any principal or his or her
22 designee acting in good faith who makes such reports under
23 this Section shall have immunity from any civil or criminal
24 liability that might otherwise be incurred or imposed as a
25 result of making the reports. Knowingly and willfully failing
26 to comply with this Section is a petty offense. A second or

1 subsequent offense is a Class C misdemeanor. If the person
2 found to be in possession of the firearm on school grounds is a
3 minor, the law enforcement agency shall detain that minor
4 until such time as the agency makes a determination pursuant
5 to clause (a) of subsection (1) of Section 5-401 of the
6 Juvenile Court Act of 1987, as to whether the agency
7 reasonably believes that the minor is delinquent. If the law
8 enforcement agency determines that probable cause exists to
9 believe that the minor committed a violation of item (4) of
10 subsection (a) of Section 24-1 of the Criminal Code of 2012
11 while on school grounds, the agency shall detain the minor for
12 processing pursuant to Section 5-407 of the Juvenile Court Act
13 of 1987.

14 (c) Upon receipt of any written, electronic, or verbal
15 report from any school personnel regarding a verified incident
16 involving a firearm in a school or on school owned or leased
17 property, including any conveyance owned, leased, or used by
18 the school for the transport of students or school personnel,
19 the superintendent or his or her designee shall report all
20 such firearm-related incidents occurring in a school or on
21 school property to the local law enforcement authorities
22 immediately, ~~who shall report to the Illinois State Police in~~
23 ~~a form, manner, and frequency as prescribed by the Illinois~~
24 ~~State Police.~~

25 ~~The State Board of Education shall receive an annual~~
26 ~~statistical compilation and related data associated with~~

1 ~~incidents involving firearms in schools from the Illinois~~
2 ~~State Police. The State Board of Education shall compile this~~
3 ~~information by school district and make it available to the~~
4 ~~public.~~

5 (c-5) Schools shall report any written, electronic, or
6 verbal report of a verified incident involving a firearm made
7 under subsection (c) to the State Board of Education through
8 existing school incident reporting systems as they occur
9 during the year by no later than August 1 of each year. The
10 State Board of Education shall report data by school district,
11 as collected from school districts, and make it available to
12 the public via its website. The local law enforcement
13 authority shall, by March 1 of each year, report the required
14 data from the previous year to the Illinois State Police's
15 Illinois Uniform Crime Reporting Program, which shall be
16 included in its annual Crime in Illinois report.

17 (d) As used in this Section, the term "firearm" shall have
18 the meaning ascribed to it in Section 1.1 of the Firearm Owners
19 Identification Card Act.

20 As used in this Section, the term "school" means any
21 public or private elementary or secondary school.

22 As used in this Section, the term "school grounds"
23 includes the real property comprising any school, any
24 conveyance owned, leased, or contracted by a school to
25 transport students to or from school or a school-related
26 activity, or any public way within 1,000 feet of the real

1 property comprising any school.

2 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
3 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

4 (105 ILCS 5/10-27.1B)

5 Sec. 10-27.1B. Reporting drug-related incidents in
6 schools.

7 (a) In this Section:

8 "Drug" means "cannabis" as defined under subsection (a) of
9 Section 3 of the Cannabis Control Act, "narcotic drug" as
10 defined under subsection (aa) of Section 102 of the Illinois
11 Controlled Substances Act, or "methamphetamine" as defined
12 under Section 10 of the Methamphetamine Control and Community
13 Protection Act.

14 "School" means any public or private elementary or
15 secondary school.

16 (b) Upon receipt of any written, electronic, or verbal
17 report from any school personnel regarding a verified incident
18 involving drugs in a school or on school owned or leased
19 property, including any conveyance owned, leased, or used by
20 the school for the transport of students or school personnel,
21 the superintendent or his or her designee, or other
22 appropriate administrative officer for a private school, shall
23 report all such drug-related incidents occurring in a school
24 or on school property to the local law enforcement authorities
25 immediately ~~and to the Illinois State Police in a form,~~

1 ~~manner, and frequency as prescribed by the Illinois State~~
2 ~~Police.~~

3 (c) (Blank). ~~The State Board of Education shall receive an~~
4 ~~annual statistical compilation and related data associated~~
5 ~~with drug related incidents in schools from the Illinois State~~
6 ~~Police. The State Board of Education shall compile this~~
7 ~~information by school district and make it available to the~~
8 ~~public.~~

9 (d) Schools shall report any written, electronic, or
10 verbal report of an incident involving drugs made under
11 subsection (b) to the State Board of Education through
12 existing school incident reporting systems as they occur
13 during the year by no later than August 1 of each year. The
14 State Board of Education shall report data by school district,
15 as collected from school districts, and make it available to
16 the public via its website. The local law enforcement
17 authority shall, by March 1 of each year, report the required
18 data from the previous year to the Illinois State Police's
19 Illinois Uniform Crime Reporting Program, which shall be
20 included in its annual Crime in Illinois report.

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 Section 20. The Illinois Insurance Code is amended by
23 changing Section 500-135 as follows:

24 (215 ILCS 5/500-135)

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

2 Sec. 500-135. Fees.

3 (a) The fees required by this Article are as follows:

4 (1) a fee of \$215 for a person who is a resident of
5 Illinois, and \$380 for a person who is not a resident of
6 Illinois, payable once every 2 years for an insurance
7 producer license;

8 (2) a fee of \$50 for the issuance of a temporary
9 insurance producer license;

10 (3) a fee of \$150 payable once every 2 years for a
11 business entity;

12 (4) an annual \$50 fee for a limited line producer
13 license issued under items (1) through (8) of subsection
14 (a) of Section 500-100;

15 (5) a \$50 application fee for the processing of a
16 request to take the written examination for an insurance
17 producer license;

18 (6) an annual registration fee of \$1,000 for
19 registration of an education provider;

20 (7) a certification fee of \$50 for each certified
21 pre-licensing or continuing education course and an annual
22 fee of \$20 for renewing the certification of each such
23 course;

24 (8) a fee of \$215 for a person who is a resident of
25 Illinois, and \$380 for a person who is not a resident of
26 Illinois, payable once every 2 years for a car rental

1 limited line license;

2 (9) a fee of \$200 payable once every 2 years for a
3 limited lines license other than the licenses issued under
4 items (1) through (8) of subsection (a) of Section
5 500-100, a car rental limited line license, or a
6 self-service storage facility limited line license;

7 (10) a fee of \$50 payable once every 2 years for a
8 self-service storage facility limited line license.

9 (a-5) Beginning on July 1, 2021, an amount equal to the
10 additional amount of revenue collected under paragraphs (1)
11 and (8) of subsection (a) as a result of the increase in the
12 fees under this amendatory Act of the 102nd General Assembly
13 shall be transferred annually, with 10% of that amount paid
14 into the State Police Law Enforcement Administration Fund
15 ~~State Police Training and Academy Fund~~ and 90% of that amount
16 paid into the Law Enforcement Training Fund.

17 (b) Except as otherwise provided, all fees paid to and
18 collected by the Director under this Section shall be paid
19 promptly after receipt thereof, together with a detailed
20 statement of such fees, into a special fund in the State
21 Treasury to be known as the Insurance Producer Administration
22 Fund. The moneys deposited into the Insurance Producer
23 Administration Fund may be used only for payment of the
24 expenses of the Department in the execution, administration,
25 and enforcement of the insurance laws of this State, and shall
26 be appropriated as otherwise provided by law for the payment

1 of those expenses with first priority being any expenses
2 incident to or associated with the administration and
3 enforcement of this Article.

4 (Source: P.A. 102-16, eff. 6-17-21.)

5 Section 25. The Illinois Gambling Act is amended by
6 changing Sections 7.7 and 22 as follows:

7 (230 ILCS 10/7.7)

8 Sec. 7.7. Organization gaming licenses.

9 (a) The Illinois Gaming Board shall award one organization
10 gaming license to each person or entity having operating
11 control of a racetrack that applies under Section 56 of the
12 Illinois Horse Racing Act of 1975, subject to the application
13 and eligibility requirements of this Section. Within 60 days
14 after the effective date of this amendatory Act of the 101st
15 General Assembly, a person or entity having operating control
16 of a racetrack may submit an application for an organization
17 gaming license. The application shall be made on such forms as
18 provided by the Board and shall contain such information as
19 the Board prescribes, including, but not limited to, the
20 identity of any racetrack at which gaming will be conducted
21 pursuant to an organization gaming license, detailed
22 information regarding the ownership and management of the
23 applicant, and detailed personal information regarding the
24 applicant. The application shall specify the number of gaming

1 positions the applicant intends to use and the place where the
2 organization gaming facility will operate. A person who
3 knowingly makes a false statement on an application is guilty
4 of a Class A misdemeanor.

5 Each applicant shall disclose the identity of every person
6 or entity having a direct or indirect pecuniary interest
7 greater than 1% in any racetrack with respect to which the
8 license is sought. If the disclosed entity is a corporation,
9 the applicant shall disclose the names and addresses of all
10 officers, stockholders, and directors. If the disclosed entity
11 is a limited liability company, the applicant shall disclose
12 the names and addresses of all members and managers. If the
13 disclosed entity is a partnership, the applicant shall
14 disclose the names and addresses of all partners, both general
15 and limited. If the disclosed entity is a trust, the applicant
16 shall disclose the names and addresses of all beneficiaries.

17 An application shall be filed and considered in accordance
18 with the rules of the Board. Each application for an
19 organization gaming license shall include a nonrefundable
20 application fee of \$250,000. In addition, a nonrefundable fee
21 of \$50,000 shall be paid at the time of filing to defray the
22 costs associated with background investigations conducted by
23 the Board. If the costs of the background investigation exceed
24 \$50,000, the applicant shall pay the additional amount to the
25 Board within 7 days after a request by the Board. If the costs
26 of the investigation are less than \$50,000, the applicant

1 shall receive a refund of the remaining amount. All
2 information, records, interviews, reports, statements,
3 memoranda, or other data supplied to or used by the Board in
4 the course of this review or investigation of an applicant for
5 an organization gaming license under this Act shall be
6 privileged and strictly confidential and shall be used only
7 for the purpose of evaluating an applicant for an organization
8 gaming license or a renewal. Such information, records,
9 interviews, reports, statements, memoranda, or other data
10 shall not be admissible as evidence nor discoverable in any
11 action of any kind in any court or before any tribunal, board,
12 agency or person, except for any action deemed necessary by
13 the Board. The application fee shall be deposited into the
14 State Gaming Fund.

15 Any applicant or key person, including the applicant's
16 owners, officers, directors (if a corporation), managers and
17 members (if a limited liability company), and partners (if a
18 partnership), for an organization gaming license shall submit
19 with his or her application, on forms provided by the Board, 2
20 sets of ~~have his or her~~ fingerprints. The board shall charge
21 each applicant a fee set by ~~submitted to~~ the Illinois State
22 Police to defray the costs associated with the search and
23 classification of fingerprints obtained by the Board with
24 respect to the applicant's application. The fees ~~in an~~
25 electronic format that complies with the form and manner for
26 requesting and furnishing criminal history record information

1 ~~as prescribed by the Illinois State Police. These fingerprints~~
2 ~~shall be checked against the Illinois State Police and Federal~~
3 ~~Bureau of Investigation criminal history record databases now~~
4 ~~and hereafter filed, including, but not limited to, civil,~~
5 ~~criminal, and latent fingerprint databases. The Illinois State~~
6 ~~Police shall charge applicants a fee for conducting the~~
7 ~~criminal history records check, which shall be deposited into~~
8 ~~the State Police Services Fund and shall not exceed the actual~~
9 ~~cost of the records check. The Illinois State Police shall~~
10 ~~furnish, pursuant to positive identification, records of~~
11 ~~Illinois criminal history to the Illinois State Police.~~

12 (b) The Board shall determine within 120 days after
13 receiving an application for an organization gaming license
14 whether to grant an organization gaming license to the
15 applicant. If the Board does not make a determination within
16 that time period, then the Board shall give a written
17 explanation to the applicant as to why it has not reached a
18 determination and when it reasonably expects to make a
19 determination.

20 The organization gaming licensee shall purchase up to the
21 amount of gaming positions authorized under this Act within
22 120 days after receiving its organization gaming license. If
23 an organization gaming licensee is prepared to purchase the
24 gaming positions, but is temporarily prohibited from doing so
25 by order of a court of competent jurisdiction or the Board,
26 then the 120-day period is tolled until a resolution is

1 reached.

2 An organization gaming license shall authorize its holder
3 to conduct gaming under this Act at its racetracks on the same
4 days of the year and hours of the day that owners licenses are
5 allowed to operate under approval of the Board.

6 An organization gaming license and any renewal of an
7 organization gaming license shall authorize gaming pursuant to
8 this Section for a period of 4 years. The fee for the issuance
9 or renewal of an organization gaming license shall be
10 \$250,000.

11 All payments by licensees under this subsection (b) shall
12 be deposited into the Rebuild Illinois Projects Fund.

13 (c) To be eligible to conduct gaming under this Section, a
14 person or entity having operating control of a racetrack must
15 (i) obtain an organization gaming license, (ii) hold an
16 organization license under the Illinois Horse Racing Act of
17 1975, (iii) hold an inter-track wagering license, (iv) pay an
18 initial fee of \$30,000 per gaming position from organization
19 gaming licensees where gaming is conducted in Cook County and,
20 except as provided in subsection (c-5), \$17,500 for
21 organization gaming licensees where gaming is conducted
22 outside of Cook County before beginning to conduct gaming plus
23 make the reconciliation payment required under subsection (k),
24 (v) conduct live racing in accordance with subsections (e-1),
25 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act
26 of 1975, (vi) meet the requirements of subsection (a) of

1 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for
2 organization licensees conducting standardbred race meetings,
3 keep backstretch barns and dormitories open and operational
4 year-round unless a lesser schedule is mutually agreed to by
5 the organization licensee and the horsemen association racing
6 at that organization licensee's race meeting, (viii) for
7 organization licensees conducting thoroughbred race meetings,
8 the organization licensee must maintain accident medical
9 expense liability insurance coverage of \$1,000,000 for
10 jockeys, and (ix) meet all other requirements of this Act that
11 apply to owners licensees.

12 An organization gaming licensee may enter into a joint
13 venture with a licensed owner to own, manage, conduct, or
14 otherwise operate the organization gaming licensee's
15 organization gaming facilities, unless the organization gaming
16 licensee has a parent company or other affiliated company that
17 is, directly or indirectly, wholly owned by a parent company
18 that is also licensed to conduct organization gaming, casino
19 gaming, or their equivalent in another state.

20 All payments by licensees under this subsection (c) shall
21 be deposited into the Rebuild Illinois Projects Fund.

22 (c-5) A person or entity having operating control of a
23 racetrack located in Madison County shall only pay the initial
24 fees specified in subsection (c) for 540 of the gaming
25 positions authorized under the license.

26 (d) A person or entity is ineligible to receive an

1 organization gaming license if:

2 (1) the person or entity has been convicted of a
3 felony under the laws of this State, any other state, or
4 the United States, including a conviction under the
5 Racketeer Influenced and Corrupt Organizations Act;

6 (2) the person or entity has been convicted of any
7 violation of Article 28 of the Criminal Code of 2012, or
8 substantially similar laws of any other jurisdiction;

9 (3) the person or entity has submitted an application
10 for a license under this Act that contains false
11 information;

12 (4) the person is a member of the Board;

13 (5) a person defined in (1), (2), (3), or (4) of this
14 subsection (d) is an officer, director, or managerial
15 employee of the entity;

16 (6) the person or entity employs a person defined in
17 (1), (2), (3), or (4) of this subsection (d) who
18 participates in the management or operation of gambling
19 operations authorized under this Act; or

20 (7) a license of the person or entity issued under
21 this Act or a license to own or operate gambling
22 facilities in any other jurisdiction has been revoked.

23 (e) The Board may approve gaming positions pursuant to an
24 organization gaming license statewide as provided in this
25 Section. The authority to operate gaming positions under this
26 Section shall be allocated as follows: up to 1,200 gaming

1 positions for any organization gaming licensee in Cook County
2 and up to 900 gaming positions for any organization gaming
3 licensee outside of Cook County.

4 (f) Each applicant for an organization gaming license
5 shall specify in its application for licensure the number of
6 gaming positions it will operate, up to the applicable
7 limitation set forth in subsection (e) of this Section. Any
8 unreserved gaming positions that are not specified shall be
9 forfeited and retained by the Board. For the purposes of this
10 subsection (f), an organization gaming licensee that did not
11 conduct live racing in 2010 and is located within 3 miles of
12 the Mississippi River may reserve up to 900 positions and
13 shall not be penalized under this Section for not operating
14 those positions until it meets the requirements of subsection
15 (e) of this Section, but such licensee shall not request
16 unreserved gaming positions under this subsection (f) until
17 its 900 positions are all operational.

18 Thereafter, the Board shall publish the number of
19 unreserved gaming positions and shall accept requests for
20 additional positions from any organization gaming licensee
21 that initially reserved all of the positions that were
22 offered. The Board shall allocate expeditiously the unreserved
23 gaming positions to requesting organization gaming licensees
24 in a manner that maximizes revenue to the State. The Board may
25 allocate any such unused gaming positions pursuant to an open
26 and competitive bidding process, as provided under Section 7.5

1 of this Act. This process shall continue until all unreserved
2 gaming positions have been purchased. All positions obtained
3 pursuant to this process and all positions the organization
4 gaming licensee specified it would operate in its application
5 must be in operation within 18 months after they were obtained
6 or the organization gaming licensee forfeits the right to
7 operate those positions, but is not entitled to a refund of any
8 fees paid. The Board may, after holding a public hearing,
9 grant extensions so long as the organization gaming licensee
10 is working in good faith to make the positions operational.
11 The extension may be for a period of 6 months. If, after the
12 period of the extension, the organization gaming licensee has
13 not made the positions operational, then another public
14 hearing must be held by the Board before it may grant another
15 extension.

16 Unreserved gaming positions retained from and allocated to
17 organization gaming licensees by the Board pursuant to this
18 subsection (f) shall not be allocated to owners licensees
19 under this Act.

20 For the purpose of this subsection (f), the unreserved
21 gaming positions for each organization gaming licensee shall
22 be the applicable limitation set forth in subsection (e) of
23 this Section, less the number of reserved gaming positions by
24 such organization gaming licensee, and the total unreserved
25 gaming positions shall be the aggregate of the unreserved
26 gaming positions for all organization gaming licensees.

1 (g) An organization gaming licensee is authorized to
2 conduct the following at a racetrack:

3 (1) slot machine gambling;

4 (2) video game of chance gambling;

5 (3) gambling with electronic gambling games as defined
6 in this Act or defined by the Illinois Gaming Board; and

7 (4) table games.

8 (h) Subject to the approval of the Illinois Gaming Board,
9 an organization gaming licensee may make modification or
10 additions to any existing buildings and structures to comply
11 with the requirements of this Act. The Illinois Gaming Board
12 shall make its decision after consulting with the Illinois
13 Racing Board. In no case, however, shall the Illinois Gaming
14 Board approve any modification or addition that alters the
15 grounds of the organization licensee such that the act of live
16 racing is an ancillary activity to gaming authorized under
17 this Section. Gaming authorized under this Section may take
18 place in existing structures where inter-track wagering is
19 conducted at the racetrack or a facility within 300 yards of
20 the racetrack in accordance with the provisions of this Act
21 and the Illinois Horse Racing Act of 1975.

22 (i) An organization gaming licensee may conduct gaming at
23 a temporary facility pending the construction of a permanent
24 facility or the remodeling or relocation of an existing
25 facility to accommodate gaming participants for up to 24
26 months after the temporary facility begins to conduct gaming

1 authorized under this Section. Upon request by an organization
2 gaming licensee and upon a showing of good cause by the
3 organization gaming licensee, the Board shall extend the
4 period during which the licensee may conduct gaming authorized
5 under this Section at a temporary facility by up to 12 months.
6 The Board shall make rules concerning the conduct of gaming
7 authorized under this Section from temporary facilities.

8 The gaming authorized under this Section may take place in
9 existing structures where inter-track wagering is conducted at
10 the racetrack or a facility within 300 yards of the racetrack
11 in accordance with the provisions of this Act and the Illinois
12 Horse Racing Act of 1975.

13 (i-5) Under no circumstances shall an organization gaming
14 licensee conduct gaming at any State or county fair.

15 (j) The Illinois Gaming Board must adopt emergency rules
16 in accordance with Section 5-45 of the Illinois Administrative
17 Procedure Act as necessary to ensure compliance with the
18 provisions of this amendatory Act of the 101st General
19 Assembly concerning the conduct of gaming by an organization
20 gaming licensee. The adoption of emergency rules authorized by
21 this subsection (j) shall be deemed to be necessary for the
22 public interest, safety, and welfare.

23 (k) Each organization gaming licensee who obtains gaming
24 positions must make a reconciliation payment 3 years after the
25 date the organization gaming licensee begins operating the
26 positions in an amount equal to 75% of the difference between

1 its adjusted gross receipts from gaming authorized under this
2 Section and amounts paid to its purse accounts pursuant to
3 item (1) of subsection (b) of Section 56 of the Illinois Horse
4 Racing Act of 1975 for the 12-month period for which such
5 difference was the largest, minus an amount equal to the
6 initial per position fee paid by the organization gaming
7 licensee. If this calculation results in a negative amount,
8 then the organization gaming licensee is not entitled to any
9 reimbursement of fees previously paid. This reconciliation
10 payment may be made in installments over a period of no more
11 than 6 years.

12 All payments by licensees under this subsection (k) shall
13 be deposited into the Rebuild Illinois Projects Fund.

14 (1) As soon as practical after a request is made by the
15 Illinois Gaming Board, to minimize duplicate submissions by
16 the applicant, the Illinois Racing Board must provide
17 information on an applicant for an organization gaming license
18 to the Illinois Gaming Board.

19 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;
20 101-648, eff. 6-30-20; 102-538, eff. 8-20-21.)

21 (230 ILCS 10/22) (from Ch. 120, par. 2422)

22 Sec. 22. Criminal history record information. Whenever the
23 Board is authorized or required by law, including, but not
24 limited to, requirements under Sections 6, 7, 7.4, 7.7, and 9
25 of this Act, to consider some aspect of criminal history

1 record information for the purpose of carrying out its
2 statutory powers and responsibilities, the Board shall, in the
3 form and manner required by the Illinois State Police and the
4 Federal Bureau of Investigation, cause to be conducted a
5 criminal history record investigation to obtain any
6 information currently or thereafter contained in the files of
7 the Illinois State Police or the Federal Bureau of
8 Investigation, including, but not limited to, civil, criminal,
9 and latent fingerprint databases. To facilitate this
10 investigation, the Board shall direct each ~~Each~~ applicant for
11 ~~occupational~~ licensing under sections 6, 7, 7.4, 7.7, and
12 ~~Section~~ 9 or key person as defined by the Board in
13 administrative rules to ~~shall~~ submit his or her fingerprints
14 to the Illinois State Police in the form and manner prescribed
15 by the Illinois State Police. These fingerprints shall be
16 checked against the fingerprint records now and hereafter
17 filed in the Illinois State Police and Federal Bureau of
18 Investigation criminal history records databases, including,
19 but not limited to, civil, criminal, and latent fingerprint
20 databases. The Illinois State Police shall charge a fee for
21 conducting the criminal history records check, which shall be
22 deposited in the State Police Services Fund and shall not
23 exceed the actual cost of the records check. The Illinois
24 State Police shall provide, on the Board's request,
25 information concerning any criminal charges, and their
26 disposition, currently or thereafter filed against any

1 applicant, key person, or holder of any license or for
2 determinations of suitability. Information obtained as a
3 result of an investigation under this Section shall be used in
4 determining eligibility for any license. Upon request and
5 payment of fees in conformance with the requirements of
6 Section 2605-400 of the Illinois State Police Law, the
7 Illinois State Police is authorized to furnish, pursuant to
8 positive identification, such information contained in State
9 files as is necessary to fulfill the request.

10 (Source: P.A. 101-597, eff. 12-6-19; 102-538, eff. 8-20-21.)

11 Section 30. The Criminal Code of 2012 is amended by
12 changing Sections 29B-7 and 29B-12 as follows:

13 (720 ILCS 5/29B-7)

14 Sec. 29B-7. Safekeeping of seized property pending
15 disposition.

16 (a) If property is seized under this Article, the seizing
17 agency shall promptly conduct an inventory of the seized
18 property and estimate the property's value and shall forward a
19 copy of the inventory of seized property and the estimate of
20 the property's value to the Director. Upon receiving notice of
21 seizure, the Director may:

22 (1) place the property under seal;

23 (2) remove the property to a place designated by the

24 Director;

1 (3) keep the property in the possession of the seizing
2 agency;

3 (4) remove the property to a storage area for
4 safekeeping or, if the property is a negotiable instrument
5 or money and is not needed for evidentiary purposes,
6 deposit it in an interest bearing account;

7 (5) place the property under constructive seizure by
8 posting notice of pending forfeiture on it, by giving
9 notice of pending forfeiture to its owners and interest
10 holders, or by filing notice of pending forfeiture in any
11 appropriate public record relating to the property; or

12 (6) provide for another agency or custodian, including
13 an owner, secured party, or lienholder, to take custody of
14 the property upon the terms and conditions set by the
15 Director.

16 (b) When property is forfeited under this Article, the
17 Director or the Director's designee shall sell all the
18 property unless the property is required by law to be
19 destroyed or is harmful to the public and shall distribute the
20 proceeds of the sale, together with any moneys forfeited or
21 seized, under Section 29B-26 of this Article.

22 (Source: P.A. 100-699, eff. 8-3-18; 100-1163, eff. 12-20-18.)

23 (720 ILCS 5/29B-12)

24 Sec. 29B-12. Non-judicial forfeiture. If non-real
25 property that exceeds \$20,000 in value excluding the value of

1 any conveyance, or if real property is seized under the
2 provisions of this Article, the State's Attorney shall
3 institute judicial in rem forfeiture proceedings as described
4 in Section 29B-13 of this Article within 28 days from receipt
5 of notice of seizure from the seizing agency under Section
6 29B-8 of this Article. However, if non-real property that does
7 not exceed \$20,000 in value excluding the value of any
8 conveyance is seized, the following procedure shall be used:

9 (1) If, after review of the facts surrounding the
10 seizure, the State's Attorney is of the opinion that the
11 seized property is subject to forfeiture, then, within 28
12 days after the receipt of notice of seizure from the
13 seizing agency, the State's Attorney shall cause notice of
14 pending forfeiture to be given to the owner of the
15 property and all known interest holders of the property in
16 accordance with Section 29B-10 of this Article.

17 (2) The notice of pending forfeiture shall include a
18 description of the property, the estimated value of the
19 property, the date and place of seizure, the conduct
20 giving rise to forfeiture or the violation of law alleged,
21 and a summary of procedures and procedural rights
22 applicable to the forfeiture action.

23 (3) (A) Any person claiming an interest in property
24 that is the subject of notice under paragraph (1) of this
25 Section, must, in order to preserve any rights or claims
26 to the property, within 45 days after the effective date

1 of notice as described in Section 29B-10 of this Article,
2 file a verified claim with the State's Attorney expressing
3 his or her interest in the property. The claim shall set
4 forth:

5 (i) the caption of the proceedings as set forth on
6 the notice of pending forfeiture and the name of the
7 claimant;

8 (ii) the address at which the claimant will accept
9 mail;

10 (iii) the nature and extent of the claimant's
11 interest in the property;

12 (iv) the date, identity of the transferor, and
13 circumstances of the claimant's acquisition of the
14 interest in the property;

15 (v) the names and addresses of all other persons
16 known to have an interest in the property;

17 (vi) the specific provision of law relied on in
18 asserting the property is not subject to forfeiture;

19 (vii) all essential facts supporting each
20 assertion; and

21 (viii) the relief sought.

22 (B) If a claimant files the claim, then the State's
23 Attorney shall institute judicial in rem forfeiture
24 proceedings with the clerk of the court as described in
25 Section 29B-13 of this Article within 28 days after
26 receipt of the claim.

1 (4) If no claim is filed within the 28-day period as
2 described in paragraph (3) of this Section, the State's
3 Attorney shall declare the property forfeited and shall
4 promptly notify the owner and all known interest holders
5 of the property and the Director of the Illinois State
6 Police of the declaration of forfeiture and the Director
7 or the Director's designee shall dispose of the property
8 in accordance with law.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 Section 35. The Drug Asset Forfeiture Procedure Act is
11 amended by changing Section 6 as follows:

12 (725 ILCS 150/6) (from Ch. 56 1/2, par. 1676)

13 Sec. 6. Non-judicial forfeiture. If non-real property that
14 exceeds \$150,000 in value excluding the value of any
15 conveyance, or if real property is seized under the provisions
16 of the Illinois Controlled Substances Act, the Cannabis
17 Control Act, or the Methamphetamine Control and Community
18 Protection Act, the State's Attorney shall institute judicial
19 in rem forfeiture proceedings as described in Section 9 of
20 this Act within 28 days from receipt of notice of seizure from
21 the seizing agency under Section 5 of this Act. However, if
22 non-real property that does not exceed \$150,000 in value
23 excluding the value of any conveyance is seized, the following
24 procedure shall be used:

1 (A) If, after review of the facts surrounding the
2 seizure, the State's Attorney is of the opinion that the
3 seized property is subject to forfeiture, then, within 28
4 days of the receipt of notice of seizure from the seizing
5 agency, the State's Attorney shall cause notice of pending
6 forfeiture to be given to the owner of the property and all
7 known interest holders of the property in accordance with
8 Section 4 of this Act.

9 (B) The notice of pending forfeiture must include a
10 description of the property, the estimated value of the
11 property, the date and place of seizure, the conduct
12 giving rise to forfeiture or the violation of law alleged,
13 and a summary of procedures and procedural rights
14 applicable to the forfeiture action.

15 (C) (1) Any person claiming an interest in property
16 which is the subject of notice under subsection (A) of
17 this Section may, within 45 days after the effective date
18 of notice as described in Section 4 of this Act, file a
19 verified claim with the State's Attorney expressing his or
20 her interest in the property. The claim must set forth:

21 (i) the caption of the proceedings as set forth on
22 the notice of pending forfeiture and the name of the
23 claimant;

24 (ii) the address at which the claimant will accept
25 mail;

26 (iii) the nature and extent of the claimant's

1 interest in the property;

2 (iv) the date, identity of the transferor, and
3 circumstances of the claimant's acquisition of the
4 interest in the property;

5 (v) the names and addresses of all other persons
6 known to have an interest in the property;

7 (vi) the specific provision of law relied on in
8 asserting the property is not subject to forfeiture;

9 (vii) all essential facts supporting each
10 assertion; and

11 (viii) the relief sought.

12 (2) If a claimant files the claim then the State's
13 Attorney shall institute judicial in rem forfeiture
14 proceedings within 28 days after receipt of the claim.

15 (D) If no claim is filed within the 45-day period as
16 described in subsection (C) of this Section, the State's
17 Attorney shall declare the property forfeited and shall
18 promptly notify the owner and all known interest holders
19 of the property and the Director of the Illinois State
20 Police of the declaration of forfeiture and the Director
21 or the Director's designee shall dispose of the property
22 in accordance with law.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 Section 999. Effective date. This Act takes effect July 1,
25 2024.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 4005/8.6

4 30 ILCS 105/5.946

5 30 ILCS 105/6z-106

6 30 ILCS 105/6z-125

7 105 ILCS 5/10-27.1A

8 105 ILCS 5/10-27.1B

9 215 ILCS 5/500-135

10 230 ILCS 10/7.7

11 230 ILCS 10/22 from Ch. 120, par. 2422

12 720 ILCS 5/29B-7

13 720 ILCS 5/29B-12

14 725 ILCS 150/6 from Ch. 56 1/2, par. 1676