

# SB1797



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1797

Introduced 2/9/2023, by Sen. Cristina H. Pacione-Zayas

### SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts by replacing the terms "day care", "daycare", and "day-care", in relation to the care of a child, with the term "child care".

LRB103 03433 AMQ 48439 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 3 and 7 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

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

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

1 Determinations of confidential employee status shall be based  
2 on actual employee job duties and not solely on written job  
3 descriptions.

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

6 (e) "Essential services employees" means those public  
7 employees performing functions so essential that the  
8 interruption or termination of the function will constitute a  
9 clear and present danger to the health and safety of the  
10 persons in the affected community.

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

1 appropriate bargaining unit; (iv) recognized as the exclusive  
2 representative of personal assistants under Executive Order  
3 2003-8 prior to July 16, 2003 (the effective date of Public Act  
4 93-204), and the organization shall be considered to be the  
5 exclusive representative of the personal assistants as defined  
6 in this Section; or (v) recognized as the exclusive  
7 representative of child ~~and day~~ care home providers, including  
8 licensed and license exempt providers, pursuant to an election  
9 held under Executive Order 2005-1 prior to January 1, 2006  
10 (the effective date of Public Act 94-320), and the  
11 organization shall be considered to be the exclusive  
12 representative of the child ~~and day~~ care home providers as  
13 defined in this Section.

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

1 January 1, 1986 (the effective date of this amendatory Act of  
2 1985) recognized by an employer upon evidence, acceptable to  
3 the Board, that the labor organization has been designated as  
4 the exclusive representative by a majority of the peace  
5 officers or fire fighters in an appropriate bargaining unit.

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

17 (g) "Fair share agreement" means an agreement between the  
18 employer and an employee organization under which all or any  
19 of the employees in a collective bargaining unit are required  
20 to pay their proportionate share of the costs of the  
21 collective bargaining process, contract administration, and  
22 pursuing matters affecting wages, hours, and other conditions  
23 of employment, but not to exceed the amount of dues uniformly  
24 required of members. The amount certified by the exclusive  
25 representative shall not include any fees for contributions  
26 related to the election or support of any candidate for

1 political office. Nothing in this subsection (g) shall  
2 preclude an employee from making voluntary political  
3 contributions in conjunction with his or her fair share  
4 payment.

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

17 (g-2) "General Assembly of the State of Illinois" means  
18 the legislative branch of the government of the State of  
19 Illinois, as provided for under Article IV of the Constitution  
20 of the State of Illinois, and includes, but is not limited to,  
21 the House of Representatives, the Senate, the Speaker of the  
22 House of Representatives, the Minority Leader of the House of  
23 Representatives, the President of the Senate, the Minority  
24 Leader of the Senate, the Joint Committee on Legislative  
25 Support Services, and any legislative support services agency  
26 listed in the Legislative Commission Reorganization Act of

1 1984.

2 (h) "Governing body" means, in the case of the State, the  
3 State Panel of the Illinois Labor Relations Board, the  
4 Director of the Department of Central Management Services, and  
5 the Director of the Department of Labor; the county board in  
6 the case of a county; the corporate authorities in the case of  
7 a municipality; and the appropriate body authorized to provide  
8 for expenditures of its funds in the case of any other unit of  
9 government.

10 (i) "Labor organization" means any organization in which  
11 public employees participate and that exists for the purpose,  
12 in whole or in part, of dealing with a public employer  
13 concerning wages, hours, and other terms and conditions of  
14 employment, including the settlement of grievances.

15 (i-5) "Legislative liaison" means a person who is an  
16 employee of a State agency, the Attorney General, the  
17 Secretary of State, the Comptroller, or the Treasurer, as the  
18 case may be, and whose job duties require the person to  
19 regularly communicate in the course of his or her employment  
20 with any official or staff of the General Assembly of the State  
21 of Illinois for the purpose of influencing any legislative  
22 action.

23 (j) "Managerial employee" means an individual who is  
24 engaged predominantly in executive and management functions  
25 and is charged with the responsibility of directing the  
26 effectuation of management policies and practices.

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

19 (k) "Peace officer" means, for the purposes of this Act  
20 only, any persons who have been or are hereafter appointed to a  
21 police force, department, or agency and sworn or commissioned  
22 to perform police duties, except that the following persons  
23 are not included: part-time police officers, special police  
24 officers, auxiliary police as defined by Section 3.1-30-20 of  
25 the Illinois Municipal Code, night watchmen, "merchant  
26 police", court security officers as defined by Section



1 3-6012.1 of the Counties Code, temporary employees, traffic  
2 guards or wardens, civilian parking meter and parking  
3 facilities personnel or other individuals specially appointed  
4 to aid or direct traffic at or near schools or public functions  
5 or to aid in civil defense or disaster, parking enforcement  
6 employees who are not commissioned as peace officers and who  
7 are not armed and who are not routinely expected to effect  
8 arrests, parking lot attendants, clerks and dispatchers or  
9 other civilian employees of a police department who are not  
10 routinely expected to effect arrests, or elected officials.

11 (l) "Person" includes one or more individuals, labor  
12 organizations, public employees, associations, corporations,  
13 legal representatives, trustees, trustees in bankruptcy,  
14 receivers, or the State of Illinois or any political  
15 subdivision of the State or governing body, but does not  
16 include the General Assembly of the State of Illinois or any  
17 individual employed by the General Assembly of the State of  
18 Illinois.

19 (m) "Professional employee" means any employee engaged in  
20 work predominantly intellectual and varied in character rather  
21 than routine mental, manual, mechanical or physical work;  
22 involving the consistent exercise of discretion and adjustment  
23 in its performance; of such a character that the output  
24 produced or the result accomplished cannot be standardized in  
25 relation to a given period of time; and requiring advanced  
26 knowledge in a field of science or learning customarily

1 acquired by a prolonged course of specialized intellectual  
2 instruction and study in an institution of higher learning or  
3 a hospital, as distinguished from a general academic education  
4 or from apprenticeship or from training in the performance of  
5 routine mental, manual, or physical processes; or any employee  
6 who has completed the courses of specialized intellectual  
7 instruction and study prescribed in this subsection (m) and is  
8 performing related work under the supervision of a  
9 professional person to qualify to become a professional  
10 employee as defined in this subsection (m).

11 (n) "Public employee" or "employee", for the purposes of  
12 this Act, means any individual employed by a public employer,  
13 including (i) interns and residents at public hospitals, (ii)  
14 as of July 16, 2003 (the effective date of Public Act 93-204),  
15 but not before, personal assistants working under the Home  
16 Services Program under Section 3 of the Rehabilitation of  
17 Persons with Disabilities Act, subject to the limitations set  
18 forth in this Act and in the Rehabilitation of Persons with  
19 Disabilities Act, (iii) as of January 1, 2006 (the effective  
20 date of Public Act 94-320), but not before, child ~~and day~~ care  
21 home providers participating in the child care assistance  
22 program under Section 9A-11 of the Illinois Public Aid Code,  
23 subject to the limitations set forth in this Act and in Section  
24 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,  
25 2013 (the effective date of Public Act 97-1158), but not  
26 before except as otherwise provided in this subsection (n),

1 home care and home health workers who function as personal  
2 assistants and individual maintenance home health workers and  
3 who also work under the Home Services Program under Section 3  
4 of the Rehabilitation of Persons with Disabilities Act, no  
5 matter whether the State provides those services through  
6 direct fee-for-service arrangements, with the assistance of a  
7 managed care organization or other intermediary, or otherwise,  
8 (v) beginning on July 19, 2013 (the effective date of Public  
9 Act 98-100) and notwithstanding any other provision of this  
10 Act, any person employed by a public employer and who is  
11 classified as or who holds the employment title of Chief  
12 Stationary Engineer, Assistant Chief Stationary Engineer,  
13 Sewage Plant Operator, Water Plant Operator, Stationary  
14 Engineer, Plant Operating Engineer, and any other employee who  
15 holds the position of: Civil Engineer V, Civil Engineer VI,  
16 Civil Engineer VII, Technical Manager I, Technical Manager II,  
17 Technical Manager III, Technical Manager IV, Technical Manager  
18 V, Technical Manager VI, Realty Specialist III, Realty  
19 Specialist IV, Realty Specialist V, Technical Advisor I,  
20 Technical Advisor II, Technical Advisor III, Technical Advisor  
21 IV, or Technical Advisor V employed by the Department of  
22 Transportation who is in a position which is certified in a  
23 bargaining unit on or before July 19, 2013 (the effective date  
24 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the  
25 effective date of Public Act 98-100) and notwithstanding any  
26 other provision of this Act, any mental health administrator

1 in the Department of Corrections who is classified as or who  
2 holds the position of Public Service Administrator (Option  
3 8K), any employee of the Office of the Inspector General in the  
4 Department of Human Services who is classified as or who holds  
5 the position of Public Service Administrator (Option 7), any  
6 Deputy of Intelligence in the Department of Corrections who is  
7 classified as or who holds the position of Public Service  
8 Administrator (Option 7), and any employee of the Illinois  
9 State Police who handles issues concerning the Illinois State  
10 Police Sex Offender Registry and who is classified as or holds  
11 the position of Public Service Administrator (Option 7), but  
12 excluding all of the following: employees of the General  
13 Assembly of the State of Illinois; elected officials;  
14 executive heads of a department; members of boards or  
15 commissions; the Executive Inspectors General; any special  
16 Executive Inspectors General; employees of each Office of an  
17 Executive Inspector General; commissioners and employees of  
18 the Executive Ethics Commission; the Auditor General's  
19 Inspector General; employees of the Office of the Auditor  
20 General's Inspector General; the Legislative Inspector  
21 General; any special Legislative Inspectors General; employees  
22 of the Office of the Legislative Inspector General;  
23 commissioners and employees of the Legislative Ethics  
24 Commission; employees of any agency, board or commission  
25 created by this Act; employees appointed to State positions of  
26 a temporary or emergency nature; all employees of school

1 districts and higher education institutions except  
2 firefighters and peace officers employed by a state university  
3 and except peace officers employed by a school district in its  
4 own police department in existence on July 23, 2010 (the  
5 effective date of Public Act 96-1257); managerial employees;  
6 short-term employees; legislative liaisons; a person who is a  
7 State employee under the jurisdiction of the Office of the  
8 Attorney General who is licensed to practice law or whose  
9 position authorizes, either directly or indirectly, meaningful  
10 input into government decision-making on issues where there is  
11 room for principled disagreement on goals or their  
12 implementation; a person who is a State employee under the  
13 jurisdiction of the Office of the Comptroller who holds the  
14 position of Public Service Administrator or whose position is  
15 otherwise exempt under the Comptroller Merit Employment Code;  
16 a person who is a State employee under the jurisdiction of the  
17 Secretary of State who holds the position classification of  
18 Executive I or higher, whose position authorizes, either  
19 directly or indirectly, meaningful input into government  
20 decision-making on issues where there is room for principled  
21 disagreement on goals or their implementation, or who is  
22 otherwise exempt under the Secretary of State Merit Employment  
23 Code; employees in the Office of the Secretary of State who are  
24 completely exempt from jurisdiction B of the Secretary of  
25 State Merit Employment Code and who are in Rutan-exempt  
26 positions on or after April 5, 2013 (the effective date of

1 Public Act 97-1172); a person who is a State employee under the  
2 jurisdiction of the Treasurer who holds a position that is  
3 exempt from the State Treasurer Employment Code; any employee  
4 of a State agency who (i) holds the title or position of, or  
5 exercises substantially similar duties as a legislative  
6 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
7 Executive Director, Agency Deputy Director, Agency Chief  
8 Fiscal Officer, Agency Human Resources Director, Public  
9 Information Officer, or Chief Information Officer and (ii) was  
10 neither included in a bargaining unit nor subject to an active  
11 petition for certification in a bargaining unit; any employee  
12 of a State agency who (i) is in a position that is  
13 Rutan-exempt, as designated by the employer, and completely  
14 exempt from jurisdiction B of the Personnel Code and (ii) was  
15 neither included in a bargaining unit nor subject to an active  
16 petition for certification in a bargaining unit; any term  
17 appointed employee of a State agency pursuant to Section 8b.18  
18 or 8b.19 of the Personnel Code who was neither included in a  
19 bargaining unit nor subject to an active petition for  
20 certification in a bargaining unit; any employment position  
21 properly designated pursuant to Section 6.1 of this Act;  
22 confidential employees; independent contractors; and  
23 supervisors except as provided in this Act.

24 Home care and home health workers who function as personal  
25 assistants and individual maintenance home health workers and  
26 who also work under the Home Services Program under Section 3

1 of the Rehabilitation of Persons with Disabilities Act shall  
2 not be considered public employees for any purposes not  
3 specifically provided for in Public Act 93-204 or Public Act  
4 97-1158, including, but not limited to, purposes of vicarious  
5 liability in tort and purposes of statutory retirement or  
6 health insurance benefits. Home care and home health workers  
7 who function as personal assistants and individual maintenance  
8 home health workers and who also work under the Home Services  
9 Program under Section 3 of the Rehabilitation of Persons with  
10 Disabilities Act shall not be covered by the State Employees  
11 Group Insurance Act of 1971.

12 Child ~~and day~~ care home providers shall not be considered  
13 public employees for any purposes not specifically provided  
14 for in Public Act 94-320, including, but not limited to,  
15 purposes of vicarious liability in tort and purposes of  
16 statutory retirement or health insurance benefits. Child ~~and~~  
17 ~~day~~ care home providers shall not be covered by the State  
18 Employees Group Insurance Act of 1971.

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

23 (o) Except as otherwise in subsection (o-5), "public  
24 employer" or "employer" means the State of Illinois; any  
25 political subdivision of the State, unit of local government  
26 or school district; authorities including departments,

1 divisions, bureaus, boards, commissions, or other agencies of  
2 the foregoing entities; and any person acting within the scope  
3 of his or her authority, express or implied, on behalf of those  
4 entities in dealing with its employees. As of July 16, 2003  
5 (the effective date of Public Act 93-204), but not before, the  
6 State of Illinois shall be considered the employer of the  
7 personal assistants working under the Home Services Program  
8 under Section 3 of the Rehabilitation of Persons with  
9 Disabilities Act, subject to the limitations set forth in this  
10 Act and in the Rehabilitation of Persons with Disabilities  
11 Act. As of January 29, 2013 (the effective date of Public Act  
12 97-1158), but not before except as otherwise provided in this  
13 subsection (o), the State shall be considered the employer of  
14 home care and home health workers who function as personal  
15 assistants and individual maintenance home health workers and  
16 who also work under the Home Services Program under Section 3  
17 of the Rehabilitation of Persons with Disabilities Act, no  
18 matter whether the State provides those services through  
19 direct fee-for-service arrangements, with the assistance of a  
20 managed care organization or other intermediary, or otherwise,  
21 but subject to the limitations set forth in this Act and the  
22 Rehabilitation of Persons with Disabilities Act. The State  
23 shall not be considered to be the employer of home care and  
24 home health workers who function as personal assistants and  
25 individual maintenance home health workers and who also work  
26 under the Home Services Program under Section 3 of the



1 Rehabilitation of Persons with Disabilities Act, for any  
2 purposes not specifically provided for in Public Act 93-204 or  
3 Public Act 97-1158, including but not limited to, purposes of  
4 vicarious liability in tort and purposes of statutory  
5 retirement or health insurance benefits. Home care and home  
6 health workers who function as personal assistants and  
7 individual maintenance home health workers and who also work  
8 under the Home Services Program under Section 3 of the  
9 Rehabilitation of Persons with Disabilities Act shall not be  
10 covered by the State Employees Group Insurance Act of 1971. As  
11 of January 1, 2006 (the effective date of Public Act 94-320),  
12 but not before, the State of Illinois shall be considered the  
13 employer of the ~~day~~ and child care home providers  
14 participating in the child care assistance program under  
15 Section 9A-11 of the Illinois Public Aid Code, subject to the  
16 limitations set forth in this Act and in Section 9A-11 of the  
17 Illinois Public Aid Code. The State shall not be considered to  
18 be the employer of child ~~and day~~ care home providers for any  
19 purposes not specifically provided for in Public Act 94-320,  
20 including, but not limited to, purposes of vicarious liability  
21 in tort and purposes of statutory retirement or health  
22 insurance benefits. Child ~~and day~~ care home providers shall  
23 not be covered by the State Employees Group Insurance Act of  
24 1971.

25 "Public employer" or "employer" as used in this Act,  
26 however, does not mean and shall not include the General

1 Assembly of the State of Illinois, the Executive Ethics  
2 Commission, the Offices of the Executive Inspectors General,  
3 the Legislative Ethics Commission, the Office of the  
4 Legislative Inspector General, the Office of the Auditor  
5 General's Inspector General, the Office of the Governor, the  
6 Governor's Office of Management and Budget, the Illinois  
7 Finance Authority, the Office of the Lieutenant Governor, the  
8 State Board of Elections, and educational employers or  
9 employers as defined in the Illinois Educational Labor  
10 Relations Act, except with respect to a state university in  
11 its employment of firefighters and peace officers and except  
12 with respect to a school district in the employment of peace  
13 officers in its own police department in existence on July 23,  
14 2010 (the effective date of Public Act 96-1257). County boards  
15 and county sheriffs shall be designated as joint or  
16 co-employers of county peace officers appointed under the  
17 authority of a county sheriff. Nothing in this subsection (o)  
18 shall be construed to prevent the State Panel or the Local  
19 Panel from determining that employers are joint or  
20 co-employers.

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

26 (1) For court reporters employed by the Cook County

1           Judicial Circuit, the chief judge of the Cook County  
2           Circuit Court is the public employer and employer  
3           representative.

4           (2) For court reporters employed by the 12th, 18th,  
5           19th, and, on and after December 4, 2006, the 22nd  
6           judicial circuits, a group consisting of the chief judges  
7           of those circuits, acting jointly by majority vote, is the  
8           public employer and employer representative.

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

13          (p) "Security employee" means an employee who is  
14          responsible for the supervision and control of inmates at  
15          correctional facilities. The term also includes other  
16          non-security employees in bargaining units having the majority  
17          of employees being responsible for the supervision and control  
18          of inmates at correctional facilities.

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

24          (q-5) "State agency" means an agency directly responsible  
25          to the Governor, as defined in Section 3.1 of the Executive  
26          Reorganization Implementation Act, and the Illinois Commerce

1 Commission, the Illinois Workers' Compensation Commission, the  
2 Civil Service Commission, the Pollution Control Board, the  
3 Illinois Racing Board, and the Illinois State Police Merit  
4 Board.

5 (r) "Supervisor" is:

6 (1) An employee whose principal work is substantially  
7 different from that of his or her subordinates and who has  
8 authority, in the interest of the employer, to hire,  
9 transfer, suspend, lay off, recall, promote, discharge,  
10 direct, reward, or discipline employees, to adjust their  
11 grievances, or to effectively recommend any of those  
12 actions, if the exercise of that authority is not of a  
13 merely routine or clerical nature, but requires the  
14 consistent use of independent judgment. Except with  
15 respect to police employment, the term "supervisor"  
16 includes only those individuals who devote a preponderance  
17 of their employment time to exercising that authority,  
18 State supervisors notwithstanding. Determinations of  
19 supervisor status shall be based on actual employee job  
20 duties and not solely on written job descriptions. Nothing  
21 in this definition prohibits an individual from also  
22 meeting the definition of "managerial employee" under  
23 subsection (j) of this Section. In addition, in  
24 determining supervisory status in police employment, rank  
25 shall not be determinative. The Board shall consider, as  
26 evidence of bargaining unit inclusion or exclusion, the

1 common law enforcement policies and relationships between  
2 police officer ranks and certification under applicable  
3 civil service law, ordinances, personnel codes, or  
4 Division 2.1 of Article 10 of the Illinois Municipal Code,  
5 but these factors shall not be the sole or predominant  
6 factors considered by the Board in determining police  
7 supervisory status.

8 Notwithstanding the provisions of the preceding  
9 paragraph, in determining supervisory status in fire  
10 fighter employment, no fire fighter shall be excluded as a  
11 supervisor who has established representation rights under  
12 Section 9 of this Act. Further, in fire fighter units,  
13 employees shall consist of fire fighters of the highest  
14 rank of company officer and below. A company officer may  
15 be responsible for multiple companies or apparatus on a  
16 shift, multiple stations, or an entire shift. There may be  
17 more than one company officer per shift. If a company  
18 officer otherwise qualifies as a supervisor under the  
19 preceding paragraph, however, he or she shall not be  
20 included in the fire fighter unit. If there is no rank  
21 between that of chief and the highest company officer, the  
22 employer may designate a position on each shift as a Shift  
23 Commander, and the persons occupying those positions shall  
24 be supervisors. All other ranks above that of the highest  
25 company officer shall be supervisors.

26 (2) With respect only to State employees in positions

1 under the jurisdiction of the Attorney General, Secretary  
2 of State, Comptroller, or Treasurer (i) that were  
3 certified in a bargaining unit on or after December 2,  
4 2008, (ii) for which a petition is filed with the Illinois  
5 Public Labor Relations Board on or after April 5, 2013  
6 (the effective date of Public Act 97-1172), or (iii) for  
7 which a petition is pending before the Illinois Public  
8 Labor Relations Board on that date, an employee who  
9 qualifies as a supervisor under (A) Section 152 of the  
10 National Labor Relations Act and (B) orders of the  
11 National Labor Relations Board interpreting that provision  
12 or decisions of courts reviewing decisions of the National  
13 Labor Relations Board.

14 (s) (1) "Unit" means a class of jobs or positions that are  
15 held by employees whose collective interests may suitably be  
16 represented by a labor organization for collective bargaining.  
17 Except with respect to non-State fire fighters and paramedics  
18 employed by fire departments and fire protection districts,  
19 non-State peace officers, and peace officers in the Illinois  
20 State Police, a bargaining unit determined by the Board shall  
21 not include both employees and supervisors, or supervisors  
22 only, except as provided in paragraph (2) of this subsection  
23 (s) and except for bargaining units in existence on July 1,  
24 1984 (the effective date of this Act). With respect to  
25 non-State fire fighters and paramedics employed by fire  
26 departments and fire protection districts, non-State peace

1 officers, and peace officers in the Illinois State Police, a  
2 bargaining unit determined by the Board shall not include both  
3 supervisors and nonsupervisors, or supervisors only, except as  
4 provided in paragraph (2) of this subsection (s) and except  
5 for bargaining units in existence on January 1, 1986 (the  
6 effective date of this amendatory Act of 1985). A bargaining  
7 unit determined by the Board to contain peace officers shall  
8 contain no employees other than peace officers unless  
9 otherwise agreed to by the employer and the labor organization  
10 or labor organizations involved. Notwithstanding any other  
11 provision of this Act, a bargaining unit, including a  
12 historical bargaining unit, containing sworn peace officers of  
13 the Department of Natural Resources (formerly designated the  
14 Department of Conservation) shall contain no employees other  
15 than such sworn peace officers upon the effective date of this  
16 amendatory Act of 1990 or upon the expiration date of any  
17 collective bargaining agreement in effect upon the effective  
18 date of this amendatory Act of 1990 covering both such sworn  
19 peace officers and other employees.

20 (2) Notwithstanding the exclusion of supervisors from  
21 bargaining units as provided in paragraph (1) of this  
22 subsection (s), a public employer may agree to permit its  
23 supervisory employees to form bargaining units and may bargain  
24 with those units. This Act shall apply if the public employer  
25 chooses to bargain under this subsection.

26 (3) Public employees who are court reporters, as defined

1 in the Court Reporters Act, shall be divided into 3 units for  
2 collective bargaining purposes. One unit shall be court  
3 reporters employed by the Cook County Judicial Circuit; one  
4 unit shall be court reporters employed by the 12th, 18th,  
5 19th, and, on and after December 4, 2006, the 22nd judicial  
6 circuits; and one unit shall be court reporters employed by  
7 all other judicial circuits.

8 (t) "Active petition for certification in a bargaining  
9 unit" means a petition for certification filed with the Board  
10 under one of the following case numbers: S-RC-11-110;  
11 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
12 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
13 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
14 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
15 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
16 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
17 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
18 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
19 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
20 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
21 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
22 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
23 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
24 S-RC-07-100.

25 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
26 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised 6-13-22.)



1 (5 ILCS 315/7) (from Ch. 48, par. 1607)

2 Sec. 7. Duty to bargain. A public employer and the  
3 exclusive representative have the authority and the duty to  
4 bargain collectively set forth in this Section.

5 For the purposes of this Act, "to bargain collectively"  
6 means the performance of the mutual obligation of the public  
7 employer or his designated representative and the  
8 representative of the public employees to meet at reasonable  
9 times, including meetings in advance of the budget-making  
10 process, and to negotiate in good faith with respect to wages,  
11 hours, and other conditions of employment, not excluded by  
12 Section 4 of this Act, or the negotiation of an agreement, or  
13 any question arising thereunder and the execution of a written  
14 contract incorporating any agreement reached if requested by  
15 either party, but such obligation does not compel either party  
16 to agree to a proposal or require the making of a concession.

17 The duty "to bargain collectively" shall also include an  
18 obligation to negotiate over any matter with respect to wages,  
19 hours and other conditions of employment, not specifically  
20 provided for in any other law or not specifically in violation  
21 of the provisions of any law. If any other law pertains, in  
22 part, to a matter affecting the wages, hours and other  
23 conditions of employment, such other law shall not be  
24 construed as limiting the duty "to bargain collectively" and  
25 to enter into collective bargaining agreements containing

1 clauses which either supplement, implement, or relate to the  
2 effect of such provisions in other laws.

3 The duty "to bargain collectively" shall also include  
4 negotiations as to the terms of a collective bargaining  
5 agreement. The parties may, by mutual agreement, provide for  
6 arbitration of impasses resulting from their inability to  
7 agree upon wages, hours and terms and conditions of employment  
8 to be included in a collective bargaining agreement. Such  
9 arbitration provisions shall be subject to the Illinois  
10 "Uniform Arbitration Act" unless agreed by the parties.

11 The duty "to bargain collectively" shall also mean that no  
12 party to a collective bargaining contract shall terminate or  
13 modify such contract, unless the party desiring such  
14 termination or modification:

15 (1) serves a written notice upon the other party to  
16 the contract of the proposed termination or modification  
17 60 days prior to the expiration date thereof, or in the  
18 event such contract contains no expiration date, 60 days  
19 prior to the time it is proposed to make such termination  
20 or modification;

21 (2) offers to meet and confer with the other party for  
22 the purpose of negotiating a new contract or a contract  
23 containing the proposed modifications;

24 (3) notifies the Board within 30 days after such  
25 notice of the existence of a dispute, provided no  
26 agreement has been reached by that time; and

1           (4) continues in full force and effect, without  
2           resorting to strike or lockout, all the terms and  
3           conditions of the existing contract for a period of 60  
4           days after such notice is given to the other party or until  
5           the expiration date of such contract, whichever occurs  
6           later.

7           The duties imposed upon employers, employees and labor  
8           organizations by paragraphs (2), (3) and (4) shall become  
9           inapplicable upon an intervening certification of the Board,  
10          under which the labor organization, which is a party to the  
11          contract, has been superseded as or ceased to be the exclusive  
12          representative of the employees pursuant to the provisions of  
13          subsection (a) of Section 9, and the duties so imposed shall  
14          not be construed as requiring either party to discuss or agree  
15          to any modification of the terms and conditions contained in a  
16          contract for a fixed period, if such modification is to become  
17          effective before such terms and conditions can be reopened  
18          under the provisions of the contract.

19          Collective bargaining for home care and home health  
20          workers who function as personal assistants and individual  
21          maintenance home health workers under the Home Services  
22          Program shall be limited to the terms and conditions of  
23          employment under the State's control, as defined in Public Act  
24          93-204 or this amendatory Act of the 97th General Assembly, as  
25          applicable.

26          Collective bargaining for child ~~and day~~ care home

1 providers under the child care assistance program shall be  
2 limited to the terms and conditions of employment under the  
3 State's control, as defined in this amendatory Act of the 94th  
4 General Assembly.

5 Notwithstanding any other provision of this Section,  
6 whenever collective bargaining is for the purpose of  
7 establishing an initial agreement following original  
8 certification of units with fewer than 35 employees, with  
9 respect to public employees other than peace officers, fire  
10 fighters, and security employees, the following apply:

11 (1) Not later than 10 days after receiving a written  
12 request for collective bargaining from a labor  
13 organization that has been newly certified as a  
14 representative as defined in Section 6(c), or within such  
15 further period as the parties agree upon, the parties  
16 shall meet and commence to bargain collectively and shall  
17 make every reasonable effort to conclude and sign a  
18 collective bargaining agreement.

19 (2) If anytime after the expiration of the 90-day  
20 period beginning on the date on which bargaining is  
21 commenced the parties have failed to reach an agreement,  
22 either party may notify the Illinois Public Labor  
23 Relations Board of the existence of a dispute and request  
24 mediation in accordance with the provisions of Section 14  
25 of this Act.

26 (3) If after the expiration of the 30-day period

1 beginning on the date on which mediation commenced, or  
2 such additional period as the parties may agree upon, the  
3 mediator is not able to bring the parties to agreement by  
4 conciliation, either the exclusive representative of the  
5 employees or the employer may request of the other, in  
6 writing, arbitration and shall submit a copy of the  
7 request to the board. Upon submission of the request for  
8 arbitration, the parties shall be required to participate  
9 in the impasse arbitration procedures set forth in Section  
10 14 of this Act, except the right to strike shall not be  
11 considered waived pursuant to Section 17 of this Act,  
12 until the actual convening of the arbitration hearing.

13 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

14 Section 10. The Personnel Code is amended by changing  
15 Section 9 as follows:

16 (20 ILCS 415/9) (from Ch. 127, par. 63b109)

17 Sec. 9. Director, powers and duties. The Director, as  
18 executive head of the Department, shall direct and supervise  
19 all its administrative and technical activities. In addition  
20 to the duties imposed upon him elsewhere in this law, it shall  
21 be his duty:

22 (1) To apply and carry out this law and the rules  
23 adopted thereunder.

24 (2) To attend meetings of the Commission.

1           (3) To establish and maintain a roster of all  
2 employees subject to this Act, in which there shall be set  
3 forth, as to each employee, the class, title, pay, status,  
4 and other pertinent data.

5           (4) To appoint, subject to the provisions of this Act,  
6 such employees of the Department and such experts and  
7 special assistants as may be necessary to carry out  
8 effectively this law.

9           (5) Subject to such exemptions or modifications as may  
10 be necessary to assure the continuity of federal  
11 contributions in those agencies supported in whole or in  
12 part by federal funds, to make appointments to vacancies;  
13 to approve all written charges seeking discharge,  
14 demotion, or other disciplinary measures provided in this  
15 Act and to approve transfers of employees from one  
16 geographical area to another in the State, in offices,  
17 positions or places of employment covered by this Act,  
18 after consultation with the operating unit.

19           (6) To formulate and administer service wide policies  
20 and programs for the improvement of employee  
21 effectiveness, including training, safety, health,  
22 incentive recognition, counseling, welfare and employee  
23 relations. The Department shall formulate and administer  
24 recruitment plans and testing of potential employees for  
25 agencies having direct contact with significant numbers of  
26 non-English speaking or otherwise culturally distinct

1 persons. The Department shall require each State agency to  
2 annually assess the need for employees with appropriate  
3 bilingual capabilities to serve the significant numbers of  
4 non-English speaking or culturally distinct persons. The  
5 Department shall develop a uniform procedure for assessing  
6 an agency's need for employees with appropriate bilingual  
7 capabilities. Agencies shall establish occupational titles  
8 or designate positions as "bilingual option" for persons  
9 having sufficient linguistic ability or cultural knowledge  
10 to be able to render effective service to such persons.  
11 The Department shall ensure that any such option is  
12 exercised according to the agency's needs assessment and  
13 the requirements of this Code. The Department shall make  
14 annual reports of the needs assessment of each agency and  
15 the number of positions calling for non-English linguistic  
16 ability to whom vacancy postings were sent, and the number  
17 filled by each agency. Such policies and programs shall be  
18 subject to approval by the Governor, provided that for  
19 needs that require a certain linguistic ability that: (i)  
20 have not been met for a posted position for a period of at  
21 least one year; or (ii) arise when an individual's health  
22 or safety would be placed in immediate risk, the  
23 Department shall accept certifications of linguistic  
24 competence from pre-approved third parties. To facilitate  
25 expanding the scope of sources to demonstrate linguistic  
26 competence, the Department shall issue standards for

1 demonstrating linguistic competence. No later than January  
2 2024, the Department shall authorize at least one if not  
3 more community colleges in the regions involving the  
4 counties of Cook, Lake, McHenry, Kane, DuPage, Kendall,  
5 Will, Sangamon, and 5 other geographically distributed  
6 counties within the State to pre-test and certify  
7 linguistic ability, and such certifications by candidates  
8 shall be presumed to satisfy the linguistic ability  
9 requirements for the job position. Such policies, program  
10 reports and needs assessment reports, as well as  
11 linguistic certification standards, shall be filed with  
12 the General Assembly by January 1 of each year and shall be  
13 available to the public.

14 The Department shall include within the report  
15 required above the number of persons receiving the  
16 bilingual pay supplement established by Section 8a.2 of  
17 this Code. The report shall provide the number of persons  
18 receiving the bilingual pay supplement for languages other  
19 than English and for signing. The report shall also  
20 indicate the number of persons, by the categories of  
21 Hispanic and non-Hispanic, who are receiving the bilingual  
22 pay supplement for language skills other than signing, in  
23 a language other than English.

24 (7) To conduct negotiations affecting pay, hours of  
25 work, or other working conditions of employees subject to  
26 this Act.



1           (8) To make continuing studies to improve the  
2 efficiency of State services to the residents of Illinois,  
3 including but not limited to those who are non-English  
4 speaking or culturally distinct, and to report his  
5 findings and recommendations to the Commission and the  
6 Governor.

7           (9) To investigate from time to time the operation and  
8 effect of this law and the rules made thereunder and to  
9 report his findings and recommendations to the Commission  
10 and to the Governor.

11           (10) To make an annual report regarding the work of  
12 the Department, and such special reports as he may  
13 consider desirable, to the Commission and to the Governor,  
14 or as the Governor or Commission may request.

15           (11) (Blank).

16           (12) To prepare and publish a semi-annual statement  
17 showing the number of employees exempt and non-exempt from  
18 merit selection in each department. This report shall be  
19 in addition to other information on merit selection  
20 maintained for public information under existing law.

21           (13) To authorize in every department or agency  
22 subject to Jurisdiction C the use of flexible hours  
23 positions. A flexible hours position is one that does not  
24 require an ordinary work schedule as determined by the  
25 Department and includes but is not limited to: 1) a part  
26 time job of 20 hours or more per week, 2) a job which is

1 shared by 2 employees or a compressed work week consisting  
2 of an ordinary number of working hours performed on fewer  
3 than the number of days ordinarily required to perform  
4 that job. The Department may define flexible time to  
5 include other types of jobs that are defined above.

6 The Director and the director of each department or  
7 agency shall together establish goals for flexible hours  
8 positions to be available in every department or agency.

9 The Department shall give technical assistance to  
10 departments and agencies in achieving their goals, and  
11 shall report to the Governor and the General Assembly each  
12 year on the progress of each department and agency.

13 When a goal of 10% of the positions in a department or  
14 agency being available on a flexible hours basis has been  
15 reached, the Department shall evaluate the effectiveness  
16 and efficiency of the program and determine whether to  
17 expand the number of positions available for flexible  
18 hours to 20%.

19 When a goal of 20% of the positions in a department or  
20 agency being available on a flexible hours basis has been  
21 reached, the Department shall evaluate the effectiveness  
22 and efficiency of the program and determine whether to  
23 expand the number of positions available for flexible  
24 hours.

25 Each department shall develop a plan for  
26 implementation of flexible work requirements designed to

1           reduce the need for child day care of employees' children  
2           outside the home. Each department shall submit a report of  
3           its plan to the Department of Central Management Services  
4           and the General Assembly. This report shall be submitted  
5           biennially by March 1, with the first report due March 1,  
6           1993.

7           (14) To perform any other lawful acts which he may  
8           consider necessary or desirable to carry out the purposes  
9           and provisions of this law.

10          The requirement for reporting to the General Assembly  
11          shall be satisfied by filing copies of the report as required  
12          by Section 3.1 of the General Assembly Organization Act, and  
13          filing such additional copies with the State Government Report  
14          Distribution Center for the General Assembly as is required  
15          under paragraph (t) of Section 7 of the State Library Act.

16          (Source: P.A. 102-952, eff. 1-1-23.)

17          Section 15. The Children and Family Services Act is  
18          amended by changing Sections 5, 5a, 5.15, 21, 22.1, and 22.4 as  
19          follows:

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

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

1 (a) For purposes of this Section:

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

5 (A) were committed to the Department pursuant to  
6 the Juvenile Court Act or the Juvenile Court Act of  
7 1987 and who continue under the jurisdiction of the  
8 court; or

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

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

21 (3) "Child welfare services" means public social  
22 services which are directed toward the accomplishment of  
23 the following purposes:

24 (A) protecting and promoting the health, safety  
25 and welfare of children, including homeless,  
26 dependent, or neglected children;

1 (B) remedying, or assisting in the solution of  
2 problems which may result in, the neglect, abuse,  
3 exploitation, or delinquency of children;

4 (C) preventing the unnecessary separation of  
5 children from their families by identifying family  
6 problems, assisting families in resolving their  
7 problems, and preventing the breakup of the family  
8 where the prevention of child removal is desirable and  
9 possible when the child can be cared for at home  
10 without endangering the child's health and safety;

11 (D) restoring to their families children who have  
12 been removed, by the provision of services to the  
13 child and the families when the child can be cared for  
14 at home without endangering the child's health and  
15 safety;

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

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

1 placement made is the best available placement to  
2 provide permanency for the child;

3 (G) (blank);

4 (H) (blank); and

5 (I) placing and maintaining children in facilities  
6 that provide separate living quarters for children  
7 under the age of 18 and for children 18 years of age  
8 and older, unless a child 18 years of age is in the  
9 last year of high school education or vocational  
10 training, in an approved individual or group treatment  
11 program, in a licensed shelter facility, or secure  
12 child care facility. The Department is not required to  
13 place or maintain children:

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

15 (ii) who are persons with a developmental  
16 disability, as defined in the Mental Health and  
17 Developmental Disabilities Code, or

18 (iii) who are female children who are  
19 pregnant, pregnant and parenting, or parenting, or

20 (iv) who are siblings, in facilities that  
21 provide separate living quarters for children 18  
22 years of age and older and for children under 18  
23 years of age.

24 (b) (Blank).

25 (c) The Department shall establish and maintain  
26 tax-supported child welfare services and extend and seek to

1 improve voluntary services throughout the State, to the end  
2 that services and care shall be available on an equal basis  
3 throughout the State to children requiring such services.

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

22 (e) (Blank).

23 (f) (Blank).

24 (g) The Department shall establish rules and regulations  
25 concerning its operation of programs designed to meet the  
26 goals of child safety and protection, family preservation,

1 family reunification, and adoption, including, but not limited  
2 to:

3 (1) adoption;

4 (2) foster care;

5 (3) family counseling;

6 (4) protective services;

7 (5) (blank);

8 (6) homemaker service;

9 (7) return of runaway children;

10 (8) (blank);

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

15 (10) interstate services.

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



1 (h) If the Department finds that there is no appropriate  
2 program or facility within or available to the Department for  
3 a youth in care and that no licensed private facility has an  
4 adequate and appropriate program or none agrees to accept the  
5 youth in care, the Department shall create an appropriate  
6 individualized, program-oriented plan for such youth in care.  
7 The plan may be developed within the Department or through  
8 purchase of services by the Department to the extent that it is  
9 within its statutory authority to do.

10 (i) Service programs shall be available throughout the  
11 State and shall include but not be limited to the following  
12 services:

- 13 (1) case management;
- 14 (2) homemakers;
- 15 (3) counseling;
- 16 (4) parent education;
- 17 (5) child day care; and
- 18 (6) emergency assistance and advocacy.

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

- 21 (1) comprehensive family-based services;
- 22 (2) assessments;
- 23 (3) respite care; and
- 24 (4) in-home health services.

25 The Department shall provide transportation for any of the  
26 services it makes available to children or families or for

1 which it refers children or families.

2 (j) The Department may provide categories of financial  
3 assistance and education assistance grants, and shall  
4 establish rules and regulations concerning the assistance and  
5 grants, to persons who adopt children with physical or mental  
6 disabilities, children who are older, or other hard-to-place  
7 children who (i) immediately prior to their adoption were  
8 youth in care or (ii) were determined eligible for financial  
9 assistance with respect to a prior adoption and who become  
10 available for adoption because the prior adoption has been  
11 dissolved and the parental rights of the adoptive parents have  
12 been terminated or because the child's adoptive parents have  
13 died. The Department may continue to provide financial  
14 assistance and education assistance grants for a child who was  
15 determined eligible for financial assistance under this  
16 subsection (j) in the interim period beginning when the  
17 child's adoptive parents died and ending with the finalization  
18 of the new adoption of the child by another adoptive parent or  
19 parents. The Department may also provide categories of  
20 financial assistance and education assistance grants, and  
21 shall establish rules and regulations for the assistance and  
22 grants, to persons appointed guardian of the person under  
23 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
24 4-25, or 5-740 of the Juvenile Court Act of 1987 for children  
25 who were youth in care for 12 months immediately prior to the  
26 appointment of the guardian.

1           The amount of assistance may vary, depending upon the  
2 needs of the child and the adoptive parents, as set forth in  
3 the annual assistance agreement. Special purpose grants are  
4 allowed where the child requires special service but such  
5 costs may not exceed the amounts which similar services would  
6 cost the Department if it were to provide or secure them as  
7 guardian of the child.

8           Any financial assistance provided under this subsection is  
9 inalienable by assignment, sale, execution, attachment,  
10 garnishment, or any other remedy for recovery or collection of  
11 a judgment or debt.

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

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

20           (l) The Department shall offer family preservation  
21 services, as defined in Section 8.2 of the Abused and  
22 Neglected Child Reporting Act, to help families, including  
23 adoptive and extended families. Family preservation services  
24 shall be offered (i) to prevent the placement of children in  
25 substitute care when the children can be cared for at home or  
26 in the custody of the person responsible for the children's

1 welfare, (ii) to reunite children with their families, or  
2 (iii) to maintain an adoptive placement. Family preservation  
3 services shall only be offered when doing so will not endanger  
4 the children's health or safety. With respect to children who  
5 are in substitute care pursuant to the Juvenile Court Act of  
6 1987, family preservation services shall not be offered if a  
7 goal other than those of subdivisions (A), (B), or (B-1) of  
8 subsection (2) of Section 2-28 of that Act has been set, except  
9 that reunification services may be offered as provided in  
10 paragraph (F) of subsection (2) of Section 2-28 of that Act.  
11 Nothing in this paragraph shall be construed to create a  
12 private right of action or claim on the part of any individual  
13 or child welfare agency, except that when a child is the  
14 subject of an action under Article II of the Juvenile Court Act  
15 of 1987 and the child's service plan calls for services to  
16 facilitate achievement of the permanency goal, the court  
17 hearing the action under Article II of the Juvenile Court Act  
18 of 1987 may order the Department to provide the services set  
19 out in the plan, if those services are not provided with  
20 reasonable promptness and if those services are available.

21 The Department shall notify the child and his family of  
22 the Department's responsibility to offer and provide family  
23 preservation services as identified in the service plan. The  
24 child and his family shall be eligible for services as soon as  
25 the report is determined to be "indicated". The Department may  
26 offer services to any child or family with respect to whom a

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

19 The Department may, at its discretion except for those  
20 children also adjudicated neglected or dependent, accept for  
21 care and training any child who has been adjudicated addicted,  
22 as a truant minor in need of supervision or as a minor  
23 requiring authoritative intervention, under the Juvenile Court  
24 Act or the Juvenile Court Act of 1987, but no such child shall  
25 be committed to the Department by any court without the  
26 approval of the Department. On and after January 1, 2015 (the

1 effective date of Public Act 98-803) and before January 1,  
2 2017, a minor charged with a criminal offense under the  
3 Criminal Code of 1961 or the Criminal Code of 2012 or  
4 adjudicated delinquent shall not be placed in the custody of  
5 or committed to the Department by any court, except (i) a minor  
6 less than 16 years of age committed to the Department under  
7 Section 5-710 of the Juvenile Court Act of 1987, (ii) a minor  
8 for whom an independent basis of abuse, neglect, or dependency  
9 exists, which must be defined by departmental rule, or (iii) a  
10 minor for whom the court has granted a supplemental petition  
11 to reinstate wardship pursuant to subsection (2) of Section  
12 2-33 of the Juvenile Court Act of 1987. On and after January 1,  
13 2017, a minor charged with a criminal offense under the  
14 Criminal Code of 1961 or the Criminal Code of 2012 or  
15 adjudicated delinquent shall not be placed in the custody of  
16 or committed to the Department by any court, except (i) a minor  
17 less than 15 years of age committed to the Department under  
18 Section 5-710 of the Juvenile Court Act of 1987, ii) a minor  
19 for whom an independent basis of abuse, neglect, or dependency  
20 exists, which must be defined by departmental rule, or (iii) a  
21 minor for whom the court has granted a supplemental petition  
22 to reinstate wardship pursuant to subsection (2) of Section  
23 2-33 of the Juvenile Court Act of 1987. An independent basis  
24 exists when the allegations or adjudication of abuse, neglect,  
25 or dependency do not arise from the same facts, incident, or  
26 circumstances which give rise to a charge or adjudication of

1 delinquency. The Department shall assign a caseworker to  
2 attend any hearing involving a youth in the care and custody of  
3 the Department who is placed on aftercare release, including  
4 hearings involving sanctions for violation of aftercare  
5 release conditions and aftercare release revocation hearings.

6 As soon as is possible after August 7, 2009 (the effective  
7 date of Public Act 96-134), the Department shall develop and  
8 implement a special program of family preservation services to  
9 support intact, foster, and adoptive families who are  
10 experiencing extreme hardships due to the difficulty and  
11 stress of caring for a child who has been diagnosed with a  
12 pervasive developmental disorder if the Department determines  
13 that those services are necessary to ensure the health and  
14 safety of the child. The Department may offer services to any  
15 family whether or not a report has been filed under the Abused  
16 and Neglected Child Reporting Act. The Department may refer  
17 the child or family to services available from other agencies  
18 in the community if the conditions in the child's or family's  
19 home are reasonably likely to subject the child or family to  
20 future reports of suspected child abuse or neglect. Acceptance  
21 of these services shall be voluntary. The Department shall  
22 develop and implement a public information campaign to alert  
23 health and social service providers and the general public  
24 about these special family preservation services. The nature  
25 and scope of the services offered and the number of families  
26 served under the special program implemented under this

1 paragraph shall be determined by the level of funding that the  
2 Department annually allocates for this purpose. The term  
3 "pervasive developmental disorder" under this paragraph means  
4 a neurological condition, including, but not limited to,  
5 Asperger's Syndrome and autism, as defined in the most recent  
6 edition of the Diagnostic and Statistical Manual of Mental  
7 Disorders of the American Psychiatric Association.

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

21 When determining reasonable efforts to be made with  
22 respect to a child, as described in this subsection, and in  
23 making such reasonable efforts, the child's health and safety  
24 shall be the paramount concern.

25 When a child is placed in foster care, the Department  
26 shall ensure and document that reasonable efforts were made to



1 prevent or eliminate the need to remove the child from the  
2 child's home. The Department must make reasonable efforts to  
3 reunify the family when temporary placement of the child  
4 occurs unless otherwise required, pursuant to the Juvenile  
5 Court Act of 1987. At any time after the dispositional hearing  
6 where the Department believes that further reunification  
7 services would be ineffective, it may request a finding from  
8 the court that reasonable efforts are no longer appropriate.  
9 The Department is not required to provide further  
10 reunification services after such a finding.

11 A decision to place a child in substitute care shall be  
12 made with considerations of the child's health, safety, and  
13 best interests. At the time of placement, consideration should  
14 also be given so that if reunification fails or is delayed, the  
15 placement made is the best available placement to provide  
16 permanency for the child.

17 The Department shall adopt rules addressing concurrent  
18 planning for reunification and permanency. The Department  
19 shall consider the following factors when determining  
20 appropriateness of concurrent planning:

- 21 (1) the likelihood of prompt reunification;
- 22 (2) the past history of the family;
- 23 (3) the barriers to reunification being addressed by  
24 the family;
- 25 (4) the level of cooperation of the family;
- 26 (5) the foster parents' willingness to work with the

1 family to reunite;

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

4 (7) the age of the child;

5 (8) placement of siblings.

6 (m) The Department may assume temporary custody of any  
7 child if:

8 (1) it has received a written consent to such  
9 temporary custody signed by the parents of the child or by  
10 the parent having custody of the child if the parents are  
11 not living together or by the guardian or custodian of the  
12 child if the child is not in the custody of either parent,  
13 or

14 (2) the child is found in the State and neither a  
15 parent, guardian nor custodian of the child can be  
16 located.

17 If the child is found in his or her residence without a parent,  
18 guardian, custodian, or responsible caretaker, the Department  
19 may, instead of removing the child and assuming temporary  
20 custody, place an authorized representative of the Department  
21 in that residence until such time as a parent, guardian, or  
22 custodian enters the home and expresses a willingness and  
23 apparent ability to ensure the child's health and safety and  
24 resume permanent charge of the child, or until a relative  
25 enters the home and is willing and able to ensure the child's  
26 health and safety and assume charge of the child until a

1 parent, guardian, or custodian enters the home and expresses  
2 such willingness and ability to ensure the child's safety and  
3 resume permanent charge. After a caretaker has remained in the  
4 home for a period not to exceed 12 hours, the Department must  
5 follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
6 5-415 of the Juvenile Court Act of 1987.

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

21 The Department shall ensure that any child taken into  
22 custody is scheduled for an appointment for a medical  
23 examination.

24 A parent, guardian, or custodian of a child in the  
25 temporary custody of the Department who would have custody of  
26 the child if he were not in the temporary custody of the

1 Department may deliver to the Department a signed request that  
2 the Department surrender the temporary custody of the child.  
3 The Department may retain temporary custody of the child for  
4 10 days after the receipt of the request, during which period  
5 the Department may cause to be filed a petition pursuant to the  
6 Juvenile Court Act of 1987. If a petition is so filed, the  
7 Department shall retain temporary custody of the child until  
8 the court orders otherwise. If a petition is not filed within  
9 the 10-day period, the child shall be surrendered to the  
10 custody of the requesting parent, guardian, or custodian not  
11 later than the expiration of the 10-day period, at which time  
12 the authority and duties of the Department with respect to the  
13 temporary custody of the child shall terminate.

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

1 has ordered placement of the child in a secure care facility.

2 (n) The Department may place children under 18 years of  
3 age in licensed child care facilities when in the opinion of  
4 the Department, appropriate services aimed at family  
5 preservation have been unsuccessful and cannot ensure the  
6 child's health and safety or are unavailable and such  
7 placement would be for their best interest. Payment for board,  
8 clothing, care, training and supervision of any child placed  
9 in a licensed child care facility may be made by the  
10 Department, by the parents or guardians of the estates of  
11 those children, or by both the Department and the parents or  
12 guardians, except that no payments shall be made by the  
13 Department for any child placed in a licensed child care  
14 facility for board, clothing, care, training and supervision  
15 of such a child that exceed the average per capita cost of  
16 maintaining and of caring for a child in institutions for  
17 dependent or neglected children operated by the Department.  
18 However, such restriction on payments does not apply in cases  
19 where children require specialized care and treatment for  
20 problems of severe emotional disturbance, physical disability,  
21 social adjustment, or any combination thereof and suitable  
22 facilities for the placement of such children are not  
23 available at payment rates within the limitations set forth in  
24 this Section. All reimbursements for services delivered shall  
25 be absolutely inalienable by assignment, sale, attachment, or  
26 garnishment or otherwise.

1 (n-1) The Department shall provide or authorize child  
2 welfare services, aimed at assisting minors to achieve  
3 sustainable self-sufficiency as independent adults, for any  
4 minor eligible for the reinstatement of wardship pursuant to  
5 subsection (2) of Section 2-33 of the Juvenile Court Act of  
6 1987, whether or not such reinstatement is sought or allowed,  
7 provided that the minor consents to such services and has not  
8 yet attained the age of 21. The Department shall have  
9 responsibility for the development and delivery of services  
10 under this Section. An eligible youth may access services  
11 under this Section through the Department of Children and  
12 Family Services or by referral from the Department of Human  
13 Services. Youth participating in services under this Section  
14 shall cooperate with the assigned case manager in developing  
15 an agreement identifying the services to be provided and how  
16 the youth will increase skills to achieve self-sufficiency. A  
17 homeless shelter is not considered appropriate housing for any  
18 youth receiving child welfare services under this Section. The  
19 Department shall continue child welfare services under this  
20 Section to any eligible minor until the minor becomes 21 years  
21 of age, no longer consents to participate, or achieves  
22 self-sufficiency as identified in the minor's service plan.  
23 The Department of Children and Family Services shall create  
24 clear, readable notice of the rights of former foster youth to  
25 child welfare services under this Section and how such  
26 services may be obtained. The Department of Children and

1 Family Services and the Department of Human Services shall  
2 disseminate this information statewide. The Department shall  
3 adopt regulations describing services intended to assist  
4 minors in achieving sustainable self-sufficiency as  
5 independent adults.

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

1 constitute a judicial determination on the merits of an  
2 administrative appeal, filed by a former foster parent,  
3 involving a change of placement decision.

4 (p) (Blank).

5 (q) The Department may receive and use, in their entirety,  
6 for the benefit of children any gift, donation, or bequest of  
7 money or other property which is received on behalf of such  
8 children, or any financial benefits to which such children are  
9 or may become entitled while under the jurisdiction or care of  
10 the Department, except that the benefits described in Section  
11 5.46 must be used and conserved consistent with the provisions  
12 under Section 5.46.

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

24 In disbursing funds from children's accounts, the  
25 Department shall:

26 (1) Establish standards in accordance with State and



1 federal laws for disbursing money from children's  
2 accounts. In all circumstances, the Department's  
3 "Guardianship Administrator" or his or her designee must  
4 approve disbursements from children's accounts. The  
5 Department shall be responsible for keeping complete  
6 records of all disbursements for each account for any  
7 purpose.

8 (2) Calculate on a monthly basis the amounts paid from  
9 State funds for the child's board and care, medical care  
10 not covered under Medicaid, and social services; and  
11 utilize funds from the child's account, as covered by  
12 regulation, to reimburse those costs. Monthly,  
13 disbursements from all children's accounts, up to 1/12 of  
14 \$13,000,000, shall be deposited by the Department into the  
15 General Revenue Fund and the balance over 1/12 of  
16 \$13,000,000 into the DCFS Children's Services Fund.

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

22 (r) The Department shall promulgate regulations  
23 encouraging all adoption agencies to voluntarily forward to  
24 the Department or its agent names and addresses of all persons  
25 who have applied for and have been approved for adoption of a  
26 hard-to-place child or child with a disability and the names

1 of such children who have not been placed for adoption. A list  
2 of such names and addresses shall be maintained by the  
3 Department or its agent, and coded lists which maintain the  
4 confidentiality of the person seeking to adopt the child and  
5 of the child shall be made available, without charge, to every  
6 adoption agency in the State to assist the agencies in placing  
7 such children for adoption. The Department may delegate to an  
8 agent its duty to maintain and make available such lists. The  
9 Department shall ensure that such agent maintains the  
10 confidentiality of the person seeking to adopt the child and  
11 of the child.

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

24 (t) The Department shall perform home studies and  
25 investigations and shall exercise supervision over visitation  
26 as ordered by a court pursuant to the Illinois Marriage and

1 Dissolution of Marriage Act or the Adoption Act only if:

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

4 (2) the court has ordered one or both of the parties to  
5 the proceeding to reimburse the Department for its  
6 reasonable costs for providing such services in accordance  
7 with Department rules, or has determined that neither  
8 party is financially able to pay.

9 The Department shall provide written notification to the  
10 court of the specific arrangements for supervised visitation  
11 and projected monthly costs within 60 days of the court order.  
12 The Department shall send to the court information related to  
13 the costs incurred except in cases where the court has  
14 determined the parties are financially unable to pay. The  
15 court may order additional periodic reports as appropriate.

16 (u) In addition to other information that must be  
17 provided, whenever the Department places a child with a  
18 prospective adoptive parent or parents, in a licensed foster  
19 home, group home, or child care institution, or in a relative  
20 home, the Department shall provide to the prospective adoptive  
21 parent or parents or other caretaker:

22 (1) available detailed information concerning the  
23 child's educational and health history, copies of  
24 immunization records (including insurance and medical card  
25 information), a history of the child's previous  
26 placements, if any, and reasons for placement changes

1           excluding any information that identifies or reveals the  
2           location of any previous caretaker;

3           (2) a copy of the child's portion of the client  
4           service plan, including any visitation arrangement, and  
5           all amendments or revisions to it as related to the child;  
6           and

7           (3) information containing details of the child's  
8           individualized educational plan when the child is  
9           receiving special education services.

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

25          The information described in this subsection shall be  
26          provided in writing. In the case of emergency placements when

1 time does not allow prior review, preparation, and collection  
2 of written information, the Department shall provide such  
3 information as it becomes available. Within 10 business days  
4 after placement, the Department shall obtain from the  
5 prospective adoptive parent or parents or other caretaker a  
6 signed verification of receipt of the information provided.  
7 Within 10 business days after placement, the Department shall  
8 provide to the child's guardian ad litem a copy of the  
9 information provided to the prospective adoptive parent or  
10 parents or other caretaker. The information provided to the  
11 prospective adoptive parent or parents or other caretaker  
12 shall be reviewed and approved regarding accuracy at the  
13 supervisory level.

14 (u-5) Effective July 1, 1995, only foster care placements  
15 licensed as foster family homes pursuant to the Child Care Act  
16 of 1969 shall be eligible to receive foster care payments from  
17 the Department. Relative caregivers who, as of July 1, 1995,  
18 were approved pursuant to approved relative placement rules  
19 previously promulgated by the Department at 89 Ill. Adm. Code  
20 335 and had submitted an application for licensure as a foster  
21 family home may continue to receive foster care payments only  
22 until the Department determines that they may be licensed as a  
23 foster family home or that their application for licensure is  
24 denied or until September 30, 1995, whichever occurs first.

25 (v) The Department shall access criminal history record  
26 information as defined in the Illinois Uniform Conviction

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

20 (v-1) Prior to final approval for placement of a child,  
21 the Department shall conduct a criminal records background  
22 check of the prospective foster or adoptive parent, including  
23 fingerprint-based checks of national crime information  
24 databases. Final approval for placement shall not be granted  
25 if the record check reveals a felony conviction for child  
26 abuse or neglect, for spousal abuse, for a crime against

1 children, or for a crime involving violence, including rape,  
2 sexual assault, or homicide, but not including other physical  
3 assault or battery, or if there is a felony conviction for  
4 physical assault, battery, or a drug-related offense committed  
5 within the past 5 years.

6 (v-2) Prior to final approval for placement of a child,  
7 the Department shall check its child abuse and neglect  
8 registry for information concerning prospective foster and  
9 adoptive parents, and any adult living in the home. If any  
10 prospective foster or adoptive parent or other adult living in  
11 the home has resided in another state in the preceding 5 years,  
12 the Department shall request a check of that other state's  
13 child abuse and neglect registry.

14 (w) Within 120 days of August 20, 1995 (the effective date  
15 of Public Act 89-392), the Department shall prepare and submit  
16 to the Governor and the General Assembly, a written plan for  
17 the development of in-state licensed secure child care  
18 facilities that care for children who are in need of secure  
19 living arrangements for their health, safety, and well-being.  
20 For purposes of this subsection, secure care facility shall  
21 mean a facility that is designed and operated to ensure that  
22 all entrances and exits from the facility, a building or a  
23 distinct part of the building, are under the exclusive control  
24 of the staff of the facility, whether or not the child has the  
25 freedom of movement within the perimeter of the facility,  
26 building, or distinct part of the building. The plan shall

1 include descriptions of the types of facilities that are  
2 needed in Illinois; the cost of developing these secure care  
3 facilities; the estimated number of placements; the potential  
4 cost savings resulting from the movement of children currently  
5 out-of-state who are projected to be returned to Illinois; the  
6 necessary geographic distribution of these facilities in  
7 Illinois; and a proposed timetable for development of such  
8 facilities.

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

21 (y) Beginning on July 22, 2010 (the effective date of  
22 Public Act 96-1189), a child with a disability who receives  
23 residential and educational services from the Department shall  
24 be eligible to receive transition services in accordance with  
25 Article 14 of the School Code from the age of 14.5 through age  
26 21, inclusive, notwithstanding the child's residential



1 services arrangement. For purposes of this subsection, "child  
2 with a disability" means a child with a disability as defined  
3 by the federal Individuals with Disabilities Education  
4 Improvement Act of 2004.

5 (z) The Department shall access criminal history record  
6 information as defined as "background information" in this  
7 subsection and criminal history record information as defined  
8 in the Illinois Uniform Conviction Information Act for each  
9 Department employee or Department applicant. Each Department  
10 employee or Department applicant shall submit his or her  
11 fingerprints to the Illinois State Police in the form and  
12 manner prescribed by the Illinois State Police. These  
13 fingerprints shall be checked against the fingerprint records  
14 now and hereafter filed in the Illinois State Police and the  
15 Federal Bureau of Investigation criminal history records  
16 databases. The Illinois State Police shall charge a fee for  
17 conducting the criminal history record check, which shall be  
18 deposited into the State Police Services Fund and shall not  
19 exceed the actual cost of the record check. The Illinois State  
20 Police shall furnish, pursuant to positive identification, all  
21 Illinois conviction information to the Department of Children  
22 and Family Services.

23 For purposes of this subsection:

24 "Background information" means all of the following:

25 (i) Upon the request of the Department of Children and  
26 Family Services, conviction information obtained from the

1 Illinois State Police as a result of a fingerprint-based  
2 criminal history records check of the Illinois criminal  
3 history records database and the Federal Bureau of  
4 Investigation criminal history records database concerning  
5 a Department employee or Department applicant.

6 (ii) Information obtained by the Department of  
7 Children and Family Services after performing a check of  
8 the Illinois State Police's Sex Offender Database, as  
9 authorized by Section 120 of the Sex Offender Community  
10 Notification Law, concerning a Department employee or  
11 Department applicant.

12 (iii) Information obtained by the Department of  
13 Children and Family Services after performing a check of  
14 the Child Abuse and Neglect Tracking System (CANTS)  
15 operated and maintained by the Department.

16 "Department employee" means a full-time or temporary  
17 employee coded or certified within the State of Illinois  
18 Personnel System.

19 "Department applicant" means an individual who has  
20 conditional Department full-time or part-time work, a  
21 contractor, an individual used to replace or supplement staff,  
22 an academic intern, a volunteer in Department offices or on  
23 Department contracts, a work-study student, an individual or  
24 entity licensed by the Department, or an unlicensed service  
25 provider who works as a condition of a contract or an agreement  
26 and whose work may bring the unlicensed service provider into

1 contact with Department clients or client records.

2 (Source: P.A. 101-13, eff. 6-12-19; 101-79, eff. 7-12-19;  
3 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-558, eff.  
4 8-20-21; 102-1014, eff. 5-27-22.)

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

6 (Text of Section before amendment by P.A. 102-926)

7 Sec. 5a. Reimbursable services for which the Department of  
8 Children and Family Services shall pay 100% of the reasonable  
9 cost pursuant to a written contract negotiated between the  
10 Department and the agency furnishing the services (which shall  
11 include but not be limited to the determination of reasonable  
12 cost, the services being purchased and the duration of the  
13 agreement) include, but are not limited to:

14 SERVICE ACTIVITIES

15 Adjunctive Therapy;  
16 Child Care Service, ~~including day care;~~  
17 Clinical Therapy;  
18 Custodial Service;  
19 Field Work Students;  
20 Food Service;  
21 Normal Education;  
22 In-Service Training;  
23 Intake or Evaluation, or both;  
24 Medical Services;

1           Recreation;  
2           Social Work or Counselling, or both;  
3           Supportive Staff;  
4           Volunteers.

5       OBJECT EXPENSES

6           Professional Fees and Contract Service Payments;  
7           Supplies;  
8           Telephone and Telegram;  
9           Occupancy;  
10          Local Transportation;  
11          Equipment and Other Fixed Assets, including amortization  
12           of same;  
13          Miscellaneous.

14       ADMINISTRATIVE COSTS

15          Program Administration;  
16          Supervision and Consultation;  
17          Inspection and Monitoring for purposes of issuing  
18           licenses;  
19          Determination of Children who are eligible  
20          for federal or other reimbursement;  
21          Postage and Shipping;  
22          Outside Printing, Artwork, etc.;  
23          Subscriptions and Reference Publications;  
24          Management and General Expense.

1 Reimbursement of administrative costs other than inspection  
2 and monitoring for purposes of issuing licenses may not exceed  
3 20% of the costs for other services.

4 The Department may offer services to any child or family  
5 with respect to whom a report of suspected child abuse or  
6 neglect has been called in to the hotline after completion of a  
7 family assessment as provided under subsection (a-5) of  
8 Section 7.4 of the Abused and Neglected Child Reporting Act  
9 and the Department has determined that services are needed to  
10 address the safety of the child and other family members and  
11 the risk of subsequent maltreatment. Acceptance of such  
12 services shall be voluntary.

13 All Object Expenses, Service Activities and Administrative  
14 Costs are allowable.

15 If a survey instrument is used in the rate setting  
16 process:

17 (a) with respect to any child day care centers, it  
18 shall be limited to those agencies which receive  
19 reimbursement from the State;

20 (b) the cost survey instrument shall be promulgated by  
21 rule;

22 (c) any requirements of the respondents shall be  
23 promulgated by rule;

24 (d) all screens, limits or other tests of  
25 reasonableness, allowability and reimbursability shall be  
26 promulgated by rule;

1 (e) adjustments may be made by the Department to rates  
2 when it determines that reported wage and salary levels  
3 are insufficient to attract capable caregivers in  
4 sufficient numbers.

5 The Department of Children and Family Services may pay  
6 100% of the reasonable costs of research and valuation focused  
7 exclusively on services to youth in care. Such research  
8 projects must be approved, in advance, by the Director of the  
9 Department.

10 In addition to reimbursements otherwise provided for in  
11 this Section, the Department of Human Services shall, in  
12 accordance with annual written agreements, make advance  
13 quarterly disbursements to local public agencies for child ~~day~~  
14 care services with funds appropriated from the Local Effort  
15 Day Care Fund.

16 Neither the Department of Children and Family Services nor  
17 the Department of Human Services shall pay or approve  
18 reimbursement for child ~~day~~ care in a facility which is  
19 operating without a valid license or permit, except in the  
20 case of child ~~day~~ care homes or child ~~day~~ care centers which  
21 are exempt from the licensing requirements of the "Child Care  
22 Act of 1969".

23 (Source: P.A. 100-159, eff. 8-18-17.)

24 (Text of Section after amendment by P.A. 102-926)

25 Sec. 5a. Reimbursable services for which the Department of

1 Children and Family Services shall pay 100% of the reasonable  
2 cost pursuant to a written contract negotiated between the  
3 Department and the agency furnishing the services (which shall  
4 include but not be limited to the determination of reasonable  
5 cost, the services being purchased and the duration of the  
6 agreement) include, but are not limited to:

7 SERVICE ACTIVITIES

8 Adjunctive Therapy;  
9 Child Care Service, ~~including day care~~;  
10 Clinical Therapy;  
11 Custodial Service;  
12 Field Work Students;  
13 Food Service;  
14 Normal Education;  
15 In-Service Training;  
16 Intake or Evaluation, or both;  
17 Medical Services;  
18 Recreation;  
19 Social Work or Counselling, or both;  
20 Supportive Staff;  
21 Volunteers.

22 OBJECT EXPENSES

23 Professional Fees and Contract Service Payments;  
24 Supplies;

1 Telephone and Telegram;  
2 Occupancy;  
3 Local Transportation;  
4 Equipment and Other Fixed Assets, including amortization  
5 of same;  
6 Miscellaneous.

7 ADMINISTRATIVE COSTS

8 Program Administration;  
9 Supervision and Consultation;  
10 Inspection and Monitoring for purposes of issuing  
11 licenses;  
12 Determination of Children who are eligible  
13 for federal or other reimbursement;  
14 Postage and Shipping;  
15 Outside Printing, Artwork, etc.;  
16 Subscriptions and Reference Publications;  
17 Management and General Expense.  
18 Reimbursement of administrative costs other than inspection  
19 and monitoring for purposes of issuing licenses may not exceed  
20 20% of the costs for other services.

21 The Department may offer services to any child or family  
22 with respect to whom a report of suspected child abuse or  
23 neglect has been called in to the hotline after completion of a  
24 family assessment as provided under subsection (a-5) of  
25 Section 7.4 of the Abused and Neglected Child Reporting Act



1 and the Department has determined that services are needed to  
2 address the safety of the child and other family members and  
3 the risk of subsequent maltreatment. Acceptance of such  
4 services shall be voluntary.

5 All Object Expenses, Service Activities and Administrative  
6 Costs are allowable.

7 If a survey instrument is used in the rate setting  
8 process:

9 (a) with respect to any child day care centers, it  
10 shall be limited to those agencies which receive  
11 reimbursement from the State;

12 (b) the cost survey instrument shall be promulgated by  
13 rule;

14 (c) any requirements of the respondents shall be  
15 promulgated by rule;

16 (d) all screens, limits or other tests of  
17 reasonableness, allowability and reimbursability shall be  
18 promulgated by rule;

19 (e) adjustments may be made by the Department to rates  
20 when it determines that reported wage and salary levels  
21 are insufficient to attract capable caregivers in  
22 sufficient numbers.

23 The Department of Children and Family Services may pay  
24 100% of the reasonable costs of research and valuation focused  
25 exclusively on services to youth in care. Such research  
26 projects must be approved, in advance, by the Director of the

1 Department.

2 In addition to reimbursements otherwise provided for in  
3 this Section, the Department of Human Services shall, in  
4 accordance with annual written agreements, make advance  
5 quarterly disbursements to local public agencies for child ~~day~~  
6 care services with funds appropriated from the Local Effort  
7 Day Care Fund.

8 Neither the Department of Children and Family Services nor  
9 the Department of Human Services shall pay or approve  
10 reimbursement for child ~~day~~ care in a facility which is  
11 operating without a valid license or permit, except in the  
12 case of child ~~day~~ care homes or child ~~day~~ care centers which  
13 are exempt from the licensing requirements of the "Child Care  
14 Act of 1969".

15 The rates paid to child ~~day~~ care providers by the  
16 Department of Children and Family Services shall match the  
17 rates paid to child care providers by the Department of Human  
18 Services under the child care assistance program, including  
19 base rates and any relevant rate enhancements.

20 (Source: P.A. 102-926, eff. 7-1-23.)

21 (20 ILCS 505/5.15)

22 Sec. 5.15. Child care ~~Daycare~~; Department of Human  
23 Services.

24 (a) For the purpose of ensuring effective statewide  
25 planning, development, and utilization of resources for the

1 child day care of children, operated under various auspices,  
2 the Department of Human Services is designated to coordinate  
3 all child day care activities for children of the State and  
4 shall develop or continue, and shall update every year, a  
5 State comprehensive child care ~~day-care~~ plan for submission to  
6 the Governor that identifies high-priority areas and groups,  
7 relating them to available resources and identifying the most  
8 effective approaches to the use of existing child day care  
9 services. The State comprehensive child care ~~day-care~~ plan  
10 shall be made available to the General Assembly following the  
11 Governor's approval of the plan.

12 The plan shall include methods and procedures for the  
13 development of additional child day care resources for  
14 children to meet the goal of reducing short-run and long-run  
15 dependency and to provide necessary enrichment and stimulation  
16 to the education of young children. Recommendations shall be  
17 made for State policy on optimum use of private and public,  
18 local, State and federal resources, including an estimate of  
19 the resources needed for the licensing and regulation of child  
20 ~~day~~ care facilities.

21 A written report shall be submitted to the Governor and  
22 the General Assembly annually on April 15. The report shall  
23 include an evaluation of developments over the preceding  
24 fiscal year, including cost-benefit analyses of various  
25 arrangements. Beginning with the report in 1990 submitted by  
26 the Department's predecessor agency and every 2 years

1 thereafter, the report shall also include the following:

2 (1) An assessment of the child care services, needs  
3 and available resources throughout the State and an  
4 assessment of the adequacy of existing child care  
5 services, including, but not limited to, services assisted  
6 under this Act and under any other program administered by  
7 other State agencies.

8 (2) A survey of child day care facilities to determine  
9 the number of qualified caregivers, as defined by rule,  
10 attracted to vacant positions and any problems encountered  
11 by facilities in attracting and retaining capable  
12 caregivers. The report shall include an assessment, based  
13 on the survey, of improvements in employee benefits that  
14 may attract capable caregivers.

15 (3) The average wages and salaries and fringe benefit  
16 packages paid to caregivers throughout the State, computed  
17 on a regional basis, compared to similarly qualified  
18 employees in other but related fields.

19 (4) The qualifications of new caregivers hired at  
20 licensed child day care facilities during the previous  
21 2-year period.

22 (5) Recommendations for increasing caregiver wages and  
23 salaries to ensure quality care for children.

24 (6) Evaluation of the fee structure and income  
25 eligibility for child care subsidized by the State.

26 The requirement for reporting to the General Assembly

1 shall be satisfied by filing copies of the report as required  
2 by Section 3.1 of the General Assembly Organization Act, and  
3 filing such additional copies with the State Government Report  
4 Distribution Center for the General Assembly as is required  
5 under paragraph (t) of Section 7 of the State Library Act.

6 (b) The Department of Human Services shall establish  
7 policies and procedures for developing and implementing  
8 interagency agreements with other agencies of the State  
9 providing child care services or reimbursement for such  
10 services. The plans shall be annually reviewed and modified  
11 for the purpose of addressing issues of applicability and  
12 service system barriers.

13 (c) In cooperation with other State agencies, the  
14 Department of Human Services shall develop and implement, or  
15 shall continue, a resource and referral system for the State  
16 of Illinois either within the Department or by contract with  
17 local or regional agencies. Funding for implementation of this  
18 system may be provided through Department appropriations or  
19 other inter-agency funding arrangements. The resource and  
20 referral system shall provide at least the following services:

21 (1) Assembling and maintaining a data base on the  
22 supply of child care services.

23 (2) Providing information and referrals for parents.

24 (3) Coordinating the development of new child care  
25 resources.

26 (4) Providing technical assistance and training to

1 child care service providers.

2 (5) Recording and analyzing the demand for child care  
3 services.

4 (d) The Department of Human Services shall conduct child  
5 ~~day~~ care planning activities with the following priorities:

6 (1) Development of voluntary child ~~day~~ care resources  
7 wherever possible, with the provision for grants-in-aid  
8 only where demonstrated to be useful and necessary as  
9 incentives or supports. By January 1, 2002, the Department  
10 shall design a plan to create more child care slots as well  
11 as goals and timetables to improve quality and  
12 accessibility of child care.

13 (2) Emphasis on service to children of recipients of  
14 public assistance when such service will allow training or  
15 employment of the parent toward achieving the goal of  
16 independence.

17 (3) (Blank).

18 (4) Care of children from families in stress and  
19 crises whose members potentially may become, or are in  
20 danger of becoming, non-productive and dependent.

21 (5) Expansion of family child ~~day~~ care facilities  
22 wherever possible.

23 (6) Location of centers in economically depressed  
24 neighborhoods, preferably in multi-service centers with  
25 cooperation of other agencies. The Department shall  
26 coordinate the provision of grants, but only to the extent

1 funds are specifically appropriated for this purpose, to  
2 encourage the creation and expansion of child care centers  
3 in high need communities to be issued by the State,  
4 business, and local governments.

5 (7) Use of existing facilities free of charge or for  
6 reasonable rental whenever possible in lieu of  
7 construction.

8 (8) Development of strategies for assuring a more  
9 complete range of child ~~day~~ care options, including  
10 provision of child ~~day~~ care services in homes, in schools,  
11 or in centers, which will enable a parent or parents to  
12 complete a course of education or obtain or maintain  
13 employment and the creation of more child care options for  
14 swing shift, evening, and weekend workers and for working  
15 women with sick children. The Department shall encourage  
16 companies to provide child care in their own offices or in  
17 the building in which the corporation is located so that  
18 employees of all the building's tenants can benefit from  
19 the facility.

20 (9) Development of strategies for subsidizing students  
21 pursuing degrees in the child care field.

22 (10) Continuation and expansion of service programs  
23 that assist teen parents to continue and complete their  
24 education.

25 Emphasis shall be given to support services that will help  
26 to ensure such parents' graduation from high school and to

1 services for participants in any programs of job training  
2 conducted by the Department.

3 (e) The Department of Human Services shall actively  
4 stimulate the development of public and private resources at  
5 the local level. It shall also seek the fullest utilization of  
6 federal funds directly or indirectly available to the  
7 Department.

8 Where appropriate, existing non-governmental agencies or  
9 associations shall be involved in planning by the Department.

10 (f) To better accommodate the child care needs of low  
11 income working families, especially those who receive  
12 Temporary Assistance for Needy Families (TANF) or who are  
13 transitioning from TANF to work, or who are at risk of  
14 depending on TANF in the absence of child care, the Department  
15 shall complete a study using outcome-based assessment  
16 measurements to analyze the various types of child care needs,  
17 including but not limited to: child care homes; child care  
18 facilities; before and after school care; and evening and  
19 weekend care. Based upon the findings of the study, the  
20 Department shall develop a plan by April 15, 1998, that  
21 identifies the various types of child care needs within  
22 various geographic locations. The plan shall include, but not  
23 be limited to, the special needs of parents and guardians in  
24 need of non-traditional child care services such as early  
25 mornings, evenings, and weekends; the needs of very low income  
26 families and children and how they might be better served; and



1 strategies to assist child care providers to meet the needs  
2 and schedules of low income families.

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

4 (20 ILCS 505/21) (from Ch. 23, par. 5021)

5 Sec. 21. Investigative powers; training.

6 (a) To make such investigations as it may deem necessary  
7 to the performance of its duties.

8 (b) In the course of any such investigation any qualified  
9 person authorized by the Director may administer oaths and  
10 secure by its subpoena both the attendance and testimony of  
11 witnesses and the production of books and papers relevant to  
12 such investigation. Any person who is served with a subpoena  
13 by the Department to appear and testify or to produce books and  
14 papers, in the course of an investigation authorized by law,  
15 and who refuses or neglects to appear, or to testify, or to  
16 produce books and papers relevant to such investigation, as  
17 commanded in such subpoena, shall be guilty of a Class B  
18 misdemeanor. The fees of witnesses for attendance and travel  
19 shall be the same as the fees of witnesses before the circuit  
20 courts of this State. Any circuit court of this State, upon  
21 application of the person requesting the hearing or the  
22 Department, may compel the attendance of witnesses, the  
23 production of books and papers, and giving of testimony before  
24 the Department or before any authorized officer or employee  
25 thereof, by an attachment for contempt or otherwise, in the

1 same manner as production of evidence may be compelled before  
2 such court. Every person who, having taken an oath or made  
3 affirmation before the Department or any authorized officer or  
4 employee thereof, shall willfully swear or affirm falsely,  
5 shall be guilty of perjury and upon conviction shall be  
6 punished accordingly.

7 (c) Investigations initiated under this Section shall  
8 provide individuals due process of law, including the right to  
9 a hearing, to cross-examine witnesses, to obtain relevant  
10 documents, and to present evidence. Administrative findings  
11 shall be subject to the provisions of the Administrative  
12 Review Law.

13 (d) Beginning July 1, 1988, any child protective  
14 investigator or supervisor or child welfare specialist or  
15 supervisor employed by the Department on the effective date of  
16 this amendatory Act of 1987 shall have completed a training  
17 program which shall be instituted by the Department. The  
18 training program shall include, but not be limited to, the  
19 following: (1) training in the detection of symptoms of child  
20 neglect and drug abuse; (2) specialized training for dealing  
21 with families and children of drug abusers; and (3) specific  
22 training in child development, family dynamics and interview  
23 techniques. Such program shall conform to the criteria and  
24 curriculum developed under Section 4 of the Child Protective  
25 Investigator and Child Welfare Specialist Certification Act of  
26 1987. Failure to complete such training due to lack of

1 opportunity provided by the Department shall in no way be  
2 grounds for any disciplinary or other action against an  
3 investigator or a specialist.

4 The Department shall develop a continuous inservice staff  
5 development program and evaluation system. Each child  
6 protective investigator and supervisor and child welfare  
7 specialist and supervisor shall participate in such program  
8 and evaluation and shall complete a minimum of 20 hours of  
9 inservice education and training every 2 years in order to  
10 maintain certification.

11 Any child protective investigator or child protective  
12 supervisor, or child welfare specialist or child welfare  
13 specialist supervisor hired by the Department who begins his  
14 actual employment after the effective date of this amendatory  
15 Act of 1987, shall be certified pursuant to the Child  
16 Protective Investigator and Child Welfare Specialist  
17 Certification Act of 1987 before he begins such employment.  
18 Nothing in this Act shall replace or diminish the rights of  
19 employees under the Illinois Public Labor Relations Act, as  
20 amended, or the National Labor Relations Act. In the event of  
21 any conflict between either of those Acts, or any collective  
22 bargaining agreement negotiated thereunder, and the provisions  
23 of subsections (d) and (e), the former shall prevail and  
24 control.

25 (e) The Department shall develop and implement the  
26 following:

1           (1) A standardized child endangerment risk assessment  
2 protocol.

3           (2) Related training procedures.

4           (3) A standardized method for demonstration of  
5 proficiency in application of the protocol.

6           (4) An evaluation of the reliability and validity of  
7 the protocol.

8 All child protective investigators and supervisors and child  
9 welfare specialists and supervisors employed by the Department  
10 or its contractors shall be required, subsequent to the  
11 availability of training under this Act, to demonstrate  
12 proficiency in application of the protocol previous to being  
13 permitted to make decisions about the degree of risk posed to  
14 children for whom they are responsible. The Department shall  
15 establish a multi-disciplinary advisory committee appointed by  
16 the Director, including but not limited to representatives  
17 from the fields of child development, domestic violence,  
18 family systems, juvenile justice, law enforcement, health  
19 care, mental health, substance abuse, and social service to  
20 advise the Department and its related contractors in the  
21 development and implementation of the child endangerment risk  
22 assessment protocol, related training, method for  
23 demonstration of proficiency in application of the protocol,  
24 and evaluation of the reliability and validity of the  
25 protocol. The Department shall develop the protocol, training  
26 curriculum, method for demonstration of proficiency in

1 application of the protocol and method for evaluation of the  
2 reliability and validity of the protocol by July 1, 1995.  
3 Training and demonstration of proficiency in application of  
4 the child endangerment risk assessment protocol for all child  
5 protective investigators and supervisors and child welfare  
6 specialists and supervisors shall be completed as soon as  
7 practicable, but no later than January 1, 1996. The Department  
8 shall submit to the General Assembly on or before May 1, 1996,  
9 and every year thereafter, an annual report on the evaluation  
10 of the reliability and validity of the child endangerment risk  
11 assessment protocol. The Department shall contract with a not  
12 for profit organization with demonstrated expertise in the  
13 field of child endangerment risk assessment to assist in the  
14 development and implementation of the child endangerment risk  
15 assessment protocol, related training, method for  
16 demonstration of proficiency in application of the protocol,  
17 and evaluation of the reliability and validity of the  
18 protocol.

19 (f) The Department shall provide each parent or guardian  
20 and responsible adult caregiver participating in a safety plan  
21 a copy of the written safety plan as signed by each parent or  
22 guardian and responsible adult caregiver and by a  
23 representative of the Department. The Department shall also  
24 provide each parent or guardian and responsible adult  
25 caregiver safety plan information on their rights and  
26 responsibilities that shall include, but need not be limited

1 to, information on how to obtain medical care, emergency phone  
2 numbers, and information on how to notify schools or child day  
3 care providers as appropriate. The Department's representative  
4 shall ensure that the safety plan is reviewed and approved by  
5 the child protection supervisor.

6 (Source: P.A. 98-830, eff. 1-1-15.)

7 (20 ILCS 505/22.1) (from Ch. 23, par. 5022.1)

8 Sec. 22.1. Grants-in-aid for child care services;  
9 Department of Human Services.

10 (a) Blank.

11 (b) Blank.

12 (c) The Department of Human Services shall establish and  
13 operate child day care facilities for the children of migrant  
14 workers in areas of the State where they are needed. The  
15 Department may provide these child day care services by  
16 contracting with private centers if practicable. "Migrant  
17 worker" means any person who moves seasonally from one place  
18 to another, within or without the State, for the purpose of  
19 employment in agricultural activities.

20 (Source: P.A. 97-516, eff. 8-23-11.)

21 (20 ILCS 505/22.4) (from Ch. 23, par. 5022.4)

22 Sec. 22.4. Low-interest loans for child care facilities;  
23 Department of Human Services. The Department of Human Services  
24 may establish, with financing to be provided through the

1 issuance of bonds by the Illinois Finance Authority pursuant  
2 to the Illinois Finance Authority Act, a low-interest loan  
3 program to help child care centers and family child ~~day~~ care  
4 homes accomplish the following:

5 (a) establish a child care program;

6 (b) meet federal, State and local child care standards  
7 as well as any applicable health and safety standards; or

8 (c) build facilities or renovate or expand existing  
9 facilities.

10 Such loans shall be available only to child care centers  
11 and family child ~~day~~ care homes serving children of low income  
12 families.

13 (Source: P.A. 93-205, eff. 1-1-04.)

14 Section 20. The Department of Commerce and Economic  
15 Opportunity Law of the Civil Administrative Code of Illinois  
16 is amended by changing Section 605-1050 as follows:

17 (20 ILCS 605/605-1050)

18 Sec. 605-1050. Coronavirus Back to Business Grant Program  
19 (or Back to Business Program).

20 (a) Purpose. The Department may receive State funds and,  
21 directly or indirectly, federal funds under the authority of  
22 legislation passed in response to the Coronavirus epidemic  
23 including, but not limited to, the Coronavirus Aid, Relief,  
24 and Economic Security Act, P.L. 116-136 (the "CARES Act") and

1 the American Rescue Plan Act of 2021, P.L. 117-2 (the "ARPA  
2 Act"); such funds shall be used in accordance with the CARES  
3 Act and ARPA Act legislation and published guidance. Section  
4 5001 of the CARES Act establishes the Coronavirus Relief Fund,  
5 which authorizes the State to expend funds that are necessary  
6 to respond to the COVID-19 public health emergency. The  
7 financial support of Qualifying Businesses is a necessary  
8 expense under federal guidance for implementing Section 5001  
9 of the CARES Act. Upon receipt or availability of such State or  
10 federal funds, and subject to appropriations for their use,  
11 the Department shall administer a program to provide financial  
12 assistance to Qualifying Businesses that have experienced  
13 interruption of business or other adverse conditions  
14 attributable to the COVID-19 public health emergency. Support  
15 may be provided directly by the Department to businesses and  
16 organizations or in cooperation with a Qualified Partner.  
17 Financial assistance may include, but not be limited to  
18 grants, expense reimbursements, or subsidies.

19 (b) From appropriations for the Back to Business Program,  
20 up to \$60,000,000 may be allotted to the repayment or  
21 conversion of Eligible Loans made pursuant to the Department's  
22 Emergency Loan Fund Program. An Eligible Loan may be repaid or  
23 converted through a grant payment, subsidy, or reimbursement  
24 payment to the recipient or, on behalf of the recipient, to the  
25 Qualified Partner, or by any other lawful method.

26 (c) From appropriations for the Back to Business Program,



1 the Department shall provide financial assistance through  
2 grants, expense reimbursements, or subsidies to Qualifying  
3 Businesses or a Qualified Partner to cover expenses or losses  
4 incurred due to the COVID-19 public health emergency or for  
5 start-up costs of a new Qualifying Business. All spending  
6 related to this program from federal funds must be  
7 reimbursable by the Federal Coronavirus Relief Fund in  
8 accordance with Section 5001 of the federal CARES Act, the  
9 ARPA Act, and any related federal guidance, or the provisions  
10 of any other federal source supporting the program.

11 (d) As more fully described in subsection (c), funds will  
12 be appropriated to the Back to Business Program for  
13 distribution to or on behalf of Qualifying Businesses. Of the  
14 funds appropriated, a minimum of 40% shall be allotted for  
15 Qualifying Businesses with ZIP codes located in the most  
16 disproportionately impacted areas of Illinois, based on  
17 positive COVID-19 cases.

18 (e) The Department shall coordinate with the Department of  
19 Human Services with respect to making grants, expense  
20 reimbursements or subsidies to any child care ~~or day care~~  
21 provider providing services under Section 9A-11 of the  
22 Illinois Public Aid Code to determine what resources the  
23 Department of Human Services may be providing to a child care  
24 ~~or day care~~ provider under Section 9A-11 of the Illinois  
25 Public Aid Code.

26 (f) The Department may establish by rule administrative

1 procedures for the grant program, including any application  
2 procedures, grant agreements, certifications, payment  
3 methodologies, and other accountability measures that may be  
4 imposed upon participants in the program. The emergency  
5 rulemaking process may be used to promulgate the initial rules  
6 of the grant program and any amendments to the rules following  
7 the effective date of this amendatory Act of the 102nd General  
8 Assembly.

9 (g) Definitions. As used in this Section:

10 (1) "COVID-19" means the novel coronavirus disease  
11 deemed COVID-19 by the World Health Organization on  
12 February 11, 2020.

13 (2) "Qualifying Business" means a business or  
14 organization that has experienced or is experiencing  
15 business interruption or other adverse conditions due to  
16 the COVID-19 public health emergency, and includes a new  
17 business or organization started after March 1, 2020 in  
18 the midst of adverse conditions due to the COVID-19 public  
19 health emergency.

20 (3) "Eligible Loan" means a loan of up to \$50,000 that  
21 was deemed eligible for funding under the Department's  
22 Emergency Loan Fund Program and for which repayment will  
23 be eligible for reimbursement from Coronavirus Relief Fund  
24 monies pursuant to Section 5001 of the federal CARES Act  
25 or the ARPA Act and any related federal guidance.

26 (4) "Emergency Loan Fund Program", also referred to as

1 the "COVID-19 Emergency Relief Program", is a program  
2 executed by the Department by which the State Small  
3 Business Credit Initiative fund is utilized to guarantee  
4 loans released by a financial intermediary or Qualified  
5 Partner.

6 (5) "Qualified Partner" means a financial institution  
7 or nonprofit with which the Department has entered into an  
8 agreement or contract to provide or incentivize assistance  
9 to Qualifying Businesses.

10 (h) Powers of the Department. The Department has the power  
11 to:

12 (1) provide grants, subsidies and expense  
13 reimbursements to Qualifying Businesses or, on behalf of  
14 Qualifying Businesses, to Qualifying Partners from  
15 appropriations to cover Qualifying Businesses eligible  
16 costs or losses incurred due to the COVID-19 public health  
17 emergency, including losses caused by business  
18 interruption or closure and including start-up costs for  
19 new Qualifying Businesses;

20 (2) enter into agreements, accept funds, issue grants,  
21 and engage in cooperation with agencies of the federal  
22 government, units of local government, financial  
23 institutions, and nonprofit organizations to carry out the  
24 purposes of this Program, and to use funds appropriated  
25 for the Back to Business Program;

26 (3) prepare forms for application, notification,

1 contract, and other matters, and establish procedures,  
2 rules, or regulations deemed necessary and appropriate to  
3 carry out the provisions of this Section;

4 (4) provide staff, administration, and related support  
5 required to manage the Back to Business Program and pay  
6 for the staffing, administration, and related support;

7 (5) using data provided by the Illinois Department of  
8 Public Health and other reputable sources, determine which  
9 geographic regions in Illinois have been most  
10 disproportionately impacted by the COVID-19 public health  
11 emergency, considering factors of positive cases, positive  
12 case rates, and economic impact; and

13 (6) determine which industries and businesses in  
14 Illinois have been most disproportionately impacted by the  
15 COVID-19 public health emergency and establish procedures  
16 that prioritize greatly impacted industries and  
17 businesses, as well as Qualifying Businesses that did not  
18 receive paycheck protection program assistance.

19 (Source: P.A. 101-636, eff. 6-10-20; 102-16, eff. 6-17-21.)

20 Section 25. The Illinois Enterprise Zone Act is amended by  
21 changing Section 8 as follows:

22 (20 ILCS 655/8) (from Ch. 67 1/2, par. 612)

23 Sec. 8. Zone Administration. The administration of an  
24 Enterprise Zone shall be under the jurisdiction of the

1 designating municipality or county. Each designating  
2 municipality or county shall, by ordinance, designate a Zone  
3 Administrator for the certified zones within its jurisdiction.  
4 A Zone Administrator must be an officer or employee of the  
5 municipality or county. The Zone Administrator shall be the  
6 liaison between the designating municipality or county, the  
7 Department, and any designated zone organizations within zones  
8 under his jurisdiction.

9 A designating municipality or county may designate one or  
10 more organizations qualified under paragraph (d) of Section 3  
11 to be designated zone organizations for purposes of this Act.  
12 The municipality or county, may, by ordinance, delegate  
13 functions within an Enterprise Zone to one or more designated  
14 zone organizations in such zones.

15 Subject to the necessary governmental authorizations,  
16 designated zone organizations may provide the following  
17 services or perform the following functions in coordination  
18 with the municipality or county:

19 (a) Provide or contract for provision of public services  
20 including, but not limited to:

21 (1) establishment of crime watch patrols within zone  
22 neighborhoods;

23 (2) establishment of volunteer child ~~day~~ care centers;

24 (3) organization of recreational activities for zone  
25 area youth;

26 (4) garbage collection;

- 1 (5) street maintenance and improvements;
- 2 (6) bridge maintenance and improvements;
- 3 (7) maintenance and improvement of water and sewer
- 4 lines;
- 5 (8) energy conservation projects;
- 6 (9) health and clinic services;
- 7 (10) drug abuse programs;
- 8 (11) senior citizen assistance programs;
- 9 (12) park maintenance;
- 10 (13) rehabilitation, renovation, and operation and
- 11 maintenance of low and moderate income housing; and
- 12 (14) other types of public services as provided by law
- 13 or regulation.
- 14 (b) Exercise authority for the enforcement of any code,
- 15 permit, or licensing procedure within an Enterprise Zone.
- 16 (c) Provide a forum for business, labor and government
- 17 action on zone innovations.
- 18 (d) Apply for regulatory relief as provided in Section 8
- 19 of this Act.
- 20 (e) Receive title to publicly owned land.
- 21 (f) Perform such other functions as the responsible
- 22 government entity may deem appropriate, including offerings
- 23 and contracts for insurance with businesses within the Zone.
- 24 (g) Agree with local governments to provide such public
- 25 services within the zones by contracting with private firms
- 26 and organizations, where feasible and prudent.

1           (h) Solicit and receive contributions to improve the  
2 quality of life in the Enterprise Zone.

3           (Source: P.A. 91-357, eff. 7-29-99.)

4           Section 30. The Department of Human Services Act is  
5 amended by changing Sections 1-75 and 10-22 as follows:

6           (20 ILCS 1305/1-75)

7           Sec. 1-75. Off-Hours Child Care Program.

8           (a) Legislative intent. The General Assembly finds that:

9           (1) Finding child care can be a challenge for  
10 firefighters, paramedics, police officers, nurses, and  
11 other third shift workers across the State who often work  
12 non-typical work hours. This can impact home life, school,  
13 bedtime routines, job safety, and the mental health of  
14 some of our most critical front line workers and their  
15 families.

16           (2) There is a need for increased options for  
17 off-hours child care in the State. A majority of the  
18 State's child care facilities do not provide care outside  
19 of normal work hours, with just 3,251 child ~~day~~ care homes  
20 and 435 group child ~~day~~ care homes that provide night  
21 care.

22           (3) Illinois has a vested interest in ensuring that  
23 our first responders and working families can provide  
24 their children with appropriate care during off hours to

1 improve the morale of existing first responders and to  
2 improve recruitment into the future.

3 (b) As used in this Section, "first responders" means  
4 emergency medical services personnel as defined in the  
5 Emergency Medical Services (EMS) Systems Act, firefighters,  
6 law enforcement officers, and, as determined by the  
7 Department, any other workers who, on account of their work  
8 schedule, need child care outside of the hours when licensed  
9 child care facilities typically operate.

10 (c) Subject to appropriation, the Department of Human  
11 Services shall establish and administer an Off-Hours Child  
12 Care Program to help first responders and other workers  
13 identify and access off-hours, night, or sleep time child  
14 care. Services funded under the program must address the child  
15 care needs of first responders. Funding provided under the  
16 program may also be used to cover any capital and operating  
17 expenses related to the provision of off-hours, night, or  
18 sleep time child care for first responders. Funding awarded  
19 under this Section shall be funded through appropriations from  
20 the Off-Hours Child Care Program Fund created under subsection  
21 (d). The Department shall implement the program by July 1,  
22 2023. The Department may adopt any rules necessary to  
23 implement the program.

24 (d) The Off-Hours Child Care Program Fund is created as a  
25 special fund in the State treasury. The Fund shall consist of  
26 any moneys appropriated to the Department of Human Services



1 for the Off-Hours Child Care Program. Moneys in the Fund shall  
2 be expended for the Off-Hours Child Care Program and for no  
3 other purpose. All interest earned on moneys in the Fund shall  
4 be deposited into the Fund.

5 (Source: P.A. 102-912, eff. 5-27-22.)

6 (20 ILCS 1305/10-22)

7 Sec. 10-22. Great START program.

8 (a) The Department of Human Services shall, subject to a  
9 specific appropriation for this purpose, operate a Great START  
10 (Strategy To Attract and Retain Teachers) program. The goal of  
11 the program is to improve children's developmental and  
12 educational outcomes in child care by encouraging increased  
13 professional preparation by staff and staff retention. The  
14 Great START program shall coordinate with the TEACH  
15 professional development program.

16 The program shall provide wage supplements and may include  
17 other incentives to licensed child care center personnel,  
18 including early childhood teachers, school-age workers, early  
19 childhood assistants, school-age assistants, and directors, as  
20 such positions are defined by administrative rule of the  
21 Department of Children and Family Services. The program shall  
22 provide wage supplements and may include other incentives to  
23 licensed family child ~~day~~ care home personnel and licensed  
24 group child ~~day~~ care home personnel, including caregivers and  
25 assistants as such positions are defined by administrative

1 rule of the Department of Children and Family Services.  
2 Individuals will receive supplements commensurate with their  
3 qualifications.

4 (b) (Blank).

5 (c) The Department shall, by rule, define the scope and  
6 operation of the program, including a wage supplement scale.  
7 The scale shall pay increasing amounts for higher levels of  
8 educational attainment beyond minimum qualifications and shall  
9 recognize longevity of employment. Subject to the availability  
10 of sufficient appropriation, the wage supplements shall be  
11 paid to child care personnel in the form of bonuses at 6 month  
12 intervals. Six months of continuous service with a single  
13 employer is required to be eligible to receive a wage  
14 supplement bonus. Wage supplements shall be paid directly to  
15 individual child ~~day~~ care personnel, not to their employers.  
16 Eligible individuals must provide to the Department or its  
17 agent all information and documentation, including but not  
18 limited to college transcripts, to demonstrate their  
19 qualifications for a particular wage supplement level.

20 If appropriations permit, the Department may include  
21 one-time signing bonuses or other incentives to help providers  
22 attract staff, provided that the signing bonuses are less than  
23 the supplement staff would have received if they had remained  
24 employed with another child ~~day~~ care center or family child  
25 ~~day~~ care home.

26 If appropriations permit, the Department may include

1 one-time longevity bonuses or other incentives to recognize  
2 staff who have remained with a single employer.

3 (d) (Blank).

4 (Source: P.A. 93-711, eff. 7-12-04.)

5 Section 35. The Mental Health and Developmental  
6 Disabilities Administrative Act is amended by changing Section  
7 57.5 as follows:

8 (20 ILCS 1705/57.5)

9 Sec. 57.5. Autism diagnosis education program.

10 (a) Subject to appropriations, the Department shall  
11 contract to establish an autism diagnosis education program  
12 for young children. The Department shall establish the program  
13 at 3 different sites in the State. The program shall have the  
14 following goals:

15 (1) Providing, to medical professionals and others  
16 statewide, a systems development initiative that promotes  
17 best practice standards for the diagnosis and treatment  
18 planning for young children who have autism spectrum  
19 disorders, for the purpose of helping existing systems of  
20 care to build solid circles of expertise within their  
21 ranks.

22 (2) Educating medical practitioners, school personnel,  
23 child day care providers, parents, and community service  
24 providers (including, but not limited to, early

1 intervention and developmental disabilities providers)  
2 throughout the State on appropriate diagnosis and  
3 treatment of autism.

4 (3) Supporting systems of care for young children with  
5 autism spectrum disorders.

6 (4) Working together with universities and  
7 developmental disabilities providers to identify unmet  
8 needs and resources.

9 (5) Encouraging and supporting research on optional  
10 services for young children with autism spectrum  
11 disorders.

12 In addition to the aforementioned items, on January 1,  
13 2008, The Autism Program shall expand training and direct  
14 services by deploying additional regional centers, outreach  
15 centers, and community planning and network development  
16 initiatives. The expanded Autism Program Service Network shall  
17 consist of a comprehensive program of outreach and center  
18 development utilizing model programs developed by The Autism  
19 Program. This expansion shall span Illinois and support  
20 consensus building, outreach, and service provision for  
21 children with autism spectrums disorders and their families.

22 (b) Before January 1, 2006, the Department shall report to  
23 the Governor and the General Assembly concerning the progress  
24 of the autism diagnosis education program established under  
25 this Section.

26 (Source: P.A. 95-707, eff. 1-11-08.)

1           Section 40. The Illinois Finance Authority Act is amended  
2 by changing Section 840-5 as follows:

3           (20 ILCS 3501/840-5)

4           Sec. 840-5. The Authority shall have the following powers:

5           (a) To fix and revise from time to time and charge and  
6 collect rates, rents, fees and charges for the use of and for  
7 the services furnished or to be furnished by a project or other  
8 health facilities owned, financed or refinanced by the  
9 Authority or any portion thereof and to contract with any  
10 person, partnership, association or corporation or other body,  
11 public or private, in respect thereto; to coordinate its  
12 policies and procedures and cooperate with recognized health  
13 facility rate setting mechanisms which may now or hereafter be  
14 established.

15           (b) To establish rules and regulations for the use of a  
16 project or other health facilities owned, financed or  
17 refinanced by the Authority or any portion thereof and to  
18 designate a participating health institution as its agent to  
19 establish rules and regulations for the use of a project or  
20 other health facilities owned by the Authority undertaken for  
21 that participating health institution.

22           (c) To establish or contract with others to carry out on  
23 its behalf a health facility project cost estimating service  
24 and to make this service available on all projects to provide

1 expert cost estimates and guidance to the participating health  
2 institution and to the Authority. In order to implement this  
3 service and, through it, to contribute to cost containment,  
4 the Authority shall have the power to require such reasonable  
5 reports and documents from health facility projects as may be  
6 required for this service and for the development of cost  
7 reports and guidelines. The Authority may appoint a Technical  
8 Committee on Health Facility Project Costs and Cost  
9 Containment.

10 (d) To make mortgage or other secured or unsecured loans  
11 to or for the benefit of any participating health institution  
12 for the cost of a project in accordance with an agreement  
13 between the Authority and the participating health  
14 institution; provided that no such loan shall exceed the total  
15 cost of the project as determined by the participating health  
16 institution and approved by the Authority; provided further  
17 that such loans may be made to any entity affiliated with a  
18 participating health institution if the proceeds of such loan  
19 are made available to or applied for the benefit of such  
20 participating health institution.

21 (e) To make mortgage or other secured or unsecured loans  
22 to or for the benefit of a participating health institution in  
23 accordance with an agreement between the Authority and the  
24 participating health institution to refund outstanding  
25 obligations, loans, indebtedness or advances issued, made,  
26 given or incurred by such participating health institution for

1 the cost of a project; including the function to issue bonds  
2 and make loans to or for the benefit of a participating health  
3 institution to refinance indebtedness incurred by such  
4 participating health institution in projects undertaken and  
5 completed or for other health facilities acquired prior to or  
6 after the enactment of this Act when the Authority finds that  
7 such refinancing is in the public interest, and either  
8 alleviates a financial hardship of such participating health  
9 institution, or is in connection with other financing by the  
10 Authority for such participating health institution or may be  
11 expected to result in a lessened cost of patient care and a  
12 saving to third parties, including government, and to others  
13 who must pay for care, or any combination thereof; provided  
14 further that such loans may be made to any entity affiliated  
15 with a participating health institution if the proceeds of  
16 such loan are made available to or applied for the benefit of  
17 such participating health institution.

18 (f) To mortgage all or any portion of a project or other  
19 health facilities and the property on which any such project  
20 or other health facilities are located whether owned or  
21 thereafter acquired, and to assign or pledge mortgages, deeds  
22 of trust, indentures of mortgage or trust or similar  
23 instruments, notes, and other securities of participating  
24 health institutions to which or for the benefit of which the  
25 Authority has made loans or of entities affiliated with such  
26 institutions and the revenues therefrom, including payments or

1 income from any thereof owned or held by the Authority, for the  
2 benefit of the holders of bonds issued to finance such project  
3 or health facilities or issued to refund or refinance  
4 outstanding obligations, loans, indebtedness or advances of  
5 participating health institutions as permitted by this Act.

6 (g) To lease to a participating health institution the  
7 project being financed or refinanced or other health  
8 facilities conveyed to the Authority in connection with such  
9 financing or refinancing, upon such terms and conditions as  
10 the Authority shall deem proper, and to charge and collect  
11 rents therefor and to terminate any such lease upon the  
12 failure of the lessee to comply with any of the obligations  
13 thereof; and to include in any such lease, if desired,  
14 provisions that the lessee thereof shall have options to renew  
15 the lease for such period or periods and at such rent as shall  
16 be determined by the Authority or to purchase any or all of the  
17 health facilities or that upon payment of all of the  
18 indebtedness incurred by the Authority for the financing of  
19 such project or health facilities or for refunding outstanding  
20 obligations, loans, indebtedness or advances of a  
21 participating health institution, then the Authority may  
22 convey any or all of the project or such other health  
23 facilities to the lessee or lessees thereof with or without  
24 consideration.

25 (h) To make studies of needed health facilities that could  
26 not sustain a loan were it made under this Act and to recommend



1 remedial action to the General Assembly; to do the same with  
2 regard to any laws or regulations that prevent health  
3 facilities from benefiting from this Act.

4 (i) To assist the Department of Commerce and Economic  
5 Opportunity to establish and implement a program to assist  
6 health facilities to identify and arrange financing for energy  
7 conservation projects in buildings and facilities owned or  
8 leased by health facilities.

9 (j) To assist the Department of Human Services in  
10 establishing a low interest loan program to help child care  
11 centers and family child ~~day~~ care homes serving children of  
12 low income families under Section 22.4 of the Children and  
13 Family Services Act. The Authority, on or after the effective  
14 date of this amendatory Act of the 97th General Assembly, is  
15 authorized to convert existing agreements for financial aid in  
16 accordance with Section 840-5(j) to permanent capital to  
17 leverage additional private capital and establish a revolving  
18 loan fund for nonprofit corporations providing human services  
19 under contract to the State.

20 (k) To assist the Department of Public Health and nursing  
21 homes in undertaking nursing home conversion projects in  
22 accordance with the Older Adult Services Act.

23 (Source: P.A. 97-654, eff. 1-13-12.)

24 Section 45. The Asbestos Abatement Finance Act is amended  
25 by changing Section 2 as follows:

1 (20 ILCS 3510/2) (from Ch. 111 1/2, par. 8102)

2 Sec. 2. Definitions. The following words and terms,  
3 whether or not capitalized, have the following meanings,  
4 unless the context or use clearly requires otherwise:

5 "Asbestos" means asbestos as defined and used in the  
6 federal Asbestos Hazard Emergency Response Act of 1986, as now  
7 or hereafter amended, including the regulations promulgated  
8 under that Act.

9 "Asbestos Abatement Project" means asbestos inspection,  
10 planning and response action under and within the meaning of  
11 the federal Asbestos Hazard Emergency Response Act of 1986, as  
12 now or hereafter amended, to abate a health hazard caused  
13 directly or indirectly by the existence of asbestos in any  
14 building or other facility owned, operated, maintained or  
15 occupied in whole or in part by a public corporation or a  
16 private institution.

17 "Authority" means the Illinois Finance Authority.

18 "Board" means the Board of the Authority.

19 "Bond" means any bond, note or other evidence of  
20 indebtedness issued by the Authority under this Act.

21 "Chairman" means the Chairman of the Authority.

22 "Cost" as applied to an asbestos abatement project means  
23 the costs incurred or to be incurred by a public corporation or  
24 a private institution in the removal, encapsulation,  
25 enclosure, repair, or maintenance of asbestos in any building

1 or other facility owned, operated, maintained or occupied in  
2 whole or in part by a public corporation or a private  
3 institution, including all incidental costs such as  
4 engineering, architectural, consulting and legal expenses  
5 incurred in connection with an asbestos abatement project,  
6 plans, specifications, surveys, estimates of costs and  
7 revenues, finance charges, interest before and during  
8 construction of an asbestos abatement project and, for up to  
9 18 months after completion of construction, other expenses  
10 necessary or incident to determining the need, feasibility or  
11 practicability of an asbestos abatement project,  
12 administrative expenses, and such other costs, charges and  
13 expenses as may be necessary or incident to the construction  
14 or financing of any asbestos abatement project. As used in  
15 this Act, "cost" means not only costs of an asbestos abatement  
16 project expected to be incurred in the future, but costs  
17 already incurred and paid by a public corporation or a private  
18 institution so that a public corporation or a private  
19 institution shall be permitted to reimburse itself for those  
20 costs previously incurred and paid.

21 "Person" means any individual, firm, partnership,  
22 association, or corporation, separately or in any combination.

23 "Private institution" means any not-for-profit  
24 organization within the meaning of Section 501(c)(3) of the  
25 Internal Revenue Code of 1986, as now or hereafter amended,  
26 including any private or nonpublic pre-school, child ~~day~~ care

1 center, day or residential educational institution that  
2 provides elementary or secondary education for grades 12 or  
3 under, any private or nonpublic college or university, or any  
4 hospital, health care or long term care institution.

5 "Private institution security" means any bond, note, loan  
6 agreement, or other evidence of indebtedness which a private  
7 institution is legally authorized to issue or enter into for  
8 the purpose of financing or refinancing the costs of an  
9 asbestos abatement project.

10 "Public corporation" means any body corporate organized by  
11 or under the laws of this State to carry out a public  
12 governmental or proprietary function, including the State, any  
13 State agency, any school district, park district, city,  
14 village, incorporated town, county, township, drainage or any  
15 other type of district, board, commission, authority,  
16 university, public community college or any combination  
17 (including any combination under Section 10 of Article VII of  
18 the Illinois Constitution or under the Intergovernmental  
19 Cooperation Act of 1973, as now or hereafter amended), acting  
20 through their corporate authorities, and any other unit of  
21 local government within the meaning of Section 1 of Article  
22 VII of the Illinois Constitution.

23 "Public corporation security" means any bond, note, loan  
24 agreement, or other evidence of indebtedness which a public  
25 corporation is legally authorized to issue or enter into for  
26 the purpose of financing or refinancing the costs of an

1 asbestos abatement project.

2 "Secretary" means the Secretary of the Authority.

3 "State" means the State of Illinois.

4 "Treasurer" means the Treasurer of the Authority.

5 (Source: P.A. 93-205, eff. 1-1-04.)

6 Section 50. The State Agency Employees Child Care Services  
7 Act is amended by changing Sections 2, 3, 4, and 5 as follows:

8 (30 ILCS 590/2) (from Ch. 127, par. 3002)

9 Sec. 2. In this Act, unless the context otherwise  
10 requires, the following terms shall have the meanings ascribed  
11 to them:

12 1. "Department" means the Department of Central Management  
13 Services.

14 2. "State agency" means all departments, officers,  
15 commissions, boards, institutions and bodies politic and  
16 corporate of the State, including the offices of Clerk of the  
17 Supreme Court and Clerks of the Appellate Courts, the several  
18 courts of the State and the legislature, its committees or  
19 commissions.

20 3. "Child care services" means child ~~day~~ care home or  
21 center services as defined by the Child Care Act of 1969.

22 (Source: P.A. 84-652.)

23 (30 ILCS 590/3) (from Ch. 127, par. 3003)

1           Sec. 3. The Department may authorize a State agency to  
2 contract for the provision of child care services for its  
3 employees. The Department may, in accordance with established  
4 rules, allow child ~~day~~ care centers to operate in State-owned  
5 or leased facilities. Such facilities shall be primarily for  
6 use by State employees but use by non-employees may be  
7 allowed.

8           Where a State agency enters into a contract to construct,  
9 acquire or lease all or a substantial portion of a building, in  
10 which more than 50 persons shall be employed, other than a  
11 renewal of an existing lease, after July 1, 1990, and where a  
12 need has been demonstrated, according to Section 4 of this  
13 Act, on-site child care services shall be provided for State  
14 employees.

15           The Department shall implement this Act and shall  
16 promulgate all rules and regulations necessary for this  
17 purpose. By April 1, 1991, the Department shall propose rules  
18 setting forth the standards and criteria, including need and  
19 feasibility, for determining if on-site child care services  
20 shall be provided. The Department shall consult with the  
21 Department of Children and Family Services in defining  
22 standards for child care service centers established pursuant  
23 to this Act to ensure compliance with the Child Care Act of  
24 1969. The Department shall establish a schedule of fees that  
25 shall be charged to employees of State agencies who may obtain  
26 child care services under this Act. Such schedule shall be

1 established so that charges for service are based on the  
2 actual cost of care. Except as otherwise provided by law for  
3 employees who may qualify for public assistance or social  
4 services due to indigency or family circumstance, each  
5 employee obtaining child care services under this Act shall be  
6 responsible for full payment of such charges. The Department  
7 shall report, on or before December 31 of each year, to the  
8 Governor and the members of the General Assembly, on the  
9 feasibility and implementation of a plan for the provision of  
10 comprehensive child care services.

11 (Source: P.A. 86-1482.)

12 (30 ILCS 590/4) (from Ch. 127, par. 3004)

13 Sec. 4. Prior to receiving authorization from the  
14 Department to contract for child care services, a State agency  
15 shall demonstrate a need for such services. Proof of need  
16 submitted to the Department may include a survey of agency  
17 employees as well as a determination of the availability of  
18 child care services under such agency, through other State  
19 agencies, or in the community. The Department may also require  
20 submission of a feasibility, design and implementation plan,  
21 which takes into consideration similar needs and services of  
22 other State agencies.

23 The Department shall assist any State agency authorized to  
24 procure child care services in the preparation of a request  
25 for proposals, in order to assure that the services provided

1 address the specific needs of the agency personnel.

2 Any State agency authorized by the Department to contract  
3 for child care services shall have the sole responsibility for  
4 choosing the successful bidder and overseeing the operation of  
5 its child care service program within the guidelines  
6 established by the Department. The Department shall promulgate  
7 rules pursuant to the Illinois Administrative Procedure Act  
8 which detail the specific standards to be used by the Director  
9 of any State agency in the selection of a vendor of child care  
10 services.

11 The State agency's contract shall provide for the  
12 establishment of or arrangement for the use of a licensed  
13 child day care center or a licensed child day care agency, as  
14 defined in the Child Care Act of 1969.

15 State agencies with similar needs, or those with small  
16 employee populations may group together to establish need and  
17 contract for the provision of child care services.

18 (Source: P.A. 85-1337; 86-1482.)

19 (30 ILCS 590/5) (from Ch. 127, par. 3005)

20 Sec. 5. The General Assembly, through the Joint Committee  
21 on Legislative Support Services, may contract for the  
22 establishment of child care services, which may also serve as  
23 a prototype or model of such services for other state  
24 agencies. Such a center shall use a schedule of fees and  
25 charges established by the Department under Section 3 of this



1 Act. Such a center may also be used for the conduct of research  
2 on child development, child ~~day~~ care standards, the effect of  
3 employer-assisted child care on employee morale and  
4 productivity or other subjects as determined by the Joint  
5 Committee on Legislative Support Services, in consultation  
6 with the Department of Children and Family Services.

7 (Source: P.A. 84-652.)

8 Section 55. The Use Tax Act is amended by changing Section  
9 2c as follows:

10 (35 ILCS 105/2c) (from Ch. 120, par. 439.2c)

11 Sec. 2c. For purposes of this Act, a corporation, limited  
12 liability company, society, association, foundation or  
13 institution organized and operated exclusively for educational  
14 purposes shall include: all tax-supported public schools;  
15 private schools which offer systematic instruction in useful  
16 branches of learning by methods common to public schools and  
17 which compare favorably in their scope and intensity with the  
18 course of study presented in tax-supported schools; licensed  
19 child ~~day~~ care centers as defined in Section 2.09 of the Child  
20 Care Act of 1969 which are operated by a not for profit  
21 corporation, society, association, foundation, institution or  
22 organization; vocational or technical schools or institutes  
23 organized and operated exclusively to provide a course of  
24 study of not less than 6 weeks duration and designed to prepare

1 individuals to follow a trade or to pursue a manual,  
2 technical, mechanical, industrial, business or commercial  
3 occupation.

4 However, a corporation, limited liability company,  
5 society, association, foundation or institution organized and  
6 operated for the purpose of offering professional, trade or  
7 business seminars of short duration, self-improvement or  
8 personality development courses, courses which are avocational  
9 or recreational in nature, courses pursued entirely by open  
10 circuit television or radio, correspondence courses, or  
11 courses which do not provide specialized training within a  
12 specific vocational or technical field shall not be considered  
13 to be organized and operated exclusively for educational  
14 purposes.

15 (Source: P.A. 88-480.)

16 Section 60. The Service Occupation Tax Act is amended by  
17 changing Section 2c as follows:

18 (35 ILCS 115/2c) (from Ch. 120, par. 439.102c)

19 Sec. 2c. For purposes of this Act, a corporation, limited  
20 liability company, society, association, foundation or  
21 institution organized and operated exclusively for educational  
22 purposes shall include: all tax-supported public schools;  
23 private schools which offer systematic instruction in useful  
24 branches of learning by methods common to public schools and

1 which compare favorably in their scope and intensity with the  
2 course of study presented in tax-supported schools; licensed  
3 child day care centers as defined in Section 2.09 of the Child  
4 Care Act of 1969 which are operated by a not-for-profit  
5 corporation, society, association, foundation, institution or  
6 organization; vocational or technical schools or institutes  
7 organized and operated exclusively to provide a course of  
8 study of not less than 6 weeks duration and designed to prepare  
9 individuals to follow a trade or to pursue a manual,  
10 technical, mechanical, industrial, business or commercial  
11 occupation.

12 However, a corporation, limited liability company,  
13 society, association, foundation or institution organized and  
14 operated for the purpose of offering professional, trade or  
15 business seminars of short duration, self-improvement or  
16 personality development courses, courses which are avocational  
17 or recreational in nature, courses pursued entirely by open  
18 circuit television or radio, correspondence courses, or  
19 courses which do not provide specialized training within a  
20 specific vocational or technical field shall not be considered  
21 to be organized and operated exclusively for educational  
22 purposes.

23 (Source: P.A. 88-480.)

24 Section 65. The Retailers' Occupation Tax Act is amended  
25 by changing Section 2h as follows:

1 (35 ILCS 120/2h) (from Ch. 120, par. 441h)

2 Sec. 2h. For purposes of this Act, a corporation, limited  
3 liability company, society, association, foundation or  
4 institution organized and operated exclusively for educational  
5 purposes shall include: all tax-supported public schools;  
6 private schools which offer systematic instruction in useful  
7 branches of learning by methods common to public schools and  
8 which compare favorably in their scope and intensity with the  
9 course of study presented in tax-supported schools; licensed  
10 child day care centers as defined in Section 2.09 of the Child  
11 Care Act of 1969 which are operated by a not for profit  
12 corporation, society, association, foundation, institution or  
13 organization; vocational or technical schools or institutes  
14 organized and operated exclusively to provide a course of  
15 study of not less than 6 weeks duration and designed to prepare  
16 individuals to follow a trade or to pursue a manual,  
17 technical, mechanical, industrial, business or commercial  
18 occupation.

19 However, a corporation, limited liability company,  
20 society, association, foundation or institution organized and  
21 operated for the purpose of offering professional, trade or  
22 business seminars of short duration, self-improvement or  
23 personality development courses, courses which are avocational  
24 or recreational in nature, courses pursued entirely by open  
25 circuit television or radio, correspondence courses, or

1 courses which do not provide specialized training within a  
2 specific vocational or technical field shall not be considered  
3 to be organized and operated exclusively for educational  
4 purposes.

5 (Source: P.A. 88-480.)

6 Section 70. The Community Self-Revitalization Act is  
7 amended by changing Section 15 as follows:

8 (50 ILCS 350/15)

9 Sec. 15. Certification; Board of Economic Advisors.

10 (a) In order to receive the assistance as provided in this  
11 Act, a community shall first, by ordinance passed by its  
12 corporate authorities, request that the Department certify  
13 that it is an economically distressed community. The community  
14 must submit a certified copy of the ordinance to the  
15 Department. After review of the ordinance, if the Department  
16 determines that the community meets the requirements for  
17 certification, the Department may certify the community as an  
18 economically distressed community.

19 (b) A community that is certified by the Department as an  
20 economically distressed community may appoint a Board of  
21 Economic Advisors to create and implement a revitalization  
22 plan for the community. The Board shall consist of 18 members  
23 of the community, appointed by the mayor or the presiding  
24 officer of the county or jointly by the presiding officers of

1 each municipality and county that have joined to form a  
2 community for the purposes of this Act. Up to 18 Board members  
3 may be appointed from the following vital sectors:

4 (1) A member representing households and families.

5 (2) A member representing religious organizations.

6 (3) A member representing educational institutions.

7 (4) A member representing child care ~~daycare~~ centers,  
8 care centers for persons with disabilities, and care  
9 centers for the disadvantaged.

10 (5) A member representing community based  
11 organizations such as neighborhood improvement  
12 associations.

13 (6) A member representing federal and State employment  
14 service systems, skill training centers, and placement  
15 referrals.

16 (7) A member representing Masonic organizations,  
17 fraternities, sororities, and social clubs.

18 (8) A member representing hospitals, nursing homes,  
19 senior citizens, public health agencies, and funeral  
20 homes.

21 (9) A member representing organized sports, parks,  
22 parties, and games of chance.

23 (10) A member representing political parties, clubs,  
24 and affiliations, and election related matters concerning  
25 voter education and participation.

26 (11) A member representing the cultural aspects of the

1 community, including cultural events, lifestyles,  
2 languages, music, visual and performing arts, and  
3 literature.

4 (12) A member representing police and fire protection  
5 agencies, prisons, weapons systems, and the military  
6 industrial complex.

7 (13) A member representing local businesses.

8 (14) A member representing the retail industry.

9 (15) A member representing the service industry.

10 (16) A member representing the industrial, production,  
11 and manufacturing sectors.

12 (17) A member representing the advertising and  
13 marketing industry.

14 (18) A member representing the technology services  
15 industry.

16 The Board shall meet initially within 30 days of its  
17 appointment, shall select one member as chairperson at its  
18 initial meeting, and shall thereafter meet at the call of the  
19 chairperson. Members of the Board shall serve without  
20 compensation.

21 (c) One third of the initial appointees shall serve for 2  
22 years, one third shall serve for 3 years, and one third shall  
23 serve for 4 years, as determined by lot. Subsequent appointees  
24 shall serve terms of 5 years.

25 (d) The Board shall create a 3-year to 5-year  
26 revitalization plan for the community. The plan shall contain

1 distinct, measurable objectives for revitalization. The  
2 objectives shall be used to guide ongoing implementation of  
3 the plan and to measure progress during the 3-year to 5-year  
4 period. The Board shall work in a dynamic manner defining  
5 goals for the community based on the strengths and weaknesses  
6 of the individual sectors of the community as presented by  
7 each member of the Board. The Board shall meet periodically  
8 and revise the plan in light of the input from each member of  
9 the Board concerning his or her respective sector of  
10 expertise. The process shall be a community driven  
11 revitalization process, with community-specific data  
12 determining the direction and scope of the revitalization.

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

14 Section 75. The Counties Code is amended by changing  
15 Sections 4-11001 and 5-1097.5 as follows:

16 (55 ILCS 5/4-11001) (from Ch. 34, par. 4-11001)

17 (Text of Section WITH the changes made by P.A. 98-1132,  
18 which has been held unconstitutional)

19 Sec. 4-11001. Juror fees. Each county shall pay to grand  
20 and petit jurors for their services in attending courts the  
21 sums of \$25 for the first day and thereafter \$50 for each day  
22 of necessary attendance, or such higher amount as may be fixed  
23 by the county board.

24 If a judge so orders, a juror shall also receive



1 reimbursement for the actual cost of child ~~day~~ care incurred  
2 by the juror during his or her service on a jury.

3 The juror fees for service and child ~~day~~ care shall be paid  
4 out of the county treasury.

5 The clerk of the court shall furnish to each juror without  
6 fee whenever he is discharged a certificate of the number of  
7 days' attendance at court, and upon presentation thereof to  
8 the county treasurer, he shall pay to the juror the sum  
9 provided for his service.

10 Any juror may elect to waive the fee paid for service,  
11 transportation, or child ~~day~~ care, or any combination thereof.  
12 (Source: P.A. 97-840, eff. 1-1-13; 98-1132, eff. 6-1-15.)

13 (Text of Section WITHOUT the changes made by P.A. 98-1132,  
14 which has been held unconstitutional)

15 Sec. 4-11001. Juror fees. Each county shall pay to grand  
16 and petit jurors for their services in attending courts the  
17 sum of \$4 for each day of necessary attendance at such courts  
18 as jurors in counties of the first class, the sum of \$5 for  
19 each day in counties of the second class, and the sum of \$10  
20 for each day in counties of the third class, or such higher  
21 amount as may be fixed by the county board.

22 In addition, jurors shall receive such travel expense as  
23 may be determined by the county board, provided that jurors in  
24 counties of the first class and second class shall receive at  
25 least 10 cents per mile for their travel expense. Mileage

1 shall be allowed for travel during a juror's term as well as  
2 for travel at the opening and closing of his term.

3 If a judge so orders, a juror shall also receive  
4 reimbursement for the actual cost of child ~~day~~ care incurred  
5 by the juror during his or her service on a jury.

6 The juror fees for service, transportation, and child ~~day~~  
7 care shall be paid out of the county treasury.

8 The clerk of the court shall furnish to each juror without  
9 fee whenever he is discharged a certificate of the number of  
10 days' attendance at court, and upon presentation thereof to  
11 the county treasurer, he shall pay to the juror the sum  
12 provided for his service.

13 Any juror may elect to waive the fee paid for service,  
14 transportation, or child ~~day~~ care, or any combination thereof.  
15 (Source: P.A. 97-840, eff. 1-1-13.)

16 (55 ILCS 5/5-1097.5)

17 Sec. 5-1097.5. Adult entertainment facility. It is  
18 prohibited within an unincorporated area of a county to locate  
19 an adult entertainment facility within 3,000 feet of the  
20 property boundaries of any school, child ~~day~~ care center,  
21 cemetery, public park, forest preserve, public housing, place  
22 of religious worship, or residence, except that in a county  
23 with a population of more than 800,000 and less than 2,000,000  
24 inhabitants, it is prohibited to locate, construct, or operate  
25 a new adult entertainment facility within one mile of the

1 property boundaries of any school, child ~~day~~ care center,  
2 cemetery, public park, forest preserve, public housing, or  
3 place of religious worship located anywhere within that  
4 county. Notwithstanding any other requirements of this  
5 Section, it is also prohibited to locate, construct, or  
6 operate a new adult entertainment facility within one mile of  
7 the property boundaries of any school, child ~~day~~ care center,  
8 cemetery, public park, forest preserve, public housing, or  
9 place of religious worship located in that area of Cook County  
10 outside of the City of Chicago.

11 For the purposes of this Section, "adult entertainment  
12 facility" means (i) a striptease club or pornographic movie  
13 theatre whose business is the commercial sale, dissemination,  
14 or distribution of sexually explicit material, shows, or other  
15 exhibitions or (ii) an adult bookstore or adult video store  
16 whose primary business is the commercial sale, dissemination,  
17 or distribution of sexually explicit material, shows, or other  
18 exhibitions. "Unincorporated area of a county" means any area  
19 not within the boundaries of a municipality.

20 The State's Attorney of the county where the adult  
21 entertainment facility is located or the Attorney General may  
22 institute a civil action for an injunction to restrain  
23 violations of this Section. In that proceeding, the court  
24 shall determine whether a violation has been committed and  
25 shall enter such orders as it considers necessary to remove  
26 the effect of any violation and to prevent the violation from

1 continuing or from being renewed in the future.

2 (Source: P.A. 94-496, eff. 1-1-06; 95-214, eff. 8-16-07.)

3 Section 80. The Township Code is amended by changing  
4 Section 85-13 as follows:

5 (60 ILCS 1/85-13)

6 Sec. 85-13. Township services, generally.

7 (a) The township board may either expend funds directly or  
8 may enter into any cooperative agreement or contract with any  
9 other governmental entity, not-for-profit corporation,  
10 non-profit community service association, or any for-profit  
11 business entity as provided in subsection (b) with respect to  
12 the expenditure of township funds, or funds made available to  
13 the township under the federal State and Local Fiscal  
14 Assistance Act of 1972, to provide any of the following  
15 services to the residents of the township:

16 (1) Ordinary and necessary maintenance and operating  
17 expenses for the following:

18 (A) Public safety (including law enforcement, fire  
19 protection, and building code enforcement).

20 (B) Environmental protection (including sewage  
21 disposal, sanitation, and pollution abatement).

22 (C) Public transportation (including transit  
23 systems, paratransit systems, and streets and roads).

24 (D) Health.

1 (E) Recreation.

2 (F) Libraries.

3 (G) Social services for the poor and aged.

4 (2) Ordinary and necessary capital expenditures  
5 authorized by law.

6 (3) Development and retention of business, industrial,  
7 manufacturing, and tourist facilities within the township.

8 (b) To be eligible to receive funds from the township  
9 under this Section, a private not-for-profit corporation or  
10 community service association shall have been in existence at  
11 least one year before receiving the funds. The township board  
12 may, however, for the purpose of providing child day care  
13 services, contract with child day care facilities licensed  
14 under the Child Care Act of 1969, regardless of whether the  
15 facilities are organized on a for-profit or not-for-profit  
16 basis.

17 (c) Township governments that directly expend or contract  
18 for child day care shall use the standard of need established  
19 by the Department of Children and Family Services in  
20 determining recipients of subsidized child day care and shall  
21 use the rate schedule used by the Department of Children and  
22 Family Services for the purchase of subsidized child day care.

23 (d) Township governments that directly expend or contract  
24 for senior citizen services may contract with for-profit (or  
25 not-for-profit) and non-sectarian organizations as provided in  
26 Sections 220-15 and 220-35.

1           (e) Those township supervisors or other elected township  
2 officials who are also members of a county board shall not vote  
3 on questions before the township board or the county board  
4 that relate to agreements or contracts between the township  
5 and the county under this Section or agreements or contracts  
6 between the township and the county that are otherwise  
7 authorized by law.

8           (f) The township board may enter into direct agreements  
9 with for-profit corporations or other business entities to  
10 carry out recycling programs in unincorporated areas of the  
11 township.

12           The township board may by ordinance administer a recycling  
13 program or adopt rules and regulations relating to recycling  
14 programs in unincorporated areas of the township that it from  
15 time to time deems necessary and may provide penalties for  
16 violations of those rules and regulations.

17           (g) For purposes of alleviating high unemployment,  
18 economically depressed conditions, and lack of moderately  
19 priced housing, the trustees of a township that includes all  
20 or a portion of a city that is a "financially distressed city"  
21 under the Financially Distressed City Law may contract with  
22 one or more not-for-profit or for-profit organizations to  
23 construct and operate within the boundaries of the township a  
24 factory designed to manufacture housing or housing components.  
25 The contract may provide for the private organization or  
26 organizations to manage some or all operations of the factory

1 and may provide for (i) payment of employee compensation and  
2 taxes; (ii) discharge of other legal responsibilities; (iii)  
3 sale of products; (iv) disposition of the factory, equipment,  
4 and other property; and (v) any other matters the township  
5 trustees consider reasonable.

6 (Source: P.A. 95-119, eff. 8-13-07.)

7 Section 85. The Illinois Municipal Code is amended by  
8 changing Sections 8-3-18, 11-5-1.5, 11-21.5-5, 11-74.4-3, and  
9 11-80-15 as follows:

10 (65 ILCS 5/8-3-18)

11 Sec. 8-3-18. A municipality, upon a majority vote of its  
12 governing authority, may abate taxes levied for corporate  
13 purposes under Section 8-3-1 in an amount not to exceed 50% of  
14 the donation by a taxpayer who donates not less than \$10,000 to  
15 a qualified program. The abatement shall not exceed the tax  
16 extension on the taxpayer's real property for the levy year in  
17 which the donation is made.

18 For purposes of this Section, "qualified program" means a  
19 facility or a program in an area designated as a target area by  
20 the governing authority of the municipality for the creation  
21 or expansion of job training and counseling programs, youth  
22 child day care centers, congregate housing programs for senior  
23 adults, youth recreation programs, alcohol and drug abuse  
24 prevention, mental health counseling programs, domestic

1 violence shelters, and other programs, facilities or services  
2 approved by the governing authority as qualified programs in a  
3 target area.

4 (Source: P.A. 88-389.)

5 (65 ILCS 5/11-5-1.5)

6 Sec. 11-5-1.5. Adult entertainment facility. It is  
7 prohibited within a municipality to locate an adult  
8 entertainment facility within 1,000 feet of the property  
9 boundaries of any school, child ~~day~~ care center, cemetery,  
10 public park, forest preserve, public housing, and place of  
11 religious worship, except that in a county with a population  
12 of more than 800,000 and less than 2,000,000 inhabitants, it  
13 is prohibited to locate, construct, or operate a new adult  
14 entertainment facility within one mile of the property  
15 boundaries of any school, child ~~day~~ care center, cemetery,  
16 public park, forest preserve, public housing, or place of  
17 religious worship located anywhere within that county.  
18 Notwithstanding any other requirements of this Section, it is  
19 also prohibited to locate, construct, or operate a new adult  
20 entertainment facility within one mile of the property  
21 boundaries of any school, child ~~day~~ care center, cemetery,  
22 public park, forest preserve, public housing, or place of  
23 religious worship located in that area of Cook County outside  
24 of the City of Chicago.

25 For the purposes of this Section, "adult entertainment



1 facility" means (i) a striptease club or pornographic movie  
2 theatre whose business is the commercial sale, dissemination,  
3 or distribution of sexually explicit material, shows, or other  
4 exhibitions or (ii) an adult bookstore or adult video store in  
5 which 25% or more of its stock-in-trade, books, magazines, and  
6 films for sale, exhibition, or viewing on-premises are  
7 sexually explicit material.

8 (Source: P.A. 95-47, eff. 1-1-08; 95-214, eff. 8-16-07;  
9 95-876, eff. 8-21-08.)

10 (65 ILCS 5/11-21.5-5)

11 Sec. 11-21.5-5. Local emergency energy plans.

12 (a) Any municipality, including a home rule municipality,  
13 may, by ordinance, require any electric utility (i) that  
14 serves more than 1,000,000 customers in Illinois and (ii) that  
15 is operating within the corporate limits of the municipality  
16 to adopt and to provide the municipality with a local  
17 emergency energy plan. For the purposes of this Section, (i)  
18 "local emergency energy plan" or "plan" means a planned course  
19 of action developed by the electric utility that is  
20 implemented when the demand for electricity exceeds, or is at  
21 significant risk of exceeding, the supply of electricity  
22 available to the electric utility and (ii) "local emergency  
23 energy plan ordinance" means an ordinance adopted by the  
24 corporate authorities of the municipality under this Section  
25 that requires local emergency energy plans.

1 (b) A local emergency energy plan must include the  
2 following information:

3 (1) the circumstances that would require the  
4 implementation of the plan;

5 (2) the levels or stages of the plan;

6 (3) the approximate geographic limits of each outage  
7 area provided for in the plan;

8 (4) the approximate number of customers within each  
9 outage area provided for in the plan;

10 (5) any police facilities, fire stations, hospitals,  
11 nursing homes, schools, child day care centers, senior  
12 citizens centers, community health centers, blood banks,  
13 dialysis centers, community mental health centers,  
14 correctional facilities, stormwater and wastewater  
15 treatment or pumping facilities, water-pumping stations,  
16 buildings in excess of 80 feet in height that have been  
17 identified by the municipality, and persons on life  
18 support systems that are known to the electric utility  
19 that could be affected by controlled rotating  
20 interruptions of electric service under the plan; and

21 (6) the anticipated sequence and duration of  
22 intentional interruptions of electric service to each  
23 outage area under the plan.

24 (c) A local emergency energy plan ordinance may require  
25 that, when an electric utility determines it is necessary to  
26 implement a controlled rotating interruption of electric

1 service because the demand for electricity exceeds, or is at  
2 significant risk of exceeding, the supply of electricity  
3 available to the electric utility, the electric utility notify  
4 a designated municipal officer that the electric utility will  
5 be implementing its local emergency energy plan. The  
6 notification shall be made pursuant to a procedure approved by  
7 the municipality after consultation with the electric utility.

8 (d) After providing the notice required in subsection (c),  
9 an electric utility shall reasonably and separately advise  
10 designated municipal officials before it implements each level  
11 or stage of the plan, which shall include (i) a request for  
12 emergency help from neighboring utilities, (ii) a declaration  
13 of a control area emergency, and (iii) a public appeal for  
14 voluntary curtailment of electricity use.

15 (e) The electric utility must give a separate notice to a  
16 designated municipal official immediately after it determines  
17 that there will be a controlled rotating interruption of  
18 electric service under the local emergency energy plan. The  
19 notification must include (i) the areas in which service will  
20 be interrupted, (ii) the sequence and estimated duration of  
21 the service outage for each area, (iii) the affected feeders,  
22 and (iv) the number of affected customers in each area.  
23 Whenever practical, the notification shall be made at least 2  
24 hours before the time of the outages. If the electric utility  
25 is aware that controlled rotating interruptions may be  
26 required, the notification may not be made less than 30

1 minutes before the outages.

2 (f) A local emergency energy plan ordinance may provide  
3 civil penalties for violations of its provisions. The  
4 penalties must be permitted under the Illinois Municipal Code.

5 (g) The notifications required by this Section are in  
6 addition to the notification requirements of any applicable  
7 franchise agreement or ordinance and to the notification  
8 requirements of any applicable federal or State law, rule, and  
9 regulation.

10 (h) Except for any penalties or remedies that may be  
11 provided in a local emergency energy plan ordinance, in this  
12 Act, or in rules adopted by the Illinois Commerce Commission,  
13 nothing in this Section shall be construed to impose liability  
14 for or prevent a utility from taking any actions that are  
15 necessary at any time, in any order, and with or without notice  
16 that are required to preserve the integrity of the electric  
17 utility's electrical system and interconnected network.

18 (i) Nothing in this Section, a local emergency energy plan  
19 ordinance, or a local emergency energy plan creates any duty  
20 of a municipality to any person or entity. No municipality may  
21 be subject to any claim or cause of action arising, directly or  
22 indirectly, from its decision to adopt or to refrain from  
23 adopting a local emergency energy plan ordinance. No  
24 municipality may be subject to any claim or cause of action  
25 arising, directly or indirectly, from any act or omission  
26 under the terms of or information provided in a local

1 emergency energy plan filed under a local emergency energy  
2 plan ordinance.

3 (Source: P.A. 92-651, eff. 7-11-02; 93-293, eff. 7-22-03.)

4 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

5 Sec. 11-74.4-3. Definitions. The following terms, wherever  
6 used or referred to in this Division 74.4 shall have the  
7 following respective meanings, unless in any case a different  
8 meaning clearly appears from the context.

9 (a) For any redevelopment project area that has been  
10 designated pursuant to this Section by an ordinance adopted  
11 prior to November 1, 1999 (the effective date of Public Act  
12 91-478), "blighted area" shall have the meaning set forth in  
13 this Section prior to that date.

14 On and after November 1, 1999, "blighted area" means any  
15 improved or vacant area within the boundaries of a  
16 redevelopment project area located within the territorial  
17 limits of the municipality where:

18 (1) If improved, industrial, commercial, and  
19 residential buildings or improvements are detrimental to  
20 the public safety, health, or welfare because of a  
21 combination of 5 or more of the following factors, each of  
22 which is (i) present, with that presence documented, to a  
23 meaningful extent so that a municipality may reasonably  
24 find that the factor is clearly present within the intent  
25 of the Act and (ii) reasonably distributed throughout the

1 improved part of the redevelopment project area:

2 (A) Dilapidation. An advanced state of disrepair  
3 or neglect of necessary repairs to the primary  
4 structural components of buildings or improvements in  
5 such a combination that a documented building  
6 condition analysis determines that major repair is  
7 required or the defects are so serious and so  
8 extensive that the buildings must be removed.

9 (B) Obsolescence. The condition or process of  
10 falling into disuse. Structures have become ill-suited  
11 for the original use.

12 (C) Deterioration. With respect to buildings,  
13 defects including, but not limited to, major defects  
14 in the secondary building components such as doors,  
15 windows, porches, gutters and downspouts, and fascia.  
16 With respect to surface improvements, that the  
17 condition of roadways, alleys, curbs, gutters,  
18 sidewalks, off-street parking, and surface storage  
19 areas evidence deterioration, including, but not  
20 limited to, surface cracking, crumbling, potholes,  
21 depressions, loose paving material, and weeds  
22 protruding through paved surfaces.

23 (D) Presence of structures below minimum code  
24 standards. All structures that do not meet the  
25 standards of zoning, subdivision, building, fire, and  
26 other governmental codes applicable to property, but

1 not including housing and property maintenance codes.

2 (E) Illegal use of individual structures. The use  
3 of structures in violation of applicable federal,  
4 State, or local laws, exclusive of those applicable to  
5 the presence of structures below minimum code  
6 standards.

7 (F) Excessive vacancies. The presence of buildings  
8 that are unoccupied or under-utilized and that  
9 represent an adverse influence on the area because of  
10 the frequency, extent, or duration of the vacancies.

11 (G) Lack of ventilation, light, or sanitary  
12 facilities. The absence of adequate ventilation for  
13 light or air circulation in spaces or rooms without  
14 windows, or that require the removal of dust, odor,  
15 gas, smoke, or other noxious airborne materials.  
16 Inadequate natural light and ventilation means the  
17 absence of skylights or windows for interior spaces or  
18 rooms and improper window sizes and amounts by room  
19 area to window area ratios. Inadequate sanitary  
20 facilities refers to the absence or inadequacy of  
21 garbage storage and enclosure, bathroom facilities,  
22 hot water and kitchens, and structural inadequacies  
23 preventing ingress and egress to and from all rooms  
24 and units within a building.

25 (H) Inadequate utilities. Underground and overhead  
26 utilities such as storm sewers and storm drainage,

1 sanitary sewers, water lines, and gas, telephone, and  
2 electrical services that are shown to be inadequate.  
3 Inadequate utilities are those that are: (i) of  
4 insufficient capacity to serve the uses in the  
5 redevelopment project area, (ii) deteriorated,  
6 antiquated, obsolete, or in disrepair, or (iii)  
7 lacking within the redevelopment project area.

8 (I) Excessive land coverage and overcrowding of  
9 structures and community facilities. The  
10 over-intensive use of property and the crowding of  
11 buildings and accessory facilities onto a site.  
12 Examples of problem conditions warranting the  
13 designation of an area as one exhibiting excessive  
14 land coverage are: (i) the presence of buildings  
15 either improperly situated on parcels or located on  
16 parcels of inadequate size and shape in relation to  
17 present-day standards of development for health and  
18 safety and (ii) the presence of multiple buildings on  
19 a single parcel. For there to be a finding of excessive  
20 land coverage, these parcels must exhibit one or more  
21 of the following conditions: insufficient provision  
22 for light and air within or around buildings,  
23 increased threat of spread of fire due to the close  
24 proximity of buildings, lack of adequate or proper  
25 access to a public right-of-way, lack of reasonably  
26 required off-street parking, or inadequate provision



1 for loading and service.

2 (J) Deleterious land use or layout. The existence  
3 of incompatible land-use relationships, buildings  
4 occupied by inappropriate mixed-uses, or uses  
5 considered to be noxious, offensive, or unsuitable for  
6 the surrounding area.

7 (K) Environmental clean-up. The proposed  
8 redevelopment project area has incurred Illinois  
9 Environmental Protection Agency or United States  
10 Environmental Protection Agency remediation costs for,  
11 or a study conducted by an independent consultant  
12 recognized as having expertise in environmental  
13 remediation has determined a need for, the clean-up of  
14 hazardous waste, hazardous substances, or underground  
15 storage tanks required by State or federal law,  
16 provided that the remediation costs constitute a  
17 material impediment to the development or  
18 redevelopment of the redevelopment project area.

19 (L) Lack of community planning. The proposed  
20 redevelopment project area was developed prior to or  
21 without the benefit or guidance of a community plan.  
22 This means that the development occurred prior to the  
23 adoption by the municipality of a comprehensive or  
24 other community plan or that the plan was not followed  
25 at the time of the area's development. This factor  
26 must be documented by evidence of adverse or

1 incompatible land-use relationships, inadequate street  
2 layout, improper subdivision, parcels of inadequate  
3 shape and size to meet contemporary development  
4 standards, or other evidence demonstrating an absence  
5 of effective community planning.

6 (M) The total equalized assessed value of the  
7 proposed redevelopment project area has declined for 3  
8 of the last 5 calendar years prior to the year in which  
9 the redevelopment project area is designated or is  
10 increasing at an annual rate that is less than the  
11 balance of the municipality for 3 of the last 5  
12 calendar years for which information is available or  
13 is increasing at an annual rate that is less than the  
14 Consumer Price Index for All Urban Consumers published  
15 by the United States Department of Labor or successor  
16 agency for 3 of the last 5 calendar years prior to the  
17 year in which the redevelopment project area is  
18 designated.

19 (2) If vacant, the sound growth of the redevelopment  
20 project area is impaired by a combination of 2 or more of  
21 the following factors, each of which is (i) present, with  
22 that presence documented, to a meaningful extent so that a  
23 municipality may reasonably find that the factor is  
24 clearly present within the intent of the Act and (ii)  
25 reasonably distributed throughout the vacant part of the  
26 redevelopment project area to which it pertains:

1 (A) Obsolete platting of vacant land that results  
2 in parcels of limited or narrow size or configurations  
3 of parcels of irregular size or shape that would be  
4 difficult to develop on a planned basis and in a manner  
5 compatible with contemporary standards and  
6 requirements, or platting that failed to create  
7 rights-of-ways for streets or alleys or that created  
8 inadequate right-of-way widths for streets, alleys, or  
9 other public rights-of-way or that omitted easements  
10 for public utilities.

11 (B) Diversity of ownership of parcels of vacant  
12 land sufficient in number to retard or impede the  
13 ability to assemble the land for development.

14 (C) Tax and special assessment delinquencies exist  
15 or the property has been the subject of tax sales under  
16 the Property Tax Code within the last 5 years.

17 (D) Deterioration of structures or site  
18 improvements in neighboring areas adjacent to the  
19 vacant land.

20 (E) The area has incurred Illinois Environmental  
21 Protection Agency or United States Environmental  
22 Protection Agency remediation costs for, or a study  
23 conducted by an independent consultant recognized as  
24 having expertise in environmental remediation has  
25 determined a need for, the clean-up of hazardous  
26 waste, hazardous substances, or underground storage

1 tanks required by State or federal law, provided that  
2 the remediation costs constitute a material impediment  
3 to the development or redevelopment of the  
4 redevelopment project area.

5 (F) The total equalized assessed value of the  
6 proposed redevelopment project area has declined for 3  
7 of the last 5 calendar years prior to the year in which  
8 the redevelopment project area is designated or is  
9 increasing at an annual rate that is less than the  
10 balance of the municipality for 3 of the last 5  
11 calendar years for which information is available or  
12 is increasing at an annual rate that is less than the  
13 Consumer Price Index for All Urban Consumers published  
14 by the United States Department of Labor or successor  
15 agency for 3 of the last 5 calendar years prior to the  
16 year in which the redevelopment project area is  
17 designated.

18 (3) If vacant, the sound growth of the redevelopment  
19 project area is impaired by one of the following factors  
20 that (i) is present, with that presence documented, to a  
21 meaningful extent so that a municipality may reasonably  
22 find that the factor is clearly present within the intent  
23 of the Act and (ii) is reasonably distributed throughout  
24 the vacant part of the redevelopment project area to which  
25 it pertains:

26 (A) The area consists of one or more unused

1 quarries, mines, or strip mine ponds.

2 (B) The area consists of unused rail yards, rail  
3 tracks, or railroad rights-of-way.

4 (C) The area, prior to its designation, is subject  
5 to (i) chronic flooding that adversely impacts on real  
6 property in the area as certified by a registered  
7 professional engineer or appropriate regulatory agency  
8 or (ii) surface water that discharges from all or a  
9 part of the area and contributes to flooding within  
10 the same watershed, but only if the redevelopment  
11 project provides for facilities or improvements to  
12 contribute to the alleviation of all or part of the  
13 flooding.

14 (D) The area consists of an unused or illegal  
15 disposal site containing earth, stone, building  
16 debris, or similar materials that were removed from  
17 construction, demolition, excavation, or dredge sites.

18 (E) Prior to November 1, 1999, the area is not less  
19 than 50 nor more than 100 acres and 75% of which is  
20 vacant (notwithstanding that the area has been used  
21 for commercial agricultural purposes within 5 years  
22 prior to the designation of the redevelopment project  
23 area), and the area meets at least one of the factors  
24 itemized in paragraph (1) of this subsection, the area  
25 has been designated as a town or village center by  
26 ordinance or comprehensive plan adopted prior to

1           January 1, 1982, and the area has not been developed  
2           for that designated purpose.

3           (F) The area qualified as a blighted improved area  
4           immediately prior to becoming vacant, unless there has  
5           been substantial private investment in the immediately  
6           surrounding area.

7           (b) For any redevelopment project area that has been  
8           designated pursuant to this Section by an ordinance adopted  
9           prior to November 1, 1999 (the effective date of Public Act  
10          91-478), "conservation area" shall have the meaning set forth  
11          in this Section prior to that date.

12          On and after November 1, 1999, "conservation area" means  
13          any improved area within the boundaries of a redevelopment  
14          project area located within the territorial limits of the  
15          municipality in which 50% or more of the structures in the area  
16          have an age of 35 years or more. Such an area is not yet a  
17          blighted area but because of a combination of 3 or more of the  
18          following factors is detrimental to the public safety, health,  
19          morals or welfare and such an area may become a blighted area:

20          (1) Dilapidation. An advanced state of disrepair or  
21          neglect of necessary repairs to the primary structural  
22          components of buildings or improvements in such a  
23          combination that a documented building condition analysis  
24          determines that major repair is required or the defects  
25          are so serious and so extensive that the buildings must be  
26          removed.

1           (2) Obsolescence. The condition or process of falling  
2 into disuse. Structures have become ill-suited for the  
3 original use.

4           (3) Deterioration. With respect to buildings, defects  
5 including, but not limited to, major defects in the  
6 secondary building components such as doors, windows,  
7 porches, gutters and downspouts, and fascia. With respect  
8 to surface improvements, that the condition of roadways,  
9 alleys, curbs, gutters, sidewalks, off-street parking, and  
10 surface storage areas evidence deterioration, including,  
11 but not limited to, surface cracking, crumbling, potholes,  
12 depressions, loose paving material, and weeds protruding  
13 through paved surfaces.

14           (4) Presence of structures below minimum code  
15 standards. All structures that do not meet the standards  
16 of zoning, subdivision, building, fire, and other  
17 governmental codes applicable to property, but not  
18 including housing and property maintenance codes.

19           (5) Illegal use of individual structures. The use of  
20 structures in violation of applicable federal, State, or  
21 local laws, exclusive of those applicable to the presence  
22 of structures below minimum code standards.

23           (6) Excessive vacancies. The presence of buildings  
24 that are unoccupied or under-utilized and that represent  
25 an adverse influence on the area because of the frequency,  
26 extent, or duration of the vacancies.

1           (7) Lack of ventilation, light, or sanitary  
2 facilities. The absence of adequate ventilation for light  
3 or air circulation in spaces or rooms without windows, or  
4 that require the removal of dust, odor, gas, smoke, or  
5 other noxious airborne materials. Inadequate natural light  
6 and ventilation means the absence or inadequacy of  
7 skylights or windows for interior spaces or rooms and  
8 improper window sizes and amounts by room area to window  
9 area ratios. Inadequate sanitary facilities refers to the  
10 absence or inadequacy of garbage storage and enclosure,  
11 bathroom facilities, hot water and kitchens, and  
12 structural inadequacies preventing ingress and egress to  
13 and from all rooms and units within a building.

14           (8) Inadequate utilities. Underground and overhead  
15 utilities such as storm sewers and storm drainage,  
16 sanitary sewers, water lines, and gas, telephone, and  
17 electrical services that are shown to be inadequate.  
18 Inadequate utilities are those that are: (i) of  
19 insufficient capacity to serve the uses in the  
20 redevelopment project area, (ii) deteriorated, antiquated,  
21 obsolete, or in disrepair, or (iii) lacking within the  
22 redevelopment project area.

23           (9) Excessive land coverage and overcrowding of  
24 structures and community facilities. The over-intensive  
25 use of property and the crowding of buildings and  
26 accessory facilities onto a site. Examples of problem



1 conditions warranting the designation of an area as one  
2 exhibiting excessive land coverage are: the presence of  
3 buildings either improperly situated on parcels or located  
4 on parcels of inadequate size and shape in relation to  
5 present-day standards of development for health and safety  
6 and the presence of multiple buildings on a single parcel.  
7 For there to be a finding of excessive land coverage,  
8 these parcels must exhibit one or more of the following  
9 conditions: insufficient provision for light and air  
10 within or around buildings, increased threat of spread of  
11 fire due to the close proximity of buildings, lack of  
12 adequate or proper access to a public right-of-way, lack  
13 of reasonably required off-street parking, or inadequate  
14 provision for loading and service.

15 (10) Deleterious land use or layout. The existence of  
16 incompatible land-use relationships, buildings occupied by  
17 inappropriate mixed-uses, or uses considered to be  
18 noxious, offensive, or unsuitable for the surrounding  
19 area.

20 (11) Lack of community planning. The proposed  
21 redevelopment project area was developed prior to or  
22 without the benefit or guidance of a community plan. This  
23 means that the development occurred prior to the adoption  
24 by the municipality of a comprehensive or other community  
25 plan or that the plan was not followed at the time of the  
26 area's development. This factor must be documented by

1 evidence of adverse or incompatible land-use  
2 relationships, inadequate street layout, improper  
3 subdivision, parcels of inadequate shape and size to meet  
4 contemporary development standards, or other evidence  
5 demonstrating an absence of effective community planning.

6 (12) The area has incurred Illinois Environmental  
7 Protection Agency or United States Environmental  
8 Protection Agency remediation costs for, or a study  
9 conducted by an independent consultant recognized as  
10 having expertise in environmental remediation has  
11 determined a need for, the clean-up of hazardous waste,  
12 hazardous substances, or underground storage tanks  
13 required by State or federal law, provided that the  
14 remediation costs constitute a material impediment to the  
15 development or redevelopment of the redevelopment project  
16 area.

17 (13) The total equalized assessed value of the  
18 proposed redevelopment project area has declined for 3 of  
19 the last 5 calendar years for which information is  
20 available or is increasing at an annual rate that is less  
21 than the balance of the municipality for 3 of the last 5  
22 calendar years for which information is available or is  
23 increasing at an annual rate that is less than the  
24 Consumer Price Index for All Urban Consumers published by  
25 the United States Department of Labor or successor agency  
26 for 3 of the last 5 calendar years for which information is

1 available.

2 (c) "Industrial park" means an area in a blighted or  
3 conservation area suitable for use by any manufacturing,  
4 industrial, research or transportation enterprise, of  
5 facilities to include but not be limited to factories, mills,  
6 processing plants, assembly plants, packing plants,  
7 fabricating plants, industrial distribution centers,  
8 warehouses, repair overhaul or service facilities, freight  
9 terminals, research facilities, test facilities or railroad  
10 facilities.

11 (d) "Industrial park conservation area" means an area  
12 within the boundaries of a redevelopment project area located  
13 within the territorial limits of a municipality that is a  
14 labor surplus municipality or within 1 1/2 miles of the  
15 territorial limits of a municipality that is a labor surplus  
16 municipality if the area is annexed to the municipality; which  
17 area is zoned as industrial no later than at the time the  
18 municipality by ordinance designates the redevelopment project  
19 area, and which area includes both vacant land suitable for  
20 use as an industrial park and a blighted area or conservation  
21 area contiguous to such vacant land.

22 (e) "Labor surplus municipality" means a municipality in  
23 which, at any time during the 6 months before the municipality  
24 by ordinance designates an industrial park conservation area,  
25 the unemployment rate was over 6% and was also 100% or more of  
26 the national average unemployment rate for that same time as

1 published in the United States Department of Labor Bureau of  
2 Labor Statistics publication entitled "The Employment  
3 Situation" or its successor publication. For the purpose of  
4 this subsection, if unemployment rate statistics for the  
5 municipality are not available, the unemployment rate in the  
6 municipality shall be deemed to be the same as the  
7 unemployment rate in the principal county in which the  
8 municipality is located.

9 (f) "Municipality" shall mean a city, village,  
10 incorporated town, or a township that is located in the  
11 unincorporated portion of a county with 3 million or more  
12 inhabitants, if the county adopted an ordinance that approved  
13 the township's redevelopment plan.

14 (g) "Initial Sales Tax Amounts" means the amount of taxes  
15 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
16 Service Use Tax Act, the Service Occupation Tax Act, the  
17 Municipal Retailers' Occupation Tax Act, and the Municipal  
18 Service Occupation Tax Act by retailers and servicemen on  
19 transactions at places located in a State Sales Tax Boundary  
20 during the calendar year 1985.

21 (g-1) "Revised Initial Sales Tax Amounts" means the amount  
22 of taxes paid under the Retailers' Occupation Tax Act, Use Tax  
23 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
24 Municipal Retailers' Occupation Tax Act, and the Municipal  
25 Service Occupation Tax Act by retailers and servicemen on  
26 transactions at places located within the State Sales Tax

1 Boundary revised pursuant to Section 11-74.4-8a(9) of this  
2 Act.

3 (h) "Municipal Sales Tax Increment" means an amount equal  
4 to the increase in the aggregate amount of taxes paid to a  
5 municipality from the Local Government Tax Fund arising from  
6 sales by retailers and servicemen within the redevelopment  
7 project area or State Sales Tax Boundary, as the case may be,  
8 for as long as the redevelopment project area or State Sales  
9 Tax Boundary, as the case may be, exist over and above the  
10 aggregate amount of taxes as certified by the Illinois  
11 Department of Revenue and paid under the Municipal Retailers'  
12 Occupation Tax Act and the Municipal Service Occupation Tax  
13 Act by retailers and servicemen, on transactions at places of  
14 business located in the redevelopment project area or State  
15 Sales Tax Boundary, as the case may be, during the base year  
16 which shall be the calendar year immediately prior to the year  
17 in which the municipality adopted tax increment allocation  
18 financing. For purposes of computing the aggregate amount of  
19 such taxes for base years occurring prior to 1985, the  
20 Department of Revenue shall determine the Initial Sales Tax  
21 Amounts for such taxes and deduct therefrom an amount equal to  
22 4% of the aggregate amount of taxes per year for each year the  
23 base year is prior to 1985, but not to exceed a total deduction  
24 of 12%. The amount so determined shall be known as the  
25 "Adjusted Initial Sales Tax Amounts". For purposes of  
26 determining the Municipal Sales Tax Increment, the Department

1 of Revenue shall for each period subtract from the amount paid  
2 to the municipality from the Local Government Tax Fund arising  
3 from sales by retailers and servicemen on transactions located  
4 in the redevelopment project area or the State Sales Tax  
5 Boundary, as the case may be, the certified Initial Sales Tax  
6 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised  
7 Initial Sales Tax Amounts for the Municipal Retailers'  
8 Occupation Tax Act and the Municipal Service Occupation Tax  
9 Act. For the State Fiscal Year 1989, this calculation shall be  
10 made by utilizing the calendar year 1987 to determine the tax  
11 amounts received. For the State Fiscal Year 1990, this  
12 calculation shall be made by utilizing the period from January  
13 1, 1988, until September 30, 1988, to determine the tax  
14 amounts received from retailers and servicemen pursuant to the  
15 Municipal Retailers' Occupation Tax and the Municipal Service  
16 Occupation Tax Act, which shall have deducted therefrom  
17 nine-twelfths of the certified Initial Sales Tax Amounts, the  
18 Adjusted Initial Sales Tax Amounts or the Revised Initial  
19 Sales Tax Amounts as appropriate. For the State Fiscal Year  
20 1991, this calculation shall be made by utilizing the period  
21 from October 1, 1988, to June 30, 1989, to determine the tax  
22 amounts received from retailers and servicemen pursuant to the  
23 Municipal Retailers' Occupation Tax and the Municipal Service  
24 Occupation Tax Act which shall have deducted therefrom  
25 nine-twelfths of the certified Initial Sales Tax Amounts,  
26 Adjusted Initial Sales Tax Amounts or the Revised Initial

1 Sales Tax Amounts as appropriate. For every State Fiscal Year  
2 thereafter, the applicable period shall be the 12 months  
3 beginning July 1 and ending June 30 to determine the tax  
4 amounts received which shall have deducted therefrom the  
5 certified Initial Sales Tax Amounts, the Adjusted Initial  
6 Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as  
7 the case may be.

8 (i) "Net State Sales Tax Increment" means the sum of the  
9 following: (a) 80% of the first \$100,000 of State Sales Tax  
10 Increment annually generated within a State Sales Tax  
11 Boundary; (b) 60% of the amount in excess of \$100,000 but not  
12 exceeding \$500,000 of State Sales Tax Increment annually  
13 generated within a State Sales Tax Boundary; and (c) 40% of all  
14 amounts in excess of \$500,000 of State Sales Tax Increment  
15 annually generated within a State Sales Tax Boundary. If,  
16 however, a municipality established a tax increment financing  
17 district in a county with a population in excess of 3,000,000  
18 before January 1, 1986, and the municipality entered into a  
19 contract or issued bonds after January 1, 1986, but before  
20 December 31, 1986, to finance redevelopment project costs  
21 within a State Sales Tax Boundary, then the Net State Sales Tax  
22 Increment means, for the fiscal years beginning July 1, 1990,  
23 and July 1, 1991, 100% of the State Sales Tax Increment  
24 annually generated within a State Sales Tax Boundary; and  
25 notwithstanding any other provision of this Act, for those  
26 fiscal years the Department of Revenue shall distribute to

1 those municipalities 100% of their Net State Sales Tax  
2 Increment before any distribution to any other municipality  
3 and regardless of whether or not those other municipalities  
4 will receive 100% of their Net State Sales Tax Increment. For  
5 Fiscal Year 1999, and every year thereafter until the year  
6 2007, for any municipality that has not entered into a  
7 contract or has not issued bonds prior to June 1, 1988 to  
8 finance redevelopment project costs within a State Sales Tax  
9 Boundary, the Net State Sales Tax Increment shall be  
10 calculated as follows: By multiplying the Net State Sales Tax  
11 Increment by 90% in the State Fiscal Year 1999; 80% in the  
12 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%  
13 in the State Fiscal Year 2002; 50% in the State Fiscal Year  
14 2003; 40% in the State Fiscal Year 2004; 30% in the State  
15 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in  
16 the State Fiscal Year 2007. No payment shall be made for State  
17 Fiscal Year 2008 and thereafter.

18 Municipalities that issued bonds in connection with a  
19 redevelopment project in a redevelopment project area within  
20 the State Sales Tax Boundary prior to July 29, 1991, or that  
21 entered into contracts in connection with a redevelopment  
22 project in a redevelopment project area before June 1, 1988,  
23 shall continue to receive their proportional share of the  
24 Illinois Tax Increment Fund distribution until the date on  
25 which the redevelopment project is completed or terminated.  
26 If, however, a municipality that issued bonds in connection



1 with a redevelopment project in a redevelopment project area  
2 within the State Sales Tax Boundary prior to July 29, 1991  
3 retires the bonds prior to June 30, 2007 or a municipality that  
4 entered into contracts in connection with a redevelopment  
5 project in a redevelopment project area before June 1, 1988  
6 completes the contracts prior to June 30, 2007, then so long as  
7 the redevelopment project is not completed or is not  
8 terminated, the Net State Sales Tax Increment shall be  
9 calculated, beginning on the date on which the bonds are  
10 retired or the contracts are completed, as follows: By  
11 multiplying the Net State Sales Tax Increment by 60% in the  
12 State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40%  
13 in the State Fiscal Year 2004; 30% in the State Fiscal Year  
14 2005; 20% in the State Fiscal Year 2006; and 10% in the State  
15 Fiscal Year 2007. No payment shall be made for State Fiscal  
16 Year 2008 and thereafter. Refunding of any bonds issued prior  
17 to July 29, 1991, shall not alter the Net State Sales Tax  
18 Increment.

19 (j) "State Utility Tax Increment Amount" means an amount  
20 equal to the aggregate increase in State electric and gas tax  
21 charges imposed on owners and tenants, other than residential  
22 customers, of properties located within the redevelopment  
23 project area under Section 9-222 of the Public Utilities Act,  
24 over and above the aggregate of such charges as certified by  
25 the Department of Revenue and paid by owners and tenants,  
26 other than residential customers, of properties within the

1 redevelopment project area during the base year, which shall  
2 be the calendar year immediately prior to the year of the  
3 adoption of the ordinance authorizing tax increment allocation  
4 financing.

5 (k) "Net State Utility Tax Increment" means the sum of the  
6 following: (a) 80% of the first \$100,000 of State Utility Tax  
7 Increment annually generated by a redevelopment project area;  
8 (b) 60% of the amount in excess of \$100,000 but not exceeding  
9 \$500,000 of the State Utility Tax Increment annually generated  
10 by a redevelopment project area; and (c) 40% of all amounts in  
11 excess of \$500,000 of State Utility Tax Increment annually  
12 generated by a redevelopment project area. For the State  
13 Fiscal Year 1999, and every year thereafter until the year  
14 2007, for any municipality that has not entered into a  
15 contract or has not issued bonds prior to June 1, 1988 to  
16 finance redevelopment project costs within a redevelopment  
17 project area, the Net State Utility Tax Increment shall be  
18 calculated as follows: By multiplying the Net State Utility  
19 Tax Increment by 90% in the State Fiscal Year 1999; 80% in the  
20 State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60%  
21 in the State Fiscal Year 2002; 50% in the State Fiscal Year  
22 2003; 40% in the State Fiscal Year 2004; 30% in the State  
23 Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in  
24 the State Fiscal Year 2007. No payment shall be made for the  
25 State Fiscal Year 2008 and thereafter.

26 Municipalities that issue bonds in connection with the

1 redevelopment project during the period from June 1, 1988  
2 until 3 years after the effective date of this Amendatory Act  
3 of 1988 shall receive the Net State Utility Tax Increment,  
4 subject to appropriation, for 15 State Fiscal Years after the  
5 issuance of such bonds. For the 16th through the 20th State  
6 Fiscal Years after issuance of the bonds, the Net State  
7 Utility Tax Increment shall be calculated as follows: By  
8 multiplying the Net State Utility Tax Increment by 90% in year  
9 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in  
10 year 20. Refunding of any bonds issued prior to June 1, 1988,  
11 shall not alter the revised Net State Utility Tax Increment  
12 payments set forth above.

13 (l) "Obligations" mean bonds, loans, debentures, notes,  
14 special certificates or other evidence of indebtedness issued  
15 by the municipality to carry out a redevelopment project or to  
16 refund outstanding obligations.

17 (m) "Payment in lieu of taxes" means those estimated tax  
18 revenues from real property in a redevelopment project area  
19 derived from real property that has been acquired by a  
20 municipality which according to the redevelopment project or  
21 plan is to be used for a private use which taxing districts  
22 would have received had a municipality not acquired the real  
23 property and adopted tax increment allocation financing and  
24 which would result from levies made after the time of the  
25 adoption of tax increment allocation financing to the time the  
26 current equalized value of real property in the redevelopment

1 project area exceeds the total initial equalized value of real  
2 property in said area.

3 (n) "Redevelopment plan" means the comprehensive program  
4 of the municipality for development or redevelopment intended  
5 by the payment of redevelopment project costs to reduce or  
6 eliminate those conditions the existence of which qualified  
7 the redevelopment project area as a "blighted area" or  
8 "conservation area" or combination thereof or "industrial park  
9 conservation area," and thereby to enhance the tax bases of  
10 the taxing districts which extend into the redevelopment  
11 project area, provided that, with respect to redevelopment  
12 project areas described in subsections (p-1) and (p-2),  
13 "redevelopment plan" means the comprehensive program of the  
14 affected municipality for the development of qualifying  
15 transit facilities. On and after November 1, 1999 (the  
16 effective date of Public Act 91-478), no redevelopment plan  
17 may be approved or amended that includes the development of  
18 vacant land (i) with a golf course and related clubhouse and  
19 other facilities or (ii) designated by federal, State, county,  
20 or municipal government as public land for outdoor  
21 recreational activities or for nature preserves and used for  
22 that purpose within 5 years prior to the adoption of the  
23 redevelopment plan. For the purpose of this subsection,  
24 "recreational activities" is limited to mean camping and  
25 hunting. Each redevelopment plan shall set forth in writing  
26 the program to be undertaken to accomplish the objectives and

1 shall include but not be limited to:

2 (A) an itemized list of estimated redevelopment  
3 project costs;

4 (B) evidence indicating that the redevelopment project  
5 area on the whole has not been subject to growth and  
6 development through investment by private enterprise,  
7 provided that such evidence shall not be required for any  
8 redevelopment project area located within a transit  
9 facility improvement area established pursuant to Section  
10 11-74.4-3.3;

11 (C) an assessment of any financial impact of the  
12 redevelopment project area on or any increased demand for  
13 services from any taxing district affected by the plan and  
14 any program to address such financial impact or increased  
15 demand;

16 (D) the sources of funds to pay costs;

17 (E) the nature and term of the obligations to be  
18 issued;

19 (F) the most recent equalized assessed valuation of  
20 the redevelopment project area;

21 (G) an estimate as to the equalized assessed valuation  
22 after redevelopment and the general land uses to apply in  
23 the redevelopment project area;

24 (H) a commitment to fair employment practices and an  
25 affirmative action plan;

26 (I) if it concerns an industrial park conservation

1 area, the plan shall also include a general description of  
2 any proposed developer, user and tenant of any property, a  
3 description of the type, structure and general character  
4 of the facilities to be developed, a description of the  
5 type, class and number of new employees to be employed in  
6 the operation of the facilities to be developed; and

7 (J) if property is to be annexed to the municipality,  
8 the plan shall include the terms of the annexation  
9 agreement.

10 The provisions of items (B) and (C) of this subsection (n)  
11 shall not apply to a municipality that before March 14, 1994  
12 (the effective date of Public Act 88-537) had fixed, either by  
13 its corporate authorities or by a commission designated under  
14 subsection (k) of Section 11-74.4-4, a time and place for a  
15 public hearing as required by subsection (a) of Section  
16 11-74.4-5. No redevelopment plan shall be adopted unless a  
17 municipality complies with all of the following requirements:

18 (1) The municipality finds that the redevelopment  
19 project area on the whole has not been subject to growth  
20 and development through investment by private enterprise  
21 and would not reasonably be anticipated to be developed  
22 without the adoption of the redevelopment plan, provided,  
23 however, that such a finding shall not be required with  
24 respect to any redevelopment project area located within a  
25 transit facility improvement area established pursuant to  
26 Section 11-74.4-3.3.

1           (2) The municipality finds that the redevelopment plan  
2           and project conform to the comprehensive plan for the  
3           development of the municipality as a whole, or, for  
4           municipalities with a population of 100,000 or more,  
5           regardless of when the redevelopment plan and project was  
6           adopted, the redevelopment plan and project either: (i)  
7           conforms to the strategic economic development or  
8           redevelopment plan issued by the designated planning  
9           authority of the municipality, or (ii) includes land uses  
10          that have been approved by the planning commission of the  
11          municipality.

12          (3) The redevelopment plan establishes the estimated  
13          dates of completion of the redevelopment project and  
14          retirement of obligations issued to finance redevelopment  
15          project costs. Those dates may not be later than the dates  
16          set forth under Section 11-74.4-3.5.

17          A municipality may by municipal ordinance amend an  
18          existing redevelopment plan to conform to this paragraph  
19          (3) as amended by Public Act 91-478, which municipal  
20          ordinance may be adopted without further hearing or notice  
21          and without complying with the procedures provided in this  
22          Act pertaining to an amendment to or the initial approval  
23          of a redevelopment plan and project and designation of a  
24          redevelopment project area.

25          (3.5) The municipality finds, in the case of an  
26          industrial park conservation area, also that the

1 municipality is a labor surplus municipality and that the  
2 implementation of the redevelopment plan will reduce  
3 unemployment, create new jobs and by the provision of new  
4 facilities enhance the tax base of the taxing districts  
5 that extend into the redevelopment project area.

6 (4) If any incremental revenues are being utilized  
7 under Section 8(a)(1) or 8(a)(2) of this Act in  
8 redevelopment project areas approved by ordinance after  
9 January 1, 1986, the municipality finds: (a) that the  
10 redevelopment project area would not reasonably be  
11 developed without the use of such incremental revenues,  
12 and (b) that such incremental revenues will be exclusively  
13 utilized for the development of the redevelopment project  
14 area.

15 (5) If: (a) the redevelopment plan will not result in  
16 displacement of residents from 10 or more inhabited  
17 residential units, and the municipality certifies in the  
18 plan that such displacement will not result from the plan;  
19 or (b) the redevelopment plan is for a redevelopment  
20 project area or a qualifying transit facility located  
21 within a transit facility improvement area established  
22 pursuant to Section 11-74.4-3.3, and the applicable  
23 project is subject to the process for evaluation of  
24 environmental effects under the National Environmental  
25 Policy Act of 1969, 42 U.S.C. 4321 et seq., then a housing  
26 impact study need not be performed. If, however, the



1 redevelopment plan would result in the displacement of  
2 residents from 10 or more inhabited residential units, or  
3 if the redevelopment project area contains 75 or more  
4 inhabited residential units and no certification is made,  
5 then the municipality shall prepare, as part of the  
6 separate feasibility report required by subsection (a) of  
7 Section 11-74.4-5, a housing impact study.

8 Part I of the housing impact study shall include (i)  
9 data as to whether the residential units are single family  
10 or multi-family units, (ii) the number and type of rooms  
11 within the units, if that information is available, (iii)  
12 whether the units are inhabited or uninhabited, as  
13 determined not less than 45 days before the date that the  
14 ordinance or resolution required by subsection (a) of  
15 Section 11-74.4-5 is passed, and (iv) data as to the  
16 racial and ethnic composition of the residents in the  
17 inhabited residential units. The data requirement as to  
18 the racial and ethnic composition of the residents in the  
19 inhabited residential units shall be deemed to be fully  
20 satisfied by data from the most recent federal census.

21 Part II of the housing impact study shall identify the  
22 inhabited residential units in the proposed redevelopment  
23 project area that are to be or may be removed. If inhabited  
24 residential units are to be removed, then the housing  
25 impact study shall identify (i) the number and location of  
26 those units that will or may be removed, (ii) the

1 municipality's plans for relocation assistance for those  
2 residents in the proposed redevelopment project area whose  
3 residences are to be removed, (iii) the availability of  
4 replacement housing for those residents whose residences  
5 are to be removed, and shall identify the type, location,  
6 and cost of the housing, and (iv) the type and extent of  
7 relocation assistance to be provided.

8 (6) On and after November 1, 1999, the housing impact  
9 study required by paragraph (5) shall be incorporated in  
10 the redevelopment plan for the redevelopment project area.

11 (7) On and after November 1, 1999, no redevelopment  
12 plan shall be adopted, nor an existing plan amended, nor  
13 shall residential housing that is occupied by households  
14 of low-income and very low-income persons in currently  
15 existing redevelopment project areas be removed after  
16 November 1, 1999 unless the redevelopment plan provides,  
17 with respect to inhabited housing units that are to be  
18 removed for households of low-income and very low-income  
19 persons, affordable housing and relocation assistance not  
20 less than that which would be provided under the federal  
21 Uniform Relocation Assistance and Real Property  
22 Acquisition Policies Act of 1970 and the regulations under  
23 that Act, including the eligibility criteria. Affordable  
24 housing may be either existing or newly constructed  
25 housing. For purposes of this paragraph (7), "low-income  
26 households", "very low-income households", and "affordable

1       housing" have the meanings set forth in the Illinois  
2       Affordable Housing Act. The municipality shall make a good  
3       faith effort to ensure that this affordable housing is  
4       located in or near the redevelopment project area within  
5       the municipality.

6           (8) On and after November 1, 1999, if, after the  
7       adoption of the redevelopment plan for the redevelopment  
8       project area, any municipality desires to amend its  
9       redevelopment plan to remove more inhabited residential  
10      units than specified in its original redevelopment plan,  
11      that change shall be made in accordance with the  
12      procedures in subsection (c) of Section 11-74.4-5.

13           (9) For redevelopment project areas designated prior  
14      to November 1, 1999, the redevelopment plan may be amended  
15      without further joint review board meeting or hearing,  
16      provided that the municipality shall give notice of any  
17      such changes by mail to each affected taxing district and  
18      registrant on the interested party registry, to authorize  
19      the municipality to expend tax increment revenues for  
20      redevelopment project costs defined by paragraphs (5) and  
21      (7.5), subparagraphs (E) and (F) of paragraph (11), and  
22      paragraph (11.5) of subsection (q) of Section 11-74.4-3,  
23      so long as the changes do not increase the total estimated  
24      redevelopment project costs set out in the redevelopment  
25      plan by more than 5% after adjustment for inflation from  
26      the date the plan was adopted.

1           (o) "Redevelopment project" means any public and private  
2 development project in furtherance of the objectives of a  
3 redevelopment plan. On and after November 1, 1999 (the  
4 effective date of Public Act 91-478), no redevelopment plan  
5 may be approved or amended that includes the development of  
6 vacant land (i) with a golf course and related clubhouse and  
7 other facilities or (ii) designated by federal, State, county,  
8 or municipal government as public land for outdoor  
9 recreational activities or for nature preserves and used for  
10 that purpose within 5 years prior to the adoption of the  
11 redevelopment plan. For the purpose of this subsection,  
12 "recreational activities" is limited to mean camping and  
13 hunting.

14           (p) "Redevelopment project area" means an area designated  
15 by the municipality, which is not less in the aggregate than 1  
16 1/2 acres and in respect to which the municipality has made a  
17 finding that there exist conditions which cause the area to be  
18 classified as an industrial park conservation area or a  
19 blighted area or a conservation area, or a combination of both  
20 blighted areas and conservation areas.

21           (p-1) Notwithstanding any provision of this Act to the  
22 contrary, on and after August 25, 2009 (the effective date of  
23 Public Act 96-680), a redevelopment project area may include  
24 areas within a one-half mile radius of an existing or proposed  
25 Regional Transportation Authority Suburban Transit Access  
26 Route (STAR Line) station without a finding that the area is

1 classified as an industrial park conservation area, a blighted  
2 area, a conservation area, or a combination thereof, but only  
3 if the municipality receives unanimous consent from the joint  
4 review board created to review the proposed redevelopment  
5 project area.

6 (p-2) Notwithstanding any provision of this Act to the  
7 contrary, on and after the effective date of this amendatory  
8 Act of the 99th General Assembly, a redevelopment project area  
9 may include areas within a transit facility improvement area  
10 that has been established pursuant to Section 11-74.4-3.3  
11 without a finding that the area is classified as an industrial  
12 park conservation area, a blighted area, a conservation area,  
13 or any combination thereof.

14 (q) "Redevelopment project costs", except for  
15 redevelopment project areas created pursuant to subsection  
16 (p-1) or (p-2), means and includes the sum total of all  
17 reasonable or necessary costs incurred or estimated to be  
18 incurred, and any such costs incidental to a redevelopment  
19 plan and a redevelopment project. Such costs include, without  
20 limitation, the following:

21 (1) Costs of studies, surveys, development of plans,  
22 and specifications, implementation and administration of  
23 the redevelopment plan including but not limited to staff  
24 and professional service costs for architectural,  
25 engineering, legal, financial, planning or other services,  
26 provided however that no charges for professional services

1           may be based on a percentage of the tax increment  
2           collected; except that on and after November 1, 1999 (the  
3           effective date of Public Act 91-478), no contracts for  
4           professional services, excluding architectural and  
5           engineering services, may be entered into if the terms of  
6           the contract extend beyond a period of 3 years. In  
7           addition, "redevelopment project costs" shall not include  
8           lobbying expenses. After consultation with the  
9           municipality, each tax increment consultant or advisor to  
10          a municipality that plans to designate or has designated a  
11          redevelopment project area shall inform the municipality  
12          in writing of any contracts that the consultant or advisor  
13          has entered into with entities or individuals that have  
14          received, or are receiving, payments financed by tax  
15          increment revenues produced by the redevelopment project  
16          area with respect to which the consultant or advisor has  
17          performed, or will be performing, service for the  
18          municipality. This requirement shall be satisfied by the  
19          consultant or advisor before the commencement of services  
20          for the municipality and thereafter whenever any other  
21          contracts with those individuals or entities are executed  
22          by the consultant or advisor;

23                 (1.5) After July 1, 1999, annual administrative costs  
24                 shall not include general overhead or administrative costs  
25                 of the municipality that would still have been incurred by  
26                 the municipality if the municipality had not designated a

1 redevelopment project area or approved a redevelopment  
2 plan;

3 (1.6) The cost of marketing sites within the  
4 redevelopment project area to prospective businesses,  
5 developers, and investors;

6 (2) Property assembly costs, including but not limited  
7 to acquisition of land and other property, real or  
8 personal, or rights or interests therein, demolition of  
9 buildings, site preparation, site improvements that serve  
10 as an engineered barrier addressing ground level or below  
11 ground environmental contamination, including, but not  
12 limited to parking lots and other concrete or asphalt  
13 barriers, and the clearing and grading of land;

14 (3) Costs of rehabilitation, reconstruction or repair  
15 or remodeling of existing public or private buildings,  
16 fixtures, and leasehold improvements; and the cost of  
17 replacing an existing public building if pursuant to the  
18 implementation of a redevelopment project the existing  
19 public building is to be demolished to use the site for  
20 private investment or devoted to a different use requiring  
21 private investment; including any direct or indirect costs  
22 relating to Green Globes or LEED certified construction  
23 elements or construction elements with an equivalent  
24 certification;

25 (4) Costs of the construction of public works or  
26 improvements, including any direct or indirect costs

1 relating to Green Globes or LEED certified construction  
2 elements or construction elements with an equivalent  
3 certification, except that on and after November 1, 1999,  
4 redevelopment project costs shall not include the cost of  
5 constructing a new municipal public building principally  
6 used to provide offices, storage space, or conference  
7 facilities or vehicle storage, maintenance, or repair for  
8 administrative, public safety, or public works personnel  
9 and that is not intended to replace an existing public  
10 building as provided under paragraph (3) of subsection (q)  
11 of Section 11-74.4-3 unless either (i) the construction of  
12 the new municipal building implements a redevelopment  
13 project that was included in a redevelopment plan that was  
14 adopted by the municipality prior to November 1, 1999,  
15 (ii) the municipality makes a reasonable determination in  
16 the redevelopment plan, supported by information that  
17 provides the basis for that determination, that the new  
18 municipal building is required to meet an increase in the  
19 need for public safety purposes anticipated to result from  
20 the implementation of the redevelopment plan, or (iii) the  
21 new municipal public building is for the storage,  
22 maintenance, or repair of transit vehicles and is located  
23 in a transit facility improvement area that has been  
24 established pursuant to Section 11-74.4-3.3;

25 (5) Costs of job training and retraining projects,  
26 including the cost of "welfare to work" programs



1 implemented by businesses located within the redevelopment  
2 project area;

3 (6) Financing costs, including but not limited to all  
4 necessary and incidental expenses related to the issuance  
5 of obligations and which may include payment of interest  
6 on any obligations issued hereunder including interest  
7 accruing during the estimated period of construction of  
8 any redevelopment project for which such obligations are  
9 issued and for not exceeding 36 months thereafter and  
10 including reasonable reserves related thereto;

11 (7) To the extent the municipality by written  
12 agreement accepts and approves the same, all or a portion  
13 of a taxing district's capital costs resulting from the  
14 redevelopment project necessarily incurred or to be  
15 incurred within a taxing district in furtherance of the  
16 objectives of the redevelopment plan and project;

17 (7.5) For redevelopment project areas designated (or  
18 redevelopment project areas amended to add or increase the  
19 number of tax-increment-financing assisted housing units)  
20 on or after November 1, 1999, an elementary, secondary, or  
21 unit school district's increased costs attributable to  
22 assisted housing units located within the redevelopment  
23 project area for which the developer or redeveloper  
24 receives financial assistance through an agreement with  
25 the municipality or because the municipality incurs the  
26 cost of necessary infrastructure improvements within the

1 boundaries of the assisted housing sites necessary for the  
2 completion of that housing as authorized by this Act, and  
3 which costs shall be paid by the municipality from the  
4 Special Tax Allocation Fund when the tax increment revenue  
5 is received as a result of the assisted housing units and  
6 shall be calculated annually as follows:

7 (A) for foundation districts, excluding any school  
8 district in a municipality with a population in excess  
9 of 1,000,000, by multiplying the district's increase  
10 in attendance resulting from the net increase in new  
11 students enrolled in that school district who reside  
12 in housing units within the redevelopment project area  
13 that have received financial assistance through an  
14 agreement with the municipality or because the  
15 municipality incurs the cost of necessary  
16 infrastructure improvements within the boundaries of  
17 the housing sites necessary for the completion of that  
18 housing as authorized by this Act since the  
19 designation of the redevelopment project area by the  
20 most recently available per capita tuition cost as  
21 defined in Section 10-20.12a of the School Code less  
22 any increase in general State aid as defined in  
23 Section 18-8.05 of the School Code or evidence-based  
24 funding as defined in Section 18-8.15 of the School  
25 Code attributable to these added new students subject  
26 to the following annual limitations:

1 (i) for unit school districts with a district  
2 average 1995-96 Per Capita Tuition Charge of less  
3 than \$5,900, no more than 25% of the total amount  
4 of property tax increment revenue produced by  
5 those housing units that have received tax  
6 increment finance assistance under this Act;

7 (ii) for elementary school districts with a  
8 district average 1995-96 Per Capita Tuition Charge  
9 of less than \$5,900, no more than 17% of the total  
10 amount of property tax increment revenue produced  
11 by those housing units that have received tax  
12 increment finance assistance under this Act; and

13 (iii) for secondary school districts with a  
14 district average 1995-96 Per Capita Tuition Charge  
15 of less than \$5,900, no more than 8% of the total  
16 amount of property tax increment revenue produced  
17 by those housing units that have received tax  
18 increment finance assistance under this Act.

19 (B) For alternate method districts, flat grant  
20 districts, and foundation districts with a district  
21 average 1995-96 Per Capita Tuition Charge equal to or  
22 more than \$5,900, excluding any school district with a  
23 population in excess of 1,000,000, by multiplying the  
24 district's increase in attendance resulting from the  
25 net increase in new students enrolled in that school  
26 district who reside in housing units within the

1 redevelopment project area that have received  
2 financial assistance through an agreement with the  
3 municipality or because the municipality incurs the  
4 cost of necessary infrastructure improvements within  
5 the boundaries of the housing sites necessary for the  
6 completion of that housing as authorized by this Act  
7 since the designation of the redevelopment project  
8 area by the most recently available per capita tuition  
9 cost as defined in Section 10-20.12a of the School  
10 Code less any increase in general state aid as defined  
11 in Section 18-8.05 of the School Code or  
12 evidence-based funding as defined in Section 18-8.15  
13 of the School Code attributable to these added new  
14 students subject to the following annual limitations:

15 (i) for unit school districts, no more than  
16 40% of the total amount of property tax increment  
17 revenue produced by those housing units that have  
18 received tax increment finance assistance under  
19 this Act;

20 (ii) for elementary school districts, no more  
21 than 27% of the total amount of property tax  
22 increment revenue produced by those housing units  
23 that have received tax increment finance  
24 assistance under this Act; and

25 (iii) for secondary school districts, no more  
26 than 13% of the total amount of property tax

1           increment revenue produced by those housing units  
2           that have received tax increment finance  
3           assistance under this Act.

4           (C) For any school district in a municipality with  
5           a population in excess of 1,000,000, the following  
6           restrictions shall apply to the reimbursement of  
7           increased costs under this paragraph (7.5):

8                   (i) no increased costs shall be reimbursed  
9                   unless the school district certifies that each of  
10                  the schools affected by the assisted housing  
11                  project is at or over its student capacity;

12                   (ii) the amount reimbursable shall be reduced  
13                  by the value of any land donated to the school  
14                  district by the municipality or developer, and by  
15                  the value of any physical improvements made to the  
16                  schools by the municipality or developer; and

17                   (iii) the amount reimbursed may not affect  
18                  amounts otherwise obligated by the terms of any  
19                  bonds, notes, or other funding instruments, or the  
20                  terms of any redevelopment agreement.

21           Any school district seeking payment under this  
22           paragraph (7.5) shall, after July 1 and before  
23           September 30 of each year, provide the municipality  
24           with reasonable evidence to support its claim for  
25           reimbursement before the municipality shall be  
26           required to approve or make the payment to the school

1 district. If the school district fails to provide the  
2 information during this period in any year, it shall  
3 forfeit any claim to reimbursement for that year.  
4 School districts may adopt a resolution waiving the  
5 right to all or a portion of the reimbursement  
6 otherwise required by this paragraph (7.5). By  
7 acceptance of this reimbursement the school district  
8 waives the right to directly or indirectly set aside,  
9 modify, or contest in any manner the establishment of  
10 the redevelopment project area or projects;

11 (7.7) For redevelopment project areas designated (or  
12 redevelopment project areas amended to add or increase the  
13 number of tax-increment-financing assisted housing units)  
14 on or after January 1, 2005 (the effective date of Public  
15 Act 93-961), a public library district's increased costs  
16 attributable to assisted housing units located within the  
17 redevelopment project area for which the developer or  
18 redeveloper receives financial assistance through an  
19 agreement with the municipality or because the  
20 municipality incurs the cost of necessary infrastructure  
21 improvements within the boundaries of the assisted housing  
22 sites necessary for the completion of that housing as  
23 authorized by this Act shall be paid to the library  
24 district by the municipality from the Special Tax  
25 Allocation Fund when the tax increment revenue is received  
26 as a result of the assisted housing units. This paragraph

1 (7.7) applies only if (i) the library district is located  
2 in a county that is subject to the Property Tax Extension  
3 Limitation Law or (ii) the library district is not located  
4 in a county that is subject to the Property Tax Extension  
5 Limitation Law but the district is prohibited by any other  
6 law from increasing its tax levy rate without a prior  
7 voter referendum.

8 The amount paid to a library district under this  
9 paragraph (7.7) shall be calculated by multiplying (i) the  
10 net increase in the number of persons eligible to obtain a  
11 library card in that district who reside in housing units  
12 within the redevelopment project area that have received  
13 financial assistance through an agreement with the  
14 municipality or because the municipality incurs the cost  
15 of necessary infrastructure improvements within the  
16 boundaries of the housing sites necessary for the  
17 completion of that housing as authorized by this Act since  
18 the designation of the redevelopment project area by (ii)  
19 the per-patron cost of providing library services so long  
20 as it does not exceed \$120. The per-patron cost shall be  
21 the Total Operating Expenditures Per Capita for the  
22 library in the previous fiscal year. The municipality may  
23 deduct from the amount that it must pay to a library  
24 district under this paragraph any amount that it has  
25 voluntarily paid to the library district from the tax  
26 increment revenue. The amount paid to a library district

1 under this paragraph (7.7) shall be no more than 2% of the  
2 amount produced by the assisted housing units and  
3 deposited into the Special Tax Allocation Fund.

4 A library district is not eligible for any payment  
5 under this paragraph (7.7) unless the library district has  
6 experienced an increase in the number of patrons from the  
7 municipality that created the tax-increment-financing  
8 district since the designation of the redevelopment  
9 project area.

10 Any library district seeking payment under this  
11 paragraph (7.7) shall, after July 1 and before September  
12 30 of each year, provide the municipality with convincing  
13 evidence to support its claim for reimbursement before the  
14 municipality shall be required to approve or make the  
15 payment to the library district. If the library district  
16 fails to provide the information during this period in any  
17 year, it shall forfeit any claim to reimbursement for that  
18 year. Library districts may adopt a resolution waiving the  
19 right to all or a portion of the reimbursement otherwise  
20 required by this paragraph (7.7). By acceptance of such  
21 reimbursement, the library district shall forfeit any  
22 right to directly or indirectly set aside, modify, or  
23 contest in any manner whatsoever the establishment of the  
24 redevelopment project area or projects;

25 (8) Relocation costs to the extent that a municipality  
26 determines that relocation costs shall be paid or is



1 required to make payment of relocation costs by federal or  
2 State law or in order to satisfy subparagraph (7) of  
3 subsection (n);

4 (9) Payment in lieu of taxes;

5 (10) Costs of job training, retraining, advanced  
6 vocational education or career education, including but  
7 not limited to courses in occupational, semi-technical or  
8 technical fields leading directly to employment, incurred  
9 by one or more taxing districts, provided that such costs

10 (i) are related to the establishment and maintenance of  
11 additional job training, advanced vocational education or  
12 career education programs for persons employed or to be  
13 employed by employers located in a redevelopment project  
14 area; and (ii) when incurred by a taxing district or  
15 taxing districts other than the municipality, are set  
16 forth in a written agreement by or among the municipality  
17 and the taxing district or taxing districts, which  
18 agreement describes the program to be undertaken,  
19 including but not limited to the number of employees to be  
20 trained, a description of the training and services to be  
21 provided, the number and type of positions available or to  
22 be available, itemized costs of the program and sources of  
23 funds to pay for the same, and the term of the agreement.  
24 Such costs include, specifically, the payment by community  
25 college districts of costs pursuant to Sections 3-37,  
26 3-38, 3-40 and 3-40.1 of the Public Community College Act

1 and by school districts of costs pursuant to Sections  
2 10-22.20a and 10-23.3a of the School Code;

3 (11) Interest cost incurred by a redeveloper related  
4 to the construction, renovation or rehabilitation of a  
5 redevelopment project provided that:

6 (A) such costs are to be paid directly from the  
7 special tax allocation fund established pursuant to  
8 this Act;

9 (B) such payments in any one year may not exceed  
10 30% of the annual interest costs incurred by the  
11 redeveloper with regard to the redevelopment project  
12 during that year;

13 (C) if there are not sufficient funds available in  
14 the special tax allocation fund to make the payment  
15 pursuant to this paragraph (11) then the amounts so  
16 due shall accrue and be payable when sufficient funds  
17 are available in the special tax allocation fund;

18 (D) the total of such interest payments paid  
19 pursuant to this Act may not exceed 30% of the total  
20 (i) cost paid or incurred by the redeveloper for the  
21 redevelopment project plus (ii) redevelopment project  
22 costs excluding any property assembly costs and any  
23 relocation costs incurred by a municipality pursuant  
24 to this Act;

25 (E) the cost limits set forth in subparagraphs (B)  
26 and (D) of paragraph (11) shall be modified for the

1 financing of rehabilitated or new housing units for  
2 low-income households and very low-income households,  
3 as defined in Section 3 of the Illinois Affordable  
4 Housing Act. The percentage of 75% shall be  
5 substituted for 30% in subparagraphs (B) and (D) of  
6 paragraph (11); and

7 (F) instead of the eligible costs provided by  
8 subparagraphs (B) and (D) of paragraph (11), as  
9 modified by this subparagraph, and notwithstanding any  
10 other provisions of this Act to the contrary, the  
11 municipality may pay from tax increment revenues up to  
12 50% of the cost of construction of new housing units to  
13 be occupied by low-income households and very  
14 low-income households as defined in Section 3 of the  
15 Illinois Affordable Housing Act. The cost of  
16 construction of those units may be derived from the  
17 proceeds of bonds issued by the municipality under  
18 this Act or other constitutional or statutory  
19 authority or from other sources of municipal revenue  
20 that may be reimbursed from tax increment revenues or  
21 the proceeds of bonds issued to finance the  
22 construction of that housing.

23 The eligible costs provided under this  
24 subparagraph (F) of paragraph (11) shall be an  
25 eligible cost for the construction, renovation, and  
26 rehabilitation of all low and very low-income housing

1 units, as defined in Section 3 of the Illinois  
2 Affordable Housing Act, within the redevelopment  
3 project area. If the low and very low-income units are  
4 part of a residential redevelopment project that  
5 includes units not affordable to low and very  
6 low-income households, only the low and very  
7 low-income units shall be eligible for benefits under  
8 this subparagraph (F) of paragraph (11). The standards  
9 for maintaining the occupancy by low-income households  
10 and very low-income households, as defined in Section  
11 3 of the Illinois Affordable Housing Act, of those  
12 units constructed with eligible costs made available  
13 under the provisions of this subparagraph (F) of  
14 paragraph (11) shall be established by guidelines  
15 adopted by the municipality. The responsibility for  
16 annually documenting the initial occupancy of the  
17 units by low-income households and very low-income  
18 households, as defined in Section 3 of the Illinois  
19 Affordable Housing Act, shall be that of the then  
20 current owner of the property. For ownership units,  
21 the guidelines will provide, at a minimum, for a  
22 reasonable recapture of funds, or other appropriate  
23 methods designed to preserve the original  
24 affordability of the ownership units. For rental  
25 units, the guidelines will provide, at a minimum, for  
26 the affordability of rent to low and very low-income

1 households. As units become available, they shall be  
2 rented to income-eligible tenants. The municipality  
3 may modify these guidelines from time to time; the  
4 guidelines, however, shall be in effect for as long as  
5 tax increment revenue is being used to pay for costs  
6 associated with the units or for the retirement of  
7 bonds issued to finance the units or for the life of  
8 the redevelopment project area, whichever is later;

9 (11.5) If the redevelopment project area is located  
10 within a municipality with a population of more than  
11 100,000, the cost of child ~~day~~ care services for children  
12 of employees from low-income families working for  
13 businesses located within the redevelopment project area  
14 and all or a portion of the cost of operation of child ~~day~~  
15 care centers established by redevelopment project area  
16 businesses to serve employees from low-income families  
17 working in businesses located in the redevelopment project  
18 area. For the purposes of this paragraph, "low-income  
19 families" means families whose annual income does not  
20 exceed 80% of the municipal, county, or regional median  
21 income, adjusted for family size, as the annual income and  
22 municipal, county, or regional median income are  
23 determined from time to time by the United States  
24 Department of Housing and Urban Development.

25 (12) Costs relating to the development of urban  
26 agricultural areas under Division 15.2 of the Illinois

1 Municipal Code.

2 Unless explicitly stated herein the cost of construction  
3 of new privately-owned buildings shall not be an eligible  
4 redevelopment project cost.

5 After November 1, 1999 (the effective date of Public Act  
6 91-478), none of the redevelopment project costs enumerated in  
7 this subsection shall be eligible redevelopment project costs  
8 if those costs would provide direct financial support to a  
9 retail entity initiating operations in the redevelopment  
10 project area while terminating operations at another Illinois  
11 location within 10 miles of the redevelopment project area but  
12 outside the boundaries of the redevelopment project area  
13 municipality. For purposes of this paragraph, termination  
14 means a closing of a retail operation that is directly related  
15 to the opening of the same operation or like retail entity  
16 owned or operated by more than 50% of the original ownership in  
17 a redevelopment project area, but it does not mean closing an  
18 operation for reasons beyond the control of the retail entity,  
19 as documented by the retail entity, subject to a reasonable  
20 finding by the municipality that the current location  
21 contained inadequate space, had become economically obsolete,  
22 or was no longer a viable location for the retailer or  
23 serviceman.

24 No cost shall be a redevelopment project cost in a  
25 redevelopment project area if used to demolish, remove, or  
26 substantially modify a historic resource, after August 26,

1 2008 (the effective date of Public Act 95-934), unless no  
2 prudent and feasible alternative exists. "Historic resource"  
3 for the purpose of this paragraph means (i) a place or  
4 structure that is included or eligible for inclusion on the  
5 National Register of Historic Places or (ii) a contributing  
6 structure in a district on the National Register of Historic  
7 Places. This paragraph does not apply to a place or structure  
8 for which demolition, removal, or modification is subject to  
9 review by the preservation agency of a Certified Local  
10 Government designated as such by the National Park Service of  
11 the United States Department of the Interior.

12 If a special service area has been established pursuant to  
13 the Special Service Area Tax Act or Special Service Area Tax  
14 Law, then any tax increment revenues derived from the tax  
15 imposed pursuant to the Special Service Area Tax Act or  
16 Special Service Area Tax Law may be used within the  
17 redevelopment project area for the purposes permitted by that  
18 Act or Law as well as the purposes permitted by this Act.

19 (q-1) For redevelopment project areas created pursuant to  
20 subsection (p-1), redevelopment project costs are limited to  
21 those costs in paragraph (q) that are related to the existing  
22 or proposed Regional Transportation Authority Suburban Transit  
23 Access Route (STAR Line) station.

24 (q-2) For a transit facility improvement area established  
25 prior to, on, or after the effective date of this amendatory  
26 Act of the 102nd General Assembly: (i) "redevelopment project

1 costs" means those costs described in subsection (q) that are  
2 related to the construction, reconstruction, rehabilitation,  
3 remodeling, or repair of any existing or proposed transit  
4 facility, whether that facility is located within or outside  
5 the boundaries of a redevelopment project area established  
6 within that transit facility improvement area (and, to the  
7 extent a redevelopment project cost is described in subsection  
8 (q) as incurred or estimated to be incurred with respect to a  
9 redevelopment project area, then it shall apply with respect  
10 to such transit facility improvement area); and (ii) the  
11 provisions of Section 11-74.4-8 regarding tax increment  
12 allocation financing for a redevelopment project area located  
13 in a transit facility improvement area shall apply only to the  
14 lots, blocks, tracts and parcels of real property that are  
15 located within the boundaries of that redevelopment project  
16 area and not to the lots, blocks, tracts, and parcels of real  
17 property that are located outside the boundaries of that  
18 redevelopment project area.

19 (r) "State Sales Tax Boundary" means the redevelopment  
20 project area or the amended redevelopment project area  
21 boundaries which are determined pursuant to subsection (9) of  
22 Section 11-74.4-8a of this Act. The Department of Revenue  
23 shall certify pursuant to subsection (9) of Section 11-74.4-8a  
24 the appropriate boundaries eligible for the determination of  
25 State Sales Tax Increment.

26 (s) "State Sales Tax Increment" means an amount equal to



1 the increase in the aggregate amount of taxes paid by  
2 retailers and servicemen, other than retailers and servicemen  
3 subject to the Public Utilities Act, on transactions at places  
4 of business located within a State Sales Tax Boundary pursuant  
5 to the Retailers' Occupation Tax Act, the Use Tax Act, the  
6 Service Use Tax Act, and the Service Occupation Tax Act,  
7 except such portion of such increase that is paid into the  
8 State and Local Sales Tax Reform Fund, the Local Government  
9 Distributive Fund, the Local Government Tax Fund and the  
10 County and Mass Transit District Fund, for as long as State  
11 participation exists, over and above the Initial Sales Tax  
12 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
13 Initial Sales Tax Amounts for such taxes as certified by the  
14 Department of Revenue and paid under those Acts by retailers  
15 and servicemen on transactions at places of business located  
16 within the State Sales Tax Boundary during the base year which  
17 shall be the calendar year immediately prior to the year in  
18 which the municipality adopted tax increment allocation  
19 financing, less 3.0% of such amounts generated under the  
20 Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax  
21 Act and the Service Occupation Tax Act, which sum shall be  
22 appropriated to the Department of Revenue to cover its costs  
23 of administering and enforcing this Section. For purposes of  
24 computing the aggregate amount of such taxes for base years  
25 occurring prior to 1985, the Department of Revenue shall  
26 compute the Initial Sales Tax Amount for such taxes and deduct

1 therefrom an amount equal to 4% of the aggregate amount of  
2 taxes per year for each year the base year is prior to 1985,  
3 but not to exceed a total deduction of 12%. The amount so  
4 determined shall be known as the "Adjusted Initial Sales Tax  
5 Amount". For purposes of determining the State Sales Tax  
6 Increment the Department of Revenue shall for each period  
7 subtract from the tax amounts received from retailers and  
8 servicemen on transactions located in the State Sales Tax  
9 Boundary, the certified Initial Sales Tax Amounts, Adjusted  
10 Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts  
11 for the Retailers' Occupation Tax Act, the Use Tax Act, the  
12 Service Use Tax Act and the Service Occupation Tax Act. For the  
13 State Fiscal Year 1989 this calculation shall be made by  
14 utilizing the calendar year 1987 to determine the tax amounts  
15 received. For the State Fiscal Year 1990, this calculation  
16 shall be made by utilizing the period from January 1, 1988,  
17 until September 30, 1988, to determine the tax amounts  
18 received from retailers and servicemen, which shall have  
19 deducted therefrom nine-twelfths of the certified Initial  
20 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the  
21 Revised Initial Sales Tax Amounts as appropriate. For the  
22 State Fiscal Year 1991, this calculation shall be made by  
23 utilizing the period from October 1, 1988, until June 30,  
24 1989, to determine the tax amounts received from retailers and  
25 servicemen, which shall have deducted therefrom nine-twelfths  
26 of the certified Initial State Sales Tax Amounts, Adjusted

1 Initial Sales Tax Amounts or the Revised Initial Sales Tax  
2 Amounts as appropriate. For every State Fiscal Year  
3 thereafter, the applicable period shall be the 12 months  
4 beginning July 1 and ending on June 30, to determine the tax  
5 amounts received which shall have deducted therefrom the  
6 certified Initial Sales Tax Amounts, Adjusted Initial Sales  
7 Tax Amounts or the Revised Initial Sales Tax Amounts.  
8 Municipalities intending to receive a distribution of State  
9 Sales Tax Increment must report a list of retailers to the  
10 Department of Revenue by October 31, 1988 and by July 31, of  
11 each year thereafter.

12 (t) "Taxing districts" means counties, townships, cities  
13 and incorporated towns and villages, school, road, park,  
14 sanitary, mosquito abatement, forest preserve, public health,  
15 fire protection, river conservancy, tuberculosis sanitarium  
16 and any other municipal corporations or districts with the  
17 power to levy taxes.

18 (u) "Taxing districts' capital costs" means those costs of  
19 taxing districts for capital improvements that are found by  
20 the municipal corporate authorities to be necessary and  
21 directly result from the redevelopment project.

22 (v) As used in subsection (a) of Section 11-74.4-3 of this  
23 Act, "vacant land" means any parcel or combination of parcels  
24 of real property without industrial, commercial, and  
25 residential buildings which has not been used for commercial  
26 agricultural purposes within 5 years prior to the designation

1 of the redevelopment project area, unless the parcel is  
2 included in an industrial park conservation area or the parcel  
3 has been subdivided; provided that if the parcel was part of a  
4 larger tract that has been divided into 3 or more smaller  
5 tracts that were accepted for recording during the period from  
6 1950 to 1990, then the parcel shall be deemed to have been  
7 subdivided, and all proceedings and actions of the  
8 municipality taken in that connection with respect to any  
9 previously approved or designated redevelopment project area  
10 or amended redevelopment project area are hereby validated and  
11 hereby declared to be legally sufficient for all purposes of  
12 this Act. For purposes of this Section and only for land  
13 subject to the subdivision requirements of the Plat Act, land  
14 is subdivided when the original plat of the proposed  
15 Redevelopment Project Area or relevant portion thereof has  
16 been properly certified, acknowledged, approved, and recorded  
17 or filed in accordance with the Plat Act and a preliminary  
18 plat, if any, for any subsequent phases of the proposed  
19 Redevelopment Project Area or relevant portion thereof has  
20 been properly approved and filed in accordance with the  
21 applicable ordinance of the municipality.

22 (w) "Annual Total Increment" means the sum of each  
23 municipality's annual Net Sales Tax Increment and each  
24 municipality's annual Net Utility Tax Increment. The ratio of  
25 the Annual Total Increment of each municipality to the Annual  
26 Total Increment for all municipalities, as most recently

1 calculated by the Department, shall determine the proportional  
2 shares of the Illinois Tax Increment Fund to be distributed to  
3 each municipality.

4 (x) "LEED certified" means any certification level of  
5 construction elements by a qualified Leadership in Energy and  
6 Environmental Design Accredited Professional as determined by  
7 the U.S. Green Building Council.

8 (y) "Green Globes certified" means any certification level  
9 of construction elements by a qualified Green Globes  
10 Professional as determined by the Green Building Initiative.

11 (Source: P.A. 102-627, eff. 8-27-21.)

12 (65 ILCS 5/11-80-15) (from Ch. 24, par. 11-80-15)

13 Sec. 11-80-15. Street advertising; adult entertainment  
14 advertising.

15 (a) The corporate authorities of each municipality may  
16 license street advertising by means of billboards, sign  
17 boards, and signs and may regulate the character and control  
18 the location of billboards, sign boards, and signs upon vacant  
19 property and upon buildings.

20 (b) The corporate authorities of each municipality may  
21 further regulate the character and control the location of  
22 adult entertainment advertising placed on billboards, sign  
23 boards, and signs upon vacant property and upon buildings that  
24 are within 1,000 feet of the property boundaries of schools,  
25 child day care centers, cemeteries, public parks, and places

1 of religious worship.

2 For the purposes of this subsection, "adult entertainment"  
3 means entertainment provided by an adult bookstore, striptease  
4 club, or pornographic movie theater whose business is the  
5 commercial sale, dissemination, or distribution of sexually  
6 explicit materials, shows, or other exhibitions.

7 (Source: P.A. 89-605, eff. 8-2-96.)

8 Section 90. The River Edge Redevelopment Zone Act is  
9 amended by changing Section 10-8 as follows:

10 (65 ILCS 115/10-8)

11 Sec. 10-8. Zone Administration. The administration of a  
12 River Edge Redevelopment Zone shall be under the jurisdiction  
13 of the designating municipality. Each designating municipality  
14 shall, by ordinance, designate a Zone Administrator for the  
15 certified zones within its jurisdiction. A Zone Administrator  
16 must be an officer or employee of the municipality. The Zone  
17 Administrator shall be the liaison between the designating  
18 municipality, the Department, and any designated zone  
19 organizations within zones under his or her jurisdiction.

20 A designating municipality may designate one or more  
21 organizations to be a designated zone organization, as defined  
22 under Section 10-3. The municipality, may, by ordinance,  
23 delegate functions within a River Edge Redevelopment Zone to  
24 one or more designated zone organizations in such zones.

1 Subject to the necessary governmental authorizations,  
2 designated zone organizations may, in coordination with the  
3 municipality, provide or contract for provision of public  
4 services including, but not limited to:

- 5 (1) crime-watch patrols within zone neighborhoods;
- 6 (2) volunteer child care ~~day care~~ centers;
- 7 (3) recreational activities for zone-area youth;
- 8 (4) garbage collection;
- 9 (5) street maintenance and improvements;
- 10 (6) bridge maintenance and improvements;
- 11 (7) maintenance and improvement of water and sewer  
12 lines;
- 13 (8) energy conservation projects;
- 14 (9) health and clinic services;
- 15 (10) drug abuse programs;
- 16 (11) senior citizen assistance programs;
- 17 (12) park maintenance;
- 18 (13) rehabilitation, renovation, and operation and  
19 maintenance of low and moderate income housing; and
- 20 (14) other types of public services as provided by law  
21 or regulation.

22 (Source: P.A. 94-1021, eff. 7-12-06.)

23 Section 95. The School Code is amended by changing  
24 Sections 2-3.66, 10-22.18b, 10-22.18c, and 34-18.4 as follows:

1 (105 ILCS 5/2-3.66) (from Ch. 122, par. 2-3.66)

2 Sec. 2-3.66. Truants' alternative and optional education  
3 programs. To establish projects to offer modified  
4 instructional programs or other services designed to prevent  
5 students from dropping out of school, including programs  
6 pursuant to Section 2-3.41, and to serve as a part time or full  
7 time option in lieu of regular school attendance and to award  
8 grants to local school districts, educational service regions  
9 or community college districts from appropriated funds to  
10 assist districts in establishing such projects. The education  
11 agency may operate its own program or enter into a contract  
12 with another not-for-profit entity to implement the program.  
13 The projects shall allow dropouts, up to and including age 21,  
14 potential dropouts, including truants, uninvolved, unmotivated  
15 and disaffected students, as defined by State Board of  
16 Education rules and regulations, to enroll, as an alternative  
17 to regular school attendance, in an optional education program  
18 which may be established by school board policy and is in  
19 conformance with rules adopted by the State Board of  
20 Education. Truants' Alternative and Optional Education  
21 programs funded pursuant to this Section shall be planned by a  
22 student, the student's parents or legal guardians, unless the  
23 student is 18 years or older, and school officials and shall  
24 culminate in an individualized optional education plan. Such  
25 plan shall focus on academic or vocational skills, or both,  
26 and may include, but not be limited to, evening school, summer



1 school, community college courses, adult education,  
2 preparation courses for high school equivalency testing,  
3 vocational training, work experience, programs to enhance self  
4 concept and parenting courses. School districts which are  
5 awarded grants pursuant to this Section shall be authorized to  
6 provide child ~~day~~ care services to children of students who  
7 are eligible and desire to enroll in programs established and  
8 funded under this Section, but only if and to the extent that  
9 such child ~~day~~ care is necessary to enable those eligible  
10 students to attend and participate in the programs and courses  
11 which are conducted pursuant to this Section. School districts  
12 and regional offices of education may claim general State aid  
13 under Section 18-8.05 or evidence-based funding under Section  
14 18-8.15 for students enrolled in truants' alternative and  
15 optional education programs, provided that such students are  
16 receiving services that are supplemental to a program leading  
17 to a high school diploma and are otherwise eligible to be  
18 claimed for general State aid under Section 18-8.05 or  
19 evidence-based funding under Section 18-8.15, as applicable.

20 (Source: P.A. 100-465, eff. 8-31-17.)

21 (105 ILCS 5/10-22.18b) (from Ch. 122, par. 10-22.18b)

22 Sec. 10-22.18b. Before and after school programs. To  
23 develop and maintain before school and after school programs  
24 for students in kindergarten through the 6th grade. Such  
25 programs may include time for homework, physical exercise,

1 afternoon nutritional snacks and educational offerings which  
2 are in addition to those offered during the regular school  
3 day. The chief administrator in each district shall be a  
4 certified teacher or a person who meets the requirements for  
5 supervising a child day care center under the Child Care Act of  
6 1969. Individual programs shall be coordinated by certified  
7 teachers or by persons who meet the requirements for  
8 supervising a child day care center under the Child Care Act of  
9 1969. Additional employees who are not so qualified may also  
10 be employed for such programs.

11 The schedule of these programs may follow the work  
12 calendar of the local community rather than the regular school  
13 calendar. Parents or guardians of the participating students  
14 shall be responsible for providing transportation for the  
15 students to and from the programs. The school board may charge  
16 parents of participating students a fee, not to exceed the  
17 actual cost of such before and after school programs.

18 (Source: P.A. 83-639.)

19 (105 ILCS 5/10-22.18c) (from Ch. 122, par. 10-22.18c)

20 Sec. 10-22.18c. Model child day care services program.  
21 Local school districts may establish, in cooperation with the  
22 State Board of Education, a model program for the provision of  
23 child day care services in a school. The program shall be  
24 administered by the local school district and shall be funded  
25 from monies available from private and public sources. Student

1 parents shall not be charged a fee for the child ~~day~~ care  
2 services; school personnel also may utilize the services, but  
3 shall be charged a fee. The program shall be supervised by a  
4 trained child care professional who is qualified to teach  
5 students parenting skills. As part of the program, the school  
6 shall offer a course in child behavior in which students shall  
7 receive course credits for helping to care for the children in  
8 the program while learning parenting skills. The State Board  
9 of Education shall evaluate the programs' effectiveness in  
10 reducing school absenteeism and dropouts among teenage parents  
11 and shall report to the General Assembly concerning its  
12 findings after the program has been in operation for 2 years.

13 (Source: P.A. 85-769.)

14 (105 ILCS 5/34-18.4) (from Ch. 122, par. 34-18.4)

15 Sec. 34-18.4. Before and after school programs. The Board  
16 of Education may develop and maintain before school and after  
17 school programs for students in kindergarten through the 6th  
18 grade. Such programs may include time for homework, physical  
19 exercise, afternoon nutritional snacks and educational  
20 offerings which are in addition to those offered during the  
21 regular school day. The chief administrator in each district  
22 shall be a certified teacher or a person who meets the  
23 requirements for supervising a child ~~day~~ care center under the  
24 Child Care Act of 1969. Individual programs shall be  
25 coordinated by certified teachers or by persons who meet the

1 requirements for supervising a child day care center under the  
2 Child Care Act of 1969. Additional employees who are not so  
3 qualified may also be employed for such programs.

4 The schedule of these programs may follow the work  
5 calendar of the local community rather than the regular school  
6 calendar. Parents or guardians of the participating students  
7 shall be responsible for providing transportation for the  
8 students to and from the programs. The school board may charge  
9 parents of participating students a fee, not to exceed the  
10 actual cost of such before and after school programs.

11 (Source: P.A. 83-639.)

12 Section 100. The Illinois School Student Records Act is  
13 amended by changing Section 2 as follows:

14 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

15 (Text of Section before amendment by P.A. 102-466)

16 Sec. 2. As used in this Act:

17 (a) "Student" means any person enrolled or previously  
18 enrolled in a school.

19 (b) "School" means any public preschool, child day care  
20 center, kindergarten, nursery, elementary or secondary  
21 educational institution, vocational school, special  
22 educational facility or any other elementary or secondary  
23 educational agency or institution and any person, agency or  
24 institution which maintains school student records from more

1 than one school, but does not include a private or non-public  
2 school.

3 (c) "State Board" means the State Board of Education.

4 (d) "School Student Record" means any writing or other  
5 recorded information concerning a student and by which a  
6 student may be individually identified, maintained by a school  
7 or at its direction or by an employee of a school, regardless  
8 of how or where the information is stored. The following shall  
9 not be deemed school student records under this Act: writings  
10 or other recorded information maintained by an employee of a  
11 school or other person at the direction of a school for his or  
12 her exclusive use; provided that all such writings and other  
13 recorded information are destroyed not later than the  
14 student's graduation or permanent withdrawal from the school;  
15 and provided further that no such records or recorded  
16 information may be released or disclosed to any person except  
17 a person designated by the school as a substitute unless they  
18 are first incorporated in a school student record and made  
19 subject to all of the provisions of this Act. School student  
20 records shall not include information maintained by law  
21 enforcement professionals working in the school.

22 (e) "Student Permanent Record" means the minimum personal  
23 information necessary to a school in the education of the  
24 student and contained in a school student record. Such  
25 information may include the student's name, birth date,  
26 address, grades and grade level, parents' names and addresses,

1 attendance records, and such other entries as the State Board  
2 may require or authorize.

3 (f) "Student Temporary Record" means all information  
4 contained in a school student record but not contained in the  
5 student permanent record. Such information may include family  
6 background information, intelligence test scores, aptitude  
7 test scores, psychological and personality test results,  
8 teacher evaluations, and other information of clear relevance  
9 to the education of the student, all subject to regulations of  
10 the State Board. The information shall include information  
11 provided under Section 8.6 of the Abused and Neglected Child  
12 Reporting Act and information contained in service logs  
13 maintained by a local education agency under subsection (d) of  
14 Section 14-8.02f of the School Code. In addition, the student  
15 temporary record shall include information regarding serious  
16 disciplinary infractions that resulted in expulsion,  
17 suspension, or the imposition of punishment or sanction. For  
18 purposes of this provision, serious disciplinary infractions  
19 means: infractions involving drugs, weapons, or bodily harm to  
20 another.

21 (g) "Parent" means a person who is the natural parent of  
22 the student or other person who has the primary responsibility  
23 for the care and upbringing of the student. All rights and  
24 privileges accorded to a parent under this Act shall become  
25 exclusively those of the student upon his 18th birthday,  
26 graduation from secondary school, marriage or entry into

1 military service, whichever occurs first. Such rights and  
2 privileges may also be exercised by the student at any time  
3 with respect to the student's permanent school record.

4 (h) "Department" means the Department of Children and  
5 Family Services.

6 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;  
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

8 (Text of Section after amendment by P.A. 102-466)

9 Sec. 2. As used in this Act:

10 (a) "Student" means any person enrolled or previously  
11 enrolled in a school.

12 (b) "School" means any public preschool, child ~~day~~ care  
13 center, kindergarten, nursery, elementary or secondary  
14 educational institution, vocational school, special  
15 educational facility or any other elementary or secondary  
16 educational agency or institution and any person, agency or  
17 institution which maintains school student records from more  
18 than one school, but does not include a private or non-public  
19 school.

20 (c) "State Board" means the State Board of Education.

21 (d) "School Student Record" means any writing or other  
22 recorded information concerning a student and by which a  
23 student may be individually identified, maintained by a school  
24 or at its direction or by an employee of a school, regardless  
25 of how or where the information is stored. The following shall

1 not be deemed school student records under this Act: writings  
2 or other recorded information maintained by an employee of a  
3 school or other person at the direction of a school for his or  
4 her exclusive use; provided that all such writings and other  
5 recorded information are destroyed not later than the  
6 student's graduation or permanent withdrawal from the school;  
7 and provided further that no such records or recorded  
8 information may be released or disclosed to any person except  
9 a person designated by the school as a substitute unless they  
10 are first incorporated in a school student record and made  
11 subject to all of the provisions of this Act. School student  
12 records shall not include information maintained by law  
13 enforcement professionals working in the school.

14 (e) "Student Permanent Record" means the minimum personal  
15 information necessary to a school in the education of the  
16 student and contained in a school student record. Such  
17 information may include the student's name, birth date,  
18 address, grades and grade level, parents' names and addresses,  
19 attendance records, and such other entries as the State Board  
20 may require or authorize.

21 (f) "Student Temporary Record" means all information  
22 contained in a school student record but not contained in the  
23 student permanent record. Such information may include family  
24 background information, intelligence test scores, aptitude  
25 test scores, psychological and personality test results,  
26 teacher evaluations, and other information of clear relevance



1 to the education of the student, all subject to regulations of  
2 the State Board. The information shall include all of the  
3 following:

4 (1) Information provided under Section 8.6 of the  
5 Abused and Neglected Child Reporting Act and information  
6 contained in service logs maintained by a local education  
7 agency under subsection (d) of Section 14-8.02f of the  
8 School Code.

9 (2) Information regarding serious disciplinary  
10 infractions that resulted in expulsion, suspension, or the  
11 imposition of punishment or sanction. For purposes of this  
12 provision, serious disciplinary infractions means:  
13 infractions involving drugs, weapons, or bodily harm to  
14 another.

15 (3) Information concerning a student's status and  
16 related experiences as a parent, expectant parent, or  
17 victim of domestic or sexual violence, as defined in  
18 Article 26A of the School Code, including a statement of  
19 the student or any other documentation, record, or  
20 corroborating evidence and the fact that the student has  
21 requested or obtained assistance, support, or services  
22 related to that status. Enforcement of this paragraph (3)  
23 shall follow the procedures provided in Section 26A-40 of  
24 the School Code.

25 (g) "Parent" means a person who is the natural parent of  
26 the student or other person who has the primary responsibility

1 for the care and upbringing of the student. All rights and  
2 privileges accorded to a parent under this Act shall become  
3 exclusively those of the student upon his 18th birthday,  
4 graduation from secondary school, marriage or entry into  
5 military service, whichever occurs first. Such rights and  
6 privileges may also be exercised by the student at any time  
7 with respect to the student's permanent school record.

8 (h) "Department" means the Department of Children and  
9 Family Services.

10 (Source: P.A. 101-515, eff. 8-23-19; 102-199, eff. 7-1-22;  
11 102-466, eff. 7-1-25; 102-558, eff. 8-20-21; 102-813, eff.  
12 5-13-22.)

13 Section 105. The University of Illinois Act is amended by  
14 changing Section 1d as follows:

15 (110 ILCS 305/1d) (from Ch. 144, par. 22d)

16 Sec. 1d. Child care services.

17 (a) For the purposes of this Section, "child care  
18 services" means child ~~day~~ care home or center services as  
19 defined by the Child Care Act of 1969.

20 (b) The Board may contract for the provision of child care  
21 services for its employees. The Board may, in accordance with  
22 established rules, allow child ~~day~~ care centers to operate in  
23 State-owned or leased facilities. Such child ~~day~~ care centers  
24 shall be primarily for use by State employees of the

1 university but use by non-employees may be allowed.

2 Where the Board enters into a contract to construct,  
3 acquire or lease all or a substantial portion of a building, in  
4 which more than 50 persons shall be employed, other than a  
5 renewal of an existing lease, after July 1, 1992, and where a  
6 need has been demonstrated, according to subsection (c),  
7 on-site child care services shall be provided for employees of  
8 the university.

9 The Board shall implement this Section and shall  
10 promulgate all rules and regulations necessary for this  
11 purpose. By April 1, 1993, the Board shall propose rules  
12 setting forth the standards and criteria, including need and  
13 feasibility, for determining if on-site child care services  
14 shall be provided. The Board shall consult with the Department  
15 of Children and Family Services in defining standards for  
16 child care service centers established pursuant to this  
17 Section to ensure compliance with the Child Care Act of 1969.  
18 The Board shall establish a schedule of fees that shall be  
19 charged for child care services under this Section. The  
20 schedule shall be established so that charges for service are  
21 based on the actual cost of care. Except as otherwise provided  
22 by law for employees who may qualify for public assistance or  
23 social services due to indigency or family circumstance, each  
24 employee obtaining child care services under this Section  
25 shall be responsible for full payment of all charges. The  
26 Board shall report, on or before December 31, 1993, to the

1 Governor and the members of the General Assembly, on the  
2 feasibility and implementation of a plan for the provision of  
3 comprehensive child care services.

4 (c) Prior to contracting for child care services, the  
5 Board shall determine a need for child care services. Proof of  
6 need may include a survey of university employees as well as a  
7 determination of the availability of child care services  
8 through other State agencies, or in the community. The Board  
9 may also require submission of a feasibility, design and  
10 implementation plan, that takes into consideration similar  
11 needs and services of other State universities.

12 The Board shall have the sole responsibility for choosing  
13 the successful bidder and overseeing the operation of its  
14 child care service program within the guidelines established  
15 by the Board. The Board shall promulgate rules under the  
16 Illinois Administrative Procedure Act that detail the specific  
17 standards to be used in the selection of a vendor of child care  
18 services.

19 The contract shall provide for the establishment of or  
20 arrangement for the use of a licensed child day care center or  
21 a licensed child day care agency, as defined in the Child Care  
22 Act of 1969.

23 (Source: P.A. 87-1019; 88-45.)

24 Section 110. The Southern Illinois University Management  
25 Act is amended by changing Section 8b.1 as follows:

1 (110 ILCS 520/8b.1) (from Ch. 144, par. 658b.1)

2 Sec. 8b.1. Child care services.

3 (a) For the purposes of this Section, "child care  
4 services" means child ~~day~~ care home or center services as  
5 defined by the Child Care Act of 1969.

6 (b) The Board may contract for the provision of child care  
7 services for its employees. The Board may, in accordance with  
8 established rules, allow child ~~day~~ care centers to operate in  
9 State-owned or leased facilities. Such child ~~day~~ care centers  
10 shall be primarily for use by State employees of the  
11 university but use by non-employees may be allowed.

12 Where the Board enters into a contract to construct,  
13 acquire or lease all or a substantial portion of a building, in  
14 which more than 50 persons shall be employed, other than a  
15 renewal of an existing lease, after July 1, 1992, and where a  
16 need has been demonstrated, according to subsection (c),  
17 on-site child care services shall be provided for employees of  
18 the university.

19 The Board shall implement this Section and shall  
20 promulgate all rules and regulations necessary for this  
21 purpose. By April 1, 1993, the Board shall propose rules  
22 setting forth the standards and criteria, including need and  
23 feasibility, for determining if on-site child care services  
24 shall be provided. The Board shall consult with the Department  
25 of Children and Family Services in defining standards for

1 child care service centers established pursuant to this  
2 Section to ensure compliance with the Child Care Act of 1969.  
3 The Board shall establish a schedule of fees that shall be  
4 charged for child care services under this Section. The  
5 schedule shall be established so that charges for service are  
6 based on the actual cost of care. Except as otherwise provided  
7 by law for employees who may qualify for public assistance or  
8 social services due to indigency or family circumstance, each  
9 employee obtaining child care services under this Section  
10 shall be responsible for full payment of all charges. The  
11 Board shall report, on or before December 31, 1993, to the  
12 Governor and the members of the General Assembly, on the  
13 feasibility and implementation of a plan for the provision of  
14 comprehensive child care services.

15 (c) Prior to contracting for child care services, the  
16 Board shall determine a need for child care services. Proof of  
17 need may include a survey of university employees as well as a  
18 determination of the availability of child care services  
19 through other State agencies, or in the community. The Board  
20 may also require submission of a feasibility, design and  
21 implementation plan, that takes into consideration similar  
22 needs and services of other State universities.

23 The Board shall have the sole responsibility for choosing  
24 the successful bidder and overseeing the operation of its  
25 child care service program within the guidelines established  
26 by the Board. The Board shall promulgate rules under the

1 Illinois Administrative Procedure Act that detail the specific  
2 standards to be used in the selection of a vendor of child care  
3 services.

4 The contract shall provide for the establishment of or  
5 arrangement for the use of a licensed child day care center or  
6 a licensed child day care agency, as defined in the Child Care  
7 Act of 1969.

8 (Source: P.A. 87-1019; 88-45.)

9 Section 115. The Chicago State University Law is amended  
10 by changing Section 5-95 as follows:

11 (110 ILCS 660/5-95)

12 Sec. 5-95. Child care services.

13 (a) For the purposes of this Section, "child care  
14 services" means child day care home or center services as  
15 defined by the Child Care Act of 1969.

16 (b) The Board may contract for the provision of child care  
17 services for its employees. The Board may, in accordance with  
18 established rules, allow child day care centers to operate in  
19 State-owned or leased facilities. Such child day care centers  
20 shall be primarily for use by State employees of Chicago State  
21 University but use by non-employees may be allowed.

22 Where the Board enters into a contract to construct,  
23 acquire or lease all or a substantial portion of a building, in  
24 which more than 50 persons shall be employed, other than a

1 renewal of an existing lease, and where a need has been  
2 demonstrated, according to subsection (c), on-site child care  
3 services shall be provided for employees of Chicago State  
4 University.

5 The Board shall implement this Section and shall  
6 promulgate all rules and regulations necessary for this  
7 purpose. By September 1, 1996, the Board shall propose rules  
8 setting forth the standards and criteria, including need and  
9 feasibility, for determining if September child care services  
10 shall be provided. The Board shall consult with the Department  
11 of Children and Family Services in defining standards for  
12 child care service centers established pursuant to this  
13 Section to ensure compliance with the Child Care Act of 1969.  
14 The Board shall establish a schedule of fees that shall be  
15 charged for child care services under this Section. The  
16 schedule shall be established so that charges for service are  
17 based on the actual cost of care. Except as otherwise provided  
18 by law for employees who may qualify for public assistance or  
19 social services due to indigency or family circumstance, each  
20 employee obtaining child care services under this Section  
21 shall be responsible for full payment of all charges. The  
22 Board shall report, on or before December 31, 1996, to the  
23 Governor and the members of the General Assembly, on the  
24 feasibility and implementation of a plan for the provision of  
25 comprehensive child care services.

26 (c) Prior to contracting for child care services, the



1 Board shall determine a need for child care services. Proof of  
2 need may include a survey of University employees as well as a  
3 determination of the availability of child care services  
4 through other State agencies, or in the community. The Board  
5 may also require submission of a feasibility, design and  
6 implementation plan that takes into consideration similar  
7 needs and services of other State universities.

8 The Board shall have the sole responsibility for choosing  
9 the successful bidder and overseeing the operation of its  
10 child care service program within the guidelines established  
11 by the Board. The Board shall promulgate rules under the  
12 Illinois Administrative Procedure Act that detail the specific  
13 standards to be used in the selection of a vendor of child care  
14 services.

15 The contract shall provide for the establishment of or  
16 arrangement for the use of a licensed child day care center or  
17 a licensed child day care agency, as defined in the Child Care  
18 Act of 1969.

19 (Source: P.A. 89-4, eff. 1-1-96.)

20 Section 120. The Eastern Illinois University Law is  
21 amended by changing Section 10-95 as follows:

22 (110 ILCS 665/10-95)

23 Sec. 10-95. Child care services.

24 (a) For the purposes of this Section, "child care

1 services" means child day care home or center services as  
2 defined by the Child Care Act of 1969.

3 (b) The Board may contract for the provision of child care  
4 services for its employees. The Board may, in accordance with  
5 established rules, allow child day care centers to operate in  
6 State-owned or leased facilities. Such child day care centers  
7 shall be primarily for use by State employees of Eastern  
8 Illinois University but use by non-employees may be allowed.

9 Where the Board enters into a contract to construct,  
10 acquire or lease all or a substantial portion of a building, in  
11 which more than 50 persons shall be employed, other than a  
12 renewal of an existing lease, and where a need has been  
13 demonstrated, according to subsection (c), on-site child care  
14 services shall be provided for employees of Eastern Illinois  
15 University.

16 The Board shall implement this Section and shall  
17 promulgate all rules and regulations necessary for this  
18 purpose. By September 1, 1996 the Board shall propose rules  
19 setting forth the standards and criteria, including need and  
20 feasibility, for determining if September child care services  
21 shall be provided. The Board shall consult with the Department  
22 of Children and Family Services in defining standards for  
23 child care service centers established pursuant to this  
24 Section to ensure compliance with the Child Care Act of 1969.  
25 The Board shall establish a schedule of fees that shall be  
26 charged for child care services under this Section. The

1 schedule shall be established so that charges for service are  
2 based on the actual cost of care. Except as otherwise provided  
3 by law for employees who may qualify for public assistance or  
4 social services due to indigency or family circumstance, each  
5 employee obtaining child care services under this Section  
6 shall be responsible for full payment of all charges. The  
7 Board shall report, on or before December 31, 1996, to the  
8 Governor and the members of the General Assembly, on the  
9 feasibility and implementation of a plan for the provision of  
10 comprehensive child care services.

11 (c) Prior to contracting for child care services, the  
12 Board shall determine a need for child care services. Proof of  
13 need may include a survey of University employees as well as a  
14 determination of the availability of child care services  
15 through other State agencies, or in the community. The Board  
16 may also require submission of a feasibility, design and  
17 implementation plan that takes into consideration similar  
18 needs and services of other State universities.

19 The Board shall have the sole responsibility for choosing  
20 the successful bidder and overseeing the operation of its  
21 child care service program within the guidelines established  
22 by the Board. The Board shall promulgate rules under the  
23 Illinois Administrative Procedure Act that detail the specific  
24 standards to be used in the selection of a vendor of child care  
25 services.

26 The contract shall provide for the establishment of or

1 arrangement for the use of a licensed child day care center or  
2 a licensed child day care agency, as defined in the Child Care  
3 Act of 1969.

4 (Source: P.A. 89-4, eff. 1-1-96.)

5 Section 125. The Governors State University Law is amended  
6 by changing Section 15-95 as follows:

7 (110 ILCS 670/15-95)

8 Sec. 15-95. Child care services.

9 (a) For the purposes of this Section, "child care  
10 services" means child day care home or center services as  
11 defined by the Child Care Act of 1969.

12 (b) The Board may contract for the provision of child care  
13 services for its employees. The Board may, in accordance with  
14 established rules, allow child day care centers to operate in  
15 State-owned or leased facilities. Such child day care centers  
16 shall be primarily for use by State employees of Governors  
17 State University but use by non-employees may be allowed.

18 Where the Board enters into a contract to construct,  
19 acquire or lease all or a substantial portion of a building, in  
20 which more than 50 persons shall be employed, other than a  
21 renewal of an existing lease, and where a need has been  
22 demonstrated, according to subsection (c), on-site child care  
23 services shall be provided for employees of Governors State  
24 University.

1           The Board shall implement this Section and shall  
2 promulgate all rules and regulations necessary for this  
3 purpose. By September 1, 1996, the Board shall propose rules  
4 setting forth the standards and criteria, including need and  
5 feasibility, for determining if September child care services  
6 shall be provided. The Board shall consult with the Department  
7 of Children and Family Services in defining standards for  
8 child care service centers established pursuant to this  
9 Section to ensure compliance with the Child Care Act of 1969.  
10 The Board shall establish a schedule of fees that shall be  
11 charged for child care services under this Section. The  
12 schedule shall be established so that charges for service are  
13 based on the actual cost of care. Except as otherwise provided  
14 by law for employees who may qualify for public assistance or  
15 social services due to indigency or family circumstance, each  
16 employee obtaining child care services under this Section  
17 shall be responsible for full payment of all charges. The  
18 Board shall report, on or before December 31, 1996, to the  
19 Governor and the members of the General Assembly, on the  
20 feasibility and implementation of a plan for the provision of  
21 comprehensive child care services.

22           (c) Prior to contracting for child care services, the  
23 Board shall determine a need for child care services. Proof of  
24 need may include a survey of University employees as well as a  
25 determination of the availability of child care services  
26 through other State agencies, or in the community. The Board

1 may also require submission of a feasibility, design and  
2 implementation plan that takes into consideration similar  
3 needs and services of other State universities.

4 The Board shall have the sole responsibility for choosing  
5 the successful bidder and overseeing the operation of its  
6 child care service program within the guidelines established  
7 by the Board. The Board shall promulgate rules under the  
8 Illinois Administrative Procedure Act that detail the specific  
9 standards to be used in the selection of a vendor of child care  
10 services.

11 The contract shall provide for the establishment of or  
12 arrangement for the use of a licensed child day care center or  
13 a licensed child day care agency, as defined in the Child Care  
14 Act of 1969.

15 (Source: P.A. 89-4, eff. 1-1-96.)

16 Section 130. The Illinois State University Law is amended  
17 by changing Section 20-95 as follows:

18 (110 ILCS 675/20-95)

19 Sec. 20-95. Child care services.

20 (a) For the purposes of this Section, "child care  
21 services" means child day care home or center services as  
22 defined by the Child Care Act of 1969.

23 (b) The Board may contract for the provision of child care  
24 services for its employees. The Board may, in accordance with

1 established rules, allow child ~~day~~ care centers to operate in  
2 State-owned or leased facilities. Such child ~~day~~ care centers  
3 shall be primarily for use by State employees of Illinois  
4 State University but use by non-employees may be allowed.

5 Where the Board enters into a contract to construct,  
6 acquire or lease all or a substantial portion of a building, in  
7 which more than 50 persons shall be employed, other than a  
8 renewal of an existing lease, and where a need has been  
9 demonstrated, according to subsection (c), on-site child care  
10 services shall be provided for employees of Illinois State  
11 University.

12 The Board shall implement this Section and shall  
13 promulgate all rules and regulations necessary for this  
14 purpose. By September 1, 1996, the Board shall propose rules  
15 setting forth the standards and criteria, including need and  
16 feasibility, for determining if September child care services  
17 shall be provided. The Board shall consult with the Department  
18 of Children and Family Services in defining standards for  
19 child care service centers established pursuant to this  
20 Section to ensure compliance with the Child Care Act of 1969.  
21 The Board shall establish a schedule of fees that shall be  
22 charged for child care services under this Section. The  
23 schedule shall be established so that charges for service are  
24 based on the actual cost of care. Except as otherwise provided  
25 by law for employees who may qualify for public assistance or  
26 social services due to indigency or family circumstance, each

1 employee obtaining child care services under this Section  
2 shall be responsible for full payment of all charges. The  
3 Board shall report, on or before December 31, 1996, to the  
4 Governor and the members of the General Assembly, on the  
5 feasibility and implementation of a plan for the provision of  
6 comprehensive child care services.

7 (c) Prior to contracting for child care services, the  
8 Board shall determine a need for child care services. Proof of  
9 need may include a survey of University employees as well as a  
10 determination of the availability of child care services  
11 through other State agencies, or in the community. The Board  
12 may also require submission of a feasibility, design and  
13 implementation plan that takes into consideration similar  
14 needs and services of other State universities.

15 The Board shall have the sole responsibility for choosing  
16 the successful bidder and overseeing the operation of its  
17 child care service program within the guidelines established  
18 by the Board. The Board shall promulgate rules under the  
19 Illinois Administrative Procedure Act that detail the specific  
20 standards to be used in the selection of a vendor of child care  
21 services.

22 The contract shall provide for the establishment of or  
23 arrangement for the use of a licensed child day care center or  
24 a licensed child day care agency, as defined in the Child Care  
25 Act of 1969.

26 (Source: P.A. 89-4, eff. 1-1-96.)



1 Section 135. The Northeastern Illinois University Law is  
2 amended by changing Section 25-95 as follows:

3 (110 ILCS 680/25-95)

4 Sec. 25-95. Child care services.

5 (a) For the purposes of this Section, "child care  
6 services" means child ~~day~~ care home or center services as  
7 defined by the Child Care Act of 1969.

8 (b) The Board may contract for the provision of child care  
9 services for its employees. The Board may, in accordance with  
10 established rules, allow child ~~day~~ care centers to operate in  
11 State-owned or leased facilities. Such child ~~day~~ care centers  
12 shall be primarily for use by State employees of Northeastern  
13 Illinois University but use by non-employees may be allowed.

14 Where the Board enters into a contract to construct,  
15 acquire or lease all or a substantial portion of a building, in  
16 which more than 50 persons shall be employed, other than a  
17 renewal of an existing lease, and where a need has been  
18 demonstrated, according to subsection (c), on-site child care  
19 services shall be provided for employees of Northeastern  
20 Illinois University.

21 The Board shall implement this Section and shall  
22 promulgate all rules and regulations necessary for this  
23 purpose. By September 1, 1996, the Board shall propose rules  
24 setting forth the standards and criteria, including need and

1 feasibility, for determining if September child care services  
2 shall be provided. The Board shall consult with the Department  
3 of Children and Family Services in defining standards for  
4 child care service centers established pursuant to this  
5 Section to ensure compliance with the Child Care Act of 1969.  
6 The Board shall establish a schedule of fees that shall be  
7 charged for child care services under this Section. The  
8 schedule shall be established so that charges for service are  
9 based on the actual cost of care. Except as otherwise provided  
10 by law for employees who may qualify for public assistance or  
11 social services due to indigency or family circumstance, each  
12 employee obtaining child care services under this Section  
13 shall be responsible for full payment of all charges. The  
14 Board shall report, on or before December 31, 1996, to the  
15 Governor and the members of the General Assembly, on the  
16 feasibility and implementation of a plan for the provision of  
17 comprehensive child care services.

18 (c) Prior to contracting for child care services, the  
19 Board shall determine a need for child care services. Proof of  
20 need may include a survey of University employees as well as a  
21 determination of the availability of child care services  
22 through other State agencies, or in the community. The Board  
23 may also require submission of a feasibility, design and  
24 implementation plan that takes into consideration similar  
25 needs and services of other State universities.

26 The Board shall have the sole responsibility for choosing

1 the successful bidder and overseeing the operation of its  
2 child care service program within the guidelines established  
3 by the Board. The Board shall promulgate rules under the  
4 Illinois Administrative Procedure Act that detail the specific  
5 standards to be used in the selection of a vendor of child care  
6 services.

7 The contract shall provide for the establishment of or  
8 arrangement for the use of a licensed child day care center or  
9 a licensed child day care agency, as defined in the Child Care  
10 Act of 1969.

11 (Source: P.A. 89-4, eff. 1-1-96.)

12 Section 140. The Northern Illinois University Law is  
13 amended by changing Section 30-95 as follows:

14 (110 ILCS 685/30-95)

15 Sec. 30-95. Child care services.

16 (a) For the purposes of this Section, "child care  
17 services" means child day care home or center services as  
18 defined by the Child Care Act of 1969.

19 (b) The Board may contract for the provision of child care  
20 services for its employees. The Board may, in accordance with  
21 established rules, allow child day care centers to operate in  
22 State-owned or leased facilities. Such child day care centers  
23 shall be primarily for use by State employees of Northern  
24 Illinois University but use by non-employees may be allowed.

1           Where the Board enters into a contract to construct,  
2 acquire or lease all or a substantial portion of a building, in  
3 which more than 50 persons shall be employed, other than a  
4 renewal of an existing lease, and where a need has been  
5 demonstrated, according to subsection (c), on-site child care  
6 services shall be provided for employees of Northern Illinois  
7 University.

8           The Board shall implement this Section and shall  
9 promulgate all rules and regulations necessary for this  
10 purpose. By September 1, 1996, the Board shall propose rules  
11 setting forth the standards and criteria, including need and  
12 feasibility, for determining if September child care services  
13 shall be provided. The Board shall consult with the Department  
14 of Children and Family Services in defining standards for  
15 child care service centers established pursuant to this  
16 Section to ensure compliance with the Child Care Act of 1969.  
17 The Board shall establish a schedule of fees that shall be  
18 charged for child care services under this Section. The  
19 schedule shall be established so that charges for service are  
20 based on the actual cost of care. Except as otherwise provided  
21 by law for employees who may qualify for public assistance or  
22 social services due to indigency or family circumstance, each  
23 employee obtaining child care services under this Section  
24 shall be responsible for full payment of all charges. The  
25 Board shall report, on or before December 31, 1996, to the  
26 Governor and the members of the General Assembly, on the

1 feasibility and implementation of a plan for the provision of  
2 comprehensive child care services.

3 (c) Prior to contracting for child care services, the  
4 Board shall determine a need for child care services. Proof of  
5 need may include a survey of University employees as well as a  
6 determination of the availability of child care services  
7 through other State agencies, or in the community. The Board  
8 may also require submission of a feasibility, design and  
9 implementation plan that takes into consideration similar  
10 needs and services of other State universities.

11 The Board shall have the sole responsibility for choosing  
12 the successful bidder and overseeing the operation of its  
13 child care service program within the guidelines established  
14 by the Board. The Board shall promulgate rules under the  
15 Illinois Administrative Procedure Act that detail the specific  
16 standards to be used in the selection of a vendor of child care  
17 services.

18 The contract shall provide for the establishment of or  
19 arrangement for the use of a licensed child day care center or  
20 a licensed child day care agency, as defined in the Child Care  
21 Act of 1969.

22 (Source: P.A. 89-4, eff. 1-1-96.)

23 Section 145. The Western Illinois University Law is  
24 amended by changing Section 35-95 as follows:

1 (110 ILCS 690/35-95)

2 Sec. 35-95. Child care services.

3 (a) For the purposes of this Section, "child care  
4 services" means child ~~day~~ care home or center services as  
5 defined by the Child Care Act of 1969.

6 (b) The Board may contract for the provision of child care  
7 services for its employees. The Board may, in accordance with  
8 established rules, allow child ~~day~~ care centers to operate in  
9 State-owned or leased facilities. Such child ~~day~~ care centers  
10 shall be primarily for use by State employees of Western  
11 Illinois University but use by non-employees may be allowed.

12 Where the Board enters into a contract to construct,  
13 acquire or lease all or a substantial portion of a building, in  
14 which more than 50 persons shall be employed, other than a  
15 renewal of an existing lease, and where a need has been  
16 demonstrated, according to subsection (c), on-site child care  
17 services shall be provided for employees of Western Illinois  
18 University.

19 The Board shall implement this Section and shall  
20 promulgate all rules and regulations necessary for this  
21 purpose. By September 1, 1996, the Board shall propose rules  
22 setting forth the standards and criteria, including need and  
23 feasibility, for determining if September child care services  
24 shall be provided. The Board shall consult with the Department  
25 of Children and Family Services in defining standards for  
26 child care service centers established pursuant to this

1 Section to ensure compliance with the Child Care Act of 1969.  
2 The Board shall establish a schedule of fees that shall be  
3 charged for child care services under this Section. The  
4 schedule shall be established so that charges for service are  
5 based on the actual cost of care. Except as otherwise provided  
6 by law for employees who may qualify for public assistance or  
7 social services due to indigency or family circumstance, each  
8 employee obtaining child care services under this Section  
9 shall be responsible for full payment of all charges. The  
10 Board shall report, on or before December 31, 1996, to the  
11 Governor and the members of the General Assembly, on the  
12 feasibility and implementation of a plan for the provision of  
13 comprehensive child care services.

14 (c) Prior to contracting for child care services, the  
15 Board shall determine a need for child care services. Proof of  
16 need may include a survey of University employees as well as a  
17 determination of the availability of child care services  
18 through other State agencies, or in the community. The Board  
19 may also require submission of a feasibility, design and  
20 implementation plan that takes into consideration similar  
21 needs and services of other State universities.

22 The Board shall have the sole responsibility for choosing  
23 the successful bidder and overseeing the operation of its  
24 child care service program within the guidelines established  
25 by the Board. The Board shall promulgate rules under the  
26 Illinois Administrative Procedure Act that detail the specific

1 standards to be used in the selection of a vendor of child care  
2 services.

3 The contract shall provide for the establishment of or  
4 arrangement for the use of a licensed child day care center or  
5 a licensed child day care agency, as defined in the Child Care  
6 Act of 1969.

7 (Source: P.A. 89-4, eff. 1-1-96.)

8 Section 150. The Alternative Health Care Delivery Act is  
9 amended by changing Section 35 as follows:

10 (210 ILCS 3/35)

11 Sec. 35. Alternative health care models authorized.  
12 Notwithstanding any other law to the contrary, alternative  
13 health care models described in this Section may be  
14 established on a demonstration basis.

15 (1) (Blank).

16 (2) Alternative health care delivery model;  
17 postsurgical recovery care center. A postsurgical recovery  
18 care center is a designated site which provides  
19 postsurgical recovery care for generally healthy patients  
20 undergoing surgical procedures that potentially require  
21 overnight nursing care, pain control, or observation that  
22 would otherwise be provided in an inpatient setting.  
23 Patients may be discharged from the postsurgical recovery  
24 care center in less than 24 hours if the attending



1 physician or the facility's medical director believes the  
2 patient has recovered enough to be discharged. A  
3 postsurgical recovery care center is either freestanding  
4 or a defined unit of an ambulatory surgical treatment  
5 center or hospital. No facility, or portion of a facility,  
6 may participate in a demonstration program as a  
7 postsurgical recovery care center unless the facility has  
8 been licensed as an ambulatory surgical treatment center  
9 or hospital for at least 2 years before August 20, 1993  
10 (the effective date of Public Act 88-441). The maximum  
11 length of stay for patients in a postsurgical recovery  
12 care center is not to exceed 48 hours unless the treating  
13 physician requests an extension of time from the recovery  
14 center's medical director on the basis of medical or  
15 clinical documentation that an additional care period is  
16 required for the recovery of a patient and the medical  
17 director approves the extension of time. In no case,  
18 however, shall a patient's length of stay in a  
19 postsurgical recovery care center be longer than 72 hours.  
20 If a patient requires an additional care period after the  
21 expiration of the 72-hour limit, the patient shall be  
22 transferred to an appropriate facility. Reports on  
23 variances from the 24-hour or 48-hour limit shall be sent  
24 to the Department for its evaluation. The reports shall,  
25 before submission to the Department, have removed from  
26 them all patient and physician identifiers. Blood products

1           may be administered in the postsurgical recovery care  
2           center model. In order to handle cases of complications,  
3           emergencies, or exigent circumstances, every postsurgical  
4           recovery care center as defined in this paragraph shall  
5           maintain a contractual relationship, including a transfer  
6           agreement, with a general acute care hospital. A  
7           postsurgical recovery care center shall be no larger than  
8           20 beds. A postsurgical recovery care center shall be  
9           located within 15 minutes travel time from the general  
10          acute care hospital with which the center maintains a  
11          contractual relationship, including a transfer agreement,  
12          as required under this paragraph.

13           No postsurgical recovery care center shall  
14          discriminate against any patient requiring treatment  
15          because of the source of payment for services, including  
16          Medicare and Medicaid recipients.

17           The Department shall adopt rules to implement the  
18          provisions of Public Act 88-441 concerning postsurgical  
19          recovery care centers within 9 months after August 20,  
20          1993. Notwithstanding any other law to the contrary, a  
21          postsurgical recovery care center model may provide sleep  
22          laboratory or similar sleep studies in accordance with  
23          applicable State and federal laws and regulations.

24           (3) Alternative health care delivery model; children's  
25          community-based health care center. A children's  
26          community-based health care center model is a designated

1 site that provides nursing care, clinical support  
2 services, and therapies for a period of one to 14 days for  
3 short-term stays and 120 days to facilitate transitions to  
4 home or other appropriate settings for medically fragile  
5 children, technology dependent children, and children with  
6 special health care needs who are deemed clinically stable  
7 by a physician and are younger than 22 years of age. This  
8 care is to be provided in a home-like environment that  
9 serves no more than 12 children at a time, except that a  
10 children's community-based health care center in existence  
11 on the effective date of this amendatory Act of the 100th  
12 General Assembly that is located in Chicago on grade level  
13 for Life Safety Code purposes may provide care to no more  
14 than 16 children at a time. Children's community-based  
15 health care center services must be available through the  
16 model to all families, including those whose care is paid  
17 for through the Department of Healthcare and Family  
18 Services, the Department of Children and Family Services,  
19 the Department of Human Services, and insurance companies  
20 who cover home health care services or private duty  
21 nursing care in the home.

22 Each children's community-based health care center  
23 model location shall be physically separate and apart from  
24 any other facility licensed by the Department of Public  
25 Health under this or any other Act and shall provide the  
26 following services: respite care, registered nursing or

1 licensed practical nursing care, transitional care to  
2 facilitate home placement or other appropriate settings  
3 and reunite families, medical child ~~day~~ care, weekend  
4 camps, and diagnostic studies typically done in the home  
5 setting.

6 Coverage for the services provided by the Department  
7 of Healthcare and Family Services under this paragraph (3)  
8 is contingent upon federal waiver approval and is provided  
9 only to Medicaid eligible clients participating in the  
10 home and community based services waiver designated in  
11 Section 1915(c) of the Social Security Act for medically  
12 frail and technologically dependent children or children  
13 in Department of Children and Family Services foster care  
14 who receive home health benefits.

15 (4) Alternative health care delivery model; community  
16 based residential rehabilitation center. A community-based  
17 residential rehabilitation center model is a designated  
18 site that provides rehabilitation or support, or both, for  
19 persons who have experienced severe brain injury, who are  
20 medically stable, and who no longer require acute  
21 rehabilitative care or intense medical or nursing  
22 services. The average length of stay in a community-based  
23 residential rehabilitation center shall not exceed 4  
24 months. As an integral part of the services provided,  
25 individuals are housed in a supervised living setting  
26 while having immediate access to the community. The

1 residential rehabilitation center authorized by the  
2 Department may have more than one residence included under  
3 the license. A residence may be no larger than 12 beds and  
4 shall be located as an integral part of the community. Day  
5 treatment or individualized outpatient services shall be  
6 provided for persons who reside in their own home.  
7 Functional outcome goals shall be established for each  
8 individual. Services shall include, but are not limited  
9 to, case management, training and assistance with  
10 activities of daily living, nursing consultation,  
11 traditional therapies (physical, occupational, speech),  
12 functional interventions in the residence and community  
13 (job placement, shopping, banking, recreation),  
14 counseling, self-management strategies, productive  
15 activities, and multiple opportunities for skill  
16 acquisition and practice throughout the day. The design of  
17 individualized program plans shall be consistent with the  
18 outcome goals that are established for each resident. The  
19 programs provided in this setting shall be accredited by  
20 the Commission on Accreditation of Rehabilitation  
21 Facilities (CARF). The program shall have been accredited  
22 by CARF as a Brain Injury Community-Integrative Program  
23 for at least 3 years.

24 (5) Alternative health care delivery model;  
25 Alzheimer's disease management center. An Alzheimer's  
26 disease management center model is a designated site that

1 provides a safe and secure setting for care of persons  
2 diagnosed with Alzheimer's disease. An Alzheimer's disease  
3 management center model shall be a facility separate from  
4 any other facility licensed by the Department of Public  
5 Health under this or any other Act. An Alzheimer's disease  
6 management center shall conduct and document an assessment  
7 of each resident every 6 months. The assessment shall  
8 include an evaluation of daily functioning, cognitive  
9 status, other medical conditions, and behavioral problems.  
10 An Alzheimer's disease management center shall develop and  
11 implement an ongoing treatment plan for each resident. The  
12 treatment plan shall have defined goals. The Alzheimer's  
13 disease management center shall treat behavioral problems  
14 and mood disorders using nonpharmacologic approaches such  
15 as environmental modification, task simplification, and  
16 other appropriate activities. All staff must have  
17 necessary training to care for all stages of Alzheimer's  
18 Disease. An Alzheimer's disease management center shall  
19 provide education and support for residents and  
20 caregivers. The education and support shall include  
21 referrals to support organizations for educational  
22 materials on community resources, support groups, legal  
23 and financial issues, respite care, and future care needs  
24 and options. The education and support shall also include  
25 a discussion of the resident's need to make advance  
26 directives and to identify surrogates for medical and

1 legal decision-making. The provisions of this paragraph  
2 establish the minimum level of services that must be  
3 provided by an Alzheimer's disease management center. An  
4 Alzheimer's disease management center model shall have no  
5 more than 100 residents. Nothing in this paragraph (5)  
6 shall be construed as prohibiting a person or facility  
7 from providing services and care to persons with  
8 Alzheimer's disease as otherwise authorized under State  
9 law.

10 (6) Alternative health care delivery model; birth  
11 center. A birth center shall be exclusively dedicated to  
12 serving the childbirth-related needs of women and their  
13 newborns and shall have no more than 10 beds. A birth  
14 center is a designated site that is away from the mother's  
15 usual place of residence and in which births are planned  
16 to occur following a normal, uncomplicated, and low-risk  
17 pregnancy. A birth center shall offer prenatal care and  
18 community education services and shall coordinate these  
19 services with other health care services available in the  
20 community.

21 (A) A birth center shall not be separately  
22 licensed if it is one of the following:

23 (1) A part of a hospital; or

24 (2) A freestanding facility that is physically  
25 distinct from a hospital but is operated under a  
26 license issued to a hospital under the Hospital

1           Licensing Act.

2           (B) A separate birth center license shall be  
3 required if the birth center is operated as:

4           (1) A part of the operation of a federally  
5 qualified health center as designated by the  
6 United States Department of Health and Human  
7 Services; or

8           (2) A facility other than one described in  
9 subparagraph (A)(1), (A)(2), or (B)(1) of this  
10 paragraph (6) whose costs are reimbursable under  
11 Title XIX of the federal Social Security Act.

12           In adopting rules for birth centers, the Department  
13 shall consider: the American Association of Birth Centers'  
14 Standards for Freestanding Birth Centers; the American  
15 Academy of Pediatrics/American College of Obstetricians  
16 and Gynecologists Guidelines for Perinatal Care; and the  
17 Regionalized Perinatal Health Care Code. The Department's  
18 rules shall stipulate the eligibility criteria for birth  
19 center admission. The Department's rules shall stipulate  
20 the necessary equipment for emergency care according to  
21 the American Association of Birth Centers' standards and  
22 any additional equipment deemed necessary by the  
23 Department. The Department's rules shall provide for a  
24 time period within which each birth center not part of a  
25 hospital must become accredited by either the Commission  
26 for the Accreditation of Freestanding Birth Centers or The



1 Joint Commission.

2 A birth center shall be certified to participate in  
3 the Medicare and Medicaid programs under Titles XVIII and  
4 XIX, respectively, of the federal Social Security Act. To  
5 the extent necessary, the Illinois Department of  
6 Healthcare and Family Services shall apply for a waiver  
7 from the United States Health Care Financing  
8 Administration to allow birth centers to be reimbursed  
9 under Title XIX of the federal Social Security Act.

10 A birth center that is not operated under a hospital  
11 license shall be located within a ground travel time  
12 distance from the general acute care hospital with which  
13 the birth center maintains a contractual relationship,  
14 including a transfer agreement, as required under this  
15 paragraph, that allows for an emergency caesarian delivery  
16 to be started within 30 minutes of the decision a  
17 caesarian delivery is necessary. A birth center operating  
18 under a hospital license shall be located within a ground  
19 travel time distance from the licensed hospital that  
20 allows for an emergency caesarian delivery to be started  
21 within 30 minutes of the decision a caesarian delivery is  
22 necessary.

23 The services of a medical director physician, licensed  
24 to practice medicine in all its branches, who is certified  
25 or eligible for certification by the American College of  
26 Obstetricians and Gynecologists or the American Board of

1 Osteopathic Obstetricians and Gynecologists or has  
2 hospital obstetrical privileges are required in birth  
3 centers. The medical director in consultation with the  
4 Director of Nursing and Midwifery Services shall  
5 coordinate the clinical staff and overall provision of  
6 patient care. The medical director or his or her physician  
7 designee shall be available on the premises or within a  
8 close proximity as defined by rule. The medical director  
9 and the Director of Nursing and Midwifery Services shall  
10 jointly develop and approve policies defining the criteria  
11 to determine which pregnancies are accepted as normal,  
12 uncomplicated, and low-risk, and the anesthesia services  
13 available at the center. No general anesthesia may be  
14 administered at the center.

15 If a birth center employs certified nurse midwives, a  
16 certified nurse midwife shall be the Director of Nursing  
17 and Midwifery Services who is responsible for the  
18 development of policies and procedures for services as  
19 provided by Department rules.

20 An obstetrician, family practitioner, or certified  
21 nurse midwife shall attend each woman in labor from the  
22 time of admission through birth and throughout the  
23 immediate postpartum period. Attendance may be delegated  
24 only to another physician or certified nurse midwife.  
25 Additionally, a second staff person shall also be present  
26 at each birth who is licensed or certified in Illinois in a

1 health-related field and under the supervision of the  
2 physician or certified nurse midwife in attendance, has  
3 specialized training in labor and delivery techniques and  
4 care of newborns, and receives planned and ongoing  
5 training as needed to perform assigned duties effectively.

6 The maximum length of stay in a birth center shall be  
7 consistent with existing State laws allowing a 48-hour  
8 stay or appropriate post-delivery care, if discharged  
9 earlier than 48 hours.

10 A birth center shall participate in the Illinois  
11 Perinatal System under the Developmental Disability  
12 Prevention Act. At a minimum, this participation shall  
13 require a birth center to establish a letter of agreement  
14 with a hospital designated under the Perinatal System. A  
15 hospital that operates or has a letter of agreement with a  
16 birth center shall include the birth center under its  
17 maternity service plan under the Hospital Licensing Act  
18 and shall include the birth center in the hospital's  
19 letter of agreement with its regional perinatal center.

20 A birth center may not discriminate against any  
21 patient requiring treatment because of the source of  
22 payment for services, including Medicare and Medicaid  
23 recipients.

24 No general anesthesia and no surgery may be performed  
25 at a birth center. The Department may by rule add birth  
26 center patient eligibility criteria or standards as it

1           deems necessary. The Department shall by rule require each  
2           birth center to report the information which the  
3           Department shall make publicly available, which shall  
4           include, but is not limited to, the following:

5                   (i) Birth center ownership.

6                   (ii) Sources of payment for services.

7                   (iii) Utilization data involving patient length of  
8           stay.

9                   (iv) Admissions and discharges.

10                  (v) Complications.

11                  (vi) Transfers.

12                  (vii) Unusual incidents.

13                  (viii) Deaths.

14                  (ix) Any other publicly reported data required  
15           under the Illinois Consumer Guide.

16                  (x) Post-discharge patient status data where  
17           patients are followed for 14 days after discharge from  
18           the birth center to determine whether the mother or  
19           baby developed a complication or infection.

20           Within 9 months after the effective date of this  
21           amendatory Act of the 95th General Assembly, the  
22           Department shall adopt rules that are developed with  
23           consideration of: the American Association of Birth  
24           Centers' Standards for Freestanding Birth Centers; the  
25           American Academy of Pediatrics/American College of  
26           Obstetricians and Gynecologists Guidelines for Perinatal

1 Care; and the Regionalized Perinatal Health Care Code.

2 The Department shall adopt other rules as necessary to  
3 implement the provisions of this amendatory Act of the  
4 95th General Assembly within 9 months after the effective  
5 date of this amendatory Act of the 95th General Assembly.

6 (Source: P.A. 100-518, eff. 12-8-17 (see Section 5 of P.A.  
7 100-558 for the effective date of changes made by P.A.  
8 100-518).)

9 Section 155. The MC/DD Act is amended by changing Section  
10 1-114.001 as follows:

11 (210 ILCS 46/1-114.001)

12 Sec. 1-114.001. Habilitation. "Habilitation" means an  
13 effort directed toward increasing a person's level of  
14 physical, mental, social, or economic functioning.  
15 Habilitation may include, but is not limited to, diagnosis,  
16 evaluation, medical services, residential care, child day  
17 care, special living arrangements, training, education,  
18 employment services, protective services, and counseling.

19 (Source: P.A. 99-180, eff. 7-29-15.)

20 Section 160. The ID/DD Community Care Act is amended by  
21 changing Section 1-114.001 as follows:

22 (210 ILCS 47/1-114.001)

1           Sec. 1-114.001. Habilitation. "Habilitation" means an  
2 effort directed toward increasing a person's level of  
3 physical, mental, social, or economic functioning.  
4 Habilitation may include, but is not limited to, diagnosis,  
5 evaluation, medical services, residential care, child ~~day~~  
6 care, special living arrangements, training, education,  
7 employment services, protective services, and counseling.  
8 (Source: P.A. 97-38, eff. 6-28-11.)

9           Section 165. The Hospital Licensing Act is amended by  
10 changing Section 6.13 as follows:

11           (210 ILCS 85/6.13) (from Ch. 111 1/2, par. 147.13)

12           Sec. 6.13. Any hospital licensed under this Act may  
13 provide a program or service for the temporary custodial care  
14 of mildly ill children who, because of their illness, are  
15 unable to attend school or to participate in their normal  
16 child ~~day~~ care program. The Department shall develop minimum  
17 standards, rules and regulations to govern the operation of a  
18 sick child day program which is operated by a hospital and  
19 located on the hospital's licensed premises. Any such  
20 standards, rules and regulations shall provide that:

21           (a) a sick child day program may be located anywhere on the  
22 hospital's licensed premises, including patient care units,  
23 when the following conditions are met:

24           (1) Children in the sick child day program shall not

1 simultaneously occupy the same room as a hospital patient;  
2 and

3 (2) Children in the sick child day program who are  
4 recovering from non-contagious conditions shall be cared  
5 for in a room separate from children registered in the  
6 program who have contagious conditions.

7 (b) children registered in a sick child day program are  
8 not considered to be hospital patients, and are not required  
9 to be under the professional care of a member of the hospital's  
10 medical staff except in those cases where emergency medical  
11 treatment is needed during the time the child is on the program  
12 premises; and

13 (c) medication may be administered to a child in a sick  
14 child program when the following conditions are met:

15 (1) Prescription medications shall be labeled with the  
16 child's name, directions for administering the medication,  
17 the date, the physician's name, the prescription number,  
18 and the dispensing drug store or pharmacy. Only current  
19 prescription medications will be administered by the  
20 program. Nothing in this paragraph (1) shall be construed  
21 to prohibit program staff from administering medication  
22 prescribed by any licensed professional who is permitted  
23 by law to do so, whether or not the professional is a  
24 member of the hospital's medical staff.

25 (2) Written parental permission shall be obtained  
26 before non-prescription medication is administered. Such

1 medication shall be administered in accordance with  
2 package instructions.

3 (Source: P.A. 86-1461; 87-435.)

4 Section 170. The Illinois Insurance Code is amended by  
5 changing Sections 155.31, 1204, and 1630 as follows:

6 (215 ILCS 5/155.31)

7 Sec. 155.31. Child ~~Day~~ care and group child ~~day~~ care  
8 homes; coverage.

9 (a) No insurer providing insurance coverage, as defined in  
10 subsection (b) of Section 143.13 of this Code, shall nonrenew  
11 or cancel an insurance policy on a child ~~day~~ care home or group  
12 child ~~day~~ care home, as defined in the Child Care Act of 1969,  
13 solely on the basis that the insured operates a duly licensed  
14 child ~~day~~ care home or group child ~~day~~ care home on the insured  
15 premises.

16 (b) An insurer providing such insurance coverage to a  
17 licensed child ~~day~~ care home or licensed group child ~~day~~ care  
18 home may provide such coverage with a separate policy or  
19 endorsement to a policy of fire and extended coverage  
20 insurance, as defined in subsection (b) of Section 143.13.

21 (c) Notwithstanding subsections (a) and (b) of this  
22 Section, the insurer providing such coverage shall be allowed  
23 to cancel or nonrenew an insurance policy on a child ~~day~~ care  
24 home or group child ~~day~~ care home based upon the authority



1 provided under Sections 143.21 and 143.21.1 of this Code.

2 (Source: P.A. 90-401, eff. 1-1-98; 90-655, eff. 7-30-98.)

3 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

4 (Text of Section WITH the changes made by P.A. 94-677,  
5 which has been held unconstitutional)

6 Sec. 1204. (A) The Secretary shall promulgate rules and  
7 regulations which shall require each insurer licensed to write  
8 property or casualty insurance in the State and each syndicate  
9 doing business on the Illinois Insurance Exchange to record  
10 and report its loss and expense experience and other data as  
11 may be necessary to assess the relationship of insurance  
12 premiums and related income as compared to insurance costs and  
13 expenses. The Secretary may designate one or more rate service  
14 organizations or advisory organizations to gather and compile  
15 such experience and data. The Secretary shall require each  
16 insurer licensed to write property or casualty insurance in  
17 this State and each syndicate doing business on the Illinois  
18 Insurance Exchange to submit a report, on a form furnished by  
19 the Secretary, showing its direct writings in this State and  
20 companywide.

21 (B) Such report required by subsection (A) of this Section  
22 may include, but not be limited to, the following specific  
23 types of insurance written by such insurer:

24 (1) Political subdivision liability insurance reported  
25 separately in the following categories:

- 1 (a) municipalities;
- 2 (b) school districts;
- 3 (c) other political subdivisions;
- 4 (2) Public official liability insurance;
- 5 (3) Dram shop liability insurance;
- 6 (4) Child Day care center liability insurance;
- 7 (5) Labor, fraternal or religious organizations
- 8 liability insurance;
- 9 (6) Errors and omissions liability insurance;
- 10 (7) Officers and directors liability insurance
- 11 reported separately as follows:
- 12 (a) non-profit entities;
- 13 (b) for-profit entities;
- 14 (8) Products liability insurance;
- 15 (9) Medical malpractice insurance;
- 16 (10) Attorney malpractice insurance;
- 17 (11) Architects and engineers malpractice insurance;
- 18 and
- 19 (12) Motor vehicle insurance reported separately for
- 20 commercial and private passenger vehicles as follows:
- 21 (a) motor vehicle physical damage insurance;
- 22 (b) motor vehicle liability insurance.
- 23 (C) Such report may include, but need not be limited to the
- 24 following data, both specific to this State and companywide,
- 25 in the aggregate or by type of insurance for the previous year
- 26 on a calendar year basis:

- 1 (1) Direct premiums written;
- 2 (2) Direct premiums earned;
- 3 (3) Number of policies;
- 4 (4) Net investment income, using appropriate estimates
- 5 where necessary;
- 6 (5) Losses paid;
- 7 (6) Losses incurred;
- 8 (7) Loss reserves:
  - 9 (a) Losses unpaid on reported claims;
  - 10 (b) Losses unpaid on incurred but not reported
  - 11 claims;
- 12 (8) Number of claims:
  - 13 (a) Paid claims;
  - 14 (b) Arising claims;
- 15 (9) Loss adjustment expenses:
  - 16 (a) Allocated loss adjustment expenses;
  - 17 (b) Unallocated loss adjustment expenses;
- 18 (10) Net underwriting gain or loss;
- 19 (11) Net operation gain or loss, including net
- 20 investment income;
- 21 (12) Any other information requested by the Secretary.

22 (C-3) Additional information by an advisory organization  
23 as defined in Section 463 of this Code.

- 24 (1) An advisory organization as defined in Section 463
- 25 of this Code shall report annually the following
- 26 information in such format as may be prescribed by the

1 Secretary:

2 (a) paid and incurred losses for each of the past  
3 10 years;

4 (b) medical payments and medical charges, if  
5 collected, for each of the past 10 years;

6 (c) the following indemnity payment information:  
7 cumulative payments by accident year by calendar year  
8 of development. This array will show payments made and  
9 frequency of claims in the following categories:  
10 medical only, permanent partial disability (PPD),  
11 permanent total disability (PTD), temporary total  
12 disability (TTD), and fatalities;

13 (d) injuries by frequency and severity;

14 (e) by class of employee.

15 (2) The report filed with the Secretary of Financial  
16 and Professional Regulation under paragraph (1) of this  
17 subsection (C-3) shall be made available, on an aggregate  
18 basis, to the General Assembly and to the general public.  
19 The identity of the petitioner, the respondent, the  
20 attorneys, and the insurers shall not be disclosed.

21 (3) Reports required under this subsection (C-3) shall  
22 be filed with the Secretary no later than September 1 in  
23 2006 and no later than September 1 of each year  
24 thereafter.

25 (C-5) Additional information required from medical  
26 malpractice insurers.

1           (1) In addition to the other requirements of this  
2 Section, the following information shall be included in  
3 the report required by subsection (A) of this Section in  
4 such form and under such terms and conditions as may be  
5 prescribed by the Secretary:

6           (a) paid and incurred losses by county for each of  
7 the past 10 policy years;

8           (b) earned exposures by ISO code, policy type, and  
9 policy year by county for each of the past 10 years;  
10 and

11           (c) the following actuarial information:

12           (i) Base class and territory equivalent  
13 exposures by report year by relative accident  
14 year.

15           (ii) Cumulative loss array by accident year by  
16 calendar year of development. This array will show  
17 frequency of claims in the following categories:  
18 open, closed with indemnity (CWI), closed with  
19 expense (CWE), and closed no pay (CNP); paid  
20 severity in the following categories: indemnity  
21 and allocated loss adjustment expenses (ALAE) on  
22 closed claims; and indemnity and expense reserves  
23 on pending claims.

24           (iii) Cumulative loss array by report year by  
25 calendar year of development. This array will show  
26 frequency of claims in the following categories:

1 open, closed with indemnity (CWI), closed with  
2 expense (CWE), and closed no pay (CNP); paid  
3 severity in the following categories: indemnity  
4 and allocated loss adjustment expenses (ALAE) on  
5 closed claims; and indemnity and expense reserves  
6 on pending claims.

7 (iv) Maturity year and tail factors.

8 (v) Any expense, contingency ddr (death,  
9 disability, and retirement), commission, tax,  
10 and/or off-balance factors.

11 (2) The following information must also be annually  
12 provided to the Department:

13 (a) copies of the company's reserve and surplus  
14 studies; and

15 (b) consulting actuarial report and data  
16 supporting the company's rate filing.

17 (3) All information collected by the Secretary under  
18 paragraphs (1) and (2) shall be made available, on a  
19 company-by-company basis, to the General Assembly and the  
20 general public. This provision shall supersede any other  
21 provision of State law that may otherwise protect such  
22 information from public disclosure as confidential.

23 (D) In addition to the information which may be requested  
24 under subsection (C), the Secretary may also request on a  
25 companywide, aggregate basis, Federal Income Tax recoverable,  
26 net realized capital gain or loss, net unrealized capital gain

1 or loss, and all other expenses not requested in subsection  
2 (C) above.

3 (E) Violations - Suspensions - Revocations.

4 (1) Any company or person subject to this Article, who  
5 willfully or repeatedly fails to observe or who otherwise  
6 violates any of the provisions of this Article or any rule  
7 or regulation promulgated by the Secretary under authority  
8 of this Article or any final order of the Secretary  
9 entered under the authority of this Article shall by civil  
10 penalty forfeit to the State of Illinois a sum not to  
11 exceed \$2,000. Each day during which a violation occurs  
12 constitutes a separate offense.

13 (2) No forfeiture liability under paragraph (1) of  
14 this subsection may attach unless a written notice of  
15 apparent liability has been issued by the Secretary and  
16 received by the respondent, or the Secretary sends written  
17 notice of apparent liability by registered or certified  
18 mail, return receipt requested, to the last known address  
19 of the respondent. Any respondent so notified must be  
20 granted an opportunity to request a hearing within 10 days  
21 from receipt of notice, or to show in writing, why he  
22 should not be held liable. A notice issued under this  
23 Section must set forth the date, facts and nature of the  
24 act or omission with which the respondent is charged and  
25 must specifically identify the particular provision of  
26 this Article, rule, regulation or order of which a

1 violation is charged.

2 (3) No forfeiture liability under paragraph (1) of  
3 this subsection may attach for any violation occurring  
4 more than 2 years prior to the date of issuance of the  
5 notice of apparent liability and in no event may the total  
6 civil penalty forfeiture imposed for the acts or omissions  
7 set forth in any one notice of apparent liability exceed  
8 \$100,000.

9 (4) All administrative hearings conducted pursuant to  
10 this Article are subject to 50 Ill. Adm. Code 2402 and all  
11 administrative hearings are subject to the Administrative  
12 Review Law.

13 (5) The civil penalty forfeitures provided for in this  
14 Section are payable to the General Revenue Fund of the  
15 State of Illinois, and may be recovered in a civil suit in  
16 the name of the State of Illinois brought in the Circuit  
17 Court in Sangamon County or in the Circuit Court of the  
18 county where the respondent is domiciled or has its  
19 principal operating office.

20 (6) In any case where the Secretary issues a notice of  
21 apparent liability looking toward the imposition of a  
22 civil penalty forfeiture under this Section that fact may  
23 not be used in any other proceeding before the Secretary  
24 to the prejudice of the respondent to whom the notice was  
25 issued, unless (a) the civil penalty forfeiture has been  
26 paid, or (b) a court has ordered payment of the civil



1 penalty forfeiture and that order has become final.

2 (7) When any person or company has a license or  
3 certificate of authority under this Code and knowingly  
4 fails or refuses to comply with a lawful order of the  
5 Secretary requiring compliance with this Article, entered  
6 after notice and hearing, within the period of time  
7 specified in the order, the Secretary may, in addition to  
8 any other penalty or authority provided, revoke or refuse  
9 to renew the license or certificate of authority of such  
10 person or company, or may suspend the license or  
11 certificate of authority of such person or company until  
12 compliance with such order has been obtained.

13 (8) When any person or company has a license or  
14 certificate of authority under this Code and knowingly  
15 fails or refuses to comply with any provisions of this  
16 Article, the Secretary may, after notice and hearing, in  
17 addition to any other penalty provided, revoke or refuse  
18 to renew the license or certificate of authority of such  
19 person or company, or may suspend the license or  
20 certificate of authority of such person or company, until  
21 compliance with such provision of this Article has been  
22 obtained.

23 (9) No suspension or revocation under this Section may  
24 become effective until 5 days from the date that the  
25 notice of suspension or revocation has been personally  
26 delivered or delivered by registered or certified mail to

1 the company or person. A suspension or revocation under  
2 this Section is stayed upon the filing, by the company or  
3 person, of a petition for judicial review under the  
4 Administrative Review Law.

5 (Source: P.A. 94-277, eff. 7-20-05; 94-677, eff. 8-25-05;  
6 95-331, eff. 8-21-07.)

7 (Text of Section WITHOUT the changes made by P.A. 94-677,  
8 which has been held unconstitutional)

9 Sec. 1204. (A) The Director shall promulgate rules and  
10 regulations which shall require each insurer licensed to write  
11 property or casualty insurance in the State and each syndicate  
12 doing business on the Illinois Insurance Exchange to record  
13 and report its loss and expense experience and other data as  
14 may be necessary to assess the relationship of insurance  
15 premiums and related income as compared to insurance costs and  
16 expenses. The Director may designate one or more rate service  
17 organizations or advisory organizations to gather and compile  
18 such experience and data. The Director shall require each  
19 insurer licensed to write property or casualty insurance in  
20 this State and each syndicate doing business on the Illinois  
21 Insurance Exchange to submit a report, on a form furnished by  
22 the Director, showing its direct writings in this State and  
23 companywide.

24 (B) Such report required by subsection (A) of this Section  
25 may include, but not be limited to, the following specific

1 types of insurance written by such insurer:

2 (1) Political subdivision liability insurance reported  
3 separately in the following categories:

4 (a) municipalities;

5 (b) school districts;

6 (c) other political subdivisions;

7 (2) Public official liability insurance;

8 (3) Dram shop liability insurance;

9 (4) Child Day care center liability insurance;

10 (5) Labor, fraternal or religious organizations  
11 liability insurance;

12 (6) Errors and omissions liability insurance;

13 (7) Officers and directors liability insurance  
14 reported separately as follows:

15 (a) non-profit entities;

16 (b) for-profit entities;

17 (8) Products liability insurance;

18 (9) Medical malpractice insurance;

19 (10) Attorney malpractice insurance;

20 (11) Architects and engineers malpractice insurance;

21 and

22 (12) Motor vehicle insurance reported separately for  
23 commercial and private passenger vehicles as follows:

24 (a) motor vehicle physical damage insurance;

25 (b) motor vehicle liability insurance.

26 (C) Such report may include, but need not be limited to the

1 following data, both specific to this State and companywide,  
2 in the aggregate or by type of insurance for the previous year  
3 on a calendar year basis:

4 (1) Direct premiums written;

5 (2) Direct premiums earned;

6 (3) Number of policies;

7 (4) Net investment income, using appropriate estimates

8 where necessary;

9 (5) Losses paid;

10 (6) Losses incurred;

11 (7) Loss reserves:

12 (a) Losses unpaid on reported claims;

13 (b) Losses unpaid on incurred but not reported  
14 claims;

15 (8) Number of claims:

16 (a) Paid claims;

17 (b) Arising claims;

18 (9) Loss adjustment expenses:

19 (a) Allocated loss adjustment expenses;

20 (b) Unallocated loss adjustment expenses;

21 (10) Net underwriting gain or loss;

22 (11) Net operation gain or loss, including net  
23 investment income;

24 (12) Any other information requested by the Director.

25 (C-3) Additional information by an advisory organization  
26 as defined in Section 463 of this Code.

1           (1) An advisory organization as defined in Section 463  
2 of this Code shall report annually the following  
3 information in such format as may be prescribed by the  
4 Secretary:

5           (a) paid and incurred losses for each of the past  
6 10 years;

7           (b) medical payments and medical charges, if  
8 collected, for each of the past 10 years;

9           (c) the following indemnity payment information:  
10 cumulative payments by accident year by calendar year  
11 of development. This array will show payments made and  
12 frequency of claims in the following categories:  
13 medical only, permanent partial disability (PPD),  
14 permanent total disability (PTD), temporary total  
15 disability (TTD), and fatalities;

16           (d) injuries by frequency and severity;

17           (e) by class of employee.

18           (2) The report filed with the Secretary of Financial  
19 and Professional Regulation under paragraph (1) of this  
20 subsection (C-3) shall be made available, on an aggregate  
21 basis, to the General Assembly and to the general public.  
22 The identity of the petitioner, the respondent, the  
23 attorneys, and the insurers shall not be disclosed.

24           (3) Reports required under this subsection (C-3) shall  
25 be filed with the Secretary no later than September 1 in  
26 2006 and no later than September 1 of each year

1           thereafter.

2           (D) In addition to the information which may be requested  
3 under subsection (C), the Director may also request on a  
4 companywide, aggregate basis, Federal Income Tax recoverable,  
5 net realized capital gain or loss, net unrealized capital gain  
6 or loss, and all other expenses not requested in subsection  
7 (C) above.

8           (E) Violations - Suspensions - Revocations.

9           (1) Any company or person subject to this Article, who  
10 willfully or repeatedly fails to observe or who otherwise  
11 violates any of the provisions of this Article or any rule  
12 or regulation promulgated by the Director under authority  
13 of this Article or any final order of the Director entered  
14 under the authority of this Article shall by civil penalty  
15 forfeit to the State of Illinois a sum not to exceed  
16 \$2,000. Each day during which a violation occurs  
17 constitutes a separate offense.

18           (2) No forfeiture liability under paragraph (1) of  
19 this subsection may attach unless a written notice of  
20 apparent liability has been issued by the Director and  
21 received by the respondent, or the Director sends written  
22 notice of apparent liability by registered or certified  
23 mail, return receipt requested, to the last known address  
24 of the respondent. Any respondent so notified must be  
25 granted an opportunity to request a hearing within 10 days  
26 from receipt of notice, or to show in writing, why he

1 should not be held liable. A notice issued under this  
2 Section must set forth the date, facts and nature of the  
3 act or omission with which the respondent is charged and  
4 must specifically identify the particular provision of  
5 this Article, rule, regulation or order of which a  
6 violation is charged.

7 (3) No forfeiture liability under paragraph (1) of  
8 this subsection may attach for any violation occurring  
9 more than 2 years prior to the date of issuance of the  
10 notice of apparent liability and in no event may the total  
11 civil penalty forfeiture imposed for the acts or omissions  
12 set forth in any one notice of apparent liability exceed  
13 \$100,000.

14 (4) All administrative hearings conducted pursuant to  
15 this Article are subject to 50 Ill. Adm. Code 2402 and all  
16 administrative hearings are subject to the Administrative  
17 Review Law.

18 (5) The civil penalty forfeitures provided for in this  
19 Section are payable to the General Revenue Fund of the  
20 State of Illinois, and may be recovered in a civil suit in  
21 the name of the State of Illinois brought in the Circuit  
22 Court in Sangamon County or in the Circuit Court of the  
23 county where the respondent is domiciled or has its  
24 principal operating office.

25 (6) In any case where the Director issues a notice of  
26 apparent liability looking toward the imposition of a

1 civil penalty forfeiture under this Section that fact may  
2 not be used in any other proceeding before the Director to  
3 the prejudice of the respondent to whom the notice was  
4 issued, unless (a) the civil penalty forfeiture has been  
5 paid, or (b) a court has ordered payment of the civil  
6 penalty forfeiture and that order has become final.

7 (7) When any person or company has a license or  
8 certificate of authority under this Code and knowingly  
9 fails or refuses to comply with a lawful order of the  
10 Director requiring compliance with this Article, entered  
11 after notice and hearing, within the period of time  
12 specified in the order, the Director may, in addition to  
13 any other penalty or authority provided, revoke or refuse  
14 to renew the license or certificate of authority of such  
15 person or company, or may suspend the license or  
16 certificate of authority of such person or company until  
17 compliance with such order has been obtained.

18 (8) When any person or company has a license or  
19 certificate of authority under this Code and knowingly  
20 fails or refuses to comply with any provisions of this  
21 Article, the Director may, after notice and hearing, in  
22 addition to any other penalty provided, revoke or refuse  
23 to renew the license or certificate of authority of such  
24 person or company, or may suspend the license or  
25 certificate of authority of such person or company, until  
26 compliance with such provision of this Article has been



1           obtained.

2           (9) No suspension or revocation under this Section may  
3           become effective until 5 days from the date that the  
4           notice of suspension or revocation has been personally  
5           delivered or delivered by registered or certified mail to  
6           the company or person. A suspension or revocation under  
7           this Section is stayed upon the filing, by the company or  
8           person, of a petition for judicial review under the  
9           Administrative Review Law.

10          (Source: P.A. 94-277, eff. 7-20-05; 95-331, eff. 8-21-07.)

11          (215 ILCS 5/1630)

12          Sec. 1630. Definitions. As used in this Article:

13          "Aggregator site" means a website that provides access to  
14          information regarding insurance products from more than one  
15          insurer, including product and insurer information, for use in  
16          comparison shopping.

17          "Blanket travel insurance" means a policy of travel  
18          insurance issued to any eligible group providing coverage for  
19          specific classes of persons defined in the policy with  
20          coverage provided to all members of the eligible group without  
21          a separate charge to individual members of the eligible group.

22          "Cancellation fee waiver" means a contractual agreement  
23          between a supplier of travel services and its customer to  
24          waive some or all of the nonrefundable cancellation fee  
25          provisions of the supplier's underlying travel contract with

1 or without regard to the reason for the cancellation or form of  
2 reimbursement. A "cancellation fee waiver" is not insurance.

3 "Eligible group", solely for the purposes of travel  
4 insurance, means 2 or more persons who are engaged in a common  
5 enterprise, or have an economic, educational, or social  
6 affinity or relationship, including, but not limited to, any  
7 of the following:

8 (1) any entity engaged in the business of providing  
9 travel or travel services, including, but not limited to:  
10 tour operators, lodging providers, vacation property  
11 owners, hotels and resorts, travel clubs, travel agencies,  
12 property managers, cultural exchange programs, and common  
13 carriers or the operator, owner, or lessor of a means of  
14 transportation of passengers, including, but not limited  
15 to, airlines, cruise lines, railroads, steamship  
16 companies, and public bus carriers, wherein with regard to  
17 any particular travel or type of travel or travelers, all  
18 members or customers of the group must have a common  
19 exposure to risk attendant to such travel;

20 (2) any college, school, or other institution of  
21 learning covering students, teachers, employees, or  
22 volunteers;

23 (3) any employer covering any group of employees,  
24 volunteers, contractors, board of directors, dependents,  
25 or guests;

26 (4) any sports team, camp, or sponsor of any sports

1 team or camp covering participants, members, campers,  
2 employees, officials, supervisors, or volunteers;

3 (5) any religious, charitable, recreational,  
4 educational, or civic organization, or branch of an  
5 organization covering any group of members, participants,  
6 or volunteers;

7 (6) any financial institution or financial institution  
8 vendor, or parent holding company, trustee, or agent of or  
9 designated by one or more financial institutions or  
10 financial institution vendors, including account holders,  
11 credit card holders, debtors, guarantors, or purchasers;

12 (7) any incorporated or unincorporated association,  
13 including labor unions, having a common interest,  
14 constitution and bylaws, and organized and maintained in  
15 good faith for purposes other than obtaining insurance for  
16 members or participants of such association covering its  
17 members;

18 (8) any trust or the trustees of a fund established,  
19 created, or maintained for the benefit of and covering  
20 members, employees or customers, subject to the Director's  
21 permitting the use of a trust and the State's premium tax  
22 provisions, of one or more associations meeting the  
23 requirements of paragraph (7) of this definition;

24 (9) any entertainment production company covering any  
25 group of participants, volunteers, audience members,  
26 contestants, or workers;

1 (10) any volunteer fire department, ambulance, rescue,  
2 police, court, or any first aid, civil defense, or other  
3 such volunteer group;

4 (11) preschools, child ~~day~~ care institutions for  
5 children or adults, and senior citizen clubs;

6 (12) any automobile or truck rental or leasing company  
7 covering a group of individuals who may become renters,  
8 lessees, or passengers defined by their travel status on  
9 the rented or leased vehicles. The common carrier, the  
10 operator, owner or lessor of a means of transportation, or  
11 the automobile or truck rental or leasing company, is the  
12 policyholder under a policy to which this Section applies;  
13 or

14 (13) any other group where the Director has determined  
15 that the members are engaged in a common enterprise, or  
16 have an economic, educational, or social affinity or  
17 relationship, and that issuance of the policy would not be  
18 contrary to the public interest.

19 "Fulfillment materials" means documentation sent to the  
20 purchaser of a travel protection plan confirming the purchase  
21 and providing the travel protection plan's coverage and  
22 assistance details.

23 "Group travel insurance" means travel insurance issued to  
24 any eligible group.

25 "Limited lines travel insurance producer" means one of the  
26 following:

1 (1) a licensed managing general agent or third-party  
2 administrator;

3 (2) a licensed insurance producer, including a limited  
4 lines producer; or

5 (3) a travel administrator.

6 "Offering and disseminating" means the following:

7 (1) Providing information to a prospective or current  
8 policyholder on behalf of a limited lines travel insurance  
9 entity, including brochures, buyer guides, descriptions of  
10 coverage, and price.

11 (2) Referring specific questions regarding coverage  
12 features and benefits from a prospective or current  
13 policyholder to a limited lines travel insurance entity.

14 (3) Disseminating and processing applications for  
15 coverage, coverage selection forms, or other similar forms  
16 in response to a request from a prospective or current  
17 policyholder.

18 (4) Collecting premiums from a prospective or current  
19 policyholder on behalf of a limited lines travel insurance  
20 entity.

21 (5) Receiving and recording information from a  
22 policyholder to share with a limited lines travel  
23 insurance entity.

24 "Primary policyholder" means an individual person who  
25 elects and purchases individual travel insurance.

26 "Travel administrator" means a person who directly or

1 indirectly underwrites, collects charges, collateral, or  
2 premiums from, or adjusts or settles claims on residents of  
3 this State in connection with travel insurance, except that a  
4 person shall not be considered a travel administrator if that  
5 person's only actions that would otherwise cause the person to  
6 be considered a travel administrator are among the following:

7 (1) a person working for a travel administrator to the  
8 extent that the person's activities are subject to the  
9 supervision and control of the travel administrator;

10 (2) an insurance producer selling insurance or engaged  
11 in administrative and claims-related activities within the  
12 scope of the producer's license;

13 (3) a travel retailer offering and disseminating  
14 travel insurance and registered under the license of a  
15 limited lines travel insurance producer in accordance with  
16 Section 1635;

17 (4) an individual adjusting or settling claims in the  
18 normal course of that individual's practice or employment  
19 as an attorney-at-law and who does not collect charges or  
20 premiums in connection with insurance coverage; or

21 (5) a business entity that is affiliated with a  
22 licensed insurer while acting as a travel administrator  
23 for the direct and assumed insurance business of an  
24 affiliated insurer.

25 "Travel assistance services" means noninsurance services  
26 for which the consumer is not indemnified based on a

1 fortuitous event, and where providing the service does not  
2 result in transfer or shifting of risk that would constitute  
3 the business of insurance. "Travel assistance services"  
4 include, but are not limited to: security advisories;  
5 destination information; vaccination and immunization  
6 information services; travel reservation services;  
7 entertainment; activity and event planning; translation  
8 assistance; emergency messaging; international legal and  
9 medical referrals; medical case monitoring; coordination of  
10 transportation arrangements; emergency cash transfer  
11 assistance; medical prescription replacement assistance;  
12 passport and travel document replacement assistance; lost  
13 luggage assistance; concierge services; and any other service  
14 that is furnished in connection with planned travel. "Travel  
15 assistance services" are not insurance and are not related to  
16 insurance.

17 "Travel insurance" means insurance coverage for personal  
18 risks incident to planned travel, including, but not limited  
19 to:

20 (1) the interruption or cancellation of a trip or  
21 event;

22 (2) the loss of baggage or personal effects;

23 (3) damages to accommodations or rental vehicles;

24 (4) sickness, accident, disability, or death occurring  
25 during travel;

26 (5) emergency evacuation;

1 (6) repatriation of remains; or

2 (7) any other contractual obligations to indemnify or  
3 pay a specified amount to the traveler upon determinable  
4 contingencies related to travel as approved by the  
5 Director.

6 "Travel insurance" does not include major medical plans  
7 that provide comprehensive medical protection for travelers  
8 with trips lasting 6 months or longer, including those working  
9 overseas as expatriates or as military personnel on  
10 deployment.

11 "Travel insurance business entity" means a licensed  
12 insurance producer designated by an insurer as set forth in  
13 subsection (h) of Section 1635.

14 "Travel protection plans" means plans that provide one or  
15 more of the following: travel insurance, travel assistance  
16 services, and cancellation fee waivers.

17 "Travel retailer" means a business organization that  
18 makes, arranges, or offers travel services and, with respect  
19 to travel insurance, is limited to offering and disseminating  
20 as defined in this Section, unless otherwise licensed under  
21 subsection (b) of Section 1635.

22 (Source: P.A. 102-212, eff. 10-28-21.)

23 Section 175. The Public Utilities Act is amended by  
24 changing Section 8-103B as follows:



1 (220 ILCS 5/8-103B)

2 Sec. 8-103B. Energy efficiency and demand-response  
3 measures.

4 (a) It is the policy of the State that electric utilities  
5 are required to use cost-effective energy efficiency and  
6 demand-response measures to reduce delivery load. Requiring  
7 investment in cost-effective energy efficiency and  
8 demand-response measures will reduce direct and indirect costs  
9 to consumers by decreasing environmental impacts and by  
10 avoiding or delaying the need for new generation,  
11 transmission, and distribution infrastructure. It serves the  
12 public interest to allow electric utilities to recover costs  
13 for reasonably and prudently incurred expenditures for energy  
14 efficiency and demand-response measures. As used in this  
15 Section, "cost-effective" means that the measures satisfy the  
16 total resource cost test. The low-income measures described in  
17 subsection (c) of this Section shall not be required to meet  
18 the total resource cost test. For purposes of this Section,  
19 the terms "energy-efficiency", "demand-response", "electric  
20 utility", and "total resource cost test" have the meanings set  
21 forth in the Illinois Power Agency Act. "Black, indigenous,  
22 and people of color" and "BIPOC" means people who are members  
23 of the groups described in subparagraphs (a) through (e) of  
24 paragraph (A) of subsection (1) of Section 2 of the Business  
25 Enterprise for Minorities, Women, and Persons with  
26 Disabilities Act.

1 (a-5) This Section applies to electric utilities serving  
2 more than 500,000 retail customers in the State for those  
3 multi-year plans commencing after December 31, 2017.

4 (b) For purposes of this Section, electric utilities  
5 subject to this Section that serve more than 3,000,000 retail  
6 customers in the State shall be deemed to have achieved a  
7 cumulative persisting annual savings of 6.6% from energy  
8 efficiency measures and programs implemented during the period  
9 beginning January 1, 2012 and ending December 31, 2017, which  
10 percent is based on the deemed average weather normalized  
11 sales of electric power and energy during calendar years 2014,  
12 2015, and 2016 of 88,000,000 MWhs. For the purposes of this  
13 subsection (b) and subsection (b-5), the 88,000,000 MWhs of  
14 deemed electric power and energy sales shall be reduced by the  
15 number of MWhs equal to the sum of the annual consumption of  
16 customers that have opted out of subsections (a) through (j)  
17 of this Section under paragraph (1) of subsection (1) of this  
18 Section, as averaged across the calendar years 2014, 2015, and  
19 2016. After 2017, the deemed value of cumulative persisting  
20 annual savings from energy efficiency measures and programs  
21 implemented during the period beginning January 1, 2012 and  
22 ending December 31, 2017, shall be reduced each year, as  
23 follows, and the applicable value shall be applied to and  
24 count toward the utility's achievement of the cumulative  
25 persisting annual savings goals set forth in subsection (b-5):

26 (1) 5.8% deemed cumulative persisting annual savings

1 for the year ending December 31, 2018;

2 (2) 5.2% deemed cumulative persisting annual savings  
3 for the year ending December 31, 2019;

4 (3) 4.5% deemed cumulative persisting annual savings  
5 for the year ending December 31, 2020;

6 (4) 4.0% deemed cumulative persisting annual savings  
7 for the year ending December 31, 2021;

8 (5) 3.5% deemed cumulative persisting annual savings  
9 for the year ending December 31, 2022;

10 (6) 3.1% deemed cumulative persisting annual savings  
11 for the year ending December 31, 2023;

12 (7) 2.8% deemed cumulative persisting annual savings  
13 for the year ending December 31, 2024;

14 (8) 2.5% deemed cumulative persisting annual savings  
15 for the year ending December 31, 2025;

16 (9) 2.3% deemed cumulative persisting annual savings  
17 for the year ending December 31, 2026;

18 (10) 2.1% deemed cumulative persisting annual savings  
19 for the year ending December 31, 2027;

20 (11) 1.8% deemed cumulative persisting annual savings  
21 for the year ending December 31, 2028;

22 (12) 1.7% deemed cumulative persisting annual savings  
23 for the year ending December 31, 2029;

24 (13) 1.5% deemed cumulative persisting annual savings  
25 for the year ending December 31, 2030;

26 (14) 1.3% deemed cumulative persisting annual savings

1 for the year ending December 31, 2031;

2 (15) 1.1% deemed cumulative persisting annual savings  
3 for the year ending December 31, 2032;

4 (16) 0.9% deemed cumulative persisting annual savings  
5 for the year ending December 31, 2033;

6 (17) 0.7% deemed cumulative persisting annual savings  
7 for the year ending December 31, 2034;

8 (18) 0.5% deemed cumulative persisting annual savings  
9 for the year ending December 31, 2035;

10 (19) 0.4% deemed cumulative persisting annual savings  
11 for the year ending December 31, 2036;

12 (20) 0.3% deemed cumulative persisting annual savings  
13 for the year ending December 31, 2037;

14 (21) 0.2% deemed cumulative persisting annual savings  
15 for the year ending December 31, 2038;

16 (22) 0.1% deemed cumulative persisting annual savings  
17 for the year ending December 31, 2039; and

18 (23) 0.0% deemed cumulative persisting annual savings  
19 for the year ending December 31, 2040 and all subsequent  
20 years.

21 For purposes of this Section, "cumulative persisting  
22 annual savings" means the total electric energy savings in a  
23 given year from measures installed in that year or in previous  
24 years, but no earlier than January 1, 2012, that are still  
25 operational and providing savings in that year because the  
26 measures have not yet reached the end of their useful lives.

1 (b-5) Beginning in 2018, electric utilities subject to  
2 this Section that serve more than 3,000,000 retail customers  
3 in the State shall achieve the following cumulative persisting  
4 annual savings goals, as modified by subsection (f) of this  
5 Section and as compared to the deemed baseline of 88,000,000  
6 MWhs of electric power and energy sales set forth in  
7 subsection (b), as reduced by the number of MWhs equal to the  
8 sum of the annual consumption of customers that have opted out  
9 of subsections (a) through (j) of this Section under paragraph  
10 (1) of subsection (1) of this Section as averaged across the  
11 calendar years 2014, 2015, and 2016, through the  
12 implementation of energy efficiency measures during the  
13 applicable year and in prior years, but no earlier than  
14 January 1, 2012:

15 (1) 7.8% cumulative persisting annual savings for the  
16 year ending December 31, 2018;

17 (2) 9.1% cumulative persisting annual savings for the  
18 year ending December 31, 2019;

19 (3) 10.4% cumulative persisting annual savings for the  
20 year ending December 31, 2020;

21 (4) 11.8% cumulative persisting annual savings for the  
22 year ending December 31, 2021;

23 (5) 13.1% cumulative persisting annual savings for the  
24 year ending December 31, 2022;

25 (6) 14.4% cumulative persisting annual savings for the  
26 year ending December 31, 2023;

1           (7) 15.7% cumulative persisting annual savings for the  
2           year ending December 31, 2024;

3           (8) 17% cumulative persisting annual savings for the  
4           year ending December 31, 2025;

5           (9) 17.9% cumulative persisting annual savings for the  
6           year ending December 31, 2026;

7           (10) 18.8% cumulative persisting annual savings for  
8           the year ending December 31, 2027;

9           (11) 19.7% cumulative persisting annual savings for  
10          the year ending December 31, 2028;

11          (12) 20.6% cumulative persisting annual savings for  
12          the year ending December 31, 2029; and

13          (13) 21.5% cumulative persisting annual savings for  
14          the year ending December 31, 2030.

15          No later than December 31, 2021, the Illinois Commerce  
16          Commission shall establish additional cumulative persisting  
17          annual savings goals for the years 2031 through 2035. No later  
18          than December 31, 2024, the Illinois Commerce Commission shall  
19          establish additional cumulative persisting annual savings  
20          goals for the years 2036 through 2040. The Commission shall  
21          also establish additional cumulative persisting annual savings  
22          goals every 5 years thereafter to ensure that utilities always  
23          have goals that extend at least 11 years into the future. The  
24          cumulative persisting annual savings goals beyond the year  
25          2030 shall increase by 0.9 percentage points per year, absent  
26          a Commission decision to initiate a proceeding to consider

1 establishing goals that increase by more or less than that  
2 amount. Such a proceeding must be conducted in accordance with  
3 the procedures described in subsection (f) of this Section. If  
4 such a proceeding is initiated, the cumulative persisting  
5 annual savings goals established by the Commission through  
6 that proceeding shall reflect the Commission's best estimate  
7 of the maximum amount of additional savings that are forecast  
8 to be cost-effectively achievable unless such best estimates  
9 would result in goals that represent less than 0.5 percentage  
10 point annual increases in total cumulative persisting annual  
11 savings. The Commission may only establish goals that  
12 represent less than 0.5 percentage point annual increases in  
13 cumulative persisting annual savings if it can demonstrate,  
14 based on clear and convincing evidence and through independent  
15 analysis, that 0.5 percentage point increases are not  
16 cost-effectively achievable. The Commission shall inform its  
17 decision based on an energy efficiency potential study that  
18 conforms to the requirements of this Section.

19 (b-10) For purposes of this Section, electric utilities  
20 subject to this Section that serve less than 3,000,000 retail  
21 customers but more than 500,000 retail customers in the State  
22 shall be deemed to have achieved a cumulative persisting  
23 annual savings of 6.6% from energy efficiency measures and  
24 programs implemented during the period beginning January 1,  
25 2012 and ending December 31, 2017, which is based on the deemed  
26 average weather normalized sales of electric power and energy

1 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.  
2 For the purposes of this subsection (b-10) and subsection  
3 (b-15), the 36,900,000 MWhs of deemed electric power and  
4 energy sales shall be reduced by the number of MWhs equal to  
5 the sum of the annual consumption of customers that have opted  
6 out of subsections (a) through (j) of this Section under  
7 paragraph (1) of subsection (l) of this Section, as averaged  
8 across the calendar years 2014, 2015, and 2016. After 2017,  
9 the deemed value of cumulative persisting annual savings from  
10 energy efficiency measures and programs implemented during the  
11 period beginning January 1, 2012 and ending December 31, 2017,  
12 shall be reduced each year, as follows, and the applicable  
13 value shall be applied to and count toward the utility's  
14 achievement of the cumulative persisting annual savings goals  
15 set forth in subsection (b-15):

16 (1) 5.8% deemed cumulative persisting annual savings  
17 for the year ending December 31, 2018;

18 (2) 5.2% deemed cumulative persisting annual savings  
19 for the year ending December 31, 2019;

20 (3) 4.5% deemed cumulative persisting annual savings  
21 for the year ending December 31, 2020;

22 (4) 4.0% deemed cumulative persisting annual savings  
23 for the year ending December 31, 2021;

24 (5) 3.5% deemed cumulative persisting annual savings  
25 for the year ending December 31, 2022;

26 (6) 3.1% deemed cumulative persisting annual savings



- 1 for the year ending December 31, 2023;
- 2 (7) 2.8% deemed cumulative persisting annual savings
- 3 for the year ending December 31, 2024;
- 4 (8) 2.5% deemed cumulative persisting annual savings
- 5 for the year ending December 31, 2025;
- 6 (9) 2.3% deemed cumulative persisting annual savings
- 7 for the year ending December 31, 2026;
- 8 (10) 2.1% deemed cumulative persisting annual savings
- 9 for the year ending December 31, 2027;
- 10 (11) 1.8% deemed cumulative persisting annual savings
- 11 for the year ending December 31, 2028;
- 12 (12) 1.7% deemed cumulative persisting annual savings
- 13 for the year ending December 31, 2029;
- 14 (13) 1.5% deemed cumulative persisting annual savings
- 15 for the year ending December 31, 2030;
- 16 (14) 1.3% deemed cumulative persisting annual savings
- 17 for the year ending December 31, 2031;
- 18 (15) 1.1% deemed cumulative persisting annual savings
- 19 for the year ending December 31, 2032;
- 20 (16) 0.9% deemed cumulative persisting annual savings
- 21 for the year ending December 31, 2033;
- 22 (17) 0.7% deemed cumulative persisting annual savings
- 23 for the year ending December 31, 2034;
- 24 (18) 0.5% deemed cumulative persisting annual savings
- 25 for the year ending December 31, 2035;
- 26 (19) 0.4% deemed cumulative persisting annual savings

1 for the year ending December 31, 2036;

2 (20) 0.3% deemed cumulative persisting annual savings

3 for the year ending December 31, 2037;

4 (21) 0.2% deemed cumulative persisting annual savings

5 for the year ending December 31, 2038;

6 (22) 0.1% deemed cumulative persisting annual savings

7 for the year ending December 31, 2039; and

8 (23) 0.0% deemed cumulative persisting annual savings

9 for the year ending December 31, 2040 and all subsequent  
10 years.

11 (b-15) Beginning in 2018, electric utilities subject to  
12 this Section that serve less than 3,000,000 retail customers  
13 but more than 500,000 retail customers in the State shall  
14 achieve the following cumulative persisting annual savings  
15 goals, as modified by subsection (b-20) and subsection (f) of  
16 this Section and as compared to the deemed baseline as reduced  
17 by the number of MWhs equal to the sum of the annual  
18 consumption of customers that have opted out of subsections  
19 (a) through (j) of this Section under paragraph (1) of  
20 subsection (l) of this Section as averaged across the calendar  
21 years 2014, 2015, and 2016, through the implementation of  
22 energy efficiency measures during the applicable year and in  
23 prior years, but no earlier than January 1, 2012:

24 (1) 7.4% cumulative persisting annual savings for the  
25 year ending December 31, 2018;

26 (2) 8.2% cumulative persisting annual savings for the

1 year ending December 31, 2019;

2 (3) 9.0% cumulative persisting annual savings for the  
3 year ending December 31, 2020;

4 (4) 9.8% cumulative persisting annual savings for the  
5 year ending December 31, 2021;

6 (5) 10.6% cumulative persisting annual savings for the  
7 year ending December 31, 2022;

8 (6) 11.4% cumulative persisting annual savings for the  
9 year ending December 31, 2023;

10 (7) 12.2% cumulative persisting annual savings for the  
11 year ending December 31, 2024;

12 (8) 13% cumulative persisting annual savings for the  
13 year ending December 31, 2025;

14 (9) 13.6% cumulative persisting annual savings for the  
15 year ending December 31, 2026;

16 (10) 14.2% cumulative persisting annual savings for  
17 the year ending December 31, 2027;

18 (11) 14.8% cumulative persisting annual savings for  
19 the year ending December 31, 2028;

20 (12) 15.4% cumulative persisting annual savings for  
21 the year ending December 31, 2029; and

22 (13) 16% cumulative persisting annual savings for the  
23 year ending December 31, 2030.

24 No later than December 31, 2021, the Illinois Commerce  
25 Commission shall establish additional cumulative persisting  
26 annual savings goals for the years 2031 through 2035. No later

1 than December 31, 2024, the Illinois Commerce Commission shall  
2 establish additional cumulative persisting annual savings  
3 goals for the years 2036 through 2040. The Commission shall  
4 also establish additional cumulative persisting annual savings  
5 goals every 5 years thereafter to ensure that utilities always  
6 have goals that extend at least 11 years into the future. The  
7 cumulative persisting annual savings goals beyond the year  
8 2030 shall increase by 0.6 percentage points per year, absent  
9 a Commission decision to initiate a proceeding to consider  
10 establishing goals that increase by more or less than that  
11 amount. Such a proceeding must be conducted in accordance with  
12 the procedures described in subsection (f) of this Section. If  
13 such a proceeding is initiated, the cumulative persisting  
14 annual savings goals established by the Commission through  
15 that proceeding shall reflect the Commission's best estimate  
16 of the maximum amount of additional savings that are forecast  
17 to be cost-effectively achievable unless such best estimates  
18 would result in goals that represent less than 0.4 percentage  
19 point annual increases in total cumulative persisting annual  
20 savings. The Commission may only establish goals that  
21 represent less than 0.4 percentage point annual increases in  
22 cumulative persisting annual savings if it can demonstrate,  
23 based on clear and convincing evidence and through independent  
24 analysis, that 0.4 percentage point increases are not  
25 cost-effectively achievable. The Commission shall inform its  
26 decision based on an energy efficiency potential study that

1 conforms to the requirements of this Section.

2 (b-20) Each electric utility subject to this Section may  
3 include cost-effective voltage optimization measures in its  
4 plans submitted under subsections (f) and (g) of this Section,  
5 and the costs incurred by a utility to implement the measures  
6 under a Commission-approved plan shall be recovered under the  
7 provisions of Article IX or Section 16-108.5 of this Act. For  
8 purposes of this Section, the measure life of voltage  
9 optimization measures shall be 15 years. The measure life  
10 period is independent of the depreciation rate of the voltage  
11 optimization assets deployed. Utilities may claim savings from  
12 voltage optimization on circuits for more than 15 years if  
13 they can demonstrate that they have made additional  
14 investments necessary to enable voltage optimization savings  
15 to continue beyond 15 years. Such demonstrations must be  
16 subject to the review of independent evaluation.

17 Within 270 days after June 1, 2017 (the effective date of  
18 Public Act 99-906), an electric utility that serves less than  
19 3,000,000 retail customers but more than 500,000 retail  
20 customers in the State shall file a plan with the Commission  
21 that identifies the cost-effective voltage optimization  
22 investment the electric utility plans to undertake through  
23 December 31, 2024. The Commission, after notice and hearing,  
24 shall approve or approve with modification the plan within 120  
25 days after the plan's filing and, in the order approving or  
26 approving with modification the plan, the Commission shall

1 adjust the applicable cumulative persisting annual savings  
2 goals set forth in subsection (b-15) to reflect any amount of  
3 cost-effective energy savings approved by the Commission that  
4 is greater than or less than the following cumulative  
5 persisting annual savings values attributable to voltage  
6 optimization for the applicable year:

7 (1) 0.0% of cumulative persisting annual savings for  
8 the year ending December 31, 2018;

9 (2) 0.17% of cumulative persisting annual savings for  
10 the year ending December 31, 2019;

11 (3) 0.17% of cumulative persisting annual savings for  
12 the year ending December 31, 2020;

13 (4) 0.33% of cumulative persisting annual savings for  
14 the year ending December 31, 2021;

15 (5) 0.5% of cumulative persisting annual savings for  
16 the year ending December 31, 2022;

17 (6) 0.67% of cumulative persisting annual savings for  
18 the year ending December 31, 2023;

19 (7) 0.83% of cumulative persisting annual savings for  
20 the year ending December 31, 2024; and

21 (8) 1.0% of cumulative persisting annual savings for  
22 the year ending December 31, 2025 and all subsequent  
23 years.

24 (b-25) In the event an electric utility jointly offers an  
25 energy efficiency measure or program with a gas utility under  
26 plans approved under this Section and Section 8-104 of this

1 Act, the electric utility may continue offering the program,  
2 including the gas energy efficiency measures, in the event the  
3 gas utility discontinues funding the program. In that event,  
4 the energy savings value associated with such other fuels  
5 shall be converted to electric energy savings on an equivalent  
6 Btu basis for the premises. However, the electric utility  
7 shall prioritize programs for low-income residential customers  
8 to the extent practicable. An electric utility may recover the  
9 costs of offering the gas energy efficiency measures under  
10 this subsection (b-25).

11 For those energy efficiency measures or programs that save  
12 both electricity and other fuels but are not jointly offered  
13 with a gas utility under plans approved under this Section and  
14 Section 8-104 or not offered with an affiliated gas utility  
15 under paragraph (6) of subsection (f) of Section 8-104 of this  
16 Act, the electric utility may count savings of fuels other  
17 than electricity toward the achievement of its annual savings  
18 goal, and the energy savings value associated with such other  
19 fuels shall be converted to electric energy savings on an  
20 equivalent Btu basis at the premises.

21 In no event shall more than 10% of each year's applicable  
22 annual total savings requirement as defined in paragraph (7.5)  
23 of subsection (g) of this Section be met through savings of  
24 fuels other than electricity.

25 (b-27) Beginning in 2022, an electric utility may offer  
26 and promote measures that electrify space heating, water

1 heating, cooling, drying, cooking, industrial processes, and  
2 other building and industrial end uses that would otherwise be  
3 served by combustion of fossil fuel at the premises, provided  
4 that the electrification measures reduce total energy  
5 consumption at the premises. The electric utility may count  
6 the reduction in energy consumption at the premises toward  
7 achievement of its annual savings goals. The reduction in  
8 energy consumption at the premises shall be calculated as the  
9 difference between: (A) the reduction in Btu consumption of  
10 fossil fuels as a result of electrification, converted to  
11 kilowatt-hour equivalents by dividing by 3,412 Btus ~~Btu's~~ per  
12 kilowatt hour; and (B) the increase in kilowatt hours of  
13 electricity consumption resulting from the displacement of  
14 fossil fuel consumption as a result of electrification. An  
15 electric utility may recover the costs of offering and  
16 promoting electrification measures under this subsection  
17 (b-27).

18 In no event shall electrification savings counted toward  
19 each year's applicable annual total savings requirement, as  
20 defined in paragraph (7.5) of subsection (g) of this Section,  
21 be greater than:

22 (1) 5% per year for each year from 2022 through 2025;

23 (2) 10% per year for each year from 2026 through 2029;

24 and

25 (3) 15% per year for 2030 and all subsequent years.

26 In addition, a minimum of 25% of all electrification savings



1 counted toward a utility's applicable annual total savings  
2 requirement must be from electrification of end uses in  
3 low-income housing. The limitations on electrification savings  
4 that may be counted toward a utility's annual savings goals  
5 are separate from and in addition to the subsection (b-25)  
6 limitations governing the counting of the other fuel savings  
7 resulting from efficiency measures and programs.

8 As part of the annual informational filing to the  
9 Commission that is required under paragraph (9) of subsection  
10 (g) of this Section, each utility shall identify the specific  
11 electrification measures offered under this subsection  
12 ~~subsection~~ (b-27); the quantity of each electrification  
13 measure that was installed by its customers; the average total  
14 cost, average utility cost, average reduction in fossil fuel  
15 consumption, and average increase in electricity consumption  
16 associated with each electrification measure; the portion of  
17 installations of each electrification measure that were in  
18 low-income single-family housing, low-income multifamily  
19 housing, non-low-income single-family housing, non-low-income  
20 multifamily housing, commercial buildings, and industrial  
21 facilities; and the quantity of savings associated with each  
22 measure category in each customer category that are being  
23 counted toward the utility's applicable annual total savings  
24 requirement. Prior to installing an electrification measure,  
25 the utility shall provide a customer with an estimate of the  
26 impact of the new measure on the customer's average monthly

1 electric bill and total annual energy expenses.

2 (c) Electric utilities shall be responsible for overseeing  
3 the design, development, and filing of energy efficiency plans  
4 with the Commission and may, as part of that implementation,  
5 outsource various aspects of program development and  
6 implementation. A minimum of 10%, for electric utilities that  
7 serve more than 3,000,000 retail customers in the State, and a  
8 minimum of 7%, for electric utilities that serve less than  
9 3,000,000 retail customers but more than 500,000 retail  
10 customers in the State, of the utility's entire portfolio  
11 funding level for a given year shall be used to procure  
12 cost-effective energy efficiency measures from units of local  
13 government, municipal corporations, school districts, public  
14 housing, and community college districts, provided that a  
15 minimum percentage of available funds shall be used to procure  
16 energy efficiency from public housing, which percentage shall  
17 be equal to public housing's share of public building energy  
18 consumption.

19 The utilities shall also implement energy efficiency  
20 measures targeted at low-income households, which, for  
21 purposes of this Section, shall be defined as households at or  
22 below 80% of area median income, and expenditures to implement  
23 the measures shall be no less than \$40,000,000 per year for  
24 electric utilities that serve more than 3,000,000 retail  
25 customers in the State and no less than \$13,000,000 per year  
26 for electric utilities that serve less than 3,000,000 retail

1 customers but more than 500,000 retail customers in the State.  
2 The ratio of spending on efficiency programs targeted at  
3 low-income multifamily buildings to spending on efficiency  
4 programs targeted at low-income single-family buildings shall  
5 be designed to achieve levels of savings from each building  
6 type that are approximately proportional to the magnitude of  
7 cost-effective lifetime savings potential in each building  
8 type. Investment in low-income whole-building weatherization  
9 programs shall constitute a minimum of 80% of a utility's  
10 total budget specifically dedicated to serving low-income  
11 customers.

12 The utilities shall work to bundle low-income energy  
13 efficiency offerings with other programs that serve low-income  
14 households to maximize the benefits going to these households.  
15 The utilities shall market and implement low-income energy  
16 efficiency programs in coordination with low-income assistance  
17 programs, the Illinois Solar for All Program, and  
18 weatherization whenever practicable. The program implementer  
19 shall walk the customer through the enrollment process for any  
20 programs for which the customer is eligible. The utilities  
21 shall also pilot targeting customers with high arrearages,  
22 high energy intensity (ratio of energy usage divided by home  
23 or unit square footage), or energy assistance programs with  
24 energy efficiency offerings, and then track reduction in  
25 arrearages as a result of the targeting. This targeting and  
26 bundling of low-income energy programs shall be offered to

1 both low-income single-family and multifamily customers  
2 (owners and residents).

3 The utilities shall invest in health and safety measures  
4 appropriate and necessary for comprehensively weatherizing a  
5 home or multifamily building, and shall implement a health and  
6 safety fund of at least 15% of the total income-qualified  
7 weatherization budget that shall be used for the purpose of  
8 making grants for technical assistance, construction,  
9 reconstruction, improvement, or repair of buildings to  
10 facilitate their participation in the energy efficiency  
11 programs targeted at low-income single-family and multifamily  
12 households. These funds may also be used for the purpose of  
13 making grants for technical assistance, construction,  
14 reconstruction, improvement, or repair of the following  
15 buildings to facilitate their participation in the energy  
16 efficiency programs created by this Section: (1) buildings  
17 that are owned or operated by registered 501(c)(3) public  
18 charities; and (2) child day care centers, child day care  
19 homes, or group child day care homes, as defined under 89 Ill.  
20 Adm. Code Part 406, 407, or 408, respectively.

21 Each electric utility shall assess opportunities to  
22 implement cost-effective energy efficiency measures and  
23 programs through a public housing authority or authorities  
24 located in its service territory. If such opportunities are  
25 identified, the utility shall propose such measures and  
26 programs to address the opportunities. Expenditures to address

1 such opportunities shall be credited toward the minimum  
2 procurement and expenditure requirements set forth in this  
3 subsection (c).

4 Implementation of energy efficiency measures and programs  
5 targeted at low-income households should be contracted, when  
6 it is practicable, to independent third parties that have  
7 demonstrated capabilities to serve such households, with a  
8 preference for not-for-profit entities and government agencies  
9 that have existing relationships with or experience serving  
10 low-income communities in the State.

11 Each electric utility shall develop and implement  
12 reporting procedures that address and assist in determining  
13 the amount of energy savings that can be applied to the  
14 low-income procurement and expenditure requirements set forth  
15 in this subsection (c). Each electric utility shall also track  
16 the types and quantities or volumes of insulation and air  
17 sealing materials, and their associated energy saving  
18 benefits, installed in energy efficiency programs targeted at  
19 low-income single-family and multifamily households.

20 The electric utilities shall participate in a low-income  
21 energy efficiency accountability committee ("the committee"),  
22 which will directly inform the design, implementation, and  
23 evaluation of the low-income and public-housing energy  
24 efficiency programs. The committee shall be comprised of the  
25 electric utilities subject to the requirements of this  
26 Section, the gas utilities subject to the requirements of

1 Section 8-104 of this Act, the utilities' low-income energy  
2 efficiency implementation contractors, nonprofit  
3 organizations, community action agencies, advocacy groups,  
4 State and local governmental agencies, public-housing  
5 organizations, and representatives of community-based  
6 organizations, especially those living in or working with  
7 environmental justice communities and BIPOC communities. The  
8 committee shall be composed of 2 geographically differentiated  
9 subcommittees: one for stakeholders in northern Illinois and  
10 one for stakeholders in central and southern Illinois. The  
11 subcommittees shall meet together at least twice per year.

12 There shall be one statewide leadership committee led by  
13 and composed of community-based organizations that are  
14 representative of BIPOC and environmental justice communities  
15 and that includes equitable representation from BIPOC  
16 communities. The leadership committee shall be composed of an  
17 equal number of representatives from the 2 subcommittees. The  
18 subcommittees shall address specific programs and issues, with  
19 the leadership committee convening targeted workgroups as  
20 needed. The leadership committee may elect to work with an  
21 independent facilitator to solicit and organize feedback,  
22 recommendations and meeting participation from a wide variety  
23 of community-based stakeholders. If a facilitator is used,  
24 they shall be fair and responsive to the needs of all  
25 stakeholders involved in the committee.

26 All committee meetings must be accessible, with rotating

1 locations if meetings are held in-person, virtual  
2 participation options, and materials and agendas circulated in  
3 advance.

4 There shall also be opportunities for direct input by  
5 committee members outside of committee meetings, such as via  
6 individual meetings, surveys, emails and calls, to ensure  
7 robust participation by stakeholders with limited capacity and  
8 ability to attend committee meetings. Committee meetings shall  
9 emphasize opportunities to bundle and coordinate delivery of  
10 low-income energy efficiency with other programs that serve  
11 low-income communities, such as the Illinois Solar for All  
12 Program and bill payment assistance programs. Meetings shall  
13 include educational opportunities for stakeholders to learn  
14 more about these additional offerings, and the committee shall  
15 assist in figuring out the best methods for coordinated  
16 delivery and implementation of offerings when serving  
17 low-income communities. The committee shall directly and  
18 equitably influence and inform utility low-income and  
19 public-housing energy efficiency programs and priorities.  
20 Participating utilities shall implement recommendations from  
21 the committee whenever possible.

22 Participating utilities shall track and report how input  
23 from the committee has led to new approaches and changes in  
24 their energy efficiency portfolios. This reporting shall occur  
25 at committee meetings and in quarterly energy efficiency  
26 reports to the Stakeholder Advisory Group and Illinois

1 Commerce Commission, and other relevant reporting mechanisms.  
2 Participating utilities shall also report on relevant equity  
3 data and metrics requested by the committee, such as energy  
4 burden data, geographic, racial, and other relevant  
5 demographic data on where programs are being delivered and  
6 what populations programs are serving.

7 The Illinois Commerce Commission shall oversee and have  
8 relevant staff participate in the committee. The committee  
9 shall have a budget of 0.25% of each utility's entire  
10 efficiency portfolio funding for a given year. The budget  
11 shall be overseen by the Commission. The budget shall be used  
12 to provide grants for community-based organizations serving on  
13 the leadership committee, stipends for community-based  
14 organizations participating in the committee, grants for  
15 community-based organizations to do energy efficiency outreach  
16 and education, and relevant meeting needs as determined by the  
17 leadership committee. The education and outreach shall  
18 include, but is not limited to, basic energy efficiency  
19 education, information about low-income energy efficiency  
20 programs, and information on the committee's purpose,  
21 structure, and activities.

22 (d) Notwithstanding any other provision of law to the  
23 contrary, a utility providing approved energy efficiency  
24 measures and, if applicable, demand-response measures in the  
25 State shall be permitted to recover all reasonable and  
26 prudently incurred costs of those measures from all retail



1 customers, except as provided in subsection (l) of this  
2 Section, as follows, provided that nothing in this subsection  
3 (d) permits the double recovery of such costs from customers:

4 (1) The utility may recover its costs through an  
5 automatic adjustment clause tariff filed with and approved  
6 by the Commission. The tariff shall be established outside  
7 the context of a general rate case. Each year the  
8 Commission shall initiate a review to reconcile any  
9 amounts collected with the actual costs and to determine  
10 the required adjustment to the annual tariff factor to  
11 match annual expenditures. To enable the financing of the  
12 incremental capital expenditures, including regulatory  
13 assets, for electric utilities that serve less than  
14 3,000,000 retail customers but more than 500,000 retail  
15 customers in the State, the utility's actual year-end  
16 capital structure that includes a common equity ratio,  
17 excluding goodwill, of up to and including 50% of the  
18 total capital structure shall be deemed reasonable and  
19 used to set rates.

20 (2) A utility may recover its costs through an energy  
21 efficiency formula rate approved by the Commission under a  
22 filing under subsections (f) and (g) of this Section,  
23 which shall specify the cost components that form the  
24 basis of the rate charged to customers with sufficient  
25 specificity to operate in a standardized manner and be  
26 updated annually with transparent information that

1 reflects the utility's actual costs to be recovered during  
2 the applicable rate year, which is the period beginning  
3 with the first billing day of January and extending  
4 through the last billing day of the following December.  
5 The energy efficiency formula rate shall be implemented  
6 through a tariff filed with the Commission under  
7 subsections (f) and (g) of this Section that is consistent  
8 with the provisions of this paragraph (2) and that shall  
9 be applicable to all delivery services customers. The  
10 Commission shall conduct an investigation of the tariff in  
11 a manner consistent with the provisions of this paragraph  
12 (2), subsections (f) and (g) of this Section, and the  
13 provisions of Article IX of this Act to the extent they do  
14 not conflict with this paragraph (2). The energy  
15 efficiency formula rate approved by the Commission shall  
16 remain in effect at the discretion of the utility and  
17 shall do the following:

18 (A) Provide for the recovery of the utility's  
19 actual costs incurred under this Section that are  
20 prudently incurred and reasonable in amount consistent  
21 with Commission practice and law. The sole fact that a  
22 cost differs from that incurred in a prior calendar  
23 year or that an investment is different from that made  
24 in a prior calendar year shall not imply the  
25 imprudence or unreasonableness of that cost or  
26 investment.

1 (B) Reflect the utility's actual year-end capital  
2 structure for the applicable calendar year, excluding  
3 goodwill, subject to a determination of prudence and  
4 reasonableness consistent with Commission practice and  
5 law. To enable the financing of the incremental  
6 capital expenditures, including regulatory assets, for  
7 electric utilities that serve less than 3,000,000  
8 retail customers but more than 500,000 retail  
9 customers in the State, a participating electric  
10 utility's actual year-end capital structure that  
11 includes a common equity ratio, excluding goodwill, of  
12 up to and including 50% of the total capital structure  
13 shall be deemed reasonable and used to set rates.

14 (C) Include a cost of equity, which shall be  
15 calculated as the sum of the following:

16 (i) the average for the applicable calendar  
17 year of the monthly average yields of 30-year U.S.  
18 Treasury bonds published by the Board of Governors  
19 of the Federal Reserve System in its weekly H.15  
20 Statistical Release or successor publication; and

21 (ii) 580 basis points.

22 At such time as the Board of Governors of the  
23 Federal Reserve System ceases to include the monthly  
24 average yields of 30-year U.S. Treasury bonds in its  
25 weekly H.15 Statistical Release or successor  
26 publication, the monthly average yields of the U.S.

1 Treasury bonds then having the longest duration  
2 published by the Board of Governors in its weekly H.15  
3 Statistical Release or successor publication shall  
4 instead be used for purposes of this paragraph (2).

5 (D) Permit and set forth protocols, subject to a  
6 determination of prudence and reasonableness  
7 consistent with Commission practice and law, for the  
8 following:

9 (i) recovery of incentive compensation expense  
10 that is based on the achievement of operational  
11 metrics, including metrics related to budget  
12 controls, outage duration and frequency, safety,  
13 customer service, efficiency and productivity, and  
14 environmental compliance; however, this protocol  
15 shall not apply if such expense related to costs  
16 incurred under this Section is recovered under  
17 Article IX or Section 16-108.5 of this Act;  
18 incentive compensation expense that is based on  
19 net income or an affiliate's earnings per share  
20 shall not be recoverable under the energy  
21 efficiency formula rate;

22 (ii) recovery of pension and other  
23 post-employment benefits expense, provided that  
24 such costs are supported by an actuarial study;  
25 however, this protocol shall not apply if such  
26 expense related to costs incurred under this

1 Section is recovered under Article IX or Section  
2 16-108.5 of this Act;

3 (iii) recovery of existing regulatory assets  
4 over the periods previously authorized by the  
5 Commission;

6 (iv) as described in subsection (e),  
7 amortization of costs incurred under this Section;  
8 and

9 (v) projected, weather normalized billing  
10 determinants for the applicable rate year.

11 (E) Provide for an annual reconciliation, as  
12 described in paragraph (3) of this subsection (d),  
13 less any deferred taxes related to the reconciliation,  
14 with interest at an annual rate of return equal to the  
15 utility's weighted average cost of capital, including  
16 a revenue conversion factor calculated to recover or  
17 refund all additional income taxes that may be payable  
18 or receivable as a result of that return, of the energy  
19 efficiency revenue requirement reflected in rates for  
20 each calendar year, beginning with the calendar year  
21 in which the utility files its energy efficiency  
22 formula rate tariff under this paragraph (2), with  
23 what the revenue requirement would have been had the  
24 actual cost information for the applicable calendar  
25 year been available at the filing date.

26 The utility shall file, together with its tariff, the

1 projected costs to be incurred by the utility during the  
2 rate year under the utility's multi-year plan approved  
3 under subsections (f) and (g) of this Section, including,  
4 but not limited to, the projected capital investment costs  
5 and projected regulatory asset balances with  
6 correspondingly updated depreciation and amortization  
7 reserves and expense, that shall populate the energy  
8 efficiency formula rate and set the initial rates under  
9 the formula.

10 The Commission shall review the proposed tariff in  
11 conjunction with its review of a proposed multi-year plan,  
12 as specified in paragraph (5) of subsection (g) of this  
13 Section. The review shall be based on the same evidentiary  
14 standards, including, but not limited to, those concerning  
15 the prudence and reasonableness of the costs incurred by  
16 the utility, the Commission applies in a hearing to review  
17 a filing for a general increase in rates under Article IX  
18 of this Act. The initial rates shall take effect beginning  
19 with the January monthly billing period following the  
20 Commission's approval.

21 The tariff's rate design and cost allocation across  
22 customer classes shall be consistent with the utility's  
23 automatic adjustment clause tariff in effect on June 1,  
24 2017 (the effective date of Public Act 99-906); however,  
25 the Commission may revise the tariff's rate design and  
26 cost allocation in subsequent proceedings under paragraph

1 (3) of this subsection (d).

2 If the energy efficiency formula rate is terminated,  
3 the then current rates shall remain in effect until such  
4 time as the energy efficiency costs are incorporated into  
5 new rates that are set under this subsection (d) or  
6 Article IX of this Act, subject to retroactive rate  
7 adjustment, with interest, to reconcile rates charged with  
8 actual costs.

9 (3) The provisions of this paragraph (3) shall only  
10 apply to an electric utility that has elected to file an  
11 energy efficiency formula rate under paragraph (2) of this  
12 subsection (d). Subsequent to the Commission's issuance of  
13 an order approving the utility's energy efficiency formula  
14 rate structure and protocols, and initial rates under  
15 paragraph (2) of this subsection (d), the utility shall  
16 file, on or before June 1 of each year, with the Chief  
17 Clerk of the Commission its updated cost inputs to the  
18 energy efficiency formula rate for the applicable rate  
19 year and the corresponding new charges, as well as the  
20 information described in paragraph (9) of subsection (g)  
21 of this Section. Each such filing shall conform to the  
22 following requirements and include the following  
23 information:

24 (A) The inputs to the energy efficiency formula  
25 rate for the applicable rate year shall be based on the  
26 projected costs to be incurred by the utility during

1 the rate year under the utility's multi-year plan  
2 approved under subsections (f) and (g) of this  
3 Section, including, but not limited to, projected  
4 capital investment costs and projected regulatory  
5 asset balances with correspondingly updated  
6 depreciation and amortization reserves and expense.  
7 The filing shall also include a reconciliation of the  
8 energy efficiency revenue requirement that was in  
9 effect for the prior rate year (as set by the cost  
10 inputs for the prior rate year) with the actual  
11 revenue requirement for the prior rate year  
12 (determined using a year-end rate base) that uses  
13 amounts reflected in the applicable FERC Form 1 that  
14 reports the actual costs for the prior rate year. Any  
15 over-collection or under-collection indicated by such  
16 reconciliation shall be reflected as a credit against,  
17 or recovered as an additional charge to, respectively,  
18 with interest calculated at a rate equal to the  
19 utility's weighted average cost of capital approved by  
20 the Commission for the prior rate year, the charges  
21 for the applicable rate year. Such over-collection or  
22 under-collection shall be adjusted to remove any  
23 deferred taxes related to the reconciliation, for  
24 purposes of calculating interest at an annual rate of  
25 return equal to the utility's weighted average cost of  
26 capital approved by the Commission for the prior rate



1 year, including a revenue conversion factor calculated  
2 to recover or refund all additional income taxes that  
3 may be payable or receivable as a result of that  
4 return. Each reconciliation shall be certified by the  
5 participating utility in the same manner that FERC  
6 Form 1 is certified. The filing shall also include the  
7 charge or credit, if any, resulting from the  
8 calculation required by subparagraph (E) of paragraph  
9 (2) of this subsection (d).

10 Notwithstanding any other provision of law to the  
11 contrary, the intent of the reconciliation is to  
12 ultimately reconcile both the revenue requirement  
13 reflected in rates for each calendar year, beginning  
14 with the calendar year in which the utility files its  
15 energy efficiency formula rate tariff under paragraph  
16 (2) of this subsection (d), with what the revenue  
17 requirement determined using a year-end rate base for  
18 the applicable calendar year would have been had the  
19 actual cost information for the applicable calendar  
20 year been available at the filing date.

21 For purposes of this Section, "FERC Form 1" means  
22 the Annual Report of Major Electric Utilities,  
23 Licensees and Others that electric utilities are  
24 required to file with the Federal Energy Regulatory  
25 Commission under the Federal Power Act, Sections 3,  
26 4(a), 304 and 209, modified as necessary to be

1 consistent with 83 Ill. ~~Adm. Admin.~~ Code Part 415 as of  
2 May 1, 2011. Nothing in this Section is intended to  
3 allow costs that are not otherwise recoverable to be  
4 recoverable by virtue of inclusion in FERC Form 1.

5 (B) The new charges shall take effect beginning on  
6 the first billing day of the following January billing  
7 period and remain in effect through the last billing  
8 day of the next December billing period regardless of  
9 whether the Commission enters upon a hearing under  
10 this paragraph (3).

11 (C) The filing shall include relevant and  
12 necessary data and documentation for the applicable  
13 rate year. Normalization adjustments shall not be  
14 required.

15 Within 45 days after the utility files its annual  
16 update of cost inputs to the energy efficiency formula  
17 rate, the Commission shall with reasonable notice,  
18 initiate a proceeding concerning whether the projected  
19 costs to be incurred by the utility and recovered during  
20 the applicable rate year, and that are reflected in the  
21 inputs to the energy efficiency formula rate, are  
22 consistent with the utility's approved multi-year plan  
23 under subsections (f) and (g) of this Section and whether  
24 the costs incurred by the utility during the prior rate  
25 year were prudent and reasonable. The Commission shall  
26 also have the authority to investigate the information and

1 data described in paragraph (9) of subsection (g) of this  
2 Section, including the proposed adjustment to the  
3 utility's return on equity component of its weighted  
4 average cost of capital. During the course of the  
5 proceeding, each objection shall be stated with  
6 particularity and evidence provided in support thereof,  
7 after which the utility shall have the opportunity to  
8 rebut the evidence. Discovery shall be allowed consistent  
9 with the Commission's Rules of Practice, which Rules of  
10 Practice shall be enforced by the Commission or the  
11 assigned administrative law judge. The Commission shall  
12 apply the same evidentiary standards, including, but not  
13 limited to, those concerning the prudence and  
14 reasonableness of the costs incurred by the utility,  
15 during the proceeding as it would apply in a proceeding to  
16 review a filing for a general increase in rates under  
17 Article IX of this Act. The Commission shall not, however,  
18 have the authority in a proceeding under this paragraph  
19 (3) to consider or order any changes to the structure or  
20 protocols of the energy efficiency formula rate approved  
21 under paragraph (2) of this subsection (d). In a  
22 proceeding under this paragraph (3), the Commission shall  
23 enter its order no later than the earlier of 195 days after  
24 the utility's filing of its annual update of cost inputs  
25 to the energy efficiency formula rate or December 15. The  
26 utility's proposed return on equity calculation, as

1 described in paragraphs (7) through (9) of subsection (g)  
2 of this Section, shall be deemed the final, approved  
3 calculation on December 15 of the year in which it is filed  
4 unless the Commission enters an order on or before  
5 December 15, after notice and hearing, that modifies such  
6 calculation consistent with this Section. The Commission's  
7 determinations of the prudence and reasonableness of the  
8 costs incurred, and determination of such return on equity  
9 calculation, for the applicable calendar year shall be  
10 final upon entry of the Commission's order and shall not  
11 be subject to reopening, reexamination, or collateral  
12 attack in any other Commission proceeding, case, docket,  
13 order, rule, or regulation; however, nothing in this  
14 paragraph (3) shall prohibit a party from petitioning the  
15 Commission to rehear or appeal to the courts the order  
16 under the provisions of this Act.

17 (e) Beginning on June 1, 2017 (the effective date of  
18 Public Act 99-906), a utility subject to the requirements of  
19 this Section may elect to defer, as a regulatory asset, up to  
20 the full amount of its expenditures incurred under this  
21 Section for each annual period, including, but not limited to,  
22 any expenditures incurred above the funding level set by  
23 subsection (f) of this Section for a given year. The total  
24 expenditures deferred as a regulatory asset in a given year  
25 shall be amortized and recovered over a period that is equal to  
26 the weighted average of the energy efficiency measure lives

1 implemented for that year that are reflected in the regulatory  
2 asset. The unamortized balance shall be recognized as of  
3 December 31 for a given year. The utility shall also earn a  
4 return on the total of the unamortized balances of all of the  
5 energy efficiency regulatory assets, less any deferred taxes  
6 related to those unamortized balances, at an annual rate equal  
7 to the utility's weighted average cost of capital that  
8 includes, based on a year-end capital structure, the utility's  
9 actual cost of debt for the applicable calendar year and a cost  
10 of equity, which shall be calculated as the sum of the (i) the  
11 average for the applicable calendar year of the monthly  
12 average yields of 30-year U.S. Treasury bonds published by the  
13 Board of Governors of the Federal Reserve System in its weekly  
14 H.15 Statistical Release or successor publication; and (ii)  
15 580 basis points, including a revenue conversion factor  
16 calculated to recover or refund all additional income taxes  
17 that may be payable or receivable as a result of that return.  
18 Capital investment costs shall be depreciated and recovered  
19 over their useful lives consistent with generally accepted  
20 accounting principles. The weighted average cost of capital  
21 shall be applied to the capital investment cost balance, less  
22 any accumulated depreciation and accumulated deferred income  
23 taxes, as of December 31 for a given year.

24 When an electric utility creates a regulatory asset under  
25 the provisions of this Section, the costs are recovered over a  
26 period during which customers also receive a benefit which is

1 in the public interest. Accordingly, it is the intent of the  
2 General Assembly that an electric utility that elects to  
3 create a regulatory asset under the provisions of this Section  
4 shall recover all of the associated costs as set forth in this  
5 Section. After the Commission has approved the prudence and  
6 reasonableness of the costs that comprise the regulatory  
7 asset, the electric utility shall be permitted to recover all  
8 such costs, and the value and recoverability through rates of  
9 the associated regulatory asset shall not be limited, altered,  
10 impaired, or reduced.

11 (f) Beginning in 2017, each electric utility shall file an  
12 energy efficiency plan with the Commission to meet the energy  
13 efficiency standards for the next applicable multi-year period  
14 beginning January 1 of the year following the filing,  
15 according to the schedule set forth in paragraphs (1) through  
16 (3) of this subsection (f). If a utility does not file such a  
17 plan on or before the applicable filing deadline for the plan,  
18 it shall face a penalty of \$100,000 per day until the plan is  
19 filed.

20 (1) No later than 30 days after June 1, 2017 (the  
21 effective date of Public Act 99-906), each electric  
22 utility shall file a 4-year energy efficiency plan  
23 commencing on January 1, 2018 that is designed to achieve  
24 the cumulative persisting annual savings goals specified  
25 in paragraphs (1) through (4) of subsection (b-5) of this  
26 Section or in paragraphs (1) through (4) of subsection

1 (b-15) of this Section, as applicable, through  
2 implementation of energy efficiency measures; however, the  
3 goals may be reduced if the utility's expenditures are  
4 limited pursuant to subsection (m) of this Section or, for  
5 a utility that serves less than 3,000,000 retail  
6 customers, if each of the following conditions are met:  
7 (A) the plan's analysis and forecasts of the utility's  
8 ability to acquire energy savings demonstrate that  
9 achievement of such goals is not cost effective; and (B)  
10 the amount of energy savings achieved by the utility as  
11 determined by the independent evaluator for the most  
12 recent year for which savings have been evaluated  
13 preceding the plan filing was less than the average annual  
14 amount of savings required to achieve the goals for the  
15 applicable 4-year plan period. Except as provided in  
16 subsection (m) of this Section, annual increases in  
17 cumulative persisting annual savings goals during the  
18 applicable 4-year plan period shall not be reduced to  
19 amounts that are less than the maximum amount of  
20 cumulative persisting annual savings that is forecast to  
21 be cost-effectively achievable during the 4-year plan  
22 period. The Commission shall review any proposed goal  
23 reduction as part of its review and approval of the  
24 utility's proposed plan.

25 (2) No later than March 1, 2021, each electric utility  
26 shall file a 4-year energy efficiency plan commencing on

1 January 1, 2022 that is designed to achieve the cumulative  
2 persisting annual savings goals specified in paragraphs  
3 (5) through (8) of subsection (b-5) of this Section or in  
4 paragraphs (5) through (8) of subsection (b-15) of this  
5 Section, as applicable, through implementation of energy  
6 efficiency measures; however, the goals may be reduced if  
7 either (1) clear and convincing evidence demonstrates,  
8 through independent analysis, that the expenditure limits  
9 in subsection (m) of this Section preclude full  
10 achievement of the goals or (2) each of the following  
11 conditions are met: (A) the plan's analysis and forecasts  
12 of the utility's ability to acquire energy savings  
13 demonstrate by clear and convincing evidence and through  
14 independent analysis that achievement of such goals is not  
15 cost effective; and (B) the amount of energy savings  
16 achieved by the utility as determined by the independent  
17 evaluator for the most recent year for which savings have  
18 been evaluated preceding the plan filing was less than the  
19 average annual amount of savings required to achieve the  
20 goals for the applicable 4-year plan period. If there is  
21 not clear and convincing evidence that achieving the  
22 savings goals specified in paragraph (b-5) or (b-15) of  
23 this Section is possible both cost-effectively and within  
24 the expenditure limits in subsection (m), such savings  
25 goals shall not be reduced. Except as provided in  
26 subsection (m) of this Section, annual increases in



1 cumulative persisting annual savings goals during the  
2 applicable 4-year plan period shall not be reduced to  
3 amounts that are less than the maximum amount of  
4 cumulative persisting annual savings that is forecast to  
5 be cost-effectively achievable during the 4-year plan  
6 period. The Commission shall review any proposed goal  
7 reduction as part of its review and approval of the  
8 utility's proposed plan.

9 (3) No later than March 1, 2025, each electric utility  
10 shall file a 4-year energy efficiency plan commencing on  
11 January 1, 2026 that is designed to achieve the cumulative  
12 persisting annual savings goals specified in paragraphs  
13 (9) through (12) of subsection (b-5) of this Section or in  
14 paragraphs (9) through (12) of subsection (b-15) of this  
15 Section, as applicable, through implementation of energy  
16 efficiency measures; however, the goals may be reduced if  
17 either (1) clear and convincing evidence demonstrates,  
18 through independent analysis, that the expenditure limits  
19 in subsection (m) of this Section preclude full  
20 achievement of the goals or (2) each of the following  
21 conditions are met: (A) the plan's analysis and forecasts  
22 of the utility's ability to acquire energy savings  
23 demonstrate by clear and convincing evidence and through  
24 independent analysis that achievement of such goals is not  
25 cost effective; and (B) the amount of energy savings  
26 achieved by the utility as determined by the independent

1 evaluator for the most recent year for which savings have  
2 been evaluated preceding the plan filing was less than the  
3 average annual amount of savings required to achieve the  
4 goals for the applicable 4-year plan period. If there is  
5 not clear and convincing evidence that achieving the  
6 savings goals specified in paragraphs (b-5) or (b-15) of  
7 this Section is possible both cost-effectively and within  
8 the expenditure limits in subsection (m), such savings  
9 goals shall not be reduced. Except as provided in  
10 subsection (m) of this Section, annual increases in  
11 cumulative persisting annual savings goals during the  
12 applicable 4-year plan period shall not be reduced to  
13 amounts that are less than the maximum amount of  
14 cumulative persisting annual savings that is forecast to  
15 be cost-effectively achievable during the 4-year plan  
16 period. The Commission shall review any proposed goal  
17 reduction as part of its review and approval of the  
18 utility's proposed plan.

19 (4) No later than March 1, 2029, and every 4 years  
20 thereafter, each electric utility shall file a 4-year  
21 energy efficiency plan commencing on January 1, 2030, and  
22 every 4 years thereafter, respectively, that is designed  
23 to achieve the cumulative persisting annual savings goals  
24 established by the Illinois Commerce Commission pursuant  
25 to direction of subsections (b-5) and (b-15) of this  
26 Section, as applicable, through implementation of energy

1 efficiency measures; however, the goals may be reduced if  
2 either (1) clear and convincing evidence and independent  
3 analysis demonstrates that the expenditure limits in  
4 subsection (m) of this Section preclude full achievement  
5 of the goals or (2) each of the following conditions are  
6 met: (A) the plan's analysis and forecasts of the  
7 utility's ability to acquire energy savings demonstrate by  
8 clear and convincing evidence and through independent  
9 analysis that achievement of such goals is not  
10 cost-effective; and (B) the amount of energy savings  
11 achieved by the utility as determined by the independent  
12 evaluator for the most recent year for which savings have  
13 been evaluated preceding the plan filing was less than the  
14 average annual amount of savings required to achieve the  
15 goals for the applicable 4-year plan period. If there is  
16 not clear and convincing evidence that achieving the  
17 savings goals specified in paragraphs (b-5) or (b-15) of  
18 this Section is possible both cost-effectively and within  
19 the expenditure limits in subsection (m), such savings  
20 goals shall not be reduced. Except as provided in  
21 subsection (m) of this Section, annual increases in  
22 cumulative persisting annual savings goals during the  
23 applicable 4-year plan period shall not be reduced to  
24 amounts that are less than the maximum amount of  
25 cumulative persisting annual savings that is forecast to  
26 be cost-effectively achievable during the 4-year plan

1 period. The Commission shall review any proposed goal  
2 reduction as part of its review and approval of the  
3 utility's proposed plan.

4 Each utility's plan shall set forth the utility's  
5 proposals to meet the energy efficiency standards identified  
6 in subsection (b-5) or (b-15), as applicable and as such  
7 standards may have been modified under this subsection (f),  
8 taking into account the unique circumstances of the utility's  
9 service territory. For those plans commencing on January 1,  
10 2018, the Commission shall seek public comment on the  
11 utility's plan and shall issue an order approving or  
12 disapproving each plan no later than 105 days after June 1,  
13 2017 (the effective date of Public Act 99-906). For those  
14 plans commencing after December 31, 2021, the Commission shall  
15 seek public comment on the utility's plan and shall issue an  
16 order approving or disapproving each plan within 6 months  
17 after its submission. If the Commission disapproves a plan,  
18 the Commission shall, within 30 days, describe in detail the  
19 reasons for the disapproval and describe a path by which the  
20 utility may file a revised draft of the plan to address the  
21 Commission's concerns satisfactorily. If the utility does not  
22 refile with the Commission within 60 days, the utility shall  
23 be subject to penalties at a rate of \$100,000 per day until the  
24 plan is filed. This process shall continue, and penalties  
25 shall accrue, until the utility has successfully filed a  
26 portfolio of energy efficiency and demand-response measures.

1 Penalties shall be deposited into the Energy Efficiency Trust  
2 Fund.

3 (g) In submitting proposed plans and funding levels under  
4 subsection (f) of this Section to meet the savings goals  
5 identified in subsection (b-5) or (b-15) of this Section, as  
6 applicable, the utility shall:

7 (1) Demonstrate that its proposed energy efficiency  
8 measures will achieve the applicable requirements that are  
9 identified in subsection (b-5) or (b-15) of this Section,  
10 as modified by subsection (f) of this Section.

11 (2) (Blank).

12 (2.5) Demonstrate consideration of program options for  
13 (A) advancing new building codes, appliance standards, and  
14 municipal regulations governing existing and new building  
15 efficiency improvements and (B) supporting efforts to  
16 improve compliance with new building codes, appliance  
17 standards and municipal regulations, as potentially  
18 cost-effective means of acquiring energy savings to count  
19 toward savings goals.

20 (3) Demonstrate that its overall portfolio of  
21 measures, not including low-income programs described in  
22 subsection (c) of this Section, is cost-effective using  
23 the total resource cost test or complies with paragraphs  
24 (1) through (3) of subsection (f) of this Section and  
25 represents a diverse cross-section of opportunities for  
26 customers of all rate classes, other than those customers

1 described in subsection (1) of this Section, to  
2 participate in the programs. Individual measures need not  
3 be cost effective.

4 (3.5) Demonstrate that the utility's plan integrates  
5 the delivery of energy efficiency programs with natural  
6 gas efficiency programs, programs promoting distributed  
7 solar, programs promoting demand response and other  
8 efforts to address bill payment issues, including, but not  
9 limited to, LIHEAP and the Percentage of Income Payment  
10 Plan, to the extent such integration is practical and has  
11 the potential to enhance customer engagement, minimize  
12 market confusion, or reduce administrative costs.

13 (4) Present a third-party energy efficiency  
14 implementation program subject to the following  
15 requirements:

16 (A) beginning with the year commencing January 1,  
17 2019, electric utilities that serve more than  
18 3,000,000 retail customers in the State shall fund  
19 third-party energy efficiency programs in an amount  
20 that is no less than \$25,000,000 per year, and  
21 electric utilities that serve less than 3,000,000  
22 retail customers but more than 500,000 retail  
23 customers in the State shall fund third-party energy  
24 efficiency programs in an amount that is no less than  
25 \$8,350,000 per year;

26 (B) during 2018, the utility shall conduct a

1 solicitation process for purposes of requesting  
2 proposals from third-party vendors for those  
3 third-party energy efficiency programs to be offered  
4 during one or more of the years commencing January 1,  
5 2019, January 1, 2020, and January 1, 2021; for those  
6 multi-year plans commencing on January 1, 2022 and  
7 January 1, 2026, the utility shall conduct a  
8 solicitation process during 2021 and 2025,  
9 respectively, for purposes of requesting proposals  
10 from third-party vendors for those third-party energy  
11 efficiency programs to be offered during one or more  
12 years of the respective multi-year plan period; for  
13 each solicitation process, the utility shall identify  
14 the sector, technology, or geographical area for which  
15 it is seeking requests for proposals; the solicitation  
16 process must be either for programs that fill gaps in  
17 the utility's program portfolio and for programs that  
18 target low-income customers, business sectors,  
19 building types, geographies, or other specific parts  
20 of its customer base with initiatives that would be  
21 more effective at reaching these customer segments  
22 than the utilities' programs filed in its energy  
23 efficiency plans;

24 (C) the utility shall propose the bidder  
25 qualifications, performance measurement process, and  
26 contract structure, which must include a performance

1 payment mechanism and general terms and conditions;  
2 the proposed qualifications, process, and structure  
3 shall be subject to Commission approval; and

4 (D) the utility shall retain an independent third  
5 party to score the proposals received through the  
6 solicitation process described in this paragraph (4),  
7 rank them according to their cost per lifetime  
8 kilowatt-hours saved, and assemble the portfolio of  
9 third-party programs.

10 The electric utility shall recover all costs  
11 associated with Commission-approved, third-party  
12 administered programs regardless of the success of those  
13 programs.

14 (4.5) Implement cost-effective demand-response  
15 measures to reduce peak demand by 0.1% over the prior year  
16 for eligible retail customers, as defined in Section  
17 16-111.5 of this Act, and for customers that elect hourly  
18 service from the utility pursuant to Section 16-107 of  
19 this Act, provided those customers have not been declared  
20 competitive. This requirement continues until December 31,  
21 2026.

22 (5) Include a proposed or revised cost-recovery tariff  
23 mechanism, as provided for under subsection (d) of this  
24 Section, to fund the proposed energy efficiency and  
25 demand-response measures and to ensure the recovery of the  
26 prudently and reasonably incurred costs of



1 Commission-approved programs.

2 (6) Provide for an annual independent evaluation of  
3 the performance of the cost-effectiveness of the utility's  
4 portfolio of measures, as well as a full review of the  
5 multi-year plan results of the broader net program impacts  
6 and, to the extent practical, for adjustment of the  
7 measures on a going-forward basis as a result of the  
8 evaluations. The resources dedicated to evaluation shall  
9 not exceed 3% of portfolio resources in any given year.

10 (7) For electric utilities that serve more than  
11 3,000,000 retail customers in the State:

12 (A) Through December 31, 2025, provide for an  
13 adjustment to the return on equity component of the  
14 utility's weighted average cost of capital calculated  
15 under subsection (d) of this Section:

16 (i) If the independent evaluator determines  
17 that the utility achieved a cumulative persisting  
18 annual savings that is less than the applicable  
19 annual incremental goal, then the return on equity  
20 component shall be reduced by a maximum of 200  
21 basis points in the event that the utility  
22 achieved no more than 75% of such goal. If the  
23 utility achieved more than 75% of the applicable  
24 annual incremental goal but less than 100% of such  
25 goal, then the return on equity component shall be  
26 reduced by 8 basis points for each percent by

1 which the utility failed to achieve the goal.

2 (ii) If the independent evaluator determines  
3 that the utility achieved a cumulative persisting  
4 annual savings that is more than the applicable  
5 annual incremental goal, then the return on equity  
6 component shall be increased by a maximum of 200  
7 basis points in the event that the utility  
8 achieved at least 125% of such goal. If the  
9 utility achieved more than 100% of the applicable  
10 annual incremental goal but less than 125% of such  
11 goal, then the return on equity component shall be  
12 increased by 8 basis points for each percent by  
13 which the utility achieved above the goal. If the  
14 applicable annual incremental goal was reduced  
15 under paragraph ~~paragraphs~~ (1) or (2) of  
16 subsection (f) of this Section, then the following  
17 adjustments shall be made to the calculations  
18 described in this item (ii):

19 (aa) the calculation for determining  
20 achievement that is at least 125% of the  
21 applicable annual incremental goal shall use  
22 the unreduced applicable annual incremental  
23 goal to set the value; and

24 (bb) the calculation for determining  
25 achievement that is less than 125% but more  
26 than 100% of the applicable annual incremental

1 goal shall use the reduced applicable annual  
2 incremental goal to set the value for 100%  
3 achievement of the goal and shall use the  
4 unreduced goal to set the value for 125%  
5 achievement. The 8 basis point value shall  
6 also be modified, as necessary, so that the  
7 200 basis points are evenly apportioned among  
8 each percentage point value between 100% and  
9 125% achievement.

10 (B) For the period January 1, 2026 through  
11 December 31, 2029 and in all subsequent 4-year  
12 periods, provide for an adjustment to the return on  
13 equity component of the utility's weighted average  
14 cost of capital calculated under subsection (d) of  
15 this Section:

16 (i) If the independent evaluator determines  
17 that the utility achieved a cumulative persisting  
18 annual savings that is less than the applicable  
19 annual incremental goal, then the return on equity  
20 component shall be reduced by a maximum of 200  
21 basis points in the event that the utility  
22 achieved no more than 66% of such goal. If the  
23 utility achieved more than 66% of the applicable  
24 annual incremental goal but less than 100% of such  
25 goal, then the return on equity component shall be  
26 reduced by 6 basis points for each percent by

1 which the utility failed to achieve the goal.

2 (ii) If the independent evaluator determines  
3 that the utility achieved a cumulative persisting  
4 annual savings that is more than the applicable  
5 annual incremental goal, then the return on equity  
6 component shall be increased by a maximum of 200  
7 basis points in the event that the utility  
8 achieved at least 134% of such goal. If the  
9 utility achieved more than 100% of the applicable  
10 annual incremental goal but less than 134% of such  
11 goal, then the return on equity component shall be  
12 increased by 6 basis points for each percent by  
13 which the utility achieved above the goal. If the  
14 applicable annual incremental goal was reduced  
15 under paragraph (3) of subsection (f) of this  
16 Section, then the following adjustments shall be  
17 made to the calculations described in this item  
18 (ii):

19 (aa) the calculation for determining  
20 achievement that is at least 134% of the  
21 applicable annual incremental goal shall use  
22 the unreduced applicable annual incremental  
23 goal to set the value; and

24 (bb) the calculation for determining  
25 achievement that is less than 134% but more  
26 than 100% of the applicable annual incremental

1 goal shall use the reduced applicable annual  
2 incremental goal to set the value for 100%  
3 achievement of the goal and shall use the  
4 unreduced goal to set the value for 134%  
5 achievement. The 6 basis point value shall  
6 also be modified, as necessary, so that the  
7 200 basis points are evenly apportioned among  
8 each percentage point value between 100% and  
9 134% achievement.

10 (C) Notwithstanding the provisions of  
11 subparagraphs (A) and (B) of this paragraph (7), if  
12 the applicable annual incremental goal for an electric  
13 utility is ever less than 0.6% of deemed average  
14 weather normalized sales of electric power and energy  
15 during calendar years 2014, 2015, and 2016, an  
16 adjustment to the return on equity component of the  
17 utility's weighted average cost of capital calculated  
18 under subsection (d) of this Section shall be made as  
19 follows:

20 (i) If the independent evaluator determines  
21 that the utility achieved a cumulative persisting  
22 annual savings that is less than would have been  
23 achieved had the applicable annual incremental  
24 goal been achieved, then the return on equity  
25 component shall be reduced by a maximum of 200  
26 basis points if the utility achieved no more than

1 75% of its applicable annual total savings  
2 requirement as defined in paragraph (7.5) of this  
3 subsection. If the utility achieved more than 75%  
4 of the applicable annual total savings requirement  
5 but less than 100% of such goal, then the return on  
6 equity component shall be reduced by 8 basis  
7 points for each percent by which the utility  
8 failed to achieve the goal.

9 (ii) If the independent evaluator determines  
10 that the utility achieved a cumulative persisting  
11 annual savings that is more than would have been  
12 achieved had the applicable annual incremental  
13 goal been achieved, then the return on equity  
14 component shall be increased by a maximum of 200  
15 basis points if the utility achieved at least 125%  
16 of its applicable annual total savings  
17 requirement. If the utility achieved more than  
18 100% of the applicable annual total savings  
19 requirement but less than 125% of such goal, then  
20 the return on equity component shall be increased  
21 by 8 basis points for each percent by which the  
22 utility achieved above the applicable annual total  
23 savings requirement. If the applicable annual  
24 incremental goal was reduced under paragraph (1)  
25 or (2) of subsection (f) of this Section, then the  
26 following adjustments shall be made to the

1 calculations described in this item (ii):

2 (aa) the calculation for determining  
3 achievement that is at least 125% of the  
4 applicable annual total savings requirement  
5 shall use the unreduced applicable annual  
6 incremental goal to set the value; and

7 (bb) the calculation for determining  
8 achievement that is less than 125% but more  
9 than 100% of the applicable annual total  
10 savings requirement shall use the reduced  
11 applicable annual incremental goal to set the  
12 value for 100% achievement of the goal and  
13 shall use the unreduced goal to set the value  
14 for 125% achievement. The 8 basis point value  
15 shall also be modified, as necessary, so that  
16 the 200 basis points are evenly apportioned  
17 among each percentage point value between 100%  
18 and 125% achievement.

19 (7.5) For purposes of this Section, the term  
20 "applicable annual incremental goal" means the difference  
21 between the cumulative persisting annual savings goal for  
22 the calendar year that is the subject of the independent  
23 evaluator's determination and the cumulative persisting  
24 annual savings goal for the immediately preceding calendar  
25 year, as such goals are defined in subsections (b-5) and  
26 (b-15) of this Section and as these goals may have been

1 modified as provided for under subsection (b-20) and  
2 paragraphs (1) through (3) of subsection (f) of this  
3 Section. Under subsections (b), (b-5), (b-10), and (b-15)  
4 of this Section, a utility must first replace energy  
5 savings from measures that have expired before any  
6 progress towards achievement of its applicable annual  
7 incremental goal may be counted. Savings may expire  
8 because measures installed in previous years have reached  
9 the end of their lives, because measures installed in  
10 previous years are producing lower savings in the current  
11 year than in the previous year, or for other reasons  
12 identified by independent evaluators. Notwithstanding  
13 anything else set forth in this Section, the difference  
14 between the actual annual incremental savings achieved in  
15 any given year, including the replacement of energy  
16 savings that have expired, and the applicable annual  
17 incremental goal shall not affect adjustments to the  
18 return on equity for subsequent calendar years under this  
19 subsection (g).

20 In this Section, "applicable annual total savings  
21 requirement" means the total amount of new annual savings  
22 that the utility must achieve in any given year to achieve  
23 the applicable annual incremental goal. This is equal to  
24 the applicable annual incremental goal plus the total new  
25 annual savings that are required to replace savings that  
26 expired in or at the end of the previous year.



1           (8) For electric utilities that serve less than  
2           3,000,000 retail customers but more than 500,000 retail  
3           customers in the State:

4                   (A) Through December 31, 2025, the applicable  
5           annual incremental goal shall be compared to the  
6           annual incremental savings as determined by the  
7           independent evaluator.

8                           (i) The return on equity component shall be  
9           reduced by 8 basis points for each percent by  
10          which the utility did not achieve 84.4% of the  
11          applicable annual incremental goal.

12                           (ii) The return on equity component shall be  
13          increased by 8 basis points for each percent by  
14          which the utility exceeded 100% of the applicable  
15          annual incremental goal.

16                           (iii) The return on equity component shall not  
17          be increased or decreased if the annual  
18          incremental savings as determined by the  
19          independent evaluator is greater than 84.4% of the  
20          applicable annual incremental goal and less than  
21          100% of the applicable annual incremental goal.

22                           (iv) The return on equity component shall not  
23          be increased or decreased by an amount greater  
24          than 200 basis points pursuant to this  
25          subparagraph (A).

26                   (B) For the period of January 1, 2026 through

1 December 31, 2029 and in all subsequent 4-year  
2 periods, the applicable annual incremental goal shall  
3 be compared to the annual incremental savings as  
4 determined by the independent evaluator.

5 (i) The return on equity component shall be  
6 reduced by 6 basis points for each percent by  
7 which the utility did not achieve 100% of the  
8 applicable annual incremental goal.

9 (ii) The return on equity component shall be  
10 increased by 6 basis points for each percent by  
11 which the utility exceeded 100% of the applicable  
12 annual incremental goal.

13 (iii) The return on equity component shall not  
14 be increased or decreased by an amount greater  
15 than 200 basis points pursuant to this  
16 subparagraph (B).

17 (C) Notwithstanding provisions in subparagraphs  
18 (A) and (B) of paragraph (7) of this subsection, if the  
19 applicable annual incremental goal for an electric  
20 utility is ever less than 0.6% of deemed average  
21 weather normalized sales of electric power and energy  
22 during calendar years 2014, 2015 and 2016, an  
23 adjustment to the return on equity component of the  
24 utility's weighted average cost of capital calculated  
25 under subsection (d) of this Section shall be made as  
26 follows:

1 (i) The return on equity component shall be  
2 reduced by 8 basis points for each percent by  
3 which the utility did not achieve 100% of the  
4 applicable annual total savings requirement.

5 (ii) The return on equity component shall be  
6 increased by 8 basis points for each percent by  
7 which the utility exceeded 100% of the applicable  
8 annual total savings requirement.

9 (iii) The return on equity component shall not  
10 be increased or decreased by an amount greater  
11 than 200 basis points pursuant to this  
12 subparagraph (C).

13 (D) If the applicable annual incremental goal was  
14 reduced under paragraph (1), (2), (3), or (4) of  
15 subsection (f) of this Section, then the following  
16 adjustments shall be made to the calculations  
17 described in subparagraphs (A), (B), and (C) of this  
18 paragraph (8):

19 (i) The calculation for determining  
20 achievement that is at least 125% or 134%, as  
21 applicable, of the applicable annual incremental  
22 goal or the applicable annual total savings  
23 requirement, as applicable, shall use the  
24 unreduced applicable annual incremental goal to  
25 set the value.

26 (ii) For the period through December 31, 2025,

1 the calculation for determining achievement that  
2 is less than 125% but more than 100% of the  
3 applicable annual incremental goal or the  
4 applicable annual total savings requirement, as  
5 applicable, shall use the reduced applicable  
6 annual incremental goal to set the value for 100%  
7 achievement of the goal and shall use the  
8 unreduced goal to set the value for 125%  
9 achievement. The 8 basis point value shall also be  
10 modified, as necessary, so that the 200 basis  
11 points are evenly apportioned among each  
12 percentage point value between 100% and 125%  
13 achievement.

14 (iii) For the period of January 1, 2026  
15 through December 31, 2029 and all subsequent  
16 4-year periods, the calculation for determining  
17 achievement that is less than 125% or 134%, as  
18 applicable, but more than 100% of the applicable  
19 annual incremental goal or the applicable annual  
20 total savings requirement, as applicable, shall  
21 use the reduced applicable annual incremental goal  
22 to set the value for 100% achievement of the goal  
23 and shall use the unreduced goal to set the value  
24 for 125% achievement. The 6 basis-point value or 8  
25 basis-point value, as applicable, shall also be  
26 modified, as necessary, so that the 200 basis

1 points are evenly apportioned among each  
2 percentage point value between 100% and 125% or  
3 between 100% and 134% achievement, as applicable.

4 (9) The utility shall submit the energy savings data  
5 to the independent evaluator no later than 30 days after  
6 the close of the plan year. The independent evaluator  
7 shall determine the cumulative persisting annual savings  
8 for a given plan year, as well as an estimate of job  
9 impacts and other macroeconomic impacts of the efficiency  
10 programs for that year, no later than 120 days after the  
11 close of the plan year. The utility shall submit an  
12 informational filing to the Commission no later than 160  
13 days after the close of the plan year that attaches the  
14 independent evaluator's final report identifying the  
15 cumulative persisting annual savings for the year and  
16 calculates, under paragraph (7) or (8) of this subsection  
17 (g), as applicable, any resulting change to the utility's  
18 return on equity component of the weighted average cost of  
19 capital applicable to the next plan year beginning with  
20 the January monthly billing period and extending through  
21 the December monthly billing period. However, if the  
22 utility recovers the costs incurred under this Section  
23 under paragraphs (2) and (3) of subsection (d) of this  
24 Section, then the utility shall not be required to submit  
25 such informational filing, and shall instead submit the  
26 information that would otherwise be included in the

1 informational filing as part of its filing under paragraph  
2 (3) of such subsection (d) that is due on or before June 1  
3 of each year.

4 For those utilities that must submit the informational  
5 filing, the Commission may, on its own motion or by  
6 petition, initiate an investigation of such filing,  
7 provided, however, that the utility's proposed return on  
8 equity calculation shall be deemed the final, approved  
9 calculation on December 15 of the year in which it is filed  
10 unless the Commission enters an order on or before  
11 December 15, after notice and hearing, that modifies such  
12 calculation consistent with this Section.

13 The adjustments to the return on equity component  
14 described in paragraphs (7) and (8) of this subsection (g)  
15 shall be applied as described in such paragraphs through a  
16 separate tariff mechanism, which shall be filed by the  
17 utility under subsections (f) and (g) of this Section.

18 (9.5) The utility must demonstrate how it will ensure  
19 that program implementation contractors and energy  
20 efficiency installation vendors will promote workforce  
21 equity and quality jobs.

22 (9.6) Utilities shall collect data necessary to ensure  
23 compliance with paragraph (9.5) no less than quarterly and  
24 shall communicate progress toward compliance with  
25 paragraph (9.5) to program implementation contractors and  
26 energy efficiency installation vendors no less than

1           quarterly. Utilities shall work with relevant vendors,  
2           providing education, training, and other resources needed  
3           to ensure compliance and, where necessary, adjusting or  
4           terminating work with vendors that cannot assist with  
5           compliance.

6           (10) Utilities required to implement efficiency  
7           programs under subsections (b-5) and (b-10) shall report  
8           annually to the Illinois Commerce Commission and the  
9           General Assembly on how hiring, contracting, job training,  
10          and other practices related to its energy efficiency  
11          programs enhance the diversity of vendors working on such  
12          programs. These reports must include data on vendor and  
13          employee diversity, including data on the implementation  
14          of paragraphs (9.5) and (9.6). If the utility is not  
15          meeting the requirements of paragraphs (9.5) and (9.6),  
16          the utility shall submit a plan to adjust their activities  
17          so that they meet the requirements of paragraphs (9.5) and  
18          (9.6) within the following year.

19          (h) No more than 4% of energy efficiency and  
20          demand-response program revenue may be allocated for research,  
21          development, or pilot deployment of new equipment or measures.  
22          Electric utilities shall work with interested stakeholders to  
23          formulate a plan for how these funds should be spent,  
24          incorporate statewide approaches for these allocations, and  
25          file a 4-year plan that demonstrates that collaboration. If a  
26          utility files a request for modified annual energy savings

1 goals with the Commission, then a utility shall forgo spending  
2 portfolio dollars on research and development proposals.

3 (i) When practicable, electric utilities shall incorporate  
4 advanced metering infrastructure data into the planning,  
5 implementation, and evaluation of energy efficiency measures  
6 and programs, subject to the data privacy and confidentiality  
7 protections of applicable law.

8 (j) The independent evaluator shall follow the guidelines  
9 and use the savings set forth in Commission-approved energy  
10 efficiency policy manuals and technical reference manuals, as  
11 each may be updated from time to time. Until such time as  
12 measure life values for energy efficiency measures implemented  
13 for low-income households under subsection (c) of this Section  
14 are incorporated into such Commission-approved manuals, the  
15 low-income measures shall have the same measure life values  
16 that are established for same measures implemented in  
17 households that are not low-income households.

18 (k) Notwithstanding any provision of law to the contrary,  
19 an electric utility subject to the requirements of this  
20 Section may file a tariff cancelling an automatic adjustment  
21 clause tariff in effect under this Section or Section 8-103,  
22 which shall take effect no later than one business day after  
23 the date such tariff is filed. Thereafter, the utility shall  
24 be authorized to defer and recover its expenditures incurred  
25 under this Section through a new tariff authorized under  
26 subsection (d) of this Section or in the utility's next rate



1 case under Article IX or Section 16-108.5 of this Act, with  
2 interest at an annual rate equal to the utility's weighted  
3 average cost of capital as approved by the Commission in such  
4 case. If the utility elects to file a new tariff under  
5 subsection (d) of this Section, the utility may file the  
6 tariff within 10 days after June 1, 2017 (the effective date of  
7 Public Act 99-906), and the cost inputs to such tariff shall be  
8 based on the projected costs to be incurred by the utility  
9 during the calendar year in which the new tariff is filed and  
10 that were not recovered under the tariff that was cancelled as  
11 provided for in this subsection. Such costs shall include  
12 those incurred or to be incurred by the utility under its  
13 multi-year plan approved under subsections (f) and (g) of this  
14 Section, including, but not limited to, projected capital  
15 investment costs and projected regulatory asset balances with  
16 correspondingly updated depreciation and amortization reserves  
17 and expense. The Commission shall, after notice and hearing,  
18 approve, or approve with modification, such tariff and cost  
19 inputs no later than 75 days after the utility filed the  
20 tariff, provided that such approval, or approval with  
21 modification, shall be consistent with the provisions of this  
22 Section to the extent they do not conflict with this  
23 subsection (k). The tariff approved by the Commission shall  
24 take effect no later than 5 days after the Commission enters  
25 its order approving the tariff.

26 No later than 60 days after the effective date of the

1 tariff cancelling the utility's automatic adjustment clause  
2 tariff, the utility shall file a reconciliation that  
3 reconciles the moneys collected under its automatic adjustment  
4 clause tariff with the costs incurred during the period  
5 beginning June 1, 2016 and ending on the date that the electric  
6 utility's automatic adjustment clause tariff was cancelled. In  
7 the event the reconciliation reflects an under-collection, the  
8 utility shall recover the costs as specified in this  
9 subsection (k). If the reconciliation reflects an  
10 over-collection, the utility shall apply the amount of such  
11 over-collection as a one-time credit to retail customers'  
12 bills.

13 (l) For the calendar years covered by a multi-year plan  
14 commencing after December 31, 2017, subsections (a) through  
15 (j) of this Section do not apply to eligible large private  
16 energy customers that have chosen to opt out of multi-year  
17 plans consistent with this subsection (l).

18 (1) For purposes of this subsection (l), "eligible  
19 large private energy customer" means any retail customers,  
20 except for federal, State, municipal, and other public  
21 customers, of an electric utility that serves more than  
22 3,000,000 retail customers, except for federal, State,  
23 municipal and other public customers, in the State and  
24 whose total highest 30 minute demand was more than 10,000  
25 kilowatts, or any retail customers of an electric utility  
26 that serves less than 3,000,000 retail customers but more

1 than 500,000 retail customers in the State and whose total  
2 highest 15 minute demand was more than 10,000 kilowatts.  
3 For purposes of this subsection (1), "retail customer" has  
4 the meaning set forth in Section 16-102 of this Act.  
5 However, for a business entity with multiple sites located  
6 in the State, where at least one of those sites qualifies  
7 as an eligible large private energy customer, then any of  
8 that business entity's sites, properly identified on a  
9 form for notice, shall be considered eligible large  
10 private energy customers for the purposes of this  
11 subsection (1). A determination of whether this subsection  
12 is applicable to a customer shall be made for each  
13 multi-year plan beginning after December 31, 2017. The  
14 criteria for determining whether this subsection (1) is  
15 applicable to a retail customer shall be based on the 12  
16 consecutive billing periods prior to the start of the  
17 first year of each such multi-year plan.

18 (2) Within 45 days after September 15, 2021 (the  
19 effective date of Public Act 102-662) ~~this amendatory Act~~  
20 ~~of the 102nd General Assembly~~, the Commission shall  
21 prescribe the form for notice required for opting out of  
22 energy efficiency programs. The notice must be submitted  
23 to the retail electric utility 12 months before the next  
24 energy efficiency planning cycle. However, within 120 days  
25 after the Commission's initial issuance of the form for  
26 notice, eligible large private energy customers may submit

1 a form for notice to an electric utility. The form for  
2 notice for opting out of energy efficiency programs shall  
3 include all of the following:

4 (A) a statement indicating that the customer has  
5 elected to opt out;

6 (B) the account numbers for the customer accounts  
7 to which the opt out shall apply;

8 (C) the mailing address associated with the  
9 customer accounts identified under subparagraph (B);

10 (D) an American Society of Heating, Refrigerating,  
11 and Air-Conditioning Engineers (ASHRAE) level 2 or  
12 higher audit report conducted by an independent  
13 third-party expert identifying cost-effective energy  
14 efficiency project opportunities that could be  
15 invested in over the next 10 years. A retail customer  
16 with specialized processes may utilize a self-audit  
17 process in lieu of the ASHRAE audit;

18 (E) a description of the customer's plans to  
19 reallocate the funds toward internal energy efficiency  
20 efforts identified in the subparagraph (D) report,  
21 including, but not limited to: (i) strategic energy  
22 management or other programs, including descriptions  
23 of targeted buildings, equipment and operations; (ii)  
24 eligible energy efficiency measures; and (iii)  
25 expected energy savings, itemized by technology. If  
26 the subparagraph (D) audit report identifies that the

1 customer currently utilizes the best available energy  
2 efficient technology, equipment, programs, and  
3 operations, the customer may provide a statement that  
4 more efficient technology, equipment, programs, and  
5 operations are not reasonably available as a means of  
6 satisfying this subparagraph (E); and

7 (F) the effective date of the opt out, which will  
8 be the next January 1 following notice of the opt out.

9 (3) Upon receipt of a properly and timely noticed  
10 request for opt out submitted by an eligible large private  
11 energy customer, the retail electric utility shall grant  
12 the request, file the request with the Commission and,  
13 beginning January 1 of the following year, the opted out  
14 customer shall no longer be assessed the costs of the plan  
15 and shall be prohibited from participating in that 4-year  
16 plan cycle to give the retail utility the certainty to  
17 design program plan proposals.

18 (4) Upon a customer's election to opt out under  
19 paragraphs (1) and (2) of this subsection (1) and  
20 commencing on the effective date of said opt out, the  
21 account properly identified in the customer's notice under  
22 paragraph (2) shall not be subject to any cost recovery  
23 and shall not be eligible to participate in, or directly  
24 benefit from, compliance with energy efficiency cumulative  
25 persisting savings requirements under subsections (a)  
26 through (j).

1           (5) A utility's cumulative persisting annual savings  
2 targets will exclude any opted out load.

3           (6) The request to opt out is only valid for the  
4 requested plan cycle. An eligible large private energy  
5 customer must also request to opt out for future energy  
6 plan cycles, otherwise the customer will be included in  
7 the future energy plan cycle.

8           (m) Notwithstanding the requirements of this Section, as  
9 part of a proceeding to approve a multi-year plan under  
10 subsections (f) and (g) of this Section if the multi-year plan  
11 has been designed to maximize savings, but does not meet the  
12 cost cap limitations of this Section, the Commission shall  
13 reduce the amount of energy efficiency measures implemented  
14 for any single year, and whose costs are recovered under  
15 subsection (d) of this Section, by an amount necessary to  
16 limit the estimated average net increase due to the cost of the  
17 measures to no more than

18           (1) 3.5% for each of the 4 years beginning January 1,  
19 2018,

20           (2) (blank),

21           (3) 4% for each of the 4 years beginning January 1,  
22 2022,

23           (4) 4.25% for the 4 years beginning January 1, 2026,  
24 and

25           (5) 4.25% plus an increase sufficient to account for  
26 the rate of inflation between January 1, 2026 and January

1           1 of the first year of each subsequent 4-year plan cycle,  
2 of the average amount paid per kilowatthour by residential  
3 eligible retail customers during calendar year 2015. An  
4 electric utility may plan to spend up to 10% more in any year  
5 during an applicable multi-year plan period to  
6 cost-effectively achieve additional savings so long as the  
7 average over the applicable multi-year plan period does not  
8 exceed the percentages defined in items (1) through (5). To  
9 determine the total amount that may be spent by an electric  
10 utility in any single year, the applicable percentage of the  
11 average amount paid per kilowatthour shall be multiplied by  
12 the total amount of energy delivered by such electric utility  
13 in the calendar year 2015, adjusted to reflect the proportion  
14 of the utility's load attributable to customers that have  
15 opted out of subsections (a) through (j) of this Section under  
16 subsection (l) of this Section. For purposes of this  
17 subsection (m), the amount paid per kilowatthour includes,  
18 without limitation, estimated amounts paid for supply,  
19 transmission, distribution, surcharges, and add-on taxes. For  
20 purposes of this Section, "eligible retail customers" shall  
21 have the meaning set forth in Section 16-111.5 of this Act.  
22 Once the Commission has approved a plan under subsections (f)  
23 and (g) of this Section, no subsequent rate impact  
24 determinations shall be made.

25           (n) A utility shall take advantage of the efficiencies  
26 available through existing Illinois Home Weatherization

1 Assistance Program infrastructure and services, such as  
2 enrollment, marketing, quality assurance and implementation,  
3 which can reduce the need for similar services at a lower cost  
4 than utility-only programs, subject to capacity constraints at  
5 community action agencies, for both single-family and  
6 multifamily weatherization services, to the extent Illinois  
7 Home Weatherization Assistance Program community action  
8 agencies provide multifamily services. A utility's plan shall  
9 demonstrate that in formulating annual weatherization budgets,  
10 it has sought input and coordination with community action  
11 agencies regarding agencies' capacity to expand and maximize  
12 Illinois Home Weatherization Assistance Program delivery using  
13 the ratepayer dollars collected under this Section.

14 (Source: P.A. 101-81, eff. 7-12-19; 102-662, eff. 9-15-21;  
15 revised 2-28-22.)

16 Section 180. The Child Care Act of 1969 is amended by  
17 changing Sections 2.09, 2.11, 2.18, 2.20, 3, 4.5, 5, 5.1, 5.3,  
18 5.5, 5.6, 5.8, 5.9, 5.10, 5.11, 6, 7, 7.10, 9.1c, 9.2, and 12  
19 as follows:

20 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

21 Sec. 2.09. "Child Day ~~Day~~ care center" means any child care  
22 facility which regularly provides child day ~~day~~ care for less than  
23 24 hours per day for (1) more than 8 children in a family home,  
24 or (2) more than 3 children in a facility other than a family



1 home, including senior citizen buildings.

2 The term does not include:

3 (a) programs operated by (i) public or private  
4 elementary school systems or secondary level school units  
5 or institutions of higher learning that serve children who  
6 shall have attained the age of 3 years or (ii) private  
7 entities on the grounds of public or private elementary or  
8 secondary schools and that serve children who have  
9 attained the age of 3 years, except that this exception  
10 applies only to the facility and not to the private  
11 entities' personnel operating the program;

12 (b) programs or that portion of the program which  
13 serves children who shall have attained the age of 3 years  
14 and which are recognized by the State Board of Education;

15 (c) educational program or programs serving children  
16 who shall have attained the age of 3 years and which are  
17 operated by a school which is registered with the State  
18 Board of Education and which is recognized or accredited  
19 by a recognized national or multistate educational  
20 organization or association which regularly recognizes or  
21 accredits schools;

22 (d) programs which exclusively serve or that portion  
23 of the program which serves children with disabilities who  
24 shall have attained the age of 3 years but are less than 21  
25 years of age and which are registered and approved as  
26 meeting standards of the State Board of Education and

1 applicable fire marshal standards;

2 (e) facilities operated in connection with a shopping  
3 center or service, religious services, or other similar  
4 facility, where transient children are cared for  
5 temporarily while parents or custodians of the children  
6 are occupied on the premises and readily available;

7 (f) any type of child ~~day~~ care center that is  
8 conducted on federal government premises;

9 (g) special activities programs, including athletics,  
10 crafts instruction, and similar activities conducted on an  
11 organized and periodic basis by civic, charitable and  
12 governmental organizations;

13 (h) part day child care facilities, as defined in  
14 Section 2.10 of this Act;

15 (i) programs or that portion of the program which:

16 (1) serves children who shall have attained the  
17 age of 3 years;

18 (2) is operated by churches or religious  
19 institutions as described in Section 501(c)(3) of the  
20 federal Internal Revenue Code;

21 (3) receives no governmental aid;

22 (4) is operated as a component of a religious,  
23 nonprofit elementary school;

24 (5) operates primarily to provide religious  
25 education; and

26 (6) meets appropriate State or local health and

1 fire safety standards; or

2 (j) programs or portions of programs that:

3 (1) serve only school-age children and youth  
4 (defined as full-time kindergarten children, as  
5 defined in 89 Ill. Adm. Code 407.45, or older);

6 (2) are organized to promote childhood learning,  
7 child and youth development, educational or  
8 recreational activities, or character-building;

9 (3) operate primarily during out-of-school time or  
10 at times when school is not normally in session;

11 (4) comply with the standards of the Illinois  
12 Department of Public Health (77 Ill. Adm. Code 750) or  
13 the local health department, the Illinois State Fire  
14 Marshal (41 Ill. Adm. Code 100), and the following  
15 additional health and safety requirements: procedures  
16 for employee and volunteer emergency preparedness and  
17 practice drills; procedures to ensure that first aid  
18 kits are maintained and ready to use; the placement of  
19 a minimum level of liability insurance as determined  
20 by the Department; procedures for the availability of  
21 a working telephone that is onsite and accessible at  
22 all times; procedures to ensure that emergency phone  
23 numbers are posted onsite; and a restriction on  
24 handgun or weapon possession onsite, except if  
25 possessed by a peace officer;

26 (5) perform and maintain authorization and results

1 of criminal history checks through the Illinois State  
2 Police and FBI and checks of the Illinois Sex Offender  
3 Registry, the National Sex Offender Registry, and  
4 Child Abuse and Neglect Tracking System for employees  
5 and volunteers who work directly with children;

6 (6) make hiring decisions in accordance with the  
7 prohibitions against barrier crimes as specified in  
8 Section 4.2 of this Act or in Section 21B-80 of the  
9 School Code;

10 (7) provide parents with written disclosure that  
11 the operations of the program are not regulated by  
12 licensing requirements; and

13 (8) obtain and maintain records showing the first  
14 and last name and date of birth of the child, name,  
15 address, and telephone number of each parent,  
16 emergency contact information, and written  
17 authorization for medical care.

18 Programs or portions of programs requesting Child Care  
19 Assistance Program (CCAP) funding and otherwise meeting the  
20 requirements under item (j) shall request exemption from the  
21 Department and be determined exempt prior to receiving funding  
22 and must annually meet the eligibility requirements and be  
23 appropriate for payment under the CCAP.

24 Programs or portions of programs under item (j) that do  
25 not receive State or federal funds must comply with staff  
26 qualification and training standards established by rule by

1 the Department of Human Services. The Department of Human  
2 Services shall set such standards after review of Afterschool  
3 for Children and Teens Now (ACT Now) evidence-based quality  
4 standards developed for school-age out-of-school time  
5 programs, feedback from the school-age out-of-school time  
6 program professionals, and review of out-of-school time  
7 professional development frameworks and quality tools.

8 Out-of-school time programs for school-age youth that  
9 receive State or federal funds must comply with only those  
10 staff qualifications and training standards set for the  
11 program by the State or federal entity issuing the funds.

12 For purposes of items (a), (b), (c), (d), and (i) of this  
13 Section, "children who shall have attained the age of 3 years"  
14 shall mean children who are 3 years of age, but less than 4  
15 years of age, at the time of enrollment in the program.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-699, eff. 7-29-16;  
17 100-201, eff. 8-18-17.)

18 (225 ILCS 10/2.11) (from Ch. 23, par. 2212.11)

19 Sec. 2.11. "Child Day care agency" means any person, group  
20 of persons, public or private agency, association or  
21 organization which undertakes to provide one or more child day  
22 care homes with administrative services including, but not  
23 limited to, consultation, technical assistance, training,  
24 supervision, evaluation and provision of or referral to health  
25 and social services under contractual arrangement.

1 (Source: P.A. 83-126.)

2 (225 ILCS 10/2.18) (from Ch. 23, par. 2212.18)

3 Sec. 2.18. "Child Day care homes" means family homes which  
4 receive more than 3 up to a maximum of 12 children for less  
5 than 24 hours per day. The number counted includes the  
6 family's natural or adopted children and all other persons  
7 under the age of 12. The term does not include facilities which  
8 receive only children from a single household.

9 (Source: P.A. 87-674.)

10 (225 ILCS 10/2.20) (from Ch. 23, par. 2212.20)

11 Sec. 2.20. "Group child day care home" means a family home  
12 which receives more than 3 up to a maximum of 16 children for  
13 less than 24 hours per day. The number counted includes the  
14 family's natural or adopted children and all other persons  
15 under the age of 12.

16 (Source: P.A. 87-675)

17 (225 ILCS 10/3) (from Ch. 23, par. 2213)

18 Sec. 3. (a) No person, group of persons or corporation may  
19 operate or conduct any facility for child care, as defined in  
20 this Act, without a license or permit issued by the Department  
21 or without being approved by the Department as meeting the  
22 standards established for such licensing, with the exception  
23 of facilities for whom standards are established by the

1 Department of Corrections under Section 3-15-2 of the Unified  
2 Code of Corrections and with the exception of facilities  
3 defined in Section 2.10 of this Act, and with the exception of  
4 programs or facilities licensed by the Department of Human  
5 Services under the Substance Use Disorder Act.

6 (b) No part day child care facility as described in  
7 Section 2.10 may operate without written notification to the  
8 Department or without complying with Section 7.1. Notification  
9 shall include a notarized statement by the facility that the  
10 facility complies with state or local health standards and  
11 state fire safety standards, and shall be filed with the  
12 department every 2 years.

13 (c) The Director of the Department shall establish  
14 policies and coordinate activities relating to child care  
15 licensing, licensing of child ~~day~~ care homes and child ~~day~~  
16 care centers.

17 (d) Any facility or agency which is exempt from licensing  
18 may apply for licensing if licensing is required for some  
19 government benefit.

20 (e) A provider of child ~~day~~ care described in items (a)  
21 through (j) of Section 2.09 of this Act is exempt from  
22 licensure. The Department shall provide written verification  
23 of exemption and description of compliance with standards for  
24 the health, safety, and development of the children who  
25 receive the services upon submission by the provider of, in  
26 addition to any other documentation required by the

1 Department, a notarized statement that the facility complies  
2 with: (1) the standards of the Department of Public Health or  
3 local health department, (2) the fire safety standards of the  
4 State Fire Marshal, and (3) if operated in a public school  
5 building, the health and safety standards of the State Board  
6 of Education.

7 (Source: P.A. 99-699, eff. 7-29-16; 100-759, eff. 1-1-19.)

8 (225 ILCS 10/4.5)

9 Sec. 4.5. Children with disabilities; training.

10 (a) An owner or operator of a licensed child day care home  
11 or group child day care home or the onsite executive director  
12 of a licensed child day care center must successfully complete  
13 a basic training course in providing care to children with  
14 disabilities. The basic training course will also be made  
15 available on a voluntary basis to those providers who are  
16 exempt from the licensure requirements of this Act.

17 (b) The Department of Children and Family Services shall  
18 promulgate rules establishing the requirements for basic  
19 training in providing care to children with disabilities.

20 (Source: P.A. 92-164, eff. 1-1-02.)

21 (225 ILCS 10/5) (from Ch. 23, par. 2215)

22 Sec. 5. (a) In respect to child care institutions,  
23 maternity centers, child welfare agencies, child day care  
24 centers, child day care agencies and group homes, the



1 Department, upon receiving application filed in proper order,  
2 shall examine the facilities and persons responsible for care  
3 of children therein.

4 (b) In respect to foster family and child day care homes,  
5 applications may be filed on behalf of such homes by a licensed  
6 child welfare agency, by a State agency authorized to place  
7 children in foster care or by out-of-State agencies approved  
8 by the Department to place children in this State. In respect  
9 to child day care homes, applications may be filed on behalf of  
10 such homes by a licensed child day care agency or licensed  
11 child welfare agency. In applying for license in behalf of a  
12 home in which children are placed by and remain under  
13 supervision of the applicant agency, such agency shall certify  
14 that the home and persons responsible for care of unrelated  
15 children therein, or the home and relatives, as defined in  
16 Section 2.17 of this Act, responsible for the care of related  
17 children therein, were found to be in reasonable compliance  
18 with standards prescribed by the Department for the type of  
19 care indicated.

20 (c) The Department shall not allow any person to examine  
21 facilities under a provision of this Act who has not passed an  
22 examination demonstrating that such person is familiar with  
23 this Act and with the appropriate standards and regulations of  
24 the Department.

25 (d) With the exception of child day care centers, child  
26 day care homes, and group child day care homes, licenses shall

1 be issued in such form and manner as prescribed by the  
2 Department and are valid for 4 years from the date issued,  
3 unless revoked by the Department or voluntarily surrendered by  
4 the licensee. Licenses issued for child ~~day~~ care centers,  
5 child ~~day~~ care homes, and group child ~~day~~ care homes shall be  
6 valid for 3 years from the date issued, unless revoked by the  
7 Department or voluntarily surrendered by the licensee. When a  
8 licensee has made timely and sufficient application for the  
9 renewal of a license or a new license with reference to any  
10 activity of a continuing nature, the existing license shall  
11 continue in full force and effect for up to 30 days until the  
12 final agency decision on the application has been made. The  
13 Department may further extend the period in which such  
14 decision must be made in individual cases for up to 30 days,  
15 but such extensions shall be only upon good cause shown.

16 (e) The Department may issue one 6-month permit to a newly  
17 established facility for child care to allow that facility  
18 reasonable time to become eligible for a full license. If the  
19 facility for child care is a foster family home, or child ~~day~~  
20 care home the Department may issue one 2-month permit only.

21 (f) The Department may issue an emergency permit to a  
22 child care facility taking in children as a result of the  
23 temporary closure for more than 2 weeks of a licensed child  
24 care facility due to a natural disaster. An emergency permit  
25 under this subsection shall be issued to a facility only if the  
26 persons providing child care services at the facility were

1 employees of the temporarily closed child ~~day~~ care center at  
2 the time it was closed. No investigation of an employee of a  
3 child care facility receiving an emergency permit under this  
4 subsection shall be required if that employee has previously  
5 been investigated at another child care facility. No emergency  
6 permit issued under this subsection shall be valid for more  
7 than 90 days after the date of issuance.

8 (g) During the hours of operation of any licensed child  
9 care facility, authorized representatives of the Department  
10 may without notice visit the facility for the purpose of  
11 determining its continuing compliance with this Act or  
12 regulations adopted pursuant thereto.

13 (h) Child ~~Day~~ care centers, child ~~day~~ care homes, and  
14 group child ~~day~~ care homes shall be monitored at least  
15 annually by a licensing representative from the Department or  
16 the agency that recommended licensure.

17 (Source: P.A. 98-804, eff. 1-1-15.)

18 (225 ILCS 10/5.1) (from Ch. 23, par. 2215.1)

19 (Text of Section before amendment by P.A. 102-982)

20 Sec. 5.1. (a) The Department shall ensure that no child  
21 ~~day~~ care center, group home or child care institution as  
22 defined in this Act shall on a regular basis transport a child  
23 or children with any motor vehicle unless such vehicle is  
24 operated by a person who complies with the following  
25 requirements:

- 1           1. is 21 years of age or older;
- 2           2. currently holds a valid driver's license, which has
- 3           not been revoked or suspended for one or more traffic
- 4           violations during the 3 years immediately prior to the
- 5           date of application;
- 6           3. demonstrates physical fitness to operate vehicles
- 7           by submitting the results of a medical examination
- 8           conducted by a licensed physician;
- 9           4. has not been convicted of more than 2 offenses
- 10          against traffic regulations governing the movement of
- 11          vehicles within a twelve month period;
- 12          5. has not been convicted of reckless driving or
- 13          driving under the influence or manslaughter or reckless
- 14          homicide resulting from the operation of a motor vehicle
- 15          within the past 3 years;
- 16          6. has signed and submitted a written statement
- 17          certifying that he has not, through the unlawful operation
- 18          of a motor vehicle, caused an accident which resulted in
- 19          the death of any person within the 5 years immediately
- 20          prior to the date of application.

21          However, such child ~~day~~ care centers, group homes and  
22          child care institutions may provide for transportation of a  
23          child or children for special outings, functions or purposes  
24          that are not scheduled on a regular basis without verification  
25          that drivers for such purposes meet the requirements of this  
26          Section.

1           (a-5) As a means of ensuring compliance with the  
2 requirements set forth in subsection (a), the Department shall  
3 implement appropriate measures to verify that every individual  
4 who is employed at a group home or child care institution meets  
5 those requirements.

6           For every individual employed at a group home or child  
7 care institution who regularly transports children in the  
8 course of performing his or her duties, the Department must  
9 make the verification every 2 years. Upon the Department's  
10 request, the Secretary of State shall provide the Department  
11 with the information necessary to enable the Department to  
12 make the verifications required under subsection (a).

13           In the case of an individual employed at a group home or  
14 child care institution who becomes subject to subsection (a)  
15 for the first time after the effective date of this amendatory  
16 Act of the 94th General Assembly, the Department must make  
17 that verification with the Secretary of State before the  
18 individual operates a motor vehicle to transport a child or  
19 children under the circumstances described in subsection (a).

20           In the case of an individual employed at a group home or  
21 child care institution who is subject to subsection (a) on the  
22 effective date of this amendatory Act of the 94th General  
23 Assembly, the Department must make that verification with the  
24 Secretary of State within 30 days after that effective date.

25           If the Department discovers that an individual fails to  
26 meet the requirements set forth in subsection (a), the

1 Department shall promptly notify the appropriate group home or  
2 child care institution.

3 (b) Any individual who holds a valid Illinois school bus  
4 driver permit issued by the Secretary of State pursuant to The  
5 Illinois Vehicle Code, and who is currently employed by a  
6 school district or parochial school, or by a contractor with a  
7 school district or parochial school, to drive a school bus  
8 transporting children to and from school, shall be deemed in  
9 compliance with the requirements of subsection (a).

10 (c) The Department may, pursuant to Section 8 of this Act,  
11 revoke the license of any child ~~day~~ care center, group home or  
12 child care institution that fails to meet the requirements of  
13 this Section.

14 (d) A group home or child care institution that fails to  
15 meet the requirements of this Section is guilty of a petty  
16 offense and is subject to a fine of not more than \$1,000. Each  
17 day that a group home or child care institution fails to meet  
18 the requirements of this Section is a separate offense.

19 (Source: P.A. 94-943, eff. 1-1-07.)

20 (Text of Section after amendment by P.A. 102-982)

21 Sec. 5.1. (a) The Department shall ensure that no child  
22 ~~day~~ care center, group home or child care institution as  
23 defined in this Act shall on a regular basis transport a child  
24 or children with any motor vehicle unless such vehicle is  
25 operated by a person who complies with the following

1 requirements:

2 1. is 21 years of age or older;

3 2. currently holds a valid driver's license, which has  
4 not been revoked or suspended for one or more traffic  
5 violations during the 3 years immediately prior to the  
6 date of application;

7 3. demonstrates physical fitness to operate vehicles  
8 by submitting the results of a medical examination  
9 conducted by a licensed physician;

10 4. has not been convicted of more than 2 offenses  
11 against traffic regulations governing the movement of  
12 vehicles within a twelve month period;

13 5. has not been convicted of reckless driving or  
14 driving under the influence or manslaughter or reckless  
15 homicide resulting from the operation of a motor vehicle  
16 within the past 3 years;

17 6. has signed and submitted a written statement  
18 certifying that he has not, through the unlawful operation  
19 of a motor vehicle, caused a crash which resulted in the  
20 death of any person within the 5 years immediately prior  
21 to the date of application.

22 However, such child day care centers, group homes and  
23 child care institutions may provide for transportation of a  
24 child or children for special outings, functions or purposes  
25 that are not scheduled on a regular basis without verification  
26 that drivers for such purposes meet the requirements of this

1 Section.

2 (a-5) As a means of ensuring compliance with the  
3 requirements set forth in subsection (a), the Department shall  
4 implement appropriate measures to verify that every individual  
5 who is employed at a group home or child care institution meets  
6 those requirements.

7 For every individual employed at a group home or child  
8 care institution who regularly transports children in the  
9 course of performing his or her duties, the Department must  
10 make the verification every 2 years. Upon the Department's  
11 request, the Secretary of State shall provide the Department  
12 with the information necessary to enable the Department to  
13 make the verifications required under subsection (a).

14 In the case of an individual employed at a group home or  
15 child care institution who becomes subject to subsection (a)  
16 for the first time after the effective date of this amendatory  
17 Act of the 94th General Assembly, the Department must make  
18 that verification with the Secretary of State before the  
19 individual operates a motor vehicle to transport a child or  
20 children under the circumstances described in subsection (a).

21 In the case of an individual employed at a group home or  
22 child care institution who is subject to subsection (a) on the  
23 effective date of this amendatory Act of the 94th General  
24 Assembly, the Department must make that verification with the  
25 Secretary of State within 30 days after that effective date.

26 If the Department discovers that an individual fails to



1 meet the requirements set forth in subsection (a), the  
2 Department shall promptly notify the appropriate group home or  
3 child care institution.

4 (b) Any individual who holds a valid Illinois school bus  
5 driver permit issued by the Secretary of State pursuant to The  
6 Illinois Vehicle Code, and who is currently employed by a  
7 school district or parochial school, or by a contractor with a  
8 school district or parochial school, to drive a school bus  
9 transporting children to and from school, shall be deemed in  
10 compliance with the requirements of subsection (a).

11 (c) The Department may, pursuant to Section 8 of this Act,  
12 revoke the license of any child day care center, group home or  
13 child care institution that fails to meet the requirements of  
14 this Section.

15 (d) A group home or child care institution that fails to  
16 meet the requirements of this Section is guilty of a petty  
17 offense and is subject to a fine of not more than \$1,000. Each  
18 day that a group home or child care institution fails to meet  
19 the requirements of this Section is a separate offense.

20 (Source: P.A. 102-982, eff. 7-1-23.)

21 (225 ILCS 10/5.3)

22 Sec. 5.3. Lunches in child day care homes. In order to  
23 increase the affordability and availability of child day care,  
24 a child day care home licensed under this Act may allow any  
25 child it receives to bring his or her lunch for consumption

1 instead of or in addition to the lunch provided by the child  
2 ~~day~~ care home.

3 (Source: P.A. 90-242, eff. 1-1-98.)

4 (225 ILCS 10/5.5)

5 Sec. 5.5. Smoking in child ~~day~~ care facilities.

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

7 (1) The U.S. government has determined that secondhand  
8 tobacco smoke is a major threat to public health for which  
9 there is no safe level of exposure.

10 (2) The U.S. Environmental Protection Agency recently  
11 classified secondhand tobacco smoke a Class A carcinogen,  
12 ranking it with substances such as asbestos and benzene.

13 (3) According to U.S. government figures, secondhand  
14 tobacco smoke is linked to the lung-cancer deaths of an  
15 estimated 3,000 nonsmokers per year.

16 (4) Cigarette smoke is a special risk to children,  
17 causing between 150,000 and 300,000 respiratory infections  
18 each year in children under 18 months old, and endangering  
19 between 200,000 and one million children with asthma.

20 (5) The health of the children of this State should  
21 not be compromised by needless exposure to secondhand  
22 tobacco smoke.

23 (b) It is a violation of this Act for any person to smoke  
24 tobacco in any area of a child ~~day~~ care center.

25 (c) It is a violation of this Act for any person to smoke

1 tobacco in any area of a child day care home or group child day  
2 care home.

3 (d) It is a violation of this Act for any person  
4 responsible for the operation of a child day care center,  
5 child day care home, or group child day care home to knowingly  
6 allow or encourage any violation of subsection (b) or (c) of  
7 this Section.

8 (Source: P.A. 99-343, eff. 8-11-15.)

9 (225 ILCS 10/5.6)

10 Sec. 5.6. Pesticide and lawn care product application at  
11 child day care centers.

12 (a) Licensed child day care centers shall abide by the  
13 requirements of Sections 10.2 and 10.3 of the Structural Pest  
14 Control Act.

15 (b) Notification required pursuant to Section 10.3 of the  
16 Structural Pest Control Act may not be given more than 30 days  
17 before the application of the pesticide.

18 (c) Each licensed child day care center, subject to the  
19 requirements of Section 10.3 of the Structural Pest Control  
20 Act, must ensure that pesticides will not be applied when  
21 children are present at the center. Toys and other items  
22 mouthed or handled by the children must be removed from the  
23 area before pesticides are applied. Children must not return  
24 to the treated area within 2 hours after a pesticide  
25 application or as specified on the pesticide label, whichever

1 time is greater.

2 (d) The owners and operators of licensed child ~~day~~ care  
3 centers must ensure that lawn care products will not be  
4 applied to child ~~day~~ care center grounds when children are  
5 present at the center or on its grounds. For the purpose of  
6 this Section, "lawn care product" has the same meaning as that  
7 term is defined in the Lawn Care Products Application and  
8 Notice Act.

9 (Source: P.A. 96-424, eff. 8-13-09.)

10 (225 ILCS 10/5.8)

11 Sec. 5.8. Radon testing of licensed child ~~day~~ care  
12 centers, licensed child ~~day~~ care homes, and licensed group  
13 child ~~day~~ care homes.

14 (a) Effective January 1, 2013, licensed child ~~day~~ care  
15 centers, licensed child ~~day~~ care homes, and licensed group  
16 child ~~day~~ care homes shall have the facility tested for radon  
17 at least once every 3 years pursuant to rules established by  
18 the Illinois Emergency Management Agency.

19 (b) Effective January 1, 2014, as part of an initial  
20 application or application for renewal of a license for child  
21 ~~day~~ care centers, child ~~day~~ care homes, and group child ~~day~~  
22 care homes, the Department shall require proof the facility  
23 has been tested within the last 3 years for radon pursuant to  
24 rules established by the Illinois Emergency Management Agency.

25 (c) The report of the most current radon measurement shall

1 be posted in the facility next to the license issued by the  
2 Department. Copies of the report shall be provided to parents  
3 or guardians upon request.

4 (d) Included with the report referenced in subsection (c)  
5 shall be the following statement:

6 "Every parent or guardian is notified that this  
7 facility has performed radon measurements to ensure the  
8 health and safety of the occupants. The Illinois Emergency  
9 Management Agency (IEMA) recommends that all residential  
10 homes be tested and that corrective actions be taken at  
11 levels equal to or greater than 4.0 pCi/L. Radon is a Class  
12 A human carcinogen, the leading cause of lung cancer in  
13 non-smokers, and the second leading cause of lung cancer  
14 overall. For additional information about this facility  
15 contact the licensee and for additional information  
16 regarding radon contact the IEMA Radon Program at  
17 800-325-1245 or on the Internet at  
18 [www.radon.illinois.gov](http://www.radon.illinois.gov)."

19 (Source: P.A. 97-981, eff. 1-1-13.)

20 (225 ILCS 10/5.9)

21 Sec. 5.9. Lead testing of water in licensed child day care  
22 centers, child day care homes and group child day care homes.

23 (a) On or before January 1, 2018, the Department, in  
24 consultation with the Department of Public Health, shall adopt  
25 rules that prescribe the procedures and standards to be used

1 by the Department in assessing levels of lead in water in  
2 licensed child day care centers, child day care homes, and  
3 group child day care homes constructed on or before January 1,  
4 2000 that serve children under the age of 6. Such rules shall,  
5 at a minimum, include provisions regarding testing parameters,  
6 the notification of sampling results, training requirements  
7 for lead exposure and mitigation.

8 (b) After adoption of the rules required by subsection  
9 (a), and as part of an initial application or application for  
10 renewal of a license for child day care centers, child day care  
11 homes, and group child day care homes, the Department shall  
12 require proof that the applicant has complied with all such  
13 rules.

14 (Source: P.A. 99-922, eff. 1-17-17.)

15 (225 ILCS 10/5.10)

16 Sec. 5.10. Child care limitation on expulsions. Consistent  
17 with the purposes of this amendatory Act of the 100th General  
18 Assembly and the requirements therein under paragraph (7) of  
19 subsection (a) of Section 2-3.71 of the School Code, the  
20 Department, in consultation with the Governor's Office of  
21 Early Childhood Development and the State Board of Education,  
22 shall adopt rules prohibiting the use of expulsion due to a  
23 child's persistent and serious challenging behaviors in  
24 licensed child day care centers, child day care homes, and  
25 group child day care homes. The rulemaking shall address, at a

1 minimum, requirements for licensees to establish intervention  
2 and transition policies, notify parents of policies, document  
3 intervention steps, and collect and report data on children  
4 transitioning out of the program.

5 (Source: P.A. 100-105, eff. 1-1-18.)

6 (225 ILCS 10/5.11)

7 Sec. 5.11. Plan for anaphylactic shock. The Department  
8 shall require each licensed child day care center, child day  
9 care home, and group child day care home to have a plan for  
10 anaphylactic shock to be followed for the prevention of  
11 anaphylaxis and during a medical emergency resulting from  
12 anaphylaxis. The plan should be based on the guidance and  
13 recommendations provided by the American Academy of Pediatrics  
14 relating to the management of food allergies or other  
15 allergies. The plan should be shared with parents or guardians  
16 upon enrollment at each licensed child day care center, child  
17 day care home, and group child day care home. If a child  
18 requires specific specialized treatment during an episode of  
19 anaphylaxis, that child's treatment plan should be kept by the  
20 staff of the child day care center, child day care home, or  
21 group child day care home and followed in the event of an  
22 emergency. Each licensed child day care center, child day care  
23 home, and group child day care home shall have at least one  
24 staff member present at all times who has taken a training  
25 course in recognizing and responding to anaphylaxis.

1 (Source: P.A. 102-413, eff. 8-20-21.)

2 (225 ILCS 10/6) (from Ch. 23, par. 2216)

3 Sec. 6. (a) A licensed facility operating as a "child care  
4 institution", "maternity center", "child welfare agency",  
5 "child day care agency" or "child day care center" must apply  
6 for renewal of its license held, the application to be made to  
7 the Department on forms prescribed by it.

8 (b) The Department, a duly licensed child welfare agency  
9 or a suitable agency or person designated by the Department as  
10 its agent to do so, must re-examine every child care facility  
11 for renewal of license, including in that process the  
12 examination of the premises and records of the facility as the  
13 Department considers necessary to determine that minimum  
14 standards for licensing continue to be met, and random surveys  
15 of parents or legal guardians who are consumers of such  
16 facilities' services to assess the quality of care at such  
17 facilities. In the case of foster family homes, or child day  
18 care homes under the supervision of or otherwise required to  
19 be licensed by the Department, or under supervision of a  
20 licensed child welfare agency or child day care agency, the  
21 examination shall be made by the Department, or agency  
22 supervising such homes. If the Department is satisfied that  
23 the facility continues to maintain minimum standards which it  
24 prescribes and publishes, it shall renew the license to  
25 operate the facility.



1 (b-5) In the case of a quality of care concerns applicant  
2 as defined in Section 2.22a of this Act, in addition to the  
3 examination required in subsection (b) of this Section, the  
4 Department shall not renew the license of a quality of care  
5 concerns applicant unless the Department is satisfied that the  
6 foster family home does not pose a risk to children and that  
7 the foster family home will be able to meet the physical and  
8 emotional needs of children. In making this determination, the  
9 Department must obtain and carefully review all relevant  
10 documents and shall obtain consultation from its Clinical  
11 Division as appropriate and as prescribed by Department rule  
12 and procedure. The Department has the authority to deny an  
13 application for renewal based on a record of quality of care  
14 concerns. In the alternative, the Department may (i) approve  
15 the application for renewal subject to obtaining additional  
16 information or assessments, (ii) approve the application for  
17 renewal for purposes of placing or maintaining only a  
18 particular child or children only in the foster home, or (iii)  
19 approve the application for renewal. The Department shall  
20 notify the quality of care concerns applicant of its decision  
21 and the basis for its decision in writing.

22 (c) If a child care facility's license, other than a  
23 license for a foster family home, is revoked, or if the  
24 Department refuses to renew a facility's license, the facility  
25 may not reapply for a license before the expiration of 12  
26 months following the Department's action; provided, however,

1 that the denial of a reapplication for a license pursuant to  
2 this subsection must be supported by evidence that the prior  
3 revocation renders the applicant unqualified or incapable of  
4 satisfying the standards and rules promulgated by the  
5 Department pursuant to this Act or maintaining a facility  
6 which adheres to such standards and rules.

7 (d) If a foster family home license (i) is revoked, (ii) is  
8 surrendered for cause, or (iii) expires or is surrendered with  
9 either certain types of involuntary placement holds in place  
10 or while a licensing or child abuse or neglect investigation  
11 is pending, or if the Department refuses to renew a foster home  
12 license, the foster home may not reapply for a license before  
13 the expiration of 5 years following the Department's action or  
14 following the expiration or surrender of the license.

15 (Source: P.A. 99-779, eff. 1-1-17.)

16 (225 ILCS 10/7) (from Ch. 23, par. 2217)

17 Sec. 7. (a) The Department must prescribe and publish  
18 minimum standards for licensing that apply to the various  
19 types of facilities for child care defined in this Act and that  
20 are equally applicable to like institutions under the control  
21 of the Department and to foster family homes used by and under  
22 the direct supervision of the Department. The Department shall  
23 seek the advice and assistance of persons representative of  
24 the various types of child care facilities in establishing  
25 such standards. The standards prescribed and published under

1 this Act take effect as provided in the Illinois  
2 Administrative Procedure Act, and are restricted to  
3 regulations pertaining to the following matters and to any  
4 rules and regulations required or permitted by any other  
5 Section of this Act:

6 (1) The operation and conduct of the facility and  
7 responsibility it assumes for child care;

8 (2) The character, suitability and qualifications of  
9 the applicant and other persons directly responsible for  
10 the care and welfare of children served. All child ~~day~~  
11 care center licensees and employees who are required to  
12 report child abuse or neglect under the Abused and  
13 Neglected Child Reporting Act shall be required to attend  
14 training on recognizing child abuse and neglect, as  
15 prescribed by Department rules;

16 (3) The general financial ability and competence of  
17 the applicant to provide necessary care for children and  
18 to maintain prescribed standards;

19 (4) The number of individuals or staff required to  
20 insure adequate supervision and care of the children  
21 received. The standards shall provide that each child care  
22 institution, maternity center, child ~~day~~ care center,  
23 group home, child ~~day~~ care home, and group child ~~day~~ care  
24 home shall have on its premises during its hours of  
25 operation at least one staff member certified in first  
26 aid, in the Heimlich maneuver and in cardiopulmonary

1 resuscitation by the American Red Cross or other  
2 organization approved by rule of the Department. Child  
3 welfare agencies shall not be subject to such a staffing  
4 requirement. The Department may offer, or arrange for the  
5 offering, on a periodic basis in each community in this  
6 State in cooperation with the American Red Cross, the  
7 American Heart Association or other appropriate  
8 organization, voluntary programs to train operators of  
9 foster family homes and child day care homes in first aid  
10 and cardiopulmonary resuscitation;

11 (5) The appropriateness, safety, cleanliness, and  
12 general adequacy of the premises, including maintenance of  
13 adequate fire prevention and health standards conforming  
14 to State laws and municipal codes to provide for the  
15 physical comfort, care, and well-being of children  
16 received;

17 (6) Provisions for food, clothing, educational  
18 opportunities, program, equipment and individual supplies  
19 to assure the healthy physical, mental, and spiritual  
20 development of children served;

21 (7) Provisions to safeguard the legal rights of  
22 children served;

23 (8) Maintenance of records pertaining to the  
24 admission, progress, health, and discharge of children,  
25 including, for child day care centers and child day care  
26 homes, records indicating each child has been immunized as

1 required by State regulations. The Department shall  
2 require proof that children enrolled in a facility have  
3 been immunized against Haemophilus Influenzae B (HIB);

4 (9) Filing of reports with the Department;

5 (10) Discipline of children;

6 (11) Protection and fostering of the particular  
7 religious faith of the children served;

8 (12) Provisions prohibiting firearms on child day care  
9 center premises except in the possession of peace  
10 officers;

11 (13) Provisions prohibiting handguns on child day care  
12 home premises except in the possession of peace officers  
13 or other adults who must possess a handgun as a condition  
14 of employment and who reside on the premises of a child day  
15 care home;

16 (14) Provisions requiring that any firearm permitted  
17 on child day care home premises, except handguns in the  
18 possession of peace officers, shall be kept in a  
19 disassembled state, without ammunition, in locked storage,  
20 inaccessible to children and that ammunition permitted on  
21 child day care home premises shall be kept in locked  
22 storage separate from that of disassembled firearms,  
23 inaccessible to children;

24 (15) Provisions requiring notification of parents or  
25 guardians enrolling children at a child day care home of  
26 the presence in the child day care home of any firearms and

1 ammunition and of the arrangements for the separate,  
2 locked storage of such firearms and ammunition;

3 (16) Provisions requiring all licensed child care  
4 facility employees who care for newborns and infants to  
5 complete training every 3 years on the nature of sudden  
6 unexpected infant death (SUID), sudden infant death  
7 syndrome (SIDS), and the safe sleep recommendations of the  
8 American Academy of Pediatrics; and

9 (17) With respect to foster family homes, provisions  
10 requiring the Department to review quality of care  
11 concerns and to consider those concerns in determining  
12 whether a foster family home is qualified to care for  
13 children.

14 By July 1, 2022, all licensed child ~~day~~ care home  
15 providers, licensed group child ~~day~~ care home providers, and  
16 licensed child ~~day~~ care center directors and classroom staff  
17 shall participate in at least one training that includes the  
18 topics of early childhood social emotional learning, infant  
19 and early childhood mental health, early childhood trauma, or  
20 adverse childhood experiences. Current licensed providers,  
21 directors, and classroom staff shall complete training by July  
22 1, 2022 and shall participate in training that includes the  
23 above topics at least once every 3 years.

24 (b) If, in a facility for general child care, there are  
25 children diagnosed as mentally ill or children diagnosed as  
26 having an intellectual or physical disability, who are

1 determined to be in need of special mental treatment or of  
2 nursing care, or both mental treatment and nursing care, the  
3 Department shall seek the advice and recommendation of the  
4 Department of Human Services, the Department of Public Health,  
5 or both Departments regarding the residential treatment and  
6 nursing care provided by the institution.

7 (c) The Department shall investigate any person applying  
8 to be licensed as a foster parent to determine whether there is  
9 any evidence of current drug or alcohol abuse in the  
10 prospective foster family. The Department shall not license a  
11 person as a foster parent if drug or alcohol abuse has been  
12 identified in the foster family or if a reasonable suspicion  
13 of such abuse exists, except that the Department may grant a  
14 foster parent license to an applicant identified with an  
15 alcohol or drug problem if the applicant has successfully  
16 participated in an alcohol or drug treatment program,  
17 self-help group, or other suitable activities and if the  
18 Department determines that the foster family home can provide  
19 a safe, appropriate environment and meet the physical and  
20 emotional needs of children.

21 (d) The Department, in applying standards prescribed and  
22 published, as herein provided, shall offer consultation  
23 through employed staff or other qualified persons to assist  
24 applicants and licensees in meeting and maintaining minimum  
25 requirements for a license and to help them otherwise to  
26 achieve programs of excellence related to the care of children

1 served. Such consultation shall include providing information  
2 concerning education and training in early childhood  
3 development to providers of child day care home services. The  
4 Department may provide or arrange for such education and  
5 training for those providers who request such assistance.

6 (e) The Department shall distribute copies of licensing  
7 standards to all licensees and applicants for a license. Each  
8 licensee or holder of a permit shall distribute copies of the  
9 appropriate licensing standards and any other information  
10 required by the Department to child care facilities under its  
11 supervision. Each licensee or holder of a permit shall  
12 maintain appropriate documentation of the distribution of the  
13 standards. Such documentation shall be part of the records of  
14 the facility and subject to inspection by authorized  
15 representatives of the Department.

16 (f) The Department shall prepare summaries of child day  
17 care licensing standards. Each licensee or holder of a permit  
18 for a child day care facility shall distribute a copy of the  
19 appropriate summary and any other information required by the  
20 Department, to the legal guardian of each child cared for in  
21 that facility at the time when the child is enrolled or  
22 initially placed in the facility. The licensee or holder of a  
23 permit for a child day care facility shall secure appropriate  
24 documentation of the distribution of the summary and brochure.  
25 Such documentation shall be a part of the records of the  
26 facility and subject to inspection by an authorized



1 representative of the Department.

2 (g) The Department shall distribute to each licensee and  
3 holder of a permit copies of the licensing or permit standards  
4 applicable to such person's facility. Each licensee or holder  
5 of a permit shall make available by posting at all times in a  
6 common or otherwise accessible area a complete and current set  
7 of licensing standards in order that all employees of the  
8 facility may have unrestricted access to such standards. All  
9 employees of the facility shall have reviewed the standards  
10 and any subsequent changes. Each licensee or holder of a  
11 permit shall maintain appropriate documentation of the current  
12 review of licensing standards by all employees. Such records  
13 shall be part of the records of the facility and subject to  
14 inspection by authorized representatives of the Department.

15 (h) Any standards involving physical examinations,  
16 immunization, or medical treatment shall include appropriate  
17 exemptions for children whose parents object thereto on the  
18 grounds that they conflict with the tenets and practices of a  
19 recognized church or religious organization, of which the  
20 parent is an adherent or member, and for children who should  
21 not be subjected to immunization for clinical reasons.

22 (i) The Department, in cooperation with the Department of  
23 Public Health, shall work to increase immunization awareness  
24 and participation among parents of children enrolled in child  
25 ~~day~~ care centers and child ~~day~~ care homes by publishing on the  
26 Department's website information about the benefits of

1 immunization against vaccine preventable diseases, including  
2 influenza and pertussis. The information for vaccine  
3 preventable diseases shall include the incidence and severity  
4 of the diseases, the availability of vaccines, and the  
5 importance of immunizing children and persons who frequently  
6 have close contact with children. The website content shall be  
7 reviewed annually in collaboration with the Department of  
8 Public Health to reflect the most current recommendations of  
9 the Advisory Committee on Immunization Practices (ACIP). The  
10 Department shall work with child ~~day~~ care centers and child  
11 ~~day~~ care homes licensed under this Act to ensure that the  
12 information is annually distributed to parents in August or  
13 September.

14 (j) Any standard adopted by the Department that requires  
15 an applicant for a license to operate a child ~~day~~ care home to  
16 include a copy of a high school diploma or equivalent  
17 certificate with his or her application shall be deemed to be  
18 satisfied if the applicant includes a copy of a high school  
19 diploma or equivalent certificate or a copy of a degree from an  
20 accredited institution of higher education or vocational  
21 institution or equivalent certificate.

22 (Source: P.A. 102-4, eff. 4-27-21.)

23 (225 ILCS 10/7.10)

24 Sec. 7.10. Progress report.

25 (a) For the purposes of this Section, "child ~~day~~ care

1 licensing" or "child day care licensing" means licensing of  
2 child day care centers, child day care homes, and group child  
3 day care homes.

4 (b) No later than September 30th of each year, the  
5 Department shall provide the General Assembly with a  
6 comprehensive report on its progress in meeting performance  
7 measures and goals related to child ~~day~~ care licensing.

8 (c) The report shall include:

9 (1) details on the funding for child ~~day~~ care  
10 licensing, including:

11 (A) the total number of full-time employees  
12 working on child ~~day~~ care licensing;

13 (B) the names of all sources of revenue used to  
14 support child ~~day~~ care licensing;

15 (C) the amount of expenditures that is claimed  
16 against federal funding sources;

17 (D) the identity of federal funding sources; and

18 (E) how funds are appropriated, including  
19 appropriations for line staff, support staff,  
20 supervisory staff, and training and other expenses and  
21 the funding history of such licensing since fiscal  
22 year 2010;

23 (2) current staffing qualifications of child day care  
24 licensing representatives and child day care licensing  
25 supervisors in comparison with staffing qualifications  
26 specified in the job description;

1 (3) data history for fiscal year 2010 to the current  
2 fiscal year on child day care licensing representative  
3 caseloads and staffing levels in all areas of the State;

4 (4) per the DCFS Child Day Care Licensing Advisory  
5 Council's work plan, quarterly data on the following  
6 measures:

7 (A) the percentage of new applications disposed of  
8 within 90 days;

9 (B) the percentage of licenses renewed on time;

10 (C) the percentage of child day care centers  
11 receiving timely annual monitoring visits;

12 (D) the percentage of child day care homes  
13 receiving timely annual monitoring visits;

14 (E) the percentage of group child day care homes  
15 receiving timely annual monitoring visits;

16 (F) the percentage of provider requests for  
17 supervisory review;

18 (G) the progress on adopting a key indicator  
19 system;

20 (H) the percentage of complaints disposed of  
21 within 30 days;

22 (I) the average number of days a child day care  
23 center applicant must wait to attend a licensing  
24 orientation;

25 (J) the number of licensing orientation sessions  
26 available per region in the past year; and

1 (K) the number of Department trainings related to  
2 licensing and child development available to providers  
3 in the past year; and

4 (5) efforts to coordinate with the Department of Human  
5 Services and the State Board of Education on professional  
6 development, credentialing issues, and child developers,  
7 including training registry, child developers, and Quality  
8 Rating and Improvement Systems (QRIS).

9 (d) The Department shall work with the Governor's  
10 appointed Early Learning Council on issues related to and  
11 concerning child ~~day~~ care.

12 (Source: P.A. 97-1096, eff. 8-24-12; 98-839, eff. 1-1-15.)

13 (225 ILCS 10/9.1c)

14 Sec. 9.1c. Public database of child ~~day~~ care homes, group  
15 child ~~day~~ care homes, and child ~~day~~ care centers; license  
16 status. No later than July 1, 2018, the Department shall  
17 establish and maintain on its official website a searchable  
18 database, freely accessible to the public, that provides the  
19 following information on each child ~~day~~ care home, group child  
20 ~~day~~ care home, and child ~~day~~ care center licensed by the  
21 Department: whether, within the past 5 years, the child ~~day~~  
22 care home, group child ~~day~~ care home, or child ~~day~~ care center  
23 has had its license revoked by or surrendered to the  
24 Department during a child abuse or neglect investigation or  
25 its application for a renewal of its license was denied by the

1 Department, and, if so, the dates upon which the license was  
2 revoked by or surrendered to the Department or the application  
3 for a renewal of the license was denied by the Department. The  
4 Department may adopt any rules necessary to implement this  
5 Section. Nothing in this Section shall be construed to allow  
6 or authorize the Department to release or disclose any  
7 information that is prohibited from public disclosure under  
8 this Act or under any other State or federal law.

9 (Source: P.A. 100-52, eff. 1-1-18.)

10 (225 ILCS 10/9.2)

11 Sec. 9.2. Toll free number; child day care information.  
12 The Department of Children and Family Services shall establish  
13 and maintain a statewide toll-free telephone number that all  
14 persons may use to inquire about the past history and record of  
15 a child day care facility operating in this State. The past  
16 history and record shall include, but shall not be limited to,  
17 Department substantiated complaints against a child day care  
18 facility and Department staff findings of license violations  
19 by a child day care facility. Information disclosed in  
20 accordance with this Section shall be subject to the  
21 confidentiality requirements provided in this Act.

22 (Source: P.A. 90-671, eff. 1-1-99.)

23 (225 ILCS 10/12) (from Ch. 23, par. 2222)

24 Sec. 12. Advertisements.

1           (a) In this Section, "advertise" means communication by  
2 any public medium originating or distributed in this State,  
3 including, but not limited to, newspapers, periodicals,  
4 telephone book listings, outdoor advertising signs, radio, or  
5 television.

6           (b) A child care facility or child welfare agency licensed  
7 or operating under a permit issued by the Department may  
8 publish advertisements for the services that the facility is  
9 specifically licensed or issued a permit under this Act to  
10 provide. A person, group of persons, agency, association,  
11 organization, corporation, institution, center, or group who  
12 advertises or causes to be published any advertisement  
13 offering, soliciting, or promising to perform adoption  
14 services as defined in Section 2.24 of this Act is guilty of a  
15 Class A misdemeanor and shall be subject to a fine not to  
16 exceed \$10,000 or 9 months imprisonment for each  
17 advertisement, unless that person, group of persons, agency,  
18 association, organization, corporation, institution, center,  
19 or group is (i) licensed or operating under a permit issued by  
20 the Department as a child care facility or child welfare  
21 agency, (ii) a biological parent or a prospective adoptive  
22 parent acting on his or her own behalf, or (iii) a licensed  
23 attorney advertising his or her availability to provide legal  
24 services relating to adoption, as permitted by law.

25           (c) Every advertisement published after the effective date  
26 of this amendatory Act of the 94th General Assembly shall

1 include the Department-issued license number of the facility  
2 or agency.

3 (d) Any licensed child welfare agency providing adoption  
4 services that, after the effective date of this amendatory Act  
5 of the 94th General Assembly, causes to be published an  
6 advertisement containing reckless or intentional  
7 misrepresentations concerning adoption services or  
8 circumstances material to the placement of a child for  
9 adoption is guilty of a Class A misdemeanor and is subject to a  
10 fine not to exceed \$10,000 or 9 months imprisonment for each  
11 advertisement.

12 (e) An out-of-state agency that is not licensed in  
13 Illinois and that has a written interagency agreement with one  
14 or more Illinois licensed child welfare agencies may advertise  
15 under this Section, provided that (i) the out-of-state agency  
16 must be officially recognized by the United States Internal  
17 Revenue Service as a tax-exempt organization under 501(c)(3)  
18 of the Internal Revenue Code of 1986 (or any successor  
19 provision of federal tax law), (ii) the out-of-state agency  
20 provides only international adoption services and is covered  
21 by the Intercountry Adoption Act of 2000, (iii) the  
22 out-of-state agency displays, in the advertisement, the  
23 license number of at least one of the Illinois licensed child  
24 welfare agencies with which it has a written agreement, and  
25 (iv) the advertisements pertain only to international adoption  
26 services. Subsection (d) of this Section shall apply to any



1 out-of-state agencies described in this subsection (e).

2 (f) An advertiser, publisher, or broadcaster, including,  
3 but not limited to, newspapers, periodicals, telephone book  
4 publishers, outdoor advertising signs, radio stations, or  
5 television stations, who knowingly or recklessly advertises or  
6 publishes any advertisement offering, soliciting, or promising  
7 to perform adoption services, as defined in Section 2.24 of  
8 this Act, on behalf of a person, group of persons, agency,  
9 association, organization, corporation, institution, center,  
10 or group, not authorized to advertise under subsection (b) or  
11 subsection (e) of this Section, is guilty of a Class A  
12 misdemeanor and is subject to a fine not to exceed \$10,000 or 9  
13 months imprisonment for each advertisement.

14 (g) The Department shall maintain a website listing child  
15 welfare agencies licensed by the Department that provide  
16 adoption services and other general information for biological  
17 parents and adoptive parents. The website shall include, but  
18 not be limited to, agency addresses, phone numbers, e-mail  
19 addresses, website addresses, annual reports as referenced in  
20 Section 7.6 of this Act, agency license numbers, the Birth  
21 Parent Bill of Rights, the Adoptive Parents Bill of Rights,  
22 and the Department's complaint registry established under  
23 Section 9.1a of this Act. The Department shall adopt any rules  
24 necessary to implement this Section.

25 (h) Nothing in this Act shall prohibit a child ~~day~~ care  
26 agency, child ~~day~~ care center, child ~~day~~ care home, or group

1 child day care home that does not provide or perform adoption  
2 services, as defined in Section 2.24 of this Act, from  
3 advertising or marketing the child day care agency, child day  
4 care center, child day care home, or group child day care home.  
5 (Source: P.A. 100-406, eff. 1-1-18.)

6 Section 185. The Structural Pest Control Act is amended by  
7 changing Sections 2, 3.03, 3.27, 10.2, 10.3, and 21.1 as  
8 follows:

9 (225 ILCS 235/2) (from Ch. 111 1/2, par. 2202)

10 (Section scheduled to be repealed on December 31, 2029)

11 Sec. 2. Legislative intent. It is declared that there  
12 exists and may in the future exist within the State of Illinois  
13 locations where pesticides are received, stored, formulated or  
14 prepared and subsequently used for the control of structural  
15 pests, and improper selection, formulation and application of  
16 pesticides may adversely affect the public health and general  
17 welfare.

18 It is further established that the use of certain  
19 pesticides is restricted or may in the future be restricted to  
20 use only by or under the supervision of persons certified in  
21 accordance with this Act.

22 It is recognized that pests can best be controlled through  
23 an integrated pest management program that combines preventive  
24 techniques, nonchemical pest control methods, and the

1 appropriate use of pesticides with preference for products  
2 that are the least harmful to human health and the  
3 environment. Integrated pest management is a good practice in  
4 the management of pest populations, and it is prudent to  
5 employ pest control strategies that are the least hazardous to  
6 human health and the environment.

7 Therefore, the purpose of this Act is to protect, promote  
8 and preserve the public health and general welfare by  
9 providing for the establishment of minimum standards for  
10 selection, formulation and application of restricted  
11 pesticides and to provide for the licensure of commercial  
12 structural pest control businesses, the registration of  
13 persons who own or operate non-commercial structural pest  
14 control locations where restricted pesticides are used, and  
15 the certification of pest control technicians.

16 It is also the purpose of this Act to reduce economic,  
17 health, and environmental risks by promoting the use of  
18 integrated pest management for structural pest control in  
19 schools and child ~~day~~ care centers, by making guidelines on  
20 integrated pest management available to schools and child ~~day~~  
21 care centers.

22 (Source: P.A. 93-381, eff. 7-1-04; reenacted by P.A. 95-786,  
23 eff. 8-7-08.)

24 (225 ILCS 235/3.03) (from Ch. 111 1/2, par. 2203.03)

25 (Section scheduled to be repealed on December 31, 2029)

1           Sec. 3.03. "Person" means any individual, group of  
2 individuals, association, trust, partnership, corporation,  
3 person doing business under an assumed name, the State of  
4 Illinois, or department thereof, any other state-owned and  
5 operated institution, public school, licensed child ~~day~~ care  
6 center, or any other entity.

7           (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08;  
8 96-1362, eff. 7-28-10.)

9           (225 ILCS 235/3.27)

10           (Section scheduled to be repealed on December 31, 2029)

11           Sec. 3.27. "Child ~~Day~~ care center" means any structure  
12 used as a licensed child ~~day~~ care center in this State.

13           (Source: P.A. 93-381, eff. 7-1-04; reenacted by P.A. 95-786,  
14 eff. 8-7-08.)

15           (225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2)

16           (Section scheduled to be repealed on December 31, 2029)

17           Sec. 10.2. Integrated pest management guidelines;  
18 notification; training of designated persons; request for  
19 copies.

20           (a) The Department shall prepare guidelines for an  
21 integrated pest management program for structural pest control  
22 practices at school buildings and other school facilities and  
23 child ~~day~~ care centers. Such guidelines shall be made  
24 available to schools, child ~~day~~ care centers and the public

1 upon request.

2 (b) When economically feasible, each school and child day  
3 care center is required to develop and implement an integrated  
4 pest management program that incorporates the guidelines  
5 developed by the Department. Each school and child day care  
6 center must notify the Department, within one year after the  
7 effective date of this amendatory Act of the 95th General  
8 Assembly and every 5 years thereafter, on forms provided by  
9 the Department that the school or child day care center has  
10 developed and is implementing an integrated pest management  
11 program. In implementing an integrated pest management  
12 program, a school or child day care center must assign a  
13 designated person to assume responsibility for the oversight  
14 of pest management practices in that school or child day care  
15 center and for recordkeeping requirements.

16 (b-1) If adopting an integrated pest management program is  
17 not economically feasible because such adoption would result  
18 in an increase in the pest control costs of the school or child  
19 day care center, the school or child day care center must  
20 provide, within one year after the effective date of this  
21 amendatory Act of the 95th General Assembly and every 5 years  
22 thereafter, written notification to the Department, on forms  
23 provided by the Department, that the development and  
24 implementation of an integrated pest management program is not  
25 economically feasible. The notification must include projected  
26 pest control costs for the term of the pest control program and

1 projected costs for implementing an integrated pest management  
2 program for that same time period.

3 (b-2) Each school or child day care center that provides  
4 written notification to the Department that the adoption of an  
5 integrated pest management program is not economically  
6 feasible pursuant to subsection (b-1) of this Section must  
7 have its designated person attend a training course on  
8 integrated pest management within one year after the effective  
9 date of this amendatory Act of the 95th General Assembly, and  
10 every 5 years thereafter until an integrated pest management  
11 program is developed and implemented in the school or child  
12 ~~day~~ care center. The training course shall be approved by the  
13 Department in accordance with the minimum standards  
14 established by the Department under this Act.

15 (b-3) Each school and child day care center shall ensure  
16 that all parents, guardians, and employees are notified at  
17 least once each school year that the notification requirements  
18 established by this Section have been met. The school and  
19 child day care center shall keep copies of all notifications  
20 required by this Section and any written integrated pest  
21 management program plan developed in accordance with this  
22 Section and make these copies available for public inspection  
23 at the school or child day care center.

24 (c) The Structural Pest Control Advisory Council shall  
25 assist the Department in developing the guidelines for  
26 integrated pest management programs. In developing the

1 guidelines, the Council shall consult with individuals  
2 knowledgeable in the area of integrated pest management.

3 (d) The Department, with the assistance of the Cooperative  
4 Extension Service and other relevant agencies, may prepare a  
5 training program for school or child ~~day~~ care center pest  
6 control specialists.

7 (e) The Department may request copies of a school's or  
8 child ~~day~~ care center's integrated pest management program  
9 plan and notification required by this Act and offer  
10 assistance and training to schools and child ~~day~~ care centers  
11 on integrated pest management programs.

12 (f) The requirements of this Section are subject to  
13 appropriation to the Department for the implementation of  
14 integrated pest management programs.

15 (Source: P.A. 95-58, eff. 8-10-07; reenacted by P.A. 95-786,  
16 eff. 8-7-08.)

17 (225 ILCS 235/10.3)

18 (Section scheduled to be repealed on December 31, 2029)

19 Sec. 10.3. Notification. School districts and child ~~day~~  
20 care centers must maintain a registry of parents and guardians  
21 of students and employees who have registered to receive  
22 written or telephonic notification prior to application of  
23 pesticides to school property or child ~~day~~ care centers or  
24 provide written or telephonic notification to all parents and  
25 guardians of students before such pesticide application.

1 Written notification may be included in newsletters,  
2 bulletins, calendars, or other correspondence currently  
3 published by the school district or child day care center. The  
4 written or telephonic notification must be given at least 2  
5 business days before application of the pesticide application  
6 and should identify the intended date of the application of  
7 the pesticide and the name and telephone contact number for  
8 the school or child day care center personnel responsible for  
9 the pesticide application program. Prior notice shall not be  
10 required if there is an imminent threat to health or property.  
11 If such a situation arises, the appropriate school or child  
12 day care center personnel must sign a statement describing the  
13 circumstances that gave rise to the health threat and ensure  
14 that written or telephonic notice is provided as soon as  
15 practicable. For purposes of this Section, pesticides subject  
16 to notification requirements shall not include (i) an  
17 antimicrobial agent, such as disinfectant, sanitizer, or  
18 deodorizer, or (ii) insecticide baits and rodenticide baits.  
19 (Source: P.A. 93-381, eff. 7-1-04; reenacted by P.A. 95-786,  
20 eff. 8-7-08; 96-1362, eff. 7-28-10.)

21 (225 ILCS 235/21.1) (from Ch. 111 1/2, par. 2221.1)

22 (Section scheduled to be repealed on December 31, 2029)

23 Sec. 21.1. Administrative civil fines. The Department is  
24 empowered to assess administrative civil fines in accordance  
25 with Section 15 of this Act against a licensee, registrant,



1 certified technician, person, public school, licensed child  
2 ~~day~~ care center, or other entity for violations of this Act or  
3 its rules and regulations. These fines shall be established by  
4 the Department by rule and may be assessed in addition to, or  
5 in lieu of, license, registration, or certification  
6 suspensions and revocations.

7 Any fine assessed and not paid within 60 days after  
8 receiving notice from the Department may be submitted to the  
9 Attorney General's Office, or any other public or private  
10 agency, for collection of the amounts owed plus any fees and  
11 costs incurred during the collection process. Failure to pay a  
12 fine shall also be grounds for immediate suspension or  
13 revocation of a license, registration, or certification issued  
14 under this Act.

15 (Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08;  
16 96-1362, eff. 7-28-10.)

17 Section 190. The Liquor Control Act of 1934 is amended by  
18 changing Section 6-15 as follows:

19 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

20 Sec. 6-15. No alcoholic liquors shall be sold or delivered  
21 in any building belonging to or under the control of the State  
22 or any political subdivision thereof except as provided in  
23 this Act. The corporate authorities of any city, village,  
24 incorporated town, township, or county may provide by

1 ordinance, however, that alcoholic liquor may be sold or  
2 delivered in any specifically designated building belonging to  
3 or under the control of the municipality, township, or county,  
4 or in any building located on land under the control of the  
5 municipality, township, or county; provided that such township  
6 or county complies with all applicable local ordinances in any  
7 incorporated area of the township or county. Alcoholic liquor  
8 may be delivered to and sold under the authority of a special  
9 use permit on any property owned by a conservation district  
10 organized under the Conservation District Act, provided that  
11 (i) the alcoholic liquor is sold only at an event authorized by  
12 the governing board of the conservation district, (ii) the  
13 issuance of the special use permit is authorized by the local  
14 liquor control commissioner of the territory in which the  
15 property is located, and (iii) the special use permit  
16 authorizes the sale of alcoholic liquor for one day or less.  
17 Alcoholic liquors may be delivered to and sold at any airport  
18 belonging to or under the control of a municipality of more  
19 than 25,000 inhabitants, or in any building or on any golf  
20 course owned by a park district organized under the Park  
21 District Code, subject to the approval of the governing board  
22 of the district, or in any building or on any golf course owned  
23 by a forest preserve district organized under the Downstate  
24 Forest Preserve District Act, subject to the approval of the  
25 governing board of the district, or on the grounds within 500  
26 feet of any building owned by a forest preserve district

1 organized under the Downstate Forest Preserve District Act  
2 during times when food is dispensed for consumption within 500  
3 feet of the building from which the food is dispensed, subject  
4 to the approval of the governing board of the district, or in a  
5 building owned by a Local Mass Transit District organized  
6 under the Local Mass Transit District Act, subject to the  
7 approval of the governing Board of the District, or in  
8 Bicentennial Park, or on the premises of the City of Mendota  
9 Lake Park located adjacent to Route 51 in Mendota, Illinois,  
10 or on the premises of Camden Park in Milan, Illinois, or in the  
11 community center owned by the City of Loves Park that is  
12 located at 1000 River Park Drive in Loves Park, Illinois, or,  
13 in connection with the operation of an established food  
14 serving facility during times when food is dispensed for  
15 consumption on the premises, and at the following aquarium and  
16 museums located in public parks: Art Institute of Chicago,  
17 Chicago Academy of Sciences, Chicago Historical Society, Field  
18 Museum of Natural History, Museum of Science and Industry,  
19 DuSable Museum of African American History, John G. Shedd  
20 Aquarium and Adler Planetarium, or at Lakeview Museum of Arts  
21 and Sciences in Peoria, or in connection with the operation of  
22 the facilities of the Chicago Zoological Society or the  
23 Chicago Horticultural Society on land owned by the Forest  
24 Preserve District of Cook County, or on any land used for a  
25 golf course or for recreational purposes owned by the Forest  
26 Preserve District of Cook County, subject to the control of

1 the Forest Preserve District Board of Commissioners and  
2 applicable local law, provided that dram shop liability  
3 insurance is provided at maximum coverage limits so as to hold  
4 the District harmless from all financial loss, damage, and  
5 harm, or in any building located on land owned by the Chicago  
6 Park District if approved by the Park District Commissioners,  
7 or on any land used for a golf course or for recreational  
8 purposes and owned by the Illinois International Port District  
9 if approved by the District's governing board, or at any  
10 airport, golf course, faculty center, or facility in which  
11 conference and convention type activities take place belonging  
12 to or under control of any State university or public  
13 community college district, provided that with respect to a  
14 facility for conference and convention type activities  
15 alcoholic liquors shall be limited to the use of the  
16 convention or conference participants or participants in  
17 cultural, political or educational activities held in such  
18 facilities, and provided further that the faculty or staff of  
19 the State university or a public community college district,  
20 or members of an organization of students, alumni, faculty or  
21 staff of the State university or a public community college  
22 district are active participants in the conference or  
23 convention, or in Memorial Stadium on the campus of the  
24 University of Illinois at Urbana-Champaign during games in  
25 which the Chicago Bears professional football team is playing  
26 in that stadium during the renovation of Soldier Field, not

1 more than one and a half hours before the start of the game and  
2 not after the end of the third quarter of the game, or in the  
3 Pavilion Facility on the campus of the University of Illinois  
4 at Chicago during games in which the Chicago Storm  
5 professional soccer team is playing in that facility, not more  
6 than one and a half hours before the start of the game and not  
7 after the end of the third quarter of the game, or in the  
8 Pavilion Facility on the campus of the University of Illinois  
9 at Chicago during games in which the WNBA professional women's  
10 basketball team is playing in that facility, not more than one  
11 and a half hours before the start of the game and not after the  
12 10-minute mark of the second half of the game, or by a catering  
13 establishment which has rented facilities from a board of  
14 trustees of a public community college district, or in a  
15 restaurant that is operated by a commercial tenant in the  
16 North Campus Parking Deck building that (1) is located at 1201  
17 West University Avenue, Urbana, Illinois and (2) is owned by  
18 the Board of Trustees of the University of Illinois, or, if  
19 approved by the District board, on land owned by the  
20 Metropolitan Sanitary District of Greater Chicago and leased  
21 to others for a term of at least 20 years. Nothing in this  
22 Section precludes the sale or delivery of alcoholic liquor in  
23 the form of original packaged goods in premises located at 500  
24 S. Racine in Chicago belonging to the University of Illinois  
25 and used primarily as a grocery store by a commercial tenant  
26 during the term of a lease that predates the University's

1 acquisition of the premises; but the University shall have no  
2 power or authority to renew, transfer, or extend the lease  
3 with terms allowing the sale of alcoholic liquor; and the sale  
4 of alcoholic liquor shall be subject to all local laws and  
5 regulations. After the acquisition by Winnebago County of the  
6 property located at 404 Elm Street in Rockford, a commercial  
7 tenant who sold alcoholic liquor at retail on a portion of the  
8 property under a valid license at the time of the acquisition  
9 may continue to do so for so long as the tenant and the County  
10 may agree under existing or future leases, subject to all  
11 local laws and regulations regarding the sale of alcoholic  
12 liquor. Alcoholic liquors may be delivered to and sold at  
13 Memorial Hall, located at 211 North Main Street, Rockford,  
14 under conditions approved by Winnebago County and subject to  
15 all local laws and regulations regarding the sale of alcoholic  
16 liquor. Each facility shall provide dram shop liability in  
17 maximum insurance coverage limits so as to save harmless the  
18 State, municipality, State university, airport, golf course,  
19 faculty center, facility in which conference and convention  
20 type activities take place, park district, Forest Preserve  
21 District, public community college district, aquarium, museum,  
22 or sanitary district from all financial loss, damage or harm.  
23 Alcoholic liquors may be sold at retail in buildings of golf  
24 courses owned by municipalities or Illinois State University  
25 in connection with the operation of an established food  
26 serving facility during times when food is dispensed for

1 consumption upon the premises. Alcoholic liquors may be  
2 delivered to and sold at retail in any building owned by a fire  
3 protection district organized under the Fire Protection  
4 District Act, provided that such delivery and sale is approved  
5 by the board of trustees of the district, and provided further  
6 that such delivery and sale is limited to fundraising events  
7 and to a maximum of 6 events per year. However, the limitation  
8 to fundraising events and to a maximum of 6 events per year  
9 does not apply to the delivery, sale, or manufacture of  
10 alcoholic liquors at the building located at 59 Main Street in  
11 Oswego, Illinois, owned by the Oswego Fire Protection District  
12 if the alcoholic liquor is sold or dispensed as approved by the  
13 Oswego Fire Protection District and the property is no longer  
14 being utilized for fire protection purposes.

15 Alcoholic liquors may be served or sold in buildings under  
16 the control of the Board of Trustees of the University of  
17 Illinois for events that the Board may determine are public  
18 events and not related student activities. The Board of  
19 Trustees shall issue a written policy within 6 months of  
20 August 15, 2008 (the effective date of Public Act 95-847)  
21 concerning the types of events that would be eligible for an  
22 exemption. Thereafter, the Board of Trustees may issue  
23 revised, updated, new, or amended policies as it deems  
24 necessary and appropriate. In preparing its written policy,  
25 the Board of Trustees shall, among other factors it considers  
26 relevant and important, give consideration to the following:

1 (i) whether the event is a student activity or student related  
2 activity; (ii) whether the physical setting of the event is  
3 conducive to control of liquor sales and distribution; (iii)  
4 the ability of the event operator to ensure that the sale or  
5 serving of alcoholic liquors and the demeanor of the  
6 participants are in accordance with State law and University  
7 policies; (iv) regarding the anticipated attendees at the  
8 event, the relative proportion of individuals under the age of  
9 21 to individuals age 21 or older; (v) the ability of the venue  
10 operator to prevent the sale or distribution of alcoholic  
11 liquors to individuals under the age of 21; (vi) whether the  
12 event prohibits participants from removing alcoholic beverages  
13 from the venue; and (vii) whether the event prohibits  
14 participants from providing their own alcoholic liquors to the  
15 venue. In addition, any policy submitted by the Board of  
16 Trustees to the Illinois Liquor Control Commission must  
17 require that any event at which alcoholic liquors are served  
18 or sold in buildings under the control of the Board of Trustees  
19 shall require the prior written approval of the Office of the  
20 Chancellor for the University campus where the event is  
21 located. The Board of Trustees shall submit its policy, and  
22 any subsequently revised, updated, new, or amended policies,  
23 to the Illinois Liquor Control Commission, and any University  
24 event, or location for an event, exempted under such policies  
25 shall apply for a license under the applicable Sections of  
26 this Act.



1           Alcoholic liquors may be served or sold in buildings under  
2 the control of the Board of Trustees of Northern Illinois  
3 University for events that the Board may determine are public  
4 events and not student-related activities. The Board of  
5 Trustees shall issue a written policy within 6 months after  
6 June 28, 2011 (the effective date of Public Act 97-45)  
7 concerning the types of events that would be eligible for an  
8 exemption. Thereafter, the Board of Trustees may issue  
9 revised, updated, new, or amended policies as it deems  
10 necessary and appropriate. In preparing its written policy,  
11 the Board of Trustees shall, in addition to other factors it  
12 considers relevant and important, give consideration to the  
13 following: (i) whether the event is a student activity or  
14 student-related activity; (ii) whether the physical setting of  
15 the event is conducive to control of liquor sales and  
16 distribution; (iii) the ability of the event operator to  
17 ensure that the sale or serving of alcoholic liquors and the  
18 demeanor of the participants are in accordance with State law  
19 and University policies; (iv) the anticipated attendees at the  
20 event and the relative proportion of individuals under the age  
21 of 21 to individuals age 21 or older; (v) the ability of the  
22 venue operator to prevent the sale or distribution of  
23 alcoholic liquors to individuals under the age of 21; (vi)  
24 whether the event prohibits participants from removing  
25 alcoholic beverages from the venue; and (vii) whether the  
26 event prohibits participants from providing their own

1 alcoholic liquors to the venue.

2 Alcoholic liquors may be served or sold in buildings under  
3 the control of the Board of Trustees of Chicago State  
4 University for events that the Board may determine are public  
5 events and not student-related activities. The Board of  
6 Trustees shall issue a written policy within 6 months after  
7 August 2, 2013 (the effective date of Public Act 98-132)  
8 concerning the types of events that would be eligible for an  
9 exemption. Thereafter, the Board of Trustees may issue  
10 revised, updated, new, or amended policies as it deems  
11 necessary and appropriate. In preparing its written policy,  
12 the Board of Trustees shall, in addition to other factors it  
13 considers relevant and important, give consideration to the  
14 following: (i) whether the event is a student activity or  
15 student-related activity; (ii) whether the physical setting of  
16 the event is conducive to control of liquor sales and  
17 distribution; (iii) the ability of the event operator to  
18 ensure that the sale or serving of alcoholic liquors and the  
19 demeanor of the participants are in accordance with State law  
20 and University policies; (iv) the anticipated attendees at the  
21 event and the relative proportion of individuals under the age  
22 of 21 to individuals age 21 or older; (v) the ability of the  
23 venue operator to prevent the sale or distribution of  
24 alcoholic liquors to individuals under the age of 21; (vi)  
25 whether the event prohibits participants from removing  
26 alcoholic beverages from the venue; and (vii) whether the

1 event prohibits participants from providing their own  
2 alcoholic liquors to the venue.

3 Alcoholic liquors may be served or sold in buildings under  
4 the control of the Board of Trustees of Illinois State  
5 University for events that the Board may determine are public  
6 events and not student-related activities. The Board of  
7 Trustees shall issue a written policy within 6 months after  
8 March 1, 2013 (the effective date of Public Act 97-1166)  
9 concerning the types of events that would be eligible for an  
10 exemption. Thereafter, the Board of Trustees may issue  
11 revised, updated, new, or amended policies as it deems  
12 necessary and appropriate. In preparing its written policy,  
13 the Board of Trustees shall, in addition to other factors it  
14 considers relevant and important, give consideration to the  
15 following: (i) whether the event is a student activity or  
16 student-related activity; (ii) whether the physical setting of  
17 the event is conducive to control of liquor sales and  
18 distribution; (iii) the ability of the event operator to  
19 ensure that the sale or serving of alcoholic liquors and the  
20 demeanor of the participants are in accordance with State law  
21 and University policies; (iv) the anticipated attendees at the  
22 event and the relative proportion of individuals under the age  
23 of 21 to individuals age 21 or older; (v) the ability of the  
24 venue operator to prevent the sale or distribution of  
25 alcoholic liquors to individuals under the age of 21; (vi)  
26 whether the event prohibits participants from removing

1 alcoholic beverages from the venue; and (vii) whether the  
2 event prohibits participants from providing their own  
3 alcoholic liquors to the venue.

4 Alcoholic liquors may be served or sold in buildings under  
5 the control of the Board of Trustees of Southern Illinois  
6 University for events that the Board may determine are public  
7 events and not student-related activities. The Board of  
8 Trustees shall issue a written policy within 6 months after  
9 August 12, 2016 (the effective date of Public Act 99-795)  
10 concerning the types of events that would be eligible for an  
11 exemption. Thereafter, the Board of Trustees may issue  
12 revised, updated, new, or amended policies as it deems  
13 necessary and appropriate. In preparing its written policy,  
14 the Board of Trustees shall, in addition to other factors it  
15 considers relevant and important, give consideration to the  
16 following: (i) whether the event is a student activity or  
17 student-related activity; (ii) whether the physical setting of  
18 the event is conducive to control of liquor sales and  
19 distribution; (iii) the ability of the event operator to  
20 ensure that the sale or serving of alcoholic liquors and the  
21 demeanor of the participants are in accordance with State law  
22 and University policies; (iv) the anticipated attendees at the  
23 event and the relative proportion of individuals under the age  
24 of 21 to individuals age 21 or older; (v) the ability of the  
25 venue operator to prevent the sale or distribution of  
26 alcoholic liquors to individuals under the age of 21; (vi)

1 whether the event prohibits participants from removing  
2 alcoholic beverages from the venue; and (vii) whether the  
3 event prohibits participants from providing their own  
4 alcoholic liquors to the venue.

5 Alcoholic liquors may be served or sold in buildings under  
6 the control of the Board of Trustees of a public university for  
7 events that the Board of Trustees of that public university  
8 may determine are public events and not student-related  
9 activities. If the Board of Trustees of a public university  
10 has not issued a written policy pursuant to an exemption under  
11 this Section on or before July 15, 2016 (the effective date of  
12 Public Act 99-550), then that Board of Trustees shall issue a  
13 written policy within 6 months after July 15, 2016 (the  
14 effective date of Public Act 99-550) concerning the types of  
15 events that would be eligible for an exemption. Thereafter,  
16 the Board of Trustees may issue revised, updated, new, or  
17 amended policies as it deems necessary and appropriate. In  
18 preparing its written policy, the Board of Trustees shall, in  
19 addition to other factors it considers relevant and important,  
20 give consideration to the following: (i) whether the event is  
21 a student activity or student-related activity; (ii) whether  
22 the physical setting of the event is conducive to control of  
23 liquor sales and distribution; (iii) the ability of the event  
24 operator to ensure that the sale or serving of alcoholic  
25 liquors and the demeanor of the participants are in accordance  
26 with State law and University policies; (iv) the anticipated

1 attendees at the event and the relative proportion of  
2 individuals under the age of 21 to individuals age 21 or older;  
3 (v) the ability of the venue operator to prevent the sale or  
4 distribution of alcoholic liquors to individuals under the age  
5 of 21; (vi) whether the event prohibits participants from  
6 removing alcoholic beverages from the venue; and (vii) whether  
7 the event prohibits participants from providing their own  
8 alcoholic liquors to the venue. As used in this paragraph,  
9 "public university" means the University of Illinois, Illinois  
10 State University, Chicago State University, Governors State  
11 University, Southern Illinois University, Northern Illinois  
12 University, Eastern Illinois University, Western Illinois  
13 University, and Northeastern Illinois University.

14 Alcoholic liquors may be served or sold in buildings under  
15 the control of the Board of Trustees of a community college  
16 district for events that the Board of Trustees of that  
17 community college district may determine are public events and  
18 not student-related activities. The Board of Trustees shall  
19 issue a written policy within 6 months after July 15, 2016 (the  
20 effective date of Public Act 99-550) concerning the types of  
21 events that would be eligible for an exemption. Thereafter,  
22 the Board of Trustees may issue revised, updated, new, or  
23 amended policies as it deems necessary and appropriate. In  
24 preparing its written policy, the Board of Trustees shall, in  
25 addition to other factors it considers relevant and important,  
26 give consideration to the following: (i) whether the event is

1 a student activity or student-related activity; (ii) whether  
2 the physical setting of the event is conducive to control of  
3 liquor sales and distribution; (iii) the ability of the event  
4 operator to ensure that the sale or serving of alcoholic  
5 liquors and the demeanor of the participants are in accordance  
6 with State law and community college district policies; (iv)  
7 the anticipated attendees at the event and the relative  
8 proportion of individuals under the age of 21 to individuals  
9 age 21 or older; (v) the ability of the venue operator to  
10 prevent the sale or distribution of alcoholic liquors to  
11 individuals under the age of 21; (vi) whether the event  
12 prohibits participants from removing alcoholic beverages from  
13 the venue; and (vii) whether the event prohibits participants  
14 from providing their own alcoholic liquors to the venue. This  
15 paragraph does not apply to any community college district  
16 authorized to sell or serve alcoholic liquor under any other  
17 provision of this Section.

18 Alcoholic liquor may be delivered to and sold at retail in  
19 the Dorchester Senior Business Center owned by the Village of  
20 Dolton if the alcoholic liquor is sold or dispensed only in  
21 connection with organized functions for which the planned  
22 attendance is 20 or more persons, and if the person or facility  
23 selling or dispensing the alcoholic liquor has provided dram  
24 shop liability insurance in maximum limits so as to hold  
25 harmless the Village of Dolton and the State from all  
26 financial loss, damage and harm.

1           Alcoholic liquors may be delivered to and sold at retail  
2 in any building used as an Illinois State Armory provided:

3           (i) the Adjutant General's written consent to the  
4 issuance of a license to sell alcoholic liquor in such  
5 building is filed with the Commission;

6           (ii) the alcoholic liquor is sold or dispensed only in  
7 connection with organized functions held on special  
8 occasions;

9           (iii) the organized function is one for which the  
10 planned attendance is 25 or more persons; and

11           (iv) the facility selling or dispensing the alcoholic  
12 liquors has provided dram shop liability insurance in  
13 maximum limits so as to save harmless the facility and the  
14 State from all financial loss, damage or harm.

15           Alcoholic liquors may be delivered to and sold at retail  
16 in the Chicago Civic Center, provided that:

17           (i) the written consent of the Public Building  
18 Commission which administers the Chicago Civic Center is  
19 filed with the Commission;

20           (ii) the alcoholic liquor is sold or dispensed only in  
21 connection with organized functions held on special  
22 occasions;

23           (iii) the organized function is one for which the  
24 planned attendance is 25 or more persons;

25           (iv) the facility selling or dispensing the alcoholic  
26 liquors has provided dram shop liability insurance in



1 maximum limits so as to hold harmless the Civic Center,  
2 the City of Chicago and the State from all financial loss,  
3 damage or harm; and

4 (v) all applicable local ordinances are complied with.

5 Alcoholic liquors may be delivered or sold in any building  
6 belonging to or under the control of any city, village or  
7 incorporated town where more than 75% of the physical  
8 properties of the building is used for commercial or  
9 recreational purposes, and the building is located upon a pier  
10 extending into or over the waters of a navigable lake or stream  
11 or on the shore of a navigable lake or stream. In accordance  
12 with a license issued under this Act, alcoholic liquor may be  
13 sold, served, or delivered in buildings and facilities under  
14 the control of the Department of Natural Resources during  
15 events or activities lasting no more than 7 continuous days  
16 upon the written approval of the Director of Natural Resources  
17 acting as the controlling government authority. The Director  
18 of Natural Resources may specify conditions on that approval,  
19 including but not limited to requirements for insurance and  
20 hours of operation. Notwithstanding any other provision of  
21 this Act, alcoholic liquor sold by a United States Army Corps  
22 of Engineers or Department of Natural Resources concessionaire  
23 who was operating on June 1, 1991 for on-premises consumption  
24 only is not subject to the provisions of Articles IV and IX.  
25 Beer and wine may be sold on the premises of the Joliet Park  
26 District Stadium owned by the Joliet Park District when

1 written consent to the issuance of a license to sell beer and  
2 wine in such premises is filed with the local liquor  
3 commissioner by the Joliet Park District. Beer and wine may be  
4 sold in buildings on the grounds of State veterans' homes when  
5 written consent to the issuance of a license to sell beer and  
6 wine in such buildings is filed with the Commission by the  
7 Department of Veterans' Affairs, and the facility shall  
8 provide dram shop liability in maximum insurance coverage  
9 limits so as to save the facility harmless from all financial  
10 loss, damage or harm. Such liquors may be delivered to and sold  
11 at any property owned or held under lease by a Metropolitan  
12 Pier and Exposition Authority or Metropolitan Exposition and  
13 Auditorium Authority.

14 Beer and wine may be sold and dispensed at professional  
15 sporting events and at professional concerts and other  
16 entertainment events conducted on premises owned by the Forest  
17 Preserve District of Kane County, subject to the control of  
18 the District Commissioners and applicable local law, provided  
19 that dram shop liability insurance is provided at maximum  
20 coverage limits so as to hold the District harmless from all  
21 financial loss, damage and harm.

22 Nothing in this Section shall preclude the sale or  
23 delivery of beer and wine at a State or county fair or the sale  
24 or delivery of beer or wine at a city fair in any otherwise  
25 lawful manner.

26 Alcoholic liquors may be sold at retail in buildings in

1 State parks under the control of the Department of Natural  
2 Resources, provided:

3 a. the State park has overnight lodging facilities  
4 with some restaurant facilities or, not having overnight  
5 lodging facilities, has restaurant facilities which serve  
6 complete luncheon and dinner or supper meals,

7 b. (blank), and

8 c. the alcoholic liquors are sold by the State park  
9 lodge or restaurant concessionaire only during the hours  
10 from 11 o'clock a.m. until 12 o'clock midnight.  
11 Notwithstanding any other provision of this Act, alcoholic  
12 liquor sold by the State park or restaurant concessionaire  
13 is not subject to the provisions of Articles IV and IX.

14 Alcoholic liquors may be sold at retail in buildings on  
15 properties under the control of the Division of Historic  
16 Preservation of the Department of Natural Resources or the  
17 Abraham Lincoln Presidential Library and Museum provided:

18 a. the property has overnight lodging facilities with  
19 some restaurant facilities or, not having overnight  
20 lodging facilities, has restaurant facilities which serve  
21 complete luncheon and dinner or supper meals,

22 b. consent to the issuance of a license to sell  
23 alcoholic liquors in the buildings has been filed with the  
24 commission by the Division of Historic Preservation of the  
25 Department of Natural Resources or the Abraham Lincoln  
26 Presidential Library and Museum, and

1           c. the alcoholic liquors are sold by the lodge or  
2           restaurant concessionaire only during the hours from 11  
3           o'clock a.m. until 12 o'clock midnight.

4           The sale of alcoholic liquors pursuant to this Section  
5           does not authorize the establishment and operation of  
6           facilities commonly called taverns, saloons, bars, cocktail  
7           lounges, and the like except as a part of lodge and restaurant  
8           facilities in State parks or golf courses owned by Forest  
9           Preserve Districts with a population of less than 3,000,000 or  
10          municipalities or park districts.

11          Alcoholic liquors may be sold at retail in the Springfield  
12          Administration Building of the Department of Transportation  
13          and the Illinois State Armory in Springfield; provided, that  
14          the controlling government authority may consent to such sales  
15          only if

- 16           a. the request is from a not-for-profit organization;
- 17           b. such sales would not impede normal operations of  
18          the departments involved;
- 19           c. the not-for-profit organization provides dram shop  
20          liability in maximum insurance coverage limits and agrees  
21          to defend, save harmless and indemnify the State of  
22          Illinois from all financial loss, damage or harm;
- 23           d. no such sale shall be made during normal working  
24          hours of the State of Illinois; and
- 25           e. the consent is in writing.

26          Alcoholic liquors may be sold at retail in buildings in

1 recreational areas of river conservancy districts under the  
2 control of, or leased from, the river conservancy districts.  
3 Such sales are subject to reasonable local regulations as  
4 provided in Article IV; however, no such regulations may  
5 prohibit or substantially impair the sale of alcoholic liquors  
6 on Sundays or Holidays.

7 Alcoholic liquors may be provided in long term care  
8 facilities owned or operated by a county under Division 5-21  
9 or 5-22 of the Counties Code, when approved by the facility  
10 operator and not in conflict with the regulations of the  
11 Illinois Department of Public Health, to residents of the  
12 facility who have had their consumption of the alcoholic  
13 liquors provided approved in writing by a physician licensed  
14 to practice medicine in all its branches.

15 Alcoholic liquors may be delivered to and dispensed in  
16 State housing assigned to employees of the Department of  
17 Corrections. No person shall furnish or allow to be furnished  
18 any alcoholic liquors to any prisoner confined in any jail,  
19 reformatory, prison or house of correction except upon a  
20 physician's prescription for medicinal purposes.

21 Alcoholic liquors may be sold at retail or dispensed at  
22 the Willard Ice Building in Springfield, at the State Library  
23 in Springfield, and at Illinois State Museum facilities by (1)  
24 an agency of the State, whether legislative, judicial or  
25 executive, provided that such agency first obtains written  
26 permission to sell or dispense alcoholic liquors from the

1 controlling government authority, or by (2) a not-for-profit  
2 organization, provided that such organization:

3 a. Obtains written consent from the controlling  
4 government authority;

5 b. Sells or dispenses the alcoholic liquors in a  
6 manner that does not impair normal operations of State  
7 offices located in the building;

8 c. Sells or dispenses alcoholic liquors only in  
9 connection with an official activity in the building;

10 d. Provides, or its catering service provides, dram  
11 shop liability insurance in maximum coverage limits and in  
12 which the carrier agrees to defend, save harmless and  
13 indemnify the State of Illinois from all financial loss,  
14 damage or harm arising out of the selling or dispensing of  
15 alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit  
17 organization or agency of the State from employing the  
18 services of a catering establishment for the selling or  
19 dispensing of alcoholic liquors at authorized functions.

20 The controlling government authority for the Willard Ice  
21 Building in Springfield shall be the Director of the  
22 Department of Revenue. The controlling government authority  
23 for Illinois State Museum facilities shall be the Director of  
24 the Illinois State Museum. The controlling government  
25 authority for the State Library in Springfield shall be the  
26 Secretary of State.

1           Alcoholic liquors may be delivered to and sold at retail  
2 or dispensed at any facility, property or building under the  
3 jurisdiction of the Division of Historic Preservation of the  
4 Department of Natural Resources or the Abraham Lincoln  
5 Presidential Library and Museum where the delivery, sale or  
6 dispensing is by (1) an agency of the State, whether  
7 legislative, judicial or executive, provided that such agency  
8 first obtains written permission to sell or dispense alcoholic  
9 liquors from a controlling government authority, or by (2) an  
10 individual or organization provided that such individual or  
11 organization:

12           a. Obtains written consent from the controlling  
13 government authority;

14           b. Sells or dispenses the alcoholic liquors in a  
15 manner that does not impair normal workings of State  
16 offices or operations located at the facility, property or  
17 building;

18           c. Sells or dispenses alcoholic liquors only in  
19 connection with an official activity of the individual or  
20 organization in the facility, property or building;

21           d. Provides, or its catering service provides, dram  
22 shop liability insurance in maximum coverage limits and in  
23 which the carrier agrees to defend, save harmless and  
24 indemnify the State of Illinois from all financial loss,  
25 damage or harm arising out of the selling or dispensing of  
26 alcoholic liquors.

1           The controlling government authority for the Division of  
2 Historic Preservation of the Department of Natural Resources  
3 shall be the Director of Natural Resources, and the  
4 controlling government authority for the Abraham Lincoln  
5 Presidential Library and Museum shall be the Executive  
6 Director of the Abraham Lincoln Presidential Library and  
7 Museum.

8           Alcoholic liquors may be delivered to and sold at retail  
9 or dispensed for consumption at the Michael Bilandic Building  
10 at 160 North LaSalle Street, Chicago IL 60601, after the  
11 normal business hours of any child day care or child care  
12 facility located in the building, by (1) a commercial tenant  
13 or subtenant conducting business on the premises under a lease  
14 made pursuant to Section 405-315 of the Department of Central  
15 Management Services Law (20 ILCS 405/405-315), provided that  
16 such tenant or subtenant who accepts delivery of, sells, or  
17 dispenses alcoholic liquors shall procure and maintain dram  
18 shop liability insurance in maximum coverage limits and in  
19 which the carrier agrees to defend, indemnify, and save  
20 harmless the State of Illinois from all financial loss,  
21 damage, or harm arising out of the delivery, sale, or  
22 dispensing of alcoholic liquors, or by (2) an agency of the  
23 State, whether legislative, judicial, or executive, provided  
24 that such agency first obtains written permission to accept  
25 delivery of and sell or dispense alcoholic liquors from the  
26 Director of Central Management Services, or by (3) a



1 not-for-profit organization, provided that such organization:

2 a. obtains written consent from the Department of  
3 Central Management Services;

4 b. accepts delivery of and sells or dispenses the  
5 alcoholic liquors in a manner that does not impair normal  
6 operations of State offices located in the building;

7 c. accepts delivery of and sells or dispenses  
8 alcoholic liquors only in connection with an official  
9 activity in the building; and

10 d. provides, or its catering service provides, dram  
11 shop liability insurance in maximum coverage limits and in  
12 which the carrier agrees to defend, save harmless, and  
13 indemnify the State of Illinois from all financial loss,  
14 damage, or harm arising out of the selling or dispensing  
15 of alcoholic liquors.

16 Nothing in this Act shall prevent a not-for-profit  
17 organization or agency of the State from employing the  
18 services of a catering establishment for the selling or  
19 dispensing of alcoholic liquors at functions authorized by the  
20 Director of Central Management Services.

21 Alcoholic liquors may be sold at retail or dispensed at  
22 the James R. Thompson Center in Chicago, subject to the  
23 provisions of Section 7.4 of the State Property Control Act,  
24 and 222 South College Street in Springfield, Illinois by (1) a  
25 commercial tenant or subtenant conducting business on the  
26 premises under a lease or sublease made pursuant to Section

1 405-315 of the Department of Central Management Services Law  
2 (20 ILCS 405/405-315), provided that such tenant or subtenant  
3 who sells or dispenses alcoholic liquors shall procure and  
4 maintain dram shop liability insurance in maximum coverage  
5 limits and in which the carrier agrees to defend, indemnify  
6 and save harmless the State of Illinois from all financial  
7 loss, damage or harm arising out of the sale or dispensing of  
8 alcoholic liquors, or by (2) an agency of the State, whether  
9 legislative, judicial or executive, provided that such agency  
10 first obtains written permission to sell or dispense alcoholic  
11 liquors from the Director of Central Management Services, or  
12 by (3) a not-for-profit organization, provided that such  
13 organization:

14 a. Obtains written consent from the Department of  
15 Central Management Services;

16 b. Sells or dispenses the alcoholic liquors in a  
17 manner that does not impair normal operations of State  
18 offices located in the building;

19 c. Sells or dispenses alcoholic liquors only in  
20 connection with an official activity in the building;

21 d. Provides, or its catering service provides, dram  
22 shop liability insurance in maximum coverage limits and in  
23 which the carrier agrees to defend, save harmless and  
24 indemnify the State of Illinois from all financial loss,  
25 damage or harm arising out of the selling or dispensing of  
26 alcoholic liquors.

1           Nothing in this Act shall prevent a not-for-profit  
2 organization or agency of the State from employing the  
3 services of a catering establishment for the selling or  
4 dispensing of alcoholic liquors at functions authorized by the  
5 Director of Central Management Services.

6           Alcoholic liquors may be sold or delivered at any facility  
7 owned by the Illinois Sports Facilities Authority provided  
8 that dram shop liability insurance has been made available in  
9 a form, with such coverage and in such amounts as the Authority  
10 reasonably determines is necessary.

11           Alcoholic liquors may be sold at retail or dispensed at  
12 the Rockford State Office Building by (1) an agency of the  
13 State, whether legislative, judicial or executive, provided  
14 that such agency first obtains written permission to sell or  
15 dispense alcoholic liquors from the Department of Central  
16 Management Services, or by (2) a not-for-profit organization,  
17 provided that such organization:

18           a. Obtains written consent from the Department of  
19 Central Management Services;

20           b. Sells or dispenses the alcoholic liquors in a  
21 manner that does not impair normal operations of State  
22 offices located in the building;

23           c. Sells or dispenses alcoholic liquors only in  
24 connection with an official activity in the building;

25           d. Provides, or its catering service provides, dram  
26 shop liability insurance in maximum coverage limits and in

1           which the carrier agrees to defend, save harmless and  
2           indemnify the State of Illinois from all financial loss,  
3           damage or harm arising out of the selling or dispensing of  
4           alcoholic liquors.

5           Nothing in this Act shall prevent a not-for-profit  
6           organization or agency of the State from employing the  
7           services of a catering establishment for the selling or  
8           dispensing of alcoholic liquors at functions authorized by the  
9           Department of Central Management Services.

10          Alcoholic liquors may be sold or delivered in a building  
11          that is owned by McLean County, situated on land owned by the  
12          county in the City of Bloomington, and used by the McLean  
13          County Historical Society if the sale or delivery is approved  
14          by an ordinance adopted by the county board, and the  
15          municipality in which the building is located may not prohibit  
16          that sale or delivery, notwithstanding any other provision of  
17          this Section. The regulation of the sale and delivery of  
18          alcoholic liquor in a building that is owned by McLean County,  
19          situated on land owned by the county, and used by the McLean  
20          County Historical Society as provided in this paragraph is an  
21          exclusive power and function of the State and is a denial and  
22          limitation under Article VII, Section 6, subsection (h) of the  
23          Illinois Constitution of the power of a home rule municipality  
24          to regulate that sale and delivery.

25          Alcoholic liquors may be sold or delivered in any building  
26          situated on land held in trust for any school district

1 organized under Article 34 of the School Code, if the building  
2 is not used for school purposes and if the sale or delivery is  
3 approved by the board of education.

4 Alcoholic liquors may be delivered to and sold at retail  
5 in any building owned by a public library district, provided  
6 that the delivery and sale is approved by the board of trustees  
7 of that public library district and is limited to library  
8 fundraising events or programs of a cultural or educational  
9 nature. Before the board of trustees of a public library  
10 district may approve the delivery and sale of alcoholic  
11 liquors, the board of trustees of the public library district  
12 must have a written policy that has been approved by the board  
13 of trustees of the public library district governing when and  
14 under what circumstances alcoholic liquors may be delivered to  
15 and sold at retail on property owned by that public library  
16 district. The written policy must (i) provide that no  
17 alcoholic liquor may be sold, distributed, or consumed in any  
18 area of the library accessible to the general public during  
19 the event or program, (ii) prohibit the removal of alcoholic  
20 liquor from the venue during the event, and (iii) require that  
21 steps be taken to prevent the sale or distribution of  
22 alcoholic liquor to persons under the age of 21. Any public  
23 library district that has alcoholic liquor delivered to or  
24 sold at retail on property owned by the public library  
25 district shall provide dram shop liability insurance in  
26 maximum insurance coverage limits so as to save harmless the

1 public library districts from all financial loss, damage, or  
2 harm.

3 Alcoholic liquors may be sold or delivered in buildings  
4 owned by the Community Building Complex Committee of Boone  
5 County, Illinois if the person or facility selling or  
6 dispensing the alcoholic liquor has provided dram shop  
7 liability insurance with coverage and in amounts that the  
8 Committee reasonably determines are necessary.

9 Alcoholic liquors may be sold or delivered in the building  
10 located at 1200 Centerville Avenue in Belleville, Illinois and  
11 occupied by either the Belleville Area Special Education  
12 District or the Belleville Area Special Services Cooperative.

13 Alcoholic liquors may be delivered to and sold at the  
14 Louis Joliet Renaissance Center, City Center Campus, located  
15 at 214 N. Ottawa Street, Joliet, and the Food  
16 Services/Culinary Arts Department facilities, Main Campus,  
17 located at 1215 Houbolt Road, Joliet, owned by or under the  
18 control of Joliet Junior College, Illinois Community College  
19 District No. 525.

20 Alcoholic liquors may be delivered to and sold at Triton  
21 College, Illinois Community College District No. 504.

22 Alcoholic liquors may be delivered to and sold at the  
23 College of DuPage, Illinois Community College District No.  
24 502.

25 Alcoholic liquors may be delivered to and sold on any  
26 property owned, operated, or controlled by Lewis and Clark

1 Community College, Illinois Community College District No.  
2 536.

3 Alcoholic liquors may be delivered to and sold at the  
4 building located at 446 East Hickory Avenue in Apple River,  
5 Illinois, owned by the Apple River Fire Protection District,  
6 and occupied by the Apple River Community Association if the  
7 alcoholic liquor is sold or dispensed only in connection with  
8 organized functions approved by the Apple River Community  
9 Association for which the planned attendance is 20 or more  
10 persons and if the person or facility selling or dispensing  
11 the alcoholic liquor has provided dram shop liability  
12 insurance in maximum limits so as to hold harmless the Apple  
13 River Fire Protection District, the Village of Apple River,  
14 and the Apple River Community Association from all financial  
15 loss, damage, and harm.

16 Alcoholic liquors may be delivered to and sold at the  
17 Sikia Restaurant, Kennedy King College Campus, located at 740  
18 West 63rd Street, Chicago, and at the Food Services in the  
19 Great Hall/Washburne Culinary Institute Department facility,  
20 Kennedy King College Campus, located at 740 West 63rd Street,  
21 Chicago, owned by or under the control of City Colleges of  
22 Chicago, Illinois Community College District No. 508.

23 (Source: P.A. 99-78, eff. 7-20-15; 99-484, eff. 10-30-15;  
24 99-550, eff. 7-15-16; 99-559, eff. 7-15-16; 99-795, eff.  
25 8-12-16; 100-120, eff. 8-18-17; 100-201, eff. 8-18-17;  
26 100-695, eff. 8-3-18.)

1           Section 195. The Illinois Public Aid Code is amended by  
2 changing Sections 5-19, 9-6, 9A-7, and 9A-11 as follows:

3           (305 ILCS 5/5-19) (from Ch. 23, par. 5-19)

4           Sec. 5-19. Healthy Kids Program.

5           (a) Any child under the age of 21 eligible to receive  
6 Medical Assistance from the Illinois Department under Article  
7 V of this Code shall be eligible for Early and Periodic  
8 Screening, Diagnosis and Treatment services provided by the  
9 Healthy Kids Program of the Illinois Department under the  
10 Social Security Act, 42 U.S.C. 1396d(r).

11           (b) Enrollment of Children in Medicaid. The Illinois  
12 Department shall provide for receipt and initial processing of  
13 applications for Medical Assistance for all pregnant women and  
14 children under the age of 21 at locations in addition to those  
15 used for processing applications for cash assistance,  
16 including disproportionate share hospitals, federally  
17 qualified health centers and other sites as selected by the  
18 Illinois Department.

19           (c) Healthy Kids Examinations. The Illinois Department  
20 shall consider any examination of a child eligible for the  
21 Healthy Kids services provided by a medical provider meeting  
22 the requirements and complying with the rules and regulations  
23 of the Illinois Department to be reimbursed as a Healthy Kids  
24 examination.



1 (d) Medical Screening Examinations.

2 (1) The Illinois Department shall insure Medicaid  
3 coverage for periodic health, vision, hearing, and dental  
4 screenings for children eligible for Healthy Kids services  
5 scheduled from a child's birth up until the child turns 21  
6 years. The Illinois Department shall pay for vision,  
7 hearing, dental and health screening examinations for any  
8 child eligible for Healthy Kids services by qualified  
9 providers at intervals established by Department rules.

10 (2) The Illinois Department shall pay for an  
11 interperiodic health, vision, hearing, or dental screening  
12 examination for any child eligible for Healthy Kids  
13 services whenever an examination is:

14 (A) requested by a child's parent, guardian, or  
15 custodian, or is determined to be necessary or  
16 appropriate by social services, developmental, health,  
17 or educational personnel; or

18 (B) necessary for enrollment in school; or

19 (C) necessary for enrollment in a licensed child  
20 ~~day~~ care program, including Head Start; or

21 (D) necessary for placement in a licensed child  
22 welfare facility, including a foster home, group home  
23 or child care institution; or

24 (E) necessary for attendance at a camping program;  
25 or

26 (F) necessary for participation in an organized

1 athletic program; or

2 (G) necessary for enrollment in an early childhood  
3 education program recognized by the Illinois State  
4 Board of Education; or

5 (H) necessary for participation in a Women,  
6 Infant, and Children (WIC) program; or

7 (I) deemed appropriate by the Illinois Department.

8 (e) Minimum Screening Protocols For Periodic Health  
9 Screening Examinations. Health Screening Examinations must  
10 include the following services:

11 (1) Comprehensive Health and Development Assessment  
12 including:

13 (A) Development/Mental Health/Psychosocial  
14 Assessment; and

15 (B) Assessment of nutritional status including  
16 tests for iron deficiency and anemia for children at  
17 the following ages: 9 months, 2 years, 8 years, and 18  
18 years;

19 (2) Comprehensive unclothed physical exam;

20 (3) Appropriate immunizations at a minimum, as  
21 required by the Secretary of the U.S. Department of Health  
22 and Human Services under 42 U.S.C. 1396d(r).

23 (4) Appropriate laboratory tests including blood lead  
24 levels appropriate for age and risk factors.

25 (A) Anemia test.

26 (B) Sickle cell test.

1 (C) Tuberculin test at 12 months of age and every  
2 1-2 years thereafter unless the treating health care  
3 professional determines that testing is medically  
4 contraindicated.

5 (D) Other -- The Illinois Department shall insure  
6 that testing for HIV, drug exposure, and sexually  
7 transmitted diseases is provided for as clinically  
8 indicated.

9 (5) Health Education. The Illinois Department shall  
10 require providers to provide anticipatory guidance as  
11 recommended by the American Academy of Pediatrics.

12 (6) Vision Screening. The Illinois Department shall  
13 require providers to provide vision screenings consistent  
14 with those set forth in the Department of Public Health's  
15 Administrative Rules.

16 (7) Hearing Screening. The Illinois Department shall  
17 require providers to provide hearing screenings consistent  
18 with those set forth in the Department of Public Health's  
19 Administrative Rules.

20 (8) Dental Screening. The Illinois Department shall  
21 require providers to provide dental screenings consistent  
22 with those set forth in the Department of Public Health's  
23 Administrative Rules.

24 (f) Covered Medical Services. The Illinois Department  
25 shall provide coverage for all necessary health care,  
26 diagnostic services, treatment and other measures to correct

1 or ameliorate defects, physical and mental illnesses, and  
2 conditions whether discovered by the screening services or not  
3 for all children eligible for Medical Assistance under Article  
4 V of this Code.

5 (g) Notice of Healthy Kids Services.

6 (1) The Illinois Department shall inform any child  
7 eligible for Healthy Kids services and the child's family  
8 about the benefits provided under the Healthy Kids  
9 Program, including, but not limited to, the following:  
10 what services are available under Healthy Kids, including  
11 discussion of the periodicity schedules and immunization  
12 schedules, that services are provided at no cost to  
13 eligible children, the benefits of preventive health care,  
14 where the services are available, how to obtain them, and  
15 that necessary transportation and scheduling assistance is  
16 available.

17 (2) The Illinois Department shall widely disseminate  
18 information regarding the availability of the Healthy Kids  
19 Program throughout the State by outreach activities which  
20 shall include, but not be limited to, (i) the development  
21 of cooperation agreements with local school districts,  
22 public health agencies, clinics, hospitals and other  
23 health care providers, including developmental disability  
24 and mental health providers, and with charities, to notify  
25 the constituents of each of the Program and assist  
26 individuals, as feasible, with applying for the Program,

1 (ii) using the media for public service announcements and  
2 advertisements of the Program, and (iii) developing  
3 posters advertising the Program for display in hospital  
4 and clinic waiting rooms.

5 (3) The Illinois Department shall utilize accepted  
6 methods for informing persons who are illiterate, blind,  
7 deaf, or cannot understand the English language, including  
8 but not limited to public services announcements and  
9 advertisements in the foreign language media of radio,  
10 television and newspapers.

11 (4) The Illinois Department shall provide notice of  
12 the Healthy Kids Program to every child eligible for  
13 Healthy Kids services and his or her family at the  
14 following times:

15 (A) orally by the intake worker and in writing at  
16 the time of application for Medical Assistance;

17 (B) at the time the applicant is informed that he  
18 or she is eligible for Medical Assistance benefits;  
19 and

20 (C) at least 20 days before the date of any  
21 periodic health, vision, hearing, and dental  
22 examination for any child eligible for Healthy Kids  
23 services. Notice given under this subparagraph (C)  
24 must state that a screening examination is due under  
25 the periodicity schedules and must advise the eligible  
26 child and his or her family that the Illinois

1 Department will provide assistance in scheduling an  
2 appointment and arranging medical transportation.

3 (h) Data Collection. The Illinois Department shall collect  
4 data in a usable form to track utilization of Healthy Kids  
5 screening examinations by children eligible for Healthy Kids  
6 services, including but not limited to data showing screening  
7 examinations and immunizations received, a summary of  
8 follow-up treatment received by children eligible for Healthy  
9 Kids services and the number of children receiving dental,  
10 hearing and vision services.

11 (i) On and after July 1, 2012, the Department shall reduce  
12 any rate of reimbursement for services or other payments or  
13 alter any methodologies authorized by this Code to reduce any  
14 rate of reimbursement for services or other payments in  
15 accordance with Section 5-5e.

16 (j) To ensure full access to the benefits set forth in this  
17 Section, on and after January 1, 2022, the Illinois Department  
18 shall ensure that provider and hospital reimbursements for  
19 immunization as required under this Section are no lower than  
20 70% of the median regional maximum administration fee for the  
21 State of Illinois as established by the U.S. Department of  
22 Health and Human Services' Centers for Medicare and Medicaid  
23 Services.

24 (Source: P.A. 102-43, eff. 7-6-21.)

25 (305 ILCS 5/9-6) (from Ch. 23, par. 9-6)

1           Sec. 9-6. Job Search, Training and Work Programs. The  
2 Illinois Department and local governmental units shall  
3 initiate, promote and develop job search, training and work  
4 programs which will provide employment for and contribute to  
5 the training and experience of persons receiving aid under  
6 Articles III, V, and VI.

7           The job search, training and work programs shall be  
8 designed to preserve and improve the work habits and skills of  
9 recipients for whom jobs are not otherwise immediately  
10 available and to provide training and experience for  
11 recipients who lack the skills required for such employment  
12 opportunities as are or may become available. The Illinois  
13 Department and local governmental unit shall determine by rule  
14 those classes of recipients who shall be subject to  
15 participation in such programs. If made subject to  
16 participation, every applicant for or recipient of public aid  
17 who is determined to be "able to engage in employment", as  
18 defined by the Department or local governmental unit pursuant  
19 to rules and regulations, for whom unsubsidized jobs are not  
20 otherwise immediately available shall be required to  
21 participate in any program established under this Section.

22           The Illinois Department shall establish with the Director  
23 of Central Management Services an outreach and training  
24 program designed to encourage and assist recipients  
25 participating in job search, training and work programs to  
26 participate in open competitive examinations for trainee and

1 other entry level positions to maximize opportunities for  
2 placement on open competitive eligible listings and referral  
3 to State agencies for employment consideration.

4 The Department shall provide payment for transportation,  
5 child care ~~day-care~~ and Workers' Compensation costs which  
6 occur for recipients as a result of participating in job  
7 search, training and work programs as described in this  
8 Section. The Department may decline to initiate such programs  
9 in areas where eligible recipients would be so few in number as  
10 to not economically justify such programs; and in this event  
11 the Department shall not require persons in such areas to  
12 participate in any job search, training, or work programs  
13 whatsoever as a condition of their continued receipt of, or  
14 application for, aid.

15 The programs may include, but shall not be limited to,  
16 service in child care centers, in preschool programs as  
17 teacher aides and in public health programs as home visitors  
18 and health aides; the maintenance of or services required in  
19 connection with public offices, buildings and grounds; state,  
20 county and municipal hospitals, forest preserves, parks,  
21 playgrounds, streets and highways, and other governmental  
22 maintenance or construction directed toward environmental  
23 improvement; and similar facilities.

24 The Illinois Department or local governmental units may  
25 enter into agreements with local taxing bodies and private  
26 not-for-profit organizations, agencies and institutions to



1 provide for the supervision and administration of job search,  
2 work and training projects authorized by this Section. Such  
3 agreements shall stipulate the requirements for utilization of  
4 recipients in such projects. In addition to any other  
5 requirements dealing with the administration of these  
6 programs, the Department shall assure, pursuant to rules and  
7 regulations, that:

8 (a) Recipients may not displace regular employees.

9 (b) The maximum number of hours of mandatory work is 8  
10 hours per day and 40 hours per week, not to exceed 120  
11 hours per month.

12 (c) The maximum number of hours per month shall be  
13 determined by dividing the recipient's benefits by the  
14 federal minimum wage, rounded to the lowest full hour.  
15 "Recipient's benefits" in this subsection includes: (i)  
16 both cash assistance and food stamps provided to the  
17 entire assistance unit or household by the Illinois  
18 Department where the job search, work and training program  
19 is administered by the Illinois Department and, where  
20 federal programs are involved, includes all such cash  
21 assistance and food stamps provided to the greatest extent  
22 allowed by federal law; or (ii) includes only cash  
23 assistance provided to the entire assistance unit by the  
24 local governmental unit where the job search, work and  
25 training program is administered by the local governmental  
26 unit.

1 (d) The recipient shall be provided or compensated for  
2 transportation to and from the work location.

3 (e) Appropriate terms regarding recipient compensation  
4 are met.

5 Local taxing bodies and private not-for-profit  
6 organizations, agencies and institutions which utilize  
7 recipients in job search, work and training projects  
8 authorized by this Section are urged to include such  
9 recipients in the formulation of their employment policies.

10 Unless directly paid by an employing local taxing body or  
11 not-for-profit agency, a recipient participating in a work  
12 project who meets all requirements set forth by the Illinois  
13 Department shall receive credit towards his or her monthly  
14 assistance benefits for work performed based upon the  
15 applicable minimum wage rate. Where a recipient is paid  
16 directly by an employing agency, the Illinois Department or  
17 local governmental unit shall provide for payment to such  
18 employing entity the appropriate amount of assistance benefits  
19 to which the recipient would otherwise be entitled under this  
20 Code.

21 The Illinois Department or its designee, including local  
22 governmental units, may enter into agreements with the  
23 agencies or institutions providing work under programs  
24 established hereunder for payment to each such employer  
25 (hereinafter called "public service employer") of all or a  
26 portion of the wages to be paid to persons for the work

1 performed and other appropriate costs.

2 If the number of persons receiving aid under Article VI is  
3 insufficient to justify the establishment of job search,  
4 training and work programs on a local basis by a local  
5 governmental unit, or if for other good cause the  
6 establishment of a local program is impractical or  
7 unwarranted, the local governmental unit shall cooperate with  
8 other local governmental units, with civic and non-profit  
9 community agencies, and with the Illinois Department in  
10 developing a program or programs which will jointly serve the  
11 participating governmental units and agencies.

12 A local governmental unit receiving State funds shall  
13 refer all recipients able to engage in employment to such job  
14 search, training and work programs as are established, whether  
15 within or without the governmental unit, and as are accessible  
16 to persons receiving aid from the governmental unit. The  
17 Illinois Department shall withhold allocation of state funds  
18 to any governmental unit which fails or refuses to make such  
19 referrals.

20 Participants in job search, training and work programs  
21 shall be required to maintain current registration for regular  
22 employment under Section 11-10 and to accept any bona fide  
23 offer of regular employment. They shall likewise be required  
24 to accept education, work and training opportunities available  
25 to them under other provisions of this Code or Federal law. The  
26 Illinois Department or local governmental unit shall provide

1 by rule for periodic review of the circumstances of each  
2 participant to determine the feasibility of his placement in  
3 regular employment or other work, education and training  
4 opportunities.

5 Moneys made available for public aid purposes under  
6 Articles IV and VI may be expended to pay public service  
7 employers all or a portion of the wages of public service  
8 employees and other appropriate costs, to provide necessary  
9 supervisory personnel and equipment, to purchase Workers'  
10 Compensation Insurance or to pay Workers' Compensation claims,  
11 and to provide transportation to and from work sites.

12 The Department shall provide through rules and regulations  
13 for sanctions against applicants and recipients of aid under  
14 this Code who fail to cooperate with the regulations and  
15 requirements established pursuant to this Section. Such  
16 sanctions may include the loss of eligibility to receive aid  
17 under Article VI of this Code for up to 3 months.

18 The Department, in cooperation with a local governmental  
19 unit, may maintain a roster of persons who are required to  
20 participate in a local job search, training and work program.  
21 In such cases, the roster shall be available for inspection by  
22 employers for the selection of possible workers.

23 In addition to the programs authorized by this Section,  
24 the Illinois Department is authorized to administer any job  
25 search, training or work projects in conjunction with the  
26 Federal Food Stamp Program, either under this Section or under

1 other regulations required by the Federal government.

2 The Illinois Department may also administer pilot programs  
3 to provide job search, training and work programs to  
4 unemployed parents of children receiving child support  
5 enforcement services under Article X of this Code.

6 (Source: P.A. 92-111, eff. 1-1-02; 92-590, eff. 7-1-02.)

7 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

8 Sec. 9A-7. Good cause and pre-sanction process.

9 (a) The Department shall establish by rule what  
10 constitutes good cause for failure to participate in  
11 education, training and employment programs, failure to accept  
12 suitable employment or terminating employment or reducing  
13 earnings.

14 The Department shall establish, by rule, a pre-sanction  
15 process to assist in resolving disputes over proposed  
16 sanctions and in determining if good cause exists. Good cause  
17 shall include, but not be limited to:

18 (1) temporary illness for its duration;

19 (2) court required appearance or temporary  
20 incarceration;

21 (3) (blank);

22 (4) death in the family;

23 (5) (blank);

24 (6) (blank);

25 (7) (blank);

1 (8) (blank);

2 (9) extreme inclement weather;

3 (10) (blank);

4 (11) lack of any support service even though the  
5 necessary service is not specifically provided under the  
6 Department program, to the extent the lack of the needed  
7 service presents a significant barrier to participation;

8 (12) if an individual is engaged in employment or  
9 training or both that is consistent with the employment  
10 related goals of the program, if such employment and  
11 training is later approved by Department staff;

12 (13) (blank);

13 (14) failure of Department staff to correctly forward  
14 the information to other Department staff;

15 (15) failure of the participant to cooperate because  
16 of attendance at a test or a mandatory class or function at  
17 an educational program (including college), when an  
18 education or training program is officially approved by  
19 the Department;

20 (16) failure of the participant due to his or her  
21 illiteracy;

22 (17) failure of the participant because it is  
23 determined that he or she should be in a different  
24 activity;

25 (18) non-receipt by the participant of a notice  
26 advising him or her of a participation requirement. If the

1 non-receipt of mail occurs frequently, the Department  
2 shall explore an alternative means of providing notices of  
3 participation requests to participants;

4 (19) (blank);

5 (20) non-comprehension of English, either written or  
6 oral or both;

7 (21) (blank);

8 (22) (blank);

9 (23) child care (or adult day care for an  
10 incapacitated individual living in the same home as a  
11 dependent child) is necessary for the participation or  
12 employment and such care is not available for a child  
13 under age 13;

14 (24) failure to participate in an activity due to a  
15 scheduled job interview, medical appointment for the  
16 participant or a household member, or school appointment;

17 (25) if an individual or family is experiencing  
18 homelessness; an individual or family is experiencing  
19 homelessness if the individual or family: (i) lacks a  
20 fixed, regular, and adequate nighttime residence, or  
21 shares the housing of other persons due to the loss of  
22 housing, economic hardship, or a similar reason; (ii) is  
23 living in a motel, hotel, trailer park, or camping ground  
24 due to the lack of alternative accommodations; (iii) is  
25 living in an emergency or transitional shelter; (iv)  
26 resides in a primary nighttime residence that is a public

1 or private place not designed for or ordinarily used as a  
2 regular sleeping accommodation for human beings; or (v) is  
3 living in a car, park, public space, abandoned building,  
4 substandard housing, bus, train station, or similar  
5 settings;

6 (26) circumstances beyond the control of the  
7 participant which prevent the participant from completing  
8 program requirements;

9 (27) (blank);

10 (28) if an individual or family receives an eviction  
11 notice;

12 (29) if an individual's or family's utilities are  
13 disconnected;

14 (30) if an individual or family receives an utility  
15 disconnection notice; or

16 (31) if an individual is exiting a publicly funded  
17 institution or system of care (such as a health-care  
18 facility, a mental health facility, foster care or other  
19 youth facility, or correction program or institution)  
20 without an option to move to a fixed, adequate night time  
21 residence.

22 (b) (Blank).

23 (c) (1) The Department shall establish a reconciliation  
24 procedure to assist in resolving disputes related to any  
25 aspect of participation, including exemptions, good cause,  
26 sanctions or proposed sanctions, supportive services,



1 assessments, responsibility and service plans, assignment to  
2 activities, suitability of employment, or refusals of offers  
3 of employment. Through the reconciliation process the  
4 Department shall have a mechanism to identify good cause,  
5 ensure that the client is aware of the issue, and enable the  
6 client to perform required activities without facing sanction.

7 (2) A participant may request reconciliation and receive  
8 notice in writing of a meeting. At least one face-to-face  
9 meeting may be scheduled to resolve misunderstandings or  
10 disagreements related to program participation and situations  
11 which may lead to a potential sanction. The meeting will  
12 address the underlying reason for the dispute and plan a  
13 resolution to enable the individual to participate in TANF  
14 employment and work activity requirements.

15 (2.5) If the individual fails to appear at the  
16 reconciliation meeting without good cause, the reconciliation  
17 is unsuccessful and a sanction shall be imposed.

18 (3) The reconciliation process shall continue after it is  
19 determined that the individual did not have good cause for  
20 non-cooperation. Any necessary demonstration of cooperation on  
21 the part of the participant will be part of the reconciliation  
22 process. Failure to demonstrate cooperation will result in  
23 immediate sanction.

24 (4) For the first instance of non-cooperation, if the  
25 client reaches agreement to cooperate, the client shall be  
26 allowed 30 days to demonstrate cooperation before any sanction

1 activity may be imposed. In any subsequent instances of  
2 non-cooperation, the client shall be provided the opportunity  
3 to show good cause or remedy the situation by immediately  
4 complying with the requirement.

5 (5) The Department shall document in the case record the  
6 proceedings of the reconciliation and provide the client in  
7 writing with a reconciliation agreement.

8 (6) If reconciliation resolves the dispute, no sanction  
9 shall be imposed. If the client fails to comply with the  
10 reconciliation agreement, the Department shall then  
11 immediately impose the original sanction. If the dispute  
12 cannot be resolved during reconciliation, a sanction shall not  
13 be imposed until the reconciliation process is complete.

14 (Source: P.A. 101-103, eff. 7-19-19.)

15 (305 ILCS 5/9A-11) (from Ch. 23, par. 9A-11)

16 Sec. 9A-11. Child care.

17 (a) The General Assembly recognizes that families with  
18 children need child care in order to work. Child care is  
19 expensive and families with low incomes, including those who  
20 are transitioning from welfare to work, often struggle to pay  
21 the costs of child ~~day~~ care. The General Assembly understands  
22 the importance of helping low-income working families become  
23 and remain self-sufficient. The General Assembly also believes  
24 that it is the responsibility of families to share in the costs  
25 of child care. It is also the preference of the General

1 Assembly that all working poor families should be treated  
2 equally, regardless of their welfare status.

3 (b) To the extent resources permit, the Illinois  
4 Department shall provide child care services to parents or  
5 other relatives as defined by rule who are working or  
6 participating in employment or Department approved education  
7 or training programs. At a minimum, the Illinois Department  
8 shall cover the following categories of families:

9 (1) recipients of TANF under Article IV participating  
10 in work and training activities as specified in the  
11 personal plan for employment and self-sufficiency;

12 (2) families transitioning from TANF to work;

13 (3) families at risk of becoming recipients of TANF;

14 (4) families with special needs as defined by rule;

15 (5) working families with very low incomes as defined  
16 by rule;

17 (6) families that are not recipients of TANF and that  
18 need child care assistance to participate in education and  
19 training activities;

20 (7) youth in care, as defined in Section 4d of the  
21 Children and Family Services Act, who are parents,  
22 regardless of income or whether they are working or  
23 participating in Department-approved employment or  
24 education or training programs. Any family that receives  
25 child care assistance in accordance with this paragraph  
26 shall receive one additional 12-month child care

1 eligibility period after the parenting youth in care's  
2 case with the Department of Children and Family Services  
3 is closed, regardless of income or whether the parenting  
4 youth in care is working or participating in  
5 Department-approved employment or education or training  
6 programs;

7 (8) families receiving Extended Family Support Program  
8 services from the Department of Children and Family  
9 Services, regardless of income or whether they are working  
10 or participating in Department-approved employment or  
11 education or training programs; and

12 (9) families with children under the age of 5 who have  
13 an open intact family services case with the Department of  
14 Children and Family Services. Any family that receives  
15 child care assistance in accordance with this paragraph  
16 shall remain eligible for child care assistance 6 months  
17 after the child's intact family services case is closed,  
18 regardless of whether the child's parents or other  
19 relatives as defined by rule are working or participating  
20 in Department approved employment or education or training  
21 programs. The Department of Human Services, in  
22 consultation with the Department of Children and Family  
23 Services, shall adopt rules to protect the privacy of  
24 families who are the subject of an open intact family  
25 services case when such families enroll in child care  
26 services. Additional rules shall be adopted to offer

1 children who have an open intact family services case the  
2 opportunity to receive an Early Intervention screening and  
3 other services that their families may be eligible for as  
4 provided by the Department of Human Services.

5 Beginning October 1, 2023, and every October 1 thereafter,  
6 the Department of Children and Family Services shall report to  
7 the General Assembly on the number of children who received  
8 child care via vouchers paid for by the Department of Children  
9 and Family Services during the preceding fiscal year. The  
10 report shall include the ages of children who received child  
11 care, the type of child care they received, and the number of  
12 months they received child care.

13 The Department shall specify by rule the conditions of  
14 eligibility, the application process, and the types, amounts,  
15 and duration of services. Eligibility for child care benefits  
16 and the amount of child care provided may vary based on family  
17 size, income, and other factors as specified by rule.

18 The Department shall update the Child Care Assistance  
19 Program Eligibility Calculator posted on its website to  
20 include a question on whether a family is applying for child  
21 care assistance for the first time or is applying for a  
22 redetermination of eligibility.

23 A family's eligibility for child care services shall be  
24 redetermined no sooner than 12 months following the initial  
25 determination or most recent redetermination. During the  
26 12-month periods, the family shall remain eligible for child

1 care services regardless of (i) a change in family income,  
2 unless family income exceeds 85% of State median income, or  
3 (ii) a temporary change in the ongoing status of the parents or  
4 other relatives, as defined by rule, as working or attending a  
5 job training or educational program.

6 In determining income eligibility for child care benefits,  
7 the Department annually, at the beginning of each fiscal year,  
8 shall establish, by rule, one income threshold for each family  
9 size, in relation to percentage of State median income for a  
10 family of that size, that makes families with incomes below  
11 the specified threshold eligible for assistance and families  
12 with incomes above the specified threshold ineligible for  
13 assistance. Through and including fiscal year 2007, the  
14 specified threshold must be no less than 50% of the  
15 then-current State median income for each family size.  
16 Beginning in fiscal year 2008, the specified threshold must be  
17 no less than 185% of the then-current federal poverty level  
18 for each family size. Notwithstanding any other provision of  
19 law or administrative rule to the contrary, beginning in  
20 fiscal year 2019, the specified threshold for working families  
21 with very low incomes as defined by rule must be no less than  
22 185% of the then-current federal poverty level for each family  
23 size. Notwithstanding any other provision of law or  
24 administrative rule to the contrary, beginning in State fiscal  
25 year 2022, the specified income threshold shall be no less  
26 than 200% of the then-current federal poverty level for each

1 family size.

2 In determining eligibility for assistance, the Department  
3 shall not give preference to any category of recipients or  
4 give preference to individuals based on their receipt of  
5 benefits under this Code.

6 Nothing in this Section shall be construed as conferring  
7 entitlement status to eligible families.

8 The Illinois Department is authorized to lower income  
9 eligibility ceilings, raise parent co-payments, create waiting  
10 lists, or take such other actions during a fiscal year as are  
11 necessary to ensure that child care benefits paid under this  
12 Article do not exceed the amounts appropriated for those child  
13 care benefits. These changes may be accomplished by emergency  
14 rule under Section 5-45 of the Illinois Administrative  
15 Procedure Act, except that the limitation on the number of  
16 emergency rules that may be adopted in a 24-month period shall  
17 not apply.

18 The Illinois Department may contract with other State  
19 agencies or child care organizations for the administration of  
20 child care services.

21 (c) Payment shall be made for child care that otherwise  
22 meets the requirements of this Section and applicable  
23 standards of State and local law and regulation, including any  
24 requirements the Illinois Department promulgates by rule in  
25 addition to the licensure requirements promulgated by the  
26 Department of Children and Family Services and Fire Prevention

1 and Safety requirements promulgated by the Office of the State  
2 Fire Marshal, and is provided in any of the following:

3 (1) a child care center which is licensed or exempt  
4 from licensure pursuant to Section 2.09 of the Child Care  
5 Act of 1969;

6 (2) a licensed child care home or home exempt from  
7 licensing;

8 (3) a licensed group child care home;

9 (4) other types of child care, including child care  
10 provided by relatives or persons living in the same home  
11 as the child, as determined by the Illinois Department by  
12 rule.

13 (c-5) Solely for the purposes of coverage under the  
14 Illinois Public Labor Relations Act, child ~~and day~~ care home  
15 providers, including licensed and license exempt,  
16 participating in the Department's child care assistance  
17 program shall be considered to be public employees and the  
18 State of Illinois shall be considered to be their employer as  
19 of January 1, 2006 (the effective date of Public Act 94-320),  
20 but not before. The State shall engage in collective  
21 bargaining with an exclusive representative of child ~~and day~~  
22 care home providers participating in the child care assistance  
23 program concerning their terms and conditions of employment  
24 that are within the State's control. Nothing in this  
25 subsection shall be understood to limit the right of families  
26 receiving services defined in this Section to select child ~~and~~



1 ~~day~~ care home providers or supervise them within the limits of  
2 this Section. The State shall not be considered to be the  
3 employer of child ~~and day~~ care home providers for any purposes  
4 not specifically provided in Public Act 94-320, including, but  
5 not limited to, purposes of vicarious liability in tort and  
6 purposes of statutory retirement or health insurance benefits.  
7 Child ~~and day~~ care home providers shall not be covered by the  
8 State Employees Group Insurance Act of 1971.

9 In according child ~~and day~~ care home providers and their  
10 selected representative rights under the Illinois Public Labor  
11 Relations Act, the State intends that the State action  
12 exemption to application of federal and State antitrust laws  
13 be fully available to the extent that their activities are  
14 authorized by Public Act 94-320.

15 (d) The Illinois Department shall establish, by rule, a  
16 co-payment scale that provides for cost sharing by families  
17 that receive child care services, including parents whose only  
18 income is from assistance under this Code. The co-payment  
19 shall be based on family income and family size and may be  
20 based on other factors as appropriate. Co-payments may be  
21 waived for families whose incomes are at or below the federal  
22 poverty level.

23 (d-5) The Illinois Department, in consultation with its  
24 Child Care and Development Advisory Council, shall develop a  
25 plan to revise the child care assistance program's co-payment  
26 scale. The plan shall be completed no later than February 1,

1 2008, and shall include:

2 (1) findings as to the percentage of income that the  
3 average American family spends on child care and the  
4 relative amounts that low-income families and the average  
5 American family spend on other necessities of life;

6 (2) recommendations for revising the child care  
7 co-payment scale to assure that families receiving child  
8 care services from the Department are paying no more than  
9 they can reasonably afford;

10 (3) recommendations for revising the child care  
11 co-payment scale to provide at-risk children with complete  
12 access to Preschool for All and Head Start; and

13 (4) recommendations for changes in child care program  
14 policies that affect the affordability of child care.

15 (e) (Blank).

16 (f) The Illinois Department shall, by rule, set rates to  
17 be paid for the various types of child care. Child care may be  
18 provided through one of the following methods:

19 (1) arranging the child care through eligible  
20 providers by use of purchase of service contracts or  
21 vouchers;

22 (2) arranging with other agencies and community  
23 volunteer groups for non-reimbursed child care;

24 (3) (blank); or

25 (4) adopting such other arrangements as the Department  
26 determines appropriate.

1 (f-1) Within 30 days after June 4, 2018 (the effective  
2 date of Public Act 100-587), the Department of Human Services  
3 shall establish rates for child care providers that are no  
4 less than the rates in effect on January 1, 2018 increased by  
5 4.26%.

6 (f-5) (Blank).

7 (g) Families eligible for assistance under this Section  
8 shall be given the following options:

9 (1) receiving a child care certificate issued by the  
10 Department or a subcontractor of the Department that may  
11 be used by the parents as payment for child care and  
12 development services only; or

13 (2) if space is available, enrolling the child with a  
14 child care provider that has a purchase of service  
15 contract with the Department or a subcontractor of the  
16 Department for the provision of child care and development  
17 services. The Department may identify particular priority  
18 populations for whom they may request special  
19 consideration by a provider with purchase of service  
20 contracts, provided that the providers shall be permitted  
21 to maintain a balance of clients in terms of household  
22 incomes and families and children with special needs, as  
23 defined by rule.

24 (Source: P.A. 101-81, eff. 7-12-19; 101-657, eff. 3-23-21;  
25 102-491, eff. 8-20-21; 102-813, eff. 5-13-22; 102-926, eff.  
26 5-27-22.)

1 Section 200. The Abused and Neglected Child Reporting Act  
2 is amended by changing Sections 2, 4, and 8.2 as follows:

3 (325 ILCS 5/2) (from Ch. 23, par. 2052)

4 Sec. 2. (a) The Illinois Department of Children and Family  
5 Services shall, upon receiving reports made under this Act,  
6 protect the health, safety, and best interests of the child in  
7 all situations in which the child is vulnerable to child abuse  
8 or neglect, offer protective services in order to prevent any  
9 further harm to the child and to other children in the same  
10 environment or family, stabilize the home environment, and  
11 preserve family life whenever possible. Recognizing that  
12 children also can be abused and neglected while living in  
13 public or private residential agencies or institutions meant  
14 to serve them, while attending child ~~day~~ care centers,  
15 schools, or religious activities, or when in contact with  
16 adults who are responsible for the welfare of the child at that  
17 time, this Act also provides for the reporting and  
18 investigation of child abuse and neglect in such instances. In  
19 performing any of these duties, the Department may utilize  
20 such protective services of voluntary agencies as are  
21 available.

22 (b) The Department shall be responsible for receiving and  
23 investigating reports of adult resident abuse or neglect under  
24 the provisions of this Act.

1 (Source: P.A. 96-1446, eff. 8-20-10.)

2 (325 ILCS 5/4)

3 Sec. 4. Persons required to report; privileged  
4 communications; transmitting false report.

5 (a) The following persons are required to immediately  
6 report to the Department when they have reasonable cause to  
7 believe that a child known to them in their professional or  
8 official capacities may be an abused child or a neglected  
9 child:

10 (1) Medical personnel, including any: physician  
11 licensed to practice medicine in any of its branches  
12 (medical doctor or doctor of osteopathy); resident;  
13 intern; medical administrator or personnel engaged in the  
14 examination, care, and treatment of persons; psychiatrist;  
15 surgeon; dentist; dental hygienist; chiropractic  
16 physician; podiatric physician; physician assistant;  
17 emergency medical technician; physical therapist; physical  
18 therapy assistant; occupational therapist; occupational  
19 therapy assistant; acupuncturist; registered nurse;  
20 licensed practical nurse; advanced practice registered  
21 nurse; genetic counselor; respiratory care practitioner;  
22 home health aide; or certified nursing assistant.

23 (2) Social services and mental health personnel,  
24 including any: licensed professional counselor; licensed  
25 clinical professional counselor; licensed social worker;

1 licensed clinical social worker; licensed psychologist or  
2 assistant working under the direct supervision of a  
3 psychologist; associate licensed marriage and family  
4 therapist; licensed marriage and family therapist; field  
5 personnel of the Departments of Healthcare and Family  
6 Services, Public Health, Human Services, Human Rights, or  
7 Children and Family Services; supervisor or administrator  
8 of the General Assistance program established under  
9 Article VI of the Illinois Public Aid Code; social  
10 services administrator; or substance abuse treatment  
11 personnel.

12 (3) Crisis intervention personnel, including any:  
13 crisis line or hotline personnel; or domestic violence  
14 program personnel.

15 (4) Education personnel, including any: school  
16 personnel (including administrators and certified and  
17 non-certified school employees); personnel of institutions  
18 of higher education; educational advocate assigned to a  
19 child in accordance with the School Code; member of a  
20 school board or the Chicago Board of Education or the  
21 governing body of a private school (but only to the extent  
22 required under subsection (d)); or truant officer.

23 (5) Recreation or athletic program or facility  
24 personnel; or an athletic trainer.

25 (6) Child care personnel, including any: early  
26 intervention provider as defined in the Early Intervention

1 Services System Act; director or staff assistant of a  
2 nursery school or a child ~~day~~ care center; or foster  
3 parent, homemaker, or child care worker.

4 (7) Law enforcement personnel, including any: law  
5 enforcement officer; field personnel of the Department of  
6 Juvenile Justice; field personnel of the Department of  
7 Corrections; probation officer; or animal control officer  
8 or field investigator of the Department of Agriculture's  
9 Bureau of Animal Health and Welfare.

10 (8) Any funeral home director; funeral home director  
11 and embalmer; funeral home employee; coroner; or medical  
12 examiner.

13 (9) Any member of the clergy.

14 (10) Any physician, physician assistant, registered  
15 nurse, licensed practical nurse, medical technician,  
16 certified nursing assistant, licensed social worker,  
17 licensed clinical social worker, or licensed professional  
18 counselor of any office, clinic, licensed behavior  
19 analyst, licensed assistant behavior analyst, or any other  
20 physical location that provides abortions, abortion  
21 referrals, or contraceptives.

22 (b) When 2 or more persons who work within the same  
23 workplace and are required to report under this Act share a  
24 reasonable cause to believe that a child may be an abused or  
25 neglected child, one of those reporters may be designated to  
26 make a single report. The report shall include the names and

1 contact information for the other mandated reporters sharing  
2 the reasonable cause to believe that a child may be an abused  
3 or neglected child. The designated reporter must provide  
4 written confirmation of the report to those mandated reporters  
5 within 48 hours. If confirmation is not provided, those  
6 mandated reporters are individually responsible for  
7 immediately ensuring a report is made. Nothing in this Section  
8 precludes or may be used to preclude any person from reporting  
9 child abuse or child neglect.

10 (c) (1) As used in this Section, "a child known to them in  
11 their professional or official capacities" means:

12 (A) the mandated reporter comes into contact with the  
13 child in the course of the reporter's employment or  
14 practice of a profession, or through a regularly scheduled  
15 program, activity, or service;

16 (B) the mandated reporter is affiliated with an  
17 agency, institution, organization, school, school  
18 district, regularly established church or religious  
19 organization, or other entity that is directly responsible  
20 for the care, supervision, guidance, or training of the  
21 child; or

22 (C) a person makes a specific disclosure to the  
23 mandated reporter that an identifiable child is the victim  
24 of child abuse or child neglect, and the disclosure  
25 happens while the mandated reporter is engaged in his or  
26 her employment or practice of a profession, or in a



1           regularly scheduled program, activity, or service.

2           (2) Nothing in this Section requires a child to come  
3 before the mandated reporter in order for the reporter to make  
4 a report of suspected child abuse or child neglect.

5           (d) If an allegation is raised to a school board member  
6 during the course of an open or closed school board meeting  
7 that a child who is enrolled in the school district of which he  
8 or she is a board member is an abused child as defined in  
9 Section 3 of this Act, the member shall direct or cause the  
10 school board to direct the superintendent of the school  
11 district or other equivalent school administrator to comply  
12 with the requirements of this Act concerning the reporting of  
13 child abuse. For purposes of this paragraph, a school board  
14 member is granted the authority in his or her individual  
15 capacity to direct the superintendent of the school district  
16 or other equivalent school administrator to comply with the  
17 requirements of this Act concerning the reporting of child  
18 abuse.

19           Notwithstanding any other provision of this Act, if an  
20 employee of a school district has made a report or caused a  
21 report to be made to the Department under this Act involving  
22 the conduct of a current or former employee of the school  
23 district and a request is made by another school district for  
24 the provision of information concerning the job performance or  
25 qualifications of the current or former employee because he or  
26 she is an applicant for employment with the requesting school

1 district, the general superintendent of the school district to  
2 which the request is being made must disclose to the  
3 requesting school district the fact that an employee of the  
4 school district has made a report involving the conduct of the  
5 applicant or caused a report to be made to the Department, as  
6 required under this Act. Only the fact that an employee of the  
7 school district has made a report involving the conduct of the  
8 applicant or caused a report to be made to the Department may  
9 be disclosed by the general superintendent of the school  
10 district to which the request for information concerning the  
11 applicant is made, and this fact may be disclosed only in cases  
12 where the employee and the general superintendent have not  
13 been informed by the Department that the allegations were  
14 unfounded. An employee of a school district who is or has been  
15 the subject of a report made pursuant to this Act during his or  
16 her employment with the school district must be informed by  
17 that school district that if he or she applies for employment  
18 with another school district, the general superintendent of  
19 the former school district, upon the request of the school  
20 district to which the employee applies, shall notify that  
21 requesting school district that the employee is or was the  
22 subject of such a report.

23 (e) Whenever such person is required to report under this  
24 Act in his capacity as a member of the staff of a medical or  
25 other public or private institution, school, facility or  
26 agency, or as a member of the clergy, he shall make report

1 immediately to the Department in accordance with the  
2 provisions of this Act and may also notify the person in charge  
3 of such institution, school, facility or agency, or church,  
4 synagogue, temple, mosque, or other religious institution, or  
5 his designated agent that such report has been made. Under no  
6 circumstances shall any person in charge of such institution,  
7 school, facility or agency, or church, synagogue, temple,  
8 mosque, or other religious institution, or his designated  
9 agent to whom such notification has been made, exercise any  
10 control, restraint, modification or other change in the report  
11 or the forwarding of such report to the Department.

12 (f) In addition to the persons required to report  
13 suspected cases of child abuse or child neglect under this  
14 Section, any other person may make a report if such person has  
15 reasonable cause to believe a child may be an abused child or a  
16 neglected child.

17 (g) The privileged quality of communication between any  
18 professional person required to report and his patient or  
19 client shall not apply to situations involving abused or  
20 neglected children and shall not constitute grounds for  
21 failure to report as required by this Act or constitute  
22 grounds for failure to share information or documents with the  
23 Department during the course of a child abuse or neglect  
24 investigation. If requested by the professional, the  
25 Department shall confirm in writing that the information or  
26 documents disclosed by the professional were gathered in the

1 course of a child abuse or neglect investigation.

2 The reporting requirements of this Act shall not apply to  
3 the contents of a privileged communication between an attorney  
4 and his or her client or to confidential information within  
5 the meaning of Rule 1.6 of the Illinois Rules of Professional  
6 Conduct relating to the legal representation of an individual  
7 client.

8 A member of the clergy may claim the privilege under  
9 Section 8-803 of the Code of Civil Procedure.

10 (h) Any office, clinic, or any other physical location  
11 that provides abortions, abortion referrals, or contraceptives  
12 shall provide to all office personnel copies of written  
13 information and training materials about abuse and neglect and  
14 the requirements of this Act that are provided to employees of  
15 the office, clinic, or physical location who are required to  
16 make reports to the Department under this Act, and instruct  
17 such office personnel to bring to the attention of an employee  
18 of the office, clinic, or physical location who is required to  
19 make reports to the Department under this Act any reasonable  
20 suspicion that a child known to him or her in his or her  
21 professional or official capacity may be an abused child or a  
22 neglected child.

23 (i) Any person who enters into employment on and after  
24 July 1, 1986 and is mandated by virtue of that employment to  
25 report under this Act, shall sign a statement on a form  
26 prescribed by the Department, to the effect that the employee

1 has knowledge and understanding of the reporting requirements  
2 of this Act. On and after January 1, 2019, the statement shall  
3 also include information about available mandated reporter  
4 training provided by the Department. The statement shall be  
5 signed prior to commencement of the employment. The signed  
6 statement shall be retained by the employer. The cost of  
7 printing, distribution, and filing of the statement shall be  
8 borne by the employer.

9 (j) Persons required to report child abuse or child  
10 neglect as provided under this Section must complete an  
11 initial mandated reporter training, including a section on  
12 implicit bias, within 3 months of their date of engagement in a  
13 professional or official capacity as a mandated reporter, or  
14 within the time frame of any other applicable State law that  
15 governs training requirements for a specific profession, and  
16 at least every 3 years thereafter. The initial requirement  
17 only applies to the first time they engage in their  
18 professional or official capacity. In lieu of training every 3  
19 years, medical personnel, as listed in paragraph (1) of  
20 subsection (a), must meet the requirements described in  
21 subsection (k).

22 The mandated reporter trainings shall be in-person or  
23 web-based, and shall include, at a minimum, information on the  
24 following topics: (i) indicators for recognizing child abuse  
25 and child neglect, as defined under this Act; (ii) the process  
26 for reporting suspected child abuse and child neglect in

1 Illinois as required by this Act and the required  
2 documentation; (iii) responding to a child in a  
3 trauma-informed manner; and (iv) understanding the response of  
4 child protective services and the role of the reporter after a  
5 call has been made. Child-serving organizations are encouraged  
6 to provide in-person annual trainings.

7 The implicit bias section shall be in-person or web-based,  
8 and shall include, at a minimum, information on the following  
9 topics: (i) implicit bias and (ii) racial and ethnic  
10 sensitivity. As used in this subsection, "implicit bias" means  
11 the attitudes or internalized stereotypes that affect people's  
12 perceptions, actions, and decisions in an unconscious manner  
13 and that exist and often contribute to unequal treatment of  
14 people based on race, ethnicity, gender identity, sexual  
15 orientation, age, disability, and other characteristics. The  
16 implicit bias section shall provide tools to adjust automatic  
17 patterns of thinking and ultimately eliminate discriminatory  
18 behaviors. During these trainings mandated reporters shall  
19 complete the following: (1) a pretest to assess baseline  
20 implicit bias levels; (2) an implicit bias training task; and  
21 (3) a posttest to reevaluate bias levels after training. The  
22 implicit bias curriculum for mandated reporters shall be  
23 developed within one year after January 1, 2022 (the effective  
24 date of Public Act 102-604) ~~this amendatory Act of the 102nd~~  
25 ~~General Assembly~~ and shall be created in consultation with  
26 organizations demonstrating expertise and or experience in the

1 areas of implicit bias, youth and adolescent developmental  
2 issues, prevention of child abuse, exploitation, and neglect,  
3 culturally diverse family systems, and the child welfare  
4 system.

5 The mandated reporter training, including a section on  
6 implicit bias, shall be provided through the Department,  
7 through an entity authorized to provide continuing education  
8 for professionals licensed through the Department of Financial  
9 and Professional Regulation, the State Board of Education, the  
10 Illinois Law Enforcement Training Standards Board, or the  
11 Illinois ~~Department~~ of State Police, or through an  
12 organization approved by the Department to provide mandated  
13 reporter training, including a section on implicit bias. The  
14 Department must make available a free web-based training for  
15 reporters.

16 Each mandated reporter shall report to his or her employer  
17 and, when applicable, to his or her licensing or certification  
18 board that he or she received the mandated reporter training.  
19 The mandated reporter shall maintain records of completion.

20 Beginning January 1, 2021, if a mandated reporter receives  
21 licensure from the Department of Financial and Professional  
22 Regulation or the State Board of Education, and his or her  
23 profession has continuing education requirements, the training  
24 mandated under this Section shall count toward meeting the  
25 licensee's required continuing education hours.

26 (k)(1) Medical personnel, as listed in paragraph (1) of

1 subsection (a), who work with children in their professional  
2 or official capacity, must complete mandated reporter training  
3 at least every 6 years. Such medical personnel, if licensed,  
4 must attest at each time of licensure renewal on their renewal  
5 form that they understand they are a mandated reporter of  
6 child abuse and neglect, that they are aware of the process for  
7 making a report, that they know how to respond to a child in a  
8 trauma-informed manner, and that they are aware of the role of  
9 child protective services and the role of a reporter after a  
10 call has been made.

11 (2) In lieu of repeated training, medical personnel, as  
12 listed in paragraph (1) of subsection (a), who do not work with  
13 children in their professional or official capacity, may  
14 instead attest each time at licensure renewal on their renewal  
15 form that they understand they are a mandated reporter of  
16 child abuse and neglect, that they are aware of the process for  
17 making a report, that they know how to respond to a child in a  
18 trauma-informed manner, and that they are aware of the role of  
19 child protective services and the role of a reporter after a  
20 call has been made. Nothing in this paragraph precludes  
21 medical personnel from completing mandated reporter training  
22 and receiving continuing education credits for that training.

23 (1) The Department shall provide copies of this Act, upon  
24 request, to all employers employing persons who shall be  
25 required under the provisions of this Section to report under  
26 this Act.



1 (m) Any person who knowingly transmits a false report to  
2 the Department commits the offense of disorderly conduct under  
3 subsection (a)(7) of Section 26-1 of the Criminal Code of  
4 2012. A violation of this provision is a Class 4 felony.

5 Any person who knowingly and willfully violates any  
6 provision of this Section other than a second or subsequent  
7 violation of transmitting a false report as described in the  
8 preceding paragraph, is guilty of a Class A misdemeanor for a  
9 first violation and a Class 4 felony for a second or subsequent  
10 violation; except that if the person acted as part of a plan or  
11 scheme having as its object the prevention of discovery of an  
12 abused or neglected child by lawful authorities for the  
13 purpose of protecting or insulating any person or entity from  
14 arrest or prosecution, the person is guilty of a Class 4 felony  
15 for a first offense and a Class 3 felony for a second or  
16 subsequent offense (regardless of whether the second or  
17 subsequent offense involves any of the same facts or persons  
18 as the first or other prior offense).

19 (n) A child whose parent, guardian or custodian in good  
20 faith selects and depends upon spiritual means through prayer  
21 alone for the treatment or cure of disease or remedial care may  
22 be considered neglected or abused, but not for the sole reason  
23 that his parent, guardian or custodian accepts and practices  
24 such beliefs.

25 (o) A child shall not be considered neglected or abused  
26 solely because the child is not attending school in accordance

1 with the requirements of Article 26 of the School Code, as  
2 amended.

3 (p) Nothing in this Act prohibits a mandated reporter who  
4 reasonably believes that an animal is being abused or  
5 neglected in violation of the Humane Care for Animals Act from  
6 reporting animal abuse or neglect to the Department of  
7 Agriculture's Bureau of Animal Health and Welfare.

8 (q) A home rule unit may not regulate the reporting of  
9 child abuse or neglect in a manner inconsistent with the  
10 provisions of this Section. This Section is a limitation under  
11 subsection (i) of Section 6 of Article VII of the Illinois  
12 Constitution on the concurrent exercise by home rule units of  
13 powers and functions exercised by the State.

14 (r) For purposes of this Section "child abuse or neglect"  
15 includes abuse or neglect of an adult resident as defined in  
16 this Act.

17 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22;  
18 102-861, eff. 1-1-23; 102-953, eff. 5-27-22; revised  
19 12-14-22.)

20 (325 ILCS 5/8.2) (from Ch. 23, par. 2058.2)

21 Sec. 8.2. If the Child Protective Service Unit determines,  
22 following an investigation made pursuant to Section 7.4 of  
23 this Act, that there is credible evidence that the child is  
24 abused or neglected, the Department shall assess the family's  
25 need for services, and, as necessary, develop, with the

1 family, an appropriate service plan for the family's voluntary  
2 acceptance or refusal. In any case where there is evidence  
3 that the perpetrator of the abuse or neglect has a substance  
4 use disorder as defined in the Substance Use Disorder Act, the  
5 Department, when making referrals for drug or alcohol abuse  
6 services, shall make such referrals to facilities licensed by  
7 the Department of Human Services or the Department of Public  
8 Health. The Department shall comply with Section 8.1 by  
9 explaining its lack of legal authority to compel the  
10 acceptance of services and may explain its concomitant  
11 authority to petition the Circuit court under the Juvenile  
12 Court Act of 1987 or refer the case to the local law  
13 enforcement authority or State's attorney for criminal  
14 prosecution.

15 For purposes of this Act, the term "family preservation  
16 services" refers to all services to help families, including  
17 adoptive and extended families. Family preservation services  
18 shall be offered, where safe and appropriate, to prevent the  
19 placement of children in substitute care when the children can  
20 be cared for at home or in the custody of the person  
21 responsible for the children's welfare without endangering the  
22 children's health or safety, to reunite them with their  
23 families if so placed when reunification is an appropriate  
24 goal, or to maintain an adoptive placement. The term  
25 "homemaker" includes emergency caretakers, homemakers,  
26 caretakers, housekeepers and chore services. The term

1 "counseling" includes individual therapy, infant stimulation  
2 therapy, family therapy, group therapy, self-help groups, drug  
3 and alcohol abuse counseling, vocational counseling and  
4 post-adoptive services. The term "child ~~day~~ care" includes  
5 protective child ~~day~~ care and child ~~day~~ care to meet  
6 educational, prevocational or vocational needs. The term  
7 "emergency assistance and advocacy" includes coordinated  
8 services to secure emergency cash, food, housing and medical  
9 assistance or advocacy for other subsistence and family  
10 protective needs.

11 Before July 1, 2000, appropriate family preservation  
12 services shall, subject to appropriation, be included in the  
13 service plan if the Department has determined that those  
14 services will ensure the child's health and safety, are in the  
15 child's best interests, and will not place the child in  
16 imminent risk of harm. Beginning July 1, 2000, appropriate  
17 family preservation services shall be uniformly available  
18 throughout the State. The Department shall promptly notify  
19 children and families of the Department's responsibility to  
20 offer and provide family preservation services as identified  
21 in the service plan. Such plans may include but are not limited  
22 to: case management services; homemakers; counseling; parent  
23 education; child ~~day~~ care; emergency assistance and advocacy  
24 assessments; respite care; in-home health care; transportation  
25 to obtain any of the above services; and medical assistance.  
26 Nothing in this paragraph shall be construed to create a

1 private right of action or claim on the part of any individual  
2 or child welfare agency, except that when a child is the  
3 subject of an action under Article II of the Juvenile Court Act  
4 of 1987 and the child's service plan calls for services to  
5 facilitate achievement of the permanency goal, the court  
6 hearing the action under Article II of the Juvenile Court Act  
7 of 1987 may order the Department to provide the services set  
8 out in the plan, if those services are not provided with  
9 reasonable promptness and if those services are available.

10 Each Department field office shall maintain on a local  
11 basis directories of services available to children and  
12 families in the local area where the Department office is  
13 located.

14 The Department shall refer children and families served  
15 pursuant to this Section to private agencies and governmental  
16 agencies, where available.

17 Incentives that discourage or reward a decision to provide  
18 family preservation services after a report is indicated or a  
19 decision to refer a child for the filing of a petition under  
20 Article II of the Juvenile Court Act of 1987 are strictly  
21 prohibited and shall not be included in any contract, quality  
22 assurance, or performance review process. Incentives include,  
23 but are not limited to, monetary benefits, contingencies, and  
24 enhanced or diminished performance reviews for individuals or  
25 agencies.

26 Any decision regarding whether to provide family

1 preservation services after an indicated report or to refer a  
2 child for the filing of a petition under Article II of the  
3 Juvenile Court Act of 1987 shall be based solely on the child's  
4 health, safety, and best interests and on any applicable law.  
5 If a difference of opinion exists between a private agency and  
6 the Department regarding whether to refer for the filing of a  
7 petition under Article II of the Juvenile Court Act of 1987,  
8 the case shall be referred to the Deputy Director of Child  
9 Protection for review and determination.

10 Any Department employee responsible for reviewing  
11 contracts or program plans who is aware of a violation of this  
12 Section shall immediately refer the matter to the Inspector  
13 General of the Department.

14 Where there are 2 equal proposals from both a  
15 not-for-profit and a for-profit agency to provide services,  
16 the Department shall give preference to the proposal from the  
17 not-for-profit agency.

18 No service plan shall compel any child or parent to engage  
19 in any activity or refrain from any activity which is not  
20 reasonably related to remedying a condition or conditions that  
21 gave rise or which could give rise to any finding of child  
22 abuse or neglect.

23 (Source: P.A. 100-759, eff. 1-1-19; 101-528, eff. 8-23-19.)

24 Section 205. The Missing Children Records Act is amended  
25 by changing Section 5 as follows:

1 (325 ILCS 50/5) (from Ch. 23, par. 2285)

2 Sec. 5. Duties of school or other entity.

3 (a) Upon notification by the Illinois State Police of a  
4 person's disappearance, a school, preschool educational  
5 program, child care facility, or child ~~day~~ care home or group  
6 child ~~day~~ care home in which the person is currently or was  
7 previously enrolled shall flag the record of that person in  
8 such a manner that whenever a copy of or information regarding  
9 the record is requested, the school or other entity shall be  
10 alerted to the fact that the record is that of a missing  
11 person. The school or other entity shall immediately report to  
12 the Illinois State Police any request concerning flagged  
13 records or knowledge as to the whereabouts of any missing  
14 person. Upon notification by the Illinois State Police that  
15 the missing person has been recovered, the school or other  
16 entity shall remove the flag from the person's record.

17 (b) (1) For every child enrolled in a particular  
18 elementary or secondary school, public or private preschool  
19 educational program, public or private child care facility  
20 licensed under the Child Care Act of 1969, or child ~~day~~  
21 home or group child ~~day~~ care home licensed under the Child Care  
22 Act of 1969, that school or other entity shall notify in  
23 writing the person enrolling the child that within 30 days he  
24 must provide either (i) a certified copy of the child's birth  
25 certificate or (ii) other reliable proof, as determined by the

1 Illinois State Police, of the child's identity and age and an  
2 affidavit explaining the inability to produce a copy of the  
3 birth certificate. Other reliable proof of the child's  
4 identity and age shall include a passport, visa or other  
5 governmental documentation of the child's identity. When the  
6 person enrolling the child provides the school or other entity  
7 with a certified copy of the child's birth certificate, the  
8 school or other entity shall promptly make a copy of the  
9 certified copy for its records and return the original  
10 certified copy to the person enrolling the child. Once a  
11 school or other entity has been provided with a certified copy  
12 of a child's birth certificate as required under item (i) of  
13 this subdivision (b) (1), the school or other entity need not  
14 request another such certified copy with respect to that child  
15 for any other year in which the child is enrolled in that  
16 school or other entity.

17 (2) Upon the failure of a person enrolling a child to  
18 comply with subsection (b) (1), the school or other entity  
19 shall immediately notify the Illinois State Police or local  
20 law enforcement agency of such failure, and shall notify the  
21 person enrolling the child in writing that he has 10  
22 additional days to comply.

23 (3) The school or other entity shall immediately report to  
24 the Illinois State Police any affidavit received pursuant to  
25 this subsection which appears inaccurate or suspicious in form  
26 or content.



1           (c) Within 14 days after enrolling a transfer student, the  
2 elementary or secondary school shall request directly from the  
3 student's previous school a certified copy of his record. The  
4 requesting school shall exercise due diligence in obtaining  
5 the copy of the record requested. Any elementary or secondary  
6 school requested to forward a copy of a transferring student's  
7 record to the new school shall comply within 10 days of receipt  
8 of the request unless the record has been flagged pursuant to  
9 subsection (a), in which case the copy shall not be forwarded  
10 and the requested school shall notify the Illinois State  
11 Police or local law enforcement authority of the request.

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

13           Section 210. The Mental Health and Developmental  
14 Disabilities Code is amended by changing Section 1-111 as  
15 follows:

16           (405 ILCS 5/1-111) (from Ch. 91 1/2, par. 1-111)

17           Sec. 1-111. "Habilitation" means an effort directed toward  
18 the alleviation of a developmental disability or toward  
19 increasing a person with a developmental disability's level of  
20 physical, mental, social or economic functioning. Habilitation  
21 may include, but is not limited to, diagnosis, evaluation,  
22 medical services, residential care, child care and adult day  
23 care, special living arrangements, training, education,  
24 sheltered employment, protective services, counseling and

1 other services provided to persons with a developmental  
2 disability by developmental disabilities facilities.

3 (Source: P.A. 88-380.)

4 Section 215. The Epinephrine Injector Act is amended by  
5 changing Section 5 as follows:

6 (410 ILCS 27/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Administer" means to directly apply an epinephrine  
9 injector to the body of an individual.

10 "Authorized entity" means any entity or organization,  
11 other than a school covered under Section 22-30 of the School  
12 Code, in connection with or at which allergens capable of  
13 causing anaphylaxis may be present, including, but not limited  
14 to, independent contractors who provide student transportation  
15 to schools, recreation camps, colleges and universities, child  
16 ~~day~~ care facilities, youth sports leagues, amusement parks,  
17 restaurants, sports arenas, and places of employment. The  
18 Department shall, by rule, determine what constitutes a child  
19 ~~day~~ care facility under this definition.

20 "Department" means the Department of Public Health.

21 "Epinephrine injector" includes an auto-injector approved  
22 by the United States Food and Drug Administration for the  
23 administration of epinephrine and a pre-filled syringe  
24 approved by the United States Food and Drug Administration and

1 used for the administration of epinephrine that contains a  
2 pre-measured dose of epinephrine that is equivalent to the  
3 dosages used in an auto-injector.

4 "Health care practitioner" means a physician licensed to  
5 practice medicine in all its branches under the Medical  
6 Practice Act of 1987, a physician assistant under the  
7 Physician Assistant Practice Act of 1987 with prescriptive  
8 authority, or an advanced practice registered nurse with  
9 prescribing authority under Article 65 of the Nurse Practice  
10 Act.

11 "Pharmacist" has the meaning given to that term under  
12 subsection (k-5) of Section 3 of the Pharmacy Practice Act.

13 "Undesignated epinephrine injector" means an epinephrine  
14 injector prescribed in the name of an authorized entity.

15 (Source: P.A. 99-711, eff. 1-1-17; 100-513, eff. 1-1-18;  
16 100-799, eff. 1-1-19.)

17 Section 220. The Lead Poisoning Prevention Act is amended  
18 by changing Section 7.1 as follows:

19 (410 ILCS 45/7.1) (from Ch. 111 1/2, par. 1307.1)

20 Sec. 7.1. Requirements for child care facilities. Each  
21 child day care center, child day care home, preschool, nursery  
22 school, kindergarten, or other child care facility, licensed  
23 or approved by the State, including such programs operated by  
24 a public school district, shall include a requirement that

1 each parent or legal guardian of a child between one and 7  
2 years of age provide a statement from a physician or health  
3 care provider that the child has been assessed for risk of lead  
4 poisoning or tested or both, as provided in Section 6.2. This  
5 statement shall be provided prior to admission and  
6 subsequently in conjunction with required physical  
7 examinations.

8 Child care facilities that participate in the Illinois  
9 Child Care Assistance Program (CCAP) shall annually send or  
10 deliver to the parents or guardians of children enrolled in  
11 the facility's care an informational pamphlet regarding  
12 awareness of lead poisoning. Pamphlets shall be produced and  
13 made available by the Department and shall be downloadable  
14 from the Department's Internet website. The Department of  
15 Human Services and the Department of Public Health shall  
16 assist in the distribution of the pamphlet.

17 (Source: P.A. 98-690, eff. 1-1-15.)

18 Section 225. The Medical Patient Rights Act is amended by  
19 changing Section 3.4 as follows:

20 (410 ILCS 50/3.4)

21 Sec. 3.4. Rights of women; pregnancy and childbirth.

22 (a) In addition to any other right provided under this  
23 Act, every woman has the following rights with regard to  
24 pregnancy and childbirth:

1           (1) The right to receive health care before, during,  
2           and after pregnancy and childbirth.

3           (2) The right to receive care for her and her infant  
4           that is consistent with generally accepted medical  
5           standards.

6           (3) The right to choose a certified nurse midwife or  
7           physician as her maternity care professional.

8           (4) The right to choose her birth setting from the  
9           full range of birthing options available in her community.

10          (5) The right to leave her maternity care professional  
11          and select another if she becomes dissatisfied with her  
12          care, except as otherwise provided by law.

13          (6) The right to receive information about the names  
14          of those health care professionals involved in her care.

15          (7) The right to privacy and confidentiality of  
16          records, except as provided by law.

17          (8) The right to receive information concerning her  
18          condition and proposed treatment, including methods of  
19          relieving pain.

20          (9) The right to accept or refuse any treatment, to  
21          the extent medically possible.

22          (10) The right to be informed if her caregivers wish  
23          to enroll her or her infant in a research study in  
24          accordance with Section 3.1 of this Act.

25          (11) The right to access her medical records in  
26          accordance with Section 8-2001 of the Code of Civil

1 Procedure.

2 (12) The right to receive information in a language in  
3 which she can communicate in accordance with federal law.

4 (13) The right to receive emotional and physical  
5 support during labor and birth.

6 (14) The right to freedom of movement during labor and  
7 to give birth in the position of her choice, within  
8 generally accepted medical standards.

9 (15) The right to contact with her newborn, except  
10 where necessary care must be provided to the mother or  
11 infant.

12 (16) The right to receive information about  
13 breastfeeding.

14 (17) The right to decide collaboratively with  
15 caregivers when she and her baby will leave the birth site  
16 for home, based on their conditions and circumstances.

17 (18) The right to be treated with respect at all times  
18 before, during, and after pregnancy by her health care  
19 professionals.

20 (19) The right of each patient, regardless of source  
21 of payment, to examine and receive a reasonable  
22 explanation of her total bill for services rendered by her  
23 maternity care professional or health care provider,  
24 including itemized charges for specific services received.  
25 Each maternity care professional or health care provider  
26 shall be responsible only for a reasonable explanation of

1 those specific services provided by the maternity care  
2 professional or health care provider.

3 (b) The Department of Public Health, Department of  
4 Healthcare and Family Services, Department of Children and  
5 Family Services, and Department of Human Services shall post,  
6 either by physical or electronic means, information about  
7 these rights on their publicly available websites. Every  
8 health care provider, child day care center licensed under the  
9 Child Care Act of 1969, Head Start, and community center shall  
10 post information about these rights in a prominent place and  
11 on their websites, if applicable.

12 (c) The Department of Public Health shall adopt rules to  
13 implement this Section.

14 (d) Nothing in this Section or any rules adopted under  
15 subsection (c) shall be construed to require a physician,  
16 health care professional, hospital, hospital affiliate, or  
17 health care provider to provide care inconsistent with  
18 generally accepted medical standards or available capabilities  
19 or resources.

20 (Source: P.A. 101-445, eff. 1-1-20; 102-4, eff. 4-27-21.)

21 Section 230. The Compassionate Use of Medical Cannabis  
22 Program Act is amended by changing Sections 105 and 130 as  
23 follows:

24 (410 ILCS 130/105)

1           Sec. 105. Requirements; prohibitions; penalties for  
2 cultivation centers.

3           (a) The operating documents of a registered cultivation  
4 center shall include procedures for the oversight of the  
5 cultivation center, a cannabis plant monitoring system  
6 including a physical inventory recorded weekly, a cannabis  
7 container system including a physical inventory recorded  
8 weekly, accurate record keeping, and a staffing plan.

9           (b) A registered cultivation center shall implement a  
10 security plan reviewed by the Illinois State Police and  
11 including but not limited to: facility access controls,  
12 perimeter intrusion detection systems, personnel  
13 identification systems, 24-hour surveillance system to monitor  
14 the interior and exterior of the registered cultivation center  
15 facility and accessible to authorized law enforcement and the  
16 Department of Agriculture in real-time.

17           (c) A registered cultivation center may not be located  
18 within 2,500 feet of the property line of a pre-existing  
19 public or private preschool or elementary or secondary school  
20 or child ~~day~~ care center, child ~~day~~ care home, group child ~~day~~  
21 care home, part day child care facility, or an area zoned for  
22 residential use.

23           (d) All cultivation of cannabis for distribution to a  
24 registered dispensing organization must take place in an  
25 enclosed, locked facility as it applies to cultivation centers  
26 at the physical address provided to the Department of



1 Agriculture during the registration process. The cultivation  
2 center location shall only be accessed by the cultivation  
3 center agents working for the registered cultivation center,  
4 Department of Agriculture staff performing inspections,  
5 Department of Public Health staff performing inspections, law  
6 enforcement or other emergency personnel, and contractors  
7 working on jobs unrelated to medical cannabis, such as  
8 installing or maintaining security devices or performing  
9 electrical wiring.

10 (e) A cultivation center may not sell or distribute any  
11 cannabis to any individual or entity other than another  
12 cultivation center, a dispensing organization registered under  
13 this Act, or a laboratory licensed by the Department of  
14 Agriculture.

15 (f) All harvested cannabis intended for distribution to a  
16 dispensing organization must be packaged in a labeled medical  
17 cannabis container and entered into a data collection system.

18 (g) No person who has been convicted of an excluded  
19 offense may be a cultivation center agent.

20 (h) Registered cultivation centers are subject to random  
21 inspection by the Illinois State Police.

22 (i) Registered cultivation centers are subject to random  
23 inspections by the Department of Agriculture and the  
24 Department of Public Health.

25 (j) A cultivation center agent shall notify local law  
26 enforcement, the Illinois State Police, and the Department of

1 Agriculture within 24 hours of the discovery of any loss or  
2 theft. Notification shall be made by phone or in-person, or by  
3 written or electronic communication.

4 (k) A cultivation center shall comply with all State and  
5 federal rules and regulations regarding the use of pesticides.

6 (Source: P.A. 101-363, eff. 8-9-19; 102-538, eff. 8-20-21.)

7 (410 ILCS 130/130)

8 Sec. 130. Requirements; prohibitions; penalties;  
9 dispensing organizations.

10 (a) The Department of Financial and Professional  
11 Regulation shall implement the provisions of this Section by  
12 rule.

13 (b) A dispensing organization shall maintain operating  
14 documents which shall include procedures for the oversight of  
15 the registered dispensing organization and procedures to  
16 ensure accurate recordkeeping.

17 (c) A dispensing organization shall implement appropriate  
18 security measures, as provided by rule, to deter and prevent  
19 the theft of cannabis and unauthorized entrance into areas  
20 containing cannabis.

21 (d) A dispensing organization may not be located within  
22 1,000 feet of the property line of a pre-existing public or  
23 private preschool or elementary or secondary school or child  
24 ~~day~~ care center, child ~~day~~ care home, group child ~~day~~ care  
25 home, or part day child care facility. A registered dispensing

1 organization may not be located in a house, apartment,  
2 condominium, or an area zoned for residential use. This  
3 subsection shall not apply to any dispensing organizations  
4 registered on or after July 1, 2019.

5 (e) A dispensing organization is prohibited from acquiring  
6 cannabis from anyone other than a cultivation center, craft  
7 grower, processing organization, another dispensing  
8 organization, or transporting organization licensed or  
9 registered under this Act or the Cannabis Regulation and Tax  
10 Act. A dispensing organization is prohibited from obtaining  
11 cannabis from outside the State of Illinois.

12 (f) A registered dispensing organization is prohibited  
13 from dispensing cannabis for any purpose except to assist  
14 registered qualifying patients with the medical use of  
15 cannabis directly or through the qualifying patients'  
16 designated caregivers.

17 (g) The area in a dispensing organization where medical  
18 cannabis is stored can only be accessed by dispensing  
19 organization agents working for the dispensing organization,  
20 Department of Financial and Professional Regulation staff  
21 performing inspections, law enforcement or other emergency  
22 personnel, and contractors working on jobs unrelated to  
23 medical cannabis, such as installing or maintaining security  
24 devices or performing electrical wiring.

25 (h) A dispensing organization may not dispense more than  
26 2.5 ounces of cannabis to a registered qualifying patient,

1 directly or via a designated caregiver, in any 14-day period  
2 unless the qualifying patient has a Department of Public  
3 Health-approved quantity waiver. Any Department of Public  
4 Health-approved quantity waiver process must be made available  
5 to qualified veterans.

6 (i) Except as provided in subsection (i-5), before medical  
7 cannabis may be dispensed to a designated caregiver or a  
8 registered qualifying patient, a dispensing organization agent  
9 must determine that the individual is a current cardholder in  
10 the verification system and must verify each of the following:

11 (1) that the registry identification card presented to  
12 the registered dispensing organization is valid;

13 (2) that the person presenting the card is the person  
14 identified on the registry identification card presented  
15 to the dispensing organization agent;

16 (3) (blank); and

17 (4) that the registered qualifying patient has not  
18 exceeded his or her adequate supply.

19 (i-5) A dispensing organization may dispense medical  
20 cannabis to an Opioid Alternative Pilot Program participant  
21 under Section 62 and to a person presenting proof of  
22 provisional registration under Section 55. Before dispensing  
23 medical cannabis, the dispensing organization shall comply  
24 with the requirements of Section 62 or Section 55, whichever  
25 is applicable, and verify the following:

26 (1) that the written certification presented to the

1 registered dispensing organization is valid and an  
2 original document;

3 (2) that the person presenting the written  
4 certification is the person identified on the written  
5 certification; and

6 (3) that the participant has not exceeded his or her  
7 adequate supply.

8 (j) Dispensing organizations shall ensure compliance with  
9 this limitation by maintaining internal, confidential records  
10 that include records specifying how much medical cannabis is  
11 dispensed to the registered qualifying patient and whether it  
12 was dispensed directly to the registered qualifying patient or  
13 to the designated caregiver. Each entry must include the date  
14 and time the cannabis was dispensed. Additional recordkeeping  
15 requirements may be set by rule.

16 (k) The health care professional-patient privilege as set  
17 forth by Section 8-802 of the Code of Civil Procedure shall  
18 apply between a qualifying patient and a registered dispensing  
19 organization and its agents with respect to communications and  
20 records concerning qualifying patients' debilitating  
21 conditions.

22 (l) A dispensing organization may not permit any person to  
23 consume cannabis on the property of a medical cannabis  
24 organization.

25 (m) A dispensing organization may not share office space  
26 with or refer patients to a certifying health care

1 professional.

2 (n) Notwithstanding any other criminal penalties related  
3 to the unlawful possession of cannabis, the Department of  
4 Financial and Professional Regulation may revoke, suspend,  
5 place on probation, reprimand, refuse to issue or renew, or  
6 take any other disciplinary or non-disciplinary action as the  
7 Department of Financial and Professional Regulation may deem  
8 proper with regard to the registration of any person issued  
9 under this Act to operate a dispensing organization or act as a  
10 dispensing organization agent, including imposing fines not to  
11 exceed \$10,000 for each violation, for any violations of this  
12 Act and rules adopted in accordance with this Act. The  
13 procedures for disciplining a registered dispensing  
14 organization shall be determined by rule. All final  
15 administrative decisions of the Department of Financial and  
16 Professional Regulation are subject to judicial review under  
17 the Administrative Review Law and its rules. The term  
18 "administrative decision" is defined as in Section 3-101 of  
19 the Code of Civil Procedure.

20 (o) Dispensing organizations are subject to random  
21 inspection and cannabis testing by the Department of Financial  
22 and Professional Regulation, the Illinois State Police, the  
23 Department of Revenue, the Department of Public Health, the  
24 Department of Agriculture, or as provided by rule.

25 (p) The Department of Financial and Professional  
26 Regulation shall adopt rules permitting returns, and potential

1 refunds, for damaged or inadequate products.

2 (q) The Department of Financial and Professional  
3 Regulation may issue nondisciplinary citations for minor  
4 violations which may be accompanied by a civil penalty not to  
5 exceed \$10,000 per violation. The penalty shall be a civil  
6 penalty or other condition as established by rule. The  
7 citation shall be issued to the licensee and shall contain the  
8 licensee's name, address, and license number, a brief factual  
9 statement, the Sections of the law or rule allegedly violated,  
10 and the civil penalty, if any, imposed. The citation must  
11 clearly state that the licensee may choose, in lieu of  
12 accepting the citation, to request a hearing. If the licensee  
13 does not dispute the matter in the citation with the  
14 Department of Financial and Professional Regulation within 30  
15 days after the citation is served, then the citation shall  
16 become final and shall not be subject to appeal.

17 (Source: P.A. 101-363, eff. 8-9-19; 102-98, eff. 7-15-21.)

18 Section 235. The Coal Tar Sealant Disclosure Act is  
19 amended by changing Section 10 as follows:

20 (410 ILCS 170/10)

21 (This Section may contain text from a Public Act with a  
22 delayed effective date)

23 Sec. 10. Coal tar sealant disclosure; public schools.

24 (a) A public school, public school district, or child day ~~day~~

1 care shall provide written or telephonic notification to  
2 parents and guardians of students and employees prior to any  
3 application of a coal-tar based sealant product or a high  
4 polycyclic aromatic hydrocarbon sealant product. The written  
5 notification:

6 (1) may be included in newsletters, bulletins,  
7 calendars, or other correspondence currently published by  
8 the school district or child day care center;

9 (2) must be given at least 10 business days before the  
10 application and should identify the intended date and  
11 location of the application of the coal-tar based sealant  
12 product or high polycyclic aromatic hydrocarbon sealant;

13 (3) must include the name and telephone contact number  
14 for the school or child day care center personnel  
15 responsible for the application; and

16 (4) must include any health hazards associated with  
17 coal tar-based sealant product or high polycyclic aromatic  
18 hydrocarbon sealant product, as provided by a  
19 corresponding safety data sheet.

20 (b) Notwithstanding any provision of this Act or any other  
21 law to the contrary, a public school or public school district  
22 that bids a pavement engineering project using a coal  
23 tar-based sealant product or high polycyclic aromatic  
24 hydrocarbon sealant product for pavement engineering-related  
25 use shall request a bid with an alternative for asphalt-based  
26 or latex-based sealant product as a part of the engineering



1 project. The public school or public school district shall  
2 consider whether asphalt-based or latex-based sealant product  
3 should be used for the project based upon costs and life cycle  
4 costs that regard preserving pavements, product warranties,  
5 and the benefits to public health and safety.

6 (c) The Department, in consultation with the State Board  
7 of Education, shall conduct outreach to public schools and  
8 public school districts to provide guidance for compliance  
9 with the provisions of this Act.

10 (d) On or before May 1, 2023, the Department and the State  
11 Board of Education shall post on their websites guidance on  
12 screening for coal tar-based sealant product or high  
13 polycyclic aromatic hydrocarbon sealant product, requirements  
14 for a request for proposals, and requirements for disclosure.

15 (Source: P.A. 102-242, eff. 1-1-23.)

16 Section 240. The Child Vision and Hearing Test Act is  
17 amended by changing Section 3 as follows:

18 (410 ILCS 205/3) (from Ch. 23, par. 2333)

19 Sec. 3. Vision and hearing screening services shall be  
20 administered to all children as early as possible, but no  
21 later than their first year in any public or private education  
22 program, licensed child ~~day~~ care center or residential  
23 facility for children with disabilities; and periodically  
24 thereafter, to identify those children with vision or hearing

1 impairments or both so that such conditions can be managed or  
2 treated.

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

4 Section 245. The Food Handling Regulation Enforcement Act  
5 is amended by changing Section 3.06 as follows:

6 (410 ILCS 625/3.06)

7 Sec. 3.06. Food handler training; restaurants.

8 (a) For the purpose of this Section, "restaurant" means  
9 any business that is primarily engaged in the sale of  
10 ready-to-eat food for immediate consumption. "Primarily  
11 engaged" means having sales of ready-to-eat food for immediate  
12 consumption comprising at least 51% of the total sales,  
13 excluding the sale of liquor.

14 (b) Unless otherwise provided, all food handlers employed  
15 by a restaurant, other than someone holding a food service  
16 sanitation manager certificate, must receive or obtain  
17 American National Standards Institute-accredited training in  
18 basic safe food handling principles within 30 days after  
19 employment and every 3 years thereafter. Notwithstanding the  
20 provisions of Section 3.05 of this Act, food handlers employed  
21 in nursing homes, licensed child ~~day~~ care homes and  
22 facilities, hospitals, schools, and long-term care facilities  
23 must renew their training every 3 years. There is no limit to  
24 how many times an employee may take the training. The training

1 indicated in subsections (e) and (f) of this Section is  
2 transferable between employers, but not individuals. The  
3 training indicated in subsections (c) and (d) of this Section  
4 is not transferable between individuals or employers. Proof  
5 that a food handler has been trained must be available upon  
6 reasonable request by a State or local health department  
7 inspector and may be provided electronically.

8 (c) If a business with an internal training program is  
9 approved in another state prior to the effective date of this  
10 amendatory Act of the 98th General Assembly, then the  
11 business's training program and assessment shall be  
12 automatically approved by the Department upon the business  
13 providing proof that the program is approved in said state.

14 (d) The Department shall approve the training program of  
15 any multi-state business or a franchisee, as defined in the  
16 Franchise Disclosure Act of 1987, of any multi-state business  
17 with a plan that follows the guidelines in subsection (b) of  
18 Section 3.05 of this Act and is on file with the Department by  
19 August 1, 2017.

20 (e) If an entity uses an American National Standards  
21 Institute food handler training accredited program, that  
22 training program shall be automatically approved by the  
23 Department.

24 (f) Certified local health departments in counties serving  
25 jurisdictions with a population of 100,000 or less, as  
26 reported by the U.S. Census Bureau in the 2010 Census of

1 Population, may have a training program. The training program  
2 must meet the requirements of Section 3.05(b) and be approved  
3 by the Department. This Section notwithstanding, certified  
4 local health departments in the following counties may have a  
5 training program:

6 (1) a county with a population of 677,560 as reported  
7 by the U.S. Census Bureau in the 2010 Census of  
8 Population;

9 (2) a county with a population of 308,760 as reported  
10 by the U.S. Census Bureau in the 2010 Census of  
11 Population;

12 (3) a county with a population of 515,269 as reported  
13 by the U.S. Census Bureau in the 2010 Census of  
14 Population;

15 (4) a county with a population of 114,736 as reported  
16 by the U.S. Census Bureau in the 2010 Census of  
17 Population;

18 (5) a county with a population of 110,768 as reported  
19 by the U.S. Census Bureau in the 2010 Census of  
20 Population;

21 (6) a county with a population of 135,394 as reported  
22 by the U.S. Census Bureau in the 2010 Census of  
23 Population.

24 The certified local health departments in paragraphs (1)  
25 through (6) of this subsection (f) must have their training  
26 programs on file with the Department no later than 90 days

1 after the effective date of this Act. Any modules that meet the  
2 requirements of subsection (b) of Section 3.05 of this Act and  
3 are not approved within 180 days after the Department's  
4 receipt of the application of the entity seeking to conduct  
5 the training shall automatically be considered approved by the  
6 Department.

7 (g) Any and all documents, materials, or information  
8 related to a restaurant or business food handler training  
9 module submitted to the Department is confidential and shall  
10 not be open to public inspection or dissemination and is  
11 exempt from disclosure under Section 7 of the Freedom of  
12 Information Act. Training may be conducted by any means  
13 available, including, but not limited to, on-line, computer,  
14 classroom, live trainers, remote trainers, and certified food  
15 service sanitation managers. There must be at least one  
16 commercially available, approved food handler training module  
17 at a cost of no more than \$15 per employee; if an approved food  
18 handler training module is not available at that cost, then  
19 the provisions of this Section 3.06 shall not apply.

20 (h) The regulation of food handler training is considered  
21 to be an exclusive function of the State, and local regulation  
22 is prohibited. This subsection (h) is a denial and limitation  
23 of home rule powers and functions under subsection (h) of  
24 Section 6 of Article VII of the Illinois Constitution.

25 (i) The provisions of this Section apply beginning July 1,  
26 2014. From July 1, 2014 through December 31, 2014, enforcement

1 of the provisions of this Section shall be limited to  
2 education and notification of requirements to encourage  
3 compliance.

4 (Source: P.A. 99-62, eff. 7-16-15; 99-78, eff. 7-20-15;  
5 100-367, eff. 8-25-17.)

6 Section 250. The Environmental Protection Act is amended  
7 by changing Section 17.12 as follows:

8 (415 ILCS 5/17.12)

9 Sec. 17.12. Lead service line replacement and  
10 notification.

11 (a) The purpose of this Act is to: (1) require the owners  
12 and operators of community water supplies to develop,  
13 implement, and maintain a comprehensive water service line  
14 material inventory and a comprehensive lead service line  
15 replacement plan, provide notice to occupants of potentially  
16 affected buildings before any construction or repair work on  
17 water mains or lead service lines, and request access to  
18 potentially affected buildings before replacing lead service  
19 lines; and (2) prohibit partial lead service line  
20 replacements, except as authorized within this Section.

21 (b) The General Assembly finds and declares that:

22 (1) There is no safe level of exposure to heavy metal  
23 lead, as found by the United States Environmental  
24 Protection Agency and the Centers for Disease Control and

1 Prevention.

2 (2) Lead service lines can convey this harmful  
3 substance to the drinking water supply.

4 (3) According to the Illinois Environmental Protection  
5 Agency's 2018 Service Line Material Inventory, the State  
6 of Illinois is estimated to have over 680,000 lead-based  
7 service lines still in operation.

8 (4) The true number of lead service lines is not fully  
9 known because Illinois lacks an adequate inventory of lead  
10 service lines.

11 (5) For the general health, safety and welfare of its  
12 residents, all lead service lines in Illinois should be  
13 disconnected from the drinking water supply, and the  
14 State's drinking water supply.

15 (c) In this Section:

16 "Advisory Board" means the Lead Service Line Replacement  
17 Advisory Board created under subsection (x).

18 "Community water supply" has the meaning ascribed to it in  
19 Section 3.145 of this Act.

20 "Department" means the Department of Public Health.

21 "Emergency repair" means any unscheduled water main, water  
22 service, or water valve repair or replacement that results  
23 from failure or accident.

24 "Fund" means the Lead Service Line Replacement Fund  
25 created under subsection (bb).

26 "Lead service line" means a service line made of lead or

1 service line connected to a lead pigtail, lead gooseneck, or  
2 other lead fitting.

3 "Material inventory" means a water service line material  
4 inventory developed by a community water supply under this  
5 Act.

6 "Non-community water supply" has the meaning ascribed to  
7 it in Section 3.145 of the Environmental Protection Act.

8 "NSF/ANSI Standard" means a water treatment standard  
9 developed by NSF International.

10 "Partial lead service line replacement" means replacement  
11 of only a portion of a lead service line.

12 "Potentially affected building" means any building that is  
13 provided water service through a service line that is either a  
14 lead service line or a suspected lead service line.

15 "Public water supply" has the meaning ascribed to it in  
16 Section 3.365 of this Act.

17 "Service line" means the piping, tubing, and necessary  
18 appurtenances acting as a conduit from the water main or  
19 source of potable water supply to the building plumbing at the  
20 first shut-off valve or 18 inches inside the building,  
21 whichever is shorter.

22 "Suspected lead service line" means a service line that a  
23 community water supply finds more likely than not to be made of  
24 lead after completing the requirements under paragraphs (2)  
25 through (5) of subsection (h).

26 "Small system" means a community water supply that



1 regularly serves water to 3,300 or fewer persons.

2 (d) An owner or operator of a community water supply  
3 shall:

4 (1) develop an initial material inventory by April 15,  
5 2022 and electronically submit by April 15, 2023 an  
6 updated material inventory electronically to the Agency;  
7 and

8 (2) deliver a complete material inventory to the  
9 Agency no later than April 15, 2024, or such time as  
10 required by federal law, whichever is sooner. The complete  
11 inventory shall report the composition of all service  
12 lines in the community water supply's distribution system.

13 (e) The Agency shall review and approve the final material  
14 inventory submitted to it under subsection (d).

15 (f) If a community water supply does not submit a complete  
16 inventory to the Agency by April 15, 2024 under paragraph (2)  
17 of subsection (d), the community water supply may apply for an  
18 extension to the Agency no less than 3 months prior to the due  
19 date. The Agency shall develop criteria for granting material  
20 inventory extensions. When considering requests for extension,  
21 the Agency shall, at a minimum, consider:

22 (1) the number of service connections in a water  
23 supply; and

24 (2) the number of service lines of an unknown material  
25 composition.

26 (g) A material inventory prepared for a community water

1 supply under subsection (d) shall identify:

2 (1) the total number of service lines connected to the  
3 community water supply's distribution system;

4 (2) the materials of construction of each service line  
5 connected to the community water supply's distribution  
6 system;

7 (3) the number of suspected lead service lines that  
8 were newly identified in the material inventory for the  
9 community water supply after the community water supply  
10 last submitted a service line inventory to the Agency; and

11 (4) the number of suspected or known lead service  
12 lines that were replaced after the community water supply  
13 last submitted a service line inventory to the Agency, and  
14 the material of the service line that replaced each lead  
15 service line.

16 When identifying the materials of construction under  
17 paragraph (2) of this subsection, the owner or operator of the  
18 community water supply shall to the best of the owner's or  
19 operator's ability identify the type of construction material  
20 used on the customer's side of the curb box, meter, or other  
21 line of demarcation and the community water supply's side of  
22 the curb box, meter, or other line of demarcation.

23 (h) In completing a material inventory under subsection  
24 (d), the owner or operator of a community water supply shall:

25 (1) prioritize inspections of high-risk areas  
26 identified by the community water supply and inspections

1 of high-risk facilities, such as preschools, child ~~day~~  
2 care centers, child ~~day~~ care homes, group child ~~day~~ care  
3 homes, parks, playgrounds, hospitals, and clinics, and  
4 confirm service line materials in those areas and at those  
5 facilities;

6 (2) review historical documentation, such as  
7 construction logs or cards, as-built drawings, purchase  
8 orders, and subdivision plans, to determine service line  
9 material construction;

10 (3) when conducting distribution system maintenance,  
11 visually inspect service lines and document materials of  
12 construction;

13 (4) identify any time period when the service lines  
14 being connected to its distribution system were primarily  
15 lead service lines, if such a time period is known or  
16 suspected; and

17 (5) discuss service line repair and installation with  
18 its employees, contractors, plumbers, other workers who  
19 worked on service lines connected to its distribution  
20 system, or all of the above.

21 (i) The owner or operator of each community water supply  
22 shall maintain records of persons who refuse to grant access  
23 to the interior of a building for purposes of identifying the  
24 materials of construction of a service line. If a community  
25 water supply has been denied access on the property or to the  
26 interior of a building for that reason, then the community

1 water supply shall attempt to identify the service line as a  
2 suspected lead service line, unless documentation is provided  
3 showing otherwise.

4 (j) If a community water supply identifies a lead service  
5 line connected to a building, the owner or operator of the  
6 community water supply shall attempt to notify the owner of  
7 the building and all occupants of the building of the  
8 existence of the lead service line within 15 days after  
9 identifying the lead service line, or as soon as is reasonably  
10 possible thereafter. Individual written notice shall be given  
11 according to the provisions of subsection (jj).

12 (k) An owner or operator of a community water supply has no  
13 duty to include in the material inventory required under  
14 subsection (d) information about service lines that are  
15 physically disconnected from a water main in its distribution  
16 system.

17 (l) The owner or operator of each community water supply  
18 shall post on its website a copy of the most recently submitted  
19 material inventory or alternatively may request that the  
20 Agency post a copy of that material inventory on the Agency's  
21 website.

22 (m) Nothing in this Section shall be construed to require  
23 service lines to be unearthed for the sole purpose of  
24 inventorying.

25 (n) When an owner or operator of a community water supply  
26 awards a contract under this Section, the owner or operator

1 shall make a good faith effort to use contractors and vendors  
2 owned by minority persons, women, and persons with a  
3 disability, as those terms are defined in Section 2 of the  
4 Business Enterprise for Minorities, Women, and Persons with  
5 Disabilities Act, for not less than 20% of the total  
6 contracts, provided that:

7 (1) contracts representing at least 11% of the total  
8 projects shall be awarded to minority-owned businesses, as  
9 defined in Section 2 of the Business Enterprise for  
10 Minorities, Women, and Persons with Disabilities Act;

11 (2) contracts representing at least 7% of the total  
12 projects shall be awarded to women-owned businesses, as  
13 defined in Section 2 of the Business Enterprise for  
14 Minorities, Women, and Persons with Disabilities Act; and

15 (3) contracts representing at least 2% of the total  
16 projects shall be awarded to businesses owned by persons  
17 with a disability.

18 Owners or operators of a community water supply are  
19 encouraged to divide projects, whenever economically feasible,  
20 into contracts of smaller size that ensure small business  
21 contractors or vendors shall have the ability to qualify in  
22 the applicable bidding process, when determining the ability  
23 to deliver on a given contract based on scope and size, as a  
24 responsible and responsive bidder.

25 When a contractor or vendor submits a bid or letter of  
26 intent in response to a request for proposal or other bid

1 submission, the contractor or vendor shall include with its  
2 responsive documents a utilization plan that shall address how  
3 compliance with applicable good faith requirements set forth  
4 in this subsection shall be addressed.

5 Under this subsection, "good faith effort" means a  
6 community water supply has taken all necessary steps to comply  
7 with the goals of this subsection by complying with the  
8 following:

9 (1) Soliciting through reasonable and available means  
10 the interest of a business, as defined in Section 2 of the  
11 Business Enterprise for Minorities, Women, and Persons  
12 with Disabilities Act, that have the capability to perform  
13 the work of the contract. The community water supply must  
14 solicit this interest within sufficient time to allow  
15 certified businesses to respond.

16 (2) Providing interested certified businesses with  
17 adequate information about the plans, specifications, and  
18 requirements of the contract, including addenda, in a  
19 timely manner to assist them in responding to the  
20 solicitation.

21 (3) Meeting in good faith with interested certified  
22 businesses that have submitted bids.

23 (4) Effectively using the services of the State,  
24 minority or women community organizations, minority or  
25 women contractor groups, local, State, and federal  
26 minority or women business assistance offices, and other

1 organizations to provide assistance in the recruitment and  
2 placement of certified businesses.

3 (5) Making efforts to use appropriate forums for  
4 purposes of advertising subcontracting opportunities  
5 suitable for certified businesses.

6 The diversity goals defined in this subsection can be met  
7 through direct award to diverse contractors and through the  
8 use of diverse subcontractors and diverse vendors to  
9 contracts.

10 (o) An owner or operator of a community water supply shall  
11 collect data necessary to ensure compliance with subsection  
12 (n) no less than semi-annually and shall include progress  
13 toward compliance of subsection (n) in the owner or operator's  
14 report required under subsection (t-5). The report must  
15 include data on vendor and employee diversity, including data  
16 on the owner's or operator's implementation of subsection (n).

17 (p) Every owner or operator of a community water supply  
18 that has known or suspected lead service lines shall:

19 (1) create a plan to:

20 (A) replace each lead service line connected to  
21 its distribution system; and

22 (B) replace each galvanized service line connected  
23 to its distribution system, if the galvanized service  
24 line is or was connected downstream to lead piping;  
25 and

26 (2) electronically submit, by April 15, 2024 its

1 initial lead service line replacement plan to the Agency;

2 (3) electronically submit by April 15 of each year  
3 after 2024 until April 15, 2027 an updated lead service  
4 line replacement plan to the Agency for review; the  
5 updated replacement plan shall account for changes in the  
6 number of lead service lines or unknown service lines in  
7 the material inventory described in subsection (d);

8 (4) electronically submit by April 15, 2027 a complete  
9 and final replacement plan to the Agency for approval; the  
10 complete and final replacement plan shall account for all  
11 known and suspected lead service lines documented in the  
12 final material inventory described under paragraph (3) of  
13 subsection (d); and

14 (5) post on its website a copy of the plan most  
15 recently submitted to the Agency or may request that the  
16 Agency post a copy of that plan on the Agency's website.

17 (q) Each plan required under paragraph (1) of subsection  
18 (p) shall include the following:

19 (1) the name and identification number of the  
20 community water supply;

21 (2) the total number of service lines connected to the  
22 distribution system of the community water supply;

23 (3) the total number of suspected lead service lines  
24 connected to the distribution system of the community  
25 water supply;

26 (4) the total number of known lead service lines



1 connected to the distribution system of the community  
2 water supply;

3 (5) the total number of lead service lines connected  
4 to the distribution system of the community water supply  
5 that have been replaced each year beginning in 2020;

6 (6) a proposed lead service line replacement schedule  
7 that includes one-year, 5-year, 10-year, 15-year, 20-year,  
8 25-year, and 30-year goals;

9 (7) an analysis of costs and financing options for  
10 replacing the lead service lines connected to the  
11 community water supply's distribution system, which shall  
12 include, but shall not be limited to:

13 (A) a detailed accounting of costs associated with  
14 replacing lead service lines and galvanized lines that  
15 are or were connected downstream to lead piping;

16 (B) measures to address affordability and prevent  
17 service shut-offs for customers or ratepayers; and

18 (C) consideration of different scenarios for  
19 structuring payments between the utility and its  
20 customers over time; and

21 (8) a plan for prioritizing high-risk facilities, such  
22 as preschools, child day care centers, child day care  
23 homes, group child day care homes, parks, playgrounds,  
24 hospitals, and clinics, as well as high-risk areas  
25 identified by the community water supply;

26 (9) a map of the areas where lead service lines are

1 expected to be found and the sequence with which those  
2 areas will be inventoried and lead service lines replaced;

3 (10) measures for how the community water supply will  
4 inform the public of the plan and provide opportunity for  
5 public comment; and

6 (11) measures to encourage diversity in hiring in the  
7 workforce required to implement the plan as identified  
8 under subsection (n).

9 (r) The Agency shall review final plans submitted to it  
10 under subsection (p). The Agency shall approve a final plan if  
11 the final plan includes all of the elements set forth under  
12 subsection (q) and the Agency determines that:

13 (1) the proposed lead service line replacement  
14 schedule set forth in the plan aligns with the timeline  
15 requirements set forth under subsection (v);

16 (2) the plan prioritizes the replacement of lead  
17 service lines that provide water service to high-risk  
18 facilities, such as preschools, child ~~day~~ care centers,  
19 child ~~day~~ care homes, group child ~~day~~ care homes, parks,  
20 playgrounds, hospitals, and clinics, and high-risk areas  
21 identified by the community water supply;

22 (3) the plan includes analysis of cost and financing  
23 options; and

24 (4) the plan provides documentation of public review.

25 (s) An owner or operator of a community water supply has no  
26 duty to include in the plans required under subsection (p)

1 information about service lines that are physically  
2 disconnected from a water main in its distribution system.

3 (t) If a community water supply does not deliver a  
4 complete plan to the Agency by April 15, 2027, the community  
5 water supply may apply to the Agency for an extension no less  
6 than 3 months prior to the due date. The Agency shall develop  
7 criteria for granting plan extensions. When considering  
8 requests for extension, the Agency shall, at a minimum,  
9 consider:

10 (1) the number of service connections in a water  
11 supply; and

12 (2) the number of service lines of an unknown material  
13 composition.

14 (t-5) After the Agency has approved the final replacement  
15 plan described in subsection (p), the owner or operator of a  
16 community water supply shall submit a report detailing  
17 progress toward plan goals to the Agency for its review. The  
18 report shall be submitted annually for the first 10 years, and  
19 every 3 years thereafter until all lead service lines have  
20 been replaced. Reports under this subsection shall be  
21 published in the same manner described in subsection (1). The  
22 report shall include at least the following information as it  
23 pertains to the preceding reporting period:

24 (1) The number of lead service lines replaced and the  
25 average cost of lead service line replacement.

26 (2) Progress toward meeting hiring requirements as

1 described in subsection (n) and subsection (o).

2 (3) The percent of customers electing a waiver  
3 offered, as described in subsections (ii) and (jj), among  
4 those customers receiving a request or notification to  
5 perform a lead service line replacement.

6 (4) The method or methods used by the community water  
7 supply to finance lead service line replacement.

8 (u) Notwithstanding any other provision of law, in order  
9 to provide for costs associated with lead service line  
10 remediation and replacement, the corporate authorities of a  
11 municipality may, by ordinance or resolution by the corporate  
12 authorities, exercise authority provided in Section 27-5 et  
13 seq. of the Property Tax Code and Sections 8-3-1, 8-11-1,  
14 8-11-5, 8-11-6, 9-1-1 et seq., 9-3-1 et seq., 9-4-1 et seq.,  
15 11-131-1, and 11-150-1 of the Illinois Municipal Code. Taxes  
16 levied for this purpose shall be in addition to taxes for  
17 general purposes authorized under Section 8-3-1 of the  
18 Illinois Municipal Code and shall be included in the taxing  
19 district's aggregate extension for the purposes of Division 5  
20 of Article 18 of the Property Tax Code.

21 (v) Every owner or operator of a community water supply  
22 shall replace all known lead service lines, subject to the  
23 requirements of subsection (ff), according to the following  
24 replacement rates and timelines to be calculated from the date  
25 of submission of the final replacement plan to the Agency:

26 (1) A community water supply reporting 1,200 or fewer

1 lead service lines in its final inventory and replacement  
2 plan shall replace all lead service lines, at an annual  
3 rate of no less than 7% of the amount described in the  
4 final inventory, with a timeline of up to 15 years for  
5 completion.

6 (2) A community water supply reporting more than 1,200  
7 but fewer than 5,000 lead service lines in its final  
8 inventory and replacement plan shall replace all lead  
9 service lines, at an annual rate of no less than 6% of the  
10 amount described in the final inventory, with a timeline  
11 of up to 17 years for completion.

12 (3) A community water supply reporting more than 4,999  
13 but fewer than 10,000 lead service lines in its final  
14 inventory and replacement plan shall replace all lead  
15 service lines, at an annual rate of no less than 5% of the  
16 amount described in the final inventory, with a timeline  
17 of up to 20 years for completion.

18 (4) A community water supply reporting more than 9,999  
19 but fewer than 99,999 lead service lines in its final  
20 inventory and replacement plan shall replace all lead  
21 service lines, at an annual rate of no less than 3% of the  
22 amount described in the final inventory, with a timeline  
23 of up to 34 years for completion.

24 (5) A community water supply reporting more than  
25 99,999 lead service lines in its final inventory and  
26 replacement plan shall replace all lead service lines, at

1 an annual rate of no less than 2% of the amount described  
2 in the final inventory, with a timeline of up to 50 years  
3 for completion.

4 (w) A community water supply may apply to the Agency for an  
5 extension to the replacement timelines described in paragraphs  
6 (1) through (5) of subsection (v). The Agency shall develop  
7 criteria for granting replacement timeline extensions. When  
8 considering requests for timeline extensions, the Agency  
9 shall, at a minimum, consider:

10 (1) the number of service connections in a water  
11 supply; and

12 (2) unusual circumstances creating hardship for a  
13 community.

14 The Agency may grant one extension of additional time  
15 equal to not more than 20% of the original replacement  
16 timeline, except in situations of extreme hardship in which  
17 the Agency may consider a second additional extension equal to  
18 not more than 10% of the original replacement timeline.

19 Replacement rates and timelines shall be calculated from  
20 the date of submission of the final plan to the Agency.

21 (x) The Lead Service Line Replacement Advisory Board is  
22 created within the Agency. The Advisory Board shall convene  
23 within 120 days after January 1, 2022 (the effective date of  
24 Public Act 102-613).

25 The Advisory Board shall consist of at least 28 voting  
26 members, as follows:

1           (1) the Director of the Agency, or his or her  
2           designee, who shall serve as chairperson;

3           (2) the Director of Revenue, or his or her designee;

4           (3) the Director of Public Health, or his or her  
5           designee;

6           (4) fifteen members appointed by the Agency as  
7           follows:

8           (A) one member representing a statewide  
9           organization of municipalities as authorized by  
10          Section 1-8-1 of the Illinois Municipal Code;

11          (B) two members who are mayors representing  
12          municipalities located in any county south of the  
13          southernmost county represented by one of the 10  
14          largest municipalities in Illinois by population, or  
15          their respective designees;

16          (C) two members who are representatives from  
17          public health advocacy groups;

18          (D) two members who are representatives from  
19          publicly-owned water utilities;

20          (E) one member who is a representative from a  
21          public utility as defined under Section 3-105 of the  
22          Public Utilities Act that provides water service in  
23          the State of Illinois;

24          (F) one member who is a research professional  
25          employed at an Illinois academic institution and  
26          specializing in water infrastructure research;

1 (G) two members who are representatives from  
2 nonprofit civic organizations;

3 (H) one member who is a representative from a  
4 statewide organization representing environmental  
5 organizations;

6 (I) two members who are representatives from  
7 organized labor; and

8 (J) one member representing an environmental  
9 justice organization; and

10 (5) ten members who are the mayors of the 10 largest  
11 municipalities in Illinois by population, or their  
12 respective designees.

13 No less than 10 of the 28 voting members shall be persons  
14 of color, and no less than 3 shall represent communities  
15 defined or self-identified as environmental justice  
16 communities.

17 Advisory Board members shall serve without compensation,  
18 but may be reimbursed for necessary expenses incurred in the  
19 performance of their duties from funds appropriated for that  
20 purpose. The Agency shall provide administrative support to  
21 the Advisory Board.

22 The Advisory Board shall meet no less than once every 6  
23 months.

24 (y) The Advisory Board shall have, at a minimum, the  
25 following duties:

26 (1) advising the Agency on best practices in lead



1 service line replacement;

2 (2) reviewing the progress of community water supplies  
3 toward lead service line replacement goals;

4 (3) advising the Agency on other matters related to  
5 the administration of the provisions of this Section;

6 (4) advising the Agency on the integration of existing  
7 lead service line replacement plans with any statewide  
8 plan; and

9 (5) providing technical support and practical  
10 expertise in general.

11 (z) Within 18 months after January 1, 2022 (the effective  
12 date of Public Act 102-613), the Advisory Board shall deliver  
13 a report of its recommendations to the Governor and the  
14 General Assembly concerning opportunities for dedicated,  
15 long-term revenue options for funding lead service line  
16 replacement. In submitting recommendations, the Advisory Board  
17 shall consider, at a minimum, the following:

18 (1) the sufficiency of various revenue sources to  
19 adequately fund replacement of all lead service lines in  
20 Illinois;

21 (2) the financial burden, if any, on households  
22 falling below 150% of the federal poverty limit;

23 (3) revenue options that guarantee low-income  
24 households are protected from rate increases;

25 (4) an assessment of the ability of community water  
26 supplies to assess and collect revenue;

1           (5) variations in financial resources among individual  
2           households within a service area; and

3           (6) the protection of low-income households from rate  
4           increases.

5           (aa) Within 10 years after January 1, 2022 (the effective  
6           date of Public Act 102-613), the Advisory Board shall prepare  
7           and deliver a report to the Governor and General Assembly  
8           concerning the status of all lead service line replacement  
9           within the State.

10          (bb) The Lead Service Line Replacement Fund is created as  
11          a special fund in the State treasury to be used by the Agency  
12          for the purposes provided under this Section. The Fund shall  
13          be used exclusively to finance and administer programs and  
14          activities specified under this Section and listed under this  
15          subsection.

16          The objective of the Fund is to finance activities  
17          associated with identifying and replacing lead service lines,  
18          build Agency capacity to oversee the provisions of this  
19          Section, and provide related assistance for the activities  
20          listed under this subsection.

21          The Agency shall be responsible for the administration of  
22          the Fund and shall allocate moneys on the basis of priorities  
23          established by the Agency through administrative rule. On July  
24          1, 2022 and on July 1 of each year thereafter, the Agency shall  
25          determine the available amount of resources in the Fund that  
26          can be allocated to the activities identified under this

1 Section and shall allocate the moneys accordingly.

2 Notwithstanding any other law to the contrary, the Lead  
3 Service Line Replacement Fund is not subject to sweeps,  
4 administrative charge-backs, or any other fiscal maneuver that  
5 would in any way transfer any amounts from the Lead Service  
6 Line Replacement Fund into any other fund of the State.

7 (cc) Within one year after January 1, 2022 (the effective  
8 date of Public Act 102-613), the Agency shall design rules for  
9 a program for the purpose of administering lead service line  
10 replacement funds. The rules must, at minimum, contain:

11 (1) the process by which community water supplies may  
12 apply for funding; and

13 (2) the criteria for determining unit of local  
14 government eligibility and prioritization for funding,  
15 including the prevalence of low-income households, as  
16 measured by median household income, the prevalence of  
17 lead service lines, and the prevalence of water samples  
18 that demonstrate elevated levels of lead.

19 (dd) Funding under subsection (cc) shall be available for  
20 costs directly attributable to the planning, design, or  
21 construction directly related to the replacement of lead  
22 service lines and restoration of property.

23 Funding shall not be used for the general operating  
24 expenses of a municipality or community water supply.

25 (ee) An owner or operator of any community water supply  
26 receiving grant funding under subsection (cc) shall bear the

1 entire expense of full lead service line replacement for all  
2 lead service lines in the scope of the grant.

3 (ff) When replacing a lead service line, the owner or  
4 operator of the community water supply shall replace the  
5 service line in its entirety, including, but not limited to,  
6 any portion of the service line (i) running on private  
7 property and (ii) within the building's plumbing at the first  
8 shut-off valve. Partial lead service line replacements are  
9 expressly prohibited. Exceptions shall be made under the  
10 following circumstances:

11 (1) In the event of an emergency repair that affects a  
12 lead service line or a suspected lead service line, a  
13 community water supply must contact the building owner to  
14 begin the process of replacing the entire service line. If  
15 the building owner is not able to be contacted or the  
16 building owner or occupant refuses to grant access and  
17 permission to replace the entire service line at the time  
18 of the emergency repair, then the community water supply  
19 may perform a partial lead service line replacement. Where  
20 an emergency repair on a service line constructed of lead  
21 or galvanized steel pipe results in a partial service line  
22 replacement, the water supply responsible for commencing  
23 the repair shall perform the following:

24 (A) Notify the building's owner or operator and  
25 the resident or residents served by the lead service  
26 line in writing that a repair has been completed. The

1 notification shall include, at a minimum:

2 (i) a warning that the work may result in  
3 sediment, possibly containing lead, in the  
4 buildings water supply system;

5 (ii) information concerning practices for  
6 preventing the consumption of any lead in drinking  
7 water, including a recommendation to flush water  
8 distribution pipe during and after the completion  
9 of the repair or replacement work and to clean  
10 faucet aerator screens; and

11 (iii) information regarding the dangers of  
12 lead to young children and pregnant women.

13 (B) Provide filters for at least one fixture  
14 supplying potable water for consumption. The filter  
15 must be certified by an accredited third-party  
16 certification body to NSF/ANSI 53 and NSF/ANSI 42 for  
17 the reduction of lead and particulate. The filter must  
18 be provided until such time that the remaining  
19 portions of the service line have been replaced with a  
20 material approved by the Department or a waiver has  
21 been issued under subsection (ii).

22 (C) Replace the remaining portion of the lead  
23 service line within 30 days of the repair, or 120 days  
24 in the event of weather or other circumstances beyond  
25 reasonable control that prohibits construction. If a  
26 complete lead service line replacement cannot be made

1 within the required period, the community water supply  
2 responsible for commencing the repair shall notify the  
3 Department in writing, at a minimum, of the following  
4 within 24 hours of the repair:

5 (i) an explanation of why it is not feasible  
6 to replace the remaining portion of the lead  
7 service line within the allotted time; and

8 (ii) a timeline for when the remaining portion  
9 of the lead service line will be replaced.

10 (D) If complete repair of a lead service line  
11 cannot be completed due to denial by the property  
12 owner, the community water supply commencing the  
13 repair shall request the affected property owner to  
14 sign a waiver developed by the Department. If a  
15 property owner of a nonresidential building or  
16 residence operating as rental properties denies a  
17 complete lead service line replacement, the property  
18 owner shall be responsible for installing and  
19 maintaining point-of-use filters certified by an  
20 accredited third-party certification body to NSF/ANSI  
21 53 and NSF/ANSI 42 for the reduction of lead and  
22 particulate at all fixtures intended to supply water  
23 for the purposes of drinking, food preparation, or  
24 making baby formula. The filters shall continue to be  
25 supplied by the property owner until such time that  
26 the property owner has affected the remaining portions

1 of the lead service line to be replaced.

2 (E) Document any remaining lead service line,  
3 including a portion on the private side of the  
4 property, in the community water supply's distribution  
5 system materials inventory required under subsection  
6 (d).

7 For the purposes of this paragraph (1), written notice  
8 shall be provided in the method and according to the  
9 provisions of subsection (jj).

10 (2) Lead service lines that are physically  
11 disconnected from the distribution system are exempt from  
12 this subsection.

13 (gg) Except as provided in subsection (hh), on and after  
14 January 1, 2022, when the owner or operator of a community  
15 water supply replaces a water main, the community water supply  
16 shall identify all lead service lines connected to the water  
17 main and shall replace the lead service lines by:

18 (1) identifying the material or materials of each lead  
19 service line connected to the water main, including, but  
20 not limited to, any portion of the service line (i)  
21 running on private property and (ii) within the building  
22 plumbing at the first shut-off valve or 18 inches inside  
23 the building, whichever is shorter;

24 (2) in conjunction with replacement of the water main,  
25 replacing any and all portions of each lead service line  
26 connected to the water main that are composed of lead; and

1           (3) if a property owner or customer refuses to grant  
2           access to the property, following prescribed notice  
3           provisions as outlined in subsection (ff).

4           If an owner of a potentially affected building intends to  
5           replace a portion of a lead service line or a galvanized  
6           service line and the galvanized service line is or was  
7           connected downstream to lead piping, then the owner of the  
8           potentially affected building shall provide the owner or  
9           operator of the community water supply with notice at least 45  
10          days before commencing the work. In the case of an emergency  
11          repair, the owner of the potentially affected building must  
12          provide filters for each kitchen area that are certified by an  
13          accredited third-party certification body to NSF/ANSI 53 and  
14          NSF/ANSI 42 for the reduction of lead and particulate. If the  
15          owner of the potentially affected building notifies the owner  
16          or operator of the community water supply that replacement of  
17          a portion of the lead service line after the emergency repair  
18          is completed, then the owner or operator of the community  
19          water supply shall replace the remainder of the lead service  
20          line within 30 days after completion of the emergency repair.  
21          A community water supply may take up to 120 days if necessary  
22          due to weather conditions. If a replacement takes longer than  
23          30 days, filters provided by the owner of the potentially  
24          affected building must be replaced in accordance with the  
25          manufacturer's recommendations. Partial lead service line  
26          replacements by the owners of potentially affected buildings



1 are otherwise prohibited.

2 (hh) For municipalities with a population in excess of  
3 1,000,000 inhabitants, the requirements of subsection (gg)  
4 shall commence on January 1, 2023.

5 (ii) At least 45 days before conducting planned lead  
6 service line replacement, the owner or operator of a community  
7 water supply shall, by mail, attempt to contact the owner of  
8 the potentially affected building serviced by the lead service  
9 line to request access to the building and permission to  
10 replace the lead service line in accordance with the lead  
11 service line replacement plan. If the owner of the potentially  
12 affected building does not respond to the request within 15  
13 days after the request is sent, the owner or operator of the  
14 community water supply shall attempt to post the request on  
15 the entrance of the potentially affected building.

16 If the owner or operator of a community water supply is  
17 unable to obtain approval to access and replace a lead service  
18 line, the owner or operator of the community water supply  
19 shall request that the owner of the potentially affected  
20 building sign a waiver. The waiver shall be developed by the  
21 Department and should be made available in the owner's  
22 language. If the owner of the potentially affected building  
23 refuses to sign the waiver or fails to respond to the community  
24 water supply after the community water supply has complied  
25 with this subsection, then the community water supply shall  
26 notify the Department in writing within 15 working days.

1           (jj) When replacing a lead service line or repairing or  
2 replacing water mains with lead service lines or partial lead  
3 service lines attached to them, the owner or operator of a  
4 community water supply shall provide the owner of each  
5 potentially affected building that is serviced by the affected  
6 lead service lines or partial lead service lines, as well as  
7 the occupants of those buildings, with an individual written  
8 notice. The notice shall be delivered by mail or posted at the  
9 primary entranceway of the building. The notice may, in  
10 addition, be electronically mailed. Written notice shall  
11 include, at a minimum, the following:

12           (1) a warning that the work may result in sediment,  
13 possibly containing lead from the service line, in the  
14 building's water;

15           (2) information concerning the best practices for  
16 preventing exposure to or risk of consumption of lead in  
17 drinking water, including a recommendation to flush water  
18 lines during and after the completion of the repair or  
19 replacement work and to clean faucet aerator screens; and

20           (3) information regarding the dangers of lead exposure  
21 to young children and pregnant women.

22           When the individual written notice described in the first  
23 paragraph of this subsection is required as a result of  
24 planned work other than the repair or replacement of a water  
25 meter, the owner or operator of the community water supply  
26 shall provide the notice not less than 14 days before work

1 begins. When the individual written notice described in the  
2 first paragraph of this subsection is required as a result of  
3 emergency repairs other than the repair or replacement of a  
4 water meter, the owner or operator of the community water  
5 supply shall provide the notice at the time the work is  
6 initiated. When the individual written notice described in the  
7 first paragraph of this subsection is required as a result of  
8 the repair or replacement of a water meter, the owner or  
9 operator of the community water supply shall provide the  
10 notice at the time the work is initiated.

11 The notifications required under this subsection must  
12 contain the following statement in Spanish, Polish, Chinese,  
13 Tagalog, Arabic, Korean, German, Urdu, and Gujarati: "This  
14 notice contains important information about your water service  
15 and may affect your rights. We encourage you to have this  
16 notice translated in full into a language you understand and  
17 before you make any decisions that may be required under this  
18 notice."

19 An owner or operator of a community water supply that is  
20 required under this subsection to provide an individual  
21 written notice to the owner and occupant of a potentially  
22 affected building that is a multi-dwelling building may  
23 satisfy that requirement and the requirements of this  
24 subsection regarding notification to non-English speaking  
25 customers by posting the required notice on the primary  
26 entranceway of the building and at the location where the

1 occupant's mail is delivered as reasonably as possible.

2 When this subsection would require the owner or operator  
3 of a community water supply to provide an individual written  
4 notice to the entire community served by the community water  
5 supply or would require the owner or operator of a community  
6 water supply to provide individual written notices as a result  
7 of emergency repairs or when the community water supply that  
8 is required to comply with this subsection is a small system,  
9 the owner or operator of the community water supply may  
10 provide the required notice through local media outlets,  
11 social media, or other similar means in lieu of providing the  
12 individual written notices otherwise required under this  
13 subsection.

14 No notifications are required under this subsection for  
15 work performed on water mains that are used to transmit  
16 treated water between community water supplies and properties  
17 that have no service connections.

18 (kk) No community water supply that sells water to any  
19 wholesale or retail consecutive community water supply may  
20 pass on any costs associated with compliance with this Section  
21 to consecutive systems.

22 (ll) To the extent allowed by law, when a community water  
23 supply replaces or installs a lead service line in a public  
24 right-of-way or enters into an agreement with a private  
25 contractor for replacement or installation of a lead service  
26 line, the community water supply shall be held harmless for

1 all damage to property when replacing or installing the lead  
2 service line. If dangers are encountered that prevent the  
3 replacement of the lead service line, the community water  
4 supply shall notify the Department within 15 working days of  
5 why the replacement of the lead service line could not be  
6 accomplished.

7 (mm) The Agency may propose to the Board, and the Board may  
8 adopt, any rules necessary to implement and administer this  
9 Section. The Department may adopt rules necessary to address  
10 lead service lines attached to non-community water supplies.

11 (nn) Notwithstanding any other provision in this Section,  
12 no requirement in this Section shall be construed as being  
13 less stringent than existing applicable federal requirements.

14 (oo) All lead service line replacements financed in whole  
15 or in part with funds obtained under this Section shall be  
16 considered public works for purposes of the Prevailing Wage  
17 Act.

18 (Source: P.A. 102-613, eff. 1-1-22; 102-813, eff. 5-13-22.)

19 Section 255. The Lawn Care Products Application and Notice  
20 Act is amended by changing Sections 2, 3, and 6 as follows:

21 (415 ILCS 65/2) (from Ch. 5, par. 852)

22 Sec. 2. Definitions.

23 For purposes of this Act:

24 "Application" means the spreading of lawn care products on

1 a lawn.

2 "Applicator for hire" means any person who makes an  
3 application of lawn care products to a lawn or lawns for  
4 compensation, including applications made by an employee to  
5 lawns owned, occupied or managed by his employer and includes  
6 those licensed by the Department as licensed commercial  
7 applicators, commercial not-for-hire applicators, licensed  
8 public applicators, certified applicators and licensed  
9 operators and those otherwise subject to the licensure  
10 provisions of the Illinois Pesticide Act, as now or hereafter  
11 amended.

12 "Buffer" means an area adjacent to a body of water that is  
13 left untreated with any fertilizer.

14 "Child Day care center" means any facility that qualifies  
15 as a "child day care center" under the Child Care Act of 1969.

16 "Department" means the Illinois Department of Agriculture.

17 "Department of Public Health" means the Illinois  
18 Department of Public Health.

19 "Facility" means a building or structure and appurtenances  
20 thereto used by an applicator for hire for storage and  
21 handling of pesticides or the storage or maintenance of  
22 pesticide application equipment or vehicles.

23 "Fertilizer" means any substance containing nitrogen,  
24 phosphorus or potassium or other recognized plant nutrient or  
25 compound, which is used for its plant nutrient content.

26 "Golf course" means an area designated for the play or

1 practice of the game of golf, including surrounding grounds,  
2 trees, ornamental beds and the like.

3 "Golf course superintendent" means any person entrusted  
4 with and employed for the care and maintenance of a golf  
5 course.

6 "Impervious surface" means any structure, surface, or  
7 improvement that reduces or prevents absorption of stormwater  
8 into land, and includes pavement, porous paving, paver blocks,  
9 gravel, crushed stone, decks, patios, elevated structures, and  
10 other similar structures, surfaces, or improvements.

11 "Lawn" means land area covered with turf kept closely mown  
12 or land area covered with turf and trees or shrubs. The term  
13 does not include (1) land area used for research for  
14 agricultural production or for the commercial production of  
15 turf, (2) land area situated within a public or private  
16 right-of-way, or (3) land area which is devoted to the  
17 production of any agricultural commodity, including, but not  
18 limited to plants and plant parts, livestock and poultry and  
19 livestock or poultry products, seeds, sod, shrubs and other  
20 products of agricultural origin raised for sale or for human  
21 or livestock consumption.

22 "Lawn care products" means fertilizers or pesticides  
23 applied or intended for application to lawns.

24 "Lawn repair products" means seeds, including seeding  
25 soils, that contain or are coated with or encased in  
26 fertilizer material.

1 "Person" means any individual, partnership, association,  
2 corporation or State governmental agency, school district,  
3 unit of local government and any agency thereof.

4 "Pesticide" means any substance or mixture of substances  
5 defined as a pesticide under the Illinois Pesticide Act, as  
6 now or hereafter amended.

7 "Plant protectants" means any substance or material used  
8 to protect plants from infestation of insects, fungi, weeds  
9 and rodents, or any other substance that would benefit the  
10 overall health of plants.

11 "Soil test" means a chemical and mechanical analysis of  
12 soil nutrient values and pH level as it relates to the soil and  
13 development of a lawn.

14 "Spreader" means any commercially available fertilizing  
15 device used to evenly distribute fertilizer material.

16 "Turf" means the upper stratum of soils bound by grass and  
17 plant roots into a thick mat.

18 "0% phosphate fertilizer" means a fertilizer that contains  
19 no more than 0.67% available phosphoric acid (P<sub>2</sub>O<sub>5</sub>).

20 (Source: P.A. 96-424, eff. 8-13-09; 96-1005, eff. 7-6-10.)

21 (415 ILCS 65/3) (from Ch. 5, par. 853)

22 Sec. 3. Notification requirements for application of lawn  
23 care products.

24 (a) Lawn Markers.

25 (1) Immediately following application of lawn care



1 products to a lawn, other than a golf course, an  
2 applicator for hire shall place a lawn marker at the usual  
3 point or points of entry.

4 (2) The lawn marker shall consist of a 4 inch by 5 inch  
5 sign, vertical or horizontal, attached to the upper  
6 portion of a dowel or other supporting device with the  
7 bottom of the marker extending no less than 12 inches  
8 above the turf.

9 (3) The lawn marker shall be white and lettering on  
10 the lawn marker shall be in a contrasting color. The  
11 marker shall state on one side, in letters of not less than  
12 3/8 inch, the following: "LAWN CARE APPLICATION - STAY OFF  
13 GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here  
14 shall be inserted the name and business telephone number  
15 of the applicator for hire)."

16 (4) The lawn marker shall be removed and discarded by  
17 the property owner or resident, or such other person  
18 authorized by the property owner or resident, on the day  
19 following the application. The lawn marker shall not be  
20 removed by any person other than the property owner or  
21 resident or person designated by such property owner or  
22 resident.

23 (5) For applications to residential properties of 2  
24 families or less, the applicator for hire shall be  
25 required to place lawn markers at the usual point or  
26 points of entry.

1           (6) For applications to residential properties of 2  
2 families or more, or for application to other commercial  
3 properties, the applicator for hire shall place lawn  
4 markers at the usual point or points of entry to the  
5 property to provide notice that lawn care products have  
6 been applied to the lawn.

7           (b) Notification requirement for application of plant  
8 protectants on golf courses.

9           (1) Blanket posting procedure. Each golf course shall  
10 post in a conspicuous place or places an all-weather  
11 poster or placard stating to users of or visitors to the  
12 golf course that from time to time plant protectants are  
13 in use and additionally stating that if any questions or  
14 concerns arise in relation thereto, the golf course  
15 superintendent or his designee should be contacted to  
16 supply the information contained in subsection (c) of this  
17 Section.

18           (2) The poster or placard shall be prominently  
19 displayed in the pro shop, locker rooms and first tee at  
20 each golf course.

21           (3) The poster or placard shall be a minimum size of 8  
22 1/2 by 11 inches and the lettering shall not be less than  
23 1/2 inch.

24           (4) The poster or placard shall read: "PLANT  
25 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.  
26 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE

1 SUPERINTENDENT FOR FURTHER INFORMATION."

2 (c) Information to Customers of Applicators for Hire. At  
3 the time of application of lawn care products to a lawn, an  
4 applicator for hire shall provide the following information to  
5 the customer:

6 (1) The brand name, common name, and scientific name  
7 of each lawn care product applied;

8 (2) The type of fertilizer or pesticide contained in  
9 the lawn care product applied;

10 (3) The reason for use of each lawn care product  
11 applied;

12 (4) The range of concentration of end use product  
13 applied to the lawn and amount of material applied;

14 (5) Any special instruction appearing on the label of  
15 the lawn care product applicable to the customer's use of  
16 the lawn following application;

17 (6) The business name and telephone number of the  
18 applicator for hire as well as the name of the person  
19 actually applying lawn care products to the lawn; and

20 (7) Upon the request of a customer or any person whose  
21 property abuts or is adjacent to the property of a  
22 customer of an applicator for hire, a copy of the material  
23 safety data sheet and approved pesticide registration  
24 label for each applied lawn care product.

25 (d) Prior notification of application to lawn. In the case  
26 of all lawns other than golf courses:

1           (1) Any neighbor whose property abuts or is adjacent  
2 to the property of a customer of an applicator for hire may  
3 receive prior notification of an application by contacting  
4 the applicator for hire and providing his name, address  
5 and telephone number.

6           (2) At least the day before a scheduled application,  
7 an applicator for hire shall provide notification to a  
8 person who has requested notification pursuant to  
9 paragraph (1) of this subsection (d), such notification to  
10 be made in writing, in person or by telephone, disclosing  
11 the date and approximate time of day of application.

12           (3) In the event that an applicator for hire is unable  
13 to provide prior notification to a neighbor whose property  
14 abuts or is adjacent to the property because of the  
15 absence or inaccessibility of the individual, at the time  
16 of application to a customer's lawn, the applicator for  
17 hire shall leave a written notice at the residence of the  
18 person requesting notification, which shall provide the  
19 information specified in paragraph (2) of this subsection  
20 (d).

21 (e) Prior notification of application to golf courses.

22           (1) Any landlord or resident with property that abuts  
23 or is adjacent to a golf course may receive prior  
24 notification of an application of lawn care products or  
25 plant protectants, or both, by contacting the golf course  
26 superintendent and providing his name, address and

1 telephone number.

2 (2) At least the day before a scheduled application of  
3 lawn care products or plant protectants, or both, the golf  
4 course superintendent shall provide notification to any  
5 person who has requested notification pursuant to  
6 paragraph (1) of this subsection (e), such notification to  
7 be made in writing, in person or by telephone, disclosing  
8 the date and approximate time of day of application.

9 (3) In the event that the golf course superintendent  
10 is unable to provide prior notification to a landlord or  
11 resident because of the absence or inaccessibility, at the  
12 time of application, of the landlord or resident, the golf  
13 course superintendent shall leave a written notice with  
14 the landlord or at the residence which shall provide the  
15 information specified in paragraph (2) of this subsection  
16 (e).

17 (f) Notification for applications of pesticides to child  
18 ~~day~~ care center grounds other than child ~~day~~ care center  
19 structures and school grounds other than school structures.

20 (1) The owner or operator of a child ~~day~~ care center  
21 must either (i) maintain a registry of parents and  
22 guardians of children in his or her care who have  
23 registered to receive written notification before the  
24 application of pesticide to child ~~day~~ care center grounds  
25 and notify persons on that registry before applying  
26 pesticides or having pesticide applied to child ~~day~~ care

1 center grounds or (ii) provide written or telephonic  
2 notice to all parents and guardians of children in his or  
3 her care before applying pesticide or having pesticide  
4 applied to child day care center grounds.

5 (2) School districts must either (i) maintain a  
6 registry of parents and guardians of students who have  
7 registered to receive written or telephonic notification  
8 before the application of pesticide to school grounds and  
9 notify persons on that list before applying pesticide or  
10 having pesticide applied to school grounds or (ii) provide  
11 written or telephonic notification to all parents and  
12 guardians of students before applying pesticide or having  
13 pesticide applied to school grounds.

14 (3) Written notification required under item (1) or  
15 (2) of subsection (f) of this Section may be included in  
16 newsletters, calendars, or other correspondence currently  
17 published by the school district, but posting on a  
18 bulletin board is not sufficient. The written or  
19 telephonic notification must be given at least 4 business  
20 days before application of the pesticide and should  
21 identify the intended date of the application of the  
22 pesticide and the name and telephone contact number for  
23 the school personnel responsible for the pesticide  
24 application program or, in the case of a child day care  
25 center, the owner or operator of the child day care  
26 center. Prior notice shall not be required if there is

1           imminent threat to health or property. If such a situation  
2           arises, the appropriate school personnel or, in the case  
3           of a child day care center, the owner or operator of the  
4           child day care center must sign a statement describing the  
5           circumstances that gave rise to the health threat and  
6           ensure that written or telephonic notice is provided as  
7           soon as practicable.

8           (Source: P.A. 96-424, eff. 8-13-09.)

9           (415 ILCS 65/6) (from Ch. 5, par. 856)

10           Sec. 6. This Act shall be administered and enforced by the  
11           Department. The Department may promulgate rules and  
12           regulations as necessary for the enforcement of this Act. The  
13           Department of Public Health must inform school boards and the  
14           owners and operators of child day care centers about the  
15           provisions of this Act that are applicable to school districts  
16           and child day care centers, and it must inform school boards  
17           about the requirements contained in Sections 10-20.49 and  
18           34-18.40 of the School Code. The Department of Public Health  
19           must recommend that child day care centers and schools use a  
20           pesticide-free turf care program to maintain their turf. The  
21           Department of Public Health must also report violations of  
22           this Act of which it becomes aware to the Department for  
23           enforcement.

24           (Source: P.A. 96-424, eff. 8-13-09; 96-1000, eff. 7-2-10.)

1           Section 260. The Furniture Fire Safety Act is amended by  
2 changing Section 1002 as follows:

3           (425 ILCS 45/1002) (from Ch. 127 1/2, par. 951-2)

4           Sec. 1002. As used in this Act:

5           (a) "Sell" or any of its variants means and includes any of  
6 or any combination of the following: to sell, offer or expose  
7 for sale, barter, trade, deliver, give away, rent, consign,  
8 lease, or possess with an intent to sell or dispose of in any  
9 other commercial manner.

10           (b) "Seating furniture" means any furniture, including  
11 children's furniture, movable or stationery, which (1) is made  
12 of or with cushions or pillows, loose or attached, (2) is  
13 itself stuffed or filled in whole or in part with any filling  
14 material, (3) is or can be stuffed or filled in whole or in  
15 part with any substance or material, hidden or concealed by  
16 fabric or any other covering, including cushions or pillows  
17 belonging to or forming a part thereof, together with the  
18 structural units, the filling material and its container and  
19 covering which can be used as a support for the body of a human  
20 being, or the limbs and feet when sitting or resting in an  
21 upright or reclining position.

22           (c) "Filling material" means cotton, wool, kapok,  
23 feathers, down, hair, liquid, or any other material or  
24 substance, natural or man-made, or any other prefabricated  
25 form, concealed or not concealed, to be used or that could be



1 used in articles of seating furniture.

2 (d) "Manufacturer" means a person who, either by himself  
3 or through employees or agents, makes any article of seating  
4 furniture in whole or in part.

5 (e) "Public occupancies" means:

6 (1) Jails, prisons, and penal institutions;

7 (2) Hospitals, mental health facilities, and similar  
8 health care facilities;

9 (3) Nursing care and convalescent homes;

10 (4) Child ~~day~~ care centers;

11 (5) Public auditoriums and stadiums; and

12 (6) Public assembly areas of hotels and motels containing  
13 more than 10 articles of seating furniture.

14 (Source: P.A. 86-631.)

15 Section 265. The Space Heating Safety Act is amended by  
16 changing Section 9 as follows:

17 (425 ILCS 65/9) (from Ch. 127 1/2, par. 709)

18 Sec. 9. Prohibited use of kerosene heaters. The use of  
19 kerosene fueled heaters will be prohibited under any  
20 circumstances in the following types of structures:

21 (i) nursing homes or convalescent centers;

22 (ii) child care ~~day care~~ centers having children  
23 present;

24 (iii) any type of center for persons with

1 disabilities;

2 (iv) common areas of multifamily dwellings;

3 (v) hospitals;

4 (vi) structures more than 3 stories in height; and

5 (vii) structures open to the public which have a

6 capacity for 50 or more persons.

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

8 Section 270. The Firearm Dealer License Certification Act

9 is amended by changing Section 5-20 as follows:

10 (430 ILCS 68/5-20)

11 Sec. 5-20. Additional licensee requirements.

12 (a) A certified licensee shall make a photo copy of a

13 buyer's or transferee's valid photo identification card

14 whenever a firearm sale transaction takes place. The photo

15 copy shall be attached to the documentation detailing the

16 record of sale.

17 (b) A certified licensee shall post in a conspicuous

18 position on the premises where the licensee conducts business

19 a sign that contains the following warning in block letters

20 not less than one inch in height:

21 "With few exceptions enumerated in the Firearm Owners

22 Identification Card Act, it is unlawful for you to:

23 (A) store or leave an unsecured firearm in a place

24 where a child can obtain access to it;

1 (B) sell or transfer your firearm to someone else  
2 without receiving approval for the transfer from the  
3 Illinois State Police, or

4 (C) fail to report the loss or theft of your  
5 firearm to local law enforcement within 72 hours.".

6 This sign shall be created by the Illinois State Police and  
7 made available for printing or downloading from the Illinois  
8 State Police's website.

9 (c) No retail location established after the effective  
10 date of this Act shall be located within 500 feet of any  
11 school, pre-school, or child day care facility in existence at  
12 its location before the retail location is established as  
13 measured from the nearest corner of the building holding the  
14 retail location to the corner of the school, pre-school, or  
15 child day care facility building nearest the retail location  
16 at the time the retail location seeks licensure.

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

18 Section 275. The Illinois Vehicle Code is amended by  
19 changing Sections 6-205, 6-206, and 12-707.01 as follows:

20 (625 ILCS 5/6-205)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 6-205. Mandatory revocation of license or permit;  
23 hardship cases.

24 (a) Except as provided in this Section, the Secretary of

1 State shall immediately revoke the license, permit, or driving  
2 privileges of any driver upon receiving a report of the  
3 driver's conviction of any of the following offenses:

4 1. Reckless homicide resulting from the operation of a  
5 motor vehicle;

6 2. Violation of Section 11-501 of this Code or a  
7 similar provision of a local ordinance relating to the  
8 offense of operating or being in physical control of a  
9 vehicle while under the influence of alcohol, other drug  
10 or drugs, intoxicating compound or compounds, or any  
11 combination thereof;

12 3. Any felony under the laws of any State or the  
13 federal government in the commission of which a motor  
14 vehicle was used;

15 4. Violation of Section 11-401 of this Code relating  
16 to the offense of leaving the scene of a traffic accident  
17 involving death or personal injury;

18 5. Perjury or the making of a false affidavit or  
19 statement under oath to the Secretary of State under this  
20 Code or under any other law relating to the ownership or  
21 operation of motor vehicles;

22 6. Conviction upon 3 charges of violation of Section  
23 11-503 of this Code relating to the offense of reckless  
24 driving committed within a period of 12 months;

25 7. Conviction of any offense defined in Section 4-102  
26 of this Code if the person exercised actual physical

1 control over the vehicle during the commission of the  
2 offense;

3 8. Violation of Section 11-504 of this Code relating  
4 to the offense of drag racing;

5 9. Violation of Chapters 8 and 9 of this Code;

6 10. Violation of Section 12-5 of the Criminal Code of  
7 1961 or the Criminal Code of 2012 arising from the use of a  
8 motor vehicle;

9 11. Violation of Section 11-204.1 of this Code  
10 relating to aggravated fleeing or attempting to elude a  
11 peace officer;

12 12. Violation of paragraph (1) of subsection (b) of  
13 Section 6-507, or a similar law of any other state,  
14 relating to the unlawful operation of a commercial motor  
15 vehicle;

16 13. Violation of paragraph (a) of Section 11-502 of  
17 this Code or a similar provision of a local ordinance if  
18 the driver has been previously convicted of a violation of  
19 that Section or a similar provision of a local ordinance  
20 and the driver was less than 21 years of age at the time of  
21 the offense;

22 14. Violation of paragraph (a) of Section 11-506 of  
23 this Code or a similar provision of a local ordinance  
24 relating to the offense of street racing;

25 15. A second or subsequent conviction of driving while  
26 the person's driver's license, permit or privileges was

1       revoked for reckless homicide or a similar out-of-state  
2       offense;

3           16. Any offense against any provision in this Code, or  
4       any local ordinance, regulating the movement of traffic  
5       when that offense was the proximate cause of the death of  
6       any person. Any person whose driving privileges have been  
7       revoked pursuant to this paragraph may seek to have the  
8       revocation terminated or to have the length of revocation  
9       reduced by requesting an administrative hearing with the  
10      Secretary of State prior to the projected driver's license  
11      application eligibility date;

12          17. Violation of subsection (a-2) of Section 11-1301.3  
13      of this Code or a similar provision of a local ordinance;

14          18. A second or subsequent conviction of illegal  
15      possession, while operating or in actual physical control,  
16      as a driver, of a motor vehicle, of any controlled  
17      substance prohibited under the Illinois Controlled  
18      Substances Act, any cannabis prohibited under the Cannabis  
19      Control Act, or any methamphetamine prohibited under the  
20      Methamphetamine Control and Community Protection Act. A  
21      defendant found guilty of this offense while operating a  
22      motor vehicle shall have an entry made in the court record  
23      by the presiding judge that this offense did occur while  
24      the defendant was operating a motor vehicle and order the  
25      clerk of the court to report the violation to the  
26      Secretary of State;

1           19. Violation of subsection (a) of Section 11-1414 of  
2 this Code, or a similar provision of a local ordinance,  
3 relating to the offense of overtaking or passing of a  
4 school bus when the driver, in committing the violation,  
5 is involved in a motor vehicle accident that results in  
6 death to another and the violation is a proximate cause of  
7 the death.

8           (b) The Secretary of State shall also immediately revoke  
9 the license or permit of any driver in the following  
10 situations:

11           1. Of any minor upon receiving the notice provided for  
12 in Section 5-901 of the Juvenile Court Act of 1987 that the  
13 minor has been adjudicated under that Act as having  
14 committed an offense relating to motor vehicles prescribed  
15 in Section 4-103 of this Code;

16           2. Of any person when any other law of this State  
17 requires either the revocation or suspension of a license  
18 or permit;

19           3. Of any person adjudicated under the Juvenile Court  
20 Act of 1987 based on an offense determined to have been  
21 committed in furtherance of the criminal activities of an  
22 organized gang as provided in Section 5-710 of that Act,  
23 and that involved the operation or use of a motor vehicle  
24 or the use of a driver's license or permit. The revocation  
25 shall remain in effect for the period determined by the  
26 court.

1           (c)(1) Whenever a person is convicted of any of the  
2 offenses enumerated in this Section, the court may recommend  
3 and the Secretary of State in his discretion, without regard  
4 to whether the recommendation is made by the court may, upon  
5 application, issue to the person a restricted driving permit  
6 granting the privilege of driving a motor vehicle between the  
7 petitioner's residence and petitioner's place of employment or  
8 within the scope of the petitioner's employment related  
9 duties, or to allow the petitioner to transport himself or  
10 herself or a family member of the petitioner's household to a  
11 medical facility for the receipt of necessary medical care or  
12 to allow the petitioner to transport himself or herself to and  
13 from alcohol or drug remedial or rehabilitative activity  
14 recommended by a licensed service provider, or to allow the  
15 petitioner to transport himself or herself or a family member  
16 of the petitioner's household to classes, as a student, at an  
17 accredited educational institution, or to allow the petitioner  
18 to transport children, elderly persons, or persons with  
19 disabilities who do not hold driving privileges and are living  
20 in the petitioner's household to and from child care ~~daycare~~;  
21 if the petitioner is able to demonstrate that no alternative  
22 means of transportation is reasonably available and that the  
23 petitioner will not endanger the public safety or welfare;  
24 provided that the Secretary's discretion shall be limited to  
25 cases where undue hardship, as defined by the rules of the  
26 Secretary of State, would result from a failure to issue the



1 restricted driving permit.

2 (1.5) A person subject to the provisions of paragraph 4 of  
3 subsection (b) of Section 6-208 of this Code may make  
4 application for a restricted driving permit at a hearing  
5 conducted under Section 2-118 of this Code after the  
6 expiration of 5 years from the effective date of the most  
7 recent revocation, or after 5 years from the date of release  
8 from a period of imprisonment resulting from a conviction of  
9 the most recent offense, whichever is later, provided the  
10 person, in addition to all other requirements of the  
11 Secretary, shows by clear and convincing evidence:

12 (A) a minimum of 3 years of uninterrupted abstinence  
13 from alcohol and the unlawful use or consumption of  
14 cannabis under the Cannabis Control Act, a controlled  
15 substance under the Illinois Controlled Substances Act, an  
16 intoxicating compound under the Use of Intoxicating  
17 Compounds Act, or methamphetamine under the  
18 Methamphetamine Control and Community Protection Act; and

19 (B) the successful completion of any rehabilitative  
20 treatment and involvement in any ongoing rehabilitative  
21 activity that may be recommended by a properly licensed  
22 service provider according to an assessment of the  
23 person's alcohol or drug use under Section 11-501.01 of  
24 this Code.

25 In determining whether an applicant is eligible for a  
26 restricted driving permit under this paragraph (1.5), the

1 Secretary may consider any relevant evidence, including, but  
2 not limited to, testimony, affidavits, records, and the  
3 results of regular alcohol or drug tests. Persons subject to  
4 the provisions of paragraph 4 of subsection (b) of Section  
5 6-208 of this Code and who have been convicted of more than one  
6 violation of paragraph (3), paragraph (4), or paragraph (5) of  
7 subsection (a) of Section 11-501 of this Code shall not be  
8 eligible to apply for a restricted driving permit.

9 A restricted driving permit issued under this paragraph  
10 (1.5) shall provide that the holder may only operate motor  
11 vehicles equipped with an ignition interlock device as  
12 required under paragraph (2) of subsection (c) of this Section  
13 and subparagraph (A) of paragraph 3 of subsection (c) of  
14 Section 6-206 of this Code. The Secretary may revoke a  
15 restricted driving permit or amend the conditions of a  
16 restricted driving permit issued under this paragraph (1.5) if  
17 the holder operates a vehicle that is not equipped with an  
18 ignition interlock device, or for any other reason authorized  
19 under this Code.

20 A restricted driving permit issued under this paragraph  
21 (1.5) shall be revoked, and the holder barred from applying  
22 for or being issued a restricted driving permit in the future,  
23 if the holder is subsequently convicted of a violation of  
24 Section 11-501 of this Code, a similar provision of a local  
25 ordinance, or a similar offense in another state.

26 (2) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating Section  
2 11-501 of this Code or a similar provision of a local ordinance  
3 or a similar out-of-state offense, or Section 9-3 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012, where the  
5 use of alcohol or other drugs is recited as an element of the  
6 offense, or a similar out-of-state offense, or a combination  
7 of these offenses, arising out of separate occurrences, that  
8 person, if issued a restricted driving permit, may not operate  
9 a vehicle unless it has been equipped with an ignition  
10 interlock device as defined in Section 1-129.1.

11 (3) If:

12 (A) a person's license or permit is revoked or  
13 suspended 2 or more times due to any combination of:

14 (i) a single conviction of violating Section  
15 11-501 of this Code or a similar provision of a local  
16 ordinance or a similar out-of-state offense, or  
17 Section 9-3 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, where the use of alcohol or  
19 other drugs is recited as an element of the offense, or  
20 a similar out-of-state offense; or

21 (ii) a statutory summary suspension or revocation  
22 under Section 11-501.1; or

23 (iii) a suspension pursuant to Section 6-203.1;  
24 arising out of separate occurrences; or

25 (B) a person has been convicted of one violation of  
26 subparagraph (C) or (F) of paragraph (1) of subsection (d)

1 of Section 11-501 of this Code, Section 9-3 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012,  
3 relating to the offense of reckless homicide where the use  
4 of alcohol or other drugs was recited as an element of the  
5 offense, or a similar provision of a law of another state;  
6 that person, if issued a restricted driving permit, may not  
7 operate a vehicle unless it has been equipped with an ignition  
8 interlock device as defined in Section 1-129.1.

9 (4) The person issued a permit conditioned on the use of an  
10 ignition interlock device must pay to the Secretary of State  
11 DUI Administration Fund an amount not to exceed \$30 per month.  
12 The Secretary shall establish by rule the amount and the  
13 procedures, terms, and conditions relating to these fees.

14 (5) If the restricted driving permit is issued for  
15 employment purposes, then the prohibition against operating a  
16 motor vehicle that is not equipped with an ignition interlock  
17 device does not apply to the operation of an occupational  
18 vehicle owned or leased by that person's employer when used  
19 solely for employment purposes. For any person who, within a  
20 5-year period, is convicted of a second or subsequent offense  
21 under Section 11-501 of this Code, or a similar provision of a  
22 local ordinance or similar out-of-state offense, this  
23 employment exemption does not apply until either a one-year  
24 period has elapsed during which that person had his or her  
25 driving privileges revoked or a one-year period has elapsed  
26 during which that person had a restricted driving permit which

1 required the use of an ignition interlock device on every  
2 motor vehicle owned or operated by that person.

3 (6) In each case the Secretary of State may issue a  
4 restricted driving permit for a period he deems appropriate,  
5 except that the permit shall expire no later than 2 years from  
6 the date of issuance. A restricted driving permit issued under  
7 this Section shall be subject to cancellation, revocation, and  
8 suspension by the Secretary of State in like manner and for  
9 like cause as a driver's license issued under this Code may be  
10 cancelled, revoked, or suspended; except that a conviction  
11 upon one or more offenses against laws or ordinances  
12 regulating the movement of traffic shall be deemed sufficient  
13 cause for the revocation, suspension, or cancellation of a  
14 restricted driving permit. The Secretary of State may, as a  
15 condition to the issuance of a restricted driving permit,  
16 require the petitioner to participate in a designated driver  
17 remedial or rehabilitative program. The Secretary of State is  
18 authorized to cancel a restricted driving permit if the permit  
19 holder does not successfully complete the program. However, if  
20 an individual's driving privileges have been revoked in  
21 accordance with paragraph 13 of subsection (a) of this  
22 Section, no restricted driving permit shall be issued until  
23 the individual has served 6 months of the revocation period.

24 (c-5) (Blank).

25 (c-6) If a person is convicted of a second violation of  
26 operating a motor vehicle while the person's driver's license,

1 permit or privilege was revoked, where the revocation was for  
2 a violation of Section 9-3 of the Criminal Code of 1961 or the  
3 Criminal Code of 2012 relating to the offense of reckless  
4 homicide or a similar out-of-state offense, the person's  
5 driving privileges shall be revoked pursuant to subdivision  
6 (a)(15) of this Section. The person may not make application  
7 for a license or permit until the expiration of five years from  
8 the effective date of the revocation or the expiration of five  
9 years from the date of release from a term of imprisonment,  
10 whichever is later.

11 (c-7) If a person is convicted of a third or subsequent  
12 violation of operating a motor vehicle while the person's  
13 driver's license, permit or privilege was revoked, where the  
14 revocation was for a violation of Section 9-3 of the Criminal  
15 Code of 1961 or the Criminal Code of 2012 relating to the  
16 offense of reckless homicide or a similar out-of-state  
17 offense, the person may never apply for a license or permit.

18 (d)(1) Whenever a person under the age of 21 is convicted  
19 under Section 11-501 of this Code or a similar provision of a  
20 local ordinance or a similar out-of-state offense, the  
21 Secretary of State shall revoke the driving privileges of that  
22 person. One year after the date of revocation, and upon  
23 application, the Secretary of State may, if satisfied that the  
24 person applying will not endanger the public safety or  
25 welfare, issue a restricted driving permit granting the  
26 privilege of driving a motor vehicle only between the hours of

1 5 a.m. and 9 p.m. or as otherwise provided by this Section for  
2 a period of one year. After this one-year period, and upon  
3 reapplication for a license as provided in Section 6-106, upon  
4 payment of the appropriate reinstatement fee provided under  
5 paragraph (b) of Section 6-118, the Secretary of State, in his  
6 discretion, may reinstate the petitioner's driver's license  
7 and driving privileges, or extend the restricted driving  
8 permit as many times as the Secretary of State deems  
9 appropriate, by additional periods of not more than 24 months  
10 each.

11 (2) If a person's license or permit is revoked or  
12 suspended due to 2 or more convictions of violating Section  
13 11-501 of this Code or a similar provision of a local ordinance  
14 or a similar out-of-state offense, or Section 9-3 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012, where the  
16 use of alcohol or other drugs is recited as an element of the  
17 offense, or a similar out-of-state offense, or a combination  
18 of these offenses, arising out of separate occurrences, that  
19 person, if issued a restricted driving permit, may not operate  
20 a vehicle unless it has been equipped with an ignition  
21 interlock device as defined in Section 1-129.1.

22 (3) If a person's license or permit is revoked or  
23 suspended 2 or more times due to any combination of:

24 (A) a single conviction of violating Section 11-501 of  
25 this Code or a similar provision of a local ordinance or a  
26 similar out-of-state offense, or Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, where  
2 the use of alcohol or other drugs is recited as an element  
3 of the offense, or a similar out-of-state offense; or

4 (B) a statutory summary suspension or revocation under  
5 Section 11-501.1; or

6 (C) a suspension pursuant to Section 6-203.1;

7 arising out of separate occurrences, that person, if issued a  
8 restricted driving permit, may not operate a vehicle unless it  
9 has been equipped with an ignition interlock device as defined  
10 in Section 1-129.1.

11 (3.5) If a person's license or permit is revoked or  
12 suspended due to a conviction for a violation of subparagraph  
13 (C) or (F) of paragraph (1) of subsection (d) of Section 11-501  
14 of this Code, or a similar provision of a local ordinance or  
15 similar out-of-state offense, that person, if issued a  
16 restricted driving permit, may not operate a vehicle unless it  
17 has been equipped with an ignition interlock device as defined  
18 in Section 1-129.1.

19 (4) The person issued a permit conditioned upon the use of  
20 an interlock device must pay to the Secretary of State DUI  
21 Administration Fund an amount not to exceed \$30 per month. The  
22 Secretary shall establish by rule the amount and the  
23 procedures, terms, and conditions relating to these fees.

24 (5) If the restricted driving permit is issued for  
25 employment purposes, then the prohibition against driving a  
26 vehicle that is not equipped with an ignition interlock device



1 does not apply to the operation of an occupational vehicle  
2 owned or leased by that person's employer when used solely for  
3 employment purposes. For any person who, within a 5-year  
4 period, is convicted of a second or subsequent offense under  
5 Section 11-501 of this Code, or a similar provision of a local  
6 ordinance or similar out-of-state offense, this employment  
7 exemption does not apply until either a one-year period has  
8 elapsed during which that person had his or her driving  
9 privileges revoked or a one-year period has elapsed during  
10 which that person had a restricted driving permit which  
11 required the use of an ignition interlock device on every  
12 motor vehicle owned or operated by that person.

13 (6) A restricted driving permit issued under this Section  
14 shall be subject to cancellation, revocation, and suspension  
15 by the Secretary of State in like manner and for like cause as  
16 a driver's license issued under this Code may be cancelled,  
17 revoked, or suspended; except that a conviction upon one or  
18 more offenses against laws or ordinances regulating the  
19 movement of traffic shall be deemed sufficient cause for the  
20 revocation, suspension, or cancellation of a restricted  
21 driving permit.

22 (d-5) The revocation of the license, permit, or driving  
23 privileges of a person convicted of a third or subsequent  
24 violation of Section 6-303 of this Code committed while his or  
25 her driver's license, permit, or privilege was revoked because  
26 of a violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of reckless  
2 homicide, or a similar provision of a law of another state, is  
3 permanent. The Secretary may not, at any time, issue a license  
4 or permit to that person.

5 (e) This Section is subject to the provisions of the  
6 Driver License Compact.

7 (f) Any revocation imposed upon any person under  
8 subsections 2 and 3 of paragraph (b) that is in effect on  
9 December 31, 1988 shall be converted to a suspension for a like  
10 period of time.

11 (g) The Secretary of State shall not issue a restricted  
12 driving permit to a person under the age of 16 years whose  
13 driving privileges have been revoked under any provisions of  
14 this Code.

15 (h) The Secretary of State shall require the use of  
16 ignition interlock devices for a period not less than 5 years  
17 on all vehicles owned by a person who has been convicted of a  
18 second or subsequent offense under Section 11-501 of this Code  
19 or a similar provision of a local ordinance. The person must  
20 pay to the Secretary of State DUI Administration Fund an  
21 amount not to exceed \$30 for each month that he or she uses the  
22 device. The Secretary shall establish by rule and regulation  
23 the procedures for certification and use of the interlock  
24 system, the amount of the fee, and the procedures, terms, and  
25 conditions relating to these fees. During the time period in  
26 which a person is required to install an ignition interlock

1 device under this subsection (h), that person shall only  
2 operate vehicles in which ignition interlock devices have been  
3 installed, except as allowed by subdivision (c)(5) or (d)(5)  
4 of this Section. Regardless of whether an exemption under  
5 subdivision (c)(5) or (d)(5) applies, every person subject  
6 to this subsection shall not be eligible for reinstatement  
7 until the person installs an ignition interlock device and  
8 maintains the ignition interlock device for 5 years.

9 (i) (Blank).

10 (j) In accordance with 49 C.F.R. 384, the Secretary of  
11 State may not issue a restricted driving permit for the  
12 operation of a commercial motor vehicle to a person holding a  
13 CDL whose driving privileges have been revoked, suspended,  
14 cancelled, or disqualified under any provisions of this Code.

15 (k) The Secretary of State shall notify by mail any person  
16 whose driving privileges have been revoked under paragraph 16  
17 of subsection (a) of this Section that his or her driving  
18 privileges and driver's license will be revoked 90 days from  
19 the date of the mailing of the notice.

20 (Source: P.A. 101-623, eff. 7-1-20; 102-299, eff. 8-6-21.)

21 (Text of Section after amendment by P.A. 102-982)

22 Sec. 6-205. Mandatory revocation of license or permit;  
23 hardship cases.

24 (a) Except as provided in this Section, the Secretary of  
25 State shall immediately revoke the license, permit, or driving

1 privileges of any driver upon receiving a report of the  
2 driver's conviction of any of the following offenses:

3 1. Reckless homicide resulting from the operation of a  
4 motor vehicle;

5 2. Violation of Section 11-501 of this Code or a  
6 similar provision of a local ordinance relating to the  
7 offense of operating or being in physical control of a  
8 vehicle while under the influence of alcohol, other drug  
9 or drugs, intoxicating compound or compounds, or any  
10 combination thereof;

11 3. Any felony under the laws of any State or the  
12 federal government in the commission of which a motor  
13 vehicle was used;

14 4. Violation of Section 11-401 of this Code relating  
15 to the offense of leaving the scene of a traffic crash  
16 involving death or personal injury;

17 5. Perjury or the making of a false affidavit or  
18 statement under oath to the Secretary of State under this  
19 Code or under any other law relating to the ownership or  
20 operation of motor vehicles;

21 6. Conviction upon 3 charges of violation of Section  
22 11-503 of this Code relating to the offense of reckless  
23 driving committed within a period of 12 months;

24 7. Conviction of any offense defined in Section 4-102  
25 of this Code if the person exercised actual physical  
26 control over the vehicle during the commission of the

1 offense;

2 8. Violation of Section 11-504 of this Code relating  
3 to the offense of drag racing;

4 9. Violation of Chapters 8 and 9 of this Code;

5 10. Violation of Section 12-5 of the Criminal Code of  
6 1961 or the Criminal Code of 2012 arising from the use of a  
7 motor vehicle;

8 11. Violation of Section 11-204.1 of this Code  
9 relating to aggravated fleeing or attempting to elude a  
10 peace officer;

11 12. Violation of paragraph (1) of subsection (b) of  
12 Section 6-507, or a similar law of any other state,  
13 relating to the unlawful operation of a commercial motor  
14 vehicle;

15 13. Violation of paragraph (a) of Section 11-502 of  
16 this Code or a similar provision of a local ordinance if  
17 the driver has been previously convicted of a violation of  
18 that Section or a similar provision of a local ordinance  
19 and the driver was less than 21 years of age at the time of  
20 the offense;

21 14. Violation of paragraph (a) of Section 11-506 of  
22 this Code or a similar provision of a local ordinance  
23 relating to the offense of street racing;

24 15. A second or subsequent conviction of driving while  
25 the person's driver's license, permit or privileges was  
26 revoked for reckless homicide or a similar out-of-state

1 offense;

2 16. Any offense against any provision in this Code, or  
3 any local ordinance, regulating the movement of traffic  
4 when that offense was the proximate cause of the death of  
5 any person. Any person whose driving privileges have been  
6 revoked pursuant to this paragraph may seek to have the  
7 revocation terminated or to have the length of revocation  
8 reduced by requesting an administrative hearing with the  
9 Secretary of State prior to the projected driver's license  
10 application eligibility date;

11 17. Violation of subsection (a-2) of Section 11-1301.3  
12 of this Code or a similar provision of a local ordinance;

13 18. A second or subsequent conviction of illegal  
14 possession, while operating or in actual physical control,  
15 as a driver, of a motor vehicle, of any controlled  
16 substance prohibited under the Illinois Controlled  
17 Substances Act, any cannabis prohibited under the Cannabis  
18 Control Act, or any methamphetamine prohibited under the  
19 Methamphetamine Control and Community Protection Act. A  
20 defendant found guilty of this offense while operating a  
21 motor vehicle shall have an entry made in the court record  
22 by the presiding judge that this offense did occur while  
23 the defendant was operating a motor vehicle and order the  
24 clerk of the court to report the violation to the  
25 Secretary of State;

26 19. Violation of subsection (a) of Section 11-1414 of

1           this Code, or a similar provision of a local ordinance,  
2           relating to the offense of overtaking or passing of a  
3           school bus when the driver, in committing the violation,  
4           is involved in a motor vehicle crash that results in death  
5           to another and the violation is a proximate cause of the  
6           death.

7           (b) The Secretary of State shall also immediately revoke  
8           the license or permit of any driver in the following  
9           situations:

10           1. Of any minor upon receiving the notice provided for  
11           in Section 5-901 of the Juvenile Court Act of 1987 that the  
12           minor has been adjudicated under that Act as having  
13           committed an offense relating to motor vehicles prescribed  
14           in Section 4-103 of this Code;

15           2. Of any person when any other law of this State  
16           requires either the revocation or suspension of a license  
17           or permit;

18           3. Of any person adjudicated under the Juvenile Court  
19           Act of 1987 based on an offense determined to have been  
20           committed in furtherance of the criminal activities of an  
21           organized gang as provided in Section 5-710 of that Act,  
22           and that involved the operation or use of a motor vehicle  
23           or the use of a driver's license or permit. The revocation  
24           shall remain in effect for the period determined by the  
25           court.

26           (c)(1) Whenever a person is convicted of any of the

1 offenses enumerated in this Section, the court may recommend  
2 and the Secretary of State in his discretion, without regard  
3 to whether the recommendation is made by the court may, upon  
4 application, issue to the person a restricted driving permit  
5 granting the privilege of driving a motor vehicle between the  
6 petitioner's residence and petitioner's place of employment or  
7 within the scope of the petitioner's employment related  
8 duties, or to allow the petitioner to transport himself or  
9 herself or a family member of the petitioner's household to a  
10 medical facility for the receipt of necessary medical care or  
11 to allow the petitioner to transport himself or herself to and  
12 from alcohol or drug remedial or rehabilitative activity  
13 recommended by a licensed service provider, or to allow the  
14 petitioner to transport himself or herself or a family member  
15 of the petitioner's household to classes, as a student, at an  
16 accredited educational institution, or to allow the petitioner  
17 to transport children, elderly persons, or persons with  
18 disabilities who do not hold driving privileges and are living  
19 in the petitioner's household to and from child care ~~daycare~~;  
20 if the petitioner is able to demonstrate that no alternative  
21 means of transportation is reasonably available and that the  
22 petitioner will not endanger the public safety or welfare;  
23 provided that the Secretary's discretion shall be limited to  
24 cases where undue hardship, as defined by the rules of the  
25 Secretary of State, would result from a failure to issue the  
26 restricted driving permit.



1           (1.5) A person subject to the provisions of paragraph 4 of  
2 subsection (b) of Section 6-208 of this Code may make  
3 application for a restricted driving permit at a hearing  
4 conducted under Section 2-118 of this Code after the  
5 expiration of 5 years from the effective date of the most  
6 recent revocation, or after 5 years from the date of release  
7 from a period of imprisonment resulting from a conviction of  
8 the most recent offense, whichever is later, provided the  
9 person, in addition to all other requirements of the  
10 Secretary, shows by clear and convincing evidence:

11           (A) a minimum of 3 years of uninterrupted abstinence  
12 from alcohol and the unlawful use or consumption of  
13 cannabis under the Cannabis Control Act, a controlled  
14 substance under the Illinois Controlled Substances Act, an  
15 intoxicating compound under the Use of Intoxicating  
16 Compounds Act, or methamphetamine under the  
17 Methamphetamine Control and Community Protection Act; and

18           (B) the successful completion of any rehabilitative  
19 treatment and involvement in any ongoing rehabilitative  
20 activity that may be recommended by a properly licensed  
21 service provider according to an assessment of the  
22 person's alcohol or drug use under Section 11-501.01 of  
23 this Code.

24           In determining whether an applicant is eligible for a  
25 restricted driving permit under this paragraph (1.5), the  
26 Secretary may consider any relevant evidence, including, but

1 not limited to, testimony, affidavits, records, and the  
2 results of regular alcohol or drug tests. Persons subject to  
3 the provisions of paragraph 4 of subsection (b) of Section  
4 6-208 of this Code and who have been convicted of more than one  
5 violation of paragraph (3), paragraph (4), or paragraph (5) of  
6 subsection (a) of Section 11-501 of this Code shall not be  
7 eligible to apply for a restricted driving permit.

8 A restricted driving permit issued under this paragraph  
9 (1.5) shall provide that the holder may only operate motor  
10 vehicles equipped with an ignition interlock device as  
11 required under paragraph (2) of subsection (c) of this Section  
12 and subparagraph (A) of paragraph 3 of subsection (c) of  
13 Section 6-206 of this Code. The Secretary may revoke a  
14 restricted driving permit or amend the conditions of a  
15 restricted driving permit issued under this paragraph (1.5) if  
16 the holder operates a vehicle that is not equipped with an  
17 ignition interlock device, or for any other reason authorized  
18 under this Code.

19 A restricted driving permit issued under this paragraph  
20 (1.5) shall be revoked, and the holder barred from applying  
21 for or being issued a restricted driving permit in the future,  
22 if the holder is subsequently convicted of a violation of  
23 Section 11-501 of this Code, a similar provision of a local  
24 ordinance, or a similar offense in another state.

25 (2) If a person's license or permit is revoked or  
26 suspended due to 2 or more convictions of violating Section

1 11-501 of this Code or a similar provision of a local ordinance  
2 or a similar out-of-state offense, or Section 9-3 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012, where the  
4 use of alcohol or other drugs is recited as an element of the  
5 offense, or a similar out-of-state offense, or a combination  
6 of these offenses, arising out of separate occurrences, that  
7 person, if issued a restricted driving permit, may not operate  
8 a vehicle unless it has been equipped with an ignition  
9 interlock device as defined in Section 1-129.1.

10 (3) If:

11 (A) a person's license or permit is revoked or  
12 suspended 2 or more times due to any combination of:

13 (i) a single conviction of violating Section  
14 11-501 of this Code or a similar provision of a local  
15 ordinance or a similar out-of-state offense, or  
16 Section 9-3 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, where the use of alcohol or  
18 other drugs is recited as an element of the offense, or  
19 a similar out-of-state offense; or

20 (ii) a statutory summary suspension or revocation  
21 under Section 11-501.1; or

22 (iii) a suspension pursuant to Section 6-203.1;  
23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of  
25 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
26 of Section 11-501 of this Code, Section 9-3 of the

1 Criminal Code of 1961 or the Criminal Code of 2012,  
2 relating to the offense of reckless homicide where the use  
3 of alcohol or other drugs was recited as an element of the  
4 offense, or a similar provision of a law of another state;  
5 that person, if issued a restricted driving permit, may not  
6 operate a vehicle unless it has been equipped with an ignition  
7 interlock device as defined in Section 1-129.1.

8 (4) The person issued a permit conditioned on the use of an  
9 ignition interlock device must pay to the Secretary of State  
10 DUI Administration Fund an amount not to exceed \$30 per month.  
11 The Secretary shall establish by rule the amount and the  
12 procedures, terms, and conditions relating to these fees.

13 (5) If the restricted driving permit is issued for  
14 employment purposes, then the prohibition against operating a  
15 motor vehicle that is not equipped with an ignition interlock  
16 device does not apply to the operation of an occupational  
17 vehicle owned or leased by that person's employer when used  
18 solely for employment purposes. For any person who, within a  
19 5-year period, is convicted of a second or subsequent offense  
20 under Section 11-501 of this Code, or a similar provision of a  
21 local ordinance or similar out-of-state offense, this  
22 employment exemption does not apply until either a one-year  
23 period has elapsed during which that person had his or her  
24 driving privileges revoked or a one-year period has elapsed  
25 during which that person had a restricted driving permit which  
26 required the use of an ignition interlock device on every

1 motor vehicle owned or operated by that person.

2 (6) In each case the Secretary of State may issue a  
3 restricted driving permit for a period he deems appropriate,  
4 except that the permit shall expire no later than 2 years from  
5 the date of issuance. A restricted driving permit issued under  
6 this Section shall be subject to cancellation, revocation, and  
7 suspension by the Secretary of State in like manner and for  
8 like cause as a driver's license issued under this Code may be  
9 cancelled, revoked, or suspended; except that a conviction  
10 upon one or more offenses against laws or ordinances  
11 regulating the movement of traffic shall be deemed sufficient  
12 cause for the revocation, suspension, or cancellation of a  
13 restricted driving permit. The Secretary of State may, as a  
14 condition to the issuance of a restricted driving permit,  
15 require the petitioner to participate in a designated driver  
16 remedial or rehabilitative program. The Secretary of State is  
17 authorized to cancel a restricted driving permit if the permit  
18 holder does not successfully complete the program. However, if  
19 an individual's driving privileges have been revoked in  
20 accordance with paragraph 13 of subsection (a) of this  
21 Section, no restricted driving permit shall be issued until  
22 the individual has served 6 months of the revocation period.

23 (c-5) (Blank).

24 (c-6) If a person is convicted of a second violation of  
25 operating a motor vehicle while the person's driver's license,  
26 permit or privilege was revoked, where the revocation was for

1 a violation of Section 9-3 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012 relating to the offense of reckless  
3 homicide or a similar out-of-state offense, the person's  
4 driving privileges shall be revoked pursuant to subdivision  
5 (a)(15) of this Section. The person may not make application  
6 for a license or permit until the expiration of five years from  
7 the effective date of the revocation or the expiration of five  
8 years from the date of release from a term of imprisonment,  
9 whichever is later.

10 (c-7) If a person is convicted of a third or subsequent  
11 violation of operating a motor vehicle while the person's  
12 driver's license, permit or privilege was revoked, where the  
13 revocation was for a violation of Section 9-3 of the Criminal  
14 Code of 1961 or the Criminal Code of 2012 relating to the  
15 offense of reckless homicide or a similar out-of-state  
16 offense, the person may never apply for a license or permit.

17 (d)(1) Whenever a person under the age of 21 is convicted  
18 under Section 11-501 of this Code or a similar provision of a  
19 local ordinance or a similar out-of-state offense, the  
20 Secretary of State shall revoke the driving privileges of that  
21 person. One year after the date of revocation, and upon  
22 application, the Secretary of State may, if satisfied that the  
23 person applying will not endanger the public safety or  
24 welfare, issue a restricted driving permit granting the  
25 privilege of driving a motor vehicle only between the hours of  
26 5 a.m. and 9 p.m. or as otherwise provided by this Section for

1 a period of one year. After this one-year period, and upon  
2 reapplication for a license as provided in Section 6-106, upon  
3 payment of the appropriate reinstatement fee provided under  
4 paragraph (b) of Section 6-118, the Secretary of State, in his  
5 discretion, may reinstate the petitioner's driver's license  
6 and driving privileges, or extend the restricted driving  
7 permit as many times as the Secretary of State deems  
8 appropriate, by additional periods of not more than 24 months  
9 each.

10 (2) If a person's license or permit is revoked or  
11 suspended due to 2 or more convictions of violating Section  
12 11-501 of this Code or a similar provision of a local ordinance  
13 or a similar out-of-state offense, or Section 9-3 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012, where the  
15 use of alcohol or other drugs is recited as an element of the  
16 offense, or a similar out-of-state offense, or a combination  
17 of these offenses, arising out of separate occurrences, that  
18 person, if issued a restricted driving permit, may not operate  
19 a vehicle unless it has been equipped with an ignition  
20 interlock device as defined in Section 1-129.1.

21 (3) If a person's license or permit is revoked or  
22 suspended 2 or more times due to any combination of:

23 (A) a single conviction of violating Section 11-501 of  
24 this Code or a similar provision of a local ordinance or a  
25 similar out-of-state offense, or Section 9-3 of the  
26 Criminal Code of 1961 or the Criminal Code of 2012, where

1 the use of alcohol or other drugs is recited as an element  
2 of the offense, or a similar out-of-state offense; or

3 (B) a statutory summary suspension or revocation under  
4 Section 11-501.1; or

5 (C) a suspension pursuant to Section 6-203.1;  
6 arising out of separate occurrences, that person, if issued a  
7 restricted driving permit, may not operate a vehicle unless it  
8 has been equipped with an ignition interlock device as defined  
9 in Section 1-129.1.

10 (3.5) If a person's license or permit is revoked or  
11 suspended due to a conviction for a violation of subparagraph  
12 (C) or (F) of paragraph (1) of subsection (d) of Section 11-501  
13 of this Code, or a similar provision of a local ordinance or  
14 similar out-of-state offense, that person, if issued a  
15 restricted driving permit, may not operate a vehicle unless it  
16 has been equipped with an ignition interlock device as defined  
17 in Section 1-129.1.

18 (4) The person issued a permit conditioned upon the use of  
19 an interlock device must pay to the Secretary of State DUI  
20 Administration Fund an amount not to exceed \$30 per month. The  
21 Secretary shall establish by rule the amount and the  
22 procedures, terms, and conditions relating to these fees.

23 (5) If the restricted driving permit is issued for  
24 employment purposes, then the prohibition against driving a  
25 vehicle that is not equipped with an ignition interlock device  
26 does not apply to the operation of an occupational vehicle



1 owned or leased by that person's employer when used solely for  
2 employment purposes. For any person who, within a 5-year  
3 period, is convicted of a second or subsequent offense under  
4 Section 11-501 of this Code, or a similar provision of a local  
5 ordinance or similar out-of-state offense, this employment  
6 exemption does not apply until either a one-year period has  
7 elapsed during which that person had his or her driving  
8 privileges revoked or a one-year period has elapsed during  
9 which that person had a restricted driving permit which  
10 required the use of an ignition interlock device on every  
11 motor vehicle owned or operated by that person.

12 (6) A restricted driving permit issued under this Section  
13 shall be subject to cancellation, revocation, and suspension  
14 by the Secretary of State in like manner and for like cause as  
15 a driver's license issued under this Code may be cancelled,  
16 revoked, or suspended; except that a conviction upon one or  
17 more offenses against laws or ordinances regulating the  
18 movement of traffic shall be deemed sufficient cause for the  
19 revocation, suspension, or cancellation of a restricted  
20 driving permit.

21 (d-5) The revocation of the license, permit, or driving  
22 privileges of a person convicted of a third or subsequent  
23 violation of Section 6-303 of this Code committed while his or  
24 her driver's license, permit, or privilege was revoked because  
25 of a violation of Section 9-3 of the Criminal Code of 1961 or  
26 the Criminal Code of 2012, relating to the offense of reckless

1 homicide, or a similar provision of a law of another state, is  
2 permanent. The Secretary may not, at any time, issue a license  
3 or permit to that person.

4 (e) This Section is subject to the provisions of the  
5 Driver License Compact.

6 (f) Any revocation imposed upon any person under  
7 subsections 2 and 3 of paragraph (b) that is in effect on  
8 December 31, 1988 shall be converted to a suspension for a like  
9 period of time.

10 (g) The Secretary of State shall not issue a restricted  
11 driving permit to a person under the age of 16 years whose  
12 driving privileges have been revoked under any provisions of  
13 this Code.

14 (h) The Secretary of State shall require the use of  
15 ignition interlock devices for a period not less than 5 years  
16 on all vehicles owned by a person who has been convicted of a  
17 second or subsequent offense under Section 11-501 of this Code  
18 or a similar provision of a local ordinance. The person must  
19 pay to the Secretary of State DUI Administration Fund an  
20 amount not to exceed \$30 for each month that he or she uses the  
21 device. The Secretary shall establish by rule and regulation  
22 the procedures for certification and use of the interlock  
23 system, the amount of the fee, and the procedures, terms, and  
24 conditions relating to these fees. During the time period in  
25 which a person is required to install an ignition interlock  
26 device under this subsection (h), that person shall only

1 operate vehicles in which ignition interlock devices have been  
2 installed, except as allowed by subdivision (c)(5) or (d)(5)  
3 of this Section. Regardless of whether an exemption under  
4 subdivision (c)(5) or (d)(5) applies, every person subject  
5 to this subsection shall not be eligible for reinstatement  
6 until the person installs an ignition interlock device and  
7 maintains the ignition interlock device for 5 years.

8 (i) (Blank).

9 (j) In accordance with 49 C.F.R. 384, the Secretary of  
10 State may not issue a restricted driving permit for the  
11 operation of a commercial motor vehicle to a person holding a  
12 CDL whose driving privileges have been revoked, suspended,  
13 cancelled, or disqualified under any provisions of this Code.

14 (k) The Secretary of State shall notify by mail any person  
15 whose driving privileges have been revoked under paragraph 16  
16 of subsection (a) of this Section that his or her driving  
17 privileges and driver's license will be revoked 90 days from  
18 the date of the mailing of the notice.

19 (Source: P.A. 101-623, eff. 7-1-20; 102-299, eff. 8-6-21;  
20 102-982, eff. 7-1-23.)

21 (625 ILCS 5/6-206)

22 (Text of Section before amendment by P.A. 102-982)

23 Sec. 6-206. Discretionary authority to suspend or revoke  
24 license or permit; right to a hearing.

25 (a) The Secretary of State is authorized to suspend or

1     revoke the driving privileges of any person without  
2     preliminary hearing upon a showing of the person's records or  
3     other sufficient evidence that the person:

4             1. Has committed an offense for which mandatory  
5             revocation of a driver's license or permit is required  
6             upon conviction;

7             2. Has been convicted of not less than 3 offenses  
8             against traffic regulations governing the movement of  
9             vehicles committed within any 12-month period. No  
10            revocation or suspension shall be entered more than 6  
11            months after the date of last conviction;

12            3. Has been repeatedly involved as a driver in motor  
13            vehicle collisions or has been repeatedly convicted of  
14            offenses against laws and ordinances regulating the  
15            movement of traffic, to a degree that indicates lack of  
16            ability to exercise ordinary and reasonable care in the  
17            safe operation of a motor vehicle or disrespect for the  
18            traffic laws and the safety of other persons upon the  
19            highway;

20            4. Has by the unlawful operation of a motor vehicle  
21            caused or contributed to an accident resulting in injury  
22            requiring immediate professional treatment in a medical  
23            facility or doctor's office to any person, except that any  
24            suspension or revocation imposed by the Secretary of State  
25            under the provisions of this subsection shall start no  
26            later than 6 months after being convicted of violating a

1 law or ordinance regulating the movement of traffic, which  
2 violation is related to the accident, or shall start not  
3 more than one year after the date of the accident,  
4 whichever date occurs later;

5 5. Has permitted an unlawful or fraudulent use of a  
6 driver's license, identification card, or permit;

7 6. Has been lawfully convicted of an offense or  
8 offenses in another state, including the authorization  
9 contained in Section 6-203.1, which if committed within  
10 this State would be grounds for suspension or revocation;

11 7. Has refused or failed to submit to an examination  
12 provided for by Section 6-207 or has failed to pass the  
13 examination;

14 8. Is ineligible for a driver's license or permit  
15 under the provisions of Section 6-103;

16 9. Has made a false statement or knowingly concealed a  
17 material fact or has used false information or  
18 identification in any application for a license,  
19 identification card, or permit;

20 10. Has possessed, displayed, or attempted to  
21 fraudulently use any license, identification card, or  
22 permit not issued to the person;

23 11. Has operated a motor vehicle upon a highway of  
24 this State when the person's driving privilege or  
25 privilege to obtain a driver's license or permit was  
26 revoked or suspended unless the operation was authorized

1 by a monitoring device driving permit, judicial driving  
2 permit issued prior to January 1, 2009, probationary  
3 license to drive, or restricted driving permit issued  
4 under this Code;

5 12. Has submitted to any portion of the application  
6 process for another person or has obtained the services of  
7 another person to submit to any portion of the application  
8 process for the purpose of obtaining a license,  
9 identification card, or permit for some other person;

10 13. Has operated a motor vehicle upon a highway of  
11 this State when the person's driver's license or permit  
12 was invalid under the provisions of Sections 6-107.1 and  
13 6-110;

14 14. Has committed a violation of Section 6-301,  
15 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
16 14B of the Illinois Identification Card Act or a similar  
17 offense in another state if, at the time of the offense,  
18 the person held an Illinois driver's license or  
19 identification card;

20 15. Has been convicted of violating Section 21-2 of  
21 the Criminal Code of 1961 or the Criminal Code of 2012  
22 relating to criminal trespass to vehicles if the person  
23 exercised actual physical control over the vehicle during  
24 the commission of the offense, in which case the  
25 suspension shall be for one year;

26 16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as  
3 required under Section 11-501.1 of this Code and the  
4 person has not sought a hearing as provided for in Section  
5 11-501.1;

6 18. (Blank);

7 19. Has committed a violation of paragraph (a) or (b)  
8 of Section 6-101 relating to driving without a driver's  
9 license;

10 20. Has been convicted of violating Section 6-104  
11 relating to classification of driver's license;

12 21. Has been convicted of violating Section 11-402 of  
13 this Code relating to leaving the scene of an accident  
14 resulting in damage to a vehicle in excess of \$1,000, in  
15 which case the suspension shall be for one year;

16 22. Has used a motor vehicle in violating paragraph  
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
18 the Criminal Code of 1961 or the Criminal Code of 2012  
19 relating to unlawful use of weapons, in which case the  
20 suspension shall be for one year;

21 23. Has, as a driver, been convicted of committing a  
22 violation of paragraph (a) of Section 11-502 of this Code  
23 for a second or subsequent time within one year of a  
24 similar violation;

25 24. Has been convicted by a court-martial or punished  
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois or in  
2 another state of or for a traffic-related offense that is  
3 the same as or similar to an offense specified under  
4 Section 6-205 or 6-206 of this Code;

5 25. Has permitted any form of identification to be  
6 used by another in the application process in order to  
7 obtain or attempt to obtain a license, identification  
8 card, or permit;

9 26. Has altered or attempted to alter a license or has  
10 possessed an altered license, identification card, or  
11 permit;

12 27. (Blank);

13 28. Has been convicted for a first time of the illegal  
14 possession, while operating or in actual physical control,  
15 as a driver, of a motor vehicle, of any controlled  
16 substance prohibited under the Illinois Controlled  
17 Substances Act, any cannabis prohibited under the Cannabis  
18 Control Act, or any methamphetamine prohibited under the  
19 Methamphetamine Control and Community Protection Act, in  
20 which case the person's driving privileges shall be  
21 suspended for one year. Any defendant found guilty of this  
22 offense while operating a motor vehicle shall have an  
23 entry made in the court record by the presiding judge that  
24 this offense did occur while the defendant was operating a  
25 motor vehicle and order the clerk of the court to report  
26 the violation to the Secretary of State;



1           29. Has been convicted of the following offenses that  
2 were committed while the person was operating or in actual  
3 physical control, as a driver, of a motor vehicle:  
4 criminal sexual assault, predatory criminal sexual assault  
5 of a child, aggravated criminal sexual assault, criminal  
6 sexual abuse, aggravated criminal sexual abuse, juvenile  
7 pimping, soliciting for a juvenile prostitute, promoting  
8 juvenile prostitution as described in subdivision (a)(1),  
9 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code  
10 of 1961 or the Criminal Code of 2012, and the manufacture,  
11 sale or delivery of controlled substances or instruments  
12 used for illegal drug use or abuse in which case the  
13 driver's driving privileges shall be suspended for one  
14 year;

15           30. Has been convicted a second or subsequent time for  
16 any combination of the offenses named in paragraph 29 of  
17 this subsection, in which case the person's driving  
18 privileges shall be suspended for 5 years;

19           31. Has refused to submit to a test as required by  
20 Section 11-501.6 of this Code or Section 5-16c of the Boat  
21 Registration and Safety Act or has submitted to a test  
22 resulting in an alcohol concentration of 0.08 or more or  
23 any amount of a drug, substance, or compound resulting  
24 from the unlawful use or consumption of cannabis as listed  
25 in the Cannabis Control Act, a controlled substance as  
26 listed in the Illinois Controlled Substances Act, an

1 intoxicating compound as listed in the Use of Intoxicating  
2 Compounds Act, or methamphetamine as listed in the  
3 Methamphetamine Control and Community Protection Act, in  
4 which case the penalty shall be as prescribed in Section  
5 6-208.1;

6 32. Has been convicted of Section 24-1.2 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012  
8 relating to the aggravated discharge of a firearm if the  
9 offender was located in a motor vehicle at the time the  
10 firearm was discharged, in which case the suspension shall  
11 be for 3 years;

12 33. Has as a driver, who was less than 21 years of age  
13 on the date of the offense, been convicted a first time of  
14 a violation of paragraph (a) of Section 11-502 of this  
15 Code or a similar provision of a local ordinance;

16 34. Has committed a violation of Section 11-1301.5 of  
17 this Code or a similar provision of a local ordinance;

18 35. Has committed a violation of Section 11-1301.6 of  
19 this Code or a similar provision of a local ordinance;

20 36. Is under the age of 21 years at the time of arrest  
21 and has been convicted of not less than 2 offenses against  
22 traffic regulations governing the movement of vehicles  
23 committed within any 24-month period. No revocation or  
24 suspension shall be entered more than 6 months after the  
25 date of last conviction;

26 37. Has committed a violation of subsection (c) of

1 Section 11-907 of this Code that resulted in damage to the  
2 property of another or the death or injury of another;

3 38. Has been convicted of a violation of Section 6-20  
4 of the Liquor Control Act of 1934 or a similar provision of  
5 a local ordinance and the person was an occupant of a motor  
6 vehicle at the time of the violation;

7 39. Has committed a second or subsequent violation of  
8 Section 11-1201 of this Code;

9 40. Has committed a violation of subsection (a-1) of  
10 Section 11-908 of this Code;

11 41. Has committed a second or subsequent violation of  
12 Section 11-605.1 of this Code, a similar provision of a  
13 local ordinance, or a similar violation in any other state  
14 within 2 years of the date of the previous violation, in  
15 which case the suspension shall be for 90 days;

16 42. Has committed a violation of subsection (a-1) of  
17 Section 11-1301.3 of this Code or a similar provision of a  
18 local ordinance;

19 43. Has received a disposition of court supervision  
20 for a violation of subsection (a), (d), or (e) of Section  
21 6-20 of the Liquor Control Act of 1934 or a similar  
22 provision of a local ordinance and the person was an  
23 occupant of a motor vehicle at the time of the violation,  
24 in which case the suspension shall be for a period of 3  
25 months;

26 44. Is under the age of 21 years at the time of arrest

1 and has been convicted of an offense against traffic  
2 regulations governing the movement of vehicles after  
3 having previously had his or her driving privileges  
4 suspended or revoked pursuant to subparagraph 36 of this  
5 Section;

6 45. Has, in connection with or during the course of a  
7 formal hearing conducted under Section 2-118 of this Code:  
8 (i) committed perjury; (ii) submitted fraudulent or  
9 falsified documents; (iii) submitted documents that have  
10 been materially altered; or (iv) submitted, as his or her  
11 own, documents that were in fact prepared or composed for  
12 another person;

13 46. Has committed a violation of subsection (j) of  
14 Section 3-413 of this Code;

15 47. Has committed a violation of subsection (a) of  
16 Section 11-502.1 of this Code;

17 48. Has submitted a falsified or altered medical  
18 examiner's certificate to the Secretary of State or  
19 provided false information to obtain a medical examiner's  
20 certificate;

21 49. Has been convicted of a violation of Section  
22 11-1002 or 11-1002.5 that resulted in a Type A injury to  
23 another, in which case the driving privileges of the  
24 person shall be suspended for 12 months;

25 50. Has committed a violation of subsection (b-5) of  
26 Section 12-610.2 that resulted in great bodily harm,

1 permanent disability, or disfigurement, in which case the  
2 driving privileges of the person shall be suspended for 12  
3 months;

4 51. Has committed a violation of Section 10-15 Of the  
5 Cannabis Regulation and Tax Act or a similar provision of  
6 a local ordinance while in a motor vehicle; or

7 52. Has committed a violation of subsection (b) of  
8 Section 10-20 of the Cannabis Regulation and Tax Act or a  
9 similar provision of a local ordinance.

10 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
11 and 27 of this subsection, license means any driver's license,  
12 any traffic ticket issued when the person's driver's license  
13 is deposited in lieu of bail, a suspension notice issued by the  
14 Secretary of State, a duplicate or corrected driver's license,  
15 a probationary driver's license, or a temporary driver's  
16 license.

17 (b) If any conviction forming the basis of a suspension or  
18 revocation authorized under this Section is appealed, the  
19 Secretary of State may rescind or withhold the entry of the  
20 order of suspension or revocation, as the case may be,  
21 provided that a certified copy of a stay order of a court is  
22 filed with the Secretary of State. If the conviction is  
23 affirmed on appeal, the date of the conviction shall relate  
24 back to the time the original judgment of conviction was  
25 entered and the 6-month limitation prescribed shall not apply.

26 (c) 1. Upon suspending or revoking the driver's license or

1 permit of any person as authorized in this Section, the  
2 Secretary of State shall immediately notify the person in  
3 writing of the revocation or suspension. The notice to be  
4 deposited in the United States mail, postage prepaid, to the  
5 last known address of the person.

6 2. If the Secretary of State suspends the driver's license  
7 of a person under subsection 2 of paragraph (a) of this  
8 Section, a person's privilege to operate a vehicle as an  
9 occupation shall not be suspended, provided an affidavit is  
10 properly completed, the appropriate fee received, and a permit  
11 issued prior to the effective date of the suspension, unless 5  
12 offenses were committed, at least 2 of which occurred while  
13 operating a commercial vehicle in connection with the driver's  
14 regular occupation. All other driving privileges shall be  
15 suspended by the Secretary of State. Any driver prior to  
16 operating a vehicle for occupational purposes only must submit  
17 the affidavit on forms to be provided by the Secretary of State  
18 setting forth the facts of the person's occupation. The  
19 affidavit shall also state the number of offenses committed  
20 while operating a vehicle in connection with the driver's  
21 regular occupation. The affidavit shall be accompanied by the  
22 driver's license. Upon receipt of a properly completed  
23 affidavit, the Secretary of State shall issue the driver a  
24 permit to operate a vehicle in connection with the driver's  
25 regular occupation only. Unless the permit is issued by the  
26 Secretary of State prior to the date of suspension, the

1 privilege to drive any motor vehicle shall be suspended as set  
2 forth in the notice that was mailed under this Section. If an  
3 affidavit is received subsequent to the effective date of this  
4 suspension, a permit may be issued for the remainder of the  
5 suspension period.

6 The provisions of this subparagraph shall not apply to any  
7 driver required to possess a CDL for the purpose of operating a  
8 commercial motor vehicle.

9 Any person who falsely states any fact in the affidavit  
10 required herein shall be guilty of perjury under Section 6-302  
11 and upon conviction thereof shall have all driving privileges  
12 revoked without further rights.

13 3. At the conclusion of a hearing under Section 2-118 of  
14 this Code, the Secretary of State shall either rescind or  
15 continue an order of revocation or shall substitute an order  
16 of suspension; or, good cause appearing therefor, rescind,  
17 continue, change, or extend the order of suspension. If the  
18 Secretary of State does not rescind the order, the Secretary  
19 may upon application, to relieve undue hardship (as defined by  
20 the rules of the Secretary of State), issue a restricted  
21 driving permit granting the privilege of driving a motor  
22 vehicle between the petitioner's residence and petitioner's  
23 place of employment or within the scope of the petitioner's  
24 employment-related duties, or to allow the petitioner to  
25 transport himself or herself, or a family member of the  
26 petitioner's household to a medical facility, to receive

1 necessary medical care, to allow the petitioner to transport  
2 himself or herself to and from alcohol or drug remedial or  
3 rehabilitative activity recommended by a licensed service  
4 provider, or to allow the petitioner to transport himself or  
5 herself or a family member of the petitioner's household to  
6 classes, as a student, at an accredited educational  
7 institution, or to allow the petitioner to transport children,  
8 elderly persons, or persons with disabilities who do not hold  
9 driving privileges and are living in the petitioner's  
10 household to and from child care or adult day care ~~daycare~~. The  
11 petitioner must demonstrate that no alternative means of  
12 transportation is reasonably available and that the petitioner  
13 will not endanger the public safety or welfare.

14 (A) If a person's license or permit is revoked or  
15 suspended due to 2 or more convictions of violating  
16 Section 11-501 of this Code or a similar provision of a  
17 local ordinance or a similar out-of-state offense, or  
18 Section 9-3 of the Criminal Code of 1961 or the Criminal  
19 Code of 2012, where the use of alcohol or other drugs is  
20 recited as an element of the offense, or a similar  
21 out-of-state offense, or a combination of these offenses,  
22 arising out of separate occurrences, that person, if  
23 issued a restricted driving permit, may not operate a  
24 vehicle unless it has been equipped with an ignition  
25 interlock device as defined in Section 1-129.1.

26 (B) If a person's license or permit is revoked or



1           suspended 2 or more times due to any combination of:

2                   (i) a single conviction of violating Section  
3                   11-501 of this Code or a similar provision of a local  
4                   ordinance or a similar out-of-state offense or Section  
5                   9-3 of the Criminal Code of 1961 or the Criminal Code  
6                   of 2012, where the use of alcohol or other drugs is  
7                   recited as an element of the offense, or a similar  
8                   out-of-state offense; or

9                   (ii) a statutory summary suspension or revocation  
10                  under Section 11-501.1; or

11                  (iii) a suspension under Section 6-203.1;

12           arising out of separate occurrences; that person, if  
13           issued a restricted driving permit, may not operate a  
14           vehicle unless it has been equipped with an ignition  
15           interlock device as defined in Section 1-129.1.

16           (B-5) If a person's license or permit is revoked or  
17           suspended due to a conviction for a violation of  
18           subparagraph (C) or (F) of paragraph (1) of subsection (d)  
19           of Section 11-501 of this Code, or a similar provision of a  
20           local ordinance or similar out-of-state offense, that  
21           person, if issued a restricted driving permit, may not  
22           operate a vehicle unless it has been equipped with an  
23           ignition interlock device as defined in Section 1-129.1.

24           (C) The person issued a permit conditioned upon the  
25           use of an ignition interlock device must pay to the  
26           Secretary of State DUI Administration Fund an amount not

1 to exceed \$30 per month. The Secretary shall establish by  
2 rule the amount and the procedures, terms, and conditions  
3 relating to these fees.

4 (D) If the restricted driving permit is issued for  
5 employment purposes, then the prohibition against  
6 operating a motor vehicle that is not equipped with an  
7 ignition interlock device does not apply to the operation  
8 of an occupational vehicle owned or leased by that  
9 person's employer when used solely for employment  
10 purposes. For any person who, within a 5-year period, is  
11 convicted of a second or subsequent offense under Section  
12 11-501 of this Code, or a similar provision of a local  
13 ordinance or similar out-of-state offense, this employment  
14 exemption does not apply until either a one-year period  
15 has elapsed during which that person had his or her  
16 driving privileges revoked or a one-year period has  
17 elapsed during which that person had a restricted driving  
18 permit which required the use of an ignition interlock  
19 device on every motor vehicle owned or operated by that  
20 person.

21 (E) In each case the Secretary may issue a restricted  
22 driving permit for a period deemed appropriate, except  
23 that all permits shall expire no later than 2 years from  
24 the date of issuance. A restricted driving permit issued  
25 under this Section shall be subject to cancellation,  
26 revocation, and suspension by the Secretary of State in

1       like manner and for like cause as a driver's license  
2       issued under this Code may be cancelled, revoked, or  
3       suspended; except that a conviction upon one or more  
4       offenses against laws or ordinances regulating the  
5       movement of traffic shall be deemed sufficient cause for  
6       the revocation, suspension, or cancellation of a  
7       restricted driving permit. The Secretary of State may, as  
8       a condition to the issuance of a restricted driving  
9       permit, require the applicant to participate in a  
10      designated driver remedial or rehabilitative program. The  
11      Secretary of State is authorized to cancel a restricted  
12      driving permit if the permit holder does not successfully  
13      complete the program.

14           (F) A person subject to the provisions of paragraph 4  
15      of subsection (b) of Section 6-208 of this Code may make  
16      application for a restricted driving permit at a hearing  
17      conducted under Section 2-118 of this Code after the  
18      expiration of 5 years from the effective date of the most  
19      recent revocation or after 5 years from the date of  
20      release from a period of imprisonment resulting from a  
21      conviction of the most recent offense, whichever is later,  
22      provided the person, in addition to all other requirements  
23      of the Secretary, shows by clear and convincing evidence:

24           (i) a minimum of 3 years of uninterrupted  
25           abstinence from alcohol and the unlawful use or  
26           consumption of cannabis under the Cannabis Control

1 Act, a controlled substance under the Illinois  
2 Controlled Substances Act, an intoxicating compound  
3 under the Use of Intoxicating Compounds Act, or  
4 methamphetamine under the Methamphetamine Control and  
5 Community Protection Act; and

6 (ii) the successful completion of any  
7 rehabilitative treatment and involvement in any  
8 ongoing rehabilitative activity that may be  
9 recommended by a properly licensed service provider  
10 according to an assessment of the person's alcohol or  
11 drug use under Section 11-501.01 of this Code.

12 In determining whether an applicant is eligible for a  
13 restricted driving permit under this subparagraph (F), the  
14 Secretary may consider any relevant evidence, including,  
15 but not limited to, testimony, affidavits, records, and  
16 the results of regular alcohol or drug tests. Persons  
17 subject to the provisions of paragraph 4 of subsection (b)  
18 of Section 6-208 of this Code and who have been convicted  
19 of more than one violation of paragraph (3), paragraph  
20 (4), or paragraph (5) of subsection (a) of Section 11-501  
21 of this Code shall not be eligible to apply for a  
22 restricted driving permit under this subparagraph (F).

23 A restricted driving permit issued under this  
24 subparagraph (F) shall provide that the holder may only  
25 operate motor vehicles equipped with an ignition interlock  
26 device as required under paragraph (2) of subsection (c)

1 of Section 6-205 of this Code and subparagraph (A) of  
2 paragraph 3 of subsection (c) of this Section. The  
3 Secretary may revoke a restricted driving permit or amend  
4 the conditions of a restricted driving permit issued under  
5 this subparagraph (F) if the holder operates a vehicle  
6 that is not equipped with an ignition interlock device, or  
7 for any other reason authorized under this Code.

8 A restricted driving permit issued under this  
9 subparagraph (F) shall be revoked, and the holder barred  
10 from applying for or being issued a restricted driving  
11 permit in the future, if the holder is convicted of a  
12 violation of Section 11-501 of this Code, a similar  
13 provision of a local ordinance, or a similar offense in  
14 another state.

15 (c-3) In the case of a suspension under paragraph 43 of  
16 subsection (a), reports received by the Secretary of State  
17 under this Section shall, except during the actual time the  
18 suspension is in effect, be privileged information and for use  
19 only by the courts, police officers, prosecuting authorities,  
20 the driver licensing administrator of any other state, the  
21 Secretary of State, or the parent or legal guardian of a driver  
22 under the age of 18. However, beginning January 1, 2008, if the  
23 person is a CDL holder, the suspension shall also be made  
24 available to the driver licensing administrator of any other  
25 state, the U.S. Department of Transportation, and the affected  
26 driver or motor carrier or prospective motor carrier upon

1 request.

2 (c-4) In the case of a suspension under paragraph 43 of  
3 subsection (a), the Secretary of State shall notify the person  
4 by mail that his or her driving privileges and driver's  
5 license will be suspended one month after the date of the  
6 mailing of the notice.

7 (c-5) The Secretary of State may, as a condition of the  
8 reissuance of a driver's license or permit to an applicant  
9 whose driver's license or permit has been suspended before he  
10 or she reached the age of 21 years pursuant to any of the  
11 provisions of this Section, require the applicant to  
12 participate in a driver remedial education course and be  
13 retested under Section 6-109 of this Code.

14 (d) This Section is subject to the provisions of the  
15 Driver License Compact.

16 (e) The Secretary of State shall not issue a restricted  
17 driving permit to a person under the age of 16 years whose  
18 driving privileges have been suspended or revoked under any  
19 provisions of this Code.

20 (f) In accordance with 49 CFR 384, the Secretary of State  
21 may not issue a restricted driving permit for the operation of  
22 a commercial motor vehicle to a person holding a CDL whose  
23 driving privileges have been suspended, revoked, cancelled, or  
24 disqualified under any provisions of this Code.

25 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;  
26 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.

1 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,  
2 eff. 5-13-22; revised 12-14-22.)

3 (Text of Section after amendment by P.A. 102-982)

4 Sec. 6-206. Discretionary authority to suspend or revoke  
5 license or permit; right to a hearing.

6 (a) The Secretary of State is authorized to suspend or  
7 revoke the driving privileges of any person without  
8 preliminary hearing upon a showing of the person's records or  
9 other sufficient evidence that the person:

10 1. Has committed an offense for which mandatory  
11 revocation of a driver's license or permit is required  
12 upon conviction;

13 2. Has been convicted of not less than 3 offenses  
14 against traffic regulations governing the movement of  
15 vehicles committed within any 12-month period. No  
16 revocation or suspension shall be entered more than 6  
17 months after the date of last conviction;

18 3. Has been repeatedly involved as a driver in motor  
19 vehicle collisions or has been repeatedly convicted of  
20 offenses against laws and ordinances regulating the  
21 movement of traffic, to a degree that indicates lack of  
22 ability to exercise ordinary and reasonable care in the  
23 safe operation of a motor vehicle or disrespect for the  
24 traffic laws and the safety of other persons upon the  
25 highway;

1           4. Has by the unlawful operation of a motor vehicle  
2           caused or contributed to a crash resulting in injury  
3           requiring immediate professional treatment in a medical  
4           facility or doctor's office to any person, except that any  
5           suspension or revocation imposed by the Secretary of State  
6           under the provisions of this subsection shall start no  
7           later than 6 months after being convicted of violating a  
8           law or ordinance regulating the movement of traffic, which  
9           violation is related to the crash, or shall start not more  
10          than one year after the date of the crash, whichever date  
11          occurs later;

12          5. Has permitted an unlawful or fraudulent use of a  
13          driver's license, identification card, or permit;

14          6. Has been lawfully convicted of an offense or  
15          offenses in another state, including the authorization  
16          contained in Section 6-203.1, which if committed within  
17          this State would be grounds for suspension or revocation;

18          7. Has refused or failed to submit to an examination  
19          provided for by Section 6-207 or has failed to pass the  
20          examination;

21          8. Is ineligible for a driver's license or permit  
22          under the provisions of Section 6-103;

23          9. Has made a false statement or knowingly concealed a  
24          material fact or has used false information or  
25          identification in any application for a license,  
26          identification card, or permit;



1           10. Has possessed, displayed, or attempted to  
2 fraudulently use any license, identification card, or  
3 permit not issued to the person;

4           11. Has operated a motor vehicle upon a highway of  
5 this State when the person's driving privilege or  
6 privilege to obtain a driver's license or permit was  
7 revoked or suspended unless the operation was authorized  
8 by a monitoring device driving permit, judicial driving  
9 permit issued prior to January 1, 2009, probationary  
10 license to drive, or restricted driving permit issued  
11 under this Code;

12           12. Has submitted to any portion of the application  
13 process for another person or has obtained the services of  
14 another person to submit to any portion of the application  
15 process for the purpose of obtaining a license,  
16 identification card, or permit for some other person;

17           13. Has operated a motor vehicle upon a highway of  
18 this State when the person's driver's license or permit  
19 was invalid under the provisions of Sections 6-107.1 and  
20 6-110;

21           14. Has committed a violation of Section 6-301,  
22 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
23 14B of the Illinois Identification Card Act or a similar  
24 offense in another state if, at the time of the offense,  
25 the person held an Illinois driver's license or  
26 identification card;

1           15. Has been convicted of violating Section 21-2 of  
2 the Criminal Code of 1961 or the Criminal Code of 2012  
3 relating to criminal trespass to vehicles if the person  
4 exercised actual physical control over the vehicle during  
5 the commission of the offense, in which case the  
6 suspension shall be for one year;

7           16. Has been convicted of violating Section 11-204 of  
8 this Code relating to fleeing from a peace officer;

9           17. Has refused to submit to a test, or tests, as  
10 required under Section 11-501.1 of this Code and the  
11 person has not sought a hearing as provided for in Section  
12 11-501.1;

13           18. (Blank);

14           19. Has committed a violation of paragraph (a) or (b)  
15 of Section 6-101 relating to driving without a driver's  
16 license;

17           20. Has been convicted of violating Section 6-104  
18 relating to classification of driver's license;

19           21. Has been convicted of violating Section 11-402 of  
20 this Code relating to leaving the scene of a crash  
21 resulting in damage to a vehicle in excess of \$1,000, in  
22 which case the suspension shall be for one year;

23           22. Has used a motor vehicle in violating paragraph  
24 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
25 the Criminal Code of 1961 or the Criminal Code of 2012  
26 relating to unlawful use of weapons, in which case the

1 suspension shall be for one year;

2 23. Has, as a driver, been convicted of committing a  
3 violation of paragraph (a) of Section 11-502 of this Code  
4 for a second or subsequent time within one year of a  
5 similar violation;

6 24. Has been convicted by a court-martial or punished  
7 by non-judicial punishment by military authorities of the  
8 United States at a military installation in Illinois or in  
9 another state of or for a traffic-related offense that is  
10 the same as or similar to an offense specified under  
11 Section 6-205 or 6-206 of this Code;

12 25. Has permitted any form of identification to be  
13 used by another in the application process in order to  
14 obtain or attempt to obtain a license, identification  
15 card, or permit;

16 26. Has altered or attempted to alter a license or has  
17 possessed an altered license, identification card, or  
18 permit;

19 27. (Blank);

20 28. Has been convicted for a first time of the illegal  
21 possession, while operating or in actual physical control,  
22 as a driver, of a motor vehicle, of any controlled  
23 substance prohibited under the Illinois Controlled  
24 Substances Act, any cannabis prohibited under the Cannabis  
25 Control Act, or any methamphetamine prohibited under the  
26 Methamphetamine Control and Community Protection Act, in

1           which case the person's driving privileges shall be  
2           suspended for one year. Any defendant found guilty of this  
3           offense while operating a motor vehicle shall have an  
4           entry made in the court record by the presiding judge that  
5           this offense did occur while the defendant was operating a  
6           motor vehicle and order the clerk of the court to report  
7           the violation to the Secretary of State;

8           29. Has been convicted of the following offenses that  
9           were committed while the person was operating or in actual  
10          physical control, as a driver, of a motor vehicle:  
11          criminal sexual assault, predatory criminal sexual assault  
12          of a child, aggravated criminal sexual assault, criminal  
13          sexual abuse, aggravated criminal sexual abuse, juvenile  
14          pimping, soliciting for a juvenile prostitute, promoting  
15          juvenile prostitution as described in subdivision (a)(1),  
16          (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code  
17          of 1961 or the Criminal Code of 2012, and the manufacture,  
18          sale or delivery of controlled substances or instruments  
19          used for illegal drug use or abuse in which case the  
20          driver's driving privileges shall be suspended for one  
21          year;

22          30. Has been convicted a second or subsequent time for  
23          any combination of the offenses named in paragraph 29 of  
24          this subsection, in which case the person's driving  
25          privileges shall be suspended for 5 years;

26          31. Has refused to submit to a test as required by

1 Section 11-501.6 of this Code or Section 5-16c of the Boat  
2 Registration and Safety Act or has submitted to a test  
3 resulting in an alcohol concentration of 0.08 or more or  
4 any amount of a drug, substance, or compound resulting  
5 from the unlawful use or consumption of cannabis as listed  
6 in the Cannabis Control Act, a controlled substance as  
7 listed in the Illinois Controlled Substances Act, an  
8 intoxicating compound as listed in the Use of Intoxicating  
9 Compounds Act, or methamphetamine as listed in the  
10 Methamphetamine Control and Community Protection Act, in  
11 which case the penalty shall be as prescribed in Section  
12 6-208.1;

13 32. Has been convicted of Section 24-1.2 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012  
15 relating to the aggravated discharge of a firearm if the  
16 offender was located in a motor vehicle at the time the  
17 firearm was discharged, in which case the suspension shall  
18 be for 3 years;

19 33. Has as a driver, who was less than 21 years of age  
20 on the date of the offense, been convicted a first time of  
21 a violation of paragraph (a) of Section 11-502 of this  
22 Code or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5 of  
24 this Code or a similar provision of a local ordinance;

25 35. Has committed a violation of Section 11-1301.6 of  
26 this Code or a similar provision of a local ordinance;

1           36. Is under the age of 21 years at the time of arrest  
2 and has been convicted of not less than 2 offenses against  
3 traffic regulations governing the movement of vehicles  
4 committed within any 24-month period. No revocation or  
5 suspension shall be entered more than 6 months after the  
6 date of last conviction;

7           37. Has committed a violation of subsection (c) of  
8 Section 11-907 of this Code that resulted in damage to the  
9 property of another or the death or injury of another;

10           38. Has been convicted of a violation of Section 6-20  
11 of the Liquor Control Act of 1934 or a similar provision of  
12 a local ordinance and the person was an occupant of a motor  
13 vehicle at the time of the violation;

14           39. Has committed a second or subsequent violation of  
15 Section 11-1201 of this Code;

16           40. Has committed a violation of subsection (a-1) of  
17 Section 11-908 of this Code;

18           41. Has committed a second or subsequent violation of  
19 Section 11-605.1 of this Code, a similar provision of a  
20 local ordinance, or a similar violation in any other state  
21 within 2 years of the date of the previous violation, in  
22 which case the suspension shall be for 90 days;

23           42. Has committed a violation of subsection (a-1) of  
24 Section 11-1301.3 of this Code or a similar provision of a  
25 local ordinance;

26           43. Has received a disposition of court supervision

1 for a violation of subsection (a), (d), or (e) of Section  
2 6-20 of the Liquor Control Act of 1934 or a similar  
3 provision of a local ordinance and the person was an  
4 occupant of a motor vehicle at the time of the violation,  
5 in which case the suspension shall be for a period of 3  
6 months;

7 44. Is under the age of 21 years at the time of arrest  
8 and has been convicted of an offense against traffic  
9 regulations governing the movement of vehicles after  
10 having previously had his or her driving privileges  
11 suspended or revoked pursuant to subparagraph 36 of this  
12 Section;

13 45. Has, in connection with or during the course of a  
14 formal hearing conducted under Section 2-118 of this Code:  
15 (i) committed perjury; (ii) submitted fraudulent or  
16 falsified documents; (iii) submitted documents that have  
17 been materially altered; or (iv) submitted, as his or her  
18 own, documents that were in fact prepared or composed for  
19 another person;

20 46. Has committed a violation of subsection (j) of  
21 Section 3-413 of this Code;

22 47. Has committed a violation of subsection (a) of  
23 Section 11-502.1 of this Code;

24 48. Has submitted a falsified or altered medical  
25 examiner's certificate to the Secretary of State or  
26 provided false information to obtain a medical examiner's

1 certificate;

2 49. Has been convicted of a violation of Section  
3 11-1002 or 11-1002.5 that resulted in a Type A injury to  
4 another, in which case the driving privileges of the  
5 person shall be suspended for 12 months;

6 50. Has committed a violation of subsection (b-5) of  
7 Section 12-610.2 that resulted in great bodily harm,  
8 permanent disability, or disfigurement, in which case the  
9 driving privileges of the person shall be suspended for 12  
10 months;

11 51. Has committed a violation of Section 10-15 Of the  
12 Cannabis Regulation and Tax Act or a similar provision of  
13 a local ordinance while in a motor vehicle; or

14 52. Has committed a violation of subsection (b) of  
15 Section 10-20 of the Cannabis Regulation and Tax Act or a  
16 similar provision of a local ordinance.

17 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
18 and 27 of this subsection, license means any driver's license,  
19 any traffic ticket issued when the person's driver's license  
20 is deposited in lieu of bail, a suspension notice issued by the  
21 Secretary of State, a duplicate or corrected driver's license,  
22 a probationary driver's license, or a temporary driver's  
23 license.

24 (b) If any conviction forming the basis of a suspension or  
25 revocation authorized under this Section is appealed, the  
26 Secretary of State may rescind or withhold the entry of the



1 order of suspension or revocation, as the case may be,  
2 provided that a certified copy of a stay order of a court is  
3 filed with the Secretary of State. If the conviction is  
4 affirmed on appeal, the date of the conviction shall relate  
5 back to the time the original judgment of conviction was  
6 entered and the 6-month limitation prescribed shall not apply.

7 (c) 1. Upon suspending or revoking the driver's license or  
8 permit of any person as authorized in this Section, the  
9 Secretary of State shall immediately notify the person in  
10 writing of the revocation or suspension. The notice to be  
11 deposited in the United States mail, postage prepaid, to the  
12 last known address of the person.

13 2. If the Secretary of State suspends the driver's license  
14 of a person under subsection 2 of paragraph (a) of this  
15 Section, a person's privilege to operate a vehicle as an  
16 occupation shall not be suspended, provided an affidavit is  
17 properly completed, the appropriate fee received, and a permit  
18 issued prior to the effective date of the suspension, unless 5  
19 offenses were committed, at least 2 of which occurred while  
20 operating a commercial vehicle in connection with the driver's  
21 regular occupation. All other driving privileges shall be  
22 suspended by the Secretary of State. Any driver prior to  
23 operating a vehicle for occupational purposes only must submit  
24 the affidavit on forms to be provided by the Secretary of State  
25 setting forth the facts of the person's occupation. The  
26 affidavit shall also state the number of offenses committed

1 while operating a vehicle in connection with the driver's  
2 regular occupation. The affidavit shall be accompanied by the  
3 driver's license. Upon receipt of a properly completed  
4 affidavit, the Secretary of State shall issue the driver a  
5 permit to operate a vehicle in connection with the driver's  
6 regular occupation only. Unless the permit is issued by the  
7 Secretary of State prior to the date of suspension, the  
8 privilege to drive any motor vehicle shall be suspended as set  
9 forth in the notice that was mailed under this Section. If an  
10 affidavit is received subsequent to the effective date of this  
11 suspension, a permit may be issued for the remainder of the  
12 suspension period.

13 The provisions of this subparagraph shall not apply to any  
14 driver required to possess a CDL for the purpose of operating a  
15 commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit  
17 required herein shall be guilty of perjury under Section 6-302  
18 and upon conviction thereof shall have all driving privileges  
19 revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118 of  
21 this Code, the Secretary of State shall either rescind or  
22 continue an order of revocation or shall substitute an order  
23 of suspension; or, good cause appearing therefor, rescind,  
24 continue, change, or extend the order of suspension. If the  
25 Secretary of State does not rescind the order, the Secretary  
26 may upon application, to relieve undue hardship (as defined by

1 the rules of the Secretary of State), issue a restricted  
2 driving permit granting the privilege of driving a motor  
3 vehicle between the petitioner's residence and petitioner's  
4 place of employment or within the scope of the petitioner's  
5 employment-related duties, or to allow the petitioner to  
6 transport himself or herself, or a family member of the  
7 petitioner's household to a medical facility, to receive  
8 necessary medical care, to allow the petitioner to transport  
9 himself or herself to and from alcohol or drug remedial or  
10 rehabilitative activity recommended by a licensed service  
11 provider, or to allow the petitioner to transport himself or  
12 herself or a family member of the petitioner's household to  
13 classes, as a student, at an accredited educational  
14 institution, or to allow the petitioner to transport children,  
15 elderly persons, or persons with disabilities who do not hold  
16 driving privileges and are living in the petitioner's  
17 household to and from child care or adult day care ~~daycare~~. The  
18 petitioner must demonstrate that no alternative means of  
19 transportation is reasonably available and that the petitioner  
20 will not endanger the public safety or welfare.

21 (A) If a person's license or permit is revoked or  
22 suspended due to 2 or more convictions of violating  
23 Section 11-501 of this Code or a similar provision of a  
24 local ordinance or a similar out-of-state offense, or  
25 Section 9-3 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012, where the use of alcohol or other drugs is

1 recited as an element of the offense, or a similar  
2 out-of-state offense, or a combination of these offenses,  
3 arising out of separate occurrences, that person, if  
4 issued a restricted driving permit, may not operate a  
5 vehicle unless it has been equipped with an ignition  
6 interlock device as defined in Section 1-129.1.

7 (B) If a person's license or permit is revoked or  
8 suspended 2 or more times due to any combination of:

9 (i) a single conviction of violating Section  
10 11-501 of this Code or a similar provision of a local  
11 ordinance or a similar out-of-state offense or Section  
12 9-3 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012, where the use of alcohol or other drugs is  
14 recited as an element of the offense, or a similar  
15 out-of-state offense; or

16 (ii) a statutory summary suspension or revocation  
17 under Section 11-501.1; or

18 (iii) a suspension under Section 6-203.1;

19 arising out of separate occurrences; that person, if  
20 issued a restricted driving permit, may not operate a  
21 vehicle unless it has been equipped with an ignition  
22 interlock device as defined in Section 1-129.1.

23 (B-5) If a person's license or permit is revoked or  
24 suspended due to a conviction for a violation of  
25 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
26 of Section 11-501 of this Code, or a similar provision of a

1 local ordinance or similar out-of-state offense, that  
2 person, if issued a restricted driving permit, may not  
3 operate a vehicle unless it has been equipped with an  
4 ignition interlock device as defined in Section 1-129.1.

5 (C) The person issued a permit conditioned upon the  
6 use of an ignition interlock device must pay to the  
7 Secretary of State DUI Administration Fund an amount not  
8 to exceed \$30 per month. The Secretary shall establish by  
9 rule the amount and the procedures, terms, and conditions  
10 relating to these fees.

11 (D) If the restricted driving permit is issued for  
12 employment purposes, then the prohibition against  
13 operating a motor vehicle that is not equipped with an  
14 ignition interlock device does not apply to the operation  
15 of an occupational vehicle owned or leased by that  
16 person's employer when used solely for employment  
17 purposes. For any person who, within a 5-year period, is  
18 convicted of a second or subsequent offense under Section  
19 11-501 of this Code, or a similar provision of a local  
20 ordinance or similar out-of-state offense, this employment  
21 exemption does not apply until either a one-year period  
22 has elapsed during which that person had his or her  
23 driving privileges revoked or a one-year period has  
24 elapsed during which that person had a restricted driving  
25 permit which required the use of an ignition interlock  
26 device on every motor vehicle owned or operated by that

1 person.

2 (E) In each case the Secretary may issue a restricted  
3 driving permit for a period deemed appropriate, except  
4 that all permits shall expire no later than 2 years from  
5 the date of issuance. A restricted driving permit issued  
6 under this Section shall be subject to cancellation,  
7 revocation, and suspension by the Secretary of State in  
8 like manner and for like cause as a driver's license  
9 issued under this Code may be cancelled, revoked, or  
10 suspended; except that a conviction upon one or more  
11 offenses against laws or ordinances regulating the  
12 movement of traffic shall be deemed sufficient cause for  
13 the revocation, suspension, or cancellation of a  
14 restricted driving permit. The Secretary of State may, as  
15 a condition to the issuance of a restricted driving  
16 permit, require the applicant to participate in a  
17 designated driver remedial or rehabilitative program. The  
18 Secretary of State is authorized to cancel a restricted  
19 driving permit if the permit holder does not successfully  
20 complete the program.

21 (F) A person subject to the provisions of paragraph 4  
22 of subsection (b) of Section 6-208 of this Code may make  
23 application for a restricted driving permit at a hearing  
24 conducted under Section 2-118 of this Code after the  
25 expiration of 5 years from the effective date of the most  
26 recent revocation or after 5 years from the date of

1 release from a period of imprisonment resulting from a  
2 conviction of the most recent offense, whichever is later,  
3 provided the person, in addition to all other requirements  
4 of the Secretary, shows by clear and convincing evidence:

5 (i) a minimum of 3 years of uninterrupted  
6 abstinence from alcohol and the unlawful use or  
7 consumption of cannabis under the Cannabis Control  
8 Act, a controlled substance under the Illinois  
9 Controlled Substances Act, an intoxicating compound  
10 under the Use of Intoxicating Compounds Act, or  
11 methamphetamine under the Methamphetamine Control and  
12 Community Protection Act; and

13 (ii) the successful completion of any  
14 rehabilitative treatment and involvement in any  
15 ongoing rehabilitative activity that may be  
16 recommended by a properly licensed service provider  
17 according to an assessment of the person's alcohol or  
18 drug use under Section 11-501.01 of this Code.

19 In determining whether an applicant is eligible for a  
20 restricted driving permit under this subparagraph (F), the  
21 Secretary may consider any relevant evidence, including,  
22 but not limited to, testimony, affidavits, records, and  
23 the results of regular alcohol or drug tests. Persons  
24 subject to the provisions of paragraph 4 of subsection (b)  
25 of Section 6-208 of this Code and who have been convicted  
26 of more than one violation of paragraph (3), paragraph

1 (4), or paragraph (5) of subsection (a) of Section 11-501  
2 of this Code shall not be eligible to apply for a  
3 restricted driving permit under this subparagraph (F).

4 A restricted driving permit issued under this  
5 subparagraph (F) shall provide that the holder may only  
6 operate motor vehicles equipped with an ignition interlock  
7 device as required under paragraph (2) of subsection (c)  
8 of Section 6-205 of this Code and subparagraph (A) of  
9 paragraph 3 of subsection (c) of this Section. The  
10 Secretary may revoke a restricted driving permit or amend  
11 the conditions of a restricted driving permit issued under  
12 this subparagraph (F) if the holder operates a vehicle  
13 that is not equipped with an ignition interlock device, or  
14 for any other reason authorized under this Code.

15 A restricted driving permit issued under this  
16 subparagraph (F) shall be revoked, and the holder barred  
17 from applying for or being issued a restricted driving  
18 permit in the future, if the holder is convicted of a  
19 violation of Section 11-501 of this Code, a similar  
20 provision of a local ordinance, or a similar offense in  
21 another state.

22 (c-3) In the case of a suspension under paragraph 43 of  
23 subsection (a), reports received by the Secretary of State  
24 under this Section shall, except during the actual time the  
25 suspension is in effect, be privileged information and for use  
26 only by the courts, police officers, prosecuting authorities,



1 the driver licensing administrator of any other state, the  
2 Secretary of State, or the parent or legal guardian of a driver  
3 under the age of 18. However, beginning January 1, 2008, if the  
4 person is a CDL holder, the suspension shall also be made  
5 available to the driver licensing administrator of any other  
6 state, the U.S. Department of Transportation, and the affected  
7 driver or motor carrier or prospective motor carrier upon  
8 request.

9 (c-4) In the case of a suspension under paragraph 43 of  
10 subsection (a), the Secretary of State shall notify the person  
11 by mail that his or her driving privileges and driver's  
12 license will be suspended one month after the date of the  
13 mailing of the notice.

14 (c-5) The Secretary of State may, as a condition of the  
15 reissuance of a driver's license or permit to an applicant  
16 whose driver's license or permit has been suspended before he  
17 or she reached the age of 21 years pursuant to any of the  
18 provisions of this Section, require the applicant to  
19 participate in a driver remedial education course and be  
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the  
22 Driver License Compact.

23 (e) The Secretary of State shall not issue a restricted  
24 driving permit to a person under the age of 16 years whose  
25 driving privileges have been suspended or revoked under any  
26 provisions of this Code.

1 (f) In accordance with 49 CFR 384, the Secretary of State  
2 may not issue a restricted driving permit for the operation of  
3 a commercial motor vehicle to a person holding a CDL whose  
4 driving privileges have been suspended, revoked, cancelled, or  
5 disqualified under any provisions of this Code.

6 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;  
7 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.  
8 8-6-21; 102-558, eff. 8-20-21; 102-749, eff. 1-1-23; 102-813,  
9 eff. 5-13-22; 102-982, eff. 7-1-23; revised 12-14-22.)

10 (625 ILCS 5/12-707.01) (from Ch. 95 1/2, par. 12-707.01)

11 (Text of Section before amendment by P.A. 102-982)

12 Sec. 12-707.01. Liability insurance.

13 (a) No school bus, first division vehicle including a taxi  
14 which is used for a purpose that requires a school bus driver  
15 permit, commuter van or motor vehicle owned by or used for hire  
16 by and in connection with the operation of private or public  
17 schools, day camps, summer camps or nursery schools, and no  
18 commuter van or passenger car used for a for-profit  
19 ridesharing arrangement, shall be operated for such purposes  
20 unless the owner thereof shall carry a minimum of personal  
21 injury liability insurance in the amount of \$25,000 for any  
22 one person in any one accident, and subject to the limit for  
23 one person, \$100,000 for two or more persons injured by reason  
24 of the operation of the vehicle in any one accident. This  
25 subsection (a) applies only to personal injury liability

1 policies issued or renewed before January 1, 2013.

2 (b) Liability insurance policies issued or renewed on and  
3 after January 1, 2013 shall comply with the following:

4 (1) except as provided in subparagraph (2) of this  
5 subsection (b), any vehicle that is used for a purpose  
6 that requires a school bus driver permit under Section  
7 6-104 of this Code shall carry a minimum of liability  
8 insurance in the amount of \$2,000,000. This minimum  
9 insurance requirement may be satisfied by either (i) a  
10 \$2,000,000 combined single limit primary commercial  
11 automobile policy; or (ii) a \$1 million primary commercial  
12 automobile policy and a minimum \$5,000,000 excess or  
13 umbrella liability policy;

14 (2) any vehicle that is used for a purpose that  
15 requires a school bus driver permit under Section 6-104 of  
16 this Code and is used in connection with the operation of  
17 private child ~~day~~ care facilities, day camps, summer  
18 camps, or nursery schools shall carry a minimum of  
19 liability insurance in the amount of \$1,000,000 combined  
20 single limit per accident;

21 (3) any commuter van or passenger car used for a  
22 for-profit ridesharing arrangement shall carry a minimum  
23 of liability insurance in the amount of \$500,000 combined  
24 single limit per accident.

25 (c) Primary insurance coverage under the provisions of  
26 this Section must be provided by a licensed and admitted

1 insurance carrier or an intergovernmental cooperative formed  
2 under Section 10 of Article VII of the Illinois Constitution,  
3 or Section 6 or 9 of the Intergovernmental Cooperation Act, or  
4 provided by a certified self-insurer under Section 7-502 of  
5 this Code. The excess or umbrella liability coverage  
6 requirement may be met by securing surplus line insurance as  
7 defined under Section 445 of the Illinois Insurance Code. If  
8 the excess or umbrella liability coverage requirement is met  
9 by securing surplus line insurance, that coverage must be  
10 effected through a licensed surplus line producer acting under  
11 the surplus line insurance laws and regulations of this State.  
12 Nothing in this subsection (c) shall be construed as  
13 prohibiting a licensed and admitted insurance carrier or an  
14 intergovernmental cooperative formed under Section 10 of  
15 Article VII of the Illinois Constitution, or Section 6 or 9 of  
16 the Intergovernmental Cooperation Act, or a certified  
17 self-insurer under Section 7-502 of this Code, from retaining  
18 the risk required under paragraphs (1) and (2) of subsection  
19 (b) of this Section or issuing a single primary policy meeting  
20 the requirements of paragraphs (1) and (2) of subsection (b).

21 (d) Each owner of a vehicle required to obtain the minimum  
22 liability requirements under subsection (b) of this Section  
23 shall attest that the vehicle meets the minimum insurance  
24 requirements under this Section. The Secretary of State shall  
25 create a form for each owner of a vehicle to attest that the  
26 owner meets the minimum insurance requirements and the owner

1 of the vehicle shall submit the form with each registration  
2 application. The form shall be valid for the full registration  
3 period; however, if at any time the Secretary has reason to  
4 believe that the owner does not have the minimum required  
5 amount of insurance for a vehicle, then the Secretary may  
6 require a certificate of insurance, or its equivalent, to  
7 ensure the vehicle is insured. If the owner fails to produce a  
8 certificate of insurance, or its equivalent, within 2 calendar  
9 days after the request was made, then the Secretary may revoke  
10 the vehicle owner's registration until the Secretary is  
11 assured the vehicle meets the minimum insurance requirements.  
12 If the owner of a vehicle participates in an intergovernmental  
13 cooperative or is self-insured, then the owner shall attest  
14 that the insurance required under this Section is equivalent  
15 to or greater than the insurance required under paragraph (1)  
16 of subsection (b) of this Section. The Secretary may adopt any  
17 rules necessary to enforce the provisions of this subsection  
18 (d).

19 (Source: P.A. 99-595, eff. 1-1-17.)

20 (Text of Section after amendment by P.A. 102-982)

21 Sec. 12-707.01. Liability insurance.

22 (a) No school bus, first division vehicle including a taxi  
23 which is used for a purpose that requires a school bus driver  
24 permit, commuter van or motor vehicle owned by or used for hire  
25 by and in connection with the operation of private or public

1 schools, day camps, summer camps or nursery schools, and no  
2 commuter van or passenger car used for a for-profit  
3 ridesharing arrangement, shall be operated for such purposes  
4 unless the owner thereof shall carry a minimum of personal  
5 injury liability insurance in the amount of \$25,000 for any  
6 one person in any one crash, and subject to the limit for one  
7 person, \$100,000 for two or more persons injured by reason of  
8 the operation of the vehicle in any one crash. This subsection  
9 (a) applies only to personal injury liability policies issued  
10 or renewed before January 1, 2013.

11 (b) Liability insurance policies issued or renewed on and  
12 after January 1, 2013 shall comply with the following:

13 (1) except as provided in subparagraph (2) of this  
14 subsection (b), any vehicle that is used for a purpose  
15 that requires a school bus driver permit under Section  
16 6-104 of this Code shall carry a minimum of liability  
17 insurance in the amount of \$2,000,000. This minimum  
18 insurance requirement may be satisfied by either (i) a  
19 \$2,000,000 combined single limit primary commercial  
20 automobile policy; or (ii) a \$1 million primary commercial  
21 automobile policy and a minimum \$5,000,000 excess or  
22 umbrella liability policy;

23 (2) any vehicle that is used for a purpose that  
24 requires a school bus driver permit under Section 6-104 of  
25 this Code and is used in connection with the operation of  
26 private child ~~day~~ care facilities, day camps, summer

1 camps, or nursery schools shall carry a minimum of  
2 liability insurance in the amount of \$1,000,000 combined  
3 single limit per crash;

4 (3) any commuter van or passenger car used for a  
5 for-profit ridesharing arrangement shall carry a minimum  
6 of liability insurance in the amount of \$500,000 combined  
7 single limit per crash.

8 (c) Primary insurance coverage under the provisions of  
9 this Section must be provided by a licensed and admitted  
10 insurance carrier or an intergovernmental cooperative formed  
11 under Section 10 of Article VII of the Illinois Constitution,  
12 or Section 6 or 9 of the Intergovernmental Cooperation Act, or  
13 provided by a certified self-insurer under Section 7-502 of  
14 this Code. The excess or umbrella liability coverage  
15 requirement may be met by securing surplus line insurance as  
16 defined under Section 445 of the Illinois Insurance Code. If  
17 the excess or umbrella liability coverage requirement is met  
18 by securing surplus line insurance, that coverage must be  
19 effected through a licensed surplus line producer acting under  
20 the surplus line insurance laws and regulations of this State.  
21 Nothing in this subsection (c) shall be construed as  
22 prohibiting a licensed and admitted insurance carrier or an  
23 intergovernmental cooperative formed under Section 10 of  
24 Article VII of the Illinois Constitution, or Section 6 or 9 of  
25 the Intergovernmental Cooperation Act, or a certified  
26 self-insurer under Section 7-502 of this Code, from retaining

1 the risk required under paragraphs (1) and (2) of subsection  
2 (b) of this Section or issuing a single primary policy meeting  
3 the requirements of paragraphs (1) and (2) of subsection (b).

4 (d) Each owner of a vehicle required to obtain the minimum  
5 liability requirements under subsection (b) of this Section  
6 shall attest that the vehicle meets the minimum insurance  
7 requirements under this Section. The Secretary of State shall  
8 create a form for each owner of a vehicle to attest that the  
9 owner meets the minimum insurance requirements and the owner  
10 of the vehicle shall submit the form with each registration  
11 application. The form shall be valid for the full registration  
12 period; however, if at any time the Secretary has reason to  
13 believe that the owner does not have the minimum required  
14 amount of insurance for a vehicle, then the Secretary may  
15 require a certificate of insurance, or its equivalent, to  
16 ensure the vehicle is insured. If the owner fails to produce a  
17 certificate of insurance, or its equivalent, within 2 calendar  
18 days after the request was made, then the Secretary may revoke  
19 the vehicle owner's registration until the Secretary is  
20 assured the vehicle meets the minimum insurance requirements.  
21 If the owner of a vehicle participates in an intergovernmental  
22 cooperative or is self-insured, then the owner shall attest  
23 that the insurance required under this Section is equivalent  
24 to or greater than the insurance required under paragraph (1)  
25 of subsection (b) of this Section. The Secretary may adopt any  
26 rules necessary to enforce the provisions of this subsection



1 (d).

2 (Source: P.A. 102-982, eff. 7-1-23.)

3 Section 280. The Criminal Code of 2012 is amended by  
4 changing Sections 2-5.1, 2-5.2, 2-8.1, 11-0.1, 11-9.3, 11-24,  
5 18-1, 19-1, and 48-1 as follows:

6 (720 ILCS 5/2-5.1)

7 Sec. 2-5.1. Child Day care center. "Child Day care center"  
8 has the meaning ascribed to it in Section 2.09 of the Child  
9 Care Act of 1969.

10 (Source: P.A. 96-556, eff. 1-1-10.)

11 (720 ILCS 5/2-5.2)

12 Sec. 2-5.2. Child Day care home. "Child Day care home" has  
13 the meaning ascribed to it in Section 2.18 of the Child Care  
14 Act of 1969.

15 (Source: P.A. 96-556, eff. 1-1-10.)

16 (720 ILCS 5/2-8.1)

17 Sec. 2-8.1. Group child day care home. "Group child day  
18 care home" has the meaning ascribed to it in Section 2.20 of  
19 the Child Care Act of 1969.

20 (Source: P.A. 96-556, eff. 1-1-10.)

21 (720 ILCS 5/11-0.1)

1           Sec. 11-0.1. Definitions. In this Article, unless the  
2 context clearly requires otherwise, the following terms are  
3 defined as indicated:

4           "Accused" means a person accused of an offense prohibited  
5 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of  
6 this Code or a person for whose conduct the accused is legally  
7 responsible under Article 5 of this Code.

8           "Adult obscenity or child pornography Internet site". See  
9 Section 11-23.

10          "Advance prostitution" means:

11           (1) Soliciting for a prostitute by performing any of  
12 the following acts when acting other than as a prostitute  
13 or a patron of a prostitute:

14           (A) Soliciting another for the purpose of  
15 prostitution.

16           (B) Arranging or offering to arrange a meeting of  
17 persons for the purpose of prostitution.

18           (C) Directing another to a place knowing the  
19 direction is for the purpose of prostitution.

20           (2) Keeping a place of prostitution by controlling or  
21 exercising control over the use of any place that could  
22 offer seclusion or shelter for the practice of  
23 prostitution and performing any of the following acts when  
24 acting other than as a prostitute or a patron of a  
25 prostitute:

26           (A) Knowingly granting or permitting the use of

1 the place for the purpose of prostitution.

2 (B) Granting or permitting the use of the place  
3 under circumstances from which he or she could  
4 reasonably know that the place is used or is to be used  
5 for purposes of prostitution.

6 (C) Permitting the continued use of the place  
7 after becoming aware of facts or circumstances from  
8 which he or she should reasonably know that the place  
9 is being used for purposes of prostitution.

10 "Agency". See Section 11-9.5.

11 "Arranges". See Section 11-6.5.

12 "Bodily harm" means physical harm, and includes, but is  
13 not limited to, sexually transmitted disease, pregnancy, and  
14 impotence.

15 "Care and custody". See Section 11-9.5.

16 "Child care institution". See Section 11-9.3.

17 "Child pornography". See Section 11-20.1.

18 "Child sex offender". See Section 11-9.3.

19 "Community agency". See Section 11-9.5.

20 "Conditional release". See Section 11-9.2.

21 "Consent" means a freely given agreement to the act of  
22 sexual penetration or sexual conduct in question. Lack of  
23 verbal or physical resistance or submission by the victim  
24 resulting from the use of force or threat of force by the  
25 accused shall not constitute consent. The manner of dress of  
26 the victim at the time of the offense shall not constitute

1 consent.

2 "Custody". See Section 11-9.2.

3 "Child Day care center". See Section 11-9.3.

4 "Depict by computer". See Section 11-20.1.

5 "Depiction by computer". See Section 11-20.1.

6 "Disseminate". See Section 11-20.1.

7 "Distribute". See Section 11-21.

8 "Family member" means a parent, grandparent, child, aunt,  
9 uncle, great-aunt, or great-uncle, whether by whole blood,  
10 half-blood, or adoption, and includes a step-grandparent,  
11 step-parent, or step-child. "Family member" also means, if the  
12 victim is a child under 18 years of age, an accused who has  
13 resided in the household with the child continuously for at  
14 least 6 months.

15 "Force or threat of force" means the use of force or  
16 violence or the threat of force or violence, including, but  
17 not limited to, the following situations:

18 (1) when the accused threatens to use force or  
19 violence on the victim or on any other person, and the  
20 victim under the circumstances reasonably believes that  
21 the accused has the ability to execute that threat; or

22 (2) when the accused overcomes the victim by use of  
23 superior strength or size, physical restraint, or physical  
24 confinement.

25 "Harmful to minors". See Section 11-21.

26 "Loiter". See Section 9.3.

1 "Material". See Section 11-21.

2 "Minor". See Section 11-21.

3 "Nudity". See Section 11-21.

4 "Obscene". See Section 11-20.

5 "Part day child care facility". See Section 11-9.3.

6 "Penal system". See Section 11-9.2.

7 "Person responsible for the child's welfare". See Section  
8 11-9.1A.

9 "Person with a disability". See Section 11-9.5.

10 "Playground". See Section 11-9.3.

11 "Probation officer". See Section 11-9.2.

12 "Produce". See Section 11-20.1.

13 "Profit from prostitution" means, when acting other than  
14 as a prostitute, to receive anything of value for personally  
15 rendered prostitution services or to receive anything of value  
16 from a prostitute, if the thing received is not for lawful  
17 consideration and the person knows it was earned in whole or in  
18 part from the practice of prostitution.

19 "Public park". See Section 11-9.3.

20 "Public place". See Section 11-30.

21 "Reproduce". See Section 11-20.1.

22 "Sado-masochistic abuse". See Section 11-21.

23 "School". See Section 11-9.3.

24 "School official". See Section 11-9.3.

25 "Sexual abuse". See Section 11-9.1A.

26 "Sexual act". See Section 11-9.1.

1 "Sexual conduct" means any knowing touching or fondling by  
2 the victim or the accused, either directly or through  
3 clothing, of the sex organs, anus, or breast of the victim or  
4 the accused, or any part of the body of a child under 13 years  
5 of age, or any transfer or transmission of semen by the accused  
6 upon any part of the clothed or unclothed body of the victim,  
7 for the purpose of sexual gratification or arousal of the  
8 victim or the accused.

9 "Sexual excitement". See Section 11-21.

10 "Sexual penetration" means any contact, however slight,  
11 between the sex organ or anus of one person and an object or  
12 the sex organ, mouth, or anus of another person, or any  
13 intrusion, however slight, of any part of the body of one  
14 person or of any animal or object into the sex organ or anus of  
15 another person, including, but not limited to, cunnilingus,  
16 fellatio, or anal penetration. Evidence of emission of semen  
17 is not required to prove sexual penetration.

18 "Solicit". See Section 11-6.

19 "State-operated facility". See Section 11-9.5.

20 "Supervising officer". See Section 11-9.2.

21 "Surveillance agent". See Section 11-9.2.

22 "Treatment and detention facility". See Section 11-9.2.

23 "Unable to give knowing consent" includes when the accused  
24 administers any intoxicating or anesthetic substance, or any  
25 controlled substance causing the victim to become unconscious  
26 of the nature of the act and this condition was known, or

1 reasonably should have been known by the accused. "Unable to  
2 give knowing consent" also includes when the victim has taken  
3 an intoxicating substance or any controlled substance causing  
4 the victim to become unconscious of the nature of the act, and  
5 this condition was known or reasonably should have been known  
6 by the accused, but the accused did not provide or administer  
7 the intoxicating substance. As used in this paragraph,  
8 "unconscious of the nature of the act" means incapable of  
9 resisting because the victim meets any one of the following  
10 conditions:

11 (1) was unconscious or asleep;

12 (2) was not aware, knowing, perceiving, or cognizant  
13 that the act occurred;

14 (3) was not aware, knowing, perceiving, or cognizant  
15 of the essential characteristics of the act due to the  
16 perpetrator's fraud in fact; or

17 (4) was not aware, knowing, perceiving, or cognizant  
18 of the essential characteristics of the act due to the  
19 perpetrator's fraudulent representation that the sexual  
20 penetration served a professional purpose when it served  
21 no professional purpose.

22 A victim is presumed "unable to give knowing consent" when  
23 the victim:

24 (1) is committed to the care and custody or  
25 supervision of the Illinois Department of Corrections  
26 (IDOC) and the accused is an employee or volunteer who is

1 not married to the victim who knows or reasonably should  
2 know that the victim is committed to the care and custody  
3 or supervision of such department;

4 (2) is committed to or placed with the Department of  
5 Children and Family Services (DCFS) and in residential  
6 care, and the accused employee is not married to the  
7 victim, and knows or reasonably should know that the  
8 victim is committed to or placed with DCFS and in  
9 residential care;

10 (3) is a client or patient and the accused is a health  
11 care provider or mental health care provider and the  
12 sexual conduct or sexual penetration occurs during a  
13 treatment session, consultation, interview, or  
14 examination;

15 (4) is a resident or inpatient of a residential  
16 facility and the accused is an employee of the facility  
17 who is not married to such resident or inpatient who  
18 provides direct care services, case management services,  
19 medical or other clinical services, habilitative services  
20 or direct supervision of the residents in the facility in  
21 which the resident resides; or an officer or other  
22 employee, consultant, contractor or volunteer of the  
23 residential facility, who knows or reasonably should know  
24 that the person is a resident of such facility; or

25 (5) is detained or otherwise in the custody of a  
26 police officer, peace officer, or other law enforcement



1 official who: (i) is detaining or maintaining custody of  
2 such person; or (ii) knows, or reasonably should know,  
3 that at the time of the offense, such person was detained  
4 or in custody and the police officer, peace officer, or  
5 other law enforcement official is not married to such  
6 detainee.

7 "Victim" means a person alleging to have been subjected to  
8 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,  
9 11-1.50, or 11-1.60 of this Code.

10 (Source: P.A. 102-567, eff. 1-1-22; 102-1096, eff. 1-1-23.)

11 (720 ILCS 5/11-9.3)

12 Sec. 11-9.3. Presence within school zone by child sex  
13 offenders prohibited; approaching, contacting, residing with,  
14 or communicating with a child within certain places by child  
15 sex offenders prohibited.

16 (a) It is unlawful for a child sex offender to knowingly be  
17 present in any school building, on real property comprising  
18 any school, or in any conveyance owned, leased, or contracted  
19 by a school to transport students to or from school or a school  
20 related activity when persons under the age of 18 are present  
21 in the building, on the grounds or in the conveyance, unless  
22 the offender is a parent or guardian of a student attending the  
23 school and the parent or guardian is: (i) attending a  
24 conference at the school with school personnel to discuss the  
25 progress of his or her child academically or socially, (ii)

1 participating in child review conferences in which evaluation  
2 and placement decisions may be made with respect to his or her  
3 child regarding special education services, or (iii) attending  
4 conferences to discuss other student issues concerning his or  
5 her child such as retention and promotion and notifies the  
6 principal of the school of his or her presence at the school or  
7 unless the offender has permission to be present from the  
8 superintendent or the school board or in the case of a private  
9 school from the principal. In the case of a public school, if  
10 permission is granted, the superintendent or school board  
11 president must inform the principal of the school where the  
12 sex offender will be present. Notification includes the nature  
13 of the sex offender's visit and the hours in which the sex  
14 offender will be present in the school. The sex offender is  
15 responsible for notifying the principal's office when he or  
16 she arrives on school property and when he or she departs from  
17 school property. If the sex offender is to be present in the  
18 vicinity of children, the sex offender has the duty to remain  
19 under the direct supervision of a school official.

20 (a-5) It is unlawful for a child sex offender to knowingly  
21 be present within 100 feet of a site posted as a pick-up or  
22 discharge stop for a conveyance owned, leased, or contracted  
23 by a school to transport students to or from school or a school  
24 related activity when one or more persons under the age of 18  
25 are present at the site.

26 (a-10) It is unlawful for a child sex offender to

1 knowingly be present in any public park building, a playground  
2 or recreation area within any publicly accessible privately  
3 owned building, or on real property comprising any public park  
4 when persons under the age of 18 are present in the building or  
5 on the grounds and to approach, contact, or communicate with a  
6 child under 18 years of age, unless the offender is a parent or  
7 guardian of a person under 18 years of age present in the  
8 building or on the grounds.

9 (b) It is unlawful for a child sex offender to knowingly  
10 loiter within 500 feet of a school building or real property  
11 comprising any school while persons under the age of 18 are  
12 present in the building or on the grounds, unless the offender  
13 is a parent or guardian of a student attending the school and  
14 the parent or guardian is: (i) attending a conference at the  
15 school with school personnel to discuss the progress of his or  
16 her child academically or socially, (ii) participating in  
17 child review conferences in which evaluation and placement  
18 decisions may be made with respect to his or her child  
19 regarding special education services, or (iii) attending  
20 conferences to discuss other student issues concerning his or  
21 her child such as retention and promotion and notifies the  
22 principal of the school of his or her presence at the school or  
23 has permission to be present from the superintendent or the  
24 school board or in the case of a private school from the  
25 principal. In the case of a public school, if permission is  
26 granted, the superintendent or school board president must

1 inform the principal of the school where the sex offender will  
2 be present. Notification includes the nature of the sex  
3 offender's visit and the hours in which the sex offender will  
4 be present in the school. The sex offender is responsible for  
5 notifying the principal's office when he or she arrives on  
6 school property and when he or she departs from school  
7 property. If the sex offender is to be present in the vicinity  
8 of children, the sex offender has the duty to remain under the  
9 direct supervision of a school official.

10 (b-2) It is unlawful for a child sex offender to knowingly  
11 loiter on a public way within 500 feet of a public park  
12 building or real property comprising any public park while  
13 persons under the age of 18 are present in the building or on  
14 the grounds and to approach, contact, or communicate with a  
15 child under 18 years of age, unless the offender is a parent or  
16 guardian of a person under 18 years of age present in the  
17 building or on the grounds.

18 (b-5) It is unlawful for a child sex offender to knowingly  
19 reside within 500 feet of a school building or the real  
20 property comprising any school that persons under the age of  
21 18 attend. Nothing in this subsection (b-5) prohibits a child  
22 sex offender from residing within 500 feet of a school  
23 building or the real property comprising any school that  
24 persons under 18 attend if the property is owned by the child  
25 sex offender and was purchased before July 7, 2000 (the  
26 effective date of Public Act 91-911).

1 (b-10) It is unlawful for a child sex offender to  
2 knowingly reside within 500 feet of a playground, child care  
3 institution, child ~~day~~ care center, part day child care  
4 facility, child ~~day~~ care home, group child ~~day~~ care home, or a  
5 facility providing programs or services exclusively directed  
6 toward persons under 18 years of age. Nothing in this  
7 subsection (b-10) prohibits a child sex offender from residing  
8 within 500 feet of a playground or a facility providing  
9 programs or services exclusively directed toward persons under  
10 18 years of age if the property is owned by the child sex  
11 offender and was purchased before July 7, 2000. Nothing in  
12 this subsection (b-10) prohibits a child sex offender from  
13 residing within 500 feet of a child care institution, child  
14 ~~day~~ care center, or part day child care facility if the  
15 property is owned by the child sex offender and was purchased  
16 before June 26, 2006. Nothing in this subsection (b-10)  
17 prohibits a child sex offender from residing within 500 feet  
18 of a child ~~day~~ care home or group child ~~day~~ care home if the  
19 property is owned by the child sex offender and was purchased  
20 before August 14, 2008 (the effective date of Public Act  
21 95-821).

22 (b-15) It is unlawful for a child sex offender to  
23 knowingly reside within 500 feet of the victim of the sex  
24 offense. Nothing in this subsection (b-15) prohibits a child  
25 sex offender from residing within 500 feet of the victim if the  
26 property in which the child sex offender resides is owned by

1 the child sex offender and was purchased before August 22,  
2 2002.

3 This subsection (b-15) does not apply if the victim of the  
4 sex offense is 21 years of age or older.

5 (b-20) It is unlawful for a child sex offender to  
6 knowingly communicate, other than for a lawful purpose under  
7 Illinois law, using the Internet or any other digital media,  
8 with a person under 18 years of age or with a person whom he or  
9 she believes to be a person under 18 years of age, unless the  
10 offender is a parent or guardian of the person under 18 years  
11 of age.

12 (c) It is unlawful for a child sex offender to knowingly  
13 operate, manage, be employed by, volunteer at, be associated  
14 with, or knowingly be present at any: (i) facility providing  
15 programs or services exclusively directed toward persons under  
16 the age of 18; (ii) child day care center; (iii) part day child  
17 care facility; (iv) child care institution; (v) school  
18 providing before and after school programs for children under  
19 18 years of age; (vi) child day care home; or (vii) group child  
20 day care home. This does not prohibit a child sex offender from  
21 owning the real property upon which the programs or services  
22 are offered or upon which the child day care center, part day  
23 child care facility, child care institution, or school  
24 providing before and after school programs for children under  
25 18 years of age is located, provided the child sex offender  
26 refrains from being present on the premises for the hours

1 during which: (1) the programs or services are being offered  
2 or (2) the child day care center, part day child care facility,  
3 child care institution, or school providing before and after  
4 school programs for children under 18 years of age, child day  
5 care home, or group child day care home is operated.

6 (c-2) It is unlawful for a child sex offender to  
7 participate in a holiday event involving children under 18  
8 years of age, including but not limited to distributing candy  
9 or other items to children on Halloween, wearing a Santa Claus  
10 costume on or preceding Christmas, being employed as a  
11 department store Santa Claus, or wearing an Easter Bunny  
12 costume on or preceding Easter. For the purposes of this  
13 subsection, child sex offender has the meaning as defined in  
14 this Section, but does not include as a sex offense under  
15 paragraph (2) of subsection (d) of this Section, the offense  
16 under subsection (c) of Section 11-1.50 of this Code. This  
17 subsection does not apply to a child sex offender who is a  
18 parent or guardian of children under 18 years of age that are  
19 present in the home and other non-familial minors are not  
20 present.

21 (c-5) It is unlawful for a child sex offender to knowingly  
22 operate, manage, be employed by, or be associated with any  
23 carnival, amusement enterprise, or county or State fair when  
24 persons under the age of 18 are present.

25 (c-6) It is unlawful for a child sex offender who owns and  
26 resides at residential real estate to knowingly rent any

1 residential unit within the same building in which he or she  
2 resides to a person who is the parent or guardian of a child or  
3 children under 18 years of age. This subsection shall apply  
4 only to leases or other rental arrangements entered into after  
5 January 1, 2009 (the effective date of Public Act 95-820).

6 (c-7) It is unlawful for a child sex offender to knowingly  
7 offer or provide any programs or services to persons under 18  
8 years of age in his or her residence or the residence of  
9 another or in any facility for the purpose of offering or  
10 providing such programs or services, whether such programs or  
11 services are offered or provided by contract, agreement,  
12 arrangement, or on a volunteer basis.

13 (c-8) It is unlawful for a child sex offender to knowingly  
14 operate, whether authorized to do so or not, any of the  
15 following vehicles: (1) a vehicle which is specifically  
16 designed, constructed or modified and equipped to be used for  
17 the retail sale of food or beverages, including but not  
18 limited to an ice cream truck; (2) an authorized emergency  
19 vehicle; or (3) a rescue vehicle.

20 (d) Definitions. In this Section:

21 (1) "Child sex offender" means any person who:

22 (i) has been charged under Illinois law, or any  
23 substantially similar federal law or law of another  
24 state, with a sex offense set forth in paragraph (2) of  
25 this subsection (d) or the attempt to commit an  
26 included sex offense, and the victim is a person under



1 18 years of age at the time of the offense; and:

2 (A) is convicted of such offense or an attempt  
3 to commit such offense; or

4 (B) is found not guilty by reason of insanity  
5 of such offense or an attempt to commit such  
6 offense; or

7 (C) is found not guilty by reason of insanity  
8 pursuant to subsection (c) of Section 104-25 of  
9 the Code of Criminal Procedure of 1963 of such  
10 offense or an attempt to commit such offense; or

11 (D) is the subject of a finding not resulting  
12 in an acquittal at a hearing conducted pursuant to  
13 subsection (a) of Section 104-25 of the Code of  
14 Criminal Procedure of 1963 for the alleged  
15 commission or attempted commission of such  
16 offense; or

17 (E) is found not guilty by reason of insanity  
18 following a hearing conducted pursuant to a  
19 federal law or the law of another state  
20 substantially similar to subsection (c) of Section  
21 104-25 of the Code of Criminal Procedure of 1963  
22 of such offense or of the attempted commission of  
23 such offense; or

24 (F) is the subject of a finding not resulting  
25 in an acquittal at a hearing conducted pursuant to  
26 a federal law or the law of another state

1 substantially similar to subsection (a) of Section  
2 104-25 of the Code of Criminal Procedure of 1963  
3 for the alleged violation or attempted commission  
4 of such offense; or

5 (ii) is certified as a sexually dangerous person  
6 pursuant to the Illinois Sexually Dangerous Persons  
7 Act, or any substantially similar federal law or the  
8 law of another state, when any conduct giving rise to  
9 such certification is committed or attempted against a  
10 person less than 18 years of age; or

11 (iii) is subject to the provisions of Section 2 of  
12 the Interstate Agreements on Sexually Dangerous  
13 Persons Act.

14 Convictions that result from or are connected with the  
15 same act, or result from offenses committed at the same  
16 time, shall be counted for the purpose of this Section as  
17 one conviction. Any conviction set aside pursuant to law  
18 is not a conviction for purposes of this Section.

19 (2) Except as otherwise provided in paragraph (2.5),  
20 "sex offense" means:

21 (i) A violation of any of the following Sections  
22 of the Criminal Code of 1961 or the Criminal Code of  
23 2012: 10-4 (forcible detention), 10-7 (aiding or  
24 abetting child abduction under Section 10-5(b)(10)),  
25 10-5(b)(10) (child luring), 11-1.40 (predatory  
26 criminal sexual assault of a child), 11-6 (indecent

1 solicitation of a child), 11-6.5 (indecent  
2 solicitation of an adult), 11-9.1 (sexual exploitation  
3 of a child), 11-9.2 (custodial sexual misconduct),  
4 11-9.5 (sexual misconduct with a person with a  
5 disability), 11-11 (sexual relations within families),  
6 11-14.3(a)(1) (promoting prostitution by advancing  
7 prostitution), 11-14.3(a)(2)(A) (promoting  
8 prostitution by profiting from prostitution by  
9 compelling a person to be a prostitute),  
10 11-14.3(a)(2)(C) (promoting prostitution by profiting  
11 from prostitution by means other than as described in  
12 subparagraphs (A) and (B) of paragraph (2) of  
13 subsection (a) of Section 11-14.3), 11-14.4 (promoting  
14 juvenile prostitution), 11-18.1 (patronizing a  
15 juvenile prostitute), 11-20.1 (child pornography),  
16 11-20.1B (aggravated child pornography), 11-21  
17 (harmful material), 11-25 (grooming), 11-26 (traveling  
18 to meet a minor or traveling to meet a child), 12-33  
19 (ritualized abuse of a child), 11-20 (obscenity) (when  
20 that offense was committed in any school, on real  
21 property comprising any school, in any conveyance  
22 owned, leased, or contracted by a school to transport  
23 students to or from school or a school related  
24 activity, or in a public park), 11-30 (public  
25 indecency) (when committed in a school, on real  
26 property comprising a school, in any conveyance owned,

1 leased, or contracted by a school to transport  
2 students to or from school or a school related  
3 activity, or in a public park). An attempt to commit  
4 any of these offenses.

5 (ii) A violation of any of the following Sections  
6 of the Criminal Code of 1961 or the Criminal Code of  
7 2012, when the victim is a person under 18 years of  
8 age: 11-1.20 (criminal sexual assault), 11-1.30  
9 (aggravated criminal sexual assault), 11-1.50  
10 (criminal sexual abuse), 11-1.60 (aggravated criminal  
11 sexual abuse). An attempt to commit any of these  
12 offenses.

13 (iii) A violation of any of the following Sections  
14 of the Criminal Code of 1961 or the Criminal Code of  
15 2012, when the victim is a person under 18 years of age  
16 and the defendant is not a parent of the victim:

17 10-1 (kidnapping),  
18 10-2 (aggravated kidnapping),  
19 10-3 (unlawful restraint),  
20 10-3.1 (aggravated unlawful restraint),  
21 11-9.1(A) (permitting sexual abuse of a child).

22 An attempt to commit any of these offenses.

23 (iv) A violation of any former law of this State  
24 substantially equivalent to any offense listed in  
25 clause (2) (i) or (2) (ii) of subsection (d) of this  
26 Section.

1 (2.5) For the purposes of subsections (b-5) and (b-10)  
2 only, a sex offense means:

3 (i) A violation of any of the following Sections  
4 of the Criminal Code of 1961 or the Criminal Code of  
5 2012:

6 10-5(b)(10) (child luring), 10-7 (aiding or  
7 abetting child abduction under Section 10-5(b)(10)),  
8 11-1.40 (predatory criminal sexual assault of a  
9 child), 11-6 (indecent solicitation of a child),  
10 11-6.5 (indecent solicitation of an adult), 11-9.2  
11 (custodial sexual misconduct), 11-9.5 (sexual  
12 misconduct with a person with a disability), 11-11  
13 (sexual relations within families), 11-14.3(a)(1)  
14 (promoting prostitution by advancing prostitution),  
15 11-14.3(a)(2)(A) (promoting prostitution by profiting  
16 from prostitution by compelling a person to be a  
17 prostitute), 11-14.3(a)(2)(C) (promoting prostitution  
18 by profiting from prostitution by means other than as  
19 described in subparagraphs (A) and (B) of paragraph  
20 (2) of subsection (a) of Section 11-14.3), 11-14.4  
21 (promoting juvenile prostitution), 11-18.1  
22 (patronizing a juvenile prostitute), 11-20.1 (child  
23 pornography), 11-20.1B (aggravated child pornography),  
24 11-25 (grooming), 11-26 (traveling to meet a minor or  
25 traveling to meet a child), or 12-33 (ritualized abuse  
26 of a child). An attempt to commit any of these

1 offenses.

2 (ii) A violation of any of the following Sections  
3 of the Criminal Code of 1961 or the Criminal Code of  
4 2012, when the victim is a person under 18 years of  
5 age: 11-1.20 (criminal sexual assault), 11-1.30  
6 (aggravated criminal sexual assault), 11-1.60  
7 (aggravated criminal sexual abuse), and subsection (a)  
8 of Section 11-1.50 (criminal sexual abuse). An attempt  
9 to commit any of these offenses.

10 (iii) A violation of any of the following Sections  
11 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, when the victim is a person under 18 years of age  
13 and the defendant is not a parent of the victim:

14 10-1 (kidnapping),  
15 10-2 (aggravated kidnapping),  
16 10-3 (unlawful restraint),  
17 10-3.1 (aggravated unlawful restraint),  
18 11-9.1(A) (permitting sexual abuse of a child).

19 An attempt to commit any of these offenses.

20 (iv) A violation of any former law of this State  
21 substantially equivalent to any offense listed in this  
22 paragraph (2.5) of this subsection.

23 (3) A conviction for an offense of federal law or the  
24 law of another state that is substantially equivalent to  
25 any offense listed in paragraph (2) of subsection (d) of  
26 this Section shall constitute a conviction for the purpose

1 of this Section. A finding or adjudication as a sexually  
2 dangerous person under any federal law or law of another  
3 state that is substantially equivalent to the Sexually  
4 Dangerous Persons Act shall constitute an adjudication for  
5 the purposes of this Section.

6 (4) "Authorized emergency vehicle", "rescue vehicle",  
7 and "vehicle" have the meanings ascribed to them in  
8 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
9 Illinois Vehicle Code.

10 (5) "Child care institution" has the meaning ascribed  
11 to it in Section 2.06 of the Child Care Act of 1969.

12 (6) "Child Day care center" has the meaning ascribed  
13 to it in Section 2.09 of the Child Care Act of 1969.

14 (7) "Child Day care home" has the meaning ascribed to  
15 it in Section 2.18 of the Child Care Act of 1969.

16 (8) "Facility providing programs or services directed  
17 towards persons under the age of 18" means any facility  
18 providing programs or services exclusively directed  
19 towards persons under the age of 18.

20 (9) "Group child day care home" has the meaning  
21 ascribed to it in Section 2.20 of the Child Care Act of  
22 1969.

23 (10) "Internet" has the meaning set forth in Section  
24 16-0.1 of this Code.

25 (11) "Loiter" means:

26 (i) Standing, sitting idly, whether or not the

1 person is in a vehicle, or remaining in or around  
2 school or public park property.

3 (ii) Standing, sitting idly, whether or not the  
4 person is in a vehicle, or remaining in or around  
5 school or public park property, for the purpose of  
6 committing or attempting to commit a sex offense.

7 (iii) Entering or remaining in a building in or  
8 around school property, other than the offender's  
9 residence.

10 (12) "Part day child care facility" has the meaning  
11 ascribed to it in Section 2.10 of the Child Care Act of  
12 1969.

13 (13) "Playground" means a piece of land owned or  
14 controlled by a unit of local government that is  
15 designated by the unit of local government for use solely  
16 or primarily for children's recreation.

17 (14) "Public park" includes a park, forest preserve,  
18 bikeway, trail, or conservation area under the  
19 jurisdiction of the State or a unit of local government.

20 (15) "School" means a public or private preschool or  
21 elementary or secondary school.

22 (16) "School official" means the principal, a teacher,  
23 or any other certified employee of the school, the  
24 superintendent of schools or a member of the school board.

25 (e) For the purposes of this Section, the 500 feet  
26 distance shall be measured from: (1) the edge of the property



1 of the school building or the real property comprising the  
2 school that is closest to the edge of the property of the child  
3 sex offender's residence or where he or she is loitering, and  
4 (2) the edge of the property comprising the public park  
5 building or the real property comprising the public park,  
6 playground, child care institution, child ~~day~~ care center,  
7 part day child care facility, or facility providing programs  
8 or services exclusively directed toward persons under 18 years  
9 of age, or a victim of the sex offense who is under 21 years of  
10 age, to the edge of the child sex offender's place of residence  
11 or place where he or she is loitering.

12 (f) Sentence. A person who violates this Section is guilty  
13 of a Class 4 felony.

14 (Source: P.A. 102-997, eff. 1-1-23.)

15 (720 ILCS 5/11-24)

16 Sec. 11-24. Child photography by sex offender.

17 (a) In this Section:

18 "Child" means a person under 18 years of age.

19 "Child sex offender" has the meaning ascribed to it in  
20 Section 11-0.1 of this Code.

21 (b) It is unlawful for a child sex offender to knowingly:

22 (1) conduct or operate any type of business in which  
23 he or she photographs, videotapes, or takes a digital  
24 image of a child; or

25 (2) conduct or operate any type of business in which

1 he or she instructs or directs another person to  
2 photograph, videotape, or take a digital image of a child;  
3 or

4 (3) photograph, videotape, or take a digital image of  
5 a child, or instruct or direct another person to  
6 photograph, videotape, or take a digital image of a child  
7 without the consent of the parent or guardian.

8 (c) Sentence. A violation of this Section is a Class 2  
9 felony. A person who violates this Section at a playground,  
10 park facility, school, forest preserve, child ~~day~~ care  
11 facility, or at a facility providing programs or services  
12 directed to persons under 17 years of age is guilty of a Class  
13 1 felony.

14 (Source: P.A. 95-983, eff. 6-1-09; 96-1551, eff. 7-1-11.)

15 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

16 Sec. 18-1. Robbery; aggravated robbery.

17 (a) Robbery. A person commits robbery when he or she  
18 knowingly takes property, except a motor vehicle covered by  
19 Section 18-3 or 18-4, from the person or presence of another by  
20 the use of force or by threatening the imminent use of force.

21 (b) Aggravated robbery.

22 (1) A person commits aggravated robbery when he or she  
23 violates subsection (a) while indicating verbally or by  
24 his or her actions to the victim that he or she is  
25 presently armed with a firearm or other dangerous weapon,

1 including a knife, club, ax, or bludgeon. This offense  
2 shall be applicable even though it is later determined  
3 that he or she had no firearm or other dangerous weapon,  
4 including a knife, club, ax, or bludgeon, in his or her  
5 possession when he or she committed the robbery.

6 (2) A person commits aggravated robbery when he or she  
7 knowingly takes property from the person or presence of  
8 another by delivering (by injection, inhalation,  
9 ingestion, transfer of possession, or any other means) to  
10 the victim without his or her consent, or by threat or  
11 deception, and for other than medical purposes, any  
12 controlled substance.

13 (c) Sentence.

14 Robbery is a Class 2 felony, unless the victim is 60 years  
15 of age or over or is a person with a physical disability, or  
16 the robbery is committed in a school, child day care center,  
17 child day care home, group child day care home, or part day  
18 child care facility, or place of worship, in which case  
19 robbery is a Class 1 felony. Aggravated robbery is a Class 1  
20 felony.

21 (d) Regarding penalties prescribed in subsection (c) for  
22 violations committed in a child day care center, child day  
23 care home, group child day care home, or part day child care  
24 facility, the time of day, time of year, and whether children  
25 under 18 years of age were present in the child day care  
26 center, child day care home, group child day care home, or part

1 day child care facility are irrelevant.

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

3 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

4 Sec. 19-1. Burglary.

5 (a) A person commits burglary when without authority he or  
6 she knowingly enters or without authority remains within a  
7 building, housetrailer, watercraft, aircraft, motor vehicle,  
8 railroad car, freight container, or any part thereof, with  
9 intent to commit therein a felony or theft. This offense shall  
10 not include the offenses set out in Section 4-102 of the  
11 Illinois Vehicle Code.

12 (b) Sentence.

13 Burglary committed in, and without causing damage to, a  
14 watercraft, aircraft, motor vehicle, railroad car, freight  
15 container, or any part thereof is a Class 3 felony. Burglary  
16 committed in a building, housetrailer, or any part thereof or  
17 while causing damage to a watercraft, aircraft, motor vehicle,  
18 railroad car, freight container, or any part thereof is a  
19 Class 2 felony. A burglary committed in a school, child day  
20 care center, child day care home, group child day care home, or  
21 part day child care facility, or place of worship is a Class 1  
22 felony, except that this provision does not apply to a child  
23 day care center, child day care home, group child day care  
24 home, or part day child care facility operated in a private  
25 residence used as a dwelling.

1 (c) Regarding penalties prescribed in subsection (b) for  
2 violations committed in a child day care center, child day  
3 care home, group child day care home, or part day child care  
4 facility, the time of day, time of year, and whether children  
5 under 18 years of age were present in the child day care  
6 center, child day care home, group child day care home, or part  
7 day child care facility are irrelevant.

8 (Source: P.A. 102-546, eff. 1-1-22.)

9 (720 ILCS 5/48-1) (was 720 ILCS 5/26-5)

10 Sec. 48-1. Dog fighting. (For other provisions that may  
11 apply to dog fighting, see the Humane Care for Animals Act. For  
12 provisions similar to this Section that apply to animals other  
13 than dogs, see in particular Section 4.01 of the Humane Care  
14 for Animals Act.)

15 (a) No person may own, capture, breed, train, or lease any  
16 dog which he or she knows is intended for use in any show,  
17 exhibition, program, or other activity featuring or otherwise  
18 involving a fight between the dog and any other animal or  
19 human, or the intentional killing of any dog for the purpose of  
20 sport, wagering, or entertainment.

21 (b) No person may promote, conduct, carry on, advertise,  
22 collect money for or in any other manner assist or aid in the  
23 presentation for purposes of sport, wagering, or entertainment  
24 of any show, exhibition, program, or other activity involving  
25 a fight between 2 or more dogs or any dog and human, or the

1 intentional killing of any dog.

2 (c) No person may sell or offer for sale, ship, transport,  
3 or otherwise move, or deliver or receive any dog which he or  
4 she knows has been captured, bred, or trained, or will be used,  
5 to fight another dog or human or be intentionally killed for  
6 purposes of sport, wagering, or entertainment.

7 (c-5) No person may solicit a minor to violate this  
8 Section.

9 (d) No person may manufacture for sale, shipment,  
10 transportation, or delivery any device or equipment which he  
11 or she knows or should know is intended for use in any show,  
12 exhibition, program, or other activity featuring or otherwise  
13 involving a fight between 2 or more dogs, or any human and dog,  
14 or the intentional killing of any dog for purposes of sport,  
15 wagering, or entertainment.

16 (e) No person may own, possess, sell or offer for sale,  
17 ship, transport, or otherwise move any equipment or device  
18 which he or she knows or should know is intended for use in  
19 connection with any show, exhibition, program, or activity  
20 featuring or otherwise involving a fight between 2 or more  
21 dogs, or any dog and human, or the intentional killing of any  
22 dog for purposes of sport, wagering or entertainment.

23 (f) No person may knowingly make available any site,  
24 structure, or facility, whether enclosed or not, that he or  
25 she knows is intended to be used for the purpose of conducting  
26 any show, exhibition, program, or other activity involving a

1 fight between 2 or more dogs, or any dog and human, or the  
2 intentional killing of any dog or knowingly manufacture,  
3 distribute, or deliver fittings to be used in a fight between 2  
4 or more dogs or a dog and human.

5 (g) No person may knowingly attend or otherwise patronize  
6 any show, exhibition, program, or other activity featuring or  
7 otherwise involving a fight between 2 or more dogs, or any dog  
8 and human, or the intentional killing of any dog for purposes  
9 of sport, wagering, or entertainment.

10 (h) No person may tie or attach or fasten any live animal  
11 to any machine or device propelled by any power for the purpose  
12 of causing the animal to be pursued by a dog or dogs. This  
13 subsection (h) applies only when the dog is intended to be used  
14 in a dog fight.

15 (i) Sentence.

16 (1) Any person convicted of violating subsection (a),  
17 (b), (c), or (h) of this Section is guilty of a Class 4  
18 felony for a first violation and a Class 3 felony for a  
19 second or subsequent violation, and may be fined an amount  
20 not to exceed \$50,000.

21 (1.5) A person who knowingly owns a dog for fighting  
22 purposes or for producing a fight between 2 or more dogs or  
23 a dog and human or who knowingly offers for sale or sells a  
24 dog bred for fighting is guilty of a Class 3 felony and may  
25 be fined an amount not to exceed \$50,000, if the dog  
26 participates in a dogfight and any of the following

1 factors is present:

2 (i) the dogfight is performed in the presence of a  
3 person under 18 years of age;

4 (ii) the dogfight is performed for the purpose of  
5 or in the presence of illegal wagering activity; or

6 (iii) the dogfight is performed in furtherance of  
7 streetgang related activity as defined in Section 10  
8 of the Illinois Streetgang Terrorism Omnibus  
9 Prevention Act.

10 (1.7) A person convicted of violating subsection (c-5)  
11 of this Section is guilty of a Class 4 felony.

12 (2) Any person convicted of violating subsection (d)  
13 or (e) of this Section is guilty of a Class 4 felony for a  
14 first violation. A second or subsequent violation of  
15 subsection (d) or (e) of this Section is a Class 3 felony.

16 (2.5) Any person convicted of violating subsection (f)  
17 of this Section is guilty of a Class 4 felony. Any person  
18 convicted of violating subsection (f) of this Section in  
19 which the site, structure, or facility made available to  
20 violate subsection (f) is located within 1,000 feet of a  
21 school, public park, playground, child care institution,  
22 child day care center, part day child care facility, child  
23 day care home, group child day care home, or a facility  
24 providing programs or services exclusively directed toward  
25 persons under 18 years of age is guilty of a Class 3 felony  
26 for a first violation and a Class 2 felony for a second or



1 subsequent violation.

2 (3) Any person convicted of violating subsection (g)  
3 of this Section is guilty of a Class 4 felony for a first  
4 violation. A second or subsequent violation of subsection  
5 (g) of this Section is a Class 3 felony. If a person under  
6 13 years of age is present at any show, exhibition,  
7 program, or other activity prohibited in subsection (g),  
8 the parent, legal guardian, or other person who is 18  
9 years of age or older who brings that person under 13 years  
10 of age to that show, exhibition, program, or other  
11 activity is guilty of a Class 3 felony for a first  
12 violation and a Class 2 felony for a second or subsequent  
13 violation.

14 (i-5) A person who commits a felony violation of this  
15 Section is subject to the property forfeiture provisions set  
16 forth in Article 124B of the Code of Criminal Procedure of  
17 1963.

18 (j) Any dog or equipment involved in a violation of this  
19 Section shall be immediately seized and impounded under  
20 Section 12 of the Humane Care for Animals Act when located at  
21 any show, exhibition, program, or other activity featuring or  
22 otherwise involving a dog fight for the purposes of sport,  
23 wagering, or entertainment.

24 (k) Any vehicle or conveyance other than a common carrier  
25 that is used in violation of this Section shall be seized,  
26 held, and offered for sale at public auction by the sheriff's

1 department of the proper jurisdiction, and the proceeds from  
2 the sale shall be remitted to the general fund of the county  
3 where the violation took place.

4 (l) Any veterinarian in this State who is presented with a  
5 dog for treatment of injuries or wounds resulting from  
6 fighting where there is a reasonable possibility that the dog  
7 was engaged in or utilized for a fighting event for the  
8 purposes of sport, wagering, or entertainment shall file a  
9 report with the Department of Agriculture and cooperate by  
10 furnishing the owners' names, dates, and descriptions of the  
11 dog or dogs involved. Any veterinarian who in good faith  
12 complies with the requirements of this subsection has immunity  
13 from any liability, civil, criminal, or otherwise, that may  
14 result from his or her actions. For the purposes of any  
15 proceedings, civil or criminal, the good faith of the  
16 veterinarian shall be rebuttably presumed.

17 (m) In addition to any other penalty provided by law, upon  
18 conviction for violating this Section, the court may order  
19 that the convicted person and persons dwelling in the same  
20 household as the convicted person who conspired, aided, or  
21 abetted in the unlawful act that was the basis of the  
22 conviction, or who knew or should have known of the unlawful  
23 act, may not own, harbor, or have custody or control of any dog  
24 or other animal for a period of time that the court deems  
25 reasonable.

26 (n) A violation of subsection (a) of this Section may be

1 inferred from evidence that the accused possessed any device  
2 or equipment described in subsection (d), (e), or (h) of this  
3 Section, and also possessed any dog.

4 (o) When no longer required for investigations or court  
5 proceedings relating to the events described or depicted  
6 therein, evidence relating to convictions for violations of  
7 this Section shall be retained and made available for use in  
8 training peace officers in detecting and identifying  
9 violations of this Section. Such evidence shall be made  
10 available upon request to other law enforcement agencies and  
11 to schools certified under the Illinois Police Training Act.

12 (p) For the purposes of this Section, "school" has the  
13 meaning ascribed to it in Section 11-9.3 of this Code; and  
14 "public park", "playground", "child care institution", "child  
15 ~~day~~ care center", "part day child care facility", "child ~~day~~  
16 care home", "group child ~~day~~ care home", and "facility  
17 providing programs or services exclusively directed toward  
18 persons under 18 years of age" have the meanings ascribed to  
19 them in Section 11-9.4 of this Code.

20 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;  
21 96-1000, eff. 7-2-10; 96-1091, eff. 1-1-11; 97-1108, eff.  
22 1-1-13.)

23 Section 285. The Code of Criminal Procedure of 1963 is  
24 amended by changing Sections 112A-14.5, 112A-14.7, and 112A-22  
25 as follows:

1 (725 ILCS 5/112A-14.5)

2 Sec. 112A-14.5. Civil no contact order; remedies.

3 (a) The court may order any of the remedies listed in this  
4 Section. The remedies listed in this Section shall be in  
5 addition to other civil or criminal remedies available to  
6 petitioner:

7 (1) prohibit the respondent from knowingly coming  
8 within, or knowingly remaining within, a specified  
9 distance from the petitioner;

10 (2) restrain the respondent from having any contact,  
11 including nonphysical contact, with the petitioner  
12 directly, indirectly, or through third parties, regardless  
13 of whether those third parties know of the order;

14 (3) prohibit the respondent from knowingly coming  
15 within, or knowingly remaining within, a specified  
16 distance from the petitioner's residence, school, child  
17 ~~day~~ care or other specified location;

18 (4) order the respondent to stay away from any  
19 property or animal owned, possessed, leased, kept, or held  
20 by the petitioner and forbid the respondent from taking,  
21 transferring, encumbering, concealing, harming, or  
22 otherwise disposing of the property or animal; and

23 (5) order any other injunctive relief as necessary or  
24 appropriate for the protection of the petitioner.

25 (b) When the petitioner and the respondent attend the same

1 public or private elementary, middle, or high school, the  
2 court when issuing a civil no contact order and providing  
3 relief shall consider the severity of the act, any continuing  
4 physical danger or emotional distress to the petitioner, the  
5 educational rights guaranteed to the petitioner and respondent  
6 under federal and State law, the availability of a transfer of  
7 the respondent to another school, a change of placement or a  
8 change of program of the respondent, the expense, difficulty,  
9 and educational disruption that would be caused by a transfer  
10 of the respondent to another school, and any other relevant  
11 facts of the case. The court may order that the respondent not  
12 attend the public, private, or non-public elementary, middle,  
13 or high school attended by the petitioner, order that the  
14 respondent accept a change of placement or program, as  
15 determined by the school district or private or non-public  
16 school, or place restrictions on the respondent's movements  
17 within the school attended by the petitioner. The respondent  
18 bears the burden of proving by a preponderance of the evidence  
19 that a transfer, change of placement, or change of program of  
20 the respondent is not available. The respondent also bears the  
21 burden of production with respect to the expense, difficulty,  
22 and educational disruption that would be caused by a transfer  
23 of the respondent to another school. A transfer, change of  
24 placement, or change of program is not unavailable to the  
25 respondent solely on the ground that the respondent does not  
26 agree with the school district's or private or non-public

1 school's transfer, change of placement, or change of program  
2 or solely on the ground that the respondent fails or refuses to  
3 consent to or otherwise does not take an action required to  
4 effectuate a transfer, change of placement, or change of  
5 program. When a court orders a respondent to stay away from the  
6 public, private, or non-public school attended by the  
7 petitioner and the respondent requests a transfer to another  
8 attendance center within the respondent's school district or  
9 private or non-public school, the school district or private  
10 or non-public school shall have sole discretion to determine  
11 the attendance center to which the respondent is transferred.  
12 If the court order results in a transfer of the minor  
13 respondent to another attendance center, a change in the  
14 respondent's placement, or a change of the respondent's  
15 program, the parents, guardian, or legal custodian of the  
16 respondent is responsible for transportation and other costs  
17 associated with the transfer or change.

18 (c) The court may order the parents, guardian, or legal  
19 custodian of a minor respondent to take certain actions or to  
20 refrain from taking certain actions to ensure that the  
21 respondent complies with the order. If the court orders a  
22 transfer of the respondent to another school, the parents or  
23 legal guardians of the respondent are responsible for  
24 transportation and other costs associated with the change of  
25 school by the respondent.

26 (d) Denial of a remedy may not be based, in whole or in

1 part, on evidence that:

2 (1) the respondent has cause for any use of force,  
3 unless that cause satisfies the standards for justifiable  
4 use of force provided by Article 7 of the Criminal Code of  
5 2012;

6 (2) the respondent was voluntarily intoxicated;

7 (3) the petitioner acted in self-defense or defense of  
8 another, provided that, if the petitioner utilized force,  
9 such force was justifiable under Article 7 of the Criminal  
10 Code of 2012;

11 (4) the petitioner did not act in self-defense or  
12 defense of another;

13 (5) the petitioner left the residence or household to  
14 avoid further non-consensual sexual conduct or  
15 non-consensual sexual penetration by the respondent; or

16 (6) the petitioner did not leave the residence or  
17 household to avoid further non-consensual sexual conduct  
18 or non-consensual sexual penetration by the respondent.

19 (e) Monetary damages are not recoverable as a remedy.

20 (Source: P.A. 100-199, eff. 1-1-18.)

21 (725 ILCS 5/112A-14.7)

22 Sec. 112A-14.7. Stalking no contact order; remedies.

23 (a) The court may order any of the remedies listed in this  
24 Section. The remedies listed in this Section shall be in  
25 addition to other civil or criminal remedies available to

1 petitioner. A stalking no contact order shall order one or  
2 more of the following:

3 (1) prohibit the respondent from threatening to commit  
4 or committing stalking;

5 (2) order the respondent not to have any contact with  
6 the petitioner or a third person specifically named by the  
7 court;

8 (3) prohibit the respondent from knowingly coming  
9 within, or knowingly remaining within a specified distance  
10 of the petitioner or the petitioner's residence, school,  
11 child care ~~daycare~~, or place of employment, or any  
12 specified place frequented by the petitioner; however, the  
13 court may order the respondent to stay away from the  
14 respondent's own residence, school, or place of employment  
15 only if the respondent has been provided actual notice of  
16 the opportunity to appear and be heard on the petition;

17 (4) prohibit the respondent from possessing a Firearm  
18 Owners Identification Card, or possessing or buying  
19 firearms; and

20 (5) order other injunctive relief the court determines  
21 to be necessary to protect the petitioner or third party  
22 specifically named by the court.

23 (b) When the petitioner and the respondent attend the same  
24 public, private, or non-public elementary, middle, or high  
25 school, the court when issuing a stalking no contact order and  
26 providing relief shall consider the severity of the act, any



1 continuing physical danger or emotional distress to the  
2 petitioner, the educational rights guaranteed to the  
3 petitioner and respondent under federal and State law, the  
4 availability of a transfer of the respondent to another  
5 school, a change of placement or a change of program of the  
6 respondent, the expense, difficulty, and educational  
7 disruption that would be caused by a transfer of the  
8 respondent to another school, and any other relevant facts of  
9 the case. The court may order that the respondent not attend  
10 the public, private, or non-public elementary, middle, or high  
11 school attended by the petitioner, order that the respondent  
12 accept a change of placement or program, as determined by the  
13 school district or private or non-public school, or place  
14 restrictions on the respondent's movements within the school  
15 attended by the petitioner. The respondent bears the burden of  
16 proving by a preponderance of the evidence that a transfer,  
17 change of placement, or change of program of the respondent is  
18 not available. The respondent also bears the burden of  
19 production with respect to the expense, difficulty, and  
20 educational disruption that would be caused by a transfer of  
21 the respondent to another school. A transfer, change of  
22 placement, or change of program is not unavailable to the  
23 respondent solely on the ground that the respondent does not  
24 agree with the school district's or private or non-public  
25 school's transfer, change of placement, or change of program  
26 or solely on the ground that the respondent fails or refuses to

1 consent to or otherwise does not take an action required to  
2 effectuate a transfer, change of placement, or change of  
3 program. When a court orders a respondent to stay away from the  
4 public, private, or non-public school attended by the  
5 petitioner and the respondent requests a transfer to another  
6 attendance center within the respondent's school district or  
7 private or non-public school, the school district or private  
8 or non-public school shall have sole discretion to determine  
9 the attendance center to which the respondent is transferred.  
10 If the court order results in a transfer of the minor  
11 respondent to another attendance center, a change in the  
12 respondent's placement, or a change of the respondent's  
13 program, the parents, guardian, or legal custodian of the  
14 respondent is responsible for transportation and other costs  
15 associated with the transfer or change.

16 (c) The court may order the parents, guardian, or legal  
17 custodian of a minor respondent to take certain actions or to  
18 refrain from taking certain actions to ensure that the  
19 respondent complies with the order. If the court orders a  
20 transfer of the respondent to another school, the parents,  
21 guardian, or legal custodian of the respondent are responsible  
22 for transportation and other costs associated with the change  
23 of school by the respondent.

24 (d) The court shall not hold a school district or private  
25 or non-public school or any of its employees in civil or  
26 criminal contempt unless the school district or private or

1 non-public school has been allowed to intervene.

2 (e) The court may hold the parents, guardian, or legal  
3 custodian of a minor respondent in civil or criminal contempt  
4 for a violation of any provision of any order entered under  
5 this Article for conduct of the minor respondent in violation  
6 of this Article if the parents, guardian, or legal custodian  
7 directed, encouraged, or assisted the respondent minor in the  
8 conduct.

9 (f) Monetary damages are not recoverable as a remedy.

10 (g) If the stalking no contact order prohibits the  
11 respondent from possessing a Firearm Owner's Identification  
12 Card, or possessing or buying firearms; the court shall  
13 confiscate the respondent's Firearm Owner's Identification  
14 Card and immediately return the card to the Illinois State  
15 Police Firearm Owner's Identification Card Office.

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

17 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

18 Sec. 112A-22. Notice of orders.

19 (a) Entry and issuance. Upon issuance of any protective  
20 order, the clerk shall immediately, or on the next court day if  
21 an ex parte order is issued under subsection (e) of Section  
22 112A-17.5 of this Code, (i) enter the order on the record and  
23 file it in accordance with the circuit court procedures and  
24 (ii) provide a file stamped copy of the order to respondent and  
25 to petitioner, if present, and to the State's Attorney. If the

1 victim is not present the State's Attorney shall (i) as soon as  
2 practicable notify the petitioner the order has been entered  
3 and (ii) provide a file stamped copy of the order to the  
4 petitioner within 3 days.

5 (b) Filing with sheriff. The clerk of the issuing judge  
6 shall, on the same day that a protective order is issued, file  
7 a copy of that order with the sheriff or other law enforcement  
8 officials charged with maintaining Illinois State Police  
9 records or charged with serving the order upon respondent. If  
10 the order was issued under subsection (e) of Section 112A-17.5  
11 of this Code, the clerk on the next court day shall file a  
12 certified copy of the order with the sheriff or other law  
13 enforcement officials charged with maintaining Illinois State  
14 Police records.

15 (c) (Blank).

16 (c-2) Service by sheriff. Unless respondent was present in  
17 court when the order was issued, the sheriff, other law  
18 enforcement official, or special process server shall promptly  
19 serve that order upon respondent and file proof of the  
20 service, in the manner provided for service of process in  
21 civil proceedings. Instead of serving the order upon the  
22 respondent; however, the sheriff, other law enforcement  
23 official, special process server, or other persons defined in  
24 Section 112A-22.1 of this Code may serve the respondent with a  
25 short form notification as provided in Section 112A-22.1 of  
26 this Code. If process has not yet been served upon the

1 respondent, process shall be served with the order or short  
2 form notification if the service is made by the sheriff, other  
3 law enforcement official, or special process server.

4 (c-3) If the person against whom the protective order is  
5 issued is arrested and the written order is issued under  
6 subsection (e) of Section 112A-17.5 of this Code and received  
7 by the custodial law enforcement agency before the respondent  
8 or arrestee is released from custody, the custodial law  
9 enforcement agency shall promptly serve the order upon the  
10 respondent or arrestee before the respondent or arrestee is  
11 released from custody. In no event shall detention of the  
12 respondent or arrestee be extended for a hearing on the  
13 petition for protective order or receipt of the order issued  
14 under Section 112A-17 of this Code.

15 (c-4) Extensions, modifications, and revocations. Any  
16 order extending, modifying, or revoking any protective order  
17 shall be promptly recorded, issued, and served as provided in  
18 this Section.

19 (c-5) (Blank).

20 (d) (Blank).

21 (e) Notice to health care facilities and health care  
22 practitioners. Upon the request of the petitioner, the clerk  
23 of the circuit court shall send a certified copy of the  
24 protective order to any specified health care facility or  
25 health care practitioner requested by the petitioner at the  
26 mailing address provided by the petitioner.

1 (f) Disclosure by health care facilities and health care  
2 practitioners. After receiving a certified copy of a  
3 protective order that prohibits a respondent's access to  
4 records, no health care facility or health care practitioner  
5 shall allow a respondent access to the records of any child who  
6 is a protected person under the protective order, or release  
7 information in those records to the respondent, unless the  
8 order has expired or the respondent shows a certified copy of  
9 the court order vacating the corresponding protective order  
10 that was sent to the health care facility or practitioner.  
11 Nothing in this Section shall be construed to require health  
12 care facilities or health care practitioners to alter  
13 procedures related to billing and payment. The health care  
14 facility or health care practitioner may file the copy of the  
15 protective order in the records of a child who is a protected  
16 person under the protective order, or may employ any other  
17 method to identify the records to which a respondent is  
18 prohibited access. No health care facility or health care  
19 practitioner shall be civilly or professionally liable for  
20 reliance on a copy of a protective order, except for willful  
21 and wanton misconduct.

22 (g) Notice to schools. Upon the request of the petitioner,  
23 within 24 hours of the issuance of a protective order, the  
24 clerk of the issuing judge shall send a certified copy of the  
25 protective order to the child care ~~day-care~~ facility,  
26 pre-school or pre-kindergarten, or private school or the

1 principal office of the public school district or any college  
2 or university in which any child who is a protected person  
3 under the protective order or any child of the petitioner is  
4 enrolled as requested by the petitioner at the mailing address  
5 provided by the petitioner. If the child transfers enrollment  
6 to another child care ~~day-care~~ facility, pre-school,  
7 pre-kindergarten, private school, public school, college, or  
8 university, the petitioner may, within 24 hours of the  
9 transfer, send to the clerk written notice of the transfer,  
10 including the name and address of the institution to which the  
11 child is transferring. Within 24 hours of receipt of notice  
12 from the petitioner that a child is transferring to another  
13 child care ~~day-care~~ facility, pre-school, pre-kindergarten,  
14 private school, public school, college, or university, the  
15 clerk shall send a certified copy of the order to the  
16 institution to which the child is transferring.

17 (h) Disclosure by schools. After receiving a certified  
18 copy of a protective order that prohibits a respondent's  
19 access to records, neither a child care ~~day-care~~ facility,  
20 pre-school, pre-kindergarten, public or private school,  
21 college, or university nor its employees shall allow a  
22 respondent access to a protected child's records or release  
23 information in those records to the respondent. The school  
24 shall file the copy of the protective order in the records of a  
25 child who is a protected person under the order. When a child  
26 who is a protected person under the protective order transfers

1 to another child care ~~day-care~~ facility, pre-school,  
2 pre-kindergarten, public or private school, college, or  
3 university, the institution from which the child is  
4 transferring may, at the request of the petitioner, provide,  
5 within 24 hours of the transfer, written notice of the  
6 protective order, along with a certified copy of the order, to  
7 the institution to which the child is transferring.

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

9 Section 290. The Sexually Violent Persons Commitment Act  
10 is amended by changing Section 40 as follows:

11 (725 ILCS 207/40)

12 Sec. 40. Commitment.

13 (a) If a court or jury determines that the person who is  
14 the subject of a petition under Section 15 of this Act is a  
15 sexually violent person, the court shall order the person to  
16 be committed to the custody of the Department for control,  
17 care and treatment until such time as the person is no longer a  
18 sexually violent person.

19 (b)(1) The court shall enter an initial commitment order  
20 under this Section pursuant to a hearing held as soon as  
21 practicable after the judgment is entered that the person who  
22 is the subject of a petition under Section 15 is a sexually  
23 violent person. If the court lacks sufficient information to  
24 make the determination required by paragraph (b)(2) of this



1 Section immediately after trial, it may adjourn the hearing  
2 and order the Department to conduct a predisposition  
3 investigation or a supplementary mental examination, or both,  
4 to assist the court in framing the commitment order. If the  
5 Department's examining evaluator previously rendered an  
6 opinion that the person who is the subject of a petition under  
7 Section 15 does not meet the criteria to be found a sexually  
8 violent person, then another evaluator shall conduct the  
9 predisposition investigation and/or supplementary mental  
10 examination. A supplementary mental examination under this  
11 Section shall be conducted in accordance with Section 3-804 of  
12 the Mental Health and Developmental Disabilities Code. The  
13 State has the right to have the person evaluated by experts  
14 chosen by the State.

15 (2) An order for commitment under this Section shall  
16 specify either institutional care in a secure facility, as  
17 provided under Section 50 of this Act, or conditional release.  
18 In determining whether commitment shall be for institutional  
19 care in a secure facility or for conditional release, the  
20 court shall consider the nature and circumstances of the  
21 behavior that was the basis of the allegation in the petition  
22 under paragraph (b)(1) of Section 15, the person's mental  
23 history and present mental condition, and what arrangements  
24 are available to ensure that the person has access to and will  
25 participate in necessary treatment. All treatment, whether in  
26 institutional care, in a secure facility, or while on

1 conditional release, shall be conducted in conformance with  
2 the standards developed under the Sex Offender Management  
3 Board Act and conducted by a treatment provider licensed under  
4 the Sex Offender Evaluation and Treatment Provider Act. The  
5 Department shall arrange for control, care and treatment of  
6 the person in the least restrictive manner consistent with the  
7 requirements of the person and in accordance with the court's  
8 commitment order.

9 (3) If the court finds that the person is appropriate for  
10 conditional release, the court shall notify the Department.  
11 The Department shall prepare a plan that identifies the  
12 treatment and services, if any, that the person will receive  
13 in the community. The plan shall address the person's need, if  
14 any, for supervision, counseling, medication, community  
15 support services, residential services, vocational services,  
16 and alcohol or other drug abuse treatment. The Department may  
17 contract with a county health department, with another public  
18 agency or with a private agency to provide the treatment and  
19 services identified in the plan. The plan shall specify who  
20 will be responsible for providing the treatment and services  
21 identified in the plan. The plan shall be presented to the  
22 court for its approval within 60 days after the court finding  
23 that the person is appropriate for conditional release, unless  
24 the Department and the person to be released request  
25 additional time to develop the plan. The conditional release  
26 program operated under this Section is not subject to the

1 provisions of the Mental Health and Developmental Disabilities  
2 Confidentiality Act.

3 (4) An order for conditional release places the person in  
4 the custody and control of the Department. A person on  
5 conditional release is subject to the conditions set by the  
6 court and to the rules of the Department. Before a person is  
7 placed on conditional release by the court under this Section,  
8 the court shall so notify the municipal police department and  
9 county sheriff for the municipality and county in which the  
10 person will be residing. The notification requirement under  
11 this Section does not apply if a municipal police department  
12 or county sheriff submits to the court a written statement  
13 waiving the right to be notified. Notwithstanding any other  
14 provision in the Act, the person being supervised on  
15 conditional release shall not reside at the same street  
16 address as another sex offender being supervised on  
17 conditional release under this Act, mandatory supervised  
18 release, parole, aftercare release, probation, or any other  
19 manner of supervision. If the Department alleges that a  
20 released person has violated any condition or rule, or that  
21 the safety of others requires that conditional release be  
22 revoked, he or she may be taken into custody under the rules of  
23 the Department.

24 At any time during which the person is on conditional  
25 release, if the Department determines that the person has  
26 violated any condition or rule, or that the safety of others

1 requires that conditional release be revoked, the Department  
2 may request the Attorney General or State's Attorney to  
3 request the court to issue an emergency ex parte order  
4 directing any law enforcement officer to take the person into  
5 custody and transport the person to the county jail. The  
6 Department may request, or the Attorney General or State's  
7 Attorney may request independently of the Department, that a  
8 petition to revoke conditional release be filed. When a  
9 petition is filed, the court may order the Department to issue  
10 a notice to the person to be present at the Department or other  
11 agency designated by the court, order a summons to the person  
12 to be present, or order a body attachment for all law  
13 enforcement officers to take the person into custody and  
14 transport him or her to the county jail, hospital, or  
15 treatment facility. The Department shall submit a statement  
16 showing probable cause of the detention and a petition to  
17 revoke the order for conditional release to the committing  
18 court within 48 hours after the detention. The court shall  
19 hear the petition within 30 days, unless the hearing or time  
20 deadline is waived by the detained person. Pending the  
21 revocation hearing, the Department may detain the person in a  
22 jail, in a hospital or treatment facility. The State has the  
23 burden of proving by clear and convincing evidence that any  
24 rule or condition of release has been violated, or that the  
25 safety of others requires that the conditional release be  
26 revoked. If the court determines after hearing that any rule

1 or condition of release has been violated, or that the safety  
2 of others requires that conditional release be revoked, it may  
3 revoke the order for conditional release and order that the  
4 released person be placed in an appropriate institution until  
5 the person is discharged from the commitment under Section 65  
6 of this Act or until again placed on conditional release under  
7 Section 60 of this Act.

8 (5) An order for conditional release places the person in  
9 the custody, care, and control of the Department. The court  
10 shall order the person be subject to the following rules of  
11 conditional release, in addition to any other conditions  
12 ordered, and the person shall be given a certificate setting  
13 forth the conditions of conditional release. These conditions  
14 shall be that the person:

15 (A) not violate any criminal statute of any  
16 jurisdiction;

17 (B) report to or appear in person before such person  
18 or agency as directed by the court and the Department;

19 (C) refrain from possession of a firearm or other  
20 dangerous weapon;

21 (D) not leave the State without the consent of the  
22 court or, in circumstances in which the reason for the  
23 absence is of such an emergency nature, that prior consent  
24 by the court is not possible without the prior  
25 notification and approval of the Department;

26 (E) at the direction of the Department, notify third

1 parties of the risks that may be occasioned by his or her  
2 criminal record or sexual offending history or  
3 characteristics, and permit the supervising officer or  
4 agent to make the notification requirement;

5 (F) attend and fully participate in assessment,  
6 treatment, and behavior monitoring including, but not  
7 limited to, medical, psychological or psychiatric  
8 treatment specific to sexual offending, drug addiction, or  
9 alcoholism, to the extent appropriate to the person based  
10 upon the recommendation and findings made in the  
11 Department evaluation or based upon any subsequent  
12 recommendations by the Department;

13 (G) waive confidentiality allowing the court and  
14 Department access to assessment or treatment results or  
15 both;

16 (H) work regularly at a Department approved occupation  
17 or pursue a course of study or vocational training and  
18 notify the Department within 72 hours of any change in  
19 employment, study, or training;

20 (I) not be employed or participate in any volunteer  
21 activity that involves contact with children, except under  
22 circumstances approved in advance and in writing by the  
23 Department officer;

24 (J) submit to the search of his or her person,  
25 residence, vehicle, or any personal or real property under  
26 his or her control at any time by the Department;

1           (K) financially support his or her dependents and  
2 provide the Department access to any requested financial  
3 information;

4           (L) serve a term of home confinement, the conditions  
5 of which shall be that the person:

6                 (i) remain within the interior premises of the  
7 place designated for his or her confinement during the  
8 hours designated by the Department;

9                 (ii) admit any person or agent designated by the  
10 Department into the offender's place of confinement at  
11 any time for purposes of verifying the person's  
12 compliance with the condition of his or her  
13 confinement;

14                 (iii) if deemed necessary by the Department, be  
15 placed on an electronic monitoring device;

16           (M) comply with the terms and conditions of an order  
17 of protection issued by the court pursuant to the Illinois  
18 Domestic Violence Act of 1986. A copy of the order of  
19 protection shall be transmitted to the Department by the  
20 clerk of the court;

21           (N) refrain from entering into a designated geographic  
22 area except upon terms the Department finds appropriate.  
23 The terms may include consideration of the purpose of the  
24 entry, the time of day, others accompanying the person,  
25 and advance approval by the Department;

26           (O) refrain from having any contact, including written

1 or oral communications, directly or indirectly, with  
2 certain specified persons including, but not limited to,  
3 the victim or the victim's family, and report any  
4 incidental contact with the victim or the victim's family  
5 to the Department within 72 hours; refrain from entering  
6 onto the premises of, traveling past, or loitering near  
7 the victim's residence, place of employment, or other  
8 places frequented by the victim;

9 (P) refrain from having any contact, including written  
10 or oral communications, directly or indirectly, with  
11 particular types of persons, including but not limited to  
12 members of street gangs, drug users, drug dealers, or  
13 prostitutes;

14 (Q) refrain from all contact, direct or indirect,  
15 personally, by telephone, letter, or through another  
16 person, with minor children without prior identification  
17 and approval of the Department;

18 (R) refrain from having in his or her body the  
19 presence of alcohol or any illicit drug prohibited by the  
20 Cannabis Control Act, the Illinois Controlled Substances  
21 Act, or the Methamphetamine Control and Community  
22 Protection Act, unless prescribed by a physician, and  
23 submit samples of his or her breath, saliva, blood, or  
24 urine for tests to determine the presence of alcohol or  
25 any illicit drug;

26 (S) not establish a dating, intimate, or sexual



1 relationship with a person without prior written  
2 notification to the Department;

3 (T) neither possess or have under his or her control  
4 any material that is pornographic, sexually oriented, or  
5 sexually stimulating, or that depicts or alludes to sexual  
6 activity or depicts minors under the age of 18, including  
7 but not limited to visual, auditory, telephonic,  
8 electronic media, or any matter obtained through access to  
9 any computer or material linked to computer access use;

10 (U) not patronize any business providing sexually  
11 stimulating or sexually oriented entertainment nor utilize  
12 "900" or adult telephone numbers or any other sex-related  
13 telephone numbers;

14 (V) not reside near, visit, or be in or about parks,  
15 schools, child day care centers, swimming pools, beaches,  
16 theaters, or any other places where minor children  
17 congregate without advance approval of the Department and  
18 report any incidental contact with minor children to the  
19 Department within 72 hours;

20 (W) not establish any living arrangement or residence  
21 without prior approval of the Department;

22 (X) not publish any materials or print any  
23 advertisements without providing a copy of the proposed  
24 publications to the Department officer and obtaining  
25 permission prior to publication;

26 (Y) not leave the county except with prior permission

1 of the Department and provide the Department officer or  
2 agent with written travel routes to and from work and any  
3 other designated destinations;

4 (Z) not possess or have under his or her control  
5 certain specified items of contraband related to the  
6 incidence of sexually offending items including video or  
7 still camera items or children's toys;

8 (AA) provide a written daily log of activities as  
9 directed by the Department;

10 (BB) comply with all other special conditions that the  
11 Department may impose that restrict the person from  
12 high-risk situations and limit access or potential  
13 victims.

14 (6) A person placed on conditional release and who during  
15 the term undergoes mandatory drug or alcohol testing or is  
16 assigned to be placed on an approved electronic monitoring  
17 device may be ordered to pay all costs incidental to the  
18 mandatory drug or alcohol testing and all costs incidental to  
19 the approved electronic monitoring in accordance with the  
20 person's ability to pay those costs. The Department may  
21 establish reasonable fees for the cost of maintenance,  
22 testing, and incidental expenses related to the mandatory drug  
23 or alcohol testing and all costs incidental to approved  
24 electronic monitoring.

25 (Source: P.A. 97-1098, eff. 7-1-14 (see Section 5 of P.A.  
26 98-612 for the effective date of P.A. 97-1098); 98-558, eff.

1 1-1-14.)

2 Section 295. The Unified Code of Corrections is amended by  
3 changing Sections 3-2.5-95, 3-3-7, and 5-5-3.2 as follows:

4 (730 ILCS 5/3-2.5-95)

5 Sec. 3-2.5-95. Conditions of aftercare release.

6 (a) The conditions of aftercare release for all youth  
7 committed to the Department under the Juvenile Court Act of  
8 1987 shall be such as the Department of Juvenile Justice deems  
9 necessary to assist the youth in leading a law-abiding life.  
10 The conditions of every aftercare release are that the youth:

11 (1) not violate any criminal statute of any  
12 jurisdiction during the aftercare release term;

13 (2) refrain from possessing a firearm or other  
14 dangerous weapon;

15 (3) report to an agent of the Department;

16 (4) permit the agent or aftercare specialist to visit  
17 the youth at his or her home, employment, or elsewhere to  
18 the extent necessary for the agent or aftercare specialist  
19 to discharge his or her duties;

20 (5) reside at a Department-approved host site;

21 (6) secure permission before visiting or writing a  
22 committed person in an Illinois Department of Corrections  
23 or Illinois Department of Juvenile Justice facility;

24 (7) report all arrests to an agent of the Department

1 as soon as permitted by the arresting authority but in no  
2 event later than 24 hours after release from custody and  
3 immediately report service or notification of an order of  
4 protection, a civil no contact order, or a stalking no  
5 contact order to an agent of the Department;

6 (8) obtain permission of an agent of the Department  
7 before leaving the State of Illinois;

8 (9) obtain permission of an agent of the Department  
9 before changing his or her residence or employment;

10 (10) consent to a search of his or her person,  
11 property, or residence under his or her control;

12 (11) refrain from the use or possession of narcotics  
13 or other controlled substances in any form, or both, or  
14 any paraphernalia related to those substances and submit  
15 to a urinalysis test as instructed by an agent of the  
16 Department;

17 (12) not frequent places where controlled substances  
18 are illegally sold, used, distributed, or administered;

19 (13) not knowingly associate with other persons on  
20 parole, aftercare release, or mandatory supervised release  
21 without prior written permission of his or her aftercare  
22 specialist and not associate with persons who are members  
23 of an organized gang as that term is defined in the  
24 Illinois Streetgang Terrorism Omnibus Prevention Act;

25 (14) provide true and accurate information, as it  
26 relates to his or her adjustment in the community while on

1           aftercare release or to his or her conduct while  
2           incarcerated, in response to inquiries by an agent of the  
3           Department;

4           (15) follow any specific instructions provided by the  
5           agent that are consistent with furthering conditions set  
6           and approved by the Department or by law to achieve the  
7           goals and objectives of his or her aftercare release or to  
8           protect the public; these instructions by the agent may be  
9           modified at any time, as the agent deems appropriate;

10          (16) comply with the terms and conditions of an order  
11          of protection issued under the Illinois Domestic Violence  
12          Act of 1986; an order of protection issued by the court of  
13          another state, tribe, or United States territory; a no  
14          contact order issued under the Civil No Contact Order Act;  
15          or a no contact order issued under the Stalking No Contact  
16          Order Act;

17          (17) if convicted of a sex offense as defined in the  
18          Sex Offender Management Board Act, and a sex offender  
19          treatment provider has evaluated and recommended further  
20          sex offender treatment while on aftercare release, the  
21          youth shall undergo treatment by a sex offender treatment  
22          provider or associate sex offender provider as defined in  
23          the Sex Offender Management Board Act at his or her  
24          expense based on his or her ability to pay for the  
25          treatment;

26          (18) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, refrain from residing  
2 at the same address or in the same condominium unit or  
3 apartment unit or in the same condominium complex or  
4 apartment complex with another person he or she knows or  
5 reasonably should know is a convicted sex offender or has  
6 been placed on supervision for a sex offense; the  
7 provisions of this paragraph do not apply to a person  
8 convicted of a sex offense who is placed in a Department of  
9 Corrections licensed transitional housing facility for sex  
10 offenders, or is in any facility operated or licensed by  
11 the Department of Children and Family Services or by the  
12 Department of Human Services, or is in any licensed  
13 medical facility;

14 (19) if convicted for an offense that would qualify  
15 the offender as a sexual predator under the Sex Offender  
16 Registration Act wear an approved electronic monitoring  
17 device as defined in Section 5-8A-2 for the duration of  
18 the youth's aftercare release term and if convicted for an  
19 offense of criminal sexual assault, aggravated criminal  
20 sexual assault, predatory criminal sexual assault of a  
21 child, criminal sexual abuse, aggravated criminal sexual  
22 abuse, or ritualized abuse of a child when the victim was  
23 under 18 years of age at the time of the commission of the  
24 offense and the offender used force or the threat of force  
25 in the commission of the offense wear an approved  
26 electronic monitoring device as defined in Section 5-8A-2

1 that has Global Positioning System (GPS) capability for  
2 the duration of the youth's aftercare release term;

3 (20) if convicted for an offense that would qualify  
4 the offender as a child sex offender as defined in Section  
5 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012, refrain from communicating with or  
7 contacting, by means of the Internet, a person who is not  
8 related to the offender and whom the offender reasonably  
9 believes to be under 18 years of age; for purposes of this  
10 paragraph (20), "Internet" has the meaning ascribed to it  
11 in Section 16-0.1 of the Criminal Code of 2012; and a  
12 person is not related to the offender if the person is not:  
13 (A) the spouse, brother, or sister of the offender; (B) a  
14 descendant of the offender; (C) a first or second cousin  
15 of the offender; or (D) a step-child or adopted child of  
16 the offender;

17 (21) if convicted under Section 11-6, 11-20.1,  
18 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961  
19 or the Criminal Code of 2012, consent to search of  
20 computers, PDAs, cellular phones, and other devices under  
21 his or her control that are capable of accessing the  
22 Internet or storing electronic files, in order to confirm  
23 Internet protocol addresses reported in accordance with  
24 the Sex Offender Registration Act and compliance with  
25 conditions in this Act;

26 (22) if convicted for an offense that would qualify

1 the offender as a sex offender or sexual predator under  
2 the Sex Offender Registration Act, not possess  
3 prescription drugs for erectile dysfunction;

4 (23) if convicted for an offense under Section 11-6,  
5 11-9.1, 11-14.4 that involves soliciting for a juvenile  
6 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
7 of the Criminal Code of 1961 or the Criminal Code of 2012,  
8 or any attempt to commit any of these offenses:

9 (A) not access or use a computer or any other  
10 device with Internet capability without the prior  
11 written approval of the Department;

12 (B) submit to periodic unannounced examinations of  
13 the youth's computer or any other device with Internet  
14 capability by the youth's aftercare specialist, a law  
15 enforcement officer, or assigned computer or  
16 information technology specialist, including the  
17 retrieval and copying of all data from the computer or  
18 device and any internal or external peripherals and  
19 removal of the information, equipment, or device to  
20 conduct a more thorough inspection;

21 (C) submit to the installation on the youth's  
22 computer or device with Internet capability, at the  
23 youth's expense, of one or more hardware or software  
24 systems to monitor the Internet use; and

25 (D) submit to any other appropriate restrictions  
26 concerning the youth's use of or access to a computer



1           or any other device with Internet capability imposed  
2           by the Department or the youth's aftercare specialist;

3           (24) if convicted of a sex offense as defined in the  
4           Sex Offender Registration Act, refrain from accessing or  
5           using a social networking website as defined in Section  
6           17-0.5 of the Criminal Code of 2012;

7           (25) if convicted of a sex offense as defined in  
8           Section 2 of the Sex Offender Registration Act that  
9           requires the youth to register as a sex offender under  
10          that Act, not knowingly use any computer scrub software on  
11          any computer that the youth uses;

12          (26) if convicted of a sex offense as defined in  
13          subsection (a-5) of Section 3-1-2 of this Code, unless the  
14          youth is a parent or guardian of a person under 18 years of  
15          age present in the home and no non-familial minors are  
16          present, not participate in a holiday event involving  
17          children under 18 years of age, such as distributing candy  
18          or other items to children on Halloween, wearing a Santa  
19          Claus costume on or preceding Christmas, being employed as  
20          a department store Santa Claus, or wearing an Easter Bunny  
21          costume on or preceding Easter;

22          (27) if convicted of a violation of an order of  
23          protection under Section 12-3.4 or Section 12-30 of the  
24          Criminal Code of 1961 or the Criminal Code of 2012, be  
25          placed under electronic surveillance as provided in  
26          Section 5-8A-7 of this Code; and

1           (28) if convicted of a violation of the  
2 Methamphetamine Control and Community Protection Act, the  
3 Methamphetamine Precursor Control Act, or a  
4 methamphetamine related offense, be:

5           (A) prohibited from purchasing, possessing, or  
6 having under his or her control any product containing  
7 pseudoephedrine unless prescribed by a physician; and

8           (B) prohibited from purchasing, possessing, or  
9 having under his or her control any product containing  
10 ammonium nitrate.

11           (b) The Department may in addition to other conditions  
12 require that the youth:

13           (1) work or pursue a course of study or vocational  
14 training;

15           (2) undergo medical or psychiatric treatment, or  
16 treatment for drug addiction or alcoholism;

17           (3) attend or reside in a facility established for the  
18 instruction or residence of persons on probation or  
19 aftercare release;

20           (4) support his or her dependents;

21           (5) if convicted for an offense that would qualify the  
22 youth as a child sex offender as defined in Section 11-9.3  
23 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code  
24 of 2012, refrain from communicating with or contacting, by  
25 means of the Internet, a person who is related to the youth  
26 and whom the youth reasonably believes to be under 18

1 years of age; for purposes of this paragraph (5),  
2 "Internet" has the meaning ascribed to it in Section  
3 16-0.1 of the Criminal Code of 2012; and a person is  
4 related to the youth if the person is: (A) the spouse,  
5 brother, or sister of the youth; (B) a descendant of the  
6 youth; (C) a first or second cousin of the youth; or (D) a  
7 step-child or adopted child of the youth;

8 (6) if convicted for an offense that would qualify as  
9 a sex offense as defined in the Sex Offender Registration  
10 Act:

11 (A) not access or use a computer or any other  
12 device with Internet capability without the prior  
13 written approval of the Department;

14 (B) submit to periodic unannounced examinations of  
15 the youth's computer or any other device with Internet  
16 capability by the youth's aftercare specialist, a law  
17 enforcement officer, or assigned computer or  
18 information technology specialist, including the  
19 retrieval and copying of all data from the computer or  
20 device and any internal or external peripherals and  
21 removal of the information, equipment, or device to  
22 conduct a more thorough inspection;

23 (C) submit to the installation on the youth's  
24 computer or device with Internet capability, at the  
25 youth's offender's expense, of one or more hardware or  
26 software systems to monitor the Internet use; and

1 (D) submit to any other appropriate restrictions  
2 concerning the youth's use of or access to a computer  
3 or any other device with Internet capability imposed  
4 by the Department or the youth's aftercare specialist;  
5 and

6 (7) in addition to other conditions:

7 (A) reside with his or her parents or in a foster  
8 home;

9 (B) attend school;

10 (C) attend a non-residential program for youth; or

11 (D) contribute to his or her own support at home or  
12 in a foster home.

13 (c) In addition to the conditions under subsections (a)  
14 and (b) of this Section, youths required to register as sex  
15 offenders under the Sex Offender Registration Act, upon  
16 release from the custody of the Department of Juvenile  
17 Justice, may be required by the Department to comply with the  
18 following specific conditions of release:

19 (1) reside only at a Department approved location;

20 (2) comply with all requirements of the Sex Offender  
21 Registration Act;

22 (3) notify third parties of the risks that may be  
23 occasioned by his or her criminal record;

24 (4) obtain the approval of an agent of the Department  
25 prior to accepting employment or pursuing a course of  
26 study or vocational training and notify the Department

1 prior to any change in employment, study, or training;

2 (5) not be employed or participate in any volunteer  
3 activity that involves contact with children, except under  
4 circumstances approved in advance and in writing by an  
5 agent of the Department;

6 (6) be electronically monitored for a specified period  
7 of time from the date of release as determined by the  
8 Department;

9 (7) refrain from entering into a designated geographic  
10 area except upon terms approved in advance by an agent of  
11 the Department; these terms may include consideration of  
12 the purpose of the entry, the time of day, and others  
13 accompanying the youth;

14 (8) refrain from having any contact, including written  
15 or oral communications, directly or indirectly, personally  
16 or by telephone, letter, or through a third party with  
17 certain specified persons including, but not limited to,  
18 the victim or the victim's family without the prior  
19 written approval of an agent of the Department;

20 (9) refrain from all contact, directly or indirectly,  
21 personally, by telephone, letter, or through a third  
22 party, with minor children without prior identification  
23 and approval of an agent of the Department;

24 (10) neither possess or have under his or her control  
25 any material that is sexually oriented, sexually  
26 stimulating, or that shows male or female sex organs or

1 any pictures depicting children under 18 years of age nude  
2 or any written or audio material describing sexual  
3 intercourse or that depicts or alludes to sexual activity,  
4 including, but not limited to, visual, auditory,  
5 telephonic, or electronic media, or any matter obtained  
6 through access to any computer or material linked to  
7 computer access use;

8 (11) not patronize any business providing sexually  
9 stimulating or sexually oriented entertainment nor utilize  
10 "900" or adult telephone numbers;

11 (12) not reside near, visit, or be in or about parks,  
12 schools, child ~~day~~ care centers, swimming pools, beaches,  
13 theaters, or any other places where minor children  
14 congregate without advance approval of an agent of the  
15 Department and immediately report any incidental contact  
16 with minor children to the Department;

17 (13) not possess or have under his or her control  
18 certain specified items of contraband related to the  
19 incidence of sexually offending as determined by an agent  
20 of the Department;

21 (14) may be required to provide a written daily log of  
22 activities if directed by an agent of the Department;

23 (15) comply with all other special conditions that the  
24 Department may impose that restrict the youth from  
25 high-risk situations and limit access to potential  
26 victims;

- 1           (16) take an annual polygraph exam;
- 2           (17) maintain a log of his or her travel; or
- 3           (18) obtain prior approval of an agent of the
- 4           Department before driving alone in a motor vehicle.

5           (d) The conditions under which the aftercare release is to

6           be served shall be communicated to the youth in writing prior

7           to his or her release, and he or she shall sign the same before

8           release. A signed copy of these conditions, including a copy

9           of an order of protection if one had been issued by the

10          criminal court, shall be retained by the youth and another

11          copy forwarded to the officer or aftercare specialist in

12          charge of his or her supervision.

13          (e) After a revocation hearing under Section 3-3-9.5, the

14          Department of Juvenile Justice may modify or enlarge the

15          conditions of aftercare release.

16          (f) The Department shall inform all youth of the optional

17          services available to them upon release and shall assist youth

18          in availing themselves of the optional services upon their

19          release on a voluntary basis.

20          (Source: P.A. 99-628, eff. 1-1-17.)

21          (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

22          Sec. 3-3-7. Conditions of parole or mandatory supervised

23          release.

24          (a) The conditions of parole or mandatory supervised

25          release shall be such as the Prisoner Review Board deems

1 necessary to assist the subject in leading a law-abiding life.  
2 The conditions of every parole and mandatory supervised  
3 release are that the subject:

4 (1) not violate any criminal statute of any  
5 jurisdiction during the parole or release term;

6 (2) refrain from possessing a firearm or other  
7 dangerous weapon;

8 (3) report to an agent of the Department of  
9 Corrections;

10 (4) permit the agent to visit him or her at his or her  
11 home, employment, or elsewhere to the extent necessary for  
12 the agent to discharge his or her duties;

13 (5) attend or reside in a facility established for the  
14 instruction or residence of persons on parole or mandatory  
15 supervised release;

16 (6) secure permission before visiting or writing a  
17 committed person in an Illinois Department of Corrections  
18 facility;

19 (7) report all arrests to an agent of the Department  
20 of Corrections as soon as permitted by the arresting  
21 authority but in no event later than 24 hours after  
22 release from custody and immediately report service or  
23 notification of an order of protection, a civil no contact  
24 order, or a stalking no contact order to an agent of the  
25 Department of Corrections;

26 (7.5) if convicted of a sex offense as defined in the



1 Sex Offender Management Board Act, the individual shall  
2 undergo and successfully complete sex offender treatment  
3 conducted in conformance with the standards developed by  
4 the Sex Offender Management Board Act by a treatment  
5 provider approved by the Board;

6 (7.6) if convicted of a sex offense as defined in the  
7 Sex Offender Management Board Act, refrain from residing  
8 at the same address or in the same condominium unit or  
9 apartment unit or in the same condominium complex or  
10 apartment complex with another person he or she knows or  
11 reasonably should know is a convicted sex offender or has  
12 been placed on supervision for a sex offense; the  
13 provisions of this paragraph do not apply to a person  
14 convicted of a sex offense who is placed in a Department of  
15 Corrections licensed transitional housing facility for sex  
16 offenders, or is in any facility operated or licensed by  
17 the Department of Children and Family Services or by the  
18 Department of Human Services, or is in any licensed  
19 medical facility;

20 (7.7) if convicted for an offense that would qualify  
21 the accused as a sexual predator under the Sex Offender  
22 Registration Act on or after January 1, 2007 (the  
23 effective date of Public Act 94-988), wear an approved  
24 electronic monitoring device as defined in Section 5-8A-2  
25 for the duration of the person's parole, mandatory  
26 supervised release term, or extended mandatory supervised

1 release term and if convicted for an offense of criminal  
2 sexual assault, aggravated criminal sexual assault,  
3 predatory criminal sexual assault of a child, criminal  
4 sexual abuse, aggravated criminal sexual abuse, or  
5 ritualized abuse of a child committed on or after August  
6 11, 2009 (the effective date of Public Act 96-236) when  
7 the victim was under 18 years of age at the time of the  
8 commission of the offense and the defendant used force or  
9 the threat of force in the commission of the offense wear  
10 an approved electronic monitoring device as defined in  
11 Section 5-8A-2 that has Global Positioning System (GPS)  
12 capability for the duration of the person's parole,  
13 mandatory supervised release term, or extended mandatory  
14 supervised release term;

15 (7.8) if convicted for an offense committed on or  
16 after June 1, 2008 (the effective date of Public Act  
17 95-464) that would qualify the accused as a child sex  
18 offender as defined in Section 11-9.3 or 11-9.4 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012,  
20 refrain from communicating with or contacting, by means of  
21 the Internet, a person who is not related to the accused  
22 and whom the accused reasonably believes to be under 18  
23 years of age; for purposes of this paragraph (7.8),  
24 "Internet" has the meaning ascribed to it in Section  
25 16-0.1 of the Criminal Code of 2012; and a person is not  
26 related to the accused if the person is not: (i) the

1 spouse, brother, or sister of the accused; (ii) a  
2 descendant of the accused; (iii) a first or second cousin  
3 of the accused; or (iv) a step-child or adopted child of  
4 the accused;

5 (7.9) if convicted under Section 11-6, 11-20.1,  
6 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961  
7 or the Criminal Code of 2012, consent to search of  
8 computers, PDAs, cellular phones, and other devices under  
9 his or her control that are capable of accessing the  
10 Internet or storing electronic files, in order to confirm  
11 Internet protocol addresses reported in accordance with  
12 the Sex Offender Registration Act and compliance with  
13 conditions in this Act;

14 (7.10) if convicted for an offense that would qualify  
15 the accused as a sex offender or sexual predator under the  
16 Sex Offender Registration Act on or after June 1, 2008  
17 (the effective date of Public Act 95-640), not possess  
18 prescription drugs for erectile dysfunction;

19 (7.11) if convicted for an offense under Section 11-6,  
20 11-9.1, 11-14.4 that involves soliciting for a juvenile  
21 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
22 of the Criminal Code of 1961 or the Criminal Code of 2012,  
23 or any attempt to commit any of these offenses, committed  
24 on or after June 1, 2009 (the effective date of Public Act  
25 95-983):

26 (i) not access or use a computer or any other

1 device with Internet capability without the prior  
2 written approval of the Department;

3 (ii) submit to periodic unannounced examinations  
4 of the offender's computer or any other device with  
5 Internet capability by the offender's supervising  
6 agent, a law enforcement officer, or assigned computer  
7 or information technology specialist, including the  
8 retrieval and copying of all data from the computer or  
9 device and any internal or external peripherals and  
10 removal of such information, equipment, or device to  
11 conduct a more thorough inspection;

12 (iii) submit to the installation on the offender's  
13 computer or device with Internet capability, at the  
14 offender's expense, of one or more hardware or  
15 software systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions  
17 concerning the offender's use of or access to a  
18 computer or any other device with Internet capability  
19 imposed by the Board, the Department or the offender's  
20 supervising agent;

21 (7.12) if convicted of a sex offense as defined in the  
22 Sex Offender Registration Act committed on or after  
23 January 1, 2010 (the effective date of Public Act 96-262),  
24 refrain from accessing or using a social networking  
25 website as defined in Section 17-0.5 of the Criminal Code  
26 of 2012;

1           (7.13) if convicted of a sex offense as defined in  
2           Section 2 of the Sex Offender Registration Act committed  
3           on or after January 1, 2010 (the effective date of Public  
4           Act 96-362) that requires the person to register as a sex  
5           offender under that Act, may not knowingly use any  
6           computer scrub software on any computer that the sex  
7           offender uses;

8           (8) obtain permission of an agent of the Department of  
9           Corrections before leaving the State of Illinois;

10          (9) obtain permission of an agent of the Department of  
11          Corrections before changing his or her residence or  
12          employment;

13          (10) consent to a search of his or her person,  
14          property, or residence under his or her control;

15          (11) refrain from the use or possession of narcotics  
16          or other controlled substances in any form, or both, or  
17          any paraphernalia related to those substances and submit  
18          to a urinalysis test as instructed by a parole agent of the  
19          Department of Corrections;

20          (12) not knowingly frequent places where controlled  
21          substances are illegally sold, used, distributed, or  
22          administered;

23          (13) except when the association described in either  
24          subparagraph (A) or (B) of this paragraph (13) involves  
25          activities related to community programs, worship  
26          services, volunteering, engaging families, or some other

1 pro-social activity in which there is no evidence of  
2 criminal intent:

3 (A) not knowingly associate with other persons on  
4 parole or mandatory supervised release without prior  
5 written permission of his or her parole agent; or

6 (B) not knowingly associate with persons who are  
7 members of an organized gang as that term is defined in  
8 the Illinois Streetgang Terrorism Omnibus Prevention  
9 Act;

10 (14) provide true and accurate information, as it  
11 relates to his or her adjustment in the community while on  
12 parole or mandatory supervised release or to his or her  
13 conduct while incarcerated, in response to inquiries by  
14 his or her parole agent or of the Department of  
15 Corrections;

16 (15) follow any specific instructions provided by the  
17 parole agent that are consistent with furthering  
18 conditions set and approved by the Prisoner Review Board  
19 or by law, exclusive of placement on electronic detention,  
20 to achieve the goals and objectives of his or her parole or  
21 mandatory supervised release or to protect the public.  
22 These instructions by the parole agent may be modified at  
23 any time, as the agent deems appropriate;

24 (16) if convicted of a sex offense as defined in  
25 subsection (a-5) of Section 3-1-2 of this Code, unless the  
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial  
2 minors are present, not participate in a holiday event  
3 involving children under 18 years of age, such as  
4 distributing candy or other items to children on  
5 Halloween, wearing a Santa Claus costume on or preceding  
6 Christmas, being employed as a department store Santa  
7 Claus, or wearing an Easter Bunny costume on or preceding  
8 Easter;

9 (17) if convicted of a violation of an order of  
10 protection under Section 12-3.4 or Section 12-30 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, be  
12 placed under electronic surveillance as provided in  
13 Section 5-8A-7 of this Code;

14 (18) comply with the terms and conditions of an order  
15 of protection issued pursuant to the Illinois Domestic  
16 Violence Act of 1986; an order of protection issued by the  
17 court of another state, tribe, or United States territory;  
18 a no contact order issued pursuant to the Civil No Contact  
19 Order Act; or a no contact order issued pursuant to the  
20 Stalking No Contact Order Act;

21 (19) if convicted of a violation of the  
22 Methamphetamine Control and Community Protection Act, the  
23 Methamphetamine Precursor Control Act, or a  
24 methamphetamine related offense, be:

25 (A) prohibited from purchasing, possessing, or  
26 having under his or her control any product containing

1 pseudoephedrine unless prescribed by a physician; and

2 (B) prohibited from purchasing, possessing, or  
3 having under his or her control any product containing  
4 ammonium nitrate;

5 (20) if convicted of a hate crime under Section 12-7.1  
6 of the Criminal Code of 2012, perform public or community  
7 service of no less than 200 hours and enroll in an  
8 educational program discouraging hate crimes involving the  
9 protected class identified in subsection (a) of Section  
10 12-7.1 of the Criminal Code of 2012 that gave rise to the  
11 offense the offender committed ordered by the court; and

12 (21) be evaluated by the Department of Corrections  
13 prior to release using a validated risk assessment and be  
14 subject to a corresponding level of supervision. In  
15 accordance with the findings of that evaluation:

16 (A) All subjects found to be at a moderate or high  
17 risk to recidivate, or on parole or mandatory  
18 supervised release for first degree murder, a forcible  
19 felony as defined in Section 2-8 of the Criminal Code  
20 of 2012, any felony that requires registration as a  
21 sex offender under the Sex Offender Registration Act,  
22 or a Class X felony or Class 1 felony that is not a  
23 violation of the Cannabis Control Act, the Illinois  
24 Controlled Substances Act, or the Methamphetamine  
25 Control and Community Protection Act, shall be subject  
26 to high level supervision. The Department shall define



1 high level supervision based upon evidence-based and  
2 research-based practices. Notwithstanding this  
3 placement on high level supervision, placement of the  
4 subject on electronic monitoring or detention shall  
5 not occur unless it is required by law or expressly  
6 ordered or approved by the Prisoner Review Board.

7 (B) All subjects found to be at a low risk to  
8 recidivate shall be subject to low-level supervision,  
9 except for those subjects on parole or mandatory  
10 supervised release for first degree murder, a forcible  
11 felony as defined in Section 2-8 of the Criminal Code  
12 of 2012, any felony that requires registration as a  
13 sex offender under the Sex Offender Registration Act,  
14 or a Class X felony or Class 1 felony that is not a  
15 violation of the Cannabis Control Act, the Illinois  
16 Controlled Substances Act, or the Methamphetamine  
17 Control and Community Protection Act. Low level  
18 supervision shall require the subject to check in with  
19 the supervising officer via phone or other electronic  
20 means. Notwithstanding this placement on low level  
21 supervision, placement of the subject on electronic  
22 monitoring or detention shall not occur unless it is  
23 required by law or expressly ordered or approved by  
24 the Prisoner Review Board.

25 (b) The Board may in addition to other conditions require  
26 that the subject:

1           (1) work or pursue a course of study or vocational  
2 training;

3           (2) undergo medical or psychiatric treatment, or  
4 treatment for drug addiction or alcoholism;

5           (3) attend or reside in a facility established for the  
6 instruction or residence of persons on probation or  
7 parole;

8           (4) support his or her dependents;

9           (5) (blank);

10          (6) (blank);

11          (7) (blank);

12          (7.5) if convicted for an offense committed on or  
13 after the effective date of this amendatory Act of the  
14 95th General Assembly that would qualify the accused as a  
15 child sex offender as defined in Section 11-9.3 or 11-9.4  
16 of the Criminal Code of 1961 or the Criminal Code of 2012,  
17 refrain from communicating with or contacting, by means of  
18 the Internet, a person who is related to the accused and  
19 whom the accused reasonably believes to be under 18 years  
20 of age; for purposes of this paragraph (7.5), "Internet"  
21 has the meaning ascribed to it in Section 16-0.1 of the  
22 Criminal Code of 2012; and a person is related to the  
23 accused if the person is: (i) the spouse, brother, or  
24 sister of the accused; (ii) a descendant of the accused;  
25 (iii) a first or second cousin of the accused; or (iv) a  
26 step-child or adopted child of the accused;

1           (7.6) if convicted for an offense committed on or  
2 after June 1, 2009 (the effective date of Public Act  
3 95-983) that would qualify as a sex offense as defined in  
4 the Sex Offender Registration Act:

5           (i) not access or use a computer or any other  
6 device with Internet capability without the prior  
7 written approval of the Department;

8           (ii) submit to periodic unannounced examinations  
9 of the offender's computer or any other device with  
10 Internet capability by the offender's supervising  
11 agent, a law enforcement officer, or assigned computer  
12 or information technology specialist, including the  
13 retrieval and copying of all data from the computer or  
14 device and any internal or external peripherals and  
15 removal of such information, equipment, or device to  
16 conduct a more thorough inspection;

17           (iii) submit to the installation on the offender's  
18 computer or device with Internet capability, at the  
19 offender's expense, of one or more hardware or  
20 software systems to monitor the Internet use; and

21           (iv) submit to any other appropriate restrictions  
22 concerning the offender's use of or access to a  
23 computer or any other device with Internet capability  
24 imposed by the Board, the Department or the offender's  
25 supervising agent; and

26           (8) in addition, if a minor:

1 (i) reside with his or her parents or in a foster  
2 home;

3 (ii) attend school;

4 (iii) attend a non-residential program for youth;

5 or

6 (iv) contribute to his or her own support at home  
7 or in a foster home.

8 (b-1) In addition to the conditions set forth in  
9 subsections (a) and (b), persons required to register as sex  
10 offenders pursuant to the Sex Offender Registration Act, upon  
11 release from the custody of the Illinois Department of  
12 Corrections, may be required by the Board to comply with the  
13 following specific conditions of release:

14 (1) reside only at a Department approved location;

15 (2) comply with all requirements of the Sex Offender  
16 Registration Act;

17 (3) notify third parties of the risks that may be  
18 occasioned by his or her criminal record;

19 (4) obtain the approval of an agent of the Department  
20 of Corrections prior to accepting employment or pursuing a  
21 course of study or vocational training and notify the  
22 Department prior to any change in employment, study, or  
23 training;

24 (5) not be employed or participate in any volunteer  
25 activity that involves contact with children, except under  
26 circumstances approved in advance and in writing by an

1 agent of the Department of Corrections;

2 (6) be electronically monitored for a minimum of 12  
3 months from the date of release as determined by the  
4 Board;

5 (7) refrain from entering into a designated geographic  
6 area except upon terms approved in advance by an agent of  
7 the Department of Corrections. The terms may include  
8 consideration of the purpose of the entry, the time of  
9 day, and others accompanying the person;

10 (8) refrain from having any contact, including written  
11 or oral communications, directly or indirectly, personally  
12 or by telephone, letter, or through a third party with  
13 certain specified persons including, but not limited to,  
14 the victim or the victim's family without the prior  
15 written approval of an agent of the Department of  
16 Corrections;

17 (9) refrain from all contact, directly or indirectly,  
18 personally, by telephone, letter, or through a third  
19 party, with minor children without prior identification  
20 and approval of an agent of the Department of Corrections;

21 (10) neither possess or have under his or her control  
22 any material that is sexually oriented, sexually  
23 stimulating, or that shows male or female sex organs or  
24 any pictures depicting children under 18 years of age nude  
25 or any written or audio material describing sexual  
26 intercourse or that depicts or alludes to sexual activity,

1 including but not limited to visual, auditory, telephonic,  
2 or electronic media, or any matter obtained through access  
3 to any computer or material linked to computer access use;

4 (11) not patronize any business providing sexually  
5 stimulating or sexually oriented entertainment nor utilize  
6 "900" or adult telephone numbers;

7 (12) not reside near, visit, or be in or about parks,  
8 schools, child ~~day~~ care centers, swimming pools, beaches,  
9 theaters, or any other places where minor children  
10 congregate without advance approval of an agent of the  
11 Department of Corrections and immediately report any  
12 incidental contact with minor children to the Department;

13 (13) not possess or have under his or her control  
14 certain specified items of contraband related to the  
15 incidence of sexually offending as determined by an agent  
16 of the Department of Corrections;

17 (14) may be required to provide a written daily log of  
18 activities if directed by an agent of the Department of  
19 Corrections;

20 (15) comply with all other special conditions that the  
21 Department may impose that restrict the person from  
22 high-risk situations and limit access to potential  
23 victims;

24 (16) take an annual polygraph exam;

25 (17) maintain a log of his or her travel; or

26 (18) obtain prior approval of his or her parole

1 officer before driving alone in a motor vehicle.

2 (c) The conditions under which the parole or mandatory  
3 supervised release is to be served shall be communicated to  
4 the person in writing prior to his or her release, and he or  
5 she shall sign the same before release. A signed copy of these  
6 conditions, including a copy of an order of protection where  
7 one had been issued by the criminal court, shall be retained by  
8 the person and another copy forwarded to the officer in charge  
9 of his or her supervision.

10 (d) After a hearing under Section 3-3-9, the Prisoner  
11 Review Board may modify or enlarge the conditions of parole or  
12 mandatory supervised release.

13 (e) The Department shall inform all offenders committed to  
14 the Department of the optional services available to them upon  
15 release and shall assist inmates in availing themselves of  
16 such optional services upon their release on a voluntary  
17 basis.

18 (f) (Blank).

19 (Source: P.A. 100-201, eff. 8-18-17; 100-260, eff. 1-1-18;  
20 100-575, eff. 1-8-18; 101-382, eff. 8-16-19.)

21 (730 ILCS 5/5-5-3.2)

22 (Text of Section before amendment by P.A. 102-982)

23 Sec. 5-5-3.2. Factors in aggravation and extended-term  
24 sentencing.

25 (a) The following factors shall be accorded weight in

1 favor of imposing a term of imprisonment or may be considered  
2 by the court as reasons to impose a more severe sentence under  
3 Section 5-8-1 or Article 4.5 of Chapter V:

4 (1) the defendant's conduct caused or threatened  
5 serious harm;

6 (2) the defendant received compensation for committing  
7 the offense;

8 (3) the defendant has a history of prior delinquency  
9 or criminal activity;

10 (4) the defendant, by the duties of his office or by  
11 his position, was obliged to prevent the particular  
12 offense committed or to bring the offenders committing it  
13 to justice;

14 (5) the defendant held public office at the time of  
15 the offense, and the offense related to the conduct of  
16 that office;

17 (6) the defendant utilized his professional reputation  
18 or position in the community to commit the offense, or to  
19 afford him an easier means of committing it;

20 (7) the sentence is necessary to deter others from  
21 committing the same crime;

22 (8) the defendant committed the offense against a  
23 person 60 years of age or older or such person's property;

24 (9) the defendant committed the offense against a  
25 person who has a physical disability or such person's  
26 property;



1           (10) by reason of another individual's actual or  
2           perceived race, color, creed, religion, ancestry, gender,  
3           sexual orientation, physical or mental disability, or  
4           national origin, the defendant committed the offense  
5           against (i) the person or property of that individual;  
6           (ii) the person or property of a person who has an  
7           association with, is married to, or has a friendship with  
8           the other individual; or (iii) the person or property of a  
9           relative (by blood or marriage) of a person described in  
10          clause (i) or (ii). For the purposes of this Section,  
11          "sexual orientation" has the meaning ascribed to it in  
12          paragraph (0-1) of Section 1-103 of the Illinois Human  
13          Rights Act;

14          (11) the offense took place in a place of worship or on  
15          the grounds of a place of worship, immediately prior to,  
16          during or immediately following worship services. For  
17          purposes of this subparagraph, "place of worship" shall  
18          mean any church, synagogue or other building, structure or  
19          place used primarily for religious worship;

20          (12) the defendant was convicted of a felony committed  
21          while he was on pretrial release or his own recognizance  
22          pending trial for a prior felony and was convicted of such  
23          prior felony, or the defendant was convicted of a felony  
24          committed while he was serving a period of probation,  
25          conditional discharge, or mandatory supervised release  
26          under subsection (d) of Section 5-8-1 for a prior felony;

1           (13) the defendant committed or attempted to commit a  
2 felony while he was wearing a bulletproof vest. For the  
3 purposes of this paragraph (13), a bulletproof vest is any  
4 device which is designed for the purpose of protecting the  
5 wearer from bullets, shot or other lethal projectiles;

6           (14) the defendant held a position of trust or  
7 supervision such as, but not limited to, family member as  
8 defined in Section 11-0.1 of the Criminal Code of 2012,  
9 teacher, scout leader, baby sitter, or day care worker, in  
10 relation to a victim under 18 years of age, and the  
11 defendant committed an offense in violation of Section  
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
13 11-14.4 except for an offense that involves keeping a  
14 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
15 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
16 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
17 of 2012 against that victim;

18           (15) the defendant committed an offense related to the  
19 activities of an organized gang. For the purposes of this  
20 factor, "organized gang" has the meaning ascribed to it in  
21 Section 10 of the Streetgang Terrorism Omnibus Prevention  
22 Act;

23           (16) the defendant committed an offense in violation  
24 of one of the following Sections while in a school,  
25 regardless of the time of day or time of year; on any  
26 conveyance owned, leased, or contracted by a school to

1 transport students to or from school or a school related  
2 activity; on the real property of a school; or on a public  
3 way within 1,000 feet of the real property comprising any  
4 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
6 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
7 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
8 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
9 for subdivision (a) (4) or (g) (1), of the Criminal Code of  
10 1961 or the Criminal Code of 2012;

11 (16.5) the defendant committed an offense in violation  
12 of one of the following Sections while in a day care  
13 center, regardless of the time of day or time of year; on  
14 the real property of a day care center, regardless of the  
15 time of day or time of year; or on a public way within  
16 1,000 feet of the real property comprising any day care  
17 center, regardless of the time of day or time of year:  
18 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
19 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
20 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
21 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
22 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
23 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
24 Criminal Code of 2012;

25 (17) the defendant committed the offense by reason of  
26 any person's activity as a community policing volunteer or

1 to prevent any person from engaging in activity as a  
2 community policing volunteer. For the purpose of this  
3 Section, "community policing volunteer" has the meaning  
4 ascribed to it in Section 2-3.5 of the Criminal Code of  
5 2012;

6 (18) the defendant committed the offense in a nursing  
7 home or on the real property comprising a nursing home.  
8 For the purposes of this paragraph (18), "nursing home"  
9 means a skilled nursing or intermediate long term care  
10 facility that is subject to license by the Illinois  
11 Department of Public Health under the Nursing Home Care  
12 Act, the Specialized Mental Health Rehabilitation Act of  
13 2013, the ID/DD Community Care Act, or the MC/DD Act;

14 (19) the defendant was a federally licensed firearm  
15 dealer and was previously convicted of a violation of  
16 subsection (a) of Section 3 of the Firearm Owners  
17 Identification Card Act and has now committed either a  
18 felony violation of the Firearm Owners Identification Card  
19 Act or an act of armed violence while armed with a firearm;

20 (20) the defendant (i) committed the offense of  
21 reckless homicide under Section 9-3 of the Criminal Code  
22 of 1961 or the Criminal Code of 2012 or the offense of  
23 driving under the influence of alcohol, other drug or  
24 drugs, intoxicating compound or compounds or any  
25 combination thereof under Section 11-501 of the Illinois  
26 Vehicle Code or a similar provision of a local ordinance

1 and (ii) was operating a motor vehicle in excess of 20  
2 miles per hour over the posted speed limit as provided in  
3 Article VI of Chapter 11 of the Illinois Vehicle Code;

4 (21) the defendant (i) committed the offense of  
5 reckless driving or aggravated reckless driving under  
6 Section 11-503 of the Illinois Vehicle Code and (ii) was  
7 operating a motor vehicle in excess of 20 miles per hour  
8 over the posted speed limit as provided in Article VI of  
9 Chapter 11 of the Illinois Vehicle Code;

10 (22) the defendant committed the offense against a  
11 person that the defendant knew, or reasonably should have  
12 known, was a member of the Armed Forces of the United  
13 States serving on active duty. For purposes of this clause  
14 (22), the term "Armed Forces" means any of the Armed  
15 Forces of the United States, including a member of any  
16 reserve component thereof or National Guard unit called to  
17 active duty;

18 (23) the defendant committed the offense against a  
19 person who was elderly or infirm or who was a person with a  
20 disability by taking advantage of a family or fiduciary  
21 relationship with the elderly or infirm person or person  
22 with a disability;

23 (24) the defendant committed any offense under Section  
24 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
25 of 2012 and possessed 100 or more images;

26 (25) the defendant committed the offense while the

1 defendant or the victim was in a train, bus, or other  
2 vehicle used for public transportation;

3 (26) the defendant committed the offense of child  
4 pornography or aggravated child pornography, specifically  
5 including paragraph (1), (2), (3), (4), (5), or (7) of  
6 subsection (a) of Section 11-20.1 of the Criminal Code of  
7 1961 or the Criminal Code of 2012 where a child engaged in,  
8 solicited for, depicted in, or posed in any act of sexual  
9 penetration or bound, fettered, or subject to sadistic,  
10 masochistic, or sadomasochistic abuse in a sexual context  
11 and specifically including paragraph (1), (2), (3), (4),  
12 (5), or (7) of subsection (a) of Section 11-20.1B or  
13 Section 11-20.3 of the Criminal Code of 1961 where a child  
14 engaged in, solicited for, depicted in, or posed in any  
15 act of sexual penetration or bound, fettered, or subject  
16 to sadistic, masochistic, or sadomasochistic abuse in a  
17 sexual context;

18 (27) the defendant committed the offense of first  
19 degree murder, assault, aggravated assault, battery,  
20 aggravated battery, robbery, armed robbery, or aggravated  
21 robbery against a person who was a veteran and the  
22 defendant knew, or reasonably should have known, that the  
23 person was a veteran performing duties as a representative  
24 of a veterans' organization. For the purposes of this  
25 paragraph (27), "veteran" means an Illinois resident who  
26 has served as a member of the United States Armed Forces, a

1 member of the Illinois National Guard, or a member of the  
2 United States Reserve Forces; and "veterans' organization"  
3 means an organization comprised of members of which  
4 substantially all are individuals who are veterans or  
5 spouses, widows, or widowers of veterans, the primary  
6 purpose of which is to promote the welfare of its members  
7 and to provide assistance to the general public in such a  
8 way as to confer a public benefit;

9 (28) the defendant committed the offense of assault,  
10 aggravated assault, battery, aggravated battery, robbery,  
11 armed robbery, or aggravated robbery against a person that  
12 the defendant knew or reasonably should have known was a  
13 letter carrier or postal worker while that person was  
14 performing his or her duties delivering mail for the  
15 United States Postal Service;

16 (29) the defendant committed the offense of criminal  
17 sexual assault, aggravated criminal sexual assault,  
18 criminal sexual abuse, or aggravated criminal sexual abuse  
19 against a victim with an intellectual disability, and the  
20 defendant holds a position of trust, authority, or  
21 supervision in relation to the victim;

22 (30) the defendant committed the offense of promoting  
23 juvenile prostitution, patronizing a prostitute, or  
24 patronizing a minor engaged in prostitution and at the  
25 time of the commission of the offense knew that the  
26 prostitute or minor engaged in prostitution was in the

1 custody or guardianship of the Department of Children and  
2 Family Services;

3 (31) the defendant (i) committed the offense of  
4 driving while under the influence of alcohol, other drug  
5 or drugs, intoxicating compound or compounds or any  
6 combination thereof in violation of Section 11-501 of the  
7 Illinois Vehicle Code or a similar provision of a local  
8 ordinance and (ii) the defendant during the commission of  
9 the offense was driving his or her vehicle upon a roadway  
10 designated for one-way traffic in the opposite direction  
11 of the direction indicated by official traffic control  
12 devices;

13 (32) the defendant committed the offense of reckless  
14 homicide while committing a violation of Section 11-907 of  
15 the Illinois Vehicle Code;

16 (33) the defendant was found guilty of an  
17 administrative infraction related to an act or acts of  
18 public indecency or sexual misconduct in the penal  
19 institution. In this paragraph (33), "penal institution"  
20 has the same meaning as in Section 2-14 of the Criminal  
21 Code of 2012; or

22 (34) the defendant committed the offense of leaving  
23 the scene of an accident in violation of subsection (b) of  
24 Section 11-401 of the Illinois Vehicle Code and the  
25 accident resulted in the death of a person and at the time  
26 of the offense, the defendant was: (i) driving under the



1 influence of alcohol, other drug or drugs, intoxicating  
2 compound or compounds or any combination thereof as  
3 defined by Section 11-501 of the Illinois Vehicle Code; or  
4 (ii) operating the motor vehicle while using an electronic  
5 communication device as defined in Section 12-610.2 of the  
6 Illinois Vehicle Code.

7 For the purposes of this Section:

8 "School" is defined as a public or private elementary or  
9 secondary school, community college, college, or university.

10 "Day care center" means a public or private State  
11 certified and licensed day care center as defined in Section  
12 2.09 of the Child Care Act of 1969 that displays a sign in  
13 plain view stating that the property is a day care center.

14 "Intellectual disability" means significantly subaverage  
15 intellectual functioning which exists concurrently with  
16 impairment in adaptive behavior.

17 "Public transportation" means the transportation or  
18 conveyance of persons by means available to the general  
19 public, and includes paratransit services.

20 "Traffic control devices" means all signs, signals,  
21 markings, and devices that conform to the Illinois Manual on  
22 Uniform Traffic Control Devices, placed or erected by  
23 authority of a public body or official having jurisdiction,  
24 for the purpose of regulating, warning, or guiding traffic.

25 (b) The following factors, related to all felonies, may be  
26 considered by the court as reasons to impose an extended term

1 sentence under Section 5-8-2 upon any offender:

2 (1) When a defendant is convicted of any felony, after  
3 having been previously convicted in Illinois or any other  
4 jurisdiction of the same or similar class felony or  
5 greater class felony, when such conviction has occurred  
6 within 10 years after the previous conviction, excluding  
7 time spent in custody, and such charges are separately  
8 brought and tried and arise out of different series of  
9 acts; or

10 (2) When a defendant is convicted of any felony and  
11 the court finds that the offense was accompanied by  
12 exceptionally brutal or heinous behavior indicative of  
13 wanton cruelty; or

14 (3) When a defendant is convicted of any felony  
15 committed against:

16 (i) a person under 12 years of age at the time of  
17 the offense or such person's property;

18 (ii) a person 60 years of age or older at the time  
19 of the offense or such person's property; or

20 (iii) a person who had a physical disability at  
21 the time of the offense or such person's property; or

22 (4) When a defendant is convicted of any felony and  
23 the offense involved any of the following types of  
24 specific misconduct committed as part of a ceremony, rite,  
25 initiation, observance, performance, practice or activity  
26 of any actual or ostensible religious, fraternal, or

1 social group:

2 (i) the brutalizing or torturing of humans or  
3 animals;

4 (ii) the theft of human corpses;

5 (iii) the kidnapping of humans;

6 (iv) the desecration of any cemetery, religious,  
7 fraternal, business, governmental, educational, or  
8 other building or property; or

9 (v) ritualized abuse of a child; or

10 (5) When a defendant is convicted of a felony other  
11 than conspiracy and the court finds that the felony was  
12 committed under an agreement with 2 or more other persons  
13 to commit that offense and the defendant, with respect to  
14 the other individuals, occupied a position of organizer,  
15 supervisor, financier, or any other position of management  
16 or leadership, and the court further finds that the felony  
17 committed was related to or in furtherance of the criminal  
18 activities of an organized gang or was motivated by the  
19 defendant's leadership in an organized gang; or

20 (6) When a defendant is convicted of an offense  
21 committed while using a firearm with a laser sight  
22 attached to it. For purposes of this paragraph, "laser  
23 sight" has the meaning ascribed to it in Section 26-7 of  
24 the Criminal Code of 2012; or

25 (7) When a defendant who was at least 17 years of age  
26 at the time of the commission of the offense is convicted

1 of a felony and has been previously adjudicated a  
2 delinquent minor under the Juvenile Court Act of 1987 for  
3 an act that if committed by an adult would be a Class X or  
4 Class 1 felony when the conviction has occurred within 10  
5 years after the previous adjudication, excluding time  
6 spent in custody; or

7 (8) When a defendant commits any felony and the  
8 defendant used, possessed, exercised control over, or  
9 otherwise directed an animal to assault a law enforcement  
10 officer engaged in the execution of his or her official  
11 duties or in furtherance of the criminal activities of an  
12 organized gang in which the defendant is engaged; or

13 (9) When a defendant commits any felony and the  
14 defendant knowingly video or audio records the offense  
15 with the intent to disseminate the recording.

16 (c) The following factors may be considered by the court  
17 as reasons to impose an extended term sentence under Section  
18 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
19 offenses:

20 (1) When a defendant is convicted of first degree  
21 murder, after having been previously convicted in Illinois  
22 of any offense listed under paragraph (c)(2) of Section  
23 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
24 occurred within 10 years after the previous conviction,  
25 excluding time spent in custody, and the charges are  
26 separately brought and tried and arise out of different

1 series of acts.

2 (1.5) When a defendant is convicted of first degree  
3 murder, after having been previously convicted of domestic  
4 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
5 (720 ILCS 5/12-3.3) committed on the same victim or after  
6 having been previously convicted of violation of an order  
7 of protection (720 ILCS 5/12-30) in which the same victim  
8 was the protected person.

9 (2) When a defendant is convicted of voluntary  
10 manslaughter, second degree murder, involuntary  
11 manslaughter, or reckless homicide in which the defendant  
12 has been convicted of causing the death of more than one  
13 individual.

14 (3) When a defendant is convicted of aggravated  
15 criminal sexual assault or criminal sexual assault, when  
16 there is a finding that aggravated criminal sexual assault  
17 or criminal sexual assault was also committed on the same  
18 victim by one or more other individuals, and the defendant  
19 voluntarily participated in the crime with the knowledge  
20 of the participation of the others in the crime, and the  
21 commission of the crime was part of a single course of  
22 conduct during which there was no substantial change in  
23 the nature of the criminal objective.

24 (4) If the victim was under 18 years of age at the time  
25 of the commission of the offense, when a defendant is  
26 convicted of aggravated criminal sexual assault or

1 predatory criminal sexual assault of a child under  
2 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
3 of Section 12-14.1 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

5 (5) When a defendant is convicted of a felony  
6 violation of Section 24-1 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
8 finding that the defendant is a member of an organized  
9 gang.

10 (6) When a defendant was convicted of unlawful use of  
11 weapons under Section 24-1 of the Criminal Code of 1961 or  
12 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
13 a weapon that is not readily distinguishable as one of the  
14 weapons enumerated in Section 24-1 of the Criminal Code of  
15 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

16 (7) When a defendant is convicted of an offense  
17 involving the illegal manufacture of a controlled  
18 substance under Section 401 of the Illinois Controlled  
19 Substances Act (720 ILCS 570/401), the illegal manufacture  
20 of methamphetamine under Section 25 of the Methamphetamine  
21 Control and Community Protection Act (720 ILCS 646/25), or  
22 the illegal possession of explosives and an emergency  
23 response officer in the performance of his or her duties  
24 is killed or injured at the scene of the offense while  
25 responding to the emergency caused by the commission of  
26 the offense. In this paragraph, "emergency" means a

1 situation in which a person's life, health, or safety is  
2 in jeopardy; and "emergency response officer" means a  
3 peace officer, community policing volunteer, fireman,  
4 emergency medical technician-ambulance, emergency medical  
5 technician-intermediate, emergency medical  
6 technician-paramedic, ambulance driver, other medical  
7 assistance or first aid personnel, or hospital emergency  
8 room personnel.

9 (8) When the defendant is convicted of attempted mob  
10 action, solicitation to commit mob action, or conspiracy  
11 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
12 Criminal Code of 2012, where the criminal object is a  
13 violation of Section 25-1 of the Criminal Code of 2012,  
14 and an electronic communication is used in the commission  
15 of the offense. For the purposes of this paragraph (8),  
16 "electronic communication" shall have the meaning provided  
17 in Section 26.5-0.1 of the Criminal Code of 2012.

18 (d) For the purposes of this Section, "organized gang" has  
19 the meaning ascribed to it in Section 10 of the Illinois  
20 Streetgang Terrorism Omnibus Prevention Act.

21 (e) The court may impose an extended term sentence under  
22 Article 4.5 of Chapter V upon an offender who has been  
23 convicted of a felony violation of Section 11-1.20, 11-1.30,  
24 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
25 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
26 when the victim of the offense is under 18 years of age at the

1 time of the commission of the offense and, during the  
2 commission of the offense, the victim was under the influence  
3 of alcohol, regardless of whether or not the alcohol was  
4 supplied by the offender; and the offender, at the time of the  
5 commission of the offense, knew or should have known that the  
6 victim had consumed alcohol.

7 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
8 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
9 8-20-21.)

10 (Text of Section after amendment by P.A. 102-982)

11 Sec. 5-5-3.2. Factors in aggravation and extended-term  
12 sentencing.

13 (a) The following factors shall be accorded weight in  
14 favor of imposing a term of imprisonment or may be considered  
15 by the court as reasons to impose a more severe sentence under  
16 Section 5-8-1 or Article 4.5 of Chapter V:

17 (1) the defendant's conduct caused or threatened  
18 serious harm;

19 (2) the defendant received compensation for committing  
20 the offense;

21 (3) the defendant has a history of prior delinquency  
22 or criminal activity;

23 (4) the defendant, by the duties of his office or by  
24 his position, was obliged to prevent the particular  
25 offense committed or to bring the offenders committing it



1 to justice;

2 (5) the defendant held public office at the time of  
3 the offense, and the offense related to the conduct of  
4 that office;

5 (6) the defendant utilized his professional reputation  
6 or position in the community to commit the offense, or to  
7 afford him an easier means of committing it;

8 (7) the sentence is necessary to deter others from  
9 committing the same crime;

10 (8) the defendant committed the offense against a  
11 person 60 years of age or older or such person's property;

12 (9) the defendant committed the offense against a  
13 person who has a physical disability or such person's  
14 property;

15 (10) by reason of another individual's actual or  
16 perceived race, color, creed, religion, ancestry, gender,  
17 sexual orientation, physical or mental disability, or  
18 national origin, the defendant committed the offense  
19 against (i) the person or property of that individual;  
20 (ii) the person or property of a person who has an  
21 association with, is married to, or has a friendship with  
22 the other individual; or (iii) the person or property of a  
23 relative (by blood or marriage) of a person described in  
24 clause (i) or (ii). For the purposes of this Section,  
25 "sexual orientation" has the meaning ascribed to it in  
26 paragraph (O-1) of Section 1-103 of the Illinois Human

1 Rights Act;

2 (11) the offense took place in a place of worship or on  
3 the grounds of a place of worship, immediately prior to,  
4 during or immediately following worship services. For  
5 purposes of this subparagraph, "place of worship" shall  
6 mean any church, synagogue or other building, structure or  
7 place used primarily for religious worship;

8 (12) the defendant was convicted of a felony committed  
9 while he was on pretrial release or his own recognizance  
10 pending trial for a prior felony and was convicted of such  
11 prior felony, or the defendant was convicted of a felony  
12 committed while he was serving a period of probation,  
13 conditional discharge, or mandatory supervised release  
14 under subsection (d) of Section 5-8-1 for a prior felony;

15 (13) the defendant committed or attempted to commit a  
16 felony while he was wearing a bulletproof vest. For the  
17 purposes of this paragraph (13), a bulletproof vest is any  
18 device which is designed for the purpose of protecting the  
19 wearer from bullets, shot or other lethal projectiles;

20 (14) the defendant held a position of trust or  
21 supervision such as, but not limited to, family member as  
22 defined in Section 11-0.1 of the Criminal Code of 2012,  
23 teacher, scout leader, baby sitter, or child ~~day~~ care  
24 worker, in relation to a victim under 18 years of age, and  
25 the defendant committed an offense in violation of Section  
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,

1 11-14.4 except for an offense that involves keeping a  
2 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
3 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
4 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
5 of 2012 against that victim;

6 (15) the defendant committed an offense related to the  
7 activities of an organized gang. For the purposes of this  
8 factor, "organized gang" has the meaning ascribed to it in  
9 Section 10 of the Streetgang Terrorism Omnibus Prevention  
10 Act;

11 (16) the defendant committed an offense in violation  
12 of one of the following Sections while in a school,  
13 regardless of the time of day or time of year; on any  
14 conveyance owned, leased, or contracted by a school to  
15 transport students to or from school or a school related  
16 activity; on the real property of a school; or on a public  
17 way within 1,000 feet of the real property comprising any  
18 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
19 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
20 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
21 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
22 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
23 for subdivision (a) (4) or (g) (1), of the Criminal Code of  
24 1961 or the Criminal Code of 2012;

25 (16.5) the defendant committed an offense in violation  
26 of one of the following Sections while in a child day care

1 center, regardless of the time of day or time of year; on  
2 the real property of a child day care center, regardless  
3 of the time of day or time of year; or on a public way  
4 within 1,000 feet of the real property comprising any  
5 child day care center, regardless of the time of day or  
6 time of year: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
7 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
8 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
9 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
10 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
11 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
12 1961 or the Criminal Code of 2012;

13 (17) the defendant committed the offense by reason of  
14 any person's activity as a community policing volunteer or  
15 to prevent any person from engaging in activity as a  
16 community policing volunteer. For the purpose of this  
17 Section, "community policing volunteer" has the meaning  
18 ascribed to it in Section 2-3.5 of the Criminal Code of  
19 2012;

20 (18) the defendant committed the offense in a nursing  
21 home or on the real property comprising a nursing home.  
22 For the purposes of this paragraph (18), "nursing home"  
23 means a skilled nursing or intermediate long term care  
24 facility that is subject to license by the Illinois  
25 Department of Public Health under the Nursing Home Care  
26 Act, the Specialized Mental Health Rehabilitation Act of

1           2013, the ID/DD Community Care Act, or the MC/DD Act;

2           (19) the defendant was a federally licensed firearm  
3 dealer and was previously convicted of a violation of  
4 subsection (a) of Section 3 of the Firearm Owners  
5 Identification Card Act and has now committed either a  
6 felony violation of the Firearm Owners Identification Card  
7 Act or an act of armed violence while armed with a firearm;

8           (20) the defendant (i) committed the offense of  
9 reckless homicide under Section 9-3 of the Criminal Code  
10 of 1961 or the Criminal Code of 2012 or the offense of  
11 driving under the influence of alcohol, other drug or  
12 drugs, intoxicating compound or compounds or any  
13 combination thereof under Section 11-501 of the Illinois  
14 Vehicle Code or a similar provision of a local ordinance  
15 and (ii) was operating a motor vehicle in excess of 20  
16 miles per hour over the posted speed limit as provided in  
17 Article VI of Chapter 11 of the Illinois Vehicle Code;

18           (21) the defendant (i) committed the offense of  
19 reckless driving or aggravated reckless driving under  
20 Section 11-503 of the Illinois Vehicle Code and (ii) was  
21 operating a motor vehicle in excess of 20 miles per hour  
22 over the posted speed limit as provided in Article VI of  
23 Chapter 11 of the Illinois Vehicle Code;

24           (22) the defendant committed the offense against a  
25 person that the defendant knew, or reasonably should have  
26 known, was a member of the Armed Forces of the United

1 States serving on active duty. For purposes of this clause  
2 (22), the term "Armed Forces" means any of the Armed  
3 Forces of the United States, including a member of any  
4 reserve component thereof or National Guard unit called to  
5 active duty;

6 (23) the defendant committed the offense against a  
7 person who was elderly or infirm or who was a person with a  
8 disability by taking advantage of a family or fiduciary  
9 relationship with the elderly or infirm person or person  
10 with a disability;

11 (24) the defendant committed any offense under Section  
12 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 and possessed 100 or more images;

14 (25) the defendant committed the offense while the  
15 defendant or the victim was in a train, bus, or other  
16 vehicle used for public transportation;

17 (26) the defendant committed the offense of child  
18 pornography or aggravated child pornography, specifically  
19 including paragraph (1), (2), (3), (4), (5), or (7) of  
20 subsection (a) of Section 11-20.1 of the Criminal Code of  
21 1961 or the Criminal Code of 2012 where a child engaged in,  
22 solicited for, depicted in, or posed in any act of sexual  
23 penetration or bound, fettered, or subject to sadistic,  
24 masochistic, or sadomasochistic abuse in a sexual context  
25 and specifically including paragraph (1), (2), (3), (4),  
26 (5), or (7) of subsection (a) of Section 11-20.1B or

1 Section 11-20.3 of the Criminal Code of 1961 where a child  
2 engaged in, solicited for, depicted in, or posed in any  
3 act of sexual penetration or bound, fettered, or subject  
4 to sadistic, masochistic, or sadomasochistic abuse in a  
5 sexual context;

6 (27) the defendant committed the offense of first  
7 degree murder, assault, aggravated assault, battery,  
8 aggravated battery, robbery, armed robbery, or aggravated  
9 robbery against a person who was a veteran and the  
10 defendant knew, or reasonably should have known, that the  
11 person was a veteran performing duties as a representative  
12 of a veterans' organization. For the purposes of this  
13 paragraph (27), "veteran" means an Illinois resident who  
14 has served as a member of the United States Armed Forces, a  
15 member of the Illinois National Guard, or a member of the  
16 United States Reserve Forces; and "veterans' organization"  
17 means an organization comprised of members of which  
18 substantially all are individuals who are veterans or  
19 spouses, widows, or widowers of veterans, the primary  
20 purpose of which is to promote the welfare of its members  
21 and to provide assistance to the general public in such a  
22 way as to confer a public benefit;

23 (28) the defendant committed the offense of assault,  
24 aggravated assault, battery, aggravated battery, robbery,  
25 armed robbery, or aggravated robbery against a person that  
26 the defendant knew or reasonably should have known was a

1 letter carrier or postal worker while that person was  
2 performing his or her duties delivering mail for the  
3 United States Postal Service;

4 (29) the defendant committed the offense of criminal  
5 sexual assault, aggravated criminal sexual assault,  
6 criminal sexual abuse, or aggravated criminal sexual abuse  
7 against a victim with an intellectual disability, and the  
8 defendant holds a position of trust, authority, or  
9 supervision in relation to the victim;

10 (30) the defendant committed the offense of promoting  
11 juvenile prostitution, patronizing a prostitute, or  
12 patronizing a minor engaged in prostitution and at the  
13 time of the commission of the offense knew that the  
14 prostitute or minor engaged in prostitution was in the  
15 custody or guardianship of the Department of Children and  
16 Family Services;

17 (31) the defendant (i) committed the offense of  
18 driving while under the influence of alcohol, other drug  
19 or drugs, intoxicating compound or compounds or any  
20 combination thereof in violation of Section 11-501 of the  
21 Illinois Vehicle Code or a similar provision of a local  
22 ordinance and (ii) the defendant during the commission of  
23 the offense was driving his or her vehicle upon a roadway  
24 designated for one-way traffic in the opposite direction  
25 of the direction indicated by official traffic control  
26 devices;



1 (32) the defendant committed the offense of reckless  
2 homicide while committing a violation of Section 11-907 of  
3 the Illinois Vehicle Code;

4 (33) the defendant was found guilty of an  
5 administrative infraction related to an act or acts of  
6 public indecency or sexual misconduct in the penal  
7 institution. In this paragraph (33), "penal institution"  
8 has the same meaning as in Section 2-14 of the Criminal  
9 Code of 2012; or

10 (34) the defendant committed the offense of leaving  
11 the scene of a crash in violation of subsection (b) of  
12 Section 11-401 of the Illinois Vehicle Code and the crash  
13 resulted in the death of a person and at the time of the  
14 offense, the defendant was: (i) driving under the  
15 influence of alcohol, other drug or drugs, intoxicating  
16 compound or compounds or any combination thereof as  
17 defined by Section 11-501 of the Illinois Vehicle Code; or  
18 (ii) operating the motor vehicle while using an electronic  
19 communication device as defined in Section 12-610.2 of the  
20 Illinois Vehicle Code.

21 For the purposes of this Section:

22 "School" is defined as a public or private elementary or  
23 secondary school, community college, college, or university.

24 "Child Day care center" means a public or private State  
25 certified and licensed child day care center as defined in  
26 Section 2.09 of the Child Care Act of 1969 that displays a sign

1 in plain view stating that the property is a child ~~day~~ care  
2 center.

3 "Intellectual disability" means significantly subaverage  
4 intellectual functioning which exists concurrently with  
5 impairment in adaptive behavior.

6 "Public transportation" means the transportation or  
7 conveyance of persons by means available to the general  
8 public, and includes paratransit services.

9 "Traffic control devices" means all signs, signals,  
10 markings, and devices that conform to the Illinois Manual on  
11 Uniform Traffic Control Devices, placed or erected by  
12 authority of a public body or official having jurisdiction,  
13 for the purpose of regulating, warning, or guiding traffic.

14 (b) The following factors, related to all felonies, may be  
15 considered by the court as reasons to impose an extended term  
16 sentence under Section 5-8-2 upon any offender:

17 (1) When a defendant is convicted of any felony, after  
18 having been previously convicted in Illinois or any other  
19 jurisdiction of the same or similar class felony or  
20 greater class felony, when such conviction has occurred  
21 within 10 years after the previous conviction, excluding  
22 time spent in custody, and such charges are separately  
23 brought and tried and arise out of different series of  
24 acts; or

25 (2) When a defendant is convicted of any felony and  
26 the court finds that the offense was accompanied by

1 exceptionally brutal or heinous behavior indicative of  
2 wanton cruelty; or

3 (3) When a defendant is convicted of any felony  
4 committed against:

5 (i) a person under 12 years of age at the time of  
6 the offense or such person's property;

7 (ii) a person 60 years of age or older at the time  
8 of the offense or such person's property; or

9 (iii) a person who had a physical disability at  
10 the time of the offense or such person's property; or

11 (4) When a defendant is convicted of any felony and  
12 the offense involved any of the following types of  
13 specific misconduct committed as part of a ceremony, rite,  
14 initiation, observance, performance, practice or activity  
15 of any actual or ostensible religious, fraternal, or  
16 social group:

17 (i) the brutalizing or torturing of humans or  
18 animals;

19 (ii) the theft of human corpses;

20 (iii) the kidnapping of humans;

21 (iv) the desecration of any cemetery, religious,  
22 fraternal, business, governmental, educational, or  
23 other building or property; or

24 (v) ritualized abuse of a child; or

25 (5) When a defendant is convicted of a felony other  
26 than conspiracy and the court finds that the felony was

1 committed under an agreement with 2 or more other persons  
2 to commit that offense and the defendant, with respect to  
3 the other individuals, occupied a position of organizer,  
4 supervisor, financier, or any other position of management  
5 or leadership, and the court further finds that the felony  
6 committed was related to or in furtherance of the criminal  
7 activities of an organized gang or was motivated by the  
8 defendant's leadership in an organized gang; or

9 (6) When a defendant is convicted of an offense  
10 committed while using a firearm with a laser sight  
11 attached to it. For purposes of this paragraph, "laser  
12 sight" has the meaning ascribed to it in Section 26-7 of  
13 the Criminal Code of 2012; or

14 (7) When a defendant who was at least 17 years of age  
15 at the time of the commission of the offense is convicted  
16 of a felony and has been previously adjudicated a  
17 delinquent minor under the Juvenile Court Act of 1987 for  
18 an act that if committed by an adult would be a Class X or  
19 Class 1 felony when the conviction has occurred within 10  
20 years after the previous adjudication, excluding time  
21 spent in custody; or

22 (8) When a defendant commits any felony and the  
23 defendant used, possessed, exercised control over, or  
24 otherwise directed an animal to assault a law enforcement  
25 officer engaged in the execution of his or her official  
26 duties or in furtherance of the criminal activities of an

1 organized gang in which the defendant is engaged; or

2 (9) When a defendant commits any felony and the  
3 defendant knowingly video or audio records the offense  
4 with the intent to disseminate the recording.

5 (c) The following factors may be considered by the court  
6 as reasons to impose an extended term sentence under Section  
7 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
8 offenses:

9 (1) When a defendant is convicted of first degree  
10 murder, after having been previously convicted in Illinois  
11 of any offense listed under paragraph (c)(2) of Section  
12 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
13 occurred within 10 years after the previous conviction,  
14 excluding time spent in custody, and the charges are  
15 separately brought and tried and arise out of different  
16 series of acts.

17 (1.5) When a defendant is convicted of first degree  
18 murder, after having been previously convicted of domestic  
19 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
20 (720 ILCS 5/12-3.3) committed on the same victim or after  
21 having been previously convicted of violation of an order  
22 of protection (720 ILCS 5/12-30) in which the same victim  
23 was the protected person.

24 (2) When a defendant is convicted of voluntary  
25 manslaughter, second degree murder, involuntary  
26 manslaughter, or reckless homicide in which the defendant

1 has been convicted of causing the death of more than one  
2 individual.

3 (3) When a defendant is convicted of aggravated  
4 criminal sexual assault or criminal sexual assault, when  
5 there is a finding that aggravated criminal sexual assault  
6 or criminal sexual assault was also committed on the same  
7 victim by one or more other individuals, and the defendant  
8 voluntarily participated in the crime with the knowledge  
9 of the participation of the others in the crime, and the  
10 commission of the crime was part of a single course of  
11 conduct during which there was no substantial change in  
12 the nature of the criminal objective.

13 (4) If the victim was under 18 years of age at the time  
14 of the commission of the offense, when a defendant is  
15 convicted of aggravated criminal sexual assault or  
16 predatory criminal sexual assault of a child under  
17 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
18 of Section 12-14.1 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

20 (5) When a defendant is convicted of a felony  
21 violation of Section 24-1 of the Criminal Code of 1961 or  
22 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
23 finding that the defendant is a member of an organized  
24 gang.

25 (6) When a defendant was convicted of unlawful use of  
26 weapons under Section 24-1 of the Criminal Code of 1961 or

1 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
2 a weapon that is not readily distinguishable as one of the  
3 weapons enumerated in Section 24-1 of the Criminal Code of  
4 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

5 (7) When a defendant is convicted of an offense  
6 involving the illegal manufacture of a controlled  
7 substance under Section 401 of the Illinois Controlled  
8 Substances Act (720 ILCS 570/401), the illegal manufacture  
9 of methamphetamine under Section 25 of the Methamphetamine  
10 Control and Community Protection Act (720 ILCS 646/25), or  
11 the illegal possession of explosives and an emergency  
12 response officer in the performance of his or her duties  
13 is killed or injured at the scene of the offense while  
14 responding to the emergency caused by the commission of  
15 the offense. In this paragraph, "emergency" means a  
16 situation in which a person's life, health, or safety is  
17 in jeopardy; and "emergency response officer" means a  
18 peace officer, community policing volunteer, fireman,  
19 emergency medical technician-ambulance, emergency medical  
20 technician-intermediate, emergency medical  
21 technician-paramedic, ambulance driver, other medical  
22 assistance or first aid personnel, or hospital emergency  
23 room personnel.

24 (8) When the defendant is convicted of attempted mob  
25 action, solicitation to commit mob action, or conspiracy  
26 to commit mob action under Section 8-1, 8-2, or 8-4 of the

1 Criminal Code of 2012, where the criminal object is a  
2 violation of Section 25-1 of the Criminal Code of 2012,  
3 and an electronic communication is used in the commission  
4 of the offense. For the purposes of this paragraph (8),  
5 "electronic communication" shall have the meaning provided  
6 in Section 26.5-0.1 of the Criminal Code of 2012.

7 (d) For the purposes of this Section, "organized gang" has  
8 the meaning ascribed to it in Section 10 of the Illinois  
9 Streetgang Terrorism Omnibus Prevention Act.

10 (e) The court may impose an extended term sentence under  
11 Article 4.5 of Chapter V upon an offender who has been  
12 convicted of a felony violation of Section 11-1.20, 11-1.30,  
13 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
14 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
15 when the victim of the offense is under 18 years of age at the  
16 time of the commission of the offense and, during the  
17 commission of the offense, the victim was under the influence  
18 of alcohol, regardless of whether or not the alcohol was  
19 supplied by the offender; and the offender, at the time of the  
20 commission of the offense, knew or should have known that the  
21 victim had consumed alcohol.

22 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
23 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
24 8-20-21; 102-982, eff. 7-1-23.)

25 Section 300. The Stalking No Contact Order Act is amended



1 by changing Sections 80 and 115 as follows:

2 (740 ILCS 21/80)

3 Sec. 80. Stalking no contact orders; remedies.

4 (a) If the court finds that the petitioner has been a  
5 victim of stalking, a stalking no contact order shall issue;  
6 provided that the petitioner must also satisfy the  
7 requirements of Section 95 on emergency orders or Section 100  
8 on plenary orders. The petitioner shall not be denied a  
9 stalking no contact order because the petitioner or the  
10 respondent is a minor. The court, when determining whether or  
11 not to issue a stalking no contact order, may not require  
12 physical injury on the person of the petitioner. Modification  
13 and extension of prior stalking no contact orders shall be in  
14 accordance with this Act.

15 (b) A stalking no contact order shall order one or more of  
16 the following:

17 (1) prohibit the respondent from threatening to commit  
18 or committing stalking;

19 (2) order the respondent not to have any contact with  
20 the petitioner or a third person specifically named by the  
21 court;

22 (3) prohibit the respondent from knowingly coming  
23 within, or knowingly remaining within a specified distance  
24 of the petitioner or the petitioner's residence, school,  
25 child care ~~daycare~~, or place of employment, or any

1 specified place frequented by the petitioner; however, the  
2 court may order the respondent to stay away from the  
3 respondent's own residence, school, or place of employment  
4 only if the respondent has been provided actual notice of  
5 the opportunity to appear and be heard on the petition;

6 (4) prohibit the respondent from possessing a Firearm  
7 Owners Identification Card, or possessing or buying  
8 firearms; and

9 (5) order other injunctive relief the court determines  
10 to be necessary to protect the petitioner or third party  
11 specifically named by the court.

12 (b-5) When the petitioner and the respondent attend the  
13 same public, private, or non-public elementary, middle, or  
14 high school, the court when issuing a stalking no contact  
15 order and providing relief shall consider the severity of the  
16 act, any continuing physical danger or emotional distress to  
17 the petitioner, the educational rights guaranteed to the  
18 petitioner and respondent under federal and State law, the  
19 availability of a transfer of the respondent to another  
20 school, a change of placement or a change of program of the  
21 respondent, the expense, difficulty, and educational  
22 disruption that would be caused by a transfer of the  
23 respondent to another school, and any other relevant facts of  
24 the case. The court may order that the respondent not attend  
25 the public, private, or non-public elementary, middle, or high  
26 school attended by the petitioner, order that the respondent

1 accept a change of placement or program, as determined by the  
2 school district or private or non-public school, or place  
3 restrictions on the respondent's movements within the school  
4 attended by the petitioner. The respondent bears the burden of  
5 proving by a preponderance of the evidence that a transfer,  
6 change of placement, or change of program of the respondent is  
7 not available. The respondent also bears the burden of  
8 production with respect to the expense, difficulty, and  
9 educational disruption that would be caused by a transfer of  
10 the respondent to another school. A transfer, change of  
11 placement, or change of program is not unavailable to the  
12 respondent solely on the ground that the respondent does not  
13 agree with the school district's or private or non-public  
14 school's transfer, change of placement, or change of program  
15 or solely on the ground that the respondent fails or refuses to  
16 consent to or otherwise does not take an action required to  
17 effectuate a transfer, change of placement, or change of  
18 program. When a court orders a respondent to stay away from the  
19 public, private, or non-public school attended by the  
20 petitioner and the respondent requests a transfer to another  
21 attendance center within the respondent's school district or  
22 private or non-public school, the school district or private  
23 or non-public school shall have sole discretion to determine  
24 the attendance center to which the respondent is transferred.  
25 In the event the court order results in a transfer of the minor  
26 respondent to another attendance center, a change in the

1 respondent's placement, or a change of the respondent's  
2 program, the parents, guardian, or legal custodian of the  
3 respondent is responsible for transportation and other costs  
4 associated with the transfer or change.

5 (b-6) The court may order the parents, guardian, or legal  
6 custodian of a minor respondent to take certain actions or to  
7 refrain from taking certain actions to ensure that the  
8 respondent complies with the order. In the event the court  
9 orders a transfer of the respondent to another school, the  
10 parents, guardian, or legal custodian of the respondent are  
11 responsible for transportation and other costs associated with  
12 the change of school by the respondent.

13 (b-7) The court shall not hold a school district or  
14 private or non-public school or any of its employees in civil  
15 or criminal contempt unless the school district or private or  
16 non-public school has been allowed to intervene.

17 (b-8) The court may hold the parents, guardian, or legal  
18 custodian of a minor respondent in civil or criminal contempt  
19 for a violation of any provision of any order entered under  
20 this Act for conduct of the minor respondent in violation of  
21 this Act if the parents, guardian, or legal custodian  
22 directed, encouraged, or assisted the respondent minor in such  
23 conduct.

24 (c) The court may award the petitioner costs and attorneys  
25 fees if a stalking no contact order is granted.

26 (d) Monetary damages are not recoverable as a remedy.

1 (e) If the stalking no contact order prohibits the  
2 respondent from possessing a Firearm Owner's Identification  
3 Card, or possessing or buying firearms; the court shall  
4 confiscate the respondent's Firearm Owner's Identification  
5 Card and immediately return the card to the Illinois State  
6 Police Firearm Owner's Identification Card Office.

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

8 (740 ILCS 21/115)

9 Sec. 115. Notice of orders.

10 (a) Upon issuance of any stalking no contact order, the  
11 clerk shall immediately:

12 (1) enter the order on the record and file it in  
13 accordance with the circuit court procedures; and

14 (2) provide a file stamped copy of the order to the  
15 respondent, if present, and to the petitioner.

16 (b) The clerk of the issuing judge shall, or the  
17 petitioner may, on the same day that a stalking no contact  
18 order is issued, file a certified copy of that order with the  
19 sheriff or other law enforcement officials charged with  
20 maintaining Illinois State Police records or charged with  
21 serving the order upon the respondent. If the respondent, at  
22 the time of the issuance of the order, is committed to the  
23 custody of the Illinois Department of Corrections or Illinois  
24 Department of Juvenile Justice or is on parole, aftercare  
25 release, or mandatory supervised release, the sheriff or other

1 law enforcement officials charged with maintaining Illinois  
2 State Police records shall notify the Department of  
3 Corrections or Department of Juvenile Justice within 48 hours  
4 of receipt of a copy of the stalking no contact order from the  
5 clerk of the issuing judge or the petitioner. Such notice  
6 shall include the name of the respondent, the respondent's  
7 IDOC inmate number or IDJJ youth identification number, the  
8 respondent's date of birth, and the LEADS Record Index Number.

9 (c) Unless the respondent was present in court when the  
10 order was issued, the sheriff, other law enforcement official,  
11 or special process server shall promptly serve that order upon  
12 the respondent and file proof of such service in the manner  
13 provided for service of process in civil proceedings. Instead  
14 of serving the order upon the respondent, however, the  
15 sheriff, other law enforcement official, special process  
16 server, or other persons defined in Section 117 may serve the  
17 respondent with a short form notification as provided in  
18 Section 117. If process has not yet been served upon the  
19 respondent, it shall be served with the order or short form  
20 notification if such service is made by the sheriff, other law  
21 enforcement official, or special process server.

22 (d) If the person against whom the stalking no contact  
23 order is issued is arrested and the written order is issued in  
24 accordance with subsection (c) of Section 95 and received by  
25 the custodial law enforcement agency before the respondent or  
26 arrestee is released from custody, the custodial law

1 enforcement agent shall promptly serve the order upon the  
2 respondent or arrestee before the respondent or arrestee is  
3 released from custody. In no event shall detention of the  
4 respondent or arrestee be extended for hearing on the petition  
5 for stalking no contact order or receipt of the order issued  
6 under Section 95 of this Act.

7 (e) Any order extending, modifying, or revoking any  
8 stalking no contact order shall be promptly recorded, issued,  
9 and served as provided in this Section.

10 (f) Upon the request of the petitioner, within 24 hours of  
11 the issuance of a stalking no contact order, the clerk of the  
12 issuing judge shall send written notice of the order along  
13 with a certified copy of the order to any school, child care  
14 ~~daycare~~, college, or university at which the petitioner is  
15 enrolled.

16 (Source: P.A. 101-508, eff. 1-1-20; 102-538, eff. 8-20-21.)

17 Section 305. The Civil No Contact Order Act is amended by  
18 changing Section 213 as follows:

19 (740 ILCS 22/213)

20 Sec. 213. Civil no contact order; remedies.

21 (a) If the court finds that the petitioner has been a  
22 victim of non-consensual sexual conduct or non-consensual  
23 sexual penetration, a civil no contact order shall issue;  
24 provided that the petitioner must also satisfy the

1 requirements of Section 214 on emergency orders or Section 215  
2 on plenary orders. The petitioner shall not be denied a civil  
3 no contact order because the petitioner or the respondent is a  
4 minor. The court, when determining whether or not to issue a  
5 civil no contact order, may not require physical injury on the  
6 person of the victim. Modification and extension of prior  
7 civil no contact orders shall be in accordance with this Act.

8 (a-5) (Blank).

9 (b) (Blank).

10 (b-5) The court may provide relief as follows:

11 (1) prohibit the respondent from knowingly coming  
12 within, or knowingly remaining within, a specified  
13 distance from the petitioner;

14 (2) restrain the respondent from having any contact,  
15 including nonphysical contact and electronic communication  
16 as defined in Section 26.5-0.1 of the Criminal Code of  
17 2012, with the petitioner directly, indirectly, or through  
18 third parties, regardless of whether those third parties  
19 know of the order;

20 (3) prohibit the respondent from knowingly coming  
21 within, or knowingly remaining within, a specified  
22 distance from the petitioner's residence, school, child  
23 ~~day~~ care or other specified location;

24 (4) order the respondent to stay away from any  
25 property or animal owned, possessed, leased, kept, or held  
26 by the petitioner and forbid the respondent from taking,



1           transferring, encumbering, concealing, harming, or  
2           otherwise disposing of the property or animal; and

3           (5) order any other injunctive relief as necessary or  
4           appropriate for the protection of the petitioner.

5           (b-6) When the petitioner and the respondent attend the  
6           same public or private elementary, middle, or high school, the  
7           court when issuing a civil no contact order and providing  
8           relief shall consider the severity of the act, any continuing  
9           physical danger or emotional distress to the petitioner, the  
10          educational rights guaranteed to the petitioner and respondent  
11          under federal and State law, the availability of a transfer of  
12          the respondent to another school, a change of placement or a  
13          change of program of the respondent, the expense, difficulty,  
14          and educational disruption that would be caused by a transfer  
15          of the respondent to another school, and any other relevant  
16          facts of the case. The court may order that the respondent not  
17          attend the public, private, or non-public elementary, middle,  
18          or high school attended by the petitioner, order that the  
19          respondent accept a change of placement or program, as  
20          determined by the school district or private or non-public  
21          school, or place restrictions on the respondent's movements  
22          within the school attended by the petitioner. The respondent  
23          bears the burden of proving by a preponderance of the evidence  
24          that a transfer, change of placement, or change of program of  
25          the respondent is not available. The respondent also bears the  
26          burden of production with respect to the expense, difficulty,

1 and educational disruption that would be caused by a transfer  
2 of the respondent to another school. A transfer, change of  
3 placement, or change of program is not unavailable to the  
4 respondent solely on the ground that the respondent does not  
5 agree with the school district's or private or non-public  
6 school's transfer, change of placement, or change of program  
7 or solely on the ground that the respondent fails or refuses to  
8 consent to or otherwise does not take an action required to  
9 effectuate a transfer, change of placement, or change of  
10 program. When a court orders a respondent to stay away from the  
11 public, private, or non-public school attended by the  
12 petitioner and the respondent requests a transfer to another  
13 attendance center within the respondent's school district or  
14 private or non-public school, the school district or private  
15 or non-public school shall have sole discretion to determine  
16 the attendance center to which the respondent is transferred.  
17 In the event the court order results in a transfer of the minor  
18 respondent to another attendance center, a change in the  
19 respondent's placement, or a change of the respondent's  
20 program, the parents, guardian, or legal custodian of the  
21 respondent is responsible for transportation and other costs  
22 associated with the transfer or change.

23 (b-7) The court may order the parents, guardian, or legal  
24 custodian of a minor respondent to take certain actions or to  
25 refrain from taking certain actions to ensure that the  
26 respondent complies with the order. In the event the court

1 orders a transfer of the respondent to another school, the  
2 parents or legal guardians of the respondent are responsible  
3 for transportation and other costs associated with the change  
4 of school by the respondent.

5 (c) Denial of a remedy may not be based, in whole or in  
6 part, on evidence that:

7 (1) the respondent has cause for any use of force,  
8 unless that cause satisfies the standards for justifiable  
9 use of force provided by Article 7 of the Criminal Code of  
10 2012;

11 (2) the respondent was voluntarily intoxicated;

12 (3) the petitioner acted in self-defense or defense of  
13 another, provided that, if the petitioner utilized force,  
14 such force was justifiable under Article 7 of the Criminal  
15 Code of 2012;

16 (4) the petitioner did not act in self-defense or  
17 defense of another;

18 (5) the petitioner left the residence or household to  
19 avoid further non-consensual sexual conduct or  
20 non-consensual sexual penetration by the respondent; or

21 (6) the petitioner did not leave the residence or  
22 household to avoid further non-consensual sexual conduct  
23 or non-consensual sexual penetration by the respondent.

24 (d) Monetary damages are not recoverable as a remedy.

25 (Source: P.A. 101-255, eff. 1-1-20; 102-220, eff. 1-1-22;  
26 102-831, eff. 5-13-22.)

1           Section 310. The Illinois Parentage Act of 2015 is amended  
2 by changing Section 106 as follows:

3           (750 ILCS 46/106)

4           Sec. 106. Protection of participants. Proceedings under  
5 this Act are subject to other law of this State governing the  
6 health, safety, privacy, and liberty of a child or other  
7 individual who could be jeopardized by disclosure of  
8 identifying information, including address, telephone number,  
9 place of employment, social security number, and the child's  
10 child care ~~day-care~~ facility and school.

11          (Source: P.A. 99-85, eff. 1-1-16.)

12           Section 315. The Illinois Domestic Violence Act of 1986 is  
13 amended by changing Sections 203 and 222 as follows:

14           (750 ILCS 60/203) (from Ch. 40, par. 2312-3)

15           Sec. 203. Pleading; non-disclosure of address;  
16 non-disclosure of schools.

17           (a) A petition for an order of protection shall be in  
18 writing and verified or accompanied by affidavit and shall  
19 allege that petitioner has been abused by respondent, who is a  
20 family or household member. The petition shall further set  
21 forth whether there is any other pending action between the  
22 parties. During the pendency of this proceeding, each party

1 has a continuing duty to inform the court of any subsequent  
2 proceeding for an order of protection in this or any other  
3 state.

4 (b) If the petition states that disclosure of petitioner's  
5 address would risk abuse of petitioner or any member of  
6 petitioner's family or household or reveal the confidential  
7 address of a shelter for domestic violence victims, that  
8 address may be omitted from all documents filed with the  
9 court. If disclosure is necessary to determine jurisdiction or  
10 consider any venue issue, it shall be made orally and in  
11 camera. If petitioner has not disclosed an address under this  
12 subsection, petitioner shall designate an alternative address  
13 at which respondent may serve notice of any motions.

14 (c) If the petitioner is seeking to have a child protected  
15 by the order of protection, and if that child is enrolled in  
16 any child care ~~day care~~ facility, pre-school,  
17 pre-kindergarten, private school, public school district,  
18 college, or university, the petitioner may provide the name  
19 and address of the child care ~~day care~~ facility, pre-school,  
20 pre-kindergarten, private school, public school district,  
21 college, or university to the court. However, if the petition  
22 states that disclosure of this information would risk abuse to  
23 petitioner or to the child protected under the order, this  
24 information may be omitted from all documents filed with the  
25 court.

26 (Source: P.A. 92-90, eff. 7-18-01.)

1 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

2 Sec. 222. Notice of orders.

3 (a) Entry and issuance. Upon issuance of any order of  
4 protection, the clerk shall immediately (i) enter the order on  
5 the record and file it in accordance with the circuit court  
6 procedures and (ii) provide a file stamped copy of the order to  
7 respondent, if present, and to petitioner.

8 (b) Filing with sheriff. The clerk of the issuing judge  
9 shall, or the petitioner may, on the same day that an order of  
10 protection is issued, file a certified copy of that order with  
11 the sheriff or other law enforcement officials charged with  
12 maintaining Illinois State Police records or charged with  
13 serving the order upon respondent. If the respondent, at the  
14 time of the issuance of the order, is committed to the custody  
15 of the Illinois Department of Corrections or Illinois  
16 Department of Juvenile Justice or is on parole, aftercare  
17 release, or mandatory supervised release, the sheriff or other  
18 law enforcement officials charged with maintaining Illinois  
19 State Police records shall notify the Department of  
20 Corrections or Department of Juvenile Justice within 48 hours  
21 of receipt of a copy of the order of protection from the clerk  
22 of the issuing judge or the petitioner. Such notice shall  
23 include the name of the respondent, the respondent's IDOC  
24 inmate number or IDJJ youth identification number, the  
25 respondent's date of birth, and the LEADS Record Index Number.

1 (c) Service by sheriff. Unless respondent was present in  
2 court when the order was issued, the sheriff, other law  
3 enforcement official or special process server shall promptly  
4 serve that order upon respondent and file proof of such  
5 service, in the manner provided for service of process in  
6 civil proceedings. Instead of serving the order upon the  
7 respondent, however, the sheriff, other law enforcement  
8 official, special process server, or other persons defined in  
9 Section 222.10 may serve the respondent with a short form  
10 notification as provided in Section 222.10. If process has not  
11 yet been served upon the respondent, it shall be served with  
12 the order or short form notification if such service is made by  
13 the sheriff, other law enforcement official, or special  
14 process server. A single fee may be charged for service of an  
15 order obtained in civil court, or for service of such an order  
16 together with process, unless waived or deferred under Section  
17 210.

18 (c-5) If the person against whom the order of protection  
19 is issued is arrested and the written order is issued in  
20 accordance with subsection (c) of Section 217 and received by  
21 the custodial law enforcement agency before the respondent or  
22 arrestee is released from custody, the custodial law  
23 enforcement agent shall promptly serve the order upon the  
24 respondent or arrestee before the respondent or arrestee is  
25 released from custody. In no event shall detention of the  
26 respondent or arrestee be extended for hearing on the petition

1 for order of protection or receipt of the order issued under  
2 Section 217 of this Act.

3 (d) Extensions, modifications and revocations. Any order  
4 extending, modifying or revoking any order of protection shall  
5 be promptly recorded, issued and served as provided in this  
6 Section.

7 (e) Notice to schools. Upon the request of the petitioner,  
8 within 24 hours of the issuance of an order of protection, the  
9 clerk of the issuing judge shall send a certified copy of the  
10 order of protection to the child care ~~day care~~ facility,  
11 pre-school or pre-kindergarten, or private school or the  
12 principal office of the public school district or any college  
13 or university in which any child who is a protected person  
14 under the order of protection or any child of the petitioner is  
15 enrolled as requested by the petitioner at the mailing address  
16 provided by the petitioner. If the child transfers enrollment  
17 to another child care ~~day care~~ facility, pre-school,  
18 pre-kindergarten, private school, public school, college, or  
19 university, the petitioner may, within 24 hours of the  
20 transfer, send to the clerk written notice of the transfer,  
21 including the name and address of the institution to which the  
22 child is transferring. Within 24 hours of receipt of notice  
23 from the petitioner that a child is transferring to another  
24 child care ~~day care~~ facility, pre-school, pre-kindergarten,  
25 private school, public school, college, or university, the  
26 clerk shall send a certified copy of the order to the



1 institution to which the child is transferring.

2 (f) Disclosure by schools. After receiving a certified  
3 copy of an order of protection that prohibits a respondent's  
4 access to records, neither a child care ~~day-care~~ facility,  
5 pre-school, pre-kindergarten, public or private school,  
6 college, or university nor its employees shall allow a  
7 respondent access to a protected child's records or release  
8 information in those records to the respondent. The school  
9 shall file the copy of the order of protection in the records  
10 of a child who is a protected person under the order of  
11 protection. When a child who is a protected person under the  
12 order of protection transfers to another child care ~~day-care~~  
13 facility, pre-school, pre-kindergarten, public or private  
14 school, college, or university, the institution from which the  
15 child is transferring may, at the request of the petitioner,  
16 provide, within 24 hours of the transfer, written notice of  
17 the order of protection, along with a certified copy of the  
18 order, to the institution to which the child is transferring.

19 (g) Notice to health care facilities and health care  
20 practitioners. Upon the request of the petitioner, the clerk  
21 of the circuit court shall send a certified copy of the order  
22 of protection to any specified health care facility or health  
23 care practitioner requested by the petitioner at the mailing  
24 address provided by the petitioner.

25 (h) Disclosure by health care facilities and health care  
26 practitioners. After receiving a certified copy of an order of

1 protection that prohibits a respondent's access to records, no  
2 health care facility or health care practitioner shall allow a  
3 respondent access to the records of any child who is a  
4 protected person under the order of protection, or release  
5 information in those records to the respondent, unless the  
6 order has expired or the respondent shows a certified copy of  
7 the court order vacating the corresponding order of protection  
8 that was sent to the health care facility or practitioner.  
9 Nothing in this Section shall be construed to require health  
10 care facilities or health care practitioners to alter  
11 procedures related to billing and payment. The health care  
12 facility or health care practitioner may file the copy of the  
13 order of protection in the records of a child who is a  
14 protected person under the order of protection, or may employ  
15 any other method to identify the records to which a respondent  
16 is prohibited access. No health care facility or health care  
17 practitioner shall be civilly or professionally liable for  
18 reliance on a copy of an order of protection, except for  
19 willful and wanton misconduct.

20 (Source: P.A. 101-508, eff. 1-1-20; 102-538, eff. 8-20-21.)

21 Section 320. The Illinois Human Rights Act is amended by  
22 changing Section 5-101 as follows:

23 (775 ILCS 5/5-101) (from Ch. 68, par. 5-101)

24 Sec. 5-101. Definitions. The following definitions are

1 applicable strictly in the context of this Article:

2 (A) Place of Public Accommodation. "Place of public  
3 accommodation" includes, but is not limited to:

4 (1) an inn, hotel, motel, or other place of lodging,  
5 except for an establishment located within a building that  
6 contains not more than 5 units for rent or hire and that is  
7 actually occupied by the proprietor of such establishment  
8 as the residence of such proprietor;

9 (2) a restaurant, bar, or other establishment serving  
10 food or drink;

11 (3) a motion picture house, theater, concert hall,  
12 stadium, or other place of exhibition or entertainment;

13 (4) an auditorium, convention center, lecture hall, or  
14 other place of public gathering;

15 (5) a bakery, grocery store, clothing store, hardware  
16 store, shopping center, or other sales or rental  
17 establishment;

18 (6) a laundromat, dry-cleaner, bank, barber shop,  
19 beauty shop, travel service, shoe repair service, funeral  
20 parlor, gas station, office of an accountant or lawyer,  
21 pharmacy, insurance office, professional office of a  
22 health care provider, hospital, or other service  
23 establishment;

24 (7) public conveyances on air, water, or land;

25 (8) a terminal, depot, or other station used for  
26 specified public transportation;

1 (9) a museum, library, gallery, or other place of  
2 public display or collection;

3 (10) a park, zoo, amusement park, or other place of  
4 recreation;

5 (11) a non-sectarian nursery, child ~~day~~ care center,  
6 elementary, secondary, undergraduate, or postgraduate  
7 school, or other place of education;

8 (12) a senior citizen center, homeless shelter, food  
9 bank, non-sectarian adoption agency, or other social  
10 service center establishment; and

11 (13) a gymnasium, health spa, bowling alley, golf  
12 course, or other place of exercise or recreation.

13 (B) Operator. "Operator" means any owner, lessee,  
14 proprietor, manager, superintendent, agent, or occupant of a  
15 place of public accommodation or an employee of any such  
16 person or persons.

17 (C) Public Official. "Public official" means any officer  
18 or employee of the state or any agency thereof, including  
19 state political subdivisions, municipal corporations, park  
20 districts, forest preserve districts, educational  
21 institutions, and schools.

22 (Source: P.A. 100-863, eff. 8-14-18.)

23 Section 325. The Minimum Wage Law is amended by changing  
24 Section 3 as follows:

1 (820 ILCS 105/3) (from Ch. 48, par. 1003)

2 Sec. 3. As used in this Act:

3 (a) "Director" means the Director of the Department of  
4 Labor, and "Department" means the Department of Labor.

5 (b) "Wages" means compensation due to an employee by  
6 reason of his employment, including allowances determined by  
7 the Director in accordance with the provisions of this Act for  
8 gratuities and, when furnished by the employer, for meals and  
9 lodging actually used by the employee.

10 (c) "Employer" includes any individual, partnership,  
11 association, corporation, limited liability company, business  
12 trust, governmental or quasi-governmental body, or any person  
13 or group of persons acting directly or indirectly in the  
14 interest of an employer in relation to an employee, for which  
15 one or more persons are gainfully employed on some day within a  
16 calendar year. An employer is subject to this Act in a calendar  
17 year on and after the first day in such calendar year in which  
18 he employs one or more persons, and for the following calendar  
19 year.

20 (d) "Employee" includes any individual permitted to work  
21 by an employer in an occupation, and includes, notwithstanding  
22 subdivision (1) of this subsection (d), one or more domestic  
23 workers as defined in Section 10 of the Domestic Workers' Bill  
24 of Rights Act, but does not include any individual permitted  
25 to work:

26 (1) For an employer employing fewer than 4 employees

1 exclusive of the employer's parent, spouse or child or  
2 other members of his immediate family.

3 (2) As an employee employed in agriculture or  
4 aquaculture (A) if such employee is employed by an  
5 employer who did not, during any calendar quarter during  
6 the preceding calendar year, use more than 500 man-days of  
7 agricultural or aquacultural labor, (B) if such employee  
8 is the parent, spouse or child, or other member of the  
9 employer's immediate family, (C) if such employee (i) is  
10 employed as a hand harvest laborer and is paid on a piece  
11 rate basis in an operation which has been, and is  
12 customarily and generally recognized as having been, paid  
13 on a piece rate basis in the region of employment, (ii)  
14 commutes daily from his permanent residence to the farm on  
15 which he is so employed, and (iii) has been employed in  
16 agriculture less than 13 weeks during the preceding  
17 calendar year, (D) if such employee (other than an  
18 employee described in clause (C) of this subparagraph):  
19 (i) is 16 years of age or under and is employed as a hand  
20 harvest laborer, is paid on a piece rate basis in an  
21 operation which has been, and is customarily and generally  
22 recognized as having been, paid on a piece rate basis in  
23 the region of employment, (ii) is employed on the same  
24 farm as his parent or person standing in the place of his  
25 parent, and (iii) is paid at the same piece rate as  
26 employees over 16 are paid on the same farm.

1 (3) (Blank).

2 (4) As an outside salesman.

3 (5) As a member of a religious corporation or  
4 organization.

5 (6) At an accredited Illinois college or university  
6 employed by the college or university at which he is a  
7 student who is covered under the provisions of the Fair  
8 Labor Standards Act of 1938, as heretofore or hereafter  
9 amended.

10 (7) For a motor carrier and with respect to whom the  
11 U.S. Secretary of Transportation has the power to  
12 establish qualifications and maximum hours of service  
13 under the provisions of Title 49 U.S.C. or the State of  
14 Illinois under Section 18b-105 (Title 92 of the Illinois  
15 Administrative Code, Part 395 - Hours of Service of  
16 Drivers) of the Illinois Vehicle Code.

17 (8) As an employee employed as a player who is 28 years  
18 old or younger, a manager, a coach, or an athletic trainer  
19 by a minor league professional baseball team not  
20 affiliated with a major league baseball club, if (A) the  
21 minor league professional baseball team does not operate  
22 for more than 7 months in any calendar year or (B) during  
23 the preceding calendar year, the minor league professional  
24 baseball team's average receipts for any 6-month period of  
25 the year were not more than 33 1/3% of its average receipts  
26 for the other 6 months of the year.

1           The above exclusions from the term "employee" may be  
2 further defined by regulations of the Director.

3           (e) "Occupation" means an industry, trade, business or  
4 class of work in which employees are gainfully employed.

5           (f) "Gratuities" means voluntary monetary contributions to  
6 an employee from a guest, patron or customer in connection  
7 with services rendered.

8           (g) "Outside salesman" means an employee regularly engaged  
9 in making sales or obtaining orders or contracts for services  
10 where a major portion of such duties are performed away from  
11 his employer's place of business.

12           (h) "Day camp" means a seasonal recreation program in  
13 operation for no more than 16 weeks intermittently throughout  
14 the calendar year, accommodating for profit or under  
15 philanthropic or charitable auspices, 5 or more children under  
16 18 years of age, not including overnight programs. The term  
17 "day camp" does not include a "child ~~day~~ care agency", "child  
18 care facility" or "foster family home" as licensed by the  
19 Illinois Department of Children and Family Services.

20           (Source: P.A. 99-758, eff. 1-1-17; 100-192, eff. 8-18-17.)

21           Section 330. The Domestic Workers' Bill of Rights Act is  
22 amended by changing Section 10 as follows:

23           (820 ILCS 182/10)

24           Sec. 10. Definitions. As used in this Act:



1 "Domestic work" means:

2 (1) housekeeping;

3 (2) house cleaning;

4 (3) home management;

5 (4) nanny services including child care ~~childcare~~ and  
6 child monitoring;

7 (5) caregiving, personal care or home health services  
8 for elderly persons or persons with an illness, injury, or  
9 disability who require assistance in caring for  
10 themselves;

11 (6) laundering;

12 (7) cooking;

13 (8) companion services;

14 (9) chauffeuring; or

15 (10) other household services for members of  
16 households or their guests in or about a private home or  
17 residence or any other location where the domestic work is  
18 performed.

19 "Domestic worker" means a person employed to perform  
20 domestic work. "Domestic worker" does not include: (i) a  
21 person performing domestic work who is the employer's parent,  
22 spouse, child, or other member of his or her immediate family,  
23 exclusive of individuals whose primary work duties are  
24 caregiving, companion services, personal care or home health  
25 services for elderly persons or persons with an illness,  
26 injury, or disability who require assistance in caring for

1 themselves; (ii) child ~~and-day~~ care home providers  
2 participating in the child care assistance program under  
3 Section 9A-11 of the Illinois Public Aid Code; (iii) a person  
4 who is employed by one or more employers in or about a private  
5 home or residence or any other location where the domestic  
6 work is performed for 8 hours or less in the aggregate in any  
7 workweek on a regular basis, exclusive of individuals whose  
8 primary work duties are caregiving, companion services,  
9 personal care or home health services for elderly persons or  
10 persons with an illness, injury, or disability who require  
11 assistance in caring for themselves; or (iv) a person who the  
12 employer establishes: (A) has been and will continue to be  
13 free from control and direction over the performance of his or  
14 her work, both under a contract of service and in fact; (B) is  
15 engaged in an independently established trade, occupation,  
16 profession or business; or (C) is deemed a legitimate sole  
17 proprietor or partnership. A sole proprietor or partnership  
18 shall be deemed to be legitimate if the employer establishes  
19 that:

20 (1) the sole proprietor or partnership is performing  
21 the service free from the direction or control over the  
22 means and manner of providing the service, subject only to  
23 the right of the employer for whom the service is provided  
24 to specify the desired result;

25 (2) the sole proprietor or partnership is not subject  
26 to cancellation or destruction upon severance of the

1 relationship with the employer;

2 (3) the sole proprietor or partnership has a  
3 substantial investment of capital in the sole  
4 proprietorship or partnership beyond ordinary tools and  
5 equipment and a personal vehicle;

6 (4) the sole proprietor or partnership owns the  
7 capital goods and gains the profits and bears the losses  
8 of the sole proprietorship or partnership;

9 (5) the sole proprietor or partnership makes its  
10 services available to the general public on a continuing  
11 basis;

12 (6) the sole proprietor or partnership includes  
13 services rendered on a Federal Income Tax Schedule as an  
14 independent business or profession;

15 (7) the sole proprietor or partnership performs  
16 services for the contractor under the sole  
17 proprietorship's or partnership's name;

18 (8) when the services being provided require a license  
19 or permit, the sole proprietor or partnership obtains and  
20 pays for the license or permit in the sole  
21 proprietorship's or partnership's name;

22 (9) the sole proprietor or partnership furnishes the  
23 tools and equipment necessary to provide the service;

24 (10) if necessary, the sole proprietor or partnership  
25 hires its own employees without approval of the employer,  
26 pays the employees without reimbursement from the employer

1 and reports the employees' income to the Internal Revenue  
2 Service;

3 (11) the employer does not represent the sole  
4 proprietorship or partnership as an employee of the  
5 employer to the public; and

6 (12) the sole proprietor or partnership has the right  
7 to perform similar services for others on whatever basis  
8 and whenever it chooses.

9 "Employ" includes to suffer or permit to work.

10 "Employee" means a domestic worker.

11 "Employer" means: any individual; partnership;  
12 association; corporation; limited liability company; business  
13 trust; employment and labor placement agency where wages are  
14 made directly or indirectly by the agency or business for work  
15 undertaken by employees under hire to a third party pursuant  
16 to a contract between the business or agency with the third  
17 party; the State of Illinois and local governments, or any  
18 political subdivision of the State or local government, or  
19 State or local government agency; for which one or more  
20 persons is gainfully employed, express or implied, whether  
21 lawfully or unlawfully employed, who employs a domestic worker  
22 or who exercises control over the domestic worker's wage,  
23 remuneration, or other compensation, hours of employment,  
24 place of employment, or working conditions, or whose agent or  
25 any other person or group of persons acting directly or  
26 indirectly in the interest of an employer in relation to the

1 employee exercises control over the domestic worker's wage,  
2 remuneration or other compensation, hours of employment, place  
3 of employment, or working conditions.

4 (Source: P.A. 99-758, eff. 1-1-17.)

5 Section 995. No acceleration or delay. Where this Act  
6 makes changes in a statute that is represented in this Act by  
7 text that is not yet or no longer in effect (for example, a  
8 Section represented by multiple versions), the use of that  
9 text does not accelerate or delay the taking effect of (i) the  
10 changes made by this Act or (ii) provisions derived from any  
11 other Public Act.

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